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PERTH : WEDNESDAY, 29th JUNE

[1960

PERTH ROAD BOARD.

Constitution, By-laws and Regulations.

Perth Road Board, under and by virtue of the powers conferred upon it in that behalf by—

- (a) Road Districts Act, 1919-1959, and the Second Schedule thereto;
- (b) Town Planning and Development Act 1928-1959;
- (c) Health Act, 1911-1959;
- (d) Dog Act, 1903-1948, and an Order in Council promulgated in the *Government Gazette* on 3rd July, 1953, under section 35A thereof;
- (e) Street Photographers Act, 1947;
- (f) Sand Drift Act, 1919;

and all other powers enabling it doth hereby make and publish the following By-laws:—

PART I.—PRELIMINARY.

In order that records of the establishment and other matters relating to the constitution of the Board may be kept, by-laws 1 to 12 are made and published.

Constitution of Original Board.

1. The Perth Road Board was constituted as the result of a notice which appeared in the *Government Gazettes* of Western Australia, on the 24th January, 1871, the 31st January, 1871, and the 14th February 1871. An extract of this notice reads as follows:—

It is hereby notified for general information, that under the provisions of "An Act to establish Local Boards for the conservation, improvement, and making of Roads in the Several Districts of the Colony," His Excellency the Governor has been pleased to designate and define the following Districts as Road Districts under the Act, and to direct the first Elections shall be held at the several places and dates hereunto annexed, and to appoint as Returning Officers the several persons whose names are affixed against each District.

No. 7.—Perth.

Bounded on the North and East by the boundaries of the Swan District; on the South by the River Swan from Location 10 to the sea, and on the West by the Sea Coast. To include the Perth and Guildford road to its junction with Swan District, inclusive of Perth Causeway.

First Election of Members of Local Boards.—Perth.

Place where Election to be held—Town Hall, Perth.

Date of first election—Noon, on Wednesday, 1st February, 1871.

Returning Officer—E. W. Landor, Esq., Police Magistrate, Perth.

By Command,

FRED F. BARLEE,
Colonial Secretary.

2. A further notice calling the meeting of owners and occupiers of all rateable property within the district for the 1st day of February, 1871, and signed by E. W. Landor, Police Magistrate, appeared in the *Gazette* on 31st January, 1871. The meeting was duly held and the first members of the Perth Road Board were elected. A notice calling the first meeting of the Board appeared in the *Gazette* of 21st February, 1871, in the following terms:—

Local Road Board—Perth.

In accordance with the 30th Section of the 34th Victoria, No. 26, a Meeting of the Perth Local Road Board is hereby convened in the Town Hall at noon on Monday, the 6th March, proximo.

M. SMITH,
Chairman of Board.

Perth, February 16, 1871.

District Boundaries.

3. The limits of the Perth Road District suffered many changes since it was originally defined. The boundaries of the District as existing on the 1st July, 1919 were notified in the *Government Gazette* of 5th December, 1919, in the following terms:—

Perth Road District.

Bounded on the northward by lines commencing at the intersection of the shores of the Indian Ocean with the production west of the northern side of Road No. 246, and extending eastward along said prolongation and northern side of the road, the south boundary of Swan Location 1315 and part of the south boundary of Location H to intersect with a line from the south-east corner of Perthshire Location 104 to the intersection of the north-east boundary of Swan Location T with the southern side of Road No. 250.

On the eastward by lines commencing at the aforesaid intersection at the south boundary of Location H, and extending southward along the aforesaid line to the north side of Widgee Road and west along said side of the road to the prolongation northward of the west side of Bunya Street; thence along said prolongation and west side of Bunya Street and the north-east side of Wellington Road, the north-west and part of the south-west boundary of Location T to the south-eastern side of Government Road (No. 250) and along said side of Government Road to the north-east boundary of Location X., and along said north-east boundary to intersect with the right bank of the Swan River.

On the southward by lines commencing at the aforesaid intersection, and extending along the said right bank of the river to the south side of Mitchell Street and along said south side of Mitchell Street to the west side of Stanley Street, and along said side of Stanley Street to the south-eastern side of the Perth-Guildford Road, and along said side of the Perth-Guildford Road to the eastern side of the eastern Railway Reserve; thence by the centre of the said road to the centre of Walcott Street, and along the centre of Walcott Street to the south-east boundary of Location Au, and along parts of the south-east and the south boundaries of said location, the east boundary of Location Aq to the south-western side of the Monger's Lake Drive (No. 5682); thence along the south-western and south-eastern sides of said drive to the north boundary of Location Ah, and along said north boundary to the shores of Herdsman Lake, and south-westward along the said shores to the east boundary of Location Al; thence along the south boundary of Location 968 for about 9 chains 39 links to the north-eastern side of Road No. 5; thence along said north-eastern side 39 chains 3 links to the north boundary of Location Am; thence about 269 degrees, 59 minutes about 81 chains 77.9 links along the said north boundary of Location Am aforesaid; thence about 359 degrees 51 minutes, about 30 chains 53 links; thence about 269 degrees 57 minutes 10 chains 53 links; thence about 269 degrees 58 minutes, about 25 chains 34 links; thence about 269 degrees 59 minutes about 25 chains 39 links; thence about 359 degrees 59 minutes 75 chains 4 links; thence about 269 degrees 53 minutes about 35 chains 90 links; thence about 216 degrees 30 minutes about 1 chain 24.4 links; thence along the western boundary of Location 1911 and part of that of C. Reserve 196 (Rifle Range) to the production west of the south boundary of said Location 1911, and along said production to intersect the shores of the Indian Ocean.

On the westward by the shores of the Indian Ocean from the aforesaid intersection to the starting point.

Also inclusive of the following detached area:—

Bounded on the northward by lines commencing at the south-west corner of location Ak, and extending eastward along its south boundary about 90 degrees about 55 chains 46 links to its south-east corner; thence about 360 degrees about 9 chains 78.2 links to the south-west corner of Location 691; thence about 90 degrees 20 chains 5 links along its south boundary to its south-east corner; thence about 360 degrees about 20 chains to the north-east corner of said Location 691; thence about 90 degrees about 19 chains 42.7 links; thence about 360 degrees about 25 chains 62 links; thence about 90 degrees 37 chains 50 links to a point about 25 chains 62 links north of the south-east corner of Location Al.

On the eastward by lines commencing at the aforesaid point, and extending southward along part of the east boundary of Location Al and the east boundary of Location 2103 part of the north boundary of Reserve 2290 to its north-east corner; thence south along part of its east boundary for a distance of 16 chains 50 links; thence east to the south-eastern side of the eastern Railway Reserve and along said side of the Railway south-westward to intersect with the production eastward of the south boundary of Location 1911.

On the southward by the said production from the aforesaid intersection to the south-east corner of said Location 1911.

On the westward by part of the east boundary of said Location 1911 from the aforesaid south-east corner to the starting point. Also inclusive of the islands adjacent.

4. Since the 1st July, 1919, there have been six alterations to the limits of the District. These are shown hereunder:—

(a) *Claremont Road District—Transfer of Territory from the Perth Road District.*

All that piece of land bounded on the northward by lines commencing at the south-west corner of Perthshire location Ak and extending eastward along the south and part of the east boundary of said Location Ak, the south and east boundary of Location 691, and northernmost boundary of Swan Location 2103 to a north-east corner of the lastmentioned location; on the eastward by lines commencing at the said north-east corner, and extending southward along an east boundary of said Location 2103 (being the west side of Selby Street) and its continuation southward to the north boundary of Reserve 2290 (Victoria Hospital), and along parts of the north and east boundaries of the said Reserve to the production west of the south side of a road passing along the south boundary of Reserve 4146; thence along said production and south side of the road and continuing to the eastern side of the eastern Railway Reserve and southward along said side of Railway Reserve to intersect the production east of the southernmost boundary of Location 1911; on the southward by lines commencing at the lastmentioned intersection and extending west along the said production of the southernmost boundary of Location 1911 to a south-east corner of Location 1911; on the westward by part of an east boundary of said Location 1911 from a south-east corner of same to the starting point.

(*Government Gazette*, 14th December, 1928).

(b) *City of Perth—Transfer of Territory from the Perth Road District.*

All that piece of land, being portion of Perthshire Location Al (as shown L.T.O. Plan 3480), bounded by lines commencing on the present district boundary at the intersection of the north side of Newry Street with the west side of a right-of-way passing along the west boundaries of lots 263 and 264 and extending east along said side of Newry Street to the west side of Selby Street; thence south along said side of Selby Street to the south side of Ascot Street, and west along said side of Ascot Street to the production south of the west side of the right-of-way beforementioned; thence north along said side of the right-of-way to the starting point.

(*Government Gazette*, 14th December, 1928).

(c) Transfer of Territory from the City of Perth.

All that piece of land bounded by lines commencing on the present District boundary at its junction with the production north of the east side of Marlow Street and extending north-eastward and east along said District boundary to the north-western side of Herdsman's Parade; thence south-westward along said side of Herdsman's Parade to the production north of the east side of Marlow Street; thence north along said production to the starting point.

(Government Gazette 24th July, 1931).

(d) Transfer of Territory from the Swan Road District.

All that portion of Swan Location L bounded by lines commencing on the present District boundary at its intersection with the north boundary of lot 16 of Location L aforesaid; thence in an easterly direction along the north boundaries of lots 16 to 22 inclusive to the latter's north-east corner, the eastern boundaries of lots 22 and 11 to the south-east corner of the lastmentioned lot; thence along the southern boundaries of lots 11 to 7 inclusive, and part of the south boundary of lot 6 to its intersection with the present District boundary; thence by the present District boundary to the starting point.

(Government Gazette, 1st September 1933).

(e) Perth Road District and City of Perth Alteration of Common Boundary.

That portion of the City of Perth described in the Schedule hereto was severed from the City of Perth and annexed to the Osborne Ward of the Perth Road District.

Schedule.

All that portion of the City of Perth bounded on the north-westward by the south-eastern boundary of Perthshire Location Au, on the north-eastward by the centre of Charles Street to its junction with a line in prolongation of the centre of Walcott Street; thence by said line to the north-eastern boundary of Swan Location 4073; thence by the said boundary and that of Swan Location 4074, and on the southward by the southern side of Green Street and its production to the centre of Charles Street.

(Government Gazette, 6th October, 1939).

(f) City of Perth Municipal District and Perth Road District—Adjustment of Boundaries.

The boundaries between the City of Perth Municipal District and the Perth Road District are altered as follows:—

By severing from the Perth Road District and annexing to the City of Perth Municipal district to form portion of the Leederville Ward thereof all that portion of land, containing an area of 24 acres, 0 roods, 13 perches, bounded by lines starting at a point on the easternmost boundary of Swan Location 1911, a point on the present Municipal boundary, situate 19 chains 25 and 3 tenths links northerly from the south-western corner of location 1251 and extending 134 deg. 43 min. 24 chains 46 and 3 tenths links; thence 89 deg. 46 min. 28 chains 25 and 4 tenths links; thence 179 deg. 46 min. 2 chains to the northern boundary of Perthshire Location Am, a point on the present Municipal boundary, and thence generally westerly and northerly along that Municipal boundary to the starting point, as shown coloured green on Land Titles Office Deposited Diagram 16637. (Public Plan 1D/20, N.W.)

(Government Gazette, 18th July, 1952).

WARDS AND MEMBERS.

5. The Perth Road District was first divided into Wards in 1906. The names of the Wards were then:—Coast Ward, Osborne Ward, Lawley Ward and Maylands Ward. The boundaries of these Wards were published in the *Government Gazette* of the 26th January, 1906.

6. The names and the boundaries of the Wards were changed over the years until the year 1935, when an Order in Council quoted hereunder was published in the *Government Gazette* of the 31st of May, 1935. The only alterations in the Ward boundaries since that date are those mentioned in by-law 4 (2) and by-law 7. The number of members of the Board was then 10 and the Order in Council shows the number of members allocated to each ward.

By Order in Council published in the *Government Gazette* of the 9th of May, 1952, the number of members of the Board was increased from 10 to 11 and the additional member was allocated to Scarborough Ward.

HIS Excellency the Lieutenant Governor, acting with the advice and consent of the Executive Council, hereby makes the following Order under the authority of the Roads Districts Act, 1919-1934, namely:—

In pursuance of section 8 of the said Act, the Perth Road District is hereby redivided into six wards, with the names, boundaries, and number of members allotted to each ward as described in the Schedule hereto.

To come into force on the 1st day of July, 1935.

Schedule.

Hamersley Ward.

Bounded on the north and west by parts of the District boundary from its intersection with the western side of Wanneroo Road (Road No. 3) to its intersection with the production west of the south boundary of Swan Location 611; on the southward and eastward by lines commencing at the lastmentioned intersection, and extending east and north along said production and the south boundary of location 611 and part of its east boundary, east and south along the north and east boundaries of location 1153, east along the north boundary of location 1154, and south about 2 chains 75 links along part of its east boundary; thence east and south along a north and the east boundary of late 7/1372 to a point one chain west of the north-west corner of location 959, east to and along the north boundary of the lastmentioned location, and onward to a west boundary of Perthshire Location At, north and east along part of said west and the north boundary of same, north and east along an east and a south boundary of Swan Location 92 and the south boundaries of locations 592 and 3134 (Reserve 18476); thence north-westward and northward along a north-western and a western side of Wanneroo Road (Road No. 3) to its intersection with the District boundary. (One member.)

Scarborough Ward.

Bounded on the northward by the southern boundary of the Hamersley Ward, on the westward and southward by parts of the District boundary, on the eastward by lines commencing at a point on a west boundary of Perthshire Location At opposite the north-east corner of Swan Location 959, and extending south along part of said boundary to a north boundary of location 1296; thence east along said north boundary and the north boundary of location 813, south along the east boundary of the lastmentioned location and the western side of a surveyed road to join the District boundary on the north boundary of Perthshire Location Am. (One member.)*

Maylands Ward.

Bounded on the north-east, eastward, southward, westward and part of the south-westward by part of the District boundary from the south-eastern side of Railway Parade to the east corner of lot 22 of Swan Location Y (L.T.O. Plan 3261), on the north-westward and part of the westward by lines commencing at said east corner of lot 22, and extending north-westward along its north-east boundary and the north-east boundaries of lots 21 and 20, south-westward along part of the south-eastern side of Guildford Road to the prolongation south-eastward of the centre of First Avenue, north-westward along said

* By Order in Council published in the *Government Gazette* of 9th May, 1952, the number of members of the Board was increased from 10 to 11, and the additional member was allocated to Scarborough Ward.

prolongation and the centre of First Avenue, and onward to the south-eastern side of Railway Parade; thence north-eastward along same to the District boundary. (Two members.)

Lawley Ward.

Bounded on the south-westward and southward by parts of the District boundary, on part of the north-eastward and the south-eastward by the Maylands Ward, and on the north-westward and north-eastward by lines commencing at the westernmost corner of Swan Location Z, and extending north-eastward and south-eastward along its north-western and part of its north-eastern boundary, north-eastward along part of the north-western boundary of Location Y to the north corner of lot 405 of said Location Y (L.T.O. Plan 2671); thence by the north-eastern boundary of lot 405 and its continuation and part of the north-western boundary of lot 155 to the south-western side of a right-of-way at the north corner of the lastmentioned lot; thence by the south-western side of said right-of-way and its continuation to the north-west boundary of lot 118; thence along part of the north-west and the south-west boundary of lot 118 and the latter's production to the north-west boundary of lot 95, along part of the north-west and the north-east boundary of lot 95 to the north-west boundary of lot 93, part of the north-west boundary of lot 93 to the south-western side of a right-of-way at the north corner of the lastmentioned lot; thence by said side of right-of-way and its continuation to the north-west boundary of lot 89, along part of said boundary of lot 89 to the south-western side of a right-of-way at its north corner; thence by said side of right-of-way and its continuation to the south-eastern side of Carrington Street, and along said side of Carrington Street to the north corner of lot 6; thence by the south-western side of the right-of-way to the north-west boundary of lot 66, along part of the north-west and the north-east boundary of lot 66 and the north-east boundary of lot 67 to and along the north-east boundaries of lots 68 and 69 to the south-eastern side of Coode Street, along part of said side of Coode Street to the south-western side of a right-of-way at the north corner of lot 1 (L.T.O. Diagram 4877) along said side of right-of-way and the north-eastern boundary of lot 304 to the north-western boundary of the Maylands Ward. (Two members.)

Osborne Ward.

Bounded on the northward and southward by parts of the District boundary, on the eastward by parts of the District boundary and the Inglewood and Lawley Wards, and on the westward by parts of the Hamersley and Scarborough Wards. (Two members.)

Inglewood Ward.

Bounded on the eastward by parts of the District boundary, on the southward and part of the westward by parts of the Maylands and Lawley Wards, on part of the westward and the northward by lines commencing at the north-east corner of Swan Location 1313, and extending west along its north boundary and the north boundary of location 1138, north-west, west, and south-west along part of the north-east, the north, and the north-west boundaries of location U, north-west along part of the north-east boundary of location V, west along the north boundary of location 1115, and south along part of the east boundary of Perthshire Location Au to a north-west boundary of the Lawley Ward. (Two members.)

(Sgd.) L. E. SHAPCOTT,
Clerk of the Council.

7. By Order in Council published in the *Government Gazette* of 20th November, 1959, the boundaries of Osborne and Inglewood Wards were changed by the transfer of the land described in the Schedule to this by-law from the Osborne Ward to the Inglewood Ward.

Schedule.

All that portion of land bounded by lines starting at the intersection of the prolongation north-easterly of the centre line of Nollamara Avenue and the eastern boundary of Perthshire Location Au, as shown on Land Titles Office Deposited Plan 7012, a point on the common boundary between Osborne and Inglewood Wards, and extending

southerly along that common boundary to its intersection with the centre line of Flinders Street; thence generally north-north-westerly along that centre line to its intersection with the centre line of Nollamara Avenue aforesaid, and thence generally north-easterly along that centre line and onwards to the starting point. (Public Plan 1A/40.)

Perth Road District Health District.

8. The Perth Road District was constituted a Health District by an Order in Council quoted below which was published in the *Government Gazette* of 2nd April, 1931.

CONSTITUTION OF PERTH ROAD DISTRICT HEALTH DISTRICT UNDER THE PROVISIONS OF THE HEALTH ACT, 1911-1919.

Order in Council.

Ex. Co. 578.

WHEREAS it is enacted by section 19 of the Health Act, 1911-1919, that the Governor may constitute any portion of the State, not being a Municipal District, a Health District, with such boundaries and by such name as may be specified in the order: And whereas it is desired to constitute all that portion of the State which is comprised within the boundaries of the Perth Road District to be a Health District under the provisions of the said Act: Now, therefore, His Excellency the Governor of Western Australia, by and with the advice and consent of the Executive Council, does hereby constitute the aforesaid portion of the State to be a Health District by the name of the Perth Road District Health District, under the provisions of the Health Act, 1911-1919, as from the 5th March, 1931.

L. E. SHAPCOTT,
Clerk of the Executive Council.

Vermin District.

9. By Order in Council published in the *Government Gazette* of the 7th February, 1919, the Perth Road District was constituted a Vermin District under the provisions of the Vermin Act, 1919, under the name of Perth Vermin District.

Townsites.

10. By Proclamation published in the *Government Gazette* of 17th November, 1939, Joondanna Heights was declared a townsite. By Proclamation published in the *Government Gazette* of 20th July, 1945, the whole of the Hamersley Ward was declared a townsite. And by Proclamation published in the *Government Gazette* of 8th May, 1959, the remainder of the Perth Road District was declared a townsite.

Building Regulations in Second Schedule to the Act.

11. By Order in Council published in the *Government Gazette* of 10th April, 1959, the provisions set out in the Second Schedule to the Road Districts Act, 1919, were extended to the Perth Road District.

Board Offices.

12. Since the 3rd day of December, 1958, the offices of the Board have been situated at the corner of Balcatta Beach Road and Cedric Street, Osborne, and the days and hours during which the offices are open to the public for business are: Mondays to Fridays inclusive, 9 a.m. to 4 p.m. (public holidays excepted.)

PART II—GENERAL.

Repeal.

13. All the by-laws of the Perth Road Board, with the exception only of the by-laws specified in the First Schedule hereto, are hereby repealed.

Definitions.

14. In these by-laws, unless the context otherwise indicates, the following terms shall have the meanings set against them hereunder respectively:—

“Act” means the Road Districts Act, 1919-1959.

“Average setback” means the average distance between the side or rear of a building and the land boundary at the side or rear of that building.

- "Board" means the Perth Road Board.
- "Building" means and includes any building, construction, stall, fence, barrier, hoarding, outbuilding and includes tents and caravans.
- "Continuous service" means service as a permanent full-time employee in the employment of the Board during which the employee has not been absent from the service of the Board for a continuous period of more than two days or for an aggregate period of more than 10 days without leave of absence being granted by the Board.
- "District" means the Perth Road District.
- "Duplex house" means a single storey building comprising two dwellings, each being complete, self-contained units, so designed as to give the external appearance of a single dwelling.
- "Flat" means that portion of a building not being a registered boarding or lodging house used for the separate living accommodation, including cooking, toilet and bathing facilities, of one or more persons within or adjacent or attached to a building in which there is separate living accommodation, including cooking, toilet and bathing facilities, for one or more persons, and for the use of which some payment is made.
- "Function" means and includes any show, exhibition, gymkhana, sport match or test between opposing sides or teams in any game of athletics.
- "Hawker" shall have the meaning assigned to it by section 201 (41) of the Act.
- "Itinerant vendor" means any person who sells any commodity on any road reserve or public place or land vested in or under the control of the Board.
- "Light industry" means an industry in which the processes do not cause nuisance, annoyance or inconvenience to the occupier or occupiers of adjoining land or of land in the near vicinity by reason of noise, vibration, smoke, smell, fumes, vapour or steam, dust or grit, oil, waste, water or waste products, and in which the machinery used, if any, is powered by electricity.
- "Month" means calendar month.
- "Offensive trade" means and includes any of the trades specified in the Second Schedule to the Health Act, 1911-1959, and any other trade or trades declared to be offensive under the provisions of the Health Act, 1911-1959, by a proclamation of the Governor published in the *Government Gazette of Western Australia*.
- "Person" includes a body corporate or group of persons.
- "Public bathing reserve" means any public park, sea beach, reserve, river or lake shore, and the waters adjacent thereto wherein public bathing is permitted by the Board, or by custom and includes any dressing enclosure or building thereon.
- "Reserve" means any reserve or place of public recreation or enjoyment vested in or under the control of the Board.
- "Sawmill" means a mill or premises where logs or large pieces of timber are sawn, but does not include a joinery works unless logs or large pieces of timber are sawn therein.
- "Stall keeper" means any person who keeps or conducts or assists in keeping or conducting or sells any commodity from any movable or temporarily fixed stall, vehicle, hand cart, barrow, trailer, cycle, motor cycle, motor scooter, or side car on any road, reserve, or public place or land vested in or under the control of the Board.
- "Woodyard" means an area on which wood is stored, sawn or cut for use as domestic firewood, and on which no wood or timber is stored, sawn or cut for any other purpose.

Elections of Board Members.

15. Part III of the General By-laws published in the *Government Gazette* of 4th July, 1924, and reprinted in Appendix I to these by-laws on page 111, deals with Elections.

PART III.—STANDING ORDERS.

16. The proceedings and business of the Board shall be conducted according to by-laws numbered 17-123 which shall be called the Standing Orders.

Chairman.

17. In the construction of these Standing Orders, unless the context otherwise requires, the word "Chairman" shall, in the absence of the Chairman, include the Vice-Chairman, Deputy or Acting Chairman and the member chosen to preside at any meeting of the Board.

18. (1) The Chairman shall, when present, preside at all meetings of the Board.

(2) In the absence of the Chairman from any meeting, or if, after being present, he retires, the Vice-Chairman shall preside; but if at any time neither of them is present, then the members present may choose out of their number a member, who shall preside and exercise for the purposes of that meeting, and until the conclusion or adjournment thereof, the powers of the Chairman.*

Notices of Meeting.

19. Notice in writing of all meetings of the Board shall be given by the Secretary to all members at least seven days before the meeting. Notice shall also be given of every meeting adjourned for a period exceeding 10 days.

Quorum.

20. At any meeting of the Board a quorum shall consist of the major part of the number of members for the time being assigned to the Board.† Every meeting shall proceed to business so soon after the time stated in the notice as there shall be a sufficient number of members in attendance to constitute a quorum.

Adjournment in Absence of Quorum.

21. If at any meeting a quorum be not present within half an hour of the time appointed for such meeting, the majority of the members present, or member, if there is only one present, or the Secretary, if no member is present, may adjourn such meeting to another day, and notice of such adjourned meeting shall be given to each member.

Count Out.

22. If at any time during any meeting of the Board a member shall call the attention of the Chairman to the fact that a quorum is not present, the Chairman shall thereupon suspend the proceedings of the meeting for a period of two minutes, and if a quorum be not present at the expiration of such period, the meeting shall be deemed to have been counted out, and the Chairman shall adjourn it to some future date.‡

Record of Members Present.

23. At all meetings at which there is not a quorum present, or at which the Board is counted out for want of a quorum, the names of the members then present shall be recorded in the minute book.

Open Doors.

24. The business of the Board shall be conducted with open doors, except upon such occasions as the Board shall by resolution otherwise decide, which resolution may be moved without notice.

Reporters.

25. At all meetings accredited newspaper reporters shall be permitted to attend in such part of the Board Room as may be appropriated for their accommodation, but they shall withdraw, upon a vote of the Board so requiring, during any portion or the whole of the meeting.

Disturbance by Visitors.

26. The admission of citizens, reporters, and visitors to the Board Room shall be under and subject to the condition that no expression of dissent or approval, conversation, or interruption to the proceedings of the Board shall

* This by-law follows the wording of section 126 of the Act.

† See section 132 of the Act.

‡ See also by-law 85.

take place, and in the event of any breach of this condition, the Chairman may at his discretion, and without a vote of the Board, require the person or persons so offending to withdraw, and thereupon such person or persons shall immediately withdraw from the Board Room.

Removal of Disturbers.

27. Any person, not being a member of the Board, who interrupts the orderly conduct of the business of the Board, who does not, immediately upon being called upon by the Chairman so to do, withdraw from the Board Room, may by order of the Chairman be removed from the Board Room forthwith.

Two Kinds of Meetings.

28. Meetings of the Board shall be of two kinds, "ordinary" and "special". Ordinary meetings are those called by the Chairman or Secretary as often as it seems proper for the transaction of the ordinary business of the Board. Special Meetings are those called to consider special business, the nature of which shall be notified on the notice paper summoning the meeting. No business shall be transacted at a special meeting other than that for which the special meeting was called.

29. A special meeting may, on the requisition of three members of the Board, be called at any time but the Chairman may call a special meeting of the Board as often as he may think proper.

BUSINESS AT BOARD MEETINGS.

Order of Business.

30. The order of business of an ordinary meeting shall be as follows, or as near thereto as shall be practicable, but for the greater convenience of the Board at any particular meeting thereof it may be altered by resolution to that effect:—

- (1) Confirmation of Minutes.
- (2) Business arising from Minutes.
- (3) Announcement by Chairman, without discussion.
- (4) Questions of which due notice has been given, without discussion.
- (5) Orders of the day including considering and ordering upon any business left over from the previous meeting and any business the Chairman may think desirable to bring under the notice of the Board.
- (6) Correspondence.
- (7) Secretary's report.
Engineer's report.
Financial statements and accounts for payment.
Petitions and memorials.
- (8) Reports of Committees.
- (9) Motions of which previous notice has been given.
- (10) Notices of motion for consideration at the following meeting if given during the meeting.
- (11) General business.

31. If any member has urgent business to place before the meeting he may move the suspension of the Standing Orders, and, if agreed to by the Board, in accordance with by-laws 101 and 102, such business shall take precedence of all other.

Order at Special Meetings.

32. The order of business at any special meeting of the Board shall be the order in which such business stands in the notice thereof.

Minutes.

33. The minutes of any preceding meeting, whether ordinary or special, not previously confirmed, shall be submitted as the first business, at all ordinary meetings of the Board; and no discussion shall be permitted thereon, except as to their accuracy as a record of the proceedings, and the said minutes shall then, if found correct, be signed by the Chairman, and he shall sign and date each page.*

* General By-laws published in the *Government Gazettes* of 12th January, 1934, and 27th September, 1935, read as follows: "The pasting or otherwise permanently affixing the minutes of the meetings of the Board to the leaves of a book shall be equivalent to entry therein, and the reading of the minutes may be dispensed with when members have been supplied with copies thereof at least three days before the holding of the next subsequent ordinary meeting of the Board."

Questions.

34. Any member desiring to ask a question at any meeting of the Board shall give notice thereof in writing to the Secretary at least four hours before the hour fixed for the meeting.

35. All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

Notices of Motion.

36. Any member may bring forward such business as he may consider advisable, in the form of a motion, of which notice shall be given in writing to the Secretary, either at the meeting previous to the meeting at which it is intended to move the same, or at any time thereafter being not less than three clear days before such lastmentioned meeting.

Motion to Lapse.

37. Every such motion shall lapse unless the member who gave the notice thereof, or some other member authorised by him in writing, be present to move the same when such motion shall be called on.

Petitions.

38. Every petition or memorial shall be respectful and temperate in its language, and shall be presented to the Board by a member only, and any member presenting a petition or memorial to the Board shall affix his name to the beginning thereof, with the number of signatures; and any member presenting a petition or memorial shall acquaint himself with the contents thereof and ascertain that it does not contain language disrespectful to the Board. The nature or prayer of every petition or memorial shall be stated to the Board by the member presenting the same.

DEPUTATIONS.

Reception of Deputations.

39. Deputations wishing to be received by the Board shall be requested, in the first instance, to send in a memorial in writing, and the Secretary shall bring the memorial before the Committee concerned. The Committee shall be authorised, if it sees fit, to receive the deputation and to report to the Board. If the Committee is of the opinion that the memorial is one which should be brought before the Board, the Committee shall so report, and, if the Board shall so order, the deputation shall be invited to attend.

Number of Deputation.

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

CONDUCT OF DEBATE.

Members to Address the Chair—Point of Order.

41. Any member moving a motion or amendment, or taking part in the discussion thereon, shall rise and address the Chairman, and shall not be interrupted, unless upon a point of order, when he shall resume his seat until the member raising the point of order has been heard thereon and the question of order has been disposed of, when the member addressing the Chair may proceed.

Nature of Motion to be Stated.

42. Any member desirous of proposing an original motion or amendment shall state the nature of the same before he addresses the Board thereon, and, if so required by the Chairman, shall put the same in writing.

Motions to be Seconded—Enforcement of Standing Orders.

43. No motion or amendment shall be discussed or put to the vote of the Board unless it be seconded, but a member may require the enforcement of any Standing Order of the Board by directing the Chairman's attention to the infraction thereof.

Use of Titles.

44. At meetings of the Board, speakers in referring to others present thereat shall designate them by their respective titles of Chairman, or member, as the case may be.

Priority of Speakers.

45. If two or more members rise to speak at the same time, the Chairman shall decide which is entitled to priority.

Chairman to Speak.

46. Whenever the Chairman rises during a debate, any member then speaking or offering to speak is to sit down, and the Board is to be silent, so that the Chairman may be heard without interruption.

Member not to Speak Twice.

47. No member shall speak twice on the same question, except by way of explanation, or in reply, upon any original motion of which he may be the mover or as the mover of an amendment last carried; and no member shall speak to any question after the mover shall have been permitted to reply.

Calling to Order for Speaking Twice.

48. The Chairman shall, without waiting for the intervention of the Board, call to order any member proceeding to speak a second time on the same question.

Mover or Seconder to be Held to have Spoken.

49. A member moving or seconding a motion or amendment shall be held to have spoken thereon.

No Speaking After Notice Put.

50. No member may speak to any question after the same has been put from the Chair.

Time Limit.

51. No member shall speak or address the Board upon any motion or amendment before the Board, or in reply, for a longer period than ten minutes, without the consent of the Board, which shall be signified without debate.

Speaking in Reply.

52. It shall not be competent for any new matter to be introduced by the mover when speaking in reply, but he shall strictly confine himself to answering previous speakers.

Division of Complicated Resolutions.

53. The Chairman, at his discretion, may, or the Board may by motion without debate, order a complicated motion to be divided and put in the form of several resolutions.

Withdrawal of Motion.

54. A motion or amendment may be withdrawn by the mover, with the consent of the Board, which shall be signified without debate, and it shall not be competent for any member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

Production of Documents.

55. Any member may of right require the production of any of the documents of the Board relating to the question or matter under discussion.

Reflection Upon Vote of Board.

56. No member shall reflect upon any vote of the Board, except for the purpose of moving that such vote be rescinded.

All Members to Vote.

57. At all meetings of the Board, save where it is otherwise provided, all members present shall vote, and the questions there considered shall be decided by open voting, and by the majority present. Each member, including the Chairman, shall have one vote only and, in the case of an equality of votes on any question, such question shall pass in the negative.* If by the Act a member be precluded from voting upon or taking part in the discussion of any matter before the Board he shall withdraw from the meeting and remain away whilst the matter is being discussed and votes taken thereon.

* This by-law follows the wording of section 133 of the Act.

Digression from Subject—Personal Reflections.

58. No member shall digress from the subject matter of the question under discussion, nor impute improper motives to any other member, and all personal reflections upon any member shall be considered highly disorderly.

Record of Words Used by a Member.

59. Any member may require the Secretary to take down any particular words used by a member immediately upon the same being used.

Chairman's Ruling.

60. The Chairman, when called upon to decide a point of order or practice shall give his decision, and no argument or comment shall be permitted thereon, and his decision shall be final in that particular case.

Withdrawal of Offensive Expression.

61. Any member who shall use any expression which in the opinion of the Chairman reflects offensively on any member or officer of the Board, shall, when required by the Chairman, unreservedly withdraw such expression and make a satisfactory apology to the Chair, and, if he decline, or neglect to do so, the Chairman may refuse to hear such member further upon the matter then under discussion and call upon the next speaker, or may suspend or adjourn the sitting of the Board, or may direct the offending member to withdraw from the Board Room for the remainder of the then sitting of the Board.

Disturbance—Conversing Aloud.

62. No member shall make any noise or disturbance, or, except to raise a point of order, converse aloud whilst any other member is speaking, or whilst any matter is being read or opened.

Continued Irrelevance.

63. The Chairman may call the attention of the Board to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member, and may direct such member, if speaking, to discontinue his speech, and thereupon such member shall cease speaking and resume his seat.

Crossing Board Room.

64. When the Chairman is putting any question, no member shall walk out of or across the Board Room, nor shall any member, whilst any other member is speaking, pass between the speaker and the Chair.

Chairman May Call to Order.

65. The Chairman shall preserve order, and may on his own motion call any member to order whenever in his opinion there shall be cause for so doing.

Infraction of Standing Orders.

66. Every member shall be entitled to direct the attention of the Chairman to any infraction of the Standing Orders by any other member.

Definition of Order.

67. Any member who shall do anything or behave in any manner which is forbidden by any section of these Standing Orders shall be deemed to be out of order.

Decision of Chairman on Point of Order—Member to Apologise When Called Upon.

68. Whenever it shall have been decided by the Chairman that any motion amendment or other matter before the Board is out of order, the same shall be rejected, and whenever anything said or done in a meeting by any member shall be similarly decided to be out of order, such member shall, if called upon by the Chairman, make such explanation, retraction or apology, as the case may require.

Member to Withdraw from Board Room.

69. Any member who shall persist in any line of conduct which the Chairman shall have decided or which by any section of these Standing Orders is declared to be out of order, or who shall refuse to make any explanation, retraction, or apology required by the Chairman as aforesaid, shall, upon the request of the Chairman, withdraw from the Board Room for the remainder of the then sitting of the Board.

Removal of Member from Board Room.

70. In the event of any member refusing or neglecting to withdraw from the Board Room when requested or directed by the Chairman so to do, the Chairman may order such member to be removed from the said Board Room, and to be excluded therefrom, during the remainder of the then sitting of the Board.

Disorder.

71. If disorder should arise at any meeting of the Board, the Chairman, acting in his discretion, may as a matter of right quit the Chair, and announce the adjournment of the meeting for a period of 15 minutes, when the Board shall re-assemble and decide the question whether the business shall be proceeded with or otherwise which question shall be put from the Chair and decided without debate by a majority of the members present.

ORDER OF DEBATE.**Motions and Amendments.**

72. When a motion is under debate at any meeting of the Board, no further motion shall be received, except the following:—

- (1) That the motion be amended.
- (2) That the Board do now adjourn.
- (3) That the debate be adjourned.
- (4) That the question be now put.
- (5) That the Board do proceed with the next business.
- (6) That the Board do resolve into Committee of the whole.

1.—That the Motion be Amended.

Relevancy of Amendment.

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

To be Read or Stated.

74. Every amendment shall be read or stated before being moved.

One Amendment at a Time.

75. One amendment only shall be discussed at one time, but, if lost, another may be moved before the original question is put to the vote, but upon any amendment being carried it shall be competent for any member to move one other amendment thereon, but no more.

Substantive Motion.

76. Upon the adoption of any amendment such amendment shall be held to have changed the original motion, and for all purposes of subsequent discussion the amended motion shall, subject to the last preceding clause, be treated as an original motion.

2.—That the Board do now Adjourn.

Time to Move.

77. A member may at the conclusion of the speech of any other member, or on the conclusion of any business, move without notice that the Board do now adjourn. The mover of the motion for adjournment may speak for not more than five minutes, the seconder shall not speak beyond formally seconding, and the mover of the question (if any) under debate, may be heard in reply for five minutes, but no further debate shall be allowed.

No Discussion—Procedure before further Motion.

78. No discussion shall be allowed on any motion for adjournment of the Board, but if on the question being put the motion be negatived, the subject then under consideration or the next on the notice paper, or any other that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be entertained.

Question Adjourned to Next Meeting.

79. On a resolution for adjournment, the question (if any) under debate when the motion for adjournment was made shall stand adjourned to the next meeting.

One Motion Only.

80. At the same sitting no member may move or second more than one motion for the adjournment of the Board.

3.—That the Debate be Adjourned.

Time to Move.

81. Any member may, at the conclusion of the speech of any other member, move without previous notice that the debate be adjourned to a later hour of the same day or to any other day.

No Discussion.

82. No discussion shall be allowed upon a motion for the adjournment of a debate.

Mover to Speak First.

83. On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

One Motion Only.

84. At the same sitting no member shall move or second more than one motion for adjournment of the same debate.

Resumption of Debate after Count Out.

85. If a debate on any motion moved and seconded be interrupted by the Board being counted out, (*) such debate may be resumed at the next meeting at the point where it was so interrupted, on motion with notice.

4.—That the Question be Now Put.

Time to Move—Put without Debate.

86. A member may, at the conclusion of the speech of another member, move without notice that the question under consideration be now put, and upon such motion being seconded the same shall be immediately put without debate.

Two-thirds Majority.

87. A motion that the consideration of the question be now put shall not be decided in the affirmative or take effect without the consent of a two-thirds majority of the members present.

Speaking in Reply.

88. Whenever it is decided by the Board that the question under consideration shall be put, the mover of the question under consideration shall, if debate has ensued, and if otherwise entitled to do so, be permitted to speak in reply for not more than five minutes before the question is put.

Motion to be put at Once.

89. Should the motion be carried, the motion or amendment under debate shall be put at once.

Question includes Amendment.

90. Whenever it is decided by the Board that the question under consideration shall be put, the question to be so put from the Chair shall be construed and taken to mean and include the main question as well as any amendment thereto.

5.—That the Board do proceed to the Next Business.

Time to Move.

91. It shall be competent for any member at the close of the speech of any other member to move without notice that the Board do proceed to the next business, and if the motion be seconded, it shall be put forthwith.

Question to be Dropped.

92. When a motion be carried that the Board do proceed to the next business, the question under discussion shall be considered as dropped.

* See by-law 22.

Further Motion.

93. During the same debate, a second motion that the Board do proceed with the next business shall not be made within one hour.

6.—That the Board Resolve into Committee.

Decision of Board.

94. The Board may determine that any question shall be considered in Committee of the Whole, and a motion to that effect may be moved without previous notice.

Matters to be Considered by Committee.

95. Such Committee shall consider such matters only as shall have been referred to it by the Board.

Conduct of Committees.

96. In Committee of the Whole the Standing Orders of the Board shall apply, except that members may speak more than once to the same question.

Adoption of Committee's Resolutions.

97. The Chairman shall report the resolutions arrived at in Committee of the Whole to the Board at its next ordinary meeting, or upon the resumption of the Board, as the case may require, and such resolutions shall be dealt with as the Board may think fit.

Confidential Business.

