



# Government Gazette

OF

## WESTERN AUSTRALIA

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[1968

### HEALTH ACT, 1911, AND AMENDMENTS.

City of Fremantle.

Health By-law—Eating Houses.

P.H.D. 1628/56, Pt. 1.

WHEREAS under the provisions of the Health Act, 1911, and amendments, a local authority may make by-laws and may amend, repeal or alter any by-laws so made: Now, therefore, the Council of the City of Fremantle, being a local authority, doth hereby make the following by-law:—

1. The Health By-law relating to eating houses passed by the City of Fremantle on the 17th day of May, 1948, is referred to as the principal by-law.

2. From the date this by-law takes effect, subparagraphs (d) and (e) of paragraph 14 of the principal by-law shall not apply to dining-rooms; except that, in the case of dining-rooms so licensed at the date this by-law takes effect, the subparagraphs shall apply until the 31st day of December, 1965, but no longer.

3. A new paragraph 14 (A) is added to the principal by-law at the end of paragraph 14 as follows:—

14. (A) No premises (subject to the exception hereinafter mentioned) shall be used as a dining-room unless the following conveniences are provided in conjunction therewith:—

- (i) Water closet with wash basins for use of female employees and female patrons.
- (ii) Water closet with wash basins for use of male employees and male patrons.
- (iii) Soap and disposable towelling for use of employees and patrons.

Exception—

This paragraph shall not apply to existing dining-rooms until the 31st day of December, 1965.

4. A new paragraph 14 (B) is added to the principal by-law at the end of paragraph 14 (A) as follows:—

14. (B) As from—

- (i) the date this by-law takes effect in the case of premises not now registered as a dining-room; and
- (ii) the 31st day of December, 1965, in the case of premises now registered as a dining-room;

no license shall be granted to occupy and use such premises as a dining-room unless conveniences are provided as aforesaid.

Passed by the City of Fremantle this 17th day of December, 1962.  
The Common Seal of City of Fremantle was hereto affixed this 21st day of May, 1963, pursuant to a resolution passed the 17th day of December, 1962, in the presence of—

[L.S.]

W. FRED. SAMSON,  
Mayor.  
S. W. PARKS,  
Acting Town Clerk.

Confirmed by the Commissioner of Public Health of the State of Western Australia the 12th day of July, 1963.

W. S. DAVIDSON,  
Commissioner of Public Health.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

(Sgd.) W. S. LONNIE,  
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.  
Gosnells Shire Council.

P.H.D. 674/61, Pt. 2.

WHEREAS under the Health Act, 1911-1962, the Governor may cause to be prepared Model By-laws for all or any of the purposes of the said Act; and whereas Model By-laws described as Series "A" have been prepared, and amended from time to time, and reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on 9th August, 1956, and further amended by notice published in the *Government Gazette* on 12th December, 1962; and whereas a local authority may adopt such Model By-laws with or without modification: Now, therefore, the Gosnells Shire Council, being a local authority within the meaning of the Act and having adopted the Model By-laws, Series "A," as reprinted in the *Government Gazette* on 9th August, 1956, doth hereby resolve and determine that the aforesaid amendment published in the *Government Gazette* on 12th December, 1962, shall be adopted with the following modifications:—

1. The amendment to by-law 29 of Part I is not adopted.
2. By-laws 29A and 29B of Part I are not adopted.
3. A paragraph is added to the end of Section U of Part IX as follows:—  
13. All premises at present licensed as Poultry Processing Establishments within the district shall comply with these by-laws not later than the thirty-first day of December, 1964.

Passed at a meeting of the Gosnells Shire Council this 26th day of March, 1963.

ARTHUR A. MILLS,  
President.  
H. W. WALKER,  
Shire Clerk.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council, this 24th day of July, 1963.

(Sgd.) W. S. LONNIE,  
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.  
Shire of West Kimberley.

P.H.D. 250/61.

WHEREAS under the Health Act, 1911-1962, the Governor may cause to be prepared Model By-laws for all or any of the purposes of the said Act; and whereas Model By-laws described as Series "A" have been prepared, and amended from time to time, and reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on 9th August, 1956, and further amended by notices published in the *Government Gazette* on 10th March, 1959, and 12th December, 1962; and whereas a local authority may adopt such Model By-laws with or without modification: Now, therefore, the Shire of West Kimberley, being a local authority within the meaning of the Act, and having adopted the Model By-laws, Series "A," as reprinted in the *Government Gazette* on 9th August, 1956, doth hereby resolve and determine that the aforesaid amendments published in *Government Gazette* on 12th December, 1962, shall be adopted without modification.

Passed at a meeting of the Council of the Shire of West Kimberley, this 10th day of June, 1963.

A. W. NICHOLS,  
President.  
K. A. RIDGE,  
Shire Clerk.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

(Sgd.) W. S. LONNIE,  
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.  
Shire of Gosnells.

P.H.D. 674/61, Pt. 1.