98. (1) Unless and until the Board or a Committee appointed by the Board otherwise determines the recommendations of the Committee to the Board shall not be disclosed to any person outside the Board prior to the issue of the Business Paper containing the items to be submitted to the Board for confirmation

(2) Except as provided in paragraph (1) hereof all matters dealt with or brought before the Board in Committee or before any Committee of the Board shall be treated as strictly confidential unless and until the Board otherwise determines and no information whatever in relation to the proceedings at the Committee shall be disclosed to any person outside the Board.

Rescission of Resolutions—Rescission.

99. Any resolution of the Board may be revoked or altered at the same meeting, if all the members who were present when the resolution was passed are present when the revocation or alteration is proposed. Any resolutions of the Board may be revoked or altered at any subsequent meeting, either by the unanimous vote of all the members, or by a vote of the majority of the Board, subject in such lastmentioned case to the condition that seven days at least before such subsequent meeting notice in writing thereof and of the proposal to alter or revoke such resolution shall have been given to each member.*

Repetition of Negatived Motion.

100. No motion to the same effect as any motion which has been negatived by the Board shall again be entertained within a period of three months, unless with the consent of at least six members of the Board.

Suspension of Standing Orders—How Moved.

101. In cases of urgent necessity any Standing Order or Orders of the Board may be suspended, on motion duly proposed and seconded without notice, if such motion be carried by a majority of no less than two-thirds of the members present.

Objects of Suspension to be Stated.

102. Any member moving the suspension of any Standing Order shall state the object of such motion, but no discussion shall take place thereon.

Voting—Method of Taking Votes.

103. The Chairman shall, in taking the vote on any motion or amendment, put the question first in the affirmative and then in the negative, and he may do so as often as is necessary, to enable him to form and declare his opinion from the show of hands as to which party has the majority.

* This by-law follows the wording of section 136 of the Act.

Division.

104. The Board shall vote by a show of hands, but any member may call for a division upon any question, in which case the members voting in the affirmative shall, until the vote is recorded, stand up, and those in the negative retain their seats; all division lists shall be entered on the minutes.

COMMITTEES.**Standing Committees.*

105. In addition to such special Committees as may from time to time be appointed, there shall be two Standing Committees appointed from among the members, namely:— a Finance, General Purposes and Staff Committee, and a Works, Parks and Reserves and Health Committee, each of which shall consist of not less than five members. Such Committees shall be appointed each year at the first meeting of the Board which shall be held after the annual election.

Election of Committees.

106. The members of the said Committees shall, in default of agreement, be elected by ballot.

Powers and Duties of Committees.

107. The powers and duties of Committees shall be as under:—

† Finance, General Purposes and Staff Committee:—

- (1) To examine and check all accounts and generally supervise the collection and expenditure of Board revenue.
- (2) To inquire into and report to the Board from time to time upon all matters which they may consider to affect or be likely to affect the finances of the Board, or which the Board may by resolution direct them to inquire into and report upon.
- (3) To have control of all matters affecting the staff of the Board.

Works, Parks and Reserves and Health Committee:—

- (1) To have the general direction of all works ordered or sanctioned by the Board, and of all streets, roads, ways, drains, bridges, and other public places under the care and management of the Board.
- (2) To have the management and general direction of sweeping and watering, the resumption of land for the formation of new streets, and widening of existing streets, and the general administration of the building by-laws.
- (3) To inquire into and report to the Board from time to time upon such improvements and repairs as they may think necessary, or which the Board may by resolution direct them to inquire into and report upon.
- (4) To have the control of all parks, reserves, and tree-planting and of the Town Halls and other Road Board buildings.
- (5) To supervise the carrying out of the provisions of any Act of Parliament or by-laws affecting public health.
- (6) To deal with petitions and complaints from persons affected by these Acts or by-laws.
- (7) To deal with all matters relating to the sale of foods and drugs, the control of private hospitals, lodging houses, the licensing of noxious trades, morgues, the collecting of nightsoil and refuse and generally control all matters affecting the health of the citizens.

Special Committees.

108. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for the performance of which, in the opinion of the Board, a Special Committee ought to be appointed.

* See sections 137-138 of the Act.

† The appointment and duties of the Finance Committee are dealt with in by-law 34 *et seq* of the General By-laws published in the *Government Gazette* of 4th July, 1924, reprinted in Appendix 1 to these by-laws on page 111.

109. A Committee shall consist of members only: Provided that the Board may, whenever it thinks fit, appoint a Committee consisting wholly or partly of persons who are not members, for the purpose of advising the Board regarding the establishment, management or control of any mechanics' institute, cemetery, recreation ground, hospital, agricultural hall, library, reading room, or any other institution or utility vested in or under the control of the Board.*

110. No Standing Committee shall interfere with any matter which may for the time being have been entrusted to any Special Committee. The appointment of a Special Committee shall be made by resolution of the Board, which shall state the duties proposed to be entrusted to such Special Committee, and may either state the number of members to be elected by ballot, or shall name the members whom it is proposed shall constitute such Committee. Every Standing Committee shall hold office until the conclusion of the first meeting of the Board held next after the annual elections in each year.

Convening Committee Meetings.

111. The Secretary shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Chairman.

112. The Chairman shall by virtue of his office, be a member of every Committee and if present at any meeting shall preside.†

113. If the Chairman of the Board is not present, one of the members present shall be appointed Chairman of the meeting.‡

Standing Orders.

114. The Standing Orders of the Board shall be observed and apply in Committees, except the order limiting the number of times of speaking, and except as to Committees being conducted with open doors.

Quorum.

115. At a meeting of a Committee a quorum shall consist of not less than three members. Every meeting shall proceed to business so soon after the time stated as there shall be a sufficient number of members in attendance to constitute a quorum.

Voting.

116. All questions shall be determined by a majority of votes of the members of the Committee present and in the case of an equality of votes on any question such question shall pass in the negative.§

Minutes.

117. Each Committee shall keep a minute book, in which shall be entered minutes of all its proceedings and transactions. The minutes of each meeting shall be confirmed at the following meeting, and signed by the Chairman thereof.

Reports.

118. Every Committee shall report to the Board.||

Finance.

119. All accounts, bills and vouchers shall be submitted to the Finance Committee prior to the ordinary meeting, and after being certified as correct, shall be paid by cheque.

120. The necessary accounts shall be opened with such bank or banks as the Board may from time to time direct, and all moneys received shall be paid into such bank accounts to the credit of the Board.¶

Urgent Works.

121. The Chairman with one member, or in the absence of the Chairman any two members, may, in the case of urgency, authorise the expenditure of a sum not exceeding fifty pounds (£50). Any one member is empowered to

* This by-law follows the wording of section 137 (4) of the Act.

† This by-law follows the wording of section 137 (2) of the Act.

‡ This by-law follows the wording of section 138 (2) of the Act.

§ This by-law substantially follows the wording of section 138 (3) of the Act.

|| This by-law follows the wording of section 137 (3) of the Act.

¶ See by-law 128.

authorise the expenditure of a sum not exceeding ten pounds (£10) in case of very urgent necessity upon "declared roads" but shall in every case report the same at the next meeting of the Board.

Unauthorised Expenditure.

122. Every item of expenditure and every liability incurred by any Committee, or member of the Board, otherwise than under the authority of the Act or of these by-laws, shall be deemed unlawful expenditure, and a breach of this by-law by such person.

Enforcement of Standing Orders.

123. If any member shall commit an offence under these Standing Orders, the Chairman may forthwith lay, or cause to be laid, a complaint before a Justice of the Peace for the purpose of summoning the offending member, and shall afterwards appear and prosecute the charge.

PART IV.—ADMINISTRATION.

Payment of Rates.

124. Rates are due and payable to the Board forthwith upon the issue of a Notice of Assessment.

125. The Board may accept payment of rates in two moieties, the first moiety within 14 days of the service of the rate notice, and the second at the expiration of six calendar months from such date.

126. The Pensioners (Rates Exemption) Act, 1922-1943, reprinted in Appendix 2 to these by-laws makes provision for deferring the payment of rates on property owned and occupied by pensioners, and in cases in which that Act applies, by-laws 124 and 125 shall be deemed to be modified accordingly.

Book-keeping and Administration.

127. Part 11 of the Uniform and General By-laws, published in the *Government Gazette* of 4th July, 1924, and reprinted in Appendix 1 to these by-laws, deals with Book-keeping and Administration.

*Receipts, Banking and Payment of Money by the Board.**

128. Part VI of the Uniform and General By-laws published in the *Government Gazette* of 4th July, 1924, and reprinted in Appendix 1 to these by-laws, deals with receipt, banking and payment of moneys by Road Board.

Board's Records.

129. All records, files, documents, vouchers, maps and tape recordings which are not declared to be confidential within the meaning of by-law 131 shall be made available for inspection by any member of the Board upon request within the business hours of the Board.*

130. No member of the Board shall, unless authorised to do so by the Board, remove any record, file, document, voucher, map or tape recording from the Board offices.

131. The Board may from time to time by resolution declare any records, files, documents, vouchers, maps or tape recordings to be confidential for a period not exceeding two months and such period may be extended by subsequent resolutions for further periods of two months.

132. Nothing in the preceding by-law shall affect the operation of by-law 55.

Loan Polls.†

133. When demand shall have been duly made under section 299 of the Act, the Secretary shall forthwith prepare a special roll of the names of all persons who appear to be resident owners of rateable land within the meaning of section 299.

134. The Board shall hold an open court to be called a "Revision Court" within the District for the purpose of revising the roll.

135. The Revision Court shall consist of the Chairman or, in his absence, of a Chairman appointed by the other members of the Court, and of not less than one-half of the members of the Board.

* See also section 321 of the Act.

† Loan Polls are dealt with in Uniform General By-laws published in the *Government Gazette* of 13 April, 1934, and reprinted in Appendix 3 to these by-laws. By-laws 133 to 151 are supplementary to the Uniform General By-laws.

136. Every such Court may be adjourned, and if at any time for half an hour after the time appointed for holding such Court, or adjourned Court, a sufficient number of members to form a Court is not present, the Chairman, or in his absence, any member, or the Secretary, shall adjourn the Court, but no such Court shall be adjourned beyond the day before the holding of the poll.

137. The Secretary shall himself, or by some person on his behalf if he is prevented from doing so, attend the Revision Court, and produce to the Court the roll and lists of the persons who have sent in claims and who have been objected to.

138. The Court may order, if required, that the valuer or valuers and all collectors of rates shall also attend the said Court, and produce all books, papers and documents in their possession connected with respective offices.

139. The Officers aforesaid shall answer all such questions as the Court may put to them touching any matters necessary to be ascertained for revising the roll.

140. The Revision Court shall in open Court determine as hereinafter provided upon the validity of all claims and objections, and every such determination shall be by the decision of the majority, and in case of an equal division of votes, the Chairman shall have a casting vote in addition to his vote as a Member of the Court.

141. The Revision Court shall insert in the roll under revision the name of every person who has claimed as aforesaid, and has proved to the satisfaction of the Court to be entitled to be inserted therein according to the provision of the Act.

142. Subject as hereinafter provided, the Court shall retain on the roll the names of all persons to whom no objection has been duly made.

143. The Revision Court shall retain on the roll the name of every person who has been objected to by any person, unless the person so objecting appears by himself, or by some person duly authorised in writing on his behalf, in support of the objections, and proves the service of the requisite notices.

144. When the name of any person inserted in the roll has been duly objected to and the person objected to appears by himself, or by someone on his behalf in support of such objection, the Court shall require proof of so much qualification of the person objected to as is embraced in the grounds of objection and no more.

145. In case the qualification of such person is not proved to the satisfaction of the Court, the Court shall expunge the name of such person from the roll.

146. The Court shall expunge from the roll the name of every person who is proved to be dead.

147. The Court shall, by means of the rate book valuation and return, correct any mistake or supply any omission which may appear to such Court to have been made in the roll in respect of the name, place of abode, or trade or occupation of any person who is included therein, or in respect of the local description of the rateable property, or the situation thereof or the rateable value thereof.

148. No person's name shall be inserted by the Court in the roll, or be expunged therefrom, unless notice has been given as hereinbefore required.

149. The Chairman shall, in open Court—

- (a) write initials against every name struck out or inserted as aforesaid, and against any part of the roll in which any mistake has been corrected, or omission supplied;
- (b) initial every page of the roll so settled;
- (c) cause to be written, at the foot or end of the roll, a certificate that the same has been revised and is correct, with the date thereof.

150. The Chairman and not less than two other members of the Board shall severally sign such certificate.

Forms.

151. The Regulations and Uniform and General By-laws, published in the *Government Gazettes* of 4th July, 1924, and 13th April, 1934, prescribe various forms for use in the administration of the Board.

Part V.—Board Officers.

Appointment and Dismissal.

152. Subject to the Act,* the appointment and removal of the Secretary, Engineer, heads of Departments, and all other permanent employees shall be made by the Board. The appointment and removal of temporary employees and casual workers may be made by the Board.

153. In cases of misconduct or other cause justifying immediate dismissal, any officer or employee except the Secretary or the Engineer may be suspended by the Chairman. The suspension of any employee shall be considered by the Board at its next meeting.

154. Temporary officers of the Secretary's Department may be appointed and dismissed by the Secretary, and of the Engineer's Department by the Engineer.

155. Casual workers of the Engineering and Gardening Departments may be engaged and dismissed by the Engineer, and for the Health Department by the Senior Health Inspector.

156. All appointments and dismissals not made by the Board shall be reported to the Board at its next ordinary meeting and shall be subject to confirmation by the Board.

The Secretary.

157. The duties of the Secretary shall be—†

- (a) to attend all Board meetings and to prepare the Minutes of all such meetings;
- (b) to attend all Committee meetings unless his attendance is not required by the Committee, and to take notes of minutes and prepare reports of such meetings of Committees;
- (c) to summon members to Board and Committee meetings;
- (d) to conduct all correspondence, and to give the other officers instructions, as directed by the minutes, and to give effect to the resolutions of the Board as contained in such minutes and to convey the decisions of the Board to those concerned;
- (e) to answer all questions on the Board's business;
- (f) to supervise the preparation of the annual financial estimates and submit them to the Board and to keep the Board informed of its operations in relation to the estimates adopted by the Board;
- (g) to see that the accounts and balance sheets are prepared, audited and published yearly;
- (h) to prepare and place before the Board the financial statement at the end of each quarter of the financial year;
- (i) to supervise the preparation of the rate books and the Board's electoral lists; and to arrange for distribution of the copies prior to the elections; and to attend all courts of revision or appeal; to make necessary arrangements for the elections;
- (j) to keep all books up-to-date and in accordance with the Act and any additional instructions from the Board;
- (k) to check all accounts sent into the Board and to see that all accounts for work have stated in them the authority under which such works have been done, and to check all returns made by the collector or other Board officers, and to see that the counterfoils of the receipt book accompany all returns; to supervise and attend to the due payment of all moneys coming through the hands of the Board's officers and payable to the credit of the Board;
- (l) to report to the Board at its next meeting any officer neglecting to make his returns as required;
- (m) to see that no payments to the credit of the Board's banking account shall be made, except through the Secretary or such other officers as shall be duly authorised in that behalf;

* See sections 129 and 130 of the Act.

† See also Part VI of General By-laws, published in the *Government Gazette* of 4th July, 1924, reprinted in Appendix 1 of these by-laws.

- (n) to obey all lawful commands or orders of the Board, and to attend to all other matters affecting the finances and welfare of the Board not herein specified;
- (o) to see that all bonds and other forms of security to be taken from the contractors are prepared and that the security required from officers or servants is taken within due time, and to report on such matters to the Board;
- (p) to report to the Chairman any officer or servant who has been guilty of any neglect of duty, or who is incapable of performing the duties allotted to him, and if necessary and where so authorised by these by-laws to suspend or dispense with the services of such officer or servant;
- (q) to exercise, subject to any directions given by the Board or the Chairman thereof, control over all servants of the Board;
- (r) to supervise the Insurance Policies of the Board and to report to the Board thereon as often as the occasion demands and at least annually;
- (s) to keep in the safe all current books and legal documents when not in actual use; to retain one key of the safe in his own personal custody and to deposit the duplicate with the Board's bankers in the joint name of the Chairman and Vice-Chairman of the Board; to lock in the safe at the end of each day such of the Board's moneys as remains unbanked; to enter in the Bank deposit book full details of all cheques and other moneys and to obtain a proper deposit receipt thereto;
- (t) to supervise the preparation and lodging of such returns as are required to be made by the Board;
- (u) to be acquainted with the provisions of the Act and the by-laws and any other statutes, regulations, by-laws or orders affecting the operations of the Board;
- (v) to carry out all duties for which he is responsible under the Act;
- (w) wherever possible to see that the provisions of the Act are carried out.

The Engineer.

158. The duties of the Engineer shall be—

- (a) promptly to attend all instructions of the Board;
- (b) to prepare proper plans and specifications for all works and improvements as regards roads, bridges, culverts, reserves, parks, gardens, buildings, or premises under the control of the Board; to examine all material to be used in such works and to see the same are faithfully and properly executed and performed; to lay out such work as to height, lines, levels and dimensions and to watch the progress and formation thereof; to submit all specifications and plans to the Board before tenders are called;
- (c) to see that the work of cleaning and repairing all public roads and footways is properly carried out;
- (d) to see that all drains, sewers, culverts and bridges are maintained in a state of efficiency;
- (e) to examine all roads, reserves, parks and gardens throughout the District at least twice a year, or as required by the Board;
- (f) to carry out the duties of building surveyor, including the examination of plans and specifications of all buildings to be erected within the District. To issue where proper building licences and conditions of approval;
- (g) to attend to all town planning matters within the District;
- (h) to see that all officers under his control carry out their duties efficiently, and to report any departure therefrom;
- (i) to attend all Board and Committee meetings if required;
- (j) to render to the Secretary, when required, reports and accounts of all matters under his control; to supply monthly, or more often if required, to the Board, returns of all work completed or in progress with remarks thereon.

Other Officers and Servants of the Board.

159. Subject to any specific direction which may be given by the Board from time to time the duties of the officers and servants of the Board other than the Secretary and the Engineer shall be those assigned from time to time by the Secretary or Engineer in respect of their various Departments.

Long Service Leave.

160. All present and future employees of the Board shall, after each period of 10 years' continuous service* commencing from or after the 1st day of January, 1955, be entitled to three months' leave on full pay. For the purpose of this by-law, any continuous service of an employee prior to the 1st day of January, 1955, and since the taking of long service leave, if such has been previously taken shall as to two-thirds of such period of service be treated as continuous service since the 1st day of January, 1955.

161. Long service leave shall be taken at a time convenient to the Board and the Board will as far as possible meet the wishes of the employee as to the time of taking his long service leave. The Board may by giving not less than three calendar months' notice to the employee direct him to take his long service leave at a time nominated by the Board, and his long service leave shall be taken accordingly.

162. Absence on account of sickness shall not be deemed to be a break in continuity of service, provided that the period of absence shall not, unless otherwise decided by the Board, exceed three months in any calendar year.

163. In the event of the resignation, retirement or death of an employee who has completed a period of 10 years' continuous service in accordance with by-law 160 hereof, but who has not taken his long service leave, the Board shall pay to such employee (or in the case of death, to his personal representatives, or if there be none, to his dependants), a sum of money equal to his wages or salary for the period of the long service leave to which he is entitled at the date of his resignation, retirement or death.

164. An employee dismissed by the Board for neglect of duty or irregular practices shall not be paid any sum in pursuance of by-law 163.

165. In the event of the death of an employee during his long service leave, the Board shall pay to his personal representatives, or if there be none, to his dependants, a sum of money equal to the unpaid wages or salary of the employee for the uncompleted period of his long service leave.

166. In the event of an employee being believed to have died and his death not having been registered, the Board, after consideration of all circumstances, may direct that the death of the employee be presumed to have occurred on a date nominated by the Board, and may authorise payment to the employee's dependants of an amount which may be paid under these by-laws to the personal representatives or dependants of a deceased employee.

167. The Board shall grant long service leave to an employee of the Board who has already been granted long service leave for 10 years' continuous service if before a further period of 10 years' continuous service has been completed such employee retires from the Board's service owing to his having reached the retiring age, or is retired because of permanent inability to carry on employment.

168. The long service leave which is to be granted under by-law 167 shall be for a period not exceeding one and three-tenths weeks for every completed year of continuous service since the previous long service leave and shall be on full pay.

169. An employee due to take his long service leave shall be paid his salary or wage for the period thereof at the ordinary rate of salary or wage payable in the week immediately preceding the taking of the leave. The Board may, at its discretion, either pay to an employee his wages or salary during long service leave, or pay to the employee, in advance, a sum representing the amount of his wages or salary for the period of his long service leave.

170. All public holidays which occur during the period of an employee's long service leave shall be taken in conjunction with his long service leave and the period of long service leave granted to an employee shall be reduced by the period of public holidays taken in conjunction therewith. The long service leave shall not be reduced by the period of any annual leave to which an employee may be entitled at the time of taking his long service leave.

* See By-law 14 for definition of continuous service.

171. A grant of long service leave in pursuance of these by-laws shall be deemed to be made on the condition that the employee does not accept employment for reward during the period of long service leave.

172. If an employee shall accept employment for reward during long service leave he shall not thereafter during such leave receive any payment on account of wages or salary from the Board.

173. If the Board shall have paid to an employee a sum of money representing salary or wages for a period after such employee shall have engaged in employment for reward, such sum of money may be recovered by the Board from such employee.

*Employees' Retiring Age.**

174. The retiring age for male employees of the Board is the age of 65 years.

175. The retiring age for female employees of the Board is the age of 60 years.

176. Upon an employee of the Board attaining the retiring age his or her employment shall thereupon and without further notice be terminated and all superannuation or other benefits to which he or she is entitled shall be paid.

177. The Board may in its discretion re-employ an employee who has reached the retiring age if—

- (a) the employee makes application for re-employment;
- (b) a suitable vacancy exists;
- (c) the employee is examined by a doctor nominated by the Board and is certified by the doctor to be fit to carry on employment with the Board.

178. The re-employment of an employee who has reached the retiring age shall be deemed to be upon the condition that the employment continues only so long as the employee is medically fit to carry out his or her duties as an employee of the Board and on the condition that the employee will be medically examined by a doctor nominated by the Board whenever required to do so by the Board, and in any event, at intervals of not more than two years. Nothing in this by-law shall be construed to restrict the right of the Board to terminate the employee's employment.

179. The re-employment of an employee who has reached the retiring age shall be deemed to be a new employment and not a continuation of his or her previous employment.

PART VI.—PROPERTY VESTED IN OR UNDER THE CONTROL OF THE BOARD.

Prevention of Damage to Obstruction of and Misuse of Roads.

180. (1) No person shall without the written authority of the Board commit any of the following acts:—

- (a) Break up, damage or destroy any road, footway, bridge, gutter, drain or culvert.
- (b) Throw, place or deposit any obstruction, box, case, crate, milk bottle, coal, sand, firewood, timber, brick or other material on or in any road, footway, bridge, gutter, drain or culvert.
- (c) Throw, place or deposit any rubbish, vegetable substance, garden clippings or any offensive, noxious or dangerous substance or any bottles or utensils or glass or any litter on any road, footway, bridge, gutter, drain or culvert.
- (d) Light any fire or burn any rubbish or other material on any road, footway or bridge.
- (e) Fell any tree on or across any road, footway, bridge or culvert.
- (f) Cause any obstruction to, or prevent vehicles and persons having the free or unhindered use of any road, footway or bridge.
- (g) Cause or permit any water from a hose or sprinkler to interfere with the use of any road or footway by pedestrians.

* Superannuation for Board Employees is dealt with by the Superannuation, Sick, Death Insurance Guarantee and Endowment (Local Governing Bodies Employees) Funds Act, 1947-1950, and regulations made thereunder.

(2.) The Board may, by its officers, workmen and contractors, remove any tree lying upon, or any obstruction or thing thrown, placed or deposited on any road, footway, bridge, gutter, drain or culvert, contrary to the provisions of this by-law.

Weight Restriction on Bridges.

181. If on a bridge a notice is legibly and clearly displayed by the Board or by an authority acting under the Traffic Act, limiting the weight of any vehicle using the bridge, no person shall drive or draw any vehicle exceeding that weight on or over that bridge.

*Stock on Roads.**

182. Any person being the owner of or having in his possession any animal shall prevent such animal from straying, grazing or pasturing on any road.

183. Any person being the owner of or having in his possession any animal, shall prevent such animal from entering or remaining on any road except for the normal use of the said road and unless—

- (a) it is led, ridden or driven, and
- (b) it remains on the said road only for a period reasonably necessary for the normal use of the said road.

Transport of Sand, Ash, Dust and Sawdust.

184. No person shall transport or carry on any road any sand, ash, dust, sawdust, or any substance which gives off dust or fumes unless the vehicle or container in which the same is carried is sufficiently covered to prevent such substance or part thereof or the fumes from blowing from or escaping from such vehicle or container.

Vehicles and Animals on Footways.

185. No person shall ride or drive any horse or cattle or drive any vehicle upon or along any footway.

Paving of Footways.†

186. If the Board proposes to construct a footway, and if it proposes to charge one moiety of the expense incurred by it in paving or kerbing and making any footway or part of such footway to the several owners of all rateable land abutting on such footway or part thereof, it shall give notice in writing of its intention to do so to each of the said several owners as appearing in the rate book.

187. The said notice shall contain—

- (a) details of the proposed works;
- (b) the estimated cost thereof;
- (c) the proportion of the said cost which owner to whom the notice is given will be called upon to pay;
- (d) the approximate date on which the work will be commenced.

188. The Board may after the expiration of one month from the giving of the said notice proceed with the said works.

189. On completion on the said works, if the Board shall have decided to charge one moiety of the cost thereof to the owners as aforesaid, it shall give notice to the several owners of all rateable land abutting on such footway or part thereof, and such notice shall state—

- (a) the actual expense incurred by the Board in paving or kerbing and making the footway or part thereof;

* Uniform General By-laws, published in the *Government Gazettes* of 1st May, 1925, 18th September, 1925, and 11th December, 1925, read as follows—

(1) No person shall suffer or allow any animal to stray on any road within the District of the Road Boards prescribed in the Schedule hereunder.

Any person who commits a breach of this by-law shall be liable to a penalty not exceeding Twenty pounds.

(2) Any person being the owner of, or having in his possession any animal, shall prevent such animal from straying on any road within the District of the Road Boards prescribed in the Schedule hereunder.

Any person who commits a breach of this by-law shall be liable to a penalty not exceeding Twenty pounds.

THE SCHEDULE.

N.B.—This includes the Perth Road Board.

† See section 162 of the Act.

- (b) the amount payable by the individual owner to whom the notice is addressed as his proportion of the said expense apportioned according to the respective frontages of all rateable land abutting on the footway or part thereof.
- (c) the date by which the said amounts are payable to the Board.

190. Notices given in pursuance of by-laws 186 and 189 hereof shall be sent by registered post and shall be deemed to have been given two days after posting.

*Crossing Places.**

191. The owner of any land adjoining a road which is paved or partly paved who wishes vehicles to pass to or from his land shall make application to the Board for the construction of a crossing place.

192. The Board may construct the crossing place or may authorise the construction of the crossing place by the owner in accordance with specifications approved by the Board.

Prevention of Damage to Footpaths.

193. In by-laws 194 to 200 the term "footpath" shall mean and include that portion of a surveyed road which is between the kerb or edge of the portion of a road paved for the use of vehicular traffic and the boundary of the surveyed road.

194. No person shall drive any vehicle over or across a footpath except at a specially constructed crossing place unless with the permission of the Board and in accordance with these by-laws.

195. No person shall trench through or under a footpath without first obtaining the written consent of the Perth Road Board.

196. No person shall drive a vehicle or permit a vehicle to be driven across a footpath if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the paving of the footpath unless with the permission of the Board and in accordance with these by-laws.

197. Any person referred to in by-laws 198 and 200 (hereinafter called the applicant) who desires—

- (a) to cross a footpath with a vehicle at a place not a specially constructed crossing place; or
- (b) to carry out building or other operations or works necessitating the crossing of a footpath with vehicles which are likely to cause damage to the paving of the footpath whether at a specially constructed crossing place or not

shall make application in writing to the Board specifying the place at which such crossing is to be made and with his application pay to the Board a deposit of fifteen pounds (£15).

198. If the permission of the Board shall be granted to the applicant he shall comply with the following conditions:—

- (a) If the paved portion of the footpath shall be constructed of concrete slabs he shall carefully remove them from the footpath for a width of 16 feet at the proposed crossing and neatly stack them on the adjoining land.
- (b) He shall place in the position from which the slabs have been removed a temporary crossing of 16 feet wide and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks of at least eight inches by two inches in section, of which the ends shall be chamfered downwards, securely nailed together with hoop iron straps at four foot centres. The said planking shall be firmly bedded and laid true to the level of the original footpath.
- (c) When the necessity no longer exists for such temporary crossing or when called upon to do so by notice in writing from the Board the applicant shall remove the planking, replace the slabs in a proper workmanlike manner to original level and line and shall replace with new slabs of equal quality and size any slabs which have been lost, damaged or broken.

* See section 195 of the Act.

- (d) In the case of a footpath constructed in total or part of bitumen surfaced gravel, gravel, limestone or crushed metal, he shall place in position where the crossing is to be made a temporary crossing 16 feet wide and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks of at least eight inches by two inches in section, of which the ends shall be chamfered downwards to the existing footpath surface, securely nailed together with hoop iron straps at four foot centres. The said planking shall be firmly bedded and laid true.
- (e) When the necessity no longer exists for such a temporary crossing, or when called upon to do so by notice in writing from the Board, the applicant shall remove the planking and clean off the footpath.

199. Should any person desire to trench through or under a constructed footpath he shall apply in writing to the Board and lodge with the Board a deposit of five pounds (£5).

200. The applicant and the person mentioned in by-laws 197, 198 and 199 hereof shall make good all damage caused to the footpath and the kerbing, guttering and paved road during the whole of the time the works are in progress. If any damage shall have occurred and shall not have been made good the Board is authorised to make good such damage and deduct the cost from the deposit. If the cost exceeds the amount of the deposit the applicant or other person aforesaid shall pay to the Board on demand the amount by which the cost exceeds the amount of the deposit held. If no damage has been caused or if the damage has been made good the Board shall repay the deposit or the portion remaining after the costs incurred by the Board have been paid.

201 to 220. Reserved.

*Hawkers, Itinerant Vendors and Stallkeepers.**

221. Any person who desires to hawk any goods, wares or merchandise, or be an itinerant vendor or a stallkeeper within the District, shall make application in writing to the Board for a license so to do.

222. The Board may grant a license to the applicant in the form of Form No. 1 in the Second Schedule hereto, or may refuse to grant the application on any of the following grounds:—

- (a) That the applicant has committed a breach of any of by-laws 228 to 231.
- (b) That the applicant is not of good character or has been convicted of a criminal offence.
- (c) That the needs of the District or of the portion thereof for which the license is sought are adequately catered for by established shops or by persons to whom licenses have been issued.

223. The license shall state the type of commodities which the licensee is authorised to sell.

224. The license granted by the Board may be in respect of the whole District, or for any portion of the District specified in the license, and in the case of a stallkeeper's license may specify the place where the stall may be situated. The license may be granted upon the condition that the licensee shall not carry on business within a specified radius of any shop which sells commodities similar to those to be sold by the licensee.

225. A license granted by the Board shall remain valid until the 31st day of December next after the issue of the license unless previously revoked.

226. The fees set out in the Third Schedule hereto shall be payable to the Board in respect of each license.

227. The Board may revoke any license issued by it on any of the grounds set out in by-law 222 hereof, or on the grounds—

- (a) that the licensee has committed a breach of the terms or conditions of the license; or
- (b) that the licensee is not conducting his business in a respectable or sober manner; or
- (c) that he has assigned his license or does not himself carry on the business; or
- (d) that he is not regularly carrying on the business for which the license is issued.

* By-laws Nos. 51 and 52 of Part VII of the Model By-laws made under the Health Act, 1911-1959, deal with Sale of Food by itinerant vendors. See by-law 14 for definitions.

228. No person shall hawk any goods wares or merchandise, or act as an itinerant vendor or a stallkeeper—

- (a) without being licensed by the Board; or
- (b) in any part of the District other than that specified in the license; or
- (c) in the case of a stallkeeper have the stall at any place other than that specified in the license.

229. No hawker, itinerant vendor or stallkeeper shall—

- (a) sell or offer for sale any commodity except between the hours of 7 a.m. and 11.30 p.m.; or
- (b) deposit or store any box or basket under his vehicle or on the roadway or footpath; or
- (c) shout his wares or make any violent outcry noise or disturbance to the annoyance of the inhabitants or passersby; or
- (d) obstruct the free passage of pedestrians or vehicles on any footway or road; or
- (e) act in an offensive manner.

230. A hawker itinerant vendor or stallkeeper shall carry his license with him and produce it upon demand to an officer of the Board or police officer.

231. A stallkeeper shall have his name legibly displayed on any stall operated by him.

Reserves and Places of Public Recreation and Enjoyment.*

232. No person shall on any reserve†—

- (a) interfere with or damage any property belonging to the Board;‡
- (b) throw stones or other missiles;
- (c) cause any nuisance;
- (d) leave any litter;
- (e) be in a state of intoxication;
- (f) behave in a disorderly manner, or create or take part in any disturbance, or use any foul or indecent language, or commit any act of indecency;
- (g) drive or ride or bring any vehicle, except on those parts of the reserve set aside as roads or driveways;
- (h) bet, gamble, or call the odds or offer to bet or gamble;
- (i) climb over or upon any fence or gate;
- (j) unlock or unfasten any gate, unless duly authorised to do so;
- (k) bring a dog unless on a leash held by a person;§
- (l) enter any dressing or training room, or use any of the lockers unless authorised;
- (m) camp, lodge, or tarry overnight, or frequent for the purpose of camping, lodging and tarrying overnight, without the written consent of the Board having first been obtained;
- (n) stamp, stencil or affix, or cause to be stamped, stenciled or affixed any placard, handbill, notice, advertisement or any document whatsoever, without the written consent of the Board having been first obtained;
- (o) sell or expose for sale any goods, wares, merchandise, or things unless the consent in writing of the Board shall be previously obtained;
- (p) light any fire without having first obtained the consent of the Board;
- (q) except upon a beach play sport on a Sunday without the written consent of the Board.

* For beaches see by-laws 276 to 316.

† See by-law 273 for use of amplifiers.

‡ See by-laws 488 to 491 as to street photographers on reserves.

§ See by-law 274 as to animals on reserves.

¶ See also by-laws 264 to 268.

§ See also by-law 481.

233. Any person found in a state of intoxication in any reserve, or behaving in a disorderly manner, or creating or taking part in any disturbance, or using any foul or indecent language, or committing any act of indecency therein, may be forthwith removed from such reserve by the caretaker or by any officer or servant of the Board, or by any member of the Police Force.

234. Any person found betting, gambling, or calling the odds, or offering to bet or gamble within any reserve, may be forthwith removed by the caretaker, or by an officer or servant of the Board, or by any member of the Police Force.

Model Aeroplanes.

235. The Board may set aside or specify reserves or portions of a reserve or reserves on which persons may fly mechanically operated model aeroplanes and may define or limit the hours and days during which such aeroplanes may be flown.

236. No person shall fly a mechanically operated model aeroplane on any reserve or portion of a reserve other than that set aside or specified by the Board or at times or on days other than those defined or limited by the Board.

Children's Playgrounds.

237. The Board may set aside a reserve or any portion of a reserve as a children's playground.

238. The Board may limit the ages of persons who shall be permitted to use a children's playground and may erect a notice to that effect on the playground.

239. No person over the age specified in a notice erected on a playground other than a person having the charge of a child or children in the playground shall use a playground or interfere with the use by children of the playground.

*Holding of Function on Reserve.**

240. No person shall organise, arrange or take part in a function on a reserve unless a license to hold or organise a function shall have been granted by the Board.

241. The Board may grant a license in the form of Form No. 2 in the Second Schedule hereto to a person to hold or organise a function on a reserve and may authorise a charge to be made for admission to the function.

242. A license to hold a function on a reserve shall specify—

- (a) the purpose for which such license is granted;
- (b) the dates and times during which the function may be held, and
- (c) the charge if any which has been authorised by the Board for admission to the function.

243. No license shall be granted for a continuous period of more than fourteen days.

244. Subject as hereinafter provided no person to whom a license has been granted shall exclude any member of the general public from attending the function if such person pays the authorised charge for admission.

245. No person to whom a license has been granted shall make a charge for admission to the function unless authorised to do so by the Board or shall make a charge for admission in excess of the amount of the charge authorised by the Board.

246. No person under the influence of alcohol or acting in a riotous or disorderly manner shall attend a function.

247. A person to whom a license has been granted shall prevent persons under the influence of alcohol or persons acting in a riotous or disorderly manner from attending a function.

248. Any person to whom a license has been granted who commits or permits the commission of a breach of any of the terms or conditions of the license shall be guilty of an offence.

249. The Board if satisfied that the person to whom a license has been granted has committed or permitted or authorised the commission of a breach of any of the terms or conditions of the license or has committed a breach of any of these by-laws may by a notice in writing to such person cancel the license and thereupon the license shall be cancelled.

* See by-law 14 for definition of the term "function."

Erection of Buildings on Reserve.

250. No person shall erect or permit or authorise the erection of a building* on a reserve without the consent of the Board.

251. Any person desirous of erecting a building on a reserve shall make application to the Board in the form of Form No. 3 in the Second Schedule hereto.

252. The consent of the Board to the erection of a building may be in the form of Form No. 4 in the Second Schedule and may specify—

- (a) the purpose for which such building may be used;
- (b) the nature of the building which may be erected;
- (c) the time during which such building may be permitted to remain on the reserve;
- (d) the times when such building may be used; and
- (e) the position in which such building may be erected.

253. Any person who shall erect or use or permit or authorise the erection or use of any building on a reserve without the written consent of the Board or otherwise than in accordance with the terms of the written consent of the Board shall be guilty of an offence.

254. The Board may after having given to the person to whom a consent to erect a building on a reserve has been granted one month's notice of its intention so to do withdraw such consent.

255. The Board may by notice in writing to the owner, or to the person whom it believes to be the owner, of a building on a reserve, direct that a building, erected or used on a reserve without the consent of the Board, or erected or used otherwise than in accordance with the terms of the consent of the Board, or any building in respect of which the consent to erect the same has been withdrawn, be removed within a period of 14 days after the date of the service of the said notice.

256. Any person who fails to comply with a notice given by the Board to remove a building on a reserve shall be guilty of an offence.

257. No unauthorised person shall cause any damage to a building on a reserve.

258. No person other than the owner or a person duly authorised in that behalf by the owner of a building on a reserve shall use such building.

259. No person shall without the approval of the Board use a building on a reserve as a dwelling or for sleeping purposes.

260. No person who is the owner of, or is a person authorised in that behalf by the owner of a building on a reserve, shall use such building during the course of a function without the permission of the person to whom a license to hold such function has been granted.

261. No person shall assign or transfer his ownership of or his interest in a building on a reserve without having first delivered to the Board a notice of transfer duly completed in the form of Form No. 5 in the Second Schedule hereto.

262. In the event of the non-compliance with a notice given in pursuance of by-law 255 hereof the Board may sell the building in respect of which the notice has been given or may by its servants and workmen take down and remove the said building and may sell the materials of which it is constructed and shall hold the balance of the purchase money received by it, after deducting all costs and expenses consequent upon such failure to comply with the notice and such taking down and removal and sale upon trust for the person entitled thereto.

263. Any notice to be given under by-laws 254 or 255 may be signed by the Secretary of the Board and may be served on the person to whom it is addressed by post in a registered letter addressed to such person at his address shown in the consent. A notice so served shall for the purpose of these by-laws be deemed to be served and given on the date on which in the ordinary course of post it would reach the address to which it is sent.

* See by-law 14 for definition of the term "building."

*Prevention of Damage to Property.**

264. No person shall without first having obtained the written consent of the Board cut down, damage, destroy or remove any tree, plant, gate, fence, post, lantern, lamp-post, implements, materials, buildings or other property vested in or under the control of the Board.

Defacing Property.

265. No person shall, whether by means of writing, drawing, painting, stencilling or by poster, or by causing any paper or other substance to adhere, or otherwise place any notice sign, advertisement, design, writing, or picture on any building, structure, lavatory, shelter-shed, fence or seat vested in, or under the control of the Board, without the consent in writing of the Board.

266. No person shall deface or damage, or do any act which has the effect of defacing or damaging any building, structure, lavatory, appliance, apparatus, shelter-shed, fence or seat vested in, or under the control of the Board.

267. No person shall construct or erect any advertisement, notice, sign or placard on any road, public place or reserve vested in, or under the control of the Board, without the consent in writing of the Board.

268. No person shall construct or erect any advertisement, notice, sign or placard in such manner that it overhangs any road, public place or reserve vested in, or under the control of the Board, without the consent in writing of the Board.

Sand and Timber.

269. No person shall remove any sand, stone or other materials from any lands or reserves belonging to or in charge of or under the control of the Board, without the authority of the Board.

270. No person shall cut or remove any timber or bush on or from any lands or reserves belonging to, or in charge of, or under the control of the Board, without the authority of the Board.

Preservation of Trees.

271. No person shall injure, destroy, carry away, or remove from its place any tree, shrub or plant standing in any of the roads, reserves, enclosures or public places belonging to, or under the care or superintendence of the Board, or shall injure, destroy, carry away or remove out of its place, or ride or drive against any of the tree-guards, fences or other protection to any such trees, shrubs or plants as aforesaid.

Vandalism.

272. The Board shall so far as is possible prevent the misuse or damage to roads, public places, or reserves, buildings, structures, works, appliances, apparatus and things vested in or under the control of the Board, and in order to do so may offer and pay rewards for information leading to the conviction of any person guilty of such misuse or causing such damage.

Use of Amplifiers.

273. (1) In this by-law the term "public place" shall mean a road or reserve, beach, jetty or public place or building vested in or under the control of the Board.

(2) No person shall—

- (a) take on to or erect or install on a public place any loud-speaker or other device for the amplification of sound; or
- (b) operate or use on a public place any loud-speaker or device for the amplification of sound; or
- (c) speak or make a noise on a public place so as knowingly to cause such speech or noise to be amplified by a loud-speaker or other device for the amplification of sound;

without the written consent of the Board.

(3) No person to whom written consent has been granted in pursuance of this by-law shall take on to, or erect, or install, or operate or use on a public place any loud-speaker or device for the amplification of sound, or speak or make any noise on a public place so as knowingly to cause such speech or noise to be amplified by a loud-speaker or other device for the amplification of sound, otherwise than at the place and time and in accordance with the terms specified in the written consent granted by the Board.

* For jetties see by-law 275.

Animals on Reserves.

274. No person shall ride, drive, exercise, train or race any horse or other animal on any reserve in such manner as to create or become a nuisance.

*Jetties.**

275. No person shall on any jetty vested in or under the control of the Board—

- (a) destroy, damage or deface the jetty or any part thereof;
- (b) throw, place or deposit any obstruction on the jetty;
- (c) throw, place or deposit any rubbish, any offensive, noxious or dangerous substance or bottles, utensils, or glass or any litter on the jetty;
- (d) light any fire;
- (e) throw stones or other missiles;
- (f) cause any nuisance;
- (g) be in a state of intoxication;
- (h) behave in a disorderly manner, or create or take part in any disturbance, or use any foul or indecent language or commit any act of indecency;
- (i) drive or ride any vehicle or animal;
- (j) use any fishing net, or hang or dry any fishing net;
- (k) stamp, stencil or affix, or cause to be stamped, stencilled or affixed any placard, handbill, notice or advertisement.

BEACHES AND BATHING.

Costume.

276. All persons over four years of age bathing in any waters exposed to the public view shall be suitably clad so as to secure the observance of decency.

277. In any case where any person's bathing costume is indecent or inadequate, or the material thereof is too thin, or is not in a proper state of repair, or is for any reason unsuitable, a Beach Inspector appointed by the Board may direct such person to resume at once his ordinary dress.

278. If any person fails to resume immediately his ordinary dress when directed so to do by a Beach Inspector, he shall be guilty of an offence against these by-laws, and may, with any necessary force, be removed to the dressing enclosure or shed by the Beach Inspector; provided that this power of removal shall not be exercised by a Beach Inspector appointed under by-law 309.

Dressing in Public View.

279. A person shall not dress or undress or remove any part of his bathing costume in any place open to the public view; provided that this shall not prevent any person already clad in proper bathing costume from doffing or donning at any public bathing reserve† any dressing-gown or outer robe.

Bathing in Dangerous Places.

280. A person shall not bathe at any place after being warned by a Beach Inspector that such place is dangerous or in any place indicated as dangerous by a "Danger" signal or notice.

281. The Board may by signs, flags or notices erected on a public bathing reserve from time to time, prohibit bathing at the places indicated, for such time as it sees fit, and no person shall bathe in such prohibited area during such time as bathing shall be prohibited as aforesaid.

Safe Bathing Areas.

282. The Board may by signs, flags or notices erected on a public bathing reserve from time to time designate safe bathing areas. No person shall bathe in the vicinity of a safe bathing area designated as aforesaid except within such area.

* By notices in the *Government Gazettes* of 17th October, 1913 and 13th January, 1922, the the Maylands Jetty and the Sea Jetty near Mount Flora at North Beach were each placed under the control of the Board.

† See by-law 14 for definition of "Public Bathing Reserve."

Surf Shooting.

283. The Board or the Beach Inspector may mark by any suitable means, places where surf shooting with surf boards is forbidden, and where surf shooting may be practised without restriction or with restriction as to the nature and size of the surf board.

284. No person shall use a surf board in any area clearly marked as one in which the use of a surf board is forbidden.

285. Where an area is clearly marked as being one in which the use of a surf board of a restricted nature or size only is permitted, no person shall use a surf board of a type other than that permitted.

Prohibition of Bathing Near Sources of Water Supply.

286. Where any stream is a source of public water supply, the Board may, by notice conspicuously exhibited on the banks thereof, prohibit bathing within a distance of 500 yards from the place at which water is drawn from such stream for public consumption and no person shall bathe in contravention of such notice.

287. Where any stream which is a source of public water supply ceases to flow, the Board may, by notice in like manner, prohibit bathing in any part of, or every part of such stream and no person shall bathe in such stream in contravention of such notice.

Use of Dressing Enclosures or Sheds.

288. A dressing enclosure or shed shall be used for dressing and undressing only. A person shall not play games or, without reasonable excuse, loiter in or in the vicinity of any such enclosure or shed.

289. A person shall not bring or deposit any filth or rubbish in any such enclosure or shed.

290. A person shall not damage, disfigure or write in or upon any such enclosure or shed.

291. A male over the age of four years shall not enter any dressing enclosure or shed set aside for females.

292. A female shall not enter any dressing enclosure or shed set aside for males.

Charges for Use of Dressing Accommodation.

293. The Board may charge or authorise a lessee or licensee to charge for the use of dressing accommodation and requisites, or for the safe custody of valuables, or for entry to and use of a dressing enclosure or shed, such fees as shall from time to time be fixed by the Board.

294. Every person shall, before entering or attempting to enter any bathing or dressing accommodation enclosure or shed for the use of which fees have been fixed, pay the fees fixed by the Board.

Use of Entrances to Dressing Enclosures.

295. Persons dressed in bathing costume who have paid the appropriate fees, and whose ordinary clothes are within the Board's bathing or dressing accommodation enclosure or shed shall enter such accommodation enclosure or shed by an entrance marked as "Entrance for persons in bathing costume," or marked to the like effect.

296. Persons wearing their ordinary clothes, persons whose ordinary clothes are not within the Board's bathing or dressing accommodation enclosure or shed and persons who have not paid the appropriate entrance fees, shall not enter such accommodation enclosure or shed except by way of an entrance marked as "Main Entrance," or marked to the like effect.

Persons Suffering from Certain Complaints Excluded.

297. A person suffering, or appearing to the lessee, licensee, Beach Inspector or person in charge of a dressing enclosure or shed to be suffering from any infectious, contagious, or offensive disease or skin complaint, shall not visit or use any dressing enclosure or shed.

*Dogs and Horses.**

298. Any Beach Inspector may, when in his opinion inconvenience may be caused to the public by the bathing of dogs or horses, order any person in charge of any dog or horse not to send or drive such dog or horse into the water, or permit such dog or horse to enter the water, at any place where the public are bathing.

299. Any Beach Inspector may order any person in charge of any dog or horse to remove such animal from a public bathing reserve, if such animal's presence on the public bathing reserve causes inconvenience or danger to the public.

Sale and Hire of Commodities.

300. No person shall on a public bathing reserve sell any commodity, food or drink, or shall let or hire any commodity, tent, umbrella, surf board or other facility or device without a license from the Board or other than in accordance with the terms of the license.

Preservation of Order and Protection of Public.

301. A person shall not on any public bathing reserve do any act which would be likely to injure, endanger, obstruct, inconvenience or annoy any person.

302. A person shall not injure, displace, pollute, foul, litter, deface, or cause disorder to a public bathing reserve, or anything appertaining thereto.

303. If any person breaks any bottle or any article of glass or earthenware on a public bathing reserve, he shall collect and remove all portions of such bottle or article either to a receptacle (if any) provided by the Board therefor, or to some place beyond the public bathing reserve.

Notices.

304. The Board may, by notice exhibited in a public bathing reserve, regulate the lighting of fires, require animals and vehicles to be kept off places indicated, mark places where bathing shall be prohibited, regulate vehicular and pedestrian traffic, regulate the conduct of persons, and generally regulate the use of the public bathing reserve by the public.

Life-Saving.

305. The Board may authorise any volunteer life-saving club—

- (a) to provide and use life-saving appliances and boats;
- (b) to use any such appliances and boats provided by the Board;
- (c) to erect, and, as may from time to time be necessary, remove from place to place danger signals or notices.

306. Where life-saving appliances are in use, any Beach Inspector may direct any person to cease assisting or to stand back from the field of operations.

307. A person shall not displace, play with, damage or destroy any life-saving appliances, surf boats or signal bells.

Beach Inspectors.

308. The Board may appoint any servant of the Board a Beach Inspector.

309. The Board may appoint any active member of a volunteer life-saving club a Beach Inspector under these by-laws; provided that a member so appointed shall not prosecute any person for a breach of any provision of these by-laws, but shall report such breach to the Board.

310. Every Constable or Officer of Police shall have the powers of a Beach Inspector under these by-laws.

311. Every Beach Inspector may demand the name and address of any person guilty of a breach of any of the provisions of these by-laws, and such person shall comply with such demand.

312. A person shall not obstruct or hinder any Beach Inspector or life-saving attendant in the performance of his duties, or in the exercise of his powers.

* See also by-law 481 prohibiting the taking of dogs on to public bathing reserves unless on a leash.

313. The Board shall supply each Beach Inspector with a written appointment under the seal of the Board, and with a badge in the shape of a shield bearing the words "Beach Inspector." Every Beach Inspector when on duty shall wear such badge on the front of his dress or bathing costume, or, if not wearing the badge, shall produce his written appointment, if demanded of him when exercising authority under these by-laws.

Powers of Caretaker.

314. The lessee or person appointed by the Board shall have charge of any dressing enclosure and shall be responsible for the maintenance of good order and conduct therein: Provided that any Beach Inspector or person appointed by the Board shall have free access thereto at all times.

Children.

315. The lessee or person in charge of any dressing enclosure, or any Beach Inspector, may exclude from bathing at any public bathing reserve any child of tender years who is not accompanied by and in charge of an older person who is apparently capable of caring for such child.

Failure to Comply with Notices.

316. Any person not complying with or offending against any of the provisions of the terms of any notice, order, or direction exhibited, issued or given under these by-laws shall be guilty of an offence.

Libraries.

317. Regulations for the conduct of Public Libraries published in the *Government Gazettes* of the 21st May, 1954, and the 4th June, 1954, are reprinted in Appendix 4 to these by-laws.

Public Halls.

318. Any person who wishes to hire any hall or any portion of any hall vested in or under the control of the Board or any property or equipment used in connection therewith shall make application to the Board.

319. The fees payable for the hire of the hall and equipment shall be those set out in the Third Schedule hereto.

320. The appropriate fees shall be lodged with the Board with the application for the hiring. If the booking is subsequently cancelled by the hirer the fees shall be forfeited, provided that the Board may in special circumstances repay the whole or any part of the fees forfeited to the person who booked the hall.

321. The Board may refuse to let a hall or part thereof to any applicant without assigning any reason for such refusal.

322. If more than one application be received by the Board for the hire of a hall or part thereof, the Board may in its discretion and without regard to the priority of the applications and without assigning any reason therefor, determine to which applicant the hiring shall be granted.

323. The Board may require that as a condition of the hiring the applicant deposit with the Board an amount estimated to cover any damage which may occur to the hall or property or equipment during the term of the hiring. The Board may expend the sum so deposited in making good any damage caused during the hiring and shall return the balance if any to the hirer. The deposit of an estimated amount as aforesaid shall not release a hirer from liability for any damage in excess of that sum.

324. The Board may impose special conditions as to the use of any particular hall or part thereof.

325. No hall plant, furniture, fittings or effects or utensils or materials of any kind the property of the Board shall be removed from the hall without the written permission of the Board.

326. No person shall deface or damage any hall building or place any nails or screws in the woodwork or any part of the hall building without the written consent of the Board.

327. No person using a hall vested in or under the control of the Board shall—

- (a) behave in a disorderly manner;
- (b) use any profane or indecent language;
- (c) be in an intoxicated condition;
- (d) create or take part in any disturbance;
- (e) cause any nuisance or annoyance to the owners or occupiers of any adjoining property or property in the vicinity.

328. The hirer of any hall vested in or under the control of the Board shall—

- (a) Maintain and keep good order and decent behaviour therein; and
- (b) make good any damage to the hall building and any loss or damage to the equipment hired therewith or situated therein caused during the term of the hiring;
- (c) be responsible for the carrying out of the terms of and the compliance with these by-laws;
- (d) permit any officer of the Board or any person authorised by the Board to have free ingress to the hall buildings for the purpose of making any inspection or enforcing any of these by-laws.

And the provisions of this by-law shall be deemed to be a condition of the hiring.

329. The hirer of any hall vested in or under the control of the Board shall not serve any alcohol in or about the hall and shall not permit any person to bring alcohol into the hall without the written consent of the Board.

PART VII.—PRIVATELY OWNED LAND AND BUILDINGS.

Minimum Areas of Land for Erection of Dwellings.

330. By Proclamation published in the *Government Gazette* of 21st October, 1949, it was declared—

- (a) that the minimum area for any building intended to be or capable of being used as a dwelling house shall in Swan Location Z be 6,000 square feet;
- (b) that the minimum area for any building intended to be or capable of being used as a dwelling house shall in the remainder of the Perth Road Board area be 6,000 square feet but, except in the following cases:—
 - (i) Subdivisions already approved by the Board,
 - (ii) Where it can be shown—
 - (a) that contracts to purchase have been entered into prior to the 12th September, 1919, comprising land having a frontage of not less than 44 feet, with a minimum depth of 132 feet;
 - (b) that the title to the land was held prior to the 12th September, 1919, and that such land being the whole of the land comprised in such title has a frontage of not less than 33 feet, with a minimum depth of 132 feet.

Brick Areas.

331. All walls and party walls of any building which may be erected in any of those portions of the District contained within a black border on the maps in the Fourth Schedule hereto shall be constructed of brick, stone, cement or other like substance, but not wholly or partly of wood, iron or asbestos cement sheets.

332. All walls and party walls, being alterations or additions to any building erected in any of those portions of the District contained within a black border on the maps in the Fourth Schedule hereto, shall be constructed of brick, stone, cement or other like substance, but not wholly or partly of wood, iron or asbestos cement sheets, provided that new walls inserted in existing wooden framed buildings may be of wooden framed construction.

333. All walls and party walls of any building which may be erected for the purpose of business premises or flats within the District shall be constructed of brick, stone, cement or other like substance and not wholly or partly of wood, iron or asbestos cement sheets, provided that in the case of a building used both as a shop and a dwelling, that portion used exclusively for residential purposes need not, subject to by-law 331, be constructed of brick, stone, cement or other like substance.

334. All walls and party walls of all additions and extensions to business premises or flats, which shall hereafter be made or erected within the District, shall be constructed of brick, stone, cement or other like substance and not wholly or partly of wood, iron or asbestos cement sheets, provided that this by-law shall not apply to any additions or extensions to business premises, if such extensions and alterations are used solely for residential purposes.

Value Areas.

335. In that portion of the Lawley Ward, being Swan Location Z, no person shall erect a building other than an outbuilding of a value less than two thousand, five hundred pounds (£2,500).

Zoning.

Residential Zones—Area.

336. Those portions of the District which are specified in the section 1 of the Fifth Schedule hereto are classified as Residential Zones.

Uses.

337. No person shall use any land or any building or structure in a Residential Zone except for one or more of the following purposes:—

- (a) A dwelling house for not more than one family.
- (b) A school or kindergarten.
- (c) A church.
- (d) A church hall.
- (e) A hostel.
- (f) A boarding or lodging house.
- (g) An athletic or social club.
- (h) A private hospital or convalescent home.
- (i) A public hall.
- (j) A Road Board building.
- (k) A library.
- (l) A doctor's or dentist's surgery attached to a residence.
- (m) A doctor's surgery or surgeries.

Lawley Residential Zones.

Area.

338. Those portions of the District which are specified in section 2 of the Fifth Schedule hereto are classified as Lawley Residential Zones.

Uses.

339. No person shall use any land or any building or structure in a Lawley Residential Zone except for one or more of the following purposes:—

- (a) A dwelling house for not more than one family.
- (b) A church.
- (c) A Road Board building.

Residential and Flat Zones.

Area.

340. Those portions of the District which are specified in section 3 of the Fifth Schedule hereto are classified as Residential and Flat Zones.

Uses.

341. No person shall use any land or any building or structure in a Residential and Flat Zone except for one or more of the following purposes:—

- (a) Any use permitted in a Residential Zone.
- (b) A flat or flats.*

* See by-law 14 for definition of flat.
See also by-law 363.

Lawley Special Residential Zones.

Area.

342. Those portions of the District which are specified in section 4 of the Fifth Schedule hereto are classified as Lawley Special Residential Zones.

Uses.

343. No person shall use any land or any building or structure in a Lawley Special Residential Zone, except for one or more of the following purposes:—

- (a) A dwelling house for not more than one family.
- (b) A school or kindergarten.
- (c) A church.
- (d) A convalescent home.
- (e) A tenement house, a boarding or lodging house.
- (f) A Road Board building.

Lawley Two Flat Zones.

Area.

344. Those portions of the District which are specified in section 5 of the Fifth Schedule hereto are classified as Lawley Two Flat Zones.

Uses.

345. No person shall use any land or any building or structure in a Lawley Two Flat Zone except for one or more of the following purposes:—

- (a) A dwelling house for not more than one family, provided that a dwelling house situated on a lot or area of land exceeding 6,000 square feet may be altered so as to provide accommodation for not more than two flats and used accordingly subject to the following conditions:—
 - (i) All alterations shall be of a permanent nature.
 - (ii) Not more than two rooms shall be added to the existing building and the additional floor space shall not exceed 300 square feet.
 - (iii) There shall be a dividing wall of at least nine inches in width without any openings between the portions of the dwelling house to be used by each family.
 - (iv) All additional rooms shall be built with walls either of brick, stone or concrete.
 - (v) In the event of any portion of any existing dwelling not complying with the by-laws and regulations of the Board in force at the time when any alteration is desired to be made, such portions of the building as do not so comply shall be altered in such a way so as to comply with the existing by-laws and regulations of the Board.
 - (vi) Any person making any such alterations or additions shall comply with all the existing regulations and by-laws of the Board.
 - (vii) Any dwelling house so altered shall be deemed a tenement within the meaning of the Board's by-laws for Control of Tenement Houses published in the *Government Gazette* of 17th July, 1936, at page 1098, and such by-laws shall apply to such dwelling house.
- (b) A church.
- (c) A Road Board building.

Business Zones.

Area.

346. Those portions of the District which are specified in section 6 of the Fifth Schedule hereto are classified as Business Zones.

Uses.

347. No person shall use any land or any building or structure in a Business Zone except for one or more of the following purposes:—

- (a) A shop.*
- (b) A combined shop and dwelling.
- (c) An office.
- (d) A bank.
- (e) An hotel.
- (f) A club.
- (g) A theatre or cinema, but not including an open-air cinema or drive-in cinema.
- (h) A public hall or dance hall.
- (i) A fire station.
- (j) A police station.
- (k) A workroom or workrooms connected with a retail business in which not more than one-half of the total floor area of such business is used as a workroom or workrooms.
- (l) A service station or a filling station.†
- (m) A doctor's or a dentist's surgery.

*Lawley Business and Residential Zones.**Area.*

348. Those portions of the District which are specified in section 7 of the Fifth Schedule hereto are classified as Lawley Business and Residential Zones.

Uses.

349. No person shall use any land or any building or structure in a Lawley Business and Residential Zone except for one or more of the following purposes:—

- (a) A dwelling house for not more than one family.
- (b) A church.
- (c) A tenement house, a boarding or a lodging house.
- (d) A shop.
- (e) A combined shop and dwelling.
- (f) An office.
- (g) A combined shop and offices.
- (h) A bank.
- (i) An hotel (private).
- (j) A workroom or workrooms connected with a retail business in which not more than one-half of the total floor area of such business is used as a workroom or workrooms and provided that it shall not be used for any of the following purposes:—
 - (i) The killing of any bird or animal.
 - (ii) Any work which causes any noise, smoke, fumes or hazard which is harmful or annoying to the residents in the neighbourhood.
- (k) A Road Board building.
- (l) A school or kindergarten.
- (m) A garage or service station and the necessary shops and stores connected therewith.
- (n) A theatre, cinema (but not including an open-air picture theatre or drive-in theatre) public hall, dance hall, club, or place of amusement.

*Rural Zones.**Area.*

350. Those portions of the District as are contained within a black border on the map comprised in section 8 of the Fifth Schedule hereto are classified as Rural Zones.

* See by-law 365.

† See by-laws 366 to 368.

Uses.

351. No person shall use any land or any building or structure in a Rural Zone except for one or more of the following purposes:—

- (a) Any purpose permitted in a Residential Zone.
- (b) Agriculture, horticulture, forestry or pasture.
- (c) Poultry farming.
- (d) Woodyard.*
- (e) The treating, processing and packing of primary products grown in the locality.
- (f) The servicing of agricultural implements, plant and machinery.
- (g) A blacksmith's shop.
- (h) A cartage and carrying business if such business is connected with a rural activity.
- (i) Public or private recreation.

And except for the following purposes, if special permission to do so is given by the Board in each particular case:—

- (j) Excavating for gravel, sand, stone or brick-making or pottery clay.

Subdivisions.

352. No person shall subdivide any land in a Rural Zone into allotments of an area of less than five acres each.

*Light Industrial Zones.†**Area.*

353. Those portions of the District which are specified in section 9 of the Fifth Schedule hereto are classified as Light Industrial Zones.

Uses.

354. No person shall use any land or any building or structure in a Light Industrial Zone except for one or more of the following purposes:—

- (a) A light industry.‡
- (b) A residence on land forming part of or adjoining a factory occupied by a caretaker of or an employee of the factory and set aside for the exclusive use of the occupants and not more than one such residence for each factory.
- (c) A lock-up shop upon the premises of or adjoining a factory, used primarily to provide meals and refreshments for the employees of the factory.
- (d) A factory showroom or office upon the premises of or adjoining the factory.
- (e) A warehouse or storeroom.
- (f) A service station.

*Industrial Zones.§**Area.*

355. Those portions of the District which are specified in section 10 of the Fifth Schedule hereto are classified as Industrial Zones.

Uses.

356. (1) No person shall use any land or any building or structure in an Industrial Zone except for one or more of the following purposes:—

- (a) Subject to Clause (2) hereof, an industry, industrial purpose factory or manufactory.
- (b) A residence on land forming part of or adjoining a factory occupied by a caretaker of or an employee of the factory and set aside for the exclusive use of the occupants and not more than one such residence for each factory.
- (c) A lock-up shop upon the premises of or adjoining a factory, used primarily to provide meals and refreshments for the employees of the factory.
- (d) A factory showroom or office upon the premises of or adjoining the factory.

* See by-law 14 for definition of woodyard.

† See by-laws 369 and 370.

‡ See by-law 14 for definition of light industry.

§ See by-laws 369 and 370.

(2) No person shall use any land or any building or structure in an Industrial Zone for the purpose of a sawmill* or an offensive trade† except a laundry or dry cleaning establishment.

Special Zones.

Area.

357. Those portions of the District which are specified in section 11 of the Fifth Schedule hereto are classified as Special Zones.

Uses.

358. Notwithstanding that the areas set out in section 11 of the Fifth Schedule hereto are within other Zones as classified by these by-laws, the land or any building or structure thereon may, if special permission to do so has been given by the Board, be used for the purposes set against the various parcels of land respectively in the said section in addition to the other uses prescribed for the other zone or zones in which the land is situated.

Special Provisions—Zoning.

359. By-laws 360 to 371 shall apply to the Scarborough, Hamersley, Osborne, Inglewood and Maylands Wards only.

Frontage and Location of Certain Buildings.

360. No person shall erect or use any building or structure for the purpose of—

- (a) a school or kindergarten;
- (b) a church or church hall or public hall;
- (c) a hostel;
- (d) an athletic or social club;
- (e) a private hospital or convalescent home;
- (f) a Road Board building;
- (g) a service station;

unless it is erected on a parcel of land which has a frontage of not less than ninety-nine (99) feet to a road or street and all buildings are ten (10) feet at least from each side boundary of the parcel of land on which it is erected.‡

Kindergartens.

361. No person shall use a parcel of land of less than one-half of an acre as a kindergarten.‡

Schools.

362. No person shall use any parcel of land of less than two (2) acres for the purpose of a school.‡

Flats.§

363. No person shall use any building or structure as flats unless—

- (a) the parcel of land on which such building is erected is of an area of not less than ten thousand (10,000) square feet and has a frontage of not less than sixty-six (66) feet to a road or street;
- (b) the building is of not more than two storeys;
- (c) the average set-back|| to each side boundary and the rear boundary is 10 feet at least;
- (d) in the case of any building of one or two storeys, the area occupied by the building and one-half of the area occupied by all outbuildings does not exceed in the case of a single-storey building one-half, and in the case of a building of two storeys, one-third of the total area of the parcel of land used for flats;
- (e) garages or paved parking areas are provided within the said parcel of land for as many cars as there are separate flats;
- (f) paved parking space in addition to the requirements of paragraph (e) above is provided within the said parcel of land for not less than one car for every three flats in the buildings.¶

* See by-law 14 for definition of sawmill.

† See by-law 14 for definition of offensive trade.

‡ See by-law 359 as to extent of application.

§ See by-law 14 for definition of flats.

|| See by-law 14 for definition of average set back.

¶ See by-law 359 as to extent of application.

*Duplex Houses.**

364. No person shall erect or use any building as a duplex house unless such building is erected on a parcel of land having a frontage of not less than sixty-six (66) feet and an area of not less than eight thousand (8,000) square feet.†

Shops.

365. No person shall use as a shop any land or building unless—

- (a) for each separate shop the area of land upon which the shop is erected (inclusive of the open spaces in front and at the rear thereof) is not less than two thousand (2,000) square feet; and
- (b) each shop has access from a road or street to the rear of the shop of a width of twenty (20) feet at least and constructed so that vehicles using it may return to the road or street without reversing.

Service Stations.†‡

366. Reserved.

367. Reserved.

368. In a service station no person shall use more than one-half of the floor area of the premises as a workroom.†

Industrial Zone and Light Industrial Zone Provisions.

369. No person shall stack or place any fuel or raw materials or products or by-products or wastes of manufacture in an Industrial Zone or a Light Industrial Zone nearer to a road or street than the building line.†

370. No person shall in an Industrial Zone or a Light Industrial Zone use the land between the building line and the road or street for any purpose other than a means of access, for parking of vehicles, for loading or unloading vehicles, or for lawns, gardens, or trade display.†

Facades.

371. No person shall erect or cause to be erected a building in an Industrial Zone or a Light Industrial Zone unless the facade of the building be constructed of brick, stone or concrete, or in the case of frame buildings, with corrugated asbestos or aluminium cladding to a design to be approved by the Board.†

Existing Uses—Zoning.

372. If at the date of publication of these by-laws in the *Government Gazette* any land, building or structure is being lawfully used for a purpose or built on in a manner not permitted by these by-laws, such land, building or structure may continue to be used for that purpose or in that manner, but no such building or structure shall be added to or altered unless special permission to do so is granted by the Board.

373. If at the date of publication of these by-laws in the *Government Gazette* any land, building or structure is being used for a purpose or built on in a manner not permitted by these by-laws, and such use or purpose is afterwards discontinued or changed or the buildings removed so that it conforms with these by-laws, no person shall thereafter use such land, building or structure for any purpose or in any manner not permitted by these by-laws.

374. If any building or structure is at the date of the publication of these by-laws in the *Government Gazette* being used for a purpose or constructed in a manner not permitted by these by-laws and is subsequently destroyed or damaged by fire or otherwise to the extent of more than seventy-five (75) per cent. of its value, it shall not thereafter be repaired, rebuilt, altered or added to for the purpose of being used for any purpose not permitted by these by-laws, or in a manner not permitted by these by-laws, unless special permission to do so is granted by the Board.

Compensation—Zoning.

375. Claims for compensation by reason of the operation of by-laws 336 to 374 shall be made not later than six months from the date on which by-laws containing these provisions or the same relevant provisions as are in the said by-laws respectively were first published in the *Government Gazette*.

* See by-law 14 for definition of duplex house.

† See by-law 359 as to extent of application.

‡ See also by-laws 19 and 19A of Road Districts (Petrol Pump) By-laws reprinted in Appendix 13.

*Building Lines.**General.*

376. The building line for any building or structure shall, subject as hereinafter provided, be—

- (a) for land in a Residential Zone—twenty-five (25) feet from the alignment of the road or street on which such land abuts;
- (b) for land in a Residential and Flat Zone—twenty-five (25) feet from the alignment of the road or street on which such land abuts;
- (c) for land in a Business Zone—thirty (30) feet from the alignment of the road or street on which such land abuts.
- (d) for land in an Industrial Zone—thirty (30) feet from the alignment of the road or street on which such land abuts;
- (e) for land in a Light Industrial Zone—thirty (30) feet from the alignment of the road or street on which such land abuts.

Curved Streets.

377. Where the road or street alignment is curved, irregular or not at right angles to the side boundaries of the land, a person may erect a building in front of the building line, provided that the mean of the greatest and least distance of the building from the road or street is not less than the distance fixed for the appropriate building line.

Corner Blocks.

378. Where a parcel of land has a frontage to more than one road or street, the following provisions shall apply:—

- (a) In a Residential Zone and in a Residential and Flat Zone a person may erect a building (other than flats) nearer to one only of the roads or streets than the building line but not nearer than ten (10) feet to that road or street.
- (b) No person shall erect or use a building as flats unless the building is not nearer than twenty-five (25) feet from one road or street and not nearer than ten (10) feet from the other road or street.
- (c) In a Business Zone a person may erect a building nearer to the less important of the two roads or streets than the building line, but not nearer than eight (8) feet three (3) inches to such road or street.

Existing Adjoining Buildings.

379. In Scarborough and Hamersley Wards, if in the case of any parcel of land buildings have been erected on the lots adjoining on both sides and both of these buildings are in front of the building line, the Perth Road Board may permit a building to be erected on that parcel of land in front of the building line but not nearer to the road or street than the rearmost of the two buildings, but in any case not nearer to the road or street than eight (8) feet three (3) inches.

380. In Inglewood, Maylands and Osborne Wards, if in the case of any parcel of land buildings have been erected on the lots adjoining on both sides and both of these buildings are in front of the building line, the Perth Road Board may permit a building to be erected on that parcel of land in front of the building line but not nearer to the road or street than the rearmost of the two buildings.

Outbuildings.

381. When on account of the contour shape or dimensions of or want of access to the rear portion of an allotment, or for any other reason the construction of a domestic garage or outbuilding in a position in accordance with these by-laws is impracticable, the Board may permit the erection of a garage or outbuilding in any other position subject to such restrictions as to design and materials of construction as may in the opinion of the Board be necessary to preserve the amenity of the area.

Hutton Street.

382. The building line for any building or structure erected on any land having a frontage to Hutton Street between Scarborough Beach Road and Guthrie Street shall be ten (10) feet from the alignment of Hutton Street.

Swan Location 1151, Hamersley Ward.

383. The building line for any building or structure erected on any land in Swan Location 1151 shall be twenty (20) feet from the alignment of the road or street on which such land abuts.

Scarborough Beach Road, Swan Location 1296, Lots 1177 and 1178, Plan 3697.

384. The building line for any building or structure erected on lots 1177 and 1178 on Land Titles Office Plan 3697 in Swan Location 1296 shall be ten (10) feet from the alignment of Scarborough Beach Road.

Scarborough Beach Road, Swan Location 1296, Lots 632, 633, 634, 635, 636, Plan 3697.

385. The building line for any building or structure erected on Lots 632, 633, 634, 635 and 636 on Land Titles Office Plan 3697 in Swan Location 1296 shall be eighty-five (85) feet from the alignment of Scarborough Beach Road.

Milner Street, Wanneroo Road, Balcatta Beach Road, Killarney Road, Oswald Street, The Esplanade and Beachton Street.

386. The building lines for the streets and portions thereof shown on the several plans in the Sixth Schedule hereto shall be the lines indicated as dotted lines on the said plans.

387. to 394. Reserved.

Prohibition—Building Lines.

395. Subject as aforesaid, no person shall erect or cause to be erected any building or structure nearer to a road or street than the building line.

Ceiling Heights.

396. Uniform General By-laws published in the *Government Gazette* of 29th June, 1951, read as follows:—

- (1) The minimum height from floor to ceiling of all rooms of a building, intended for use as a dwelling house may be nine feet or more, but not less than nine feet.
- (2) Any person who builds or erects or causes to be built or erected any room in a building intended for use as a dwelling house in contravention of the above by-law is guilty of an offence. Penalty £20.

Building on Wet Land.

397. By-laws made under the Town Planning and Development Act, 1928-1959, for securing sanitary and hygienic conditions in connection with buildings erected on lands liable to inundation, were published in the *Government Gazette* of 14th June, 1935, and are reprinted in Appendix 5 hereto.

Height of Obstruction at Street Corners.

398. By-laws made under the Town Planning and Development Act, 1928-1959, for limiting the height of obstructions at corners of streets, roads or rights of way were published in the *Government Gazette* of 2nd September, 1932, and are reprinted in Appendix 6 hereto.

Fences.

399. In by-laws 400 to 403 the term "fence" means a fence abutting on a road and where the context so admits includes a wall.

400. No person shall erect a fence of corrugated iron without the written consent of the Board, which consent the Board may in its discretion grant or refuse on such terms and conditions as it deems fit.

401. No person shall erect a fence which is dangerous and except in a Rural Zone no person shall erect a fence of barbed wire.

402. The owner of land on which a fence is erected shall maintain the fence in good condition and in such manner as to prevent it from becoming dilapidated, unsightly or prejudicial to the property in or the inhabitants of the neighbourhood.

403. The owner of any land upon which a fence has been erected otherwise than in accordance with these by-laws or which is not maintained in accordance with these by-laws shall, upon 28 days' notice being given to him by the Board, take down and remove the fence.

Verandahs.

404. No person shall construct any verandah over any part of a road without having first obtained the written consent of the Board.

405. Any person desiring to obtain the consent of the Board to the erection of such verandah shall deposit with the Building Surveyor, a plan, elevation, section, and specification, showing in detail the proposed construction, of such verandah and the manner in which it is proposed to secure it to the building to which it is proposed to be attached.

406. The owner of any premises from which a verandah or balcony is erected shall maintain the verandah or balcony in good repair and in a safe condition.

407. If in the opinion of the Board any verandah or balcony is in need of repair or is unsafe, the Board may give notice thereof to the owner of the premises from which such verandah or balcony extends and direct that the said verandah or balcony shall either be repaired or shall not be used until repaired or both. The owner of the said premises to whom such notice has been given shall forthwith carry out the terms of the said notice and if directed that the said verandah or balcony be not used until repaired, prevent persons using it until it has been repaired.

408. The Board may by notice require the owner of any verandah or balcony, whether erected before or after the coming into operation of the Road District Act Amendment Act, 1959, extending over any road or way and which is supported by or on posts or pillars, to remove it within the time stipulated in the notice. The said notice shall be given and served by the Board on the said owner.

409. If the owner of the said verandah or balcony fails to comply with the said notice within the time specified therein, he shall be guilty of an offence.

410. If the owner of the said verandah or balcony makes default in complying with the terms of a notice given in pursuance of by-law 408, the Board may, by its officers, servants or contractors, remove the said verandah or balcony and recover the cost of so doing from the owner thereof.

House Numbering.

411. The Board may number and from time to time renumber all or any houses within the District.

412. The Board may adopt a plan or system of numbering of houses in any road or part thereof within the District and may either place numbers on the said houses or the front gates or fences thereof, or by notice in writing require the owner or occupiers thereof to affix number plates of a specified size on the houses or front gates or fences in accordance with the said plan or system of numbering.

413. The Board may, from time to time, alter any plan or system of numbering of houses adopted by it and may either replace with new numbers those previously placed by the Board on the said houses, front gates, or fences, or may by notice in writing, require the owners or occupiers of the said houses to affix numbers or new numbers of a specified size on the houses, front gates, or fences, in accordance with the alterations to the said plan or system of numbering.

Provided that any person who has affixed a number to his house, fence, or gate and is required to renumber his house may obtain the required numerals free of charge from the Board, and if a person has affixed numerals of an ornamental type, numerals of a similar type will, if practicable, be replaced by the Board free of cost to the person concerned.

Spreading Vegetation.

414. In by-laws 415 to 417 the following terms shall have the meanings hereinafter respectively assigned to them if not inconsistent with the context or subject matter:—

“Road” means any road, footway or land under the control of or vested in the Board.

“Vegetation” means any tree, shrub, plant, grass, weed or the roots or branches thereof.

415. Any person being the owner or occupier of land within the District shall prevent vegetation from spreading from such land on to, over or under any road so as to be or become a nuisance.

416. Any person being the owner or occupier of land within the District from which any vegetation has spread on to, over or under any road in such manner as to be or become a nuisance shall forthwith remove all such vegetation or otherwise abate or prevent the nuisance.

417. The Board may give written notice to the owner or occupier of land from which vegetation has spread on to, over or under any road as aforesaid, directing that such vegetation be removed or that the nuisance otherwise be abated and specifying the time, within which and the manner in which such vegetation is to be removed or the nuisance abated.

418. Any person who fails to comply with a notice given in pursuance of by-law 417 hereof shall for every such failure be guilty of an offence.

Street Lawns and Gardens.

419. The owner or occupier of land abutting on a road may plant and maintain a street lawn on the road in front of such land and if he so desires have such street lawn registered with the Board and obtain a certificate of registration.

420. A street lawn shall not encroach upon the paved portion of the road or any paved footway.

421. A person desiring to plant and maintain a garden as part of or in place of a street lawn or to plant shrubs thereon may make application to the Board for permission to do so.

422. The application shall give full details of the proposed garden or shrubs.

423. The Board may in its discretion grant or refuse permission to the planting and maintenance of a garden as part of or in place of a street lawn or to the planting of shrubs and may at any time withdraw such permission.

424. No person shall place any obstruction on or around any street lawn or garden.

425. The Board may at any time and without notice and without paying any compensation therefor remove any street lawn or garden or part thereof or any shrubs on the road.

426. No person shall ride or drive any animal or vehicle on or across any street lawn or garden or cause any damage thereto or to any shrubs thereon.

*Sand Drift.**

427. No person shall remove or damage any plant or grass grown or any substance placed on land for the purpose of preventing sand drift.

Refuse Adversely Affecting Neighbours.

428. The Board may require the owner or occupier of any land within the District to remove within a time specified in a notice given by the Board and served on the owner or occupier of the land, refuse, rubbish, or other material which, in the opinion of the Board, is likely to affect adversely the value of adjoining property, or the health, comfort or convenience of the inhabitants thereof.

429. Any owner or occupier of land who fails to comply with the terms of a notice given in accordance with by-law 428 within the time specified in the said notice shall be guilty of an offence.

Clearing Vacant Land.

430. An owner of any land situated within a Residential Zone, a Lawley Residential Zone, a Residential and Flat Zone, a Lawley Special Residential Zone, a Lawley Two Flat Zone, a Business Zone or a Lawley Business and Residential Zone, shall clear such land of trees, scrub and undergrowth, upon notice being served on him to do so by the Board.

Keeping of Bees.

431. No person shall keep bees unless within a Rural Zone.

*The Sand Drift Act, 1919, is reprinted in Appendix 7 to these by-laws.

*Nuisances.**Smoke, Fumes, Dust, Sawdust.*

432. No person shall conduct any business or engage in any undertaking on any land or premises in such a manner as to permit the escape therefrom of smoke, dust, sawdust, fumes, liquid wastes or noises in such a quantity or extent or in such a manner as to create or be a nuisance to any inhabitant in the neighbourhood of such land or premises, or to traffic or persons using roads in the vicinity.

433. No person shall stack or permit the accumulation of or burn on any land or premises occupied or used by him, any sawdust in such a place or in such manner that it, or the smoke therefrom, shall be or become a nuisance to any inhabitants in neighbourhood of such land or premises, or to traffic or persons using roads in the vicinity.

Dog Racing.