WHEREAS under the provisions of the Health Act, 1911-1962, a local authority may make or adopt by-laws and may amend, repeal or alter any by-laws so made or adopted: Now, therefore, the Gosnells Shire Council, being a local authority within the meaning of the Act and having adopted the Model By-laws described as Series "A," as reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on the 9th August, 1956, doth hereby resolve and determine that the said adopted by-laws be amended as follows:—

PART I—GENERAL SANITARY PROVISIONS.

1. By-law 29 of Part I is amended by adding after paragraph (g) the following paragraph:—

(h) Notwithstanding the provisions of paragraph (g) of this by-law, where poultry are kept under deep litter methods approved by the Department of Agriculture, the provision of concrete floors to poultry sheds shall be optional.

PART IX—OFFENSIVE TRADES.

2. Schedule "F" to Part IX is amended by adding after the figures "315" at the end of the schedule, the passage " , but excluding from the portion of land so described, Lot 1 of Location 243."

Passed at a meeting of the Gosnells Shire Council this 26th day of March, 1963.

ARTHUR A. MILLS,  
President.  
H. W. WALKER,  
Shire Clerk.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

(Sgd.) W. S. LONNIE,  
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.  
Shire of Greenbushes.

P.H.D. 1889/56.

WHEREAS under the provisions of the Health Act, 1911-1962, a local authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted: Now, therefore, the Shire of Greenbushes, being a local authority within the meaning of the Act, and having adopted the Model By-laws described as Series "A," as reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on the 9th day of August, 1956, doth hereby resolve and determine that the said adopted by-laws shall be amended as follows:—

PART I—GENERAL SANITARY PROVISIONS.

After by-law 1B insert a new by-law to stand as by-law 1C as follows:—

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

(a) This by-law shall apply to that portion of the district comprising the area of the townsite of Greenbushes which is served by the Government Reticulated Water Supply.

(b) The owner of every house constructed after the coming into operation of this by-law and which house is within a portion of the district to which this by-law applies, shall provide on the premises an apparatus for the bacteriolytic treatment of sewage and liquid wastes produced on the premises before the house is used or occupied.

Passed at a meeting of the Greenbushes Shire Council this 9th day of May, 1963.

GUY THOMSON,  
President.

G. C. GERICKE,  
Shire Clerk.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

(Sgd.) W. S. LONNIE,  
Acting Clerk of the Council.

HOSPITALS ACT, 1927-1955.  
Yarloop District Hospital Board

Resolution.

WHEREAS under the provisions of section 23 of the Hospitals Act, 1927-1955, a Board may itself establish and manage a Medical Fund, the object of which shall be to secure for its subscribers medical attendance, hospital treatment, or other similar benefits; and may, by by-laws, provide for the regulation and control of such Funds; and whereas a Medical Fund has been established by the Board of Management of the Yarloop District Hospital. Now, therefore, the said Board of Management, acting pursuant to section 23 of the Hospitals Act, 1927-1955, do hereby make by-laws for the regulation and control of the said Medical Fund in the manner set forth in the schedule hereunder.

Schedule.

BY-LAWS OF THE YARLOOP DISTRICT MEDICAL AND HOSPITAL FUND.

Repeal.

1. The by-laws heretofore made by the Yarloop Hospital Board and published in the *Government Gazette* on the 23rd April, 1954, and amended from time to time thereafter, are hereby repealed.

Name.

2. The Fund shall be shown as the "Yarloop District Medical Hospital and Ancillary Benefit Fund". (Hereinafter called, for the purposes of these by-laws, the "Medical Fund", or "Hospital Fund", or "Ancillary Benefits Fund" as the context requires.)

Board of Management.

3. The administration of the Fund shall be vested in the Yarloop Hospital Board as constituted from time to time in accordance with the provisions of the Hospitals Act, 1927-1955.

Alteration.

4. The Board may make any alteration of these by-laws provided that two weeks' notice of such alterations shall be given to the subscribers and such alterations shall be submitted to the Governor in Council and to the Commonwealth Director of Health for their approval.

Membership.

5. Any person may apply to become a subscriber to the Medical Fund and/or the Hospital Fund, but the Board reserves the right to accept or reject any application for membership at its absolute discretion, or to accept for membership subject to such terms and conditions as the Board may decide. No person shall be approved for membership of the Medical Fund unless approved by a Medical Officer of the Fund.

6. (a) The term "subscriber" shall mean any person, male or female, who is financial and has paid his or her subscription in accordance with these by-laws before seeking any benefits or privileges and shall include, so far as benefits are concerned, all dependants of the subscriber.

6. (b) The word "dependant" shall mean the wife, parents and grandparents of a subscriber, the sons, daughters, brothers and sisters not over 16 years of age of a subscriber, who are actually residing with, and are wholly dependent on him at the date of illness or accident which the Medical Officer is required to treat, and a female relative who is employed as a full time housekeeper by, and who is wholly dependent on, the subscriber at the date of such illness or accident.

6. (c) If the Medical Officer is not aware or is in doubt as to whether any person is or is not a dependant he may refer the matter to the secretary and be guided by his decision.

6. (d) Every subscriber to the Medical Fund, and his dependants shall, if required, submit to a medical examination by the Medical Officer of the Fund before he is accepted as a subscriber.