434. No person shall carry on or permit or suffer to be carried on any dog racing sport, entertainment or pastime in such a manner as to create or become a nuisance.

Horse Training and Horse Racing.

435. No person shall exercise, train or race any horse or other animal in such manner as to create or become a nuisance.

Dance Floors.

436. No person shall conduct or assist in conducting any indoor or outdoor dance or entertainment if such dance or entertainment is or becomes a nuisance.

Abatement of Nuisances.

437. The Board may, by its officers, workmen or agents, enter upon any land for the purpose of abating any nuisance prohibited by these by-laws and may do any act or thing reasonably required to abate such nuisance.

Advertising Hoardings.

438. By-laws for the control of hoardings made under the provisions of the Town Planning and Development Act, 1928-1959, were published in the *Government Gazettes* of 27th November, 1931, and 4th August, 1933, and are reprinted in Appendix 8.

*Quarrying and Excavation.**

439. No person shall quarry for stone, gravel, sand or other material or make any other similar excavation on other than Crown land within the District, without having first obtained a license to do so from the Board.†

440. An application for a license to quarry or excavate shall—

- (a) state the purpose of the excavation;
- (b) be accompanied by a plan showing the location and limits of the area proposed to be excavated, the location of any existing and proposed buildings and machinery, and give details of the existing levels of the land and the depth and extent of the proposed excavations;
- (c) give details of proposed subdivisions or future development if any.

441. An applicant for a license to quarry or excavate shall give to the Board such additional information concerning the proposed excavation as the Board may require.

442. The applicant for a license to quarry or excavate shall send by registered post to all owners of land within three hundred (300) yards of the proposed excavation notice of the proposed application and inform them that they may within seven days object to the Board in writing to the granting of the license.

* Certain by-laws in respect of excavations in subdivided areas were made under the provisions of the Town Planning and Development Act, 1928-1959, and were published in the *Government Gazette* of 23rd July, 1937.

† See section 202 of the Act as to right of appeal from the refusal of the Board to grant a license.

443. A license to quarry or excavate shall expire on the 31st day of December next after the granting of the license. All licenses granted under the provisions of any previous by-laws shall expire on the 31st day of December next after the publication of these by-laws in the *Government Gazette*. Any license may be renewed by the Board for a further term expiring on the 31st day of December next following.

444. The fee for a license to quarry or excavate or for any renewal thereof shall be that set out in the Schedule hereto.

445. Before a license to quarry or excavate is issued by the Board the applicant shall deposit the sum of one hundred pounds (£100) with the Board. The said sum shall be retained by the Board for the duration of the license and any renewal thereof and until the licensee shall have complied with by-laws 448, 449, 450, 451 and 454 hereof. If the licensee shall commit a breach of any of the provisions of the said by-laws the Board may have the necessary work or filling carried out and pay the cost thereof from the said deposit. Upon the expiration of the license and the carrying out of the said works the balance of the said sum shall be repaid to the licensee.

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

447. If residences are situated within three hundred (300) yards of the excavation, no person shall carry on working operations in or about the excavation, except between the hours of eight o'clock in the morning and six o'clock in the evening.

448. The licensee shall provide retaining walls and shall take such precautions as may be necessary to prevent subsidence of any portion of the excavation.

449. No person shall—

- (a) excavate below the level of the nearest road without the written consent of the Board;
- (b) excavate within sixty-six (66) feet of any road;
- (c) excavate other than in accordance with the terms of his application and accompanying plans without the written consent of the Board;
- (d) permit stagnant water to remain in any excavation made by him;
- (e) tip rubbish into any excavation without the written consent of the Board.

450. Where quarrying is carried on for the purpose of recovering stone, gravel, sand or other material, the licensee shall securely fence the excavation and keep the gateways locked when not actually in use, in order that unauthorised persons may not enter the excavation.

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

452. The licensee shall provide adequate safety precautions for those working in the excavation and for passers-by, and between five and 10 minutes before blasting a charge the licensee shall, by bell, whistle or other means, give sufficient warning of danger.

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

454. When the excavation has been completed in accordance with the application and plans, or when the license has expired and no renewal thereof granted, the floor of the excavated area shall be levelled to an even surface and the sides sloped to a batter sufficient to prevent subsidence of the surrounding area.

455. If any person shall fail to comply with any of the terms of an agreement entered into by the licensee and the Board relative to the quarrying and excavating, or shall commit a breach of any of these by-laws, the Board may cancel the license.

456. The Board may refuse to grant a license or to renew a license to quarry or excavate.

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

458. These by-laws shall apply to licenses already issued by the Board.

Blasting.

459. No person shall carry on any blasting operations without the permission of the Board, or at any place or time other than that specified in the permit.

Encroachments or Obstructions to be Removed.

460. The Board may by notice in writing direct the removal, within the time specified in the notice, of any building, fence or other obstruction or encroachment in or upon any road, reserve or public place under the control of the Board.

461. In any case where, after service of notice for such removal, any such obstruction or encroachment has not been removed within the specified time, it shall be lawful for the Board by its officers, workmen or agents to remove the obstruction.

462. Any person who fails to comply with the said notice shall be guilty of an offence.

Land Sub-Division.

463. Part 1 of the General By-laws published in the *Government Gazette* of the 4th July, 1924, and reprinted in Appendix 1, deals with land sub-divisions.*

PART VIII.—MISCELLANEOUS.

Pounds, Pound Keepers and Poundage Fees.†

464. In pursuance of the powers conferred on it the Board has established a public pound at Part of Lot 1, Flinders Street, Tuart Hill.

465. The trespass, impounding and sustenance fees which shall be charged and collected by the Pound Keeper‡ are set out in the Third Schedule hereto.

466. The scale of damages for trespass which the Board is entitled to recover for trespass upon or damage to land whereof the Board is the owner, or upon land within the limits of the District which shall not be enclosed by a sufficient fence and which abuts on any road or reserve within the District, or is situated in any townsite in the District, is set out in the Third Schedule hereto.

Dogs.§

467. 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.||

468. A dog seized by the Police or by an officer authorised by the Board may be placed in a pound.

469. 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.

470. 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 Third Schedule hereto, the dog shall be released to such person.

* See also Part III of Town Planning and Development Act, 1928-1959.

† The powers and authorities of the Board and the statutory provisions relating to this subject are contained in the Cattle Trespass, Fencing, and Impounding Act, 1882-1932, and section 197 of the Act.

‡ William Olds Williams has been appointed Ranger and Pound Keeper (see notice in the *Government Gazette* of the 4th July, 1947).

§ The Dog Act, 1903-1948, is reprinted in Appendix 9 to these by-laws. By Order in Council published in the *Government Gazette* of the 3rd day of July, 1953, and reprinted in Appendix 10 to these by-laws, the Board was empowered to make by-laws as therein mentioned. As to Alsatian dogs see Alsatian Dog Act, 1929-1952.

|| A copy of the notice establishing a dog pound at Balcatta Road, and appointing William Olds Williams Pound Keeper, published in the *Government Gazette* of the 22nd day of August, 1958, is reprinted in Appendix 11 to these by-laws.

471. The Pound Keeper shall be in attendance at the pound for the release of dogs at such times and on such days of the week as shall from time to time be determined by the Board. In the absence of the Pound Keeper a claim for a dog seized or impounded may be made to the Board.

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

473. 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 Pound Keeper or other officer authorised by the Board may sell such dog.

474. Upon the sale of a dog the proceeds of 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.

475. If within the times mentioned in by-law 473 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.

476. 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.

477. 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 to the Board the fee specified in the Third Schedule hereto.

478. No person shall—

- (a) unless a Pound Keeper or other officer of the Board duly authorised in that regard, release or attempt to release a dog from a pound;
- (b) destroy, break into, damage, or in any way interfere with or render not dog-proof any 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.

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

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

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

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

482. 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 those provisions.

* See by-law 14 for definition of public bathing reserve.

483. 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.

484. Any person who shall commit a breach of any of the by-laws numbered 467 to 483 shall upon conviction be liable to a penalty not exceeding five pounds (£5).

Pollution of Water.

485. No person shall pollute, obstruct, injure or damage any water course, water channel, pool, well, dam, tank, reservoir or other waters within the District without the written authority of the Board.

Offensive Waters From Factories.

486. No person shall permit poisonous or offensive waters from any mine, factory or other work or undertaking to flow outside the limits of any land occupied or owned by him, unless into a drain approved by the Board.

487. No person shall permit poisonous or offensive waters to flow from any mine, factory or other work or undertaking on to land owned or occupied by him unless the land is sufficiently fenced to prevent persons from entering upon the said land.

*Street Photographers.**

488. A person wishing to operate as or carry on the business of a street photographer within the District shall make application to the Board in the form of Form No. 6 in the Second Schedule hereto for a license to do so.

489. The Board may grant to a street photographer a license in the form of Form No. 7 in the Second Schedule hereto.

490. No street photographer shall—

(a) obstruct or cause any obstruction in; or

(b) cause any nuisance or annoyance to the users of any road, public place or reserve under the control of the Board or the foreshore of any river or the sea or any sea or river jetty within the District.

491. No person shall operate as or carry on the business of a street photographer within 50 feet of any building, tent, article of playground equipment, or other structure on any reserve under the control of the Board or on the foreshore of any river or the sea within the District.

Petrol Pumps.

492. Road Districts (Petrol Pump) By-laws published in the *Government Gazette* of the 22nd of March, 1957, are reprinted in Appendix 13 to these by-laws.

Caravans.

493. Uniform and General Caravan Parking By-laws published in the *Government Gazette* of the 17th of February, 1950, as amended by by-laws published in the *Government Gazette* of the 3rd of July, 1953, are reprinted in Appendix 14 to these by-laws.

494. Caravan and Camp Regulations published in the *Government Gazette* of the 16th of December, 1949, as amended by regulations published in the *Government Gazette* of the 30th of May, 1952, are reprinted in Appendix 15 to these by-laws.

495. Where the entrance to any land used as a caravan parking area is from a paved public road, the owner of the said land shall construct a paved crossing place from the public road to the entrance of the caravan parking area.

496. Where the entrance to any land used as a caravan parking area is from an unpaved public road and that road is subsequently paved, the owner of the said land shall within three months of the completion of the paving of the public road at the entrance of the caravan parking area construct a paved crossing place from the public road to the entrance of the caravan parking area.

497. No person using a caravan parking area shall cause any nuisance or annoyance to the owners or occupiers of land or buildings adjoining or in the vicinity of the caravan parking area.

498. Where land has been laid out by the owner thereof to provide a parking area for caravans, no person shall permit more caravans to be parked thereon than the number specified by the Board.

* The Street Photographers Act, 1947, is reprinted in Appendix 12 to these by-laws.

499. No person shall lay out land to provide a parking area for caravans—
 (a) unless an adequate water supply is available; and
 (b) if a dwelling is erected on the land and the area of the land is less than one-half of an acre.

500. The Board may from time to time declare any reserve or part thereof to be a parking area for caravans and may, subject to these by-laws, impose such terms and conditions on the use of such reserve or part thereof as it deems fit.

Argentine Ants.

501. Provision is made for the control, prevention and destruction of Argentine Ants by the Argentine Ant Act, 1954, and the regulations made thereunder and by Regulations and by-laws made under the Health Act, 1911-1957.* These are not reprinted with these by-laws.

Offences and Penalties.

502. Any person who shall fail to comply with the terms of a notice or order given to him in pursuance of the provisions of any of these by-laws within the time specified in the notice or order, or if no time is specified therein within two months from the service of the notice upon him, shall be guilty of an offence.

503. Any person who shall commit a breach of any of the terms or conditions of a license granted to him under any of these by-laws shall be guilty of an offence.

504. Any person who shall commit a breach of any of these by-laws, or shall be guilty of an offence under any of these by-laws, shall (except where otherwise provided in these by-laws†) be liable to a fine not exceeding twenty pounds (£20).

FIRST SCHEDULE.

*By-laws of the Perth Road Board not repealed by By-law 13.
 Building By-Laws.*

Building By-laws published in the *Government Gazettes* of—

- (1) 17th July, 1936, at page 1098 (Tenement Houses).
- (2) 2nd September, 1938, at pages 1395-6 (Building Licenses).
- (3) 16th August, 1940, at pages 1516-8 (General).
- (4) 24th December, 1948, at pages 3061-2 (Amendment to General Building By-laws).
- (5) 25th June, 1954, at page 1148 (Amendment to General Building By-laws).
- (6) 21st November, 1958, at pages 3114-5 (Fees).

Health By-Laws.

Health By-laws published in the *Government Gazettes* of—

- (1) 29th March, 1934, at page 431 (Amendment to Model By-laws).
- (2) 22nd March, 1935, at page 695 (Amendment to Model By-laws).
- (3) 12th November, 1937, at page 1943 (Amendment to Model By-laws).
- (4) 16th January, 1942, at page 62 (Sanitary Conveniences).
- (5) 27th October, 1944, at page 914 (Keeping of Swine).
- (6) 20th September, 1946, at page 1164 (Eating Houses).
- (7) 14th January, 1949, at page 44 (Rubbish Receptacles).
- (8) 2nd November, 1951, at page 3023 (Poultry).
- (9) 2nd November, 1951, at page 3024 (Water Supply).
- (10) 7th January, 1958, at page 19 (Rubbish).
- (11) 7th January, 1958, at page 21 (Poultry).
- (12) 12th December, 1958, at page 3247 (Dogs).
- (13) 15th May, 1959, at page 1238 (Amendment to Model By-laws).

* The Argentine Ants (Argentine Ant Act) Regulations, 1955, published in the *Government Gazette* of 17th June, 1955, were amended by Regulations published in the *Government Gazettes* of 28th May, 1957, 11th April, 1956 and 23rd October, 1956. The Argentine Ants (Health Act) Regulations, 1950, published in the *Government Gazette* of 24th March, 1950, and amended by Regulations published in the *Government Gazettes* of 1st August, 1952, 31st October, 1952, were made applicable to the District by notice published in the *Government Gazette* of 22nd June, 1951. See also by-law 54A of Model By-laws, Series A.

† See by-law 484.

SECOND SCHEDULE.

By-law 222.

Form No. 1.

Perth Road Board.

Hawkers, Itinerant Vendors or Stall Keepers License.

The License of the Perth Road Board is hereby granted to.....

ofhawker

to carry on the business of itinerant vendor for the sale of.....stallkeeper

within those portions of the Perth Road District which are specified in the Schedule hereto or at the place specified in the said Schedule.

The License shall expire on the 31st day of December next.

It is a condition of this License that the Licensee shall not carry on business within a radius of.....from any shop which sells similar commodities to those to be sold by the Licensee.

Schedule.

Dated this.....day of.....19.....

Secretary.

Form No. 2.

By-law 241.

Perth Road Board.

License to Hold a Function on a Reserve.

The Licence of the Perth Road Board is hereby granted to.....

ofto hold a function on.....Reserve on the following terms and conditions:—

- (a) The nature of the function for which this License is granted is.....
- (b) The times during which the function may be held are.....
- (c) The following buildings only may be erected on the reserve and no such building shall be erected before the.....day of.....19....., and all such buildings shall be removed before the.....day of.....19.....

Buildings referred to:—

- (d) The reserve shall be left clean and tidy after the completion of the function.
- (e) No charge for admission to the function shall be made, or a charge not exceeding.....per head may be made for admission to the function.
- (f) Special conditions if any.....

This License is granted subject to the strict compliance with the By-laws of the Board.

Dated the.....day of.....19.....

Secretary.

Form No. 3.

By-law 251.

Application to Erect a Building on a Reserve.

To the Perth Road Board,
Balcatta Beach Road,
Osborne.

I/we.....hereby apply for the consent of the Perth Road Board to the erection of a building on.....Reserve.

- (a) The nature of the building is.....

SECOND SCHEDULE—continued.

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

I/we agree to observe the provisions of the by-laws of the Board and in the event of non-compliance with a notice served in manner specified in the said by-laws to remove the said building, I/we authorise the Board to sell or to take down and remove the building and to sell the building or the materials with which it is constructed and to pay from the purchase money all costs and expenses consequent upon such failure to comply with the notice and such taking down removal and sale.

Dated this.....day of.....19.....
Signed.

Form No. 4.

By-law 252.

Perth Road Board.

Consent to Erect a Building on a Reserve.

The consent of the Perth Road Board is hereby given to.....

 ofReserve
 to erect a building on.....Reserve
 on the following terms and conditions:—

- (a) The nature of the building shall be.....
- (b) The building shall not be used except for the purpose of.....
- (c) The building shall not be used except on the following dates and times.....
- (d) The building shall be erected only on the following part of the reserve.....
- (e) The building shall be constructed of the following materials.....
- (f) The building shall be removed from the reserve on or before theday of.....19..... or on notice to remove the same being given before that date.
- (g) The building shall be constructed in accordance with the plan attached to the application.
- (h) The ownership in the building shall not be transferred or assigned unless notice in the form of Form 5 of the Schedule to the by-laws has been first duly completed and delivered to the Board.
- (i) The building shall not be used during a function without the approval of the person to whom the license to hold such function has been given.
- (j) The building shall not be used as a dwelling or for sleeping purposes.

Special conditions, if any.....
 Dated the.....day of.....19.....
Secretary.

SECOND SCHEDULE—continued.

By-law 261.

Form No. 5.

Perth Road Board.

Transfer of Ownership of Building.

To the Perth Road Board,
Balcatta Beach Road,
Osborne.

I/we..... hereby give notice that
of..... I/we intend to transfer the ownership of the undermentioned building situated
on..... Reserve to.....
of.....
The Transfer will take effect when this notice has been delivered to the Board.
I/we..... (the transferee)
accept the building subject to the terms of the application for consent and the
terms of consent of the Board and hereby undertake to comply with the terms
and condition of the said consent and the by-laws of the Board.

Building referred to:—

.....
Dated the..... day of..... 19.....
Signed by the Transferor.....
Signed by the Transferee.....
Received by the Perth Road Board the..... day
of..... 19.....
..... Secretary.

By-law 488.

Form No. 6.

Perth Road Board.

Street Photographers Act, 1947.
Application for License.

I.....
of.....
hereby apply for a license to operate as and carry on the business of a street
photographer within the district of the Perth Road Board.

I deliver herewith two testimonials in writing as to my character, suit-
ability and fitness to have such a license.

I enclose the sum of one pound (£1) being the fee for the said license.

I do not hold any other license under the Street Photographers Act,
1947.

Dated this..... day of..... 19.....
.....
Signature of Applicant.

By-law 489.

Form No. 7.

Perth Road Board.

Street Photographers Act, 1947.
License.

Name.....
Address.....

is hereby licensed to operate as and carry on the business of a street photo-
grapher within the District of the Perth Road Board.

This license shall remain in force until the 31st day of December, 19.....
and no longer and is not transferable.

Dated this..... day of..... 19.....
Perth Road Board,
.....

Secretary.

Note.—No card, ticket or other printed or written matter shall be tendered,
issued or distributed or caused so to be by any street photographer unless in
accordance with section 9 of the Street Photographers Act, 1947, and unless
in a form first approved by the Perth Road Board,

THIRD SCHEDULE.

Fees.

	£	s.	d.
Hawkers or stallkeepers license	2	0	0
Itinerant Vendors of food	5	0	0
Hire of Maylands Town Hall:			
Hall or Hall and Supper Room:			
Saturday Nights	6	0	0
Week Nights (irrespective of time limit prior to mid-night)	4	0	0
Supper Room—if hired separately:			
Saturday Nights	1	0	0
Week Nights	15	0	0
Day bookings for the Hall or Supper Room—One-half of night rates.			
Hire of Alexander Park Hall:			
Public Dances	12	12	0
Private Parties	8	8	0
By day—per hour	10	6	0
License to quarry or excavate and any renewal thereof	5	0	0

Pounds—Cattle Trespass.

The following trespass, impounding and sustenance fees shall be charged and collected by the Pound Keeper:—

Poundage Fees.

10s. per head for great cattle.

5s. per head for small cattle.

Sustenance.

8s. per diem of 24 hours and 4s. per diem of 12 hours for every head of great or small cattle.

The following is the scale of damages for trespass, which the Board is entitled to recover for trespass upon or damage to land whereof the Perth Road Board is owner, or upon land within the limits of the said Road Board District which shall not be enclosed by a sufficient fence and which abuts on any road or reserve within such District, or is situated in any townsite in such District:—

For every entire horse, ass or bull, in the daytime—not less than £2 nor more than £4.

For every such horse, ass or bull in the night time—not less than £3 nor more than £5.

For every other head of "great cattle" by night or by day—three pence.

For every other head of "small cattle" by night or by day—one penny.

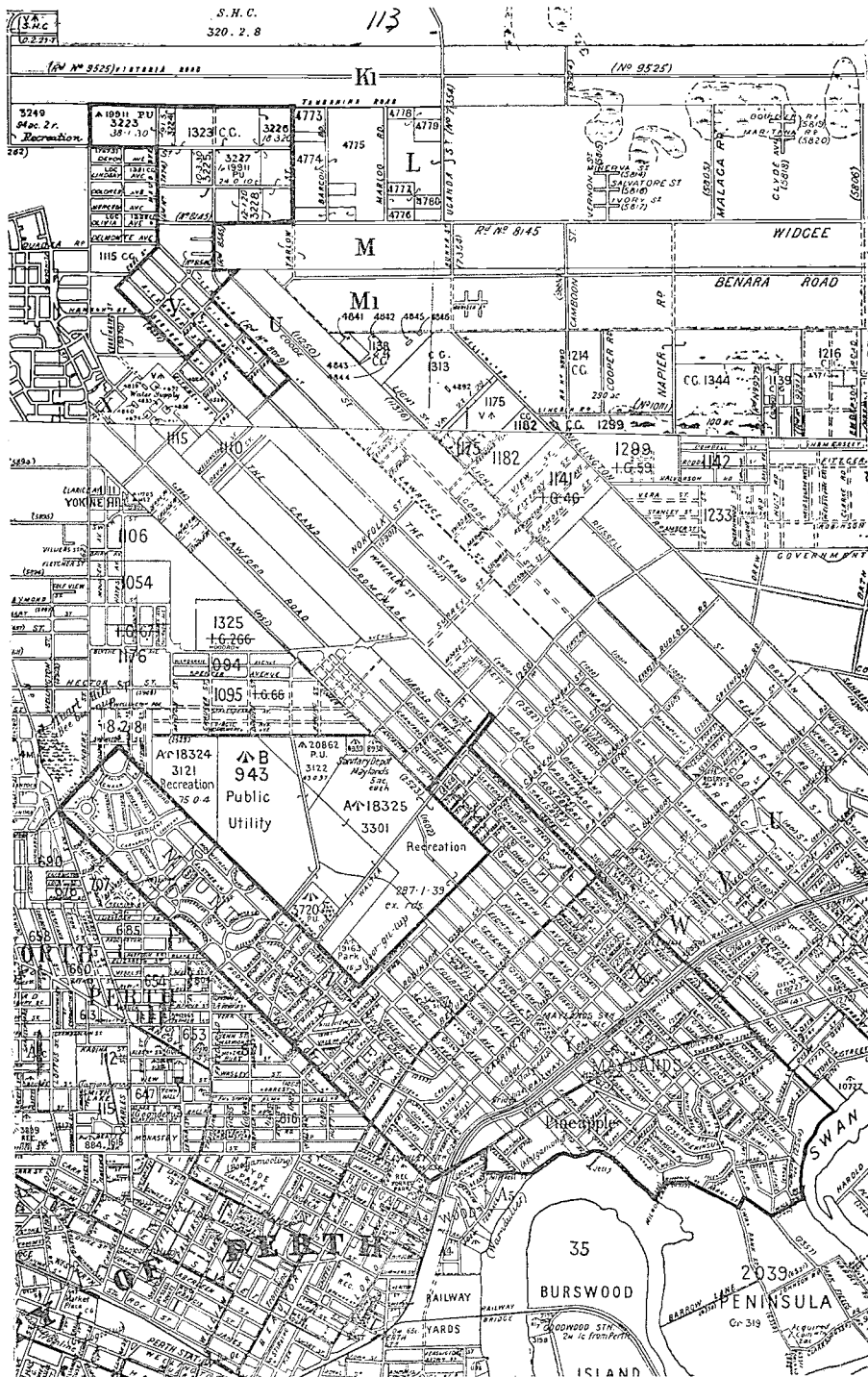
For the seizure or impounding of a dog—10s.

For the sustenance and maintenance of a dog in the Pound—5s. per day.

For the destruction of a dog—10s.

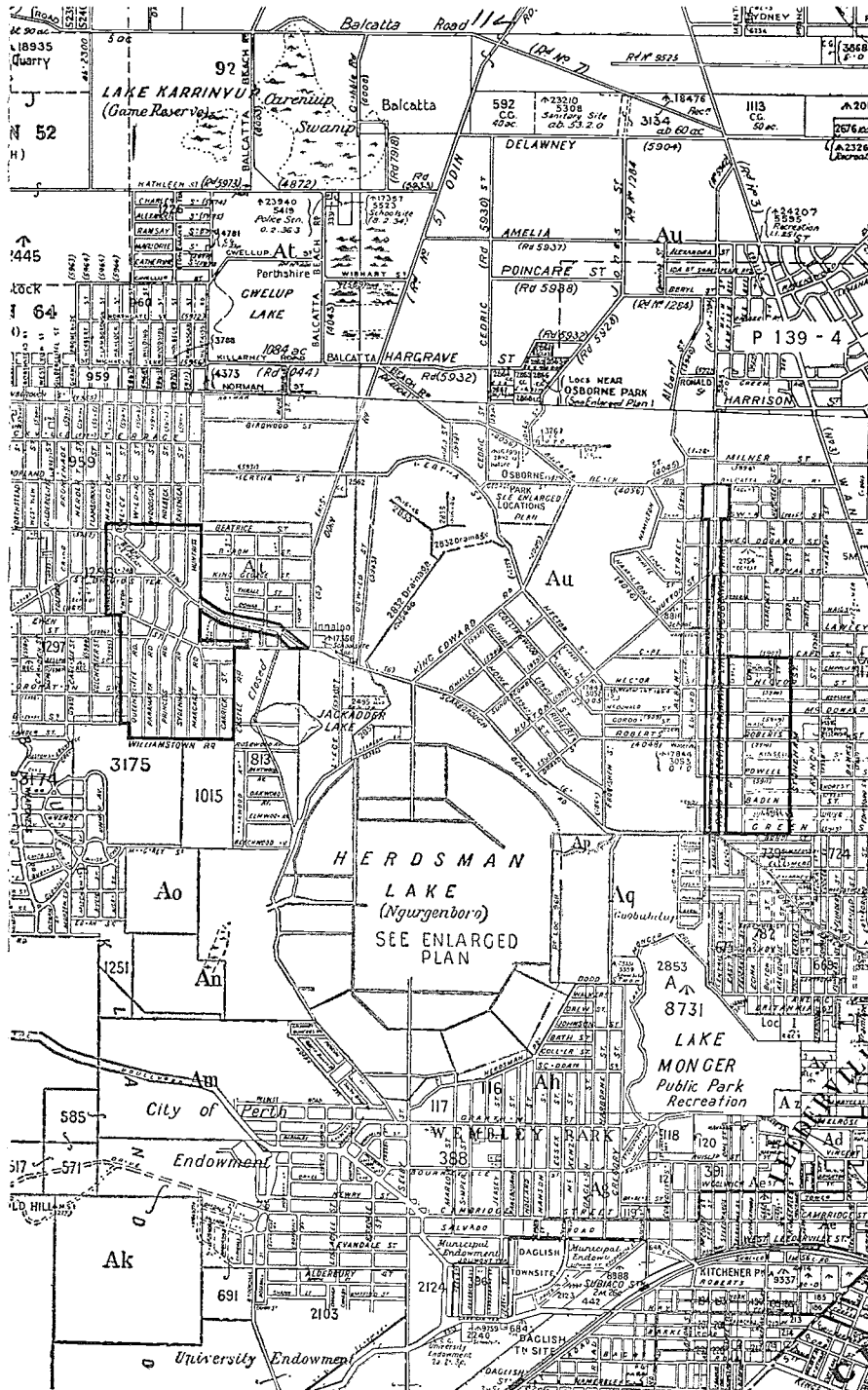
FOURTH SCHEDULE.

By-laws 331 and 332.



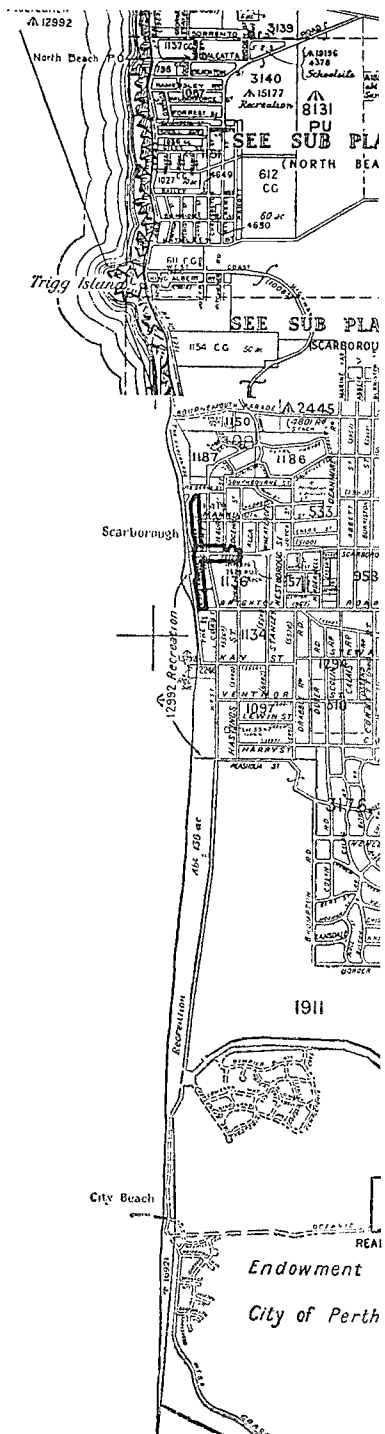
FOURTH SCHEDULE—continued.

By-laws 331 and 332—continued.



FOURTH SCHEDULE—continued.

By-laws 331 and 332—continued.



FIFTH SCHEDULE.

*Zoning.**Section 1—Residential Zones.*

Hamersley Ward—The whole of Hamersley Ward, with the exception of those portions thereof which are specified in sections 3 and 6 hereof.

Section 2—Lawley Residential Zones.

Lawley Ward—That portion of the Lawley Ward which is situated on the north-western side of Alexander Drive but with the exception of those portions thereof which are specified in section 7 hereof.

Section 3—Residential and Flat Zones.

Scarborough Ward—The whole of Scarborough Ward with the exception of those portions thereof which are specified in section 6 hereof.

Hamersley Ward—The following portions of Hamersley Ward:—

Beachton Street—

- (i) Portion of Swan Location 798 and being lots 5 to 8 (inclusive) on Diagram 12815 and pt. lot 125 on Diagram 15192.
- (ii) Portion of Swan Location 1087 and being lot 15, the un-numbered lot to the east of lot 15, and lots 3 and 4 on Plan 3500.

Balcatta Beach Road—

- (i) Portion of Swan Location 798 and being lots 7, 8 and 9 on Diagram 12815 and pt. lot 125 on Diagram 15192.
- (ii) Portion of Swan Location 1087 and being lots 1 and 2, and the un-numbered lot to the west of lot 2 on Plan 3500.

Elsie Street—

- (i) All lots on Plan 2482 on the northern side of Elsie Street, between West Coast Highway and Flora Terrace.
- (ii) Portion of Swan Location 1032 and being lots 18 and 19 on Plan 2484.

Lynn Street—All lots on Plan 4098 on the south side of Lynn Street, between West Coast Highway and Chrysostom Street.

Lawley Street—All lots on Plan 5147, fronting the south side of Lawley Street, between West Coast Highway and Flora Terrace.

Sorrento Street—

- (i) Portion of Swan Location 1137 and being lots 21, 22, 48 and 49 on Plan 2710.
- (ii) All lots on Plan 2710 on the north side of Sorrento Street, between West Coast Highway and George Street.

West Coast Highway—

- (i) All lots on Plans 2786 and 5487 having a frontage to West Coast Highway from and including lot 3, on Plan 2786 to Kathleen Street.
- (ii) All lots on Plans 4098 and 2629 having a frontage to West Coast Highway, between Bailey Street and Lynn Street.
- (iii) Portion of Swan Location 798 and being the whole of the land in Certificate of Title, Volume 993, Folio 105.
- (iv) All lots on Plan 2484 having a frontage to West Coast Highway between Elsie Street and Mary Street.
- (v) All lots on Plan 2710 having a frontage to West Coast Highway between Balcatta Beach Road and Sorrento Street.

FIFTH SCHEDULE—*continued.*

- (vi) Portion of Swan Location 548 and being lots 306 to 308 (inclusive) on Diagram 9091.

All lots bounded by West Coast Highway, Giles Street, Chrysoptom Street and Lynn Street.

Inglewood Ward: The whole of Inglewood Ward, with the exception of those portions thereof which are specified in sections 6 and 10 hereof.

Maylands Ward: The whole of Maylands Ward, with the exception of those portions thereof which are specified in sections 6 and 10 hereof.

Osborne Ward: The whole of Osborne Ward, with the exception of those portions thereof which are specified in sections 6, 9 and 10 hereof.

Lawley Ward: Field Street—Portion of Swan Location Z and being lot 1 on Diagram 5906.

Section 4—Lawley Special Residential Zones.

Those portions of Lawley Ward being all lots having a frontage to Beaufort Street, between Queen's Crescent and First Avenue and in each case to a depth of 165 feet are hereby classified as a special residential district.

Section 5—Lawley Two Flat Zones.

Lawley Ward: That portion of the Lawley Ward which is situated on the south-eastern side of Alexander Drive but with the exception of so much thereof as is specified in sections 4 and 7 hereof.

Section 6—Business Zones.

Scarborough Ward—

The Esplanade—All lots in Plans 3670, 515 and 2603, and in Diagram 9599 having a frontage to The Esplanade between Reserve Street and lot 7 on Diagram 9599.

Manning Street—All lots on Plan 3670 in Manning Street between The Esplanade and West Coast Highway.

Scarborough Beach Road—

- (i) All lots on Plan 3670 on the north side of Scarborough Beach Road between The Esplanade and Filburn Street.
- (ii) All lots on Plan 3670 on the north side of Scarborough Beach Road between Wheatcroft Street and Joyce Street.
- (iii) All lots on Plan 5941 on the north side of Scarborough Beach Road from and including lot 5 on Plan 5941 to Joyce Street.
- (iv) All lots on Plan 3168 on the north side of Scarborough Beach Road, between Westview and Gildercliffe Streets.
- (v) All lots on Plan 515 on the south side of Scarborough Beach Road, between The Esplanade and Hastings Street.
- (vi) All lots on Plan 3697 on the south side of Scarborough Beach Road, between Herbert Street and Flamborough Street.
- (vii) All lots on Plan 3697 on the south side of Scarborough Beach Road from and including lot 1182 on Plan 3697 to St. Brigid's Terrace.
- (viii) Portion of Swan Location 1296 and being lots 632, 633, 634, 635 and 636 in Scarborough Beach Road.

Joyce Street—Portion of Swan Location 1419 and being lots 4 and 5 on Plan 3670.

Hancock Street—Portion of Swan Location 959 and being lots 817, 818 and 819 on Plan 3168.

St. Brigid's Terrace—Portion of Swan Location 1296 and being all lots on the north side between Westview Street and Gildercliffe Street.

Coronation Street—Portion of Swan Location 1296 and being lots 1706 and 1757 on Plan 4106.

FIFTH SCHEDULE—*continued.*

Sydenham Street—Portion of Swan Location 1296 and being lot 1707 on Plan 4106.

Margaret Street—Portion of Swan Location 1296 and being lot 1756 on Plan 4106.

Brompton Road—Portion of Swan Location 3176 and being lots 357 to 360 (inclusive) on Plan 5293.

Ewen Street—Portion of Swan Location 1294 and being lot 118 on Plan 4492.

Camden Street, Mitcham Street and Kylie Street—Portion of Swan Location 3175 and being lots 1038, 1039, 1037 and 1040 on Plan 6020.

Brighton Road—Portion of Swan Location 1294 and being lots 12 to 15 inclusive on Plan 4492.

Princess Road—Portion of Swan Location 1296 and being lot 1546 on Plan 4106.

Duke Street—Portion of Swan Location 959 and being lots 229, 230 and 231 on Plan 3168.

Doric Street—lots 2-11 (inclusive) of Swan Location 1297, Plan 6827.

Hamersley Ward—

Balcatta Beach Road—

- (i) All lots on Plan 2710 on the north side of Balcatta Beach Road between West Coast Highway and Odo Street.
- (ii) Portion of Swan Location 1137 and being lots 11, 12, 13 and 15 on Plan 2710.
- (iii) Portion of Swan Location 1087 and being lots 6 to 9 (inclusive) on Plan 3500.

Elsie Street—Portion of Swan Location 1032 and being lots 1, 3, 4 and 5 on Plan 2484.

Flora Terrace—

- (i) Portion of Swan Location 548 and being lots 240 to 244 (inclusive) on Plan 4907.
- (ii) Portion of Swan Location 548 and being lots 1, 2 and 3 on Diagram 11690.
- (iii) Portion of Swan Location 1152, and being lots 1, 2, 3 and 4 between Malcolm Street and Castle Street.

West Coast Highway—

- (i) Portion of Swan Location 1030 and being lots 1, 2 and 3 on Plan 5285.
- (ii) Portion of Swan Location 1152 and being lots 53 and 54 on Plan 2855.

Kathleen Street—Portion of Swan Location 611 and being lots 8 to 13 (inclusive) on Plan 5487, to a depth of 150 feet only from Kathleen Street.

Kitchener Street—Portion of Swan Location 1151 and being lot 54 and lots 84 to 89 (inclusive) on Plan 4098.

Lawley Street—lot 4, on Diagram 11690 in Swan Location 548.

Osborne Ward—

Main Street—

- (i) Portions of Perthshire Location AuC and being lots 508 to 522 (inclusive) and lots 308 to 326 (inclusive) on Plan 2452.
- (ii) Portion of Perthshire Location AuC and being lots 414 to 419 (inclusive) on Plan 2453.
- (iii) Portion of Perthshire Location AuD and being lots 447 to 450 (inclusive) on Plan 2453.

FIFTH SCHEDULE—*continued.*

Wanneroo Road—

- (i) All lots on Plan 2483 on the east side of Wanneroo Road, between Cape Street and Lawley Street.
- (ii) All lots on Plan 2488 on the west side of Wanneroo Road, between Cape Street and Lawley Street.
- (iii) Portion of Perthshire Location AuC and being lots 157 and 158 on Plan 3038.
- (iv) Portion of Perthshire Location AuC and being lots 32 to 35 (inclusive) on Diagram 16860.

Balcatta Beach Road—Portion of Perthshire Location AuC, and being lots 283 to 286 (inclusive) and lots 155 and 156 on Plan 3038.

Stoneham Street—Portion of Perthshire Location AuC and being lot 1138 on Plan 4749.

Hector Street—Portion of Perthshire Location Au and being lot 7 on Plan 2483.

French Street and Powell Street—Portion of Perthshire Location Au and being lots 13, 14, 15 and 16 on Plan 2451.

Beryl Street—All lots on Plan 924 having a frontage to the south side of Beryl Street, between Champion Street and Main Street.

Flinders Street—All lots on Plan 5170 having a frontage to Flinders Street, between Villiers Street and Swan Street.

Muriel Avenue—Portion of Perthshire Location At and being lots 99 to 103 (inclusive) on Plan 3942.

Morris Place—lots 1-11 (inclusive); lots 13-24 (inclusive), all lots being in Perthshire Location At, section K.

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

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

Nollamara—Lots 2, 3 and 9/18 inclusive on Plan 7005, Perthshire Location Au.

Lots 22/8 inclusive on Diagram 22990, Perthshire Location Au.

Inglewood Ward—

All lots in Swan Location X and Y fronting Beaufort Street, to a depth of 165 feet.

Portions of Swan Location X9 and being lots 127, 128, 130, 131, 196, 197, 199 and 200 on Plan 1929.

Portions of Swan Location W, and being lots 5 to 11 (inclusive) on Plan 181—Walter Road.

Railway Parade—Portion of Swan Location Y and being lot 445 on Plan 1884.

Blythe Avenue—Portion of Swan Location 1176 and being lots 97 to 101 inclusive on Plan 4942.

Lonsdale Street—Portion of Swan Location 828 and being lot 53 on Plan 517.

The Strand—Portion of Swan Location V and being lots 12 to 17 inclusive on Plan 6497.

Walter Road—

(i) Portion of Swan Location U and being lots 20 to 27 inclusive on Diagram 17757.

(ii) Portion of Swan Location U and being lots 50 to 56 inclusive on Diagram 19863.

Homer Street—Lots 48-56 inclusive on Plan 6895, Swan Location X, section B.

Light Street—Lot 216 on Plan 6927, Swan Location 1175 and part of Swan Location 1313.

Grand Promenade—Lots 32 and 33 on Plan 602 Swan Location W.

FIFTH SCHEDULE—*continued.*

Maylands Ward—

Whatley Crescent—Portion of Swan Location Y, and being all lots between Eighth Avenue and Rowlands Street.

Eighth Avenue—Portion of Swan Location Y, and being all lots between Whatley Crescent and Guildford Road.

Boundary Street—Portion of Swan Location Y, and being lots 1, 2 and 3 on Diagram 5448.

East Street—Portion of Swan Location Y, and being Lot 1 on Diagram 2150 and Lots 1, 2 and 3 on Diagram 5869.

Guildford Road—

- (i) All lots on Plan 2164 and Diagram 14173, between Seventh and Ninth Avenues.
- (ii) Lots 68, 94 and 95 on Plan 1885, and Lots 1, 2, 3 and 4 on Diagram 2316.
- (iii) Lot 2 (to a depth of 150 feet) on Diagram 4605 and Lots 25 and 26 on Plan 1632.
- (iv) Lots 16, 17 and 18 on Plan 2540.
- (v) Lots 132 and 133 on Plan 1469.
- (vi) All lots between Seventh and Eighth Avenue, on Plan 1885 and Diagram 10239.
- (vii) Lots 124, 125 and 128 on Plan 1885.
- (viii) All lots between Falkirk and Caledonian Avenue on Plan 1885.
- (ix) Lot 564 on Plan 1885.
- (x) Lots 1, 2 and 3 on Diagram 4751.
- (xi) Portion of Perthshire Location Y and being Lot 574 on Plan 1885.

Caledonian Avenue—Portion of Swan Location 2039, being Lots 273-277 (inclusive) on Plan 2610.

Section 7—Lawley Business and Residential Zones.

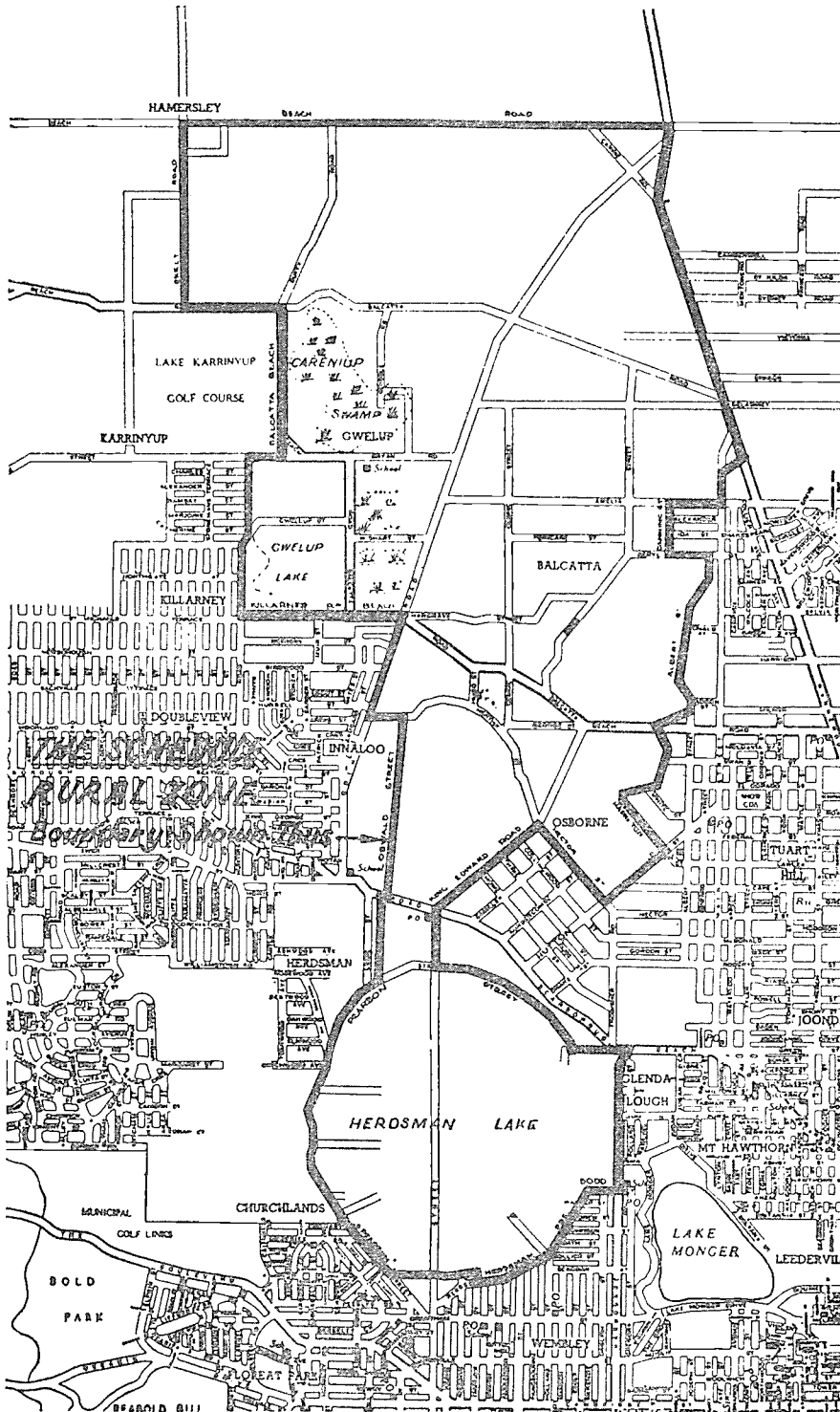
Lawley Ward: Those portions of Swan Location Z being—

- (a) Lots 1204 to 1206 inclusive on Diagram 4452, lots 49 and 50 on deposited Plan 2343, lots 1 to 3 inclusive on Diagram 8967 and lots 52 and 53 inclusive, and lots 1 and 2 of the subdivision of lots 54 and 55 on deposited Plan 2343.
- (b) Lots 77 to 99 inclusive on deposited Plan 2343.
- (c) Lots 153 to 155 inclusive on deposited Plan 2343, lots 1 and 2 on Diagram 3315, lots 2 and 3 on Diagram 5906, lots 1 and 3 of the subdivision of lots 455 and 456 on deposited Plan 2342, lots 457 to 463 inclusive on deposited Plan 2342, lots 1342 to 1345 inclusive on Diagram 4916, and lots 467 and 468 on deposited Plan 2342.
- (d) Lots 657, 666 and 819 on deposited Plan 3218, lots 1 to 3 inclusive on Diagram 4948, lots 821 to 825 inclusive on deposited Plan 3218, and lots 1327 to 1329 inclusive on Diagram 4396.
- (e) Lots 344 to 356 inclusive, lot 358 on deposited Plan 4766 and lots 359 to 370 inclusive on deposited Plan 5723.
- (f) Lots 365 to 379 inclusive on deposited Plan 2343 and lots 427 to 440 inclusive on deposited Plan 2342.
- (g) Lots 384 to 395 inclusive and lots 430 to 451 inclusive on deposited Plan 4766.

Portions of Swan Location Y being—

Lots 94 and 95 on deposited Plan 2671, lots 99 to 118 inclusive on deposited Plan 2473, lots 4 to 21 inclusive on deposited Plan 2473 and lots 119 and 120 on deposited Plan 2671.

FIFTH SCHEDULE—continued.
Section 8—Rural Zones.



FIFTH SCHEDULE—*continued.**Section 9—Light Industrial Zones.*

Osborne Ward—The following portions of Osborne Ward:—

(a) All that land bounded as follows:—

Commencing at the north-western corner of lot 16 McDonald Street (Plan 2733 Perthshire Location Au, Section D), thence easterly along McDonald Street to Albert Street; thence southerly along Albert Street to Roberts Street; thence easterly along Roberts Street to the north-eastern corner of lot 606 Edward Street (Plan 2453, Perthshire Location Au, Section D), thence in a southerly direction to the south-eastern corner of lot 625, Plan 2453, Perthshire Location Au, Section D; thence westerly along the northern side of Scarborough Beach Road to the eastern boundary of the Industrial Zone; thence northerly along this boundary to the point of commencement.

(b) Lots 7 to 11 inclusive, in Flynn Street, being subdivision of Herdsman Lake lot 147.

(c) Portion of Perthshire Location Aq and Au and being lot 4 on Diagram 15069 and lots 5, 6, 7 and 8 on Diagram 13329.

Section 10—Industrial Zones.

Osborne Ward—All that land bounded as follows:—

Commencing at the intersection of King Edward Road and Scarborough Beach Road, thence in a north-easterly direction along King Edward Road to Hector Street; thence south-easterly along Hector Street to Frobisher Road; thence southerly along Frobisher Road to McDonald Street; thence easterly along McDonald Street to the north-eastern corner of lot 15 (Plan 2733 Perthshire Location Au, Section D); thence in a southerly direction along the eastern boundaries of lots 15, 34, 63 and 82 (all lots being on Plan 2733, Perthshire Location Au, Section D) to the south-eastern corner of lot 82; thence in a general southerly direction to the south-eastern corner of lot 33 on Plan 925 (Sheet 1), Perthshire Location Au, Section D; thence in a southerly direction to the north-eastern corner of lot 20 on Diagram 18188, Perthshire Location Au, Section D; thence southerly along the eastern boundary produced, of the said lot 20 to a point on the southern side of Scarborough Beach Road; thence westerly along the southern side of Scarborough Beach Road to the north-eastern corner of part lot 1, (Certificate of Title Volume 1150, Folio 624); then southerly along the eastern boundary of this lot and along the southern boundary produced, of the same lot, to the northern boundary of Herdsman Lake; thence along this boundary to Selby Street; thence northerly along Selby Street to the point of commencement.

Inglewood Ward—Portion of Swan Location X4 and being lots 53 to 97 inclusive on Plan 174.

Portion of Swan Location X, and being lots 14 to 20 inclusive on Plan 2623.

Portion of Swan Location W, and being each of the North-West portions of lots 1 to 4 inclusive on Plan 181, with a depth from the north-west boundary of each lot of 217.8 links.

Portion of Swan Location W and being lots 22 to 29 inclusive on Plan 181.

FIFTH SCHEDULE—*continued.*

Maylands Ward—

Whatley Crescent—

- (i) Portion of Swan Location X, Section 4A, and being lots 151-160 inclusive on Plan 1469.
- (ii) Lot 1 on Diagram 8941.
- (iii) Portion of Swan Location X, Section 3A, and being lots 41-49 inclusive on Plan 1588.
- (iv) All land on Diagrams 4868 and 4954.

Cox Street—

- (i) Portion of Swan Location X, Section 4A and being lots 141-143 inclusive and lots 168-170 inclusive on Plan 1469.
- (ii) Portion of Swan Location X, Section 3A, and being lots 22-25 inclusive on Plan 1588.

Guildford Road—

- (i) Lots 1-10 inclusive on Plan 1885.
- (ii) All lots from and including lot 2 on Diagram 10385, to Diagram 2870 inclusive to a depth of 5½ chains from Guildford Road.

Section 11—Special Zones.

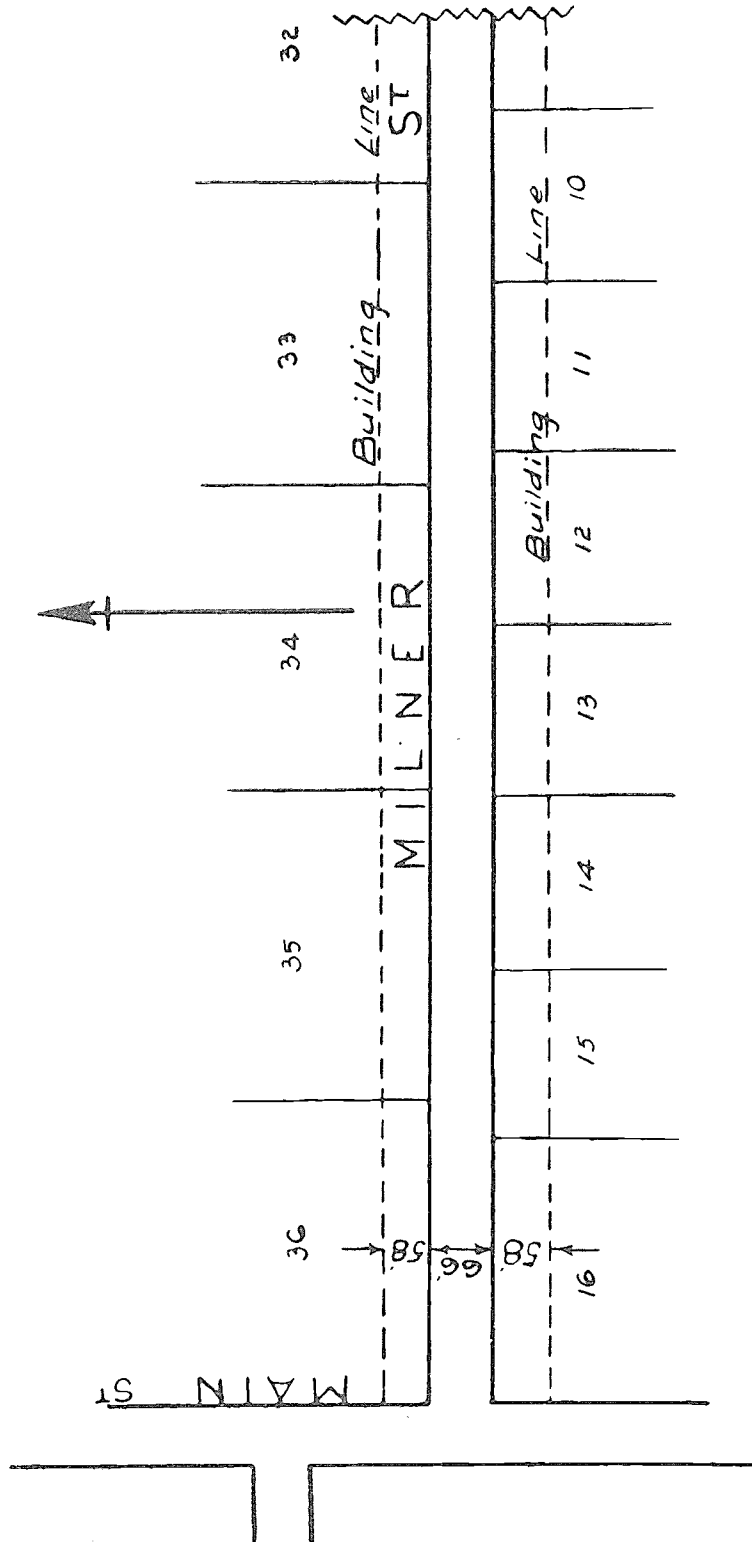
Ward	Particulars of Land	Special Uses
1. Osborne	.... Swan Location 2863 and north part of Swan Location 2866, Plan 2105	The collecting and sorting of empty bottles.
2. Osborne	.... Liege Street : Part of lot 21 of Section J being part of Perthshire Location At Plan 925 ; lots 30, 31, 32 and 33 of Perthshire Location At on Diagram number 14217	Drive-in cinema and reasonable appurtenances thereto.
3. Osborne	.... (a) Lot 7 Flynn Street and lot 16 Pearson Street, being the subdivision of Herdsman Lake lot 147 (b) Barnes Road—Lot 622 on Plan 6736 in Perthshire Location At, Section K	A Service Station. A Service Station.
4. Osborne	.... (a) North Inmaloo—Lot 561 on Plan 6736 in Perthshire Location At, Section K (b) Nollamara—Lot 1140 on Plan 7021 in Perthshire Location Au	An Hotel. An Hotel.
5. Maylands	.... Portion of Swan Location X Section 3A and being lots 5 to 8 inclusive on Plan 1588 situated in Guildford Road.	A Service Station.
6. Inglewood Parts of Swan Location 1115 and Location V and Location 4834 and being the land comprised in Land Titles Office Plan 7363	Television Studios and ancillary establishments for a commercial Television Station.
7 to 12	(Reserved).	

By-law 386.

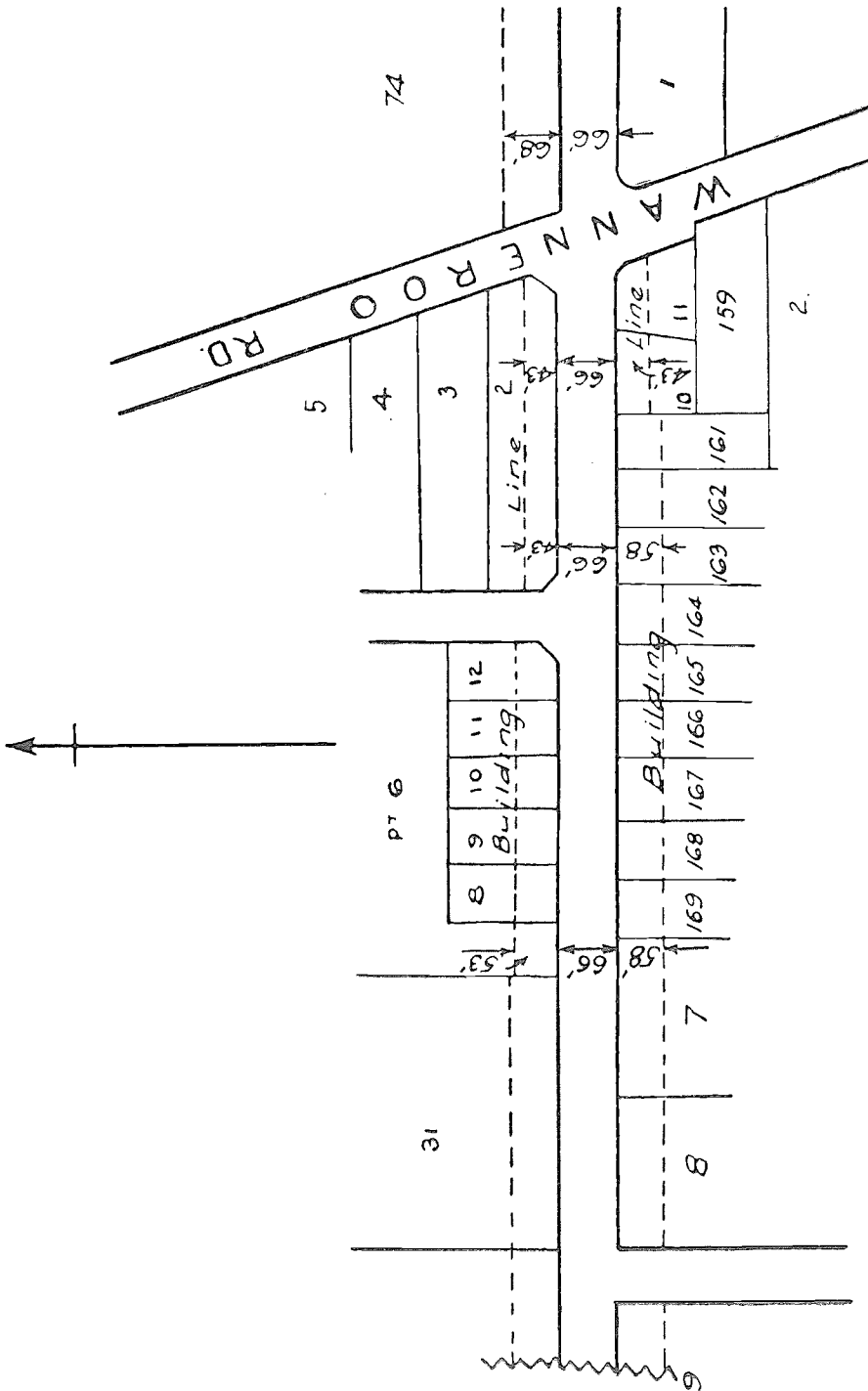
SIXTH SCHEDULE.

BUILDING LINES.

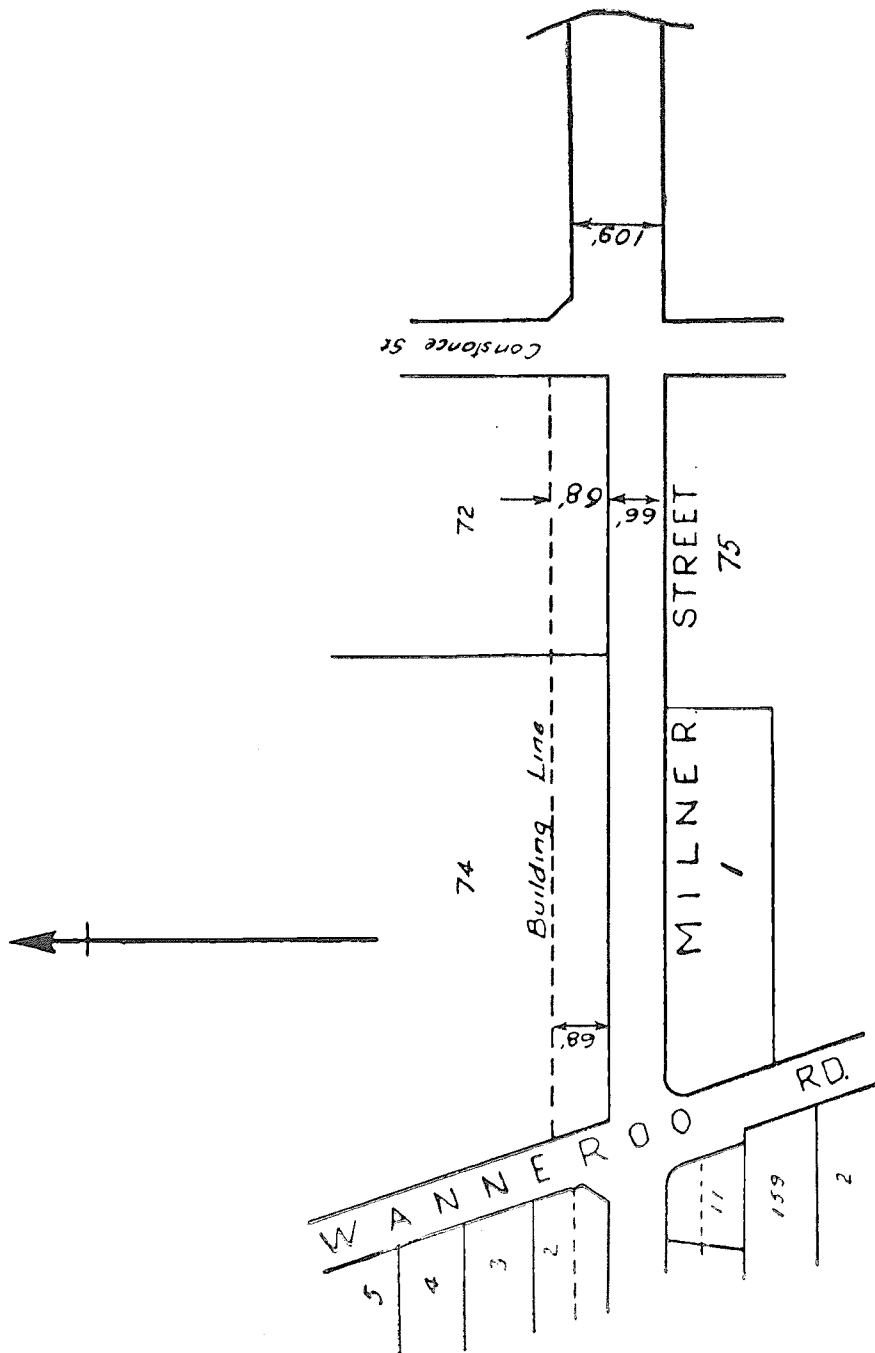
The Schedule.



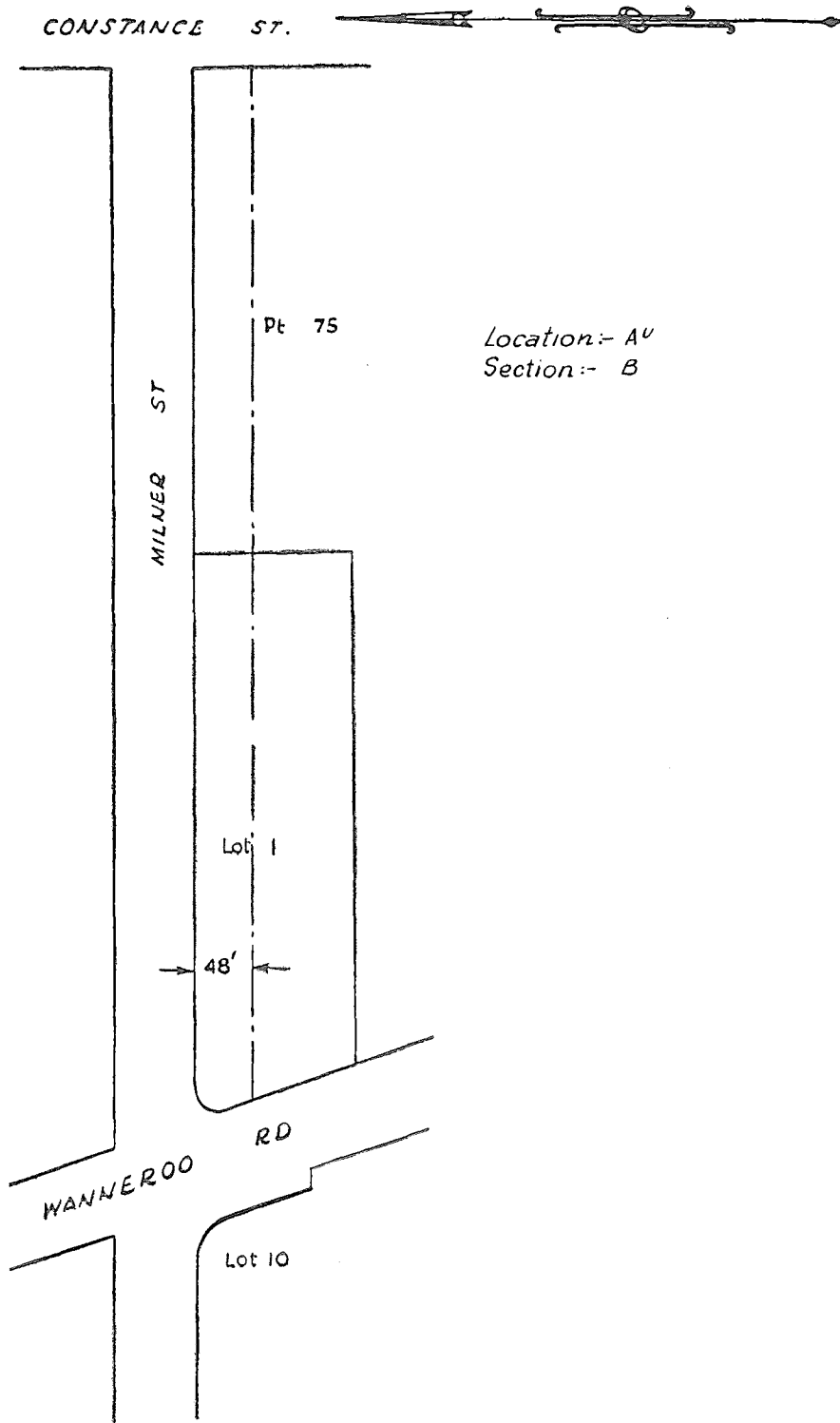
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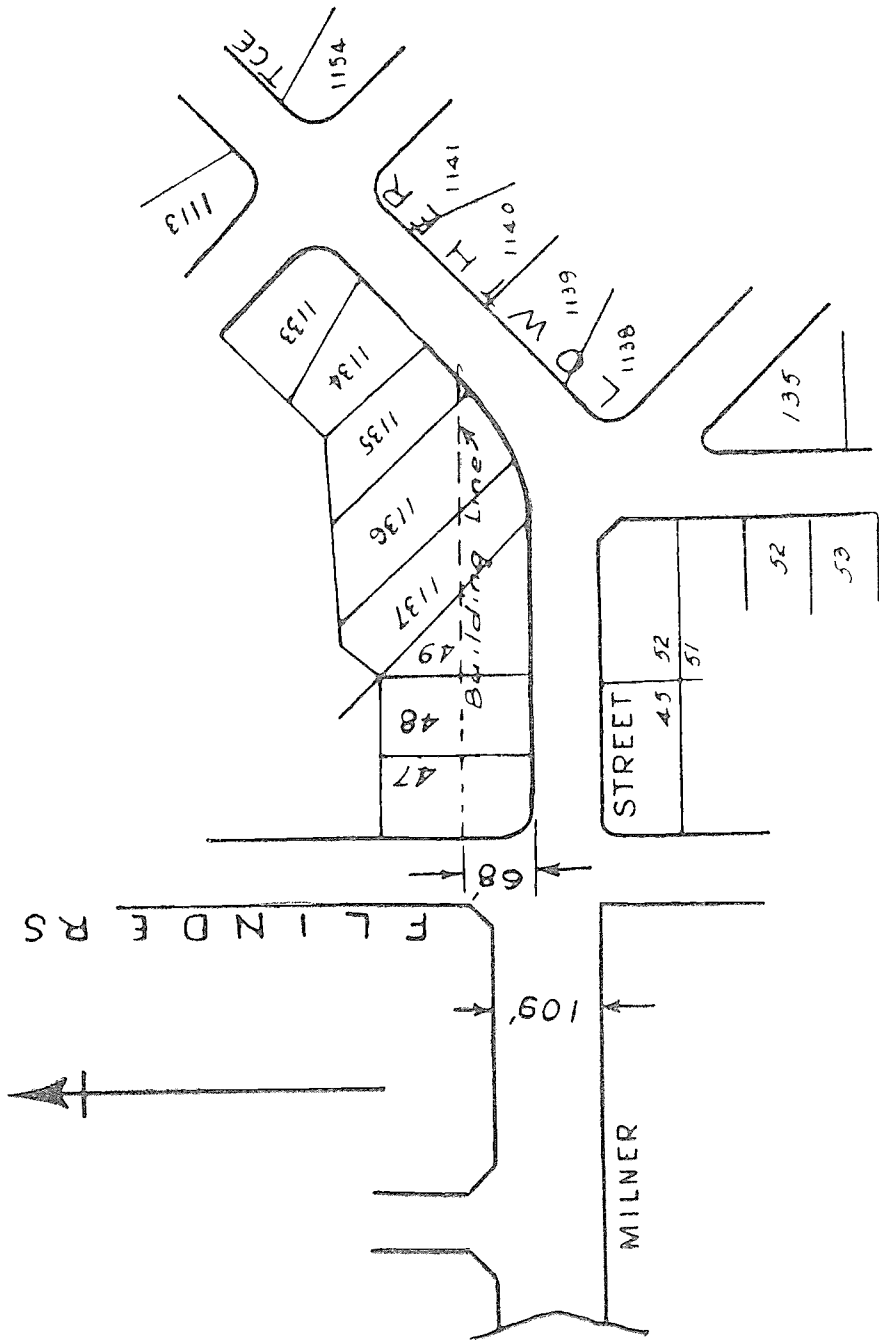
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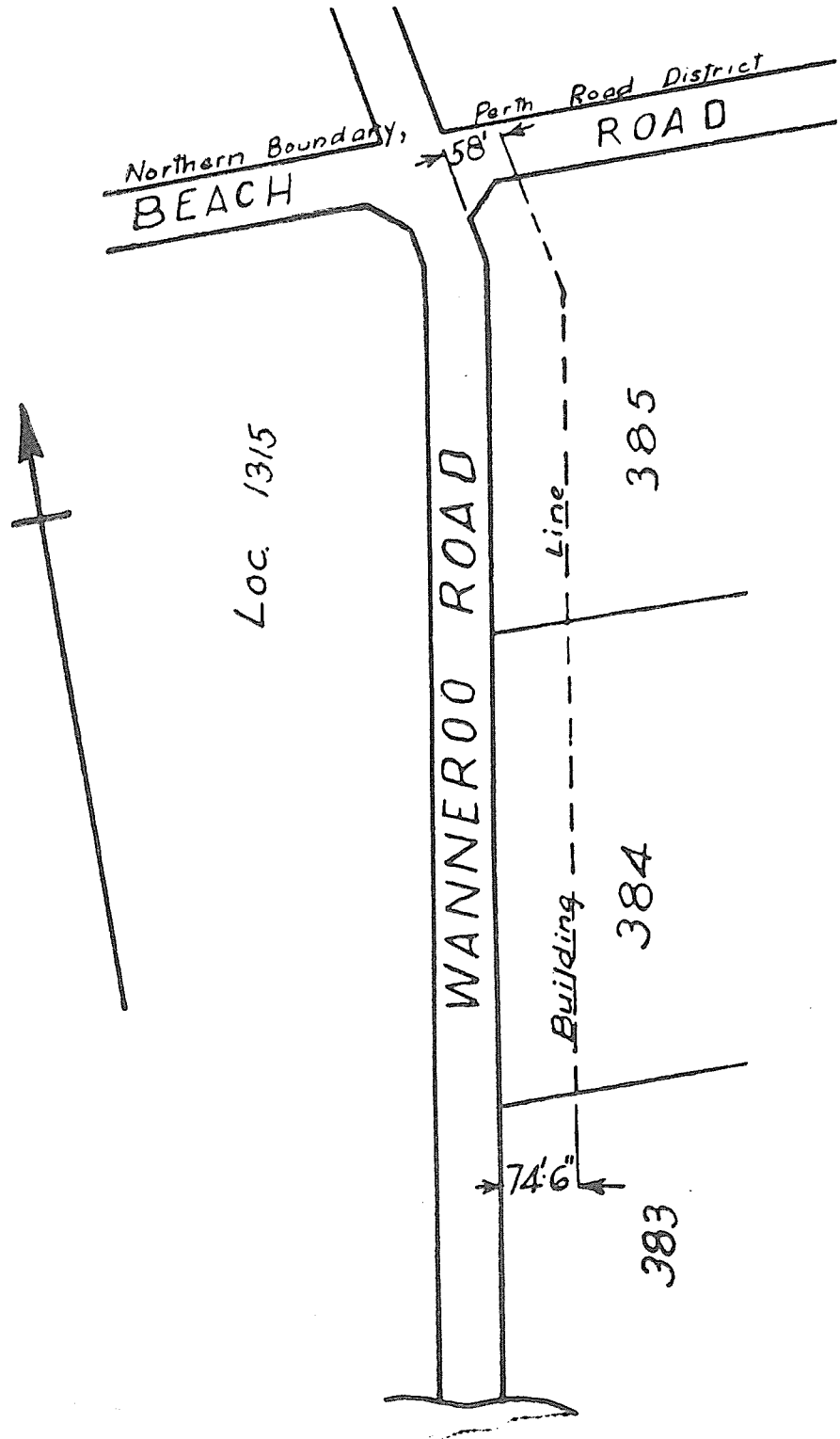
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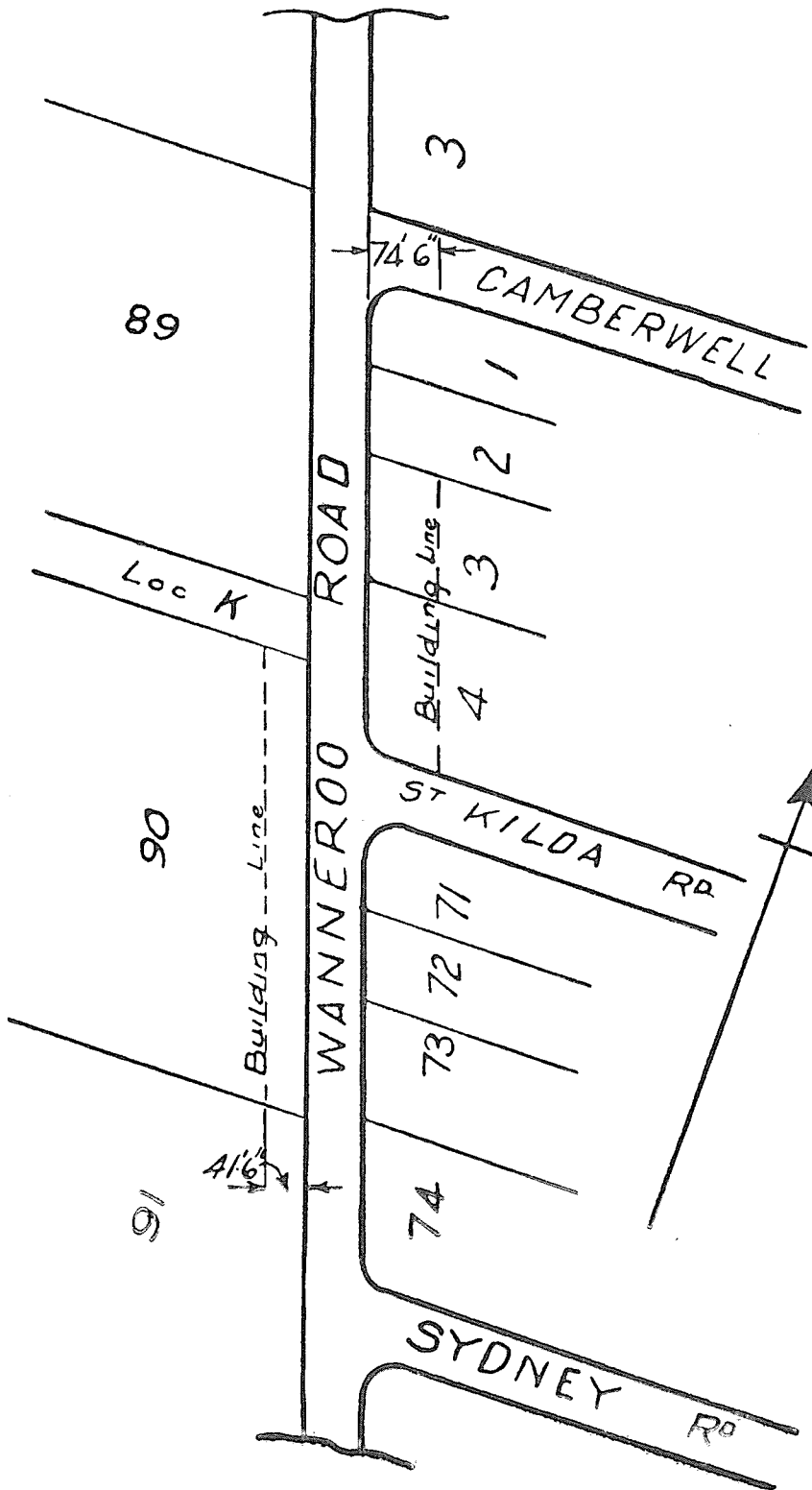
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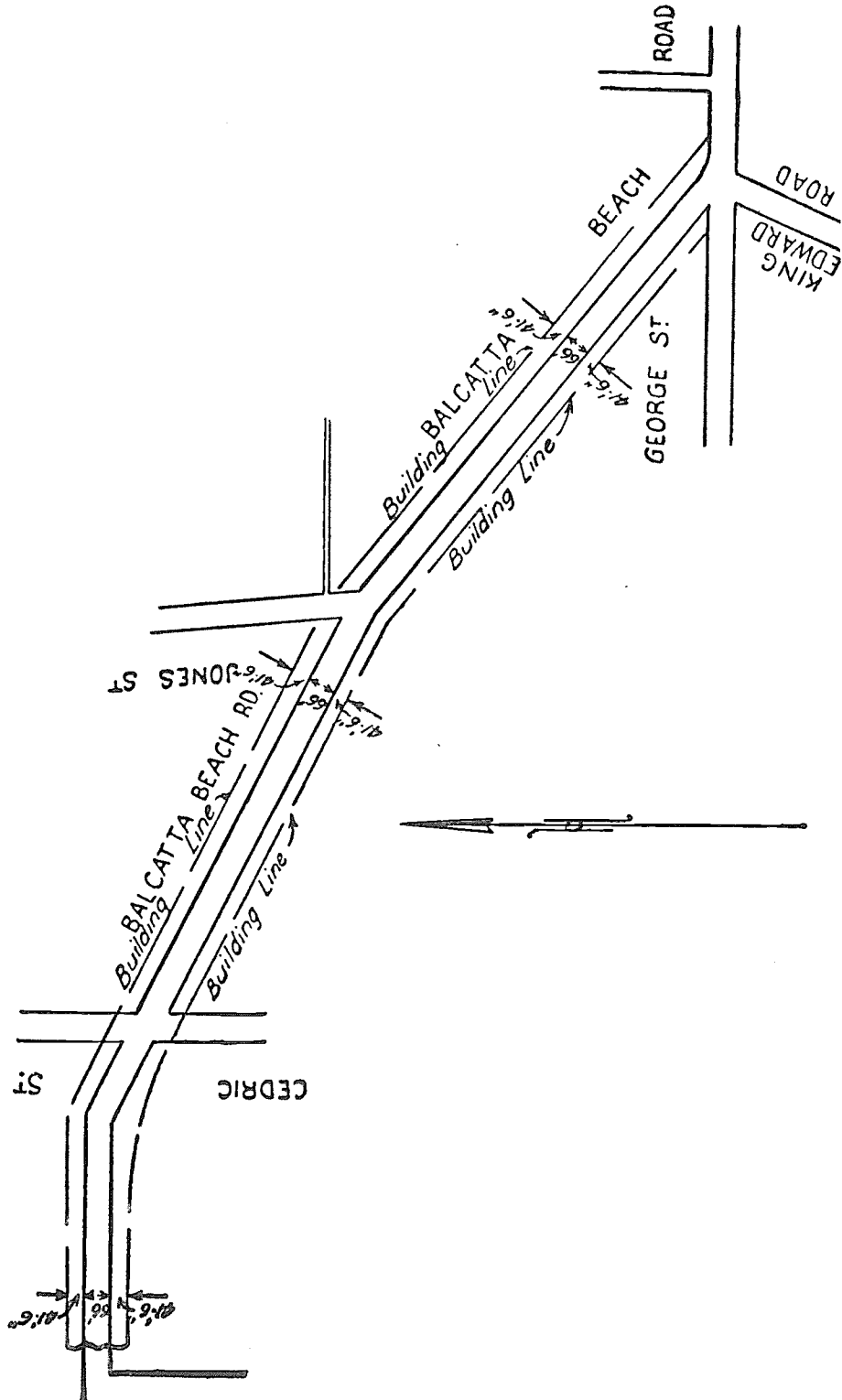
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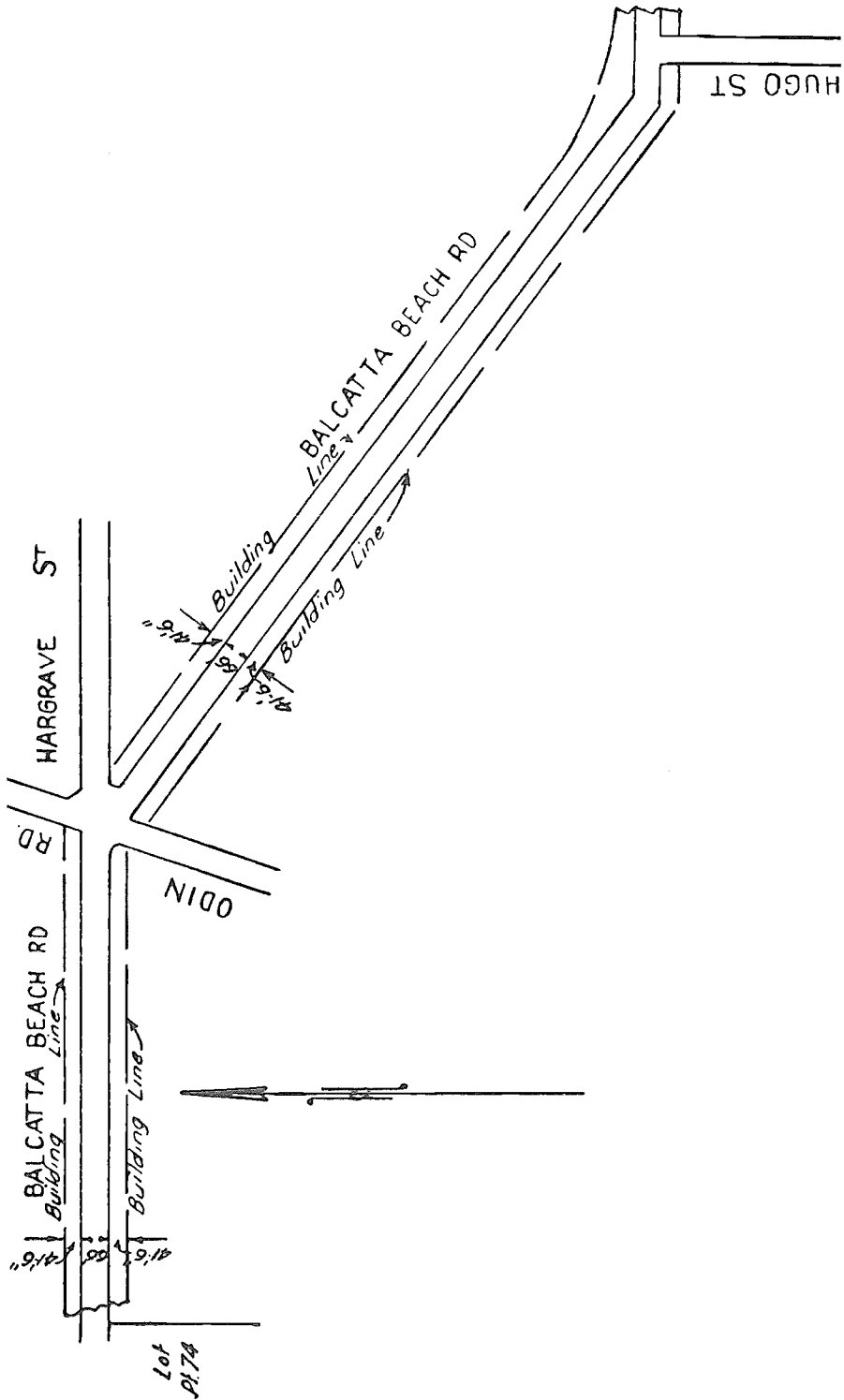
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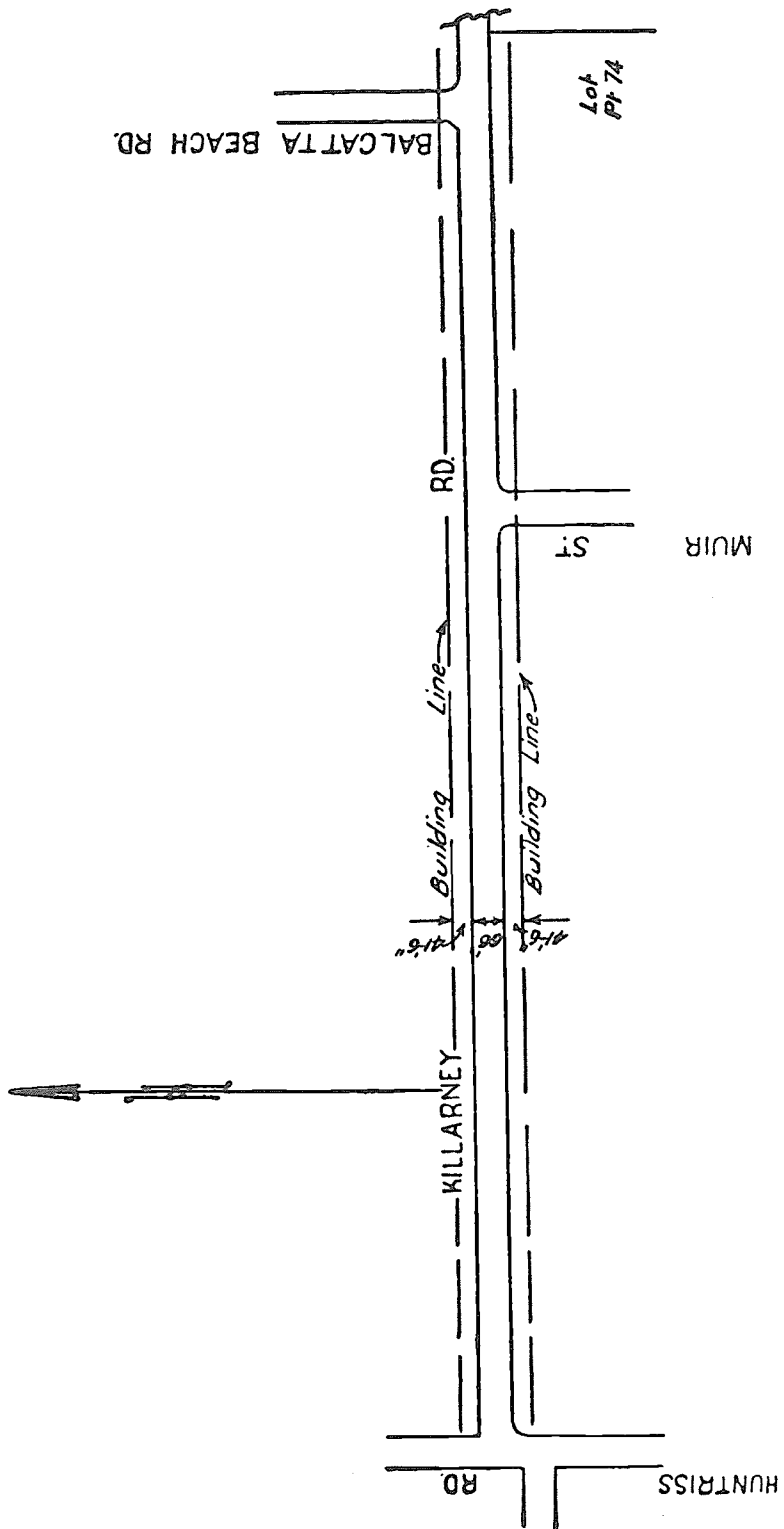
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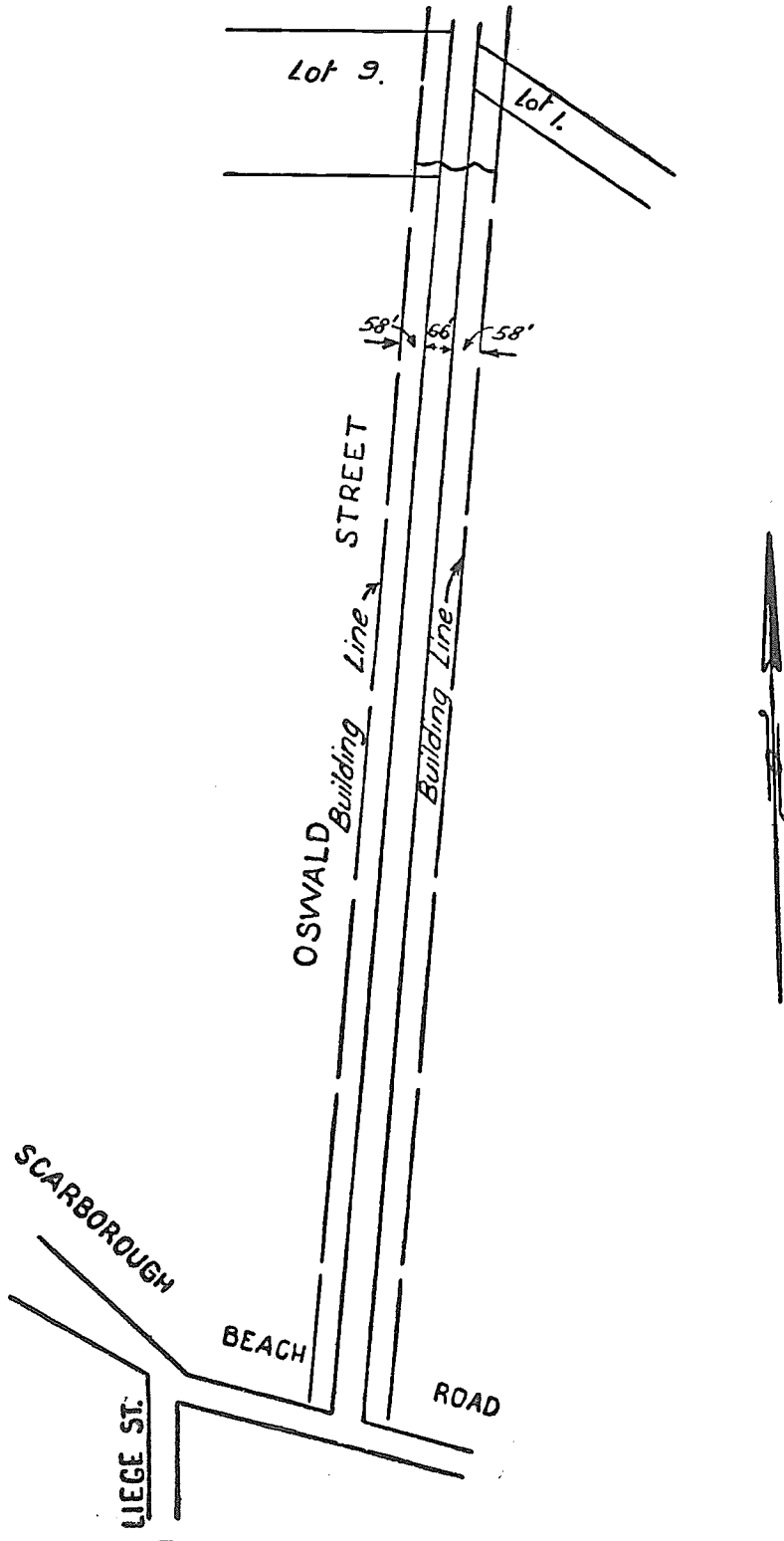
SIXTH SCHEDULE—continued.