6. (e) "Special Account contributors" means Special Account contributors as defined in the National Health Act, the amount of whose contributions are required by that Act to be credited to the Special Account of this Fund.

6. (f) "Ordinary Account contributors" means contributors other than Special Account contributors.

Subscriptions.

7. (a) The subscription rates shall be 12s. 6d. per calendar month for the Medical Fund, and 26s. 6d. per calendar month for the Hospital Fund, and 7s. per calendar month for Ancillary Benefits Fund. The rates for members between the ages of 16 and 21 years shall be half the adult rate, if without dependants.

7. (b) Any person who is a member of the Pensioners' Medical Fund may be accepted at 3s. 6d. per calendar month for Medical Fund, 5s. per calendar month for Hospital Fund and 1s. 6d. per calendar month for Ancillary Benefits Fund.

Medical Fund Benefits.

8. (a) Every subscriber and dependant, being a member of the Medical Fund, shall be entitled to medical and surgical treatment, free of charge, for all cases of sickness and accident, and including midwifery, while an inmate of a hospital attended by the Medical Officers of the Fund, subject to the limitations and conditions set forth in these by-laws.

8. (b) Payment for an electrocardiograph, whether taken at Yarloop by the Fund Medical Officer or elsewhere, will be paid for on a fee-for-service basis.

9. (a) If the Fund Medical Officer recommends the transfer of a subscriber or a dependant to another doctor for outpatient or inpatient treatment, the Medical Fund shall, subject to the limitations and conditions set forth in these by-laws, pay the medical practitioner's charges for such treatment as follows:—

- (i) Specialist consultations or treatment, to a maximum of £35 in any one year, other than operations.
- (ii) Surgical treatment, to a maximum of £35 per operation.

9. (b) If the Fund Medical Officer recommends the transfer of a subscriber or a dependant to the Royal Perth Hospital, Princess Margaret Hospital for Children, or the Fremantle Hospital for treatment, the cost of such treatment shall be paid by the Medical Fund to a maximum of £35 in any one year including cost of transport.

9. (c) Where it becomes necessary, owing to the seriousness of the condition of the subscriber or dependant, for the Fund Medical Officer to arrange for a consultant to travel from Perth for the purpose of consultation or treatment, the Medical Fund shall be liable for the payment of the consultant's fee to a maximum of £35.

9. (d) Where in the opinion of the Medical Officer it is necessary for a guardian to accompany a minor, treatment for which minor is provided for under the preceding subclauses of this by-law, the Ancillary Fund shall pay the cost of transport from and to the Fund Area in respect to such guardian. Any payment made in this connection shall form part of the maximum liability provided under each subclause.

10. The Board of Management shall have discretionary powers regarding payment in respect of doctors' fees incurred by a subscriber or dependant when such subscriber or dependant becomes suddenly ill or meets with an accident while temporarily outside the district and is unable to return for treatment by the Fund Medical Officer, provided that, before any claim shall be entertained under this by-law, a subscriber or dependant or in the case of a minor dependant, a responsible person shall contact where practicable the Fund Medical Officers or their deputies, explain the circumstances and abide by any instructions given by the Fund Medical Officers or their deputies, and further, a subscriber may be required to produce a certificate from the attending doctor to the effect that the conditions for which treatment was given precluded his return for the purpose of treatment by the Fund Medical Officer.

11. Payments for services rendered to subscribers or their dependants under the Commonwealth National Health Act regulations shall be made in accordance with the following scale:—

First Schedule.

- Parts 1 and Items 35, 90 and 105: Equal to Commonwealth Benefit plus 25 per cent.
- Parts 2, 4, 6, 7: Equal to Commonwealth Benefit plus 50 per cent.
- Part 3 (except items 35, 90 and 105): Equal to Commonwealth Benefit plus 50 per cent.
- Part 5: Equal to Commonwealth Benefit.

Second Schedule.

All items: Equal to Commonwealth Benefit.

This by-law shall apply only to those items of service which are rendered under a fee-for-service.

12. (a) Any sum paid by the Commonwealth by way of subsidy shall comprise part of the amount paid as benefit in each case but shall not be included in calculating the maximum benefit payable by the Medical Fund.

12. (b) Where medical services are rendered on a fee-for-service basis, the total of Fund and Commonwealth benefits payable to or on behalf of a subscriber shall not exceed 90 per cent. of the total charge. If the combined Fund and Commonwealth benefit for any service would exceed 90 per cent. of the total charge then the Fund benefit shall be reduced by an amount equal to the difference between the total charge and 90 per cent. of that charge.

13. The Fund may make payment direct to the hospital or doctor concerned or to the subscriber on production of an account from the hospital or doctor duly receipted as being paid in full.

14. A maximum benefit of £5 5s. in any one year may be paid for x-ray services.

#### Hospital Fund Benefits.

15. Hospital Fund—Benefits.—Every subscriber to the Hospital Fund and his dependants shall, after complying with the conditions set forth in these by-laws, be entitled to inpatient treatment in the Yarloop, Mornington or Harvey Hospital, whichever