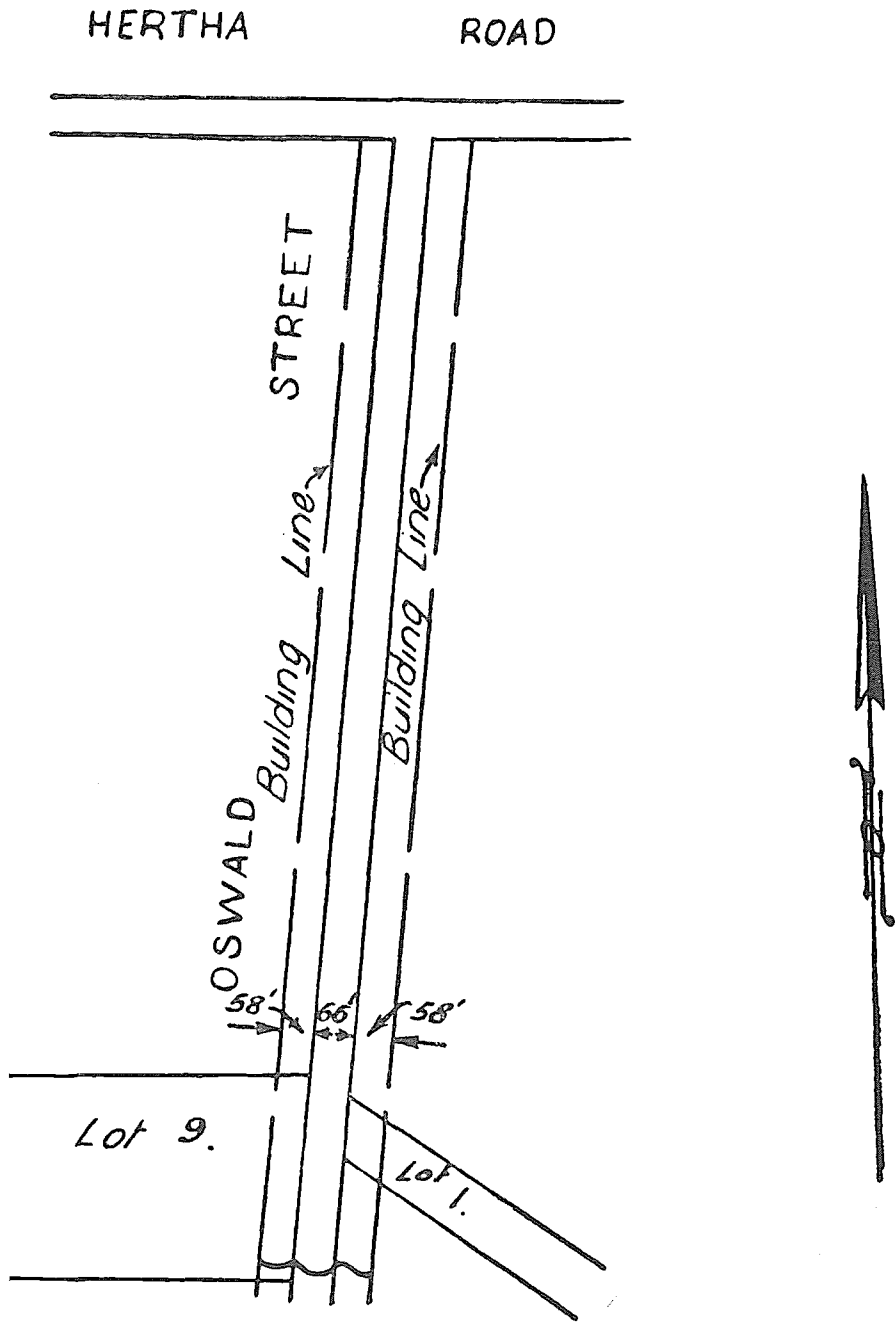
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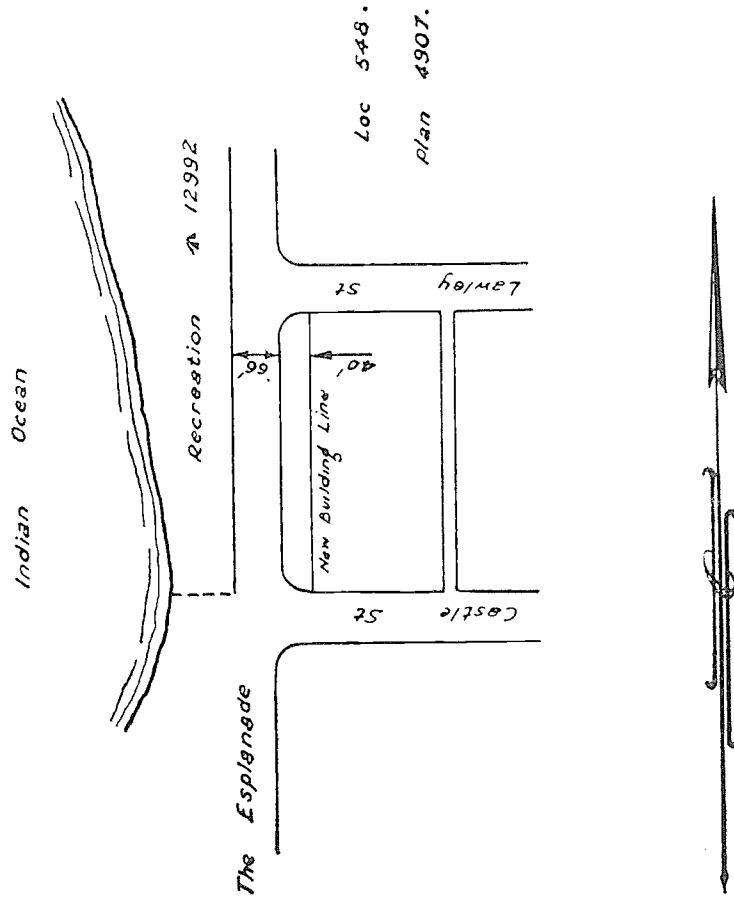
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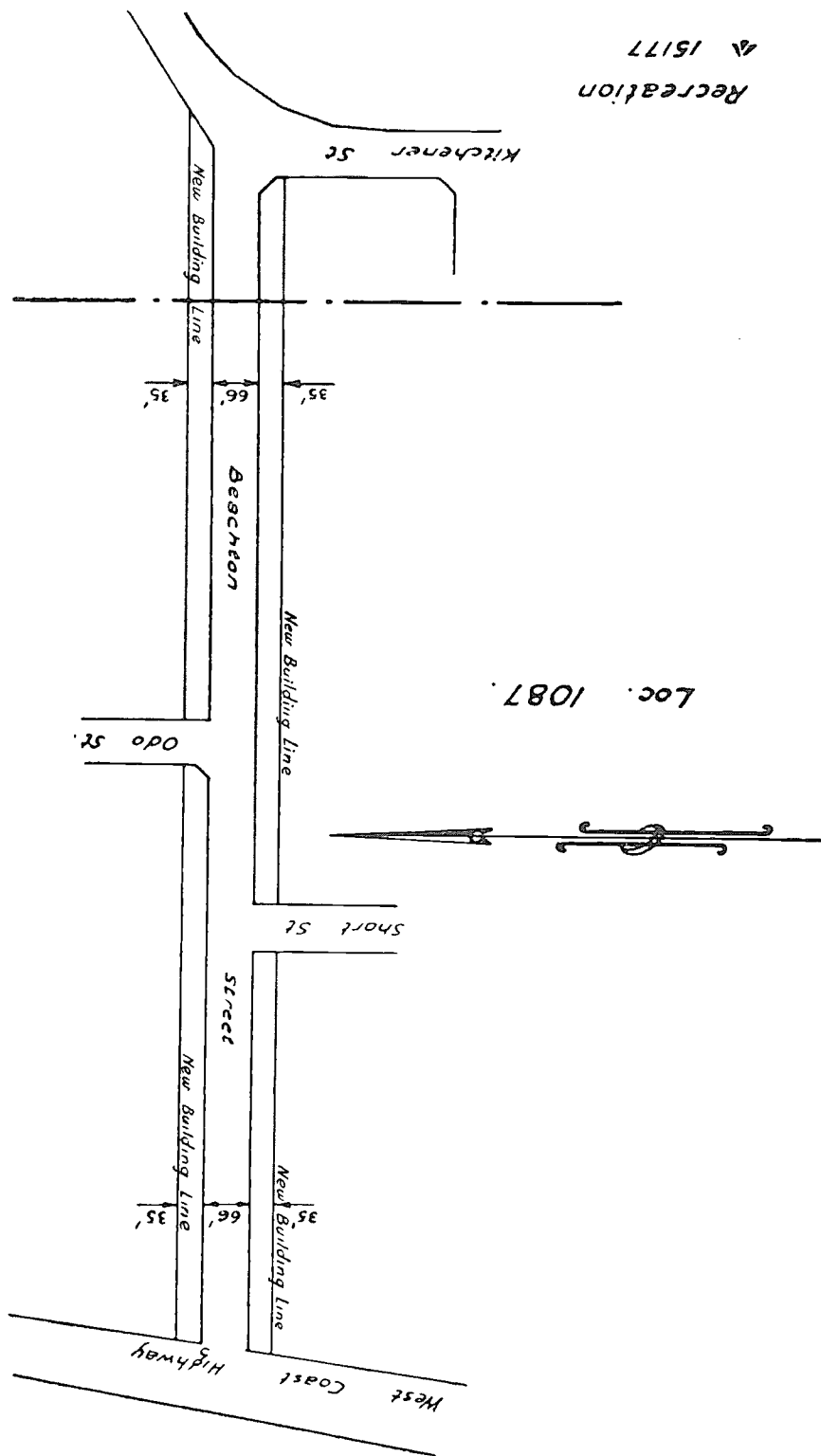
SIXTH SCHEDULE—continued.



SIXTH SCHEDULE—continued.



SIXTH SCHEDULE—continued.



APPENDIX 1.

[Extract of *Government Gazette* of 4th July, 1924.]

(Note.—The forms referred to in these By-laws have not been included in this extract.)

Road District Act, 1919.
General By-laws.

P.W. 6693/19.

Department of Works and Labour,
Perth, 20th June, 1924.

HIS Excellency the Governor in Executive Council has been pleased to make and prescribe the following Regulations, numbered 1 to 44 inclusive, and the Schedule, including forms numbered 1 to 100, to apply to all Road Boards in the State except those where the Public Office of the Board is situated north of the 26th parallel, and the Meekatharra Road Board, which are controlled by the North-West Department.

C. A. MUNT,
Under-Secretary for Works and Labour.

General By-laws, Forms, etc.

WHEREAS it is enacted by the Road Districts Act, 1919, that the Governor may make By-laws for giving effect to the said Act and prescribing the forms for use under the said Act: Now, therefore, His Excellency the Governor of the State of Western Australia, acting with the advice of the Executive Council, doth hereby, in exercise of the powers conferred by the said Act and all other powers enabling him in this behalf, make and re-enact the following regulations with additions and amendments, and prescribe the forms in the Schedule hereinafter set forth, and such shall apply to and be carried out by all Road Boards throughout the State of Western Australia, except those where the Public Office of the Board is situated north of the 26th parallel, and the Meekatharra Road Board, which are controlled by the North-West Department.

Part I.—Dealing with Land Subdivision.

(To be administered by the Minister for Lands, *vide* section 157 of the Act.)

1. (1) Whenever an owner of rateable land subdivides the same into allotments for sale, the plan or diagram to be submitted to the Board under section 155 shall exhibit distinctly delineated all roads, ways, passages, open spaces, and reserves and all permanent drains, and also all allotments into which the said land is to be divided, marked with distinct numbers, and shall also show the dimensions and areas of such allotments, the name of the estate if so required by the Board, the names of the roads and the width of the roads and ways, also any public street or road adjoining the land under survey.

(2) The plan or diagram submitted for approval to the Board shall be in accordance with Part V of the Rules and Directions to be observed by Licensed Surveyors practising under the Transfer of Land Act, 1893.

One copy must be on strong paper of a recognised standard size of 40 inches by 27 inches for plans, and 16½ inches by 12 inches for diagrams, with sufficient space left for binding, to be marked "Original," with particulars of title, and place assigned for name of Road District, signature of Secretary, and the date of resolution approving of subdivision; such copy, if approved, will be returned to person submitting same for lodgment at Titles Office.

One copy must be on tracing cloth of similar size and description marked "Duplicate," to be retained by Board and preserved in their records in a book or file kept for that purpose by the Secretary.

Each plan shall contain the name (if any) proposed to be assigned to the estate with particulars of Certificate of Title, also the names of roads.

Such names of estate, roads and other particulars shall be taken to be part of the plan of the subdivision and subject to these regulations.

APPENDIX 1—*continued.*

(3) The Board may affix such conditions to the granting of the approval as it may think fit, and particularly for any of the following purposes:—

- (a) Regulating the width and lay-out of roads and ways so that they may be formed, graded, drained and used to the best advantage; to round off or truncate corners.
- (b) Regulating the frontage, depth, and area of allotments.
- (c) Providing drainage reserves.
- (d) Prohibiting the subdivision of swamps and lowlying land for residential purposes.
- (e) Altering the name of the estate.
- (f) Providing for open spaces, the total area of which shall not, without the consent of the owner, exceed five per cent. of the whole area subdivided.
- (g) Securing any other alteration that the Board may consider necessary for public convenience and health, present and prospective.

(4) Any person may, under and subject to Subsection (8) of Section 155, appeal to the Minister against a refusal of a Board to approve of a plan or diagram, or the conditions of approval thereof, or a refusal to approve of a transfer, conveyance, or lease of a portion of an allotment on any plan or diagram of subdivision registered in the Office of Titles, or portion of a Crown Grant, Certificate of Title or Conveyance containing less than half an acre in area.

(5) An appeal to the Minister shall be accompanied by the original plan objected to by the Board without any alteration or amendment, together with a third copy of plan in every way similar to duplicate and marked "Triplicate" for retention by Minister.

(6) An approved plan or diagram, or any allotment thereon, shall not be further subdivided or altered without the consent of the Board, and no person shall, without such consent, sell, transfer, buy, or acquire a portion only of any allotment on the said plan or diagram.

(7) Any person desirous of having any alteration whatsoever to any plan shall apply in writing to the Board, who will cause any alterations which they may approve of to be entered in their minutes and endorsed on the plan and signed by the Secretary.

Parts II, III, IV, V, and VI.

(To be administered by the Minister for Public Works and Labour.)

Part II—Book-keeping and Administration.

1. The several forms in the Schedule to the Regulations made under the Roads Act, 1911, with the direction therein contained as published in the *Gazette* of 17th September, 1913, may be used for the purposes for which they are respectively applicable under the Road Districts Act, 1919, subject to such alterations as are specified in the Schedule to these Regulations.

2. (a) The books to be used by all Road Boards are those prescribed under these Regulations and included in the Schedule, together with the directions for guidance of Board and Secretary as printed in each book; also any additional book which may be prescribed from time to time by the Minister.

(b) All Secretaries must keep such book duly entered up-to-date in ink, and all entries shall be posted within seven days.

3. The rate books and other books used in the prescribed form under the Roads Act, 1911, may be continued for such time as may be necessary, and consistently to meet the requirement of the Road Districts Act, 1919, and these regulations and forms, or for such time and with such modifications (if any) as the Minister may direct.

4. The rate book may, for the purpose of convenience, be in one or more volumes, and may contain other rates which the Board is or may hereafter be authorised to levy by any other statutes.

5. After a rate book has been made up and completed, the Secretary shall make a note thereof in the book indicating the date of completion and the rates for which the book is to serve and be made use of.

APPENDIX 1—*continued.*

6. When, after the making of the general rates, it is deemed necessary to make any additional rate, or by virtue of section 239 of the Road Districts Act, 1919, to extend any rates to apply to any additional land acquired by transfer or otherwise, the Board shall further make up and complete the rate book and insert the particulars of all rateable properties in such additional area acquired, for the purposes of such rate or extension, making such alterations and additions (if any) as shall be judged necessary, but without obliterating existing entries.

7. The Secretary shall thereupon make a note in the rate book indicating—

- (a) the date of such further completion;
- (b) the additional rate (if any);
- (c) the additional rate (if any) for area to which any rates are extended; and
- (d) the date of transfer of any such area to the district (as published in *Gazette*).

Provided that when such entries are completed each page containing the additional entries shall be initialed by the Chairman, who shall also sign the book at the last alteration in the manner prescribed by Section 230 of the Road Districts Act, 1919.

8. Notwithstanding anything herein contained, the columns numbered 16 to 36, both inclusive, in the Form No. 70, shall not be deemed portion of The Rate Book for the purposes of the said Act, but entries shall be made therein by the Secretary or any other person authorised by the Board in that behalf.

9. The time to be allowed to any person wishing to appeal against any such alteration, addition, or amendment, as is mentioned in Section 230 of the Act, shall be one month from the receipt of the notice mentioned in subsection (5) of the said section, subject to the provisions of section 344.

10. A notice of appeal under Division V of Part VI of the said Act may be a general notice of appeal, and need not specify the particular entries appealed against; but all such entries as are affected by the decision on the appeal shall be altered so as to accord with such decision in manner prescribed by the Act.

11. Care is to be taken that, as far as practicable, entries concerning lands in different wards, towns, prescribed areas, or lands rated at different figures are not intermingled in the rate book, but are kept in distinct parts or volumes thereof.

12. All notices of the making up of rate books and of assessment shall be machine numbered and made out in duplicate, and one copy shall be retained by the Secretary of the Board, who shall make a note thereon of the date of posting or other service of the notice.

13. A special book must be kept by all Boards containing particulars of:—
- (a) All lands in the district which have been exempted from rating to be confirmed by the Board and checked at the annual audit. *Vide* Form 85.
 - (b) All property, plant, stores, etc., owned by the Board and disposal of same. *Vide* Form 84.
 - (c) All securities and legal documents. *Vide* Form 83.
 - (d) All receipt books, etc. *Vide* Form 86.

Also a separate book for:—

- (e) All permits granted for the erection of gates across roads (Form 48), including the conditions under which such permits were granted (Form 49); also
- (f) A book or file must also be kept of all sub-divisional plans dealt with by the Board.

14. Non-compliance with these regulations (Nos. 2 to 12) shall not render any acts or proceedings of the Board or any officer or member thereof void, but if the same would, apart from these regulations be valid, it shall notwithstanding anything contained in the foregoing regulations, be taken to be a good and valid act or proceeding.

APPENDIX 1—*continued.*

15. No books or documents, being the property of the Board, or under the control of the Board, shall be destroyed except under the provisions of section 353 and after the following procedure has been complied with:—

- (a) Notice shall be given to each member of the Board at least seven days prior to an ordinary meeting of the intention to destroy.
- (b) At the meeting a certificate from the Government Inspector shall be produced and read containing a complete record of all documents and books to be destroyed, which shall then be entered in the Minute Book, and a definite resolution to be passed at such meeting.
- (c) An order, signed by the Chairman, to destroy such books and documents to be issued to the Secretary.

16. The procedure for dealing with absentee voting shall be strictly in accordance with the provisions of section 86 of the Act and Forms Nos. 12 and 13, including the instructions issued for the guidance of Returning Officers.

Part III—Elections.

17. The procedure dealing with Elections, Loan Polls, and Absentee Voting shall be strictly in accordance with the provisions of the Act and the regulations and forms prescribed in the Schedule hereto—

- (1) (a) The Secretary shall prepare the necessary lists—
 - (i) Electoral List, *vide* section 38 (Form No. 1).
 - (ii) Claims and objections, *vide* section 41; also
 - (iii) Electoral Roll, *vide* sections 42 (3) and 50.
 - (b) The prescribed notice to be published by the Board of nominations and elections to be held under this Act, as required by section 72, shall be as in Form 82; such notice shall be published in newspapers circulating in the district, and on the outer door of the office, at least 21 clear days before the date fixed for any election.
 - (c) Form 82, under the regulations made pursuant to The Road Districts Act, 1919, as amended by striking out the words “the chief polling place will be at.....and other polling places will be as undermentioned.” At the foot or end of the notice (Form 82) to be published in accordance with the by-law published in the *Government Gazette* on the 21st December, 1923, the Returning Officer shall add a notice as shown in Form 82 in the Schedule hereto, and such notice shall be published together with the first mentioned notice.
 - (d) The prescribed notice to be published by the Returning Officer of any election and nomination to be held under the Act and required under sub-section (3) of section 70 of the Act shall be according to the Form 87 in the Schedule hereto, and the Secretary of the Board shall add at the foot thereof a notice as also shown in the Form 87 in the said Schedule, which notice shall be published together with the Returning Officer's notice, and shall be deemed to be sufficient notice of the appointment of the polling places under section 72 of the Act.
- (2) (1)-(8) repealed by Uniform General By-laws published in the *Government Gazette* of 13th April, 1934. See Appendix 3.

18. It is the duty of the Secretary to see that the necessary forms are supplied for the use of the Returning Officer.

Voting in absence must be dealt with in strict accordance with section 86 of the Road Districts Act and only the prescribed forms, numbered 12 and 13, as printed in Schedule, shall be used. No such form can be issued under any circumstances until after the day of nomination for the particular election for which they are issued.

These forms are exclusively issued by the Local Government Branch of the Public Works Department.

APPENDIX 1—*continued.*

19. Upon the completion of the ballot and the declaration of the poll, the Secretary shall see that the Returning Officer duly seals the parcels of ballot papers and forwards them to the Minister or other person appointed by him in accordance with the provisions of section 90 of the Act.

The name of the person appointed and the postal address is published from time to time in the *Government Gazette*, a copy of which should be available for reference purposes.

Also, the Secretary shall, within seven days after every election, make a return on Form No. 14, giving the names and other particulars of the successful candidate, and forward same to the Minister for Works under the provisions of section 91 of the Act.

It shall be the duty of the Secretary to obtain a copy of the *Gazette* giving the result of the election as provided by section 92 of the Act, for production in any court of law or other occasion.

Part IV—Sale of Land for Recovery of Rates.

20. (1) In proceedings for possession or sale of land on which rates are in arrear, the Magistrate shall, as far as practicable, include in his inquiries, made pursuant to the rules in the Third Schedule to the Act, an investigation as to the various matters mentioned in section 264 or 270 (as the case may be), such investigation to be carried down to the date of the inquiry and shall embody the result in his order.

(2) The petition, notices, and warrant of possession may be in the forms set out in the Schedule to these regulations (Forms Nos. 88 to 92).

Part V—Motor Roads.

21. Whenever by a by-law of a Road Board any road or portion of a road in any district has been provided or reserved by such Board for motor traffic exclusively, no person shall drive any vehicle, except a motor vehicle within the meaning of that term as used in the Traffic Act, 1919, or ride or drive any animal on such road or portion thereof so reserved for motor traffic exclusively.

Any person committing a breach of this by-law shall be liable on conviction to a penalty not exceeding Twenty pounds.

This by-law shall have effect throughout the State.

Part VI—Dealing with the Receipt, Banking and Payment of Moneys by Road Boards.

22. (a) The Secretary is responsible for the safe custody of all books, documents and plant, the property of the Board.

(b) All current books and legal documents when not in actual use shall be kept securely locked in the strong room or safe.

23. One key of the strong room or safe shall be kept in the personal custody of the Secretary, and the duplicate lodged at the Bank in the name of the Chairman and one member of the Board.

24. (a) The Cash Books shall be written up to the close of the day preceding the day of banking, or upon the day of banking, as the case may warrant, and the amount of the Bank Lodgment entered in Bank Lodgment column of the Cash Book and dated.

(b) In no case shall money received from any source be used to pay accounts or for any other purpose, but must be banked as herein provided.

25. Regular banking shall be made of all moneys and cheques received by or on account of the Board, on such days in every week as the Board by resolution shall appoint, or daily if circumstances warrant, in order to comply with the provisions of the Road Districts Act, 1919.

26. All moneys and cheques shall be banked to the Board's credit at such bank as the Board shall by resolution direct, by the Secretary or such other officer as he may instruct.

27. In the event of any officer whose duty it should be by these Regulations to bank money failing to do so for any cause whatsoever, the duty shall devolve upon the next officer in seniority, who shall bank the money and report the occurrence to the Chairman in writing.

APPENDIX 1—*continued.*

28. All moneys and cheques in hand belonging to the Board which cannot be banked at the close of the day, shall be locked up in the Board's strong room or safe by the Secretary or, if he is absent, by the officer next in seniority.

29. (a) Full particulars of all moneys and cheques included in each bank lodgment shall be entered in the Bank Lodgment Book by the officer entrusted with the banking, who shall also get the same duly receipted or endorsed by the bank official receiving such lodgment.

(b) In no case can cheques received by the Board be dealt with other than as prescribed by this Regulation.

30. All books, including the Rate Book, Electric Light and Personal Ledgers, shall be written up in ink daily or, when this is not possible, at least within seven days.

31. Statements for unpaid accounts, including Electric Light Current, Installation, Repairs and Sales (when existing), shall be prepared, in duplicate, on or before the last day of every month.

32. Electric light accounts (if any) shall be completed by the person reading the meter, and served by him, on the payee during his round.

33. All accounts owing shall be rendered by the Secretary within the first seven days of each month. In the event of this action not being taken, particulars of the accounts, together with particulars of delay, shall be reported in writing to the Finance Committee by the Secretary.

34. (a) Every Board shall, at the first meeting after the Annual Election, appoint not less than three (3) of its members to act as a Finance Committee, whose duties shall be to generally supervise financial matters in connection with the Board as follows:—

- (i) The Finance Committee shall meet prior to the ordinary meetings of the Board and review total bankings, cash transactions, petty cash, accounts, paid during the month, and accounts received for payment.
- (ii) Review all rates and licences collected, and compare same with the amounts due.
- (iii) Review all loan matters, and see that any amounts necessary for payment of interest and sinking funds are provided.
- (iv) Review any vouchers in connection with contracts, and see that payments for same are correct and in order.
- (v) Inquire into any outstanding accounts.
- (vi) Such other financial business as may be delegated to them by the Board.

(b) The Committee having satisfied themselves upon the correctness of the books, documents, bankings, and finances generally, shall—

- (i) report to the Board the result of their deliberations, submitting Form 60, the monthly statement also the accounts recommended by them for payment on Form 60 (Sheet 2);
- (ii) report upon failure or omission of any official to enter up their books;
- (iii) report irregularity in banking or any contravention of these Regulations.

35. All accounts passed by the Board shall be paid within seven days thereof, and receipted vouchers produced by the Secretary at the next Finance Committee meeting, who shall examine and include same in their report.

36. Any account not dealt with as set forth in Regulation 34 shall be submitted, with reasons for such delay, to the Finance Committee, who, after inspection and endorsement, shall present same to the next meeting of the Board.

37. (a) The Board, may, by resolution, entrust a sum of money to the Secretary for payment of emergency and small accounts, to be termed "petty cash."

APPENDIX 1—continued.

(b) A Petty Cash Book shall be kept by the Secretary in which all disbursements shall be entered at the time of payment, and receipts shall be obtained for such whenever possible.

(c) The Petty Cash Book shall be balanced and submitted to the Finance Committee, who shall review same in their report to the next meeting of the Board.

38. Emergency accounts, including wages, may be paid from Petty Cash Account, but shall, in every case, be reported to the Finance Committee at its next meeting, who shall review same and, if satisfied with necessity of the action taken, include same in report with voucher for refund of such amounts to Petty Cash Account.

39. The Secretary shall prepare a monthly statement in accordance with Form 60, showing receipts and disposal of all moneys which have passed through his hands during the month, for submission to the next meeting of the Finance Committee.

40. (a) The Secretary shall balance the books (with the exception of the Rate Book) in ink and make out the Quarterly Statement at the end of every quarter and submit them to the Finance Committee. The books and Quarterly Statement shall then be laid on the table of the Board with the report of the Finance Committee, at the first meeting in each quarter, for the inspection of members, and the signature of the Chairman of the Board to the Quarterly Statement.

(b) The last monthly statement in each quarter shall become the quarterly statement as required by the Act.

41. All stores and requirements shall be passed by the Finance Committee of the Board and then obtained by issue of official orders signed by the Secretary.

42. The following procedure shall be adopted in recording discount allowed for prompt payment of Rates when allowed by the Board's By-laws:—

(a) Receipt Book.

Receipts should only show actual amount received, and the discount shall be shown in the details at foot of receipts thus:—

						£ s. d.
Rate paid	....	....	....	....	....	4 15 0
Discount	....	....	....	....	....	0 5 0
					Total	£5 0 0

(b) Rate Cash Book.

Must contain the amount actually paid (£4 15s.) and the discount (5s.) shown in a spare column or one ruled by the Secretary for that purpose.

Enter actual amount paid (£4 15s.) in the column "Total Current Rates paid," and the discount in a separate column either that ruled for "amount of moiety" or in column "Interest or other charges." If these columns are in use the Secretary should rule a column in "Remarks" or otherwise, as circumstances permit, in order to show the discount, so that entries for same can be traced and totalled, so as to balance the Rate Book.

43. Any officer who fails or neglects to comply with any of these Regulations may be suspended by the Finance Committee, who, when such action is taken, shall immediately report to the next meeting of the Board.

44. All previous regulations of similar import to the above are hereby cancelled.

Recommended—

ALEX McCALLUM,
Minister for Works and Labour.

Approved by His Excellency the Governor in Council, this 18th day of June, 1924.

L. E. SHAPCOTT,
Clerk of the Council.

APPENDIX 2.

Pensioners (Rates Exemption) Act, 1922-1943.

AN Act to exempt Pensioners under the Invalid and Old Age Pensions Act from liability for the payment of Rates under the Municipal Corporations Act, 1906, and the Road Districts Act, 1919, and of Water and Sewerage Rates.

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Pensioners (Rates Exemption) Act, 1922-1943.

2. A pensioner under the Invalid and Old Age Pensions Act, 1908, may claim to be exempt from liability for the payment of rates under the Municipal Corporations Act, 1906, and the Road Districts Act, 1919, the water, stormwater and sewerage rates, meter rent, sanitary and pan rates in respect of land of which he is in occupation as owner. The payment of such rates shall be deferred, and the same shall be payable only on the sale of the property or the death of the pensioner, but in the meantime they shall become a first charge on the property, subject to any rights of a mortgagee existing at the time of the passing of this Act.

3. The provisions of section two of this Act shall apply also to—

- (a) any member of the forces within the meaning of the Australian Soldiers' Repatriation Act, 1920-1937, of the Commonwealth; and
- (b) the wife, within the meaning of Division 5 of Part III of the said lastmentioned Act, of any member of the forces mentioned in paragraph (a) hereof; and
- (c) the widow (formerly the wife within the meaning of Division 5 of Part III of the said lastmentioned Act) of any member of the forces mentioned in paragraph (a) hereof; and
- (d) any widow who is in receipt of a widow's pension under the provisions of the Widows' Pensions Act, 1942, of the Parliament of the Commonwealth

who is in receipt of a service pension under the provisions of Division 5 of Part III of the said Australian Soldiers' Repatriation Act, 1920-1937, in the same manner and to the same extent as if such member, wife or widow were a pensioner of the kind mentioned in section two of this Act: Provided that if the property in respect of which exemption from rates is claimed under this section is a War Service Home within the meaning of the War Service Homes Act, 1918-1937, the Commonwealth, the consent of the War Service Homes Commissioner to the first charge hereinbefore mentioned shall be obtained before the exemption specified in section two of this Act shall become effective.

APPENDIX 3.

Extract from *Government Gazette* of 13th April, 1934—Page 510.

Road Districts Act, 1919-1933.

Part VII (Borrowing Powers), Section 299.

Uniform General By-laws.

1. On notice being published by a Board of a proposition for borrowing money under the provisions of Part VII, of the Road Districts Act, 1919-1933, and on a demand being made under section 298, and adhered to, that the question whether or not the loan be raised be submitted to the vote of resident owners of rateable land within the District, or (where the loan is proposed to be raised for works or services which in the opinion of the Board would be of special benefit to a portion only of the District, and notification thereof was included in the published notice) within a portion of the District, the special Roll of resident owners of rateable land within the District or portion

APPENDIX 3—*continued.*

of the District (as the case may be) to be prepared pursuant to subsection (2) of section 299 of the said Act, shall be in the Form No. 1 in the Schedule of these by-laws.

2. A copy of such special Roll shall be exhibited on the outer door of the office of the Board for not less than 14 days next preceding the day fixed for taking the vote.

3. Any resident owner of rateable land within the District or the portion of the District if the proviso to subsection (2) of section 299 applies, may, by notice in writing given to the Secretary not later than 10 days before the day fixed for taking the vote—

(a) apply to have his name inserted in the Roll, if omitted therefrom; or

(b) object to the name of any other person being retained on the Roll, on the ground that such person is not entitled to vote as a resident owner of rateable land.

A notice of objection under paragraph (b) must be in duplicate and it shall be the duty of the Secretary to send one of them to the person objected to.

4. The Board shall hold an open Court to deal with any applications and objections, at a time and place to be fixed, of which seven days' notice shall be given, by exhibiting such notice on the outer door of the office of the Board, and, if practicable, by publishing such notice in a newspaper usually circulating in the District:

Provided that, if no application or notice of objection is received by the Secretary within the prescribed time, it shall not be necessary for the Board to hold such Court.

5. A certificate that the special Roll has been completed and authenticated shall be written at the foot or end thereof, and such certificate shall be dated and shall be signed by the Chairman and two other members of the Board.

6. The polling-place, or, the chief polling-place and other polling-places if more than one, shall be stated in the notification published pursuant to section 299 of the said Act of the day on which the vote is to be taken.

7. Voting papers to be used at the taking of the vote shall be in the Form No. 2 in the Schedule to these by-laws, and a voter shall indicate his vote in the manner stated in such form.

8. An application for leave to vote in absence shall be in the Form No. 3 in the Schedule to these by-laws, and the voter's declaration, the voting paper and the counterfoils, shall be in the Form No. 4 in the said Schedule. The provisions of section 87 of the said Act shall, *mutatis mutandis*, apply as in the case of an election to fill an extraordinary vacancy.

9. The Returning Officer shall be the Chairman or Vice-Chairman of the Board, or some other person appointed by the Board.

10. As soon as practicable after the votes have been taken, the Returning Officer shall at the polling-place, or at the chief polling-place if more than one, in the presence of such resident owners of rateable land as are in attendance, open the ballot boxes and examine the voting papers, and thereby ascertain and declare the result of the poll, that is to say, whether a majority of those resident owners who voted on the question submitted, namely, "Are you in favour of the loan being raised?" voted "yes" or "no."

11. The result of the vote shall be notified in writing by the Chairman of the Board to the Minister and published in the *Gazette*.

12. Subject to these by-laws, the provisions of the said Act relating to the taking of a poll at the election of members of the Board, so far as applicable, shall apply as nearly as may be.

13. These uniform general by-laws shall have the force of law in all Road Districts throughout the State.

14. Part 2, paragraph (1) to (8) inclusive, of Regulation 17, and Forms 40, 41 and 42, in the Regulations made under the Road Districts Act, 1919, and published in the *Gazette* on the 4th day of July, 1924, are hereby repealed.

APPENDIX 3—continued.

The Schedule.

Form No. 1.

Road Districts Act, 1919-1933 (Section 299).

.....Road District.
 SPECIAL Roll of resident owners of rateable land situated within the.....
Road District (or within that portion of the
Road District being.....
*) for taking a poll on the proposition of the
 Board to raise a loan, notice whereof was published in the *Government Gazette*
 on the.....day of.....19.....

Surname of Resident Owner; Other Names or Initials; Residence.

Dated the.....day of.....19.....

Secretary to the.....Road Board.

Form No. 2.

Road Districts Act, 1919-1933. (Section 300 (3).)

Voting Paper on a Poll of Resident Owners on a Proposition to raise a
 Loan published in the *Government Gazette* on the.....day of
19.....

.....Road District.
 Do you approve of the proposed Loan beng raised? { Yes
 { No

If you vote "YES" make a cross in the square opposite the word "YES."
 If you vote "NO" make a cross in the square opposite the word "NO."

APPENDIX 4.

Library Board of Western Australia Act, 1951.

The Library Board of Western Australia,

Perth, 17th May, 1954.

Ex. Co. No. 841.

HIS Excellency the Governor in Executive Council, under the provisions of
 the Library Board of Western Australia Act, 1951, has been pleased to make
 the regulations for the Conduct of Public Libraries set forth in the Schedule
 hereunder.

FRED ALEXANDER,
 Chairman.

The Schedule.

1. These regulations may be cited as the "Regulations for the Conduct of Public Libraries."
2. In these regulations, unless the context otherwise requires—
 "Act" means the Library Board of Western Australia Act, 1951;
 "Board" means The Library Board of Western Australia, constituted pursuant to the provisions of the Act;
 "library authority" means a local authority which is a participating body pursuant to the provisions of the Act;

* Insert a description of that portion of the District which in the notification of the proposition to raise the Loan it was stated that the works or services for which the Loan is to be raised would be of special benefit.

APPENDIX 4—*continued.*

“library” means a library registered as a free library by the Board in pursuance of the Act and includes any rooms, offices, passages, staircases, entrances and exits whatsoever forming part thereof and adjacent thereto;

“book” includes periodical, newspaper, pamphlet, music score, picture, print, photograph, map, chart, plan, manuscript, film, slide, gramophone record, or any other article of a like nature, forming part of the contents of the library, whether or not the property of the Board or of the library authority;

“registered reader” means a person to whom a reader’s ticket is issued in accordance with these regulations by a library authority;

“recognised organisation” means any society, association, company, college, school or other organisation whatsoever whether corporate or incorporate, which is permitted to borrow books from a library in accordance with these regulations;

“librarian” means the person for the time being holding the office of librarian of a library or his duly appointed representative.

3. (1) The library authority shall, subject to regulation 4 of these regulations, open the library on such days and during such hours as it may with the concurrence of the Board from time to time determine.

(2) The library authority shall clearly exhibit and keep so exhibited in or on the library in a conspicuous place a statement of the days and times during which the library will be open.

4. The library authority shall not open the library on a Sunday, Christmas Day, Good Friday or any public holiday.

5. A person who is—

- (a) a ratepayer within the meaning of the expression “ratepayer” in either the Municipal Corporations Act, 1906-1951, or the Road Districts Act, 1919-1951;
- (b) enrolled as an elector on the electoral roll for the district or part of the district of the library authority;
- (c) a registered reader of any other library authority in the State;
- (d) over the age of 14 years, not being a ratepayer or an elector and who is normally resident in the district of the library authority;
- (e) a child of compulsory school age who is resident in the district of the library authority, if he is recommended to the library authority by his parent, guardian or a teacher of the school which he attends;

is entitled, subject to the provisions of these regulations and of any condition made by the library authority pursuant to these regulations, to borrow books from the library for home reading.

6. (1) The library authority may subject to these regulations and to any condition made by the library authority pursuant to these regulations lend books to a person who is—

- (a) over the age of 14 years and who is employed within the district of the library authority subject if so required by the library authority to his obtaining a recommendation to the satisfaction of the library authority from his employer.
- (b) not resident or employed in the district of the library authority but who is attending an educational institution within that district, if he obtains the recommendation of the principal of the institution or his representative;
- (c) not normally resident or employed in the district of a library authority if he pays such sum by way of deposit as the library authority with the concurrence of the Board determines;
- (d) not being a registered reader who presents a current reader’s ticket or like authority issued by any other public library in the Commonwealth of Australia.

(2) The deposit referred to in paragraph (c) of sub-regulation (1) of this regulation shall be refunded by the library authority to the person who deposited it, when he notifies the librarian that he no longer desires to borrow books and if at the time of the notification the registered reader is not liable to pay the library authority any moneys, has returned all books to the library authority borrowed from it and is not liable for a breach of these regulations.

APPENDIX 4—*continued.*

7. (1) The library authority may permit any association, society or institution established for the study or practice of arts or science, any school, college or educational institution, any business or any department or agency of the Government of Western Australia or of the Commonwealth of Australia to borrow books which are required for the official business of the organisation.

(2) A recognised organisation desirous of borrowing books shall make application on the appropriate form provided by the library authority signed by an authorised officer of the organisation.

8. No charge shall be made for the registration of a reader, for the issue of a reader's ticket or for the loan of books except—

- (a) the library authority may make a charge not exceeding sixpence for the issue of a ticket to replace one reported lost or destroyed by a registered reader;
- (b) the library authority may charge a subscription on a scale to be determined by the authority with the approval of the Board for the loan of books to a person eligible to borrow books under regulation 6 (c);
- (c) as otherwise provided in these regulations.

9. (1) A person who desires to borrow books from the lending library shall make an application on the appropriate form provided by the library authority.

(2) Where an application form is delivered to the librarian if the form is duly completed by the applicant to the satisfaction of the librarian he shall issue to the applicant one general ticket which entitles the registered reader to books of fiction or non-fiction and with the approval of the Board one additional general ticket may be issued at the discretion of the library authority; and the librarian may issue three additional tickets which entitle the registered reader to books of non-fiction or such greater number of tickets as the librarian to whom the application is made may determine.

(3) General tickets shall not be issued to a recognised organisation other than an educational institution which requires to borrow fiction for the purposes of study.

10. All tickets (except those held by persons paying a subscription) shall remain in force for a period of two years from the date of issue unless previously surrendered or cancelled.

11. (1) Registered readers shall not transfer their reader's tickets.

(2) Where books are borrowed on a reader's ticket the person in whose name the ticket is issued shall be held responsible for the books.

(3) Where a reader's ticket is lost or destroyed the person in whose name the ticket is issued shall immediately notify the librarian of the library in which the ticket was issued.

(4) Where a person proves to the satisfaction of the librarian that his reader's ticket has been lost or destroyed the librarian may on payment of the prescribed fee issue that person with a reader's ticket in lieu of the one lost or destroyed but the registered reader is responsible for any book borrowed on the ticket lost or destroyed.

12. A registered reader who changes his address or does not intend to use the library in the future shall notify the librarian immediately and forward his reader's tickets for alteration or cancellation.

13. Before a book is borrowed from the library the person borrowing it shall produce and leave with some responsible officer of the library a reader's ticket.

14. The librarian may decline to issue books to messengers whom he may consider too young or unfit to take care of them and he may also refuse to issue books except to the borrower in person.

15. (1) The time allowed for reading a book is fourteen days exclusive of the day of issue unless otherwise determined by the library authority with the concurrence of the Board.

(2) The librarian may decline to change a book on the day on which it was issued.

APPENDIX 4—*continued.*

16. (1) If a book is not required by another reader the period of loan may be extended for a further period.

(2) An application for an extension of the period of the loan may be made by—

- (a) presenting the book at the library from which it was borrowed in order that it may be redated;
- (b) written application giving the name of the author and the title of the book and the date on which it was due to be returned to the library;
- (c) telephone to the librarian giving the particulars referred to in paragraph (b) of this sub-regulation.

17. (1) A registered reader who retains a book beyond the period of 14 days from the date of issue, or beyond any period of loan which is extended in accordance with regulation 16 of these regulations shall pay to the library authority a sum (if any) as may be determined by it not exceeding one shilling for each week that the book is retained after the prospective loan period until the book is returned to the library.

(2) The registered reader upon whose reader's ticket a book is borrowed shall pay postage and all other expenses incurred by a library authority in endeavouring to secure the return of the book.

(3) The librarian may at any time refuse to issue books to a registered reader who is in arrear with any payments due under the last preceding regulation without prejudice to the claim of the library authority for payment of any sums then due or to become due.

(4) If a registered reader is frequently guilty of returning books beyond the period of loan the library authority may suspend or cancel his reader's ticket or tickets.

18. The library authority may refuse to permit a registered reader to renew his reader's ticket or may at any time wholly cancel or suspend the ticket, if it deems the holder an unfit person to enjoy the privileges thereby conferred whereupon the ticket shall cease to be in force either wholly or during the period of suspension as the case may be.

19. (1) The librarian may refuse to issue any book to a registered reader who or any members of whose family or household he has reason to believe to be suffering or recovering from any infectious or contagious disorder.

(2) Where a book has been issued to a registered reader if a member of his family or household is suffering from any infectious or contagious disorder, he shall before returning the book notify the librarian of the fact and carry out such direction with regard to the book as the librarian may determine.

20. During the period a book is borrowed from a library by a registered reader he shall—

- (a) keep the book clean;
- (b) not turn down the leaves or make pencil or other marks upon it; and
- (c) protect the book from the weather and in all other ways take precautions to prevent any damage to or loss of value to the book.

21. (1) When and as often as a book is returned to a library the registered reader shall deliver or cause it to be delivered to the librarian of the library from which it was borrowed, at the desk or counter set apart for the purpose, or the book may be returned to the library in a prepaid postage package addressed to the librarian.

(2) (a) Where a book is not returned after due notice requesting its return has been given by the librarian or is lost whilst being on loan to a registered reader or being so returned is on examination found to have been damaged or to have sustained loss of value, the registered reader who borrowed the book may be required to pay the cost of replacement of the book as determined by the Board and if the book is one volume of a set or series and it is found impracticable to replace that volume, to pay the cost of replacement of the whole work or at the direction of the board to compensate the library authority and the Board for the loss or damage sustained.

(b) The Board's valuation of the cost of replacement of any book the whole of any work or the loss or damage sustained as provided in this regulation shall be final and conclusive.

APPENDIX 4—*continued.*

22. (1) (a) Where a book is issued in a damaged or imperfect condition the registered reader shall report the fact to the librarian before he takes the book from the library.

(b) Where a book receives damage whilst in the custody of a registered reader he shall, on returning the book, call the attention of the librarian to any injury it has sustained; and any reader who fails to do so may be held responsible for the injury.

(2) Books stolen or lost remain the property of the Board although replaced or paid for.

(3) Nothing in this regulation is to be construed so as to diminish the effect of regulation No. 21 of these regulations.

23. (1) Any book in the stock of the library will be reserved for a registered reader by the librarian on the completion of the appropriate application form.

(2) The librarian shall notify the registered reader when the book is available to him.

24. (1) A registered reader may apply to the librarian for a book which is not at the time in the stock of the library and which is required by him for purposes of information or study and the librarian shall inform the Board of the reader's application.

(2) The Board may take such steps as are appropriate to supply the book or the information required.

25. Where a book is provided in the library for reference use only it shall not be borrowed from the library unless in the absolute discretion of the librarian the special circumstances of the case warrant that it should be permitted to be taken from the library.

26. (1) A person entering a library shall deposit umbrellas, stick, bags, parcels and such other articles in such place as may be directed by a notice posted on the entrance to the library, and all articles so deposited shall be reclaimed by the depositor before he leaves the library.

(2) The library authority has the right to open any bags or parcels or any other articles so deposited and if any articles so deposited are not claimed within seven days to forward same to the Police Department.

(3) The library authority is not responsible for any loss of or damage to any articles deposited in the library in accordance with this regulation.

27. (1) Persons under the age of 14 years are eligible to make use of that part of the library or the books which are provided for adults only at the discretion of the librarian.

(2) Young children may be admitted to the library in the care of an adult who is responsible for their behaviour.

(3) Children who are noisy or ill-behaved may be excluded or removed from the library at the discretion of the librarian.

28. The librarian has the general control and charge of the library and is responsible to the library authority for the safe custody of the books and all other property therein or belonging thereto.

29. A person shall comply with any reasonable direction of the librarian and shall not wilfully obstruct any officer or servant of the library authority or the Board in the execution of his duty or wilfully disturb, interrupt or annoy any other person in the proper use of the library.

30. A person shall not cause or permit any dog or any other animal belonging to him or under his control to enter or remain in the library.

31. A person shall not bring into any part of the library a bicycle or other wheeled vehicle or conveyance except with the permission of the librarian.

32. A person other than an officer or servant of the library authority or the Board shall not enter or remain in any part of the library which is not set apart for the use of the public except with the permission of the librarian.

33. A person shall not spit in any part of the library.

34. A person shall not lie on the chairs, table, floor or any other part of the library or loiter, sleep or partake of refreshment in the library.

APPENDIX 4—*continued.*

35. A person other than an officer or servant of the library authority shall not affix or post any bill, placard or notice to or upon any part of the library.

36. A person who is offensively unclean in person or in dress or who is suffering from an offensive disease shall not enter or use the library.

37. A person shall not give a false name or address for the purpose of entering any part of the library or obtaining any privilege therefrom.

38. A person other than an officer or servant of the library authority shall not offer anything for sale in the library.

39. A person shall not behave in a disorderly manner, use violent, abusive or obscene language, or bet or gamble in the library.

40. A person shall not, after proper warning, remain in the library beyond the hours fixed for the closing of the library.

41. A person shall not carelessly, negligently or maliciously soil, tear, cut, deface, damage, injure or destroy any book or other object forming part of the contents of the library whether within the library or elsewhere.

42. A person shall not make a tracing of any book except through a protective screen and with the permission of the librarian.

43. A person shall not without proper authority take or cause to be taken from the library or receive or be in possession of any book forming part of the contents of the library, whether or not the property of the Board or of the library authority.

44. A person shall not misplace or secrete any book or any record of a book in the library with intent to withhold its use from others.

45. (1) The librarian has the power—

(a) to suspend the use of a reader's ticket or tickets;

(b) to refuse books and to deny the use of the library to any person who refuses or neglects to comply with these regulations.

(2) A person who is aggrieved by the decision of a librarian made under this section may appeal against the decision to the library authority whose decision on the matter is final.

46. The librarian may exclude or remove from the library—

(a) all disorderly persons;

(b) any person who appears to be intoxicated;

(c) a person who is not using the library for the purposes for which it is intended;

(d) a person who has committed a breach of these regulations if it appears likely that his continued presence in the library may lead to a further breach of the regulations.

47. All sums and penalties that are payable under these regulations may be recovered in any Court of competent jurisdiction by the Board or the library authority as the case may be as a deposit due to the Board or the library authority.

48. A person who commits a breach of these regulations is liable to a penalty not exceeding £50 and in addition to any penalty imposed, the amount of any expense incurred in consequence of the breach shall be paid by the person.

Approved by His Excellency the Governor in Executive Council, 13th May, 1954.

E. P. FOREMAN,
Acting Clerk of the Council.

APPENDIX 5.

Extract from *Government Gazette*, 14th June, 1935, page 1201.

Town Planning and Development Act, 1928.

By-law No. 3.

Section 30 (1), Second Schedule, Clause 2.

BY-LAWS for securing proper Sanitary and Hygienic conditions in connection with Buildings erected on lands liable to inundation.

(1) From and after the commencement of this by-law, no building intended for use as a dwelling-house, or for occupation by persons for any purpose whatsoever, shall be constructed upon any land which adjoins or is adjacent to any river, lake, or watercourse, unless such building is so constructed that the level of the lowest floor in such building is at least four feet above the highest recorded flood level of the waters of such river, lake or watercourse at or near the locality of such building, so far as the same can be ascertained from the records of the Meteorological Bureau at Perth or from any other official records.

(2) This by-law shall apply and have effect throughout the State.

(3) The authority responsible for the carrying out of the preceding by-law shall be the Town Clerk, or Secretary (as the case may be) to the local authority concerned, and also the Town Planning Commissioner.

(4) Any person who by act or omission commits a breach of the preceding by-law No. 3, commits an offence and shall be liable to a penalty not exceeding £20.

Recommended—

J. J. KENNEALLY,
Minister for Works.

APPENDIX 6.

Extract from *Government Gazette*, 2nd September, 1932.
T.P.B. File 356/31.

Town Planning and Development Act, 1928.

Section 30 (1).

Second Schedule—Paragraph 10.

BY-LAWS for Limiting the Height of Obstructions at corners of Streets, Roads, or Rights-of-way.

(1) No person shall erect or have or permit or suffer to be erected or had or to exist on any land belonging to him any wall, fence, hedge, tree, shrub or other obstruction within 20 feet of the corner of any street, road or right-of-way (not being an authorised building) of a greater height than four feet measured from the level of the footpath or roadway immediately adjoining the same.

(2) Where any such obstruction is found upon any land in contravention of by-law one hereof, the executive officer of the local authority concerned, or the Town Planning Commissioner, may serve upon the owner of the land notice in writing requiring him within 30 days from the receipt of the notice to alter or amend such obstruction so as to bring the same into conformity with the said by-law, and upon receipt of such notice the owner of the land shall within the time aforesaid duly comply with the requisitions thereof.

(3) Any person found guilty of a breach of these by-laws shall be liable to a penalty not exceeding ten pounds for each such breach, and, where the breach is of a continuing nature, to an additional daily penalty not exceeding forty shillings.

(4) These by-laws shall have the force of law in the district of every local authority in the State of Western Australia.

APPENDIX 7.

Sand Drift.

No. 51 of 1919.

AN ACT to abate and deal with Sand Drifts and other similar Nuisances. Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia in this present Parliament assembled, and by the authority of the same, as follows:—

(1) This Act may be cited as the Sand Drift Act, 1919.

(2) The Sand Drift Act, 1889, is hereby repealed.

(3) In this Act, subject to the context—

“District” means a municipal or road district;

“Local Authority” means a municipal council or road board;

“Local Government Act” includes the Municipal Corporations Act, 1906, and the Roads Act, 1911, and any Acts amending the same respectively or substituted therefor;

“Owner” or “Occupier,” as applied to land in any district, has the same meaning as it has in the Local Government Act applicable to the district.

4. (1) Whenever it shall appear to any local authority that there exists on any land in its district (not being unrateable land which has not been alienated from the Crown) any sand drift that is or is likely to become injurious or detrimental to any other land, whether within or outside the district, the local authority may, by notice to the owner of the land and also to the occupier (if the owner is not the occupier) require him or them within a reasonable time to be limited in the notice, to take such of the following measures as the local authority shall think fit, that is to say, to plant the land with marram or other grass; to bush the said land or cover the same with seaweed or any other substance; or to do such other things for the abatement of the nuisance as may be specified in the notice.

(2) If the requisitions of any notice given hereunder are not complied with to the satisfaction of the local authority within the time limited for compliance, then every owner or occupier on whom such notice has been served shall be guilty of an offence against this Act.

Penalty—Twenty pounds.

5. (1) In case of non-compliance with such requisitions as aforesaid, any person authorised in that behalf by the local authority may enter upon the land, with or without assistance, and may do and cause to be done the work and things which should have been done in accordance with the notice, but nothing herein shall relieve the owner or occupier from any penalty incurred.

(2) The amount of the expense incurred by such authorised person shall be ascertained and fixed by the local authority, and may be defrayed out of its ordinary revenue. The certificate of the mayor or chairman of the local authority shall be conclusive evidence of the amount, and such amount so certified together with interest thereon, or on so much thereof as shall for the time being remain unpaid, at the rate of five per centum per annum, shall be a debt due to the local authority recoverable as hereinafter provided; but such debt shall not in any case exceed the value of the land as at the time of the publication of the notice regarding the land in accordance with this Act.

6. Such debt as aforesaid shall be deemed to be rates imposed by the local authority on such land for its financial year current when the expense was incurred, or, in the case of interest, when the interest accrued due; and the provisions of the relative local government Act dealing with the liability for and recovery of rates, and to the sale or lease of land for rates, shall apply to and in respect of such debt, and the amount of such debt and all costs, charges and expenses attending the recovery or attempted recovery thereof shall be recoverable and shall be charged on the land, and the burden thereof shall be borne and apportionable as if it were the amount of such rates accordingly.

7. (1) An owner or occupier shall have full power to do all that is necessary to comply with the requisitions of any notice binding on him under this Act.

APPENDIX 7—*continued.*

(2) If any occupier of any land prevents any owner from obeying or carrying into effect any such requisition, any justice to whom application is made in that behalf shall by order in writing require such occupier to permit the doing of anything necessary to be done in order to comply with any such requisition, and such occupier shall comply with such order in all respects.

Penalty—Twenty pounds.

(3) Every such owner whilst so prevented shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in complying with any such requisition unless he has failed to make application for an order under subsection two hereof within a reasonable time.

(4) If in the performance or attempted performance of any duty imposed on him by any such notice, the occupier of any land is in any way obstructed or hindered by the owner, or if the occupier is so obstructed or hindered by the owner, the one who obstructs or hinders the other shall be guilty of an offence against this Act.

Penalty—Twenty pounds.

8. Any trustee being owner of any land may apply any of the funds under his control in defraying any charges, costs, and expenses necessarily or properly incurred by him or by virtue of this Act as such owner.

9. (1) Any notice under this Act may be served—

- (a) By delivering it to the person upon whom the same is to be served personally;
- (b) by leaving it for him at his usual or last known place of abode or business with some person of the apparent age of not less than 14 years;
- (c) by forwarding it by post in a prepaid letter addressed to him at his last known place of abode or business;

and such service shall be sufficient whether the notice shall come to the hands or knowledge of the person for whom it is intended or not.

(2) When any person on whom it is desired to serve any notice relating to any land is not within Western Australia then such notice shall be deemed to have been well and sufficiently served on him if it has been affixed or displayed on or over conspicuous part of the land, and left so affixed or displayed for at least seven days.

(3) Any occupier of land who is not the owner thereof on whom any notice is served under this Act, shall inform the owner of the fact as soon as practicable.

Penalty—Ten pounds.

(4) Any notice by this Act required to be given to the owner or occupier of any land may, if the name of the owner or occupier is not known, be addressed to him by the description of the "owner" or "occupier" of the land (describing it) in respect of which the notice is given without further name and description, and may be served in manner set out in subsection two (2).

10. A local authority may, in manner provided in its local government Act, make such by-laws as may be necessary or convenient for giving effect to this Act as regards land within its district, and by any such laws may make provision for preserving the effect of any measures taken under this Act for the abatement of any nuisance, and may impose a penalty not exceeding twenty pounds for the breach of any such law.

APPENDIX 8.

Town Planning Board,
Perth, 20th November, 1931.

HIS Excellency the Administrator in Executive Council has been pleased to approve of by-laws for the Control of Hoardings, under section 30 (1) of the Town Planning and Development Act, 1928, as hereunder.

DAVID L. DAVIDSON,
Town Planning Commissioner.

APPENDIX 8—*continued.*

Town Planning and Development Act, 1928.
Section 30 (1), Second Schedule, Paragraph 6.
By-laws for Control of Hoardings.

Part I.—Interpretation.

1. In these by-laws, unless the context otherwise indicates—
 - “advertising device” shall mean and include any advertisement, sign-board, poster, or other sign, painted notice, electrical advertising device, or other illuminated sign;
 - “land” includes land, hereditaments, tenements, and also houses, buildings, and other works and structures;
 - “local sign” shall mean any advertising device, or other device or figure, carving, or design put up or affixed upon or to any land which shows, consists of, or indicates the name of or the trade, business or calling of the person in actual occupation of the said land, and which shows, consists of, or indicates nothing else whatever.
(The term explicitly includes signs erected upon land indicating that the said land is to let or for sale and giving the names and addresses of the agents or vendors.);
 - “near to”—Any advertisement or sign so situated with relation to any road or any land as to be plainly visible to ordinary eyesight, when viewed from such road or such land, shall be deemed to be “near to” such road or such land;
 - “person” shall mean and include any person or association of persons, firm, or body corporate;
 - “put up” shall mean and include make, erect, put up, or operate, or suffer or cause to be or to remain made, erected, put up, or operated;
 - “responsible officers” shall mean the Town Planning Commissioner or his Deputy and/or the officer of the Local Authority charged for the time being with the administration of these by-laws;
 - “Town Planning Commissioner”—Commissioner appointed under the Town Planning and Development Act, 1928, or any person temporarily acting as the Commissioner;
 - “Town Planning Board”—The Board appointed under the Town Planning and Development Act, 1928;
 - “trade, business, and calling” shall mean and include any trade, business, industry, calling, occupation, pursuit, pastime, operation, engagement, or activity of whatsoever sort carried on, undertaken, or engaged in by any person, whether the same be or be not carried on, undertaken, or engaged in for the purpose of profit.

Part II.—General Provisions.

2. Every existing advertising device, upon, over, or near to any road or footway or land under the control of any Local Authority which does not conform in all respects with the requirements and provisions of these by-laws shall be removed, obliterated, or taken down within the period of twelve months next after the date of the publication of these by-laws in the *Gazette*, or shall, within that period, be altered in construction or situation or by repainting or relettering or otherwise, so as to conform with the requirements of these by-laws.

Provided that, subject to by-law 4A of these by-laws, advertising hoardings licensed on the 24th day of September, 1930, which require to be altered or removed by such by-laws, shall be so altered or removed within a period of five years from the aforesaid date, the 24th day of September, 1930.

3. Every advertising device and every advertising hoarding shall be securely constructed and maintained to the satisfaction of the responsible officer.

4. (1) No person shall put up or maintain any sign or advertisement in such a position which, in the opinion of the responsible officer, would create a danger to traffic by obstructing the view of persons in charge of vehicles or animals upon any road, or otherwise.

APPENDIX 8—*continued.*

(2) No person shall put up any signboard or advertisement so as to obstruct access to or from any window, door, or fire escape; provided that this shall not include a window used for the display of goods or merchandise.

4A. (1) No person shall have or keep, or permit or suffer to be had or kept, on any land or building owned by him or under his control any advertising device or advertising hoarding in respect of which he has been served with notice from the responsible officer that in his opinion such device or hoarding is dangerous, either to property or to persons, or is otherwise objectionable.

(2) Every person upon whom a notice has been served under this by-law shall remove, or cause to be removed, such device or hoarding within the time specified in the notice.

(3) If any person makes default in the due compliance with any notice served upon him under this by-law, the Local Authority, or the responsible officer, with its servants or agents, may enter upon such land or building and remove the advertising device or advertising hoarding referred to in such notice, and may recover the expenses incurred thereby from the person making default as aforesaid as a debt owing by him to the Local Authority, or the responsible officer, as the case may be, by action in any court of competent jurisdiction.

5. The owner of or other person using any advertising device shall—

- (1) maintain the same, and all things appertaining thereto, in a clean, tidy, and sightly condition;
- (2) whenever required by the responsible officer by written notice, repaint or renovate the same;
- (3) forthwith, upon notice from the responsible officer that the same is against public decency, or morality, remove or obliterate the same;
- (4) if the advertising device is put up over any road or footway, keep the same free from any accumulation of dust or other unsightly matter.

6. (1) No person shall put up any swinging signboard or sign, or advertising device, or any advertising device constructed wholly or partly of calico, canvas, paper, or other flimsy material, so as to overhang or to be over any road or footway or land under the control of a Local Authority or the Main Roads Board.

(2) The responsible officer may cause any such sign or signboard or advertising device to be removed, without notice, at the expense of the owner thereof.

7. (1) No person shall put up or permit, or suffer to be put up on land under his control, any advertising device (not being a temporary local sign) near to the Swan River, or its tributaries from source to mouth, or any water front or lakeside within the boundary of any Local Authority; provided that this by-law shall not be deemed to prohibit the putting up of any advertising device which is so remote from the said Swan River and tributaries or other waters as to be inconspicuous when viewed therefrom; or put up, or permit, or suffer to be put up, any advertising device fronting any improved park or improved reserve; provided that, where there is a predominance of industrial or commercial buildings, this clause shall not apply.

(2) No person shall put up or permit, or suffer to be put up, any advertising device on any land in a residential street, except to exhibit his name and trade or calling.

A residential street is one in which the greater part of the frontage to such street between two cross streets is occupied by residences; provided that this clause shall not apply to a gazetted shopping area, or to any section of any street, which the responsible officer certifies to be a future shopping area.

8. No person shall put up, or permit to be put up, near to any road, rail-road, or land under control of a Local Authority, any advertising device or any advertising hoarding that shall obstruct any view from any public highway which, in the opinion of the responsible officer should not be obstructed; or put up, write, or make any advertising device, notice, intimation, or quotation upon any road or footway under control of a Local Authority or Main Roads Board, or on any tree or other surface thereon, except as herein provided.

APPENDIX 8—*continued.*

9. (1) No person shall, near to any road, footway, or land under the control of the Local Authority, put up any advertising device upon any advertising hoarding—

- (a) unless such advertising hoarding is at least its own height from the building line of any street, thoroughfare, or footpath;
- (b) unless such advertising hoarding is constructed in accordance with a design and specification approved by the Local Authority, consisting of an advertising panel or panels painted to the approval of the said Local Authority, and supported or surrounded by, or contained within, structural features of an ornamental or decorative character.

10. Subject as in this by-law herein provided, if any advertising device shall be put up on any land or upon any advertising hoarding or other hoarding, wall, fence or other structure, or rock, stone, tree, or other thing near to any road, footway, or land under the control of a Local Authority, in contravention of these by-laws, and the person putting up such advertising device is not known, then any person interested or benefited or capable of being interested in or benefited by the putting up of such advertising device shall be deemed to have committed and be held liable for the breach whereby these by-laws have been so contravened: Provided, always, that these by-laws shall not apply in the case of any advertising device put up as aforesaid which the Local Authority in whose district the same is put up by resolution declares, to be for a national, charitable, or religious purpose, but such advertising device shall be removed forthwith after the purpose for which it was put up shall have ceased to exist.

11. If any person shall, either by act or omission, contravene any of these by-laws, he shall be guilty of an offence under these by-laws, and on conviction for such offence shall be liable to a penalty not exceeding ten pounds, and also, if such offence is in its nature a continuing offence, to a daily penalty not exceeding two pounds during the continuance of the offence.

12. These by-laws shall not apply to and shall not in any manner whatsoever bind the Crown, or any Government department, or Government instrumentality, or any State trading concern.

13. By-law 4A of these by-laws shall have the force of law in the District of every Local Authority in the State, as defined in the said Act; and these by-laws, other than By-law 4A aforesaid, shall have the force of law in the District of every such Local Authority, excepting only the Municipalities of Perth and Fremantle.

Recommended—

C. G. LATHAM,
Minister for Lands.

Approved by His Excellency the Administrator in Council this 17th day of November, 1931.

L. E. SHAPCOTT,
Clerk of the Council.

APPENDIX 9.

AN ACT to consolidate and amend the Law relating to Dogs.
BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Dog Act, 1903-1948, and shall come into operation on the 31st day of December, 1903.
2. The Acts mentioned in the First Schedule to this Act are hereby repealed.
3. In this Act, unless the context otherwise requires—
“district” means a municipality or a road district, as the case may be;
“dog” means a dog of either sex of an age exceeding three months;

APPENDIX 9—*continued.*

“local authority” means a municipal council or road board, as the case may be;

“prescribed” means prescribed by regulations made under this Act;

“registering officer” means and includes every person authorised by a local authority to enter the registration of dogs within the district;

“wandering at large” means roaming about without any control whatever.

4. Every person having a dog in his possession or under his control, or being the occupier of any house or premises where a dog is kept or harboured, or permitted to live or remain, shall be deemed to keep and to be the owner of the dog.

Where there are more occupiers than one of any house or premises, the occupier of that part of the house or premises in which the dog is kept or harboured, or permitted to live or remain, shall be deemed to keep and to be the owner of the dog.

5. (1) Any person who keeps any dog which is not registered pursuant to the provisions of this Act commits an offence against this Act.

Maximum penalty: Two pounds.

Minimum penalty irreducible in mitigation, notwithstanding provisions of section one hundred and sixty-six of the Justices Act, 1902-1942, and of sections nineteen and six hundred and ninety-nine of the Criminal Code, 1913: Ten shillings.

(2) On convicting any person of an offence under the provisions of the last preceding section the Court of Petty Sessions shall order payment by the person of the registration fee which should have been paid and the amount of the fee shall be recoverable in the same manner as that in which the penalty imposed for the offence is recoverable.

(3) This section shall not apply to the Royal Society for the Prevention of Cruelty to Animals of Western Australia, as regards dogs in their custody from time to time in depots licensed for the purpose, pursuant to regulations made under this Act, and held temporarily by them for the purpose of finding the dogs suitable homes.

6. Registration shall be made at the office of the local authority of the district in which it is intended to keep the dog, or at such other convenient places within the district as may be appointed by the local authority for the purpose.

6a. (1) The local authority may direct the registering officer to refuse to register the dog on the ground that such dog is, in the opinion of the local authority, of a destructive nature.

(2) The owner may, in the prescribed manner and within the prescribed time, appeal against such direction to the Local Court held nearest to the office of the local authority, and such Court may either affirm the direction or quash it and direct the registration of the dog, as shall be just.

(3) The registering officer shall act in conformity with the direction of the local authority or the Local Court, as the case may be.

7. Registration shall be made by the owner, or some person in his behalf, delivering at the registration office an application signed by such owner or person, in the Form A in the Second Schedule, containing the particulars indicated by such form, and paying the registration fee to the registering officer.

8. The registering officer shall—

(1) make out a receipt for the registration fee in the Form B in the Second Schedule and a duplicate thereof;

(2) enter on the application receipt and duplicate the registration number of the dog;

(3) deliver to the owner or person making the registration the receipt and a registration label numbered according to the registration;

(4) file the application and duplicate receipt.

9. Every registration label shall be a metal disc or plate of the prescribed size and shape, on which shall be inscribed the name of the district, the year of registration, and the registration number.

APPENDIX 9—*continued.*

10. (1) Every registration shall be in force from the day upon which it is made until the first day of January next ensuing and no longer, and shall be again made in like manner from year to year.

(2) Every registration after the 31st day of December, 1922, shall be in force from the day on which it is made until the 30th day of June next ensuing and no longer, and shall be again made in like manner from year to year: Provided that every registration made within 21 days of the first day of July in any year shall be deemed to have been made on that day: Provided also that the fee to be paid for registration for the financial year ending the 30th day of June, 1923, shall be at one-half the rates set out in the Third Schedule.

11. The fee to be paid for registration shall be as stated in the Third Schedule; and until the proper registration fee is paid, no registration shall be deemed to have been made:

Provided that when any person makes use of any dog or dogs in or about the droving or tending of not less than five head of great cattle or 20 head of small cattle, he shall on making application in the prescribed form, be entitled to register any such dog at half the prescribed rate.

12. Any person who keeps a dog at any place not within the boundaries of any district shall, for the purposes of this Act, be deemed to keep the dog within such district a boundary of which is nearest to the place in which such dog is kept.

13. Every registration made under this Act shall be in force throughout the State, and any owner may remove a dog to any other district than the one wherein such dog is registered, without payment of any further fee.

14. Where an ownership of a dog is changed, the registration of such dog shall continue good; but the name of the new owner shall, upon application by him, be inserted in the registration receipt and the duplicate thereof in substitution of the name of the previous owner without payment of any fee, and thereupon, for the purpose of this Act, such new owner shall take the place of the previous owner.

15. (1) There shall be kept at the office of every local authority, for public inspection, a list arranged in alphabetical order of the names of all persons who shall have registered dogs during the current year within the district, and the number of dogs registered by each person, and the registered number of each dog.

Whenever the name of any person is inserted in a registration receipt, in substitution of the name of the previous owner, the list shall be amended accordingly.

Any person applying for the particulars of any dog so registered, or for the name of the owner thereof, or for a certified copy of the receipt hereinbefore mentioned, shall be entitled to receive the same on payment of a fee of one shilling.

Any officer who shall refuse to allow such list to be inspected at all reasonable times, or who shall, on being required so to do, and after tender of the said fee, refuse or neglect to give such particulars, or the name of such registered owner, or a copy of such receipt, certified by such officer to be a correct copy thereof, shall be liable to a penalty not exceeding Ten shillings.

(2) The town clerk or secretary of every local authority shall, as soon as practicable after each such list as aforesaid has been made up, deliver a copy thereof free of charge to the officer in charge of the police station nearest to the office of the local authority. Such list shall be made up on or before the 31st of July in every year, and a revised list made up every three months thereafter and delivered in like manner to such officer.

(3) The police shall, when it comes to their knowledge, notify the local authority of the name of any person keeping or owning an unregistered dog.
Penalty: Two pounds.

16. A receipt for the registration of any dog, or a certified copy thereof purporting to be signed by a registration officer, shall be prima facie evidence in any proceeding—

(1) of such registration; and

(2) that the owner therein named as the owner of the dog is the owner of such dog.

APPENDIX 9—*continued.*

17. Any owner or other person by whom a registration is made who wilfully inserts or omits, or permits to be inserted or omitted, in any application for registration, any matter or thing whatsoever contrary to or for the purpose of concealing the truth, shall be liable to a penalty not exceeding Five pounds.

17a. (1) Every registered dog shall have a collar round its neck, and the dog's registration disc shall be and remain attached to the collar.

(2) If any dog is found in any public place without a collar round its neck with the registration disc attached thereto, the owner of such dog (unless he shall prove that the breach of this section was not due either to his negligence or wilful act or omission) shall be liable to a penalty not exceeding Five pounds.

18. Any person, not being the owner, who wilfully removes the registration label from the neck of a dog shall be liable to a penalty not exceeding Five pounds, and shall pay to the owner of any dog that may have been sold or destroyed under the provisions of this Act, in consequence of the removal of the label, the full value of the dog.

19. Any dog found wandering at large may be seized and kept by the police, or any authorised officer of a local authority or placed in a pound, which may be established and maintained for impounding of dogs by the local authority, constituted for the municipal district or the road district, as the case may be, in which the dog is seized.

Any dog so seized shall be held and disposed of in manner prescribed.

Provided that if any dog, at the time of such seizure, has a collar around its neck with a registration label for the current year affixed, such dog shall not be destroyed or sold until after the expiration of 48 hours from the service upon the registered owner of notice in the form of the Fourth Schedule.

Provided further, that if in the opinion of an officer of police or of an officer of the local authority it shall be impracticable to capture any dog as aforesaid, and such dog is not wearing a collar round its neck with the registration disc attached thereto, such officer may shoot such dog or cause such dog to be shot without seizing or keeping the same.

20. Notices under the last preceding section may be served—

(1) by leaving the same at the usual last known address of the owner; or

(2) by forwarding the same by post in a prepaid letter addressed to the owner at his such address.

A notice sent by post shall be deemed to have been served at the time at which the letter would be delivered in the ordinary course of post.

21. If any slut is at large in any street, road, or public place while she is in heat, the owner shall be liable to a penalty not exceeding Five pounds.

22. The owner or occupier of any enclosed field, paddock, yard, or other place in which any sheep or cattle or poultry are confined, or any person acting under the authority of such owner or occupier, may, without incurring any liability in respect thereof, shoot or otherwise destroy, without cruelty by some speedy means, any dog found at large therein, whether the owner of such dog is or is not known.

Provided that it shall not be lawful to shoot or otherwise destroy any such dog if accompanied by and under the control of its owner or any other person.

22a. Subject to the regulations, it shall be lawful for the owner or occupier of any field, paddock, yard, or other place in or on which any sheep or cattle are confined or depasturing, or any person, not being an aboriginal or half-caste except with the consent of the nearest protector of aborigines, acting under his authority to lay poison upon such field, paddock, yard or other place for the destruction of dogs wandering at large and trespassing on any such place.

Provided that such poison shall not be laid within one chain of a main road.

23. If any dog rushes at, attacks, worries, or chases any person or any horse, cattle, sheep, poultry, or any domestic animal, other than those trespassing, the owner of such dog shall be liable to a penalty not exceeding Twenty pounds.

APPENDIX 9—continued.

When a dog has actually bitten any person, the court or justices, in addition to inflicting a penalty, may order that such dog be destroyed forthwith, and may give all necessary directions to make such order effective.

The fact that such dog was, immediately before the rushing at, attacking, worrying, or chasing, in company with and had been seen closely following the person complained of, or issued from the premises occupied by such person, shall be prima facie evidence that the person so complained of is the owner of such dog.

23a. No person shall be deemed to be guilty of an offence or be liable in damages on account of the death of or any injury or harm suffered by any dog wandering at large, owing to measures taken by such person, reasonably and in good faith, for the purpose of destroying or exterminating vermin or dogs wandering at large, whether by means of traps, poison, or otherwise, in conformity with any Act or statutory regulation, or by reason of the fact that the death of the dog has occurred in a place or on premises not belonging to or in the occupation of such person.

24. The owner of every dog shall be liable in damages for injury done by his dog; and it shall not be necessary for the party seeking damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such mischievous propensity, or that the injury was attributable to neglect on the part of the owner of the dog.

25. Any person who wilfully sets on, urges, or permits any dog to attack, worry, or chase any person, or any horse, cattle, sheep, or poultry, or any domestic animal, unless such horse, cattle, sheep, or poultry, or any domestic animal be trespassing at the time, shall be liable on summary conviction, to a penalty not exceeding Twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

A conviction under this section shall not affect the right of action of any person for any damage such dog may have done.

26. Any person who falsely makes or counterfeits, or knowing the same to be false or counterfeit purchases, uses, or has in his possession any label resembling, or apparently intended to resemble, or pass for a registration label issued under this Act, shall be liable for every such offence to a penalty not exceeding Twenty pounds.

27. Any person who, after the 22nd day of July in any year, keeps any dog wearing a registration label issued in any previous year, which dog shall not have been registered for the then current year, shall be liable to a penalty not exceeding Five pounds.

28. Any person who keeps any dog wearing a registration label issued in respect of another dog shall be liable to a penalty not exceeding Ten pounds.

29. Any adult male aboriginal native may register one male dog free of charge, the collar and disc for which shall be supplied free of charge by the registering authority, but such dog shall be kept free from mange or other contagious disease. Upon representation being made by any person to a justice of the peace that such dog is a dangerous dog or is liable to spread disease by reason of its neglected state, the justice may order the destruction of the dog.

Whenever the number of dogs found in the possession of one or more natives shall be in excess of the number of adult natives in such party, such dog or dogs in excess except such of the said dogs as are duly registered, shall be liable to be destroyed, and all police officers and constables are hereby authorised to destroy the same.

30. No fee shall be charged for the registration of any dog *bona fide* kept and used as a guide for any blind person.

31. In any proceeding under this Act the proof of due registration, or that any dog is under the age of three months, or has not been kept by the owner thereof, shall in each case be on the defendant.

32. All penalties incurred under this Act, and damages not exceeding Twenty pounds for any injury occasioned or done by any dog as hereinbefore mentioned, or for any dog improperly sold or destroyed, shall be recoverable summarily before any two or more justices of the peace in petty sessions.

APPENDIX 9—*continued.*

33. All fees payable within any district, and all fines and penalties recovered in respect of offences committed within any district, shall be paid to the local authority as part of its ordinary revenue.

34. All expenses incidental to the administration in each district shall be paid out of the ordinary revenue of the local authority.

34a. A local authority may, for the protection of owners of stock, make by-laws for—

- (a) requiring dogs to be kept chained or otherwise under effective control from sunset to sunrise, and authorising the destruction of any dog not so kept under control and found wandering at large;
- (b) imposing a penalty not exceeding Ten pounds for the breach of any such by-law.

35. The Governor may make regulations for carrying this Act into effect, and such regulations may impose a penalty not exceeding Five pounds for any breach thereof and without prejudice to the generality of the foregoing the Governor may, subject to the provisions of this Act, make regulations—

- (a) empowering any local authority, subject to the provisions of the Act under which it is constituted to establish and maintain pounds for the impounding of dogs seized pursuant to the provisions of this Act;
- (b) for the care, detention, release, disposal and destruction of dogs so seized;
- (c) prescribing fees to be payable in respect of the seizing, care, detention, release, disposal and destruction of dogs so seized;
- (d) prescribing the liability of any person in respect of payment of the fees referred to in the last preceding paragraph;
- (e) prohibiting the release from any pound of any dog except in accordance with the regulations;
- (f) prohibiting the obstruction or hindrance of any employee of a local authority or member of the Police Force in the performance of anything authorised by the provisions of this Act or the regulations made in pursuance of those provisions;
- (g) imposing as an absolute prohibition an obligation on the owner of any dog that the dog shall not enter or be in—
 - (i) such places as may be prescribed, in any circumstances whatever; or
 - (ii) such places as may be prescribed, unless on a leash held by a person.

35A. By Order in Council the Governor may empower,—

subject to such conditions and restrictions as may be specified in the Order,—

any local authority to exercise,—

as a power to make by-laws to have effect within the municipal district or road district, as the case may be, in respect of which it is constituted,—

any power of making regulations conferred upon the Governor by the provisions of this Act, and the Order, until revoked or amended, may be acted upon by the local authority in the manner and subject to any conditions and restrictions specified in the Order.

36. Sections 6A, 22A, 23A, and 34A, shall not have effect within the metropolitan area as defined by the regulations under this Act, or within any municipality outside the metropolitan area, unless extended to such municipality by an Order in Council published in the *Gazette*.

Schedules.

First Schedule.

Date of Act	Title of Act	Extent of Repeal
47 Vict. No. 13	Dog Act, 1883	The whole.
49 Vict. No. 10	An Act to amend the Dog Act, 1883	The whole.
63 Vict. No. 12	An Act to further amend the Dog Act, 1883	The whole.

APPENDIX 9—continued.

Second Schedule.
(Form A.)

Description of Dogs for Registration.

A description of.....dogs intended to be kept by A.B. of.....in.....during the year ending on the 30th day of June, 19.....

No. of Dog	Premises, District, or place on or in which such dog is intended to be kept	Name	Sex	Age	Colour or peculiar mark	Description or kind of dog	Purpose for which such dog is to be employed

I, the said A.B., or C.D., duly authorised agent of A.B. in this behalf, declare the above description to be true in every particular, to the best of my knowledge and belief.

Dated this.....day of....., 19.....

.....
A.B., or C.D.

(Form B.)

Duplicate Receipt.

Received this.....day of....., 19....., the sum of £....., for dogs registered by A.B. of....., in....., for year ending on the 30th day of June, 19....., the particulars whereof, contained in the following description, were given at the time of registration :—

No. of Dog	Premises, District, or place on or in which such dog is intended to be kept	Name	Sex	Age	Colour or peculiar mark	Description or kind of dog	Purpose for which such dog is to be employed

.....E.F.

Registering Officer for the.....
Municipality (or Road Board).

(Receipt.)

Received this.....day of.....19....., the sum of £....., for dogs registered by A.B. of....., in....., for year ending on the 30th day of June, 19....., the particulars whereof, contained in the following description, were given at the time of registration :—

No. of Dog	Premises, District, or place on or in which such dog is intended to be kept	Name	Sex	Age	Colour or peculiar mark	Description or kind of dog	Purpose for which such dog is to be employed

.....E.F.

Registering Officer for the.....
Municipality (or Road Board).

APPENDIX 9—continued.

Third Schedule.

Fees for Registration.

	£	s.	d.
For every dog	0	7	6
For every bitch	0	10	0
For every pack of hounds not less than 10 bona fide kept together in kennel exclusively for the purpose of hunting, in lieu of any individual registration	2	0	0

In respect of every first registration made after the 31st day of December in any year, only one-half of the registration fee shall be payable.

Fourth Schedule.

Notice of Seizure of Dog.

.....(Place)
.....(Date)

To A.B.....
of

Take notice, a dog, of which you are the registered owner, has been found wandering at large and seized, and is now at.....

If not claimed within forty-eight hours from the service of this notice, the dog will be sold or destroyed.

The registered number of the dog is.....(to be signed by the officer in charge of a police station, or an officer of the local authority.)

APPENDIX 10.

Extract from *Government Gazette* of 3rd July, 1953.

Dog Act, 1903-1948.

Perth Road Board.

Order in Council.

HIS Excellency the Governor, acting by and with the advice and consent of the Executive Council, hereby makes the following order under the authority of section 35A of the Dog Act, 1903-1948, namely, that the Perth Road Board is hereby empowered to make by-laws in pursuance of section 35 of the said Act, to have effect within the Perth Road District—

(1) empowering it, subject to the provisions of the Act under which it is constituted, to establish and maintain a pound or pounds for the impounding of dogs seized, pursuant to the provisions of the Act;

(2) for the care, detention, release, disposal and destruction of dogs so seized;

(3) prescribing fees to be payable in respect of the seizing, care, detention, release, disposal and destruction of dogs so seized;

(4) prescribing the liability of any person in respect of payment of the fees referred to in the last preceding paragraph;

(5) prohibiting the release from any pound of any dog except in accordance with the regulations;

(6) prohibiting the obstruction or hindrance of any employee of the Perth Road Board or any member of the Police Force in the performance of anything authorised by the provisions of the Act or the regulations made in pursuance of those provisions;

(7) imposing as an absolute prohibition an obligation on the owner of any dog shall not enter or be in—

- (i) such places as may be prescribed in any circumstances whatever; or
- (ii) such places as may be prescribed, unless on a leash held by a person.

(Sgd.) R. GREEN,
Acting Clerk of the Council.

APPENDIX 11.

Extract from *Government Gazette* of 22nd August, 1958.

Perth Road Board.

Dog Pound and Dog Control Officer.

NOTICE is hereby given that Perth Road Board, pursuant to the provisions of the Dog Act, 1903-1948, has resolved to establish and maintain a pound for the impounding of dogs on that portion of land which was, by notice in *Government Gazette*, dated 24th May, 1957 (page 1499), excised from the approved sanitary site on Reserve No. 23210, and which is described in the Schedule hereto, and is situated at Balcatta Road, off Wanneroo Road, Osborne Park; further, the Board has appointed William Olds Williams as an officer authorised to act on behalf of the Board in accordance with the provisions of the Dog Act, 1903-1948.

Schedule.

The Area enclosed within a line commencing at a point on the Eastern boundary of the reserve 10 chains distant from the north-eastern corner of the reserve and drawn at an angle of 90 degrees to the said boundary in a westerly direction for a distance of two chains 41 links; thence in a northerly direction at an angle of 90 degrees to the line so drawn for a distance of 3 chains; thence in an easterly direction at an angle of 90 degrees to the last drawn line to the eastern boundary of the reserve, thence southerly, along the boundary of the reserve to the starting point.

LLOYD P. KNUCKEY,
Secretary.

APPENDIX 12.

Street Photographers.

No. 46 of 1947.

AN ACT to provide for the licensing of Street Photographers.

(Assented to 17th December, 1947).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the Street Photographers Act, 1947, and shall come into operation on the first day of January, one thousand nine hundred and forty-eight.

2. In and for the purpose of this Act—

“district” means a municipal district or a road district;

“local authority” means a municipality and the council thereof or a road board;

“public thoroughfare” means and includes any highway, street, road, lane, arcade, thoroughfare, footpath, or place open to or used by the public, but shall not, for the purposes of this Act, include any street in the City of Perth which is restricted to one-way vehicular traffic;

“street photographer” means a person, firm or corporation who, either on his own account photographs or attempts to photograph, or employs any person to photograph or attempt to photograph in a public thoroughfare any person or thing, and who in connection with or incidental to such photography tenders, issues or distributes, or causes so to be any card, ticket or other printed or written matter whatsoever identifying the photograph or the photographer or the employer, or containing any information as to the place where the result of such photography may be seen or inspected.

APPENDIX 12—*continued.*

3. (1) On and after the coming into operation of this Act, it shall be unlawful for any street photographer to operate as or carry on the business of such in any place whatsoever within the State of Western Australia without having previously obtained a license as hereinafter mentioned.

(2) If any street photographer shall without having first obtained such license as aforesaid operate as or carry on the business of a street photographer within any part of the said State he shall be guilty of an offence under this Act and be liable on conviction to a penalty not exceeding Twenty pounds.

(3) Every street photographer operating as or carrying on the business of such shall be deemed and taken to be unlicensed unless he shall prove to the contrary by the production of his license or otherwise.

(4) Every person while actually engaged in photographing or attempting to photograph as a street photographer shall have in his actual possession and if required produce on demand the license issued by the local authority under this Act.

4. (1) An application for a license under the provisions of this Act shall be made in writing in the prescribed form to the local authority and such local authority shall, subject to section six of this Act, grant such license for and in respect of its district. Provided that not more than one license shall be granted to any street photographer, but if such street photographer be a person, firm or corporation employing any person to carry out the actual photographing, then such license may be used by such employee for the purpose of compliance with subsection four of section three of this Act.

Provided that every applicant for a license under the provisions of this Act, shall, with his application, deliver to the local authority two testimonials in writing as to his character, suitability and fitness to have such license granted to him, and the local authority may refuse such application, if, in its opinion, such testimonials do not show that such applicant is a fit and proper person for such license.

(2) On the granting of such license the licensee shall thereupon pay to such local authority a fee of one pound and no such license shall be of any force or effect whatsoever until such fee has been duly paid to the local authority.

5. Every license granted under the provisions of this Act shall remain in force until the 31st day of December next, following the granting thereof and no longer and shall not be transferable.

6. The number of licenses issued by any local authority within its district under the provisions of this Act shall not exceed one license for every 10,000 of the population of such district as estimated in the last previous available issue of the Pocket Year Book of Western Australia, provided that if the population for such district is estimated as aforesaid at less than 10,000, then one license only shall be issued for such district.

7. In granting any license the local authority shall give preference to any applicant for such license who is a discharged member of the Forces as defined in section four of the Re-establishment and Employment Act, 1945 (No. 11 of 1945, Commonwealth), or of the 1914-1918 war, and who shall satisfy such local authority that prior to the first day of April, one thousand nine hundred and forty-seven he had been bona fide operating as or carrying on the business of a street photographer.

8. No license granted under the provisions of this Act shall have any force or effect whatsoever in any part of the said State other than the district for and in respect of which the same shall have been granted.

9. (1) No card, ticket or other printed or written matter whatsoever tendered, issued or distributed or caused so to be by any street photographer shall have printed or written thereon any information or particulars other than the following:—

- (a) Numbers or letters for the purpose of identifying a particular photograph or of distinguishing a particular photograph from other photographs.
- (b) The full name and address of such street photographer.
- (c) The number of the license granted to such street photographer and the name of the local authority granting the same.

APPENDIX 12—*continued.*

(d) Short particulars as to the place where and time when photographs may be seen or inspected.

(2) Notwithstanding the provisions of subsection one of this section, no such card, ticket or other printed or written matter shall be tendered, issued or distributed as aforesaid unless the same shall be in a form first approved by the local authority.

10. A local authority may, with the approval of the Governor, make by-laws not inconsistent with this Act for prescribing all matters and things which by this Act are contemplated, required or permitted to be prescribed.

11. Every person committing any act hereinbefore declared to be an offence under this Act or committing a breach of this Act or any by-law, whether by wilful act or by refusal or neglect to act or otherwise, shall when no specific penalty is provided for such offence or breach, be liable to a penalty not exceeding twenty pounds.

12. All penalties imposed or incurred by or under this Act or by or under any by-law, may be recovered and enforced summarily before any two justices of the peace in petty session.

APPENDIX 13.

Road Districts Act, 1919.

Crown Law Department,
Perth, 13th March, 1957.

THE undermentioned by-laws made under the provisions of the Road Districts Act, 1919, and amended from time to time prior to the 27th September, 1956, are reprinted, as so amended, pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,

Under Secretary for Law.

(Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister dated 13th March, 1957.)

Road Districts Act, 1919.

Road Districts (Petrol Pump) By-laws.

(Published in the *Government Gazette* on the 12th April, 1935, and incorporating the amendments thereto published in the *Gazette* on the 19th June, 1942; 6th June, 1947; 27th May, 1955; 9th August, 1955; 14th September, 1955; 4th November, 1955 and 2nd March, 1956; and reprinted pursuant to the Reprinting of Regulations Act, 1954.)

Added by
G.G. 27/5/55,
p. 1214. Part I of these by-laws have the force of law in all districts in the State and Part II of these by-laws have the force of law only in the districts named in the Appendix to these by-laws.

The Road Districts (Petrol Pump) By-laws published in *Government Gazette* on the 9th day of February, 1934, are hereby repealed.

PART I.

Amended
G.G. 27/5/55,
p. 1214. *By-laws for the Erection and Use of Petrol Pumps in or near any Street or Way.*

These Regulations shall apply to any petrol pump which is placed so that the point of delivery of petrol from the pump is situate within or is extended for delivery to within ten feet of a street or way.

APPENDIX 13—continued.

Applications for Licenses to Erect and Use Petrol Pumps for the Delivery of Petrol in or near any Street or Way.

1. No petrol pump used or intended to be used for the delivery of petrol in or near any street or way shall be erected or used by any person before a license is obtained from the Board under these by-laws.

Subject to compliance with these by-laws, such licenses may be granted on payment of the prescribed fee.

2. Any person desirous of obtaining a license for the erection and use of any petrol pump in or near any street or way shall make application to the Board in Form No. 1 in the Schedule of these by-laws, and will submit with such application a plan showing the location of the pump.

No pump shall be erected or used unless it is of a type approved by the Board.

A license shall be in Form No. 2 in the Schedule.

3. The Board may, in its absolute discretion, and on the written application of the licensee, transfer a license to the person named in such application, on payment of a fee of two shillings and sixpence.

Construction and Maintenance, etc. of such Pumps.

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

5. All tanks used to supply petrol to pumps shall be fitted with a ventilating pipe, which shall be carried to an approved position in the open air not less than 12 feet above the ground, and shall there terminate in one or more bends, the opening in the end of the vent pipe to be covered with brass wire gauze of not less than 28 meshes to the lineal inch, secured in such manner that the gauze may be removed for examination and cleaning.

6. Petrol pumps shall be erected only in such positions in or near any street or way as may be approved by the Board.

By-laws for Safe Working.

7. All petrol delivered to a tank serving a petrol pump, the intake of which is in or near any street or way, shall be delivered through an approved pipe designed and sufficient to prevent the escape of petrol or vapour.

8. No petrol shall be allowed to remain in the visible (or measuring) container of any petrol pump, except at such times as the container is in actual operation of being filled or discharged.

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

10. No person shall use any petrol pump whilst there is any light capable of igniting petrol vapour within 10 feet of any container while the same is being filled with petrol from any pump.

11. No person shall negligently permit any petrol to escape from the discharge or delivery pipes attached to a petrol pump into any street or other public place.

12. The operator of any petrol pump shall at all times take all reasonable precautions to protect all persons and property from injury or damage.

APPENDIX 13—*continued.*

13. All petrol pumps erected before gazettal of these by-laws shall conform to the Board's requirements under these by-laws within six months of notice of such requirements being served upon the owner or user of such pumps. Where such owner or user fails to comply with such requirements of the Board, the pump may be removed by the Board at the expense of such owner or user.

14. An Inspector appointed by the Board shall have the right at all reasonable times to make an inspection of pumps licensed by the Board, to ascertain if these by-laws are being observed.

By-law 15 amended
G.G. 19/6/42,
p. 682; and
G.G. 6/6/47,
p. 1034.

15. The fee payable under these by-laws shall be ten shillings per annum for each service station, irrespective of the number of pumps licensed.

16. Any person who by act or omission commits a breach of these by-laws shall be liable upon conviction to a penalty not exceeding £20.

PART II.

Pt. II, By-laws 17 to 26 added by
G.G. 27/5/55,
p. 1214.

17. (1) This part of these by-laws applies to any petrol pump, tank, cistern, pipes and installations which are so placed for the supply of petrol to the public that the point of delivery of petrol from the pump or from any extension is within any street or way or is within fifty (50) feet of any street or way.

Para. (2) inserted by
G.G. 9/8/55,
p. 1867.

(2) By-laws numbered 1 to 16 in Part I of these by-laws apply to any petrol pump, tank, cistern, pipes and installations to which this part of these by-laws applies.

18. A petrol pump shall not be placed within four (4) feet of the boundary of any adjoining premises unless those premises are occupied by the person who occupies the premises on which the petrol pump is placed.

By-law 19 amended
G.G. 13/11/59,
p. 2850, and
G.G. 2/3/56,
p. 638.

19. A license shall not be issued for the installation or use of a petrol pump, tank, cistern, pipe or installations for the supply of petrol to the public, if there are premises where petrol is sold to the public within a distance of a half-mile measured along the shortest road route from the location or proposed location of the petrol pump, tank, cistern, pipe or installation.

Provided nevertheless that, notwithstanding the provisions of this by-law, the Board may, at its discretion, issue a license for the installation or use of a petrol pump, tank, cistern, pipe or installations as in this by-law referred to where such distance is less than a half-mile but not less than 34 chains.

By-law 19A added G.G. 13/11/59, p. 2850.

19A. Any petrol pump, tank, cistern, pipe or installation which was in existence prior to the second day of March, 1956, may, with the permission of the Board, be removed to and installed and used at another site so long as the distance of such other site from any premises where petrol is sold to the public is not less than the distance of the former site from like premises, the distance in each case being measured along the shortest road route. Provided that the Board may refuse to grant such permission until the holder of the license for such petrol pump surrenders the license to the Board and satisfies the Board that the site from which the petrol pump is to be removed is being abandoned by him as a petrol station.

20. By-law 19 of these by-laws does not apply to any petrol pump, tank, cistern, pipe or installation for the supply of petrol to the public which—

- (a) is installed or built in a district before this part of these by-laws had the force of law in that district; or

APPENDIX 13—*continued.*

- (b) is partly installed or partly built in a district before this part of these by-laws had the force of law in that district.

21. A Board may refuse an application for permission to do all or any of the following:— To install or use or supply petrol from petrol pumps, tanks, cisterns, pipes or installations if the applicant fails to comply with any of these by-laws and the decision of the Board in this regard is final and binding subject to by-law No. 25 of these by-laws.

22. Subject to by-law 25 of these by-laws, a Board may at any time cancel a license or refuse to issue or renew a license if the holder of the license or the applicant for the license or the renewal fails to comply with any of these by-laws.

23. The holder of a license for a petrol pump shall install and keep in good working order in a convenient position not more than twenty (20) feet from the petrol pump a fire extinguisher which has been approved by the W.A. Fire Brigades Board.

24. If at any time a license is cancelled or not renewed the Board may by notice in writing, order the holder of the license which is cancelled or which is not renewed to remove the pumps, tanks, cisterns, pipes and installations in respect of which the license was issued within seven (7) days of the receipt of the notice by him, and in default the Board or its agents or servants may remove the pumps, tanks, cisterns, pipes and installations and recover in a court of competent jurisdiction the cost of the removal from the licensee.

25. Where a person or company is dissatisfied with the decision of the Board made under the provision of by-laws 21 and 22 of these by-laws, he or it may appeal to the Minister for Local Government in the following manner:—

- (a) The appellant shall give notice of appeal within twenty-one (21) days from the date he or it is advised of the Board's decision.
- (b) The notice of appeal shall be addressed to the Minister for Local Government and may be served by registered post or by leaving same at the office of the Minister for Local Government and at the same time a copy of the notice of appeal shall be served on the Board by registered post or by leaving it at the office of the secretary of the Board.
- (c) The notice of appeal shall clearly set out the grounds of appeal relied on.
- (d) The manner of deciding the appeal is within the Minister's discretion and the Minister's decision is final.

26. These by-laws may be cited as the Road Districts (Petrol Pump) By-laws.

APPENDIX.

Appendix added
G.G. 27/5/55, p. 1214;
 amended
G.G. 14/9/55, p. 2404,
G.G. 4/11/55, p. 2720,
G.G. 2/3/56, p. 638.

Armadale-Kelmscott Road District, Bassendean Road District, Bayswater Road District, Belmont Park Road District, Canning Road District, Cockburn Road District, Gosnells Road District, Kwinana Road District, Peppermint Grove Road District, Perth Road District, South Perth Road District, Drakesbrook Road District, Mt. Marshall Road District, Rockingham Road District, Wanneroo Road District, Bruce Rock Road District, Nedlands Road District, Denmark Road District.

Schedule.

Form No. 1.

Road Districts Act, 1919-1934.

Form of Application for License to Erect and Use a Petrol Pump for the Delivery of Petrol in or near any Street or Way.

I (name of applicant).....of
 (address).....hereby apply under the
 Road Districts (Petrol Pump) By-laws, 1934, for a License to erect and use
 a petrol pump for the delivery of petrol on (location).....
in accordance with plant submitted.
 Signature.....

Form No. 2.

Road Districts Act, 1919-1934.

License for the Erection and Use of (a) Petrol Pump(s) for the Delivery of Petrol in or near any Street or Way.

This License is granted to (name of applicant).....
 of (address).....for the erection and use of
 petrol pump (or of petrol pumps) for the delivery of petrol on (location)
in accordance with approved plan. This
 License is issued subject to the provisions of the Road Districts (Petrol Pump)
 By-laws, 1934.

.....Chairman.
Secretary.

APPENDIX 14.

Road Districts Act, 1919-1948.

Uniform General By-laws.

Local Government Department,
 Perth, 16th February, 1950.

HIS Excellency the Governor, acting with the advice and consent of the Executive Council and under sections 201 (61) and 203 of the Road Districts Act, 1919-1948, has been pleased to make under and for the purposes of the said Act the uniform general by-laws set out in the Schedule hereto and to prescribe that such by-laws shall have the force of law in each and every road district for the time being constituted under the said Act.

GEO. S. LINDSAY,
 Secretary for Local Government

The Schedule.

Caravan Parking By-laws.

1. These by-laws may be cited as the "Caravan Parking By-laws, 1949."
2. In these by-laws, subject to the context—
 "caravan" means caravan or vehicle, whether on wheels or supported on stumps or blocks, designed or fitted as a habitation for any person or capable of being used for dwelling or sleeping purposes;
 "owner" when used in reference to a caravan, includes the licensee or person in charge of the caravan,

APPENDIX 14—*continued.*

3. No owner of a caravan shall park it or allow it to be stationary on any road or reserve under the control of the Board, unless designated and defined as a caravan parking area, except during the hours of daylight.

4. No owner of a caravan shall park it or allow it to be stationary on any land within a district other than a road unless—

- (1) the caravan is not used as a dwelling or for sleeping purposes; or
- (2) (a) the owner holds in respect of the caravan a license under these by-laws issued by the Board of the district; and
(b) the land—
 - (i) has been designated and defined by the Board as a caravan parking area for the purposes of these by-laws, and the caravan is on the site allotted to it by the Board under the terms of the license relating to it; or
 - (ii) has been specially laid out by the owner thereof to the requirements of the Board to provide a parking area for caravans, and the caravan, including any vehicle used for towing such caravan, is the only vehicle or vehicles as the case may be on a defined and numbered site on the land, which site has a frontage of not less than 25 feet to a road or track by a depth of not less than 30 feet, and there are conveniently available to the occupants of the caravan on the land proper sanitary conveniences, receptacles for rubbish disposal and cooking facilities in accordance with the provisions of the Health Act, 1911-1948, and the regulations and by-laws for the time being in force thereunder: provided that the density of caravans including any vehicles used for towing such caravans on any land shall not exceed 30 to the acre; or
 - (iii) is owned by the owner of the caravan and there is no other caravan on the land.

5. Application for a license under the last preceding by-law shall be made to the Board or its secretary, and shall be accompanied by the fee in the next succeeding by-law mentioned. Each application shall be in respect of one caravan only.

5A. An application for a license under these by-laws may be refused by the Board.

6. (a) Any license granted by the Board under these by-laws shall be deemed to be so granted on the following terms, namely:—

- (1) That, subject to due compliance with and observance of the terms of the license by the licensee, the Board shall permit the licensee to park his caravan or allow it to remain stationary on land within the District of the Board under and subject to the provision of these by-laws, for such period, commencing from the date of the granting of the license, as the Board and the licensee may agree upon, but not exceeding three consecutive months, with liberty to the licensee to apply for a further license.
- (2) that the licensee shall pay to the Board a fee of 2s. 6d. in respect of each license and such further fees, charges and rental (if any) payable in respect of his use of the caravan, and of facilities granted to the licensee;
- (3) that the licensee shall obey the directions of the Board or any officer appointed by the Board as to positions, time and mode of parking on land designated and defined by the Board as a caravan parking area;
- (4) that on or at any time after any breach by the licensee of any of these terms or by-laws the Board may at any time cancel the license, which shall thereupon cease to have any further force or effect.

APPENDIX 14—continued.

(b) Where a licensee has been granted a license for any period not exceeding three consecutive months if the licensee applies to the Board for a further license a license may be granted by the Board for such periods and upon such terms as the Board may from time to time determine.

7. Where the Board has designated and defined any land as a caravan parking area, the Board shall set apart, define and number sites on such land for the parking of caravans and shall cause a plan to be prepared and to be retained at the Board's office delineating such land and the numbered sites thereon, and such plan shall be available at reasonable times to inspection by any licensee or applicant for a license.

8. A license issued by a Board under these by-laws shall be in the form of Appendix "A" hereto.

9. Any person who by act or omission shall commit a breach of any of these by-laws shall be guilty of an offence and liable on conviction to a fine not exceeding Twenty pounds.

Appendix "A."

Road Districts Act, 1919-1948.

.....District.

Caravan License.

Name..... of (address.....
..... is hereby licensed, subject to by-laws for the time being in force under the Road Districts Act, 1919-1948, to use Caravan No..... for dwelling and sleeping purposes within the..... district until the..... day of..... 19....., on the site or premises following, namely.....

Dated this..... day of..... 19.....

..... Secretary of the abovenamed District.

APPENDIX 15.

Extract from *Government Gazette* No. 75, of 16th December, 1949.

HEALTH ACT, 1911-1948.

Department of Public Health,

Perth, 14th December, 1949.

HIS Excellency the Governor acting with the advice and consent of the Executive Council and under sections 332 and 336 of the Health Act, 1911-1948 (reprinted for the second time pursuant to the Amendments Incorporation Act, 1938), has been pleased to approve of the regulations made by the Commissioner of Public Health as are set forth in the Schedule hereto.

W. S. DAVIDSON,

Acting Commission of Public Health.

Schedule.

Caravans and Camps.

1. These regulations may be cited as the "Caravan and Camps Regulations, 1949."

2. In these regulations, subject to the context—

"caravan" means caravan or vehicle designed or fitted as a habitation for any person or capable of being used for dwelling or sleeping purposes;

APPENDIX 15—*continued.*

“camp” includes any tent, tent-fly, shed or hut and any awning, blind or other structure erected as a tent, tent-fly, shed or hut, designed or fitted as a habitation for any person or used or intended for use as a dwelling or for sleeping purposes.

3. No owner or occupier of land shall permit or suffer any caravan to be used as a habitation, as a dwelling, or for sleeping purposes on the land, or permit or suffer any camp to be erected, used or occupied on the land unless and until the facilities of at least the nature and extent following are provided on the land for the separate use of the occupants and users of the caravan or camp, namely:—

(a) Sanitary conveniences on the following scale:—

- (i) One caravan or camp—one earth closet or one water closet.
- (ii) Two to five caravans or camps—one earth closet or water closet and one urinal for men and one earth closet or water closet for women, provided that where only one family is accommodated and the numbers thereof do not exceed 15, one earth closet or water closet for both sexes will be considered sufficient.
- (iii) Six to 10 caravans or camps—one additional earth closet or water closet for women.
- (iv) For each additional 10 or part of 10 caravans or camps—one extra earth closet or water closet and urinal for men and one earth closet or water closet for women.

(b) Cooking facilities in accordance with by-laws for the time being in force in the district of the local authority.

(c) Bathrooms and laundries on the following scale:—

- (i) One or two caravans or camps—one bathroom and one laundry consisting of not less than one copper and two washing troughs.
- (ii) Three to eight caravans or camps—one bathroom for each sex and one laundry consisting of not less than one copper and two washing troughs.
- (iii) Nine to 20 caravans or camps—two bathrooms for each sex and one laundry consisting of not less than one copper and two washing troughs.
- (iv) Twenty-one to 32 caravans or camps—three bathrooms for each sex and two laundries comprising each, one copper and two washing troughs.
- (v) For each succeeding 12 or part of 12 caravans or camps over 32—one additional bathroom for each sex and one additional laundry comprising one copper and two washing troughs.

For the purpose of the above a shower cubicle may be considered as a bathroom.

(d) Rubbish bins to be supplied in accordance with the by-laws of the Local Health Authority.

4. No person being the owner or occupier of a caravan or camp shall occupy or use, or permit the occupation or use of the caravan or camp as a habitation or as a dwelling or for sleeping purposes on any land unless and until the facilities mentioned in the past preceding regulation are provided on the land for the separate use of the occupants and users of the caravan or camp.

4A. No owner or occupier of land shall permit or suffer any caravan or camp to remain on any site at a greater distance than 150 feet from any of the sanitary conveniences and bathrooms and laundries as provided for in regulation 3 of these regulations.

5. No person shall park a caravan, or erect or construct any camp within 20 feet of any dwelling or within 15 feet of any other caravan or camp.

APPENDIX 15—*continued.*

6. The owner and occupier of any caravan or camp shall promptly dispose or cause the proper disposal of all liquid waste, refuse and rubbish in or about the caravan or camp, to prevent the creation therefrom of any nuisance or anything offensive or injurious to health, and shall keep and maintain the caravan or camp and its precincts in a clean and hygienic condition.

7. Any person who by act or omission shall commit a breach of any of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding Twenty pounds.

8. A local authority may—

(a) provide and define land for caravan parking areas within its own district; and shall set apart, define and number sites for the parking on each of a caravan or camp: Provided that each such site shall comprise an area of land having a frontage of not less than 25 feet to a road or trafficable track by a depth of not less than 30 feet;

(b) enclose such areas.

9. Where a local authority has provided and defined land for caravan parking areas within its own district it shall provide and maintain in the areas sanitary conveniences, cooking, bathroom and laundry facilities and facilities for rubbish disposal on a scale corresponding to that set out in Regulation 3 of the Regulations.

Passed by the Perth Road Board at the ordinary meeting of the Board held on the 9th day of February, 1960.

HERBERT R. ROBINSON,
Chairman.

LLOYD P. KNUCKEY,
Secretary.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 16th day of March, 1960.

R. H. DOIG,
Clerk of the Council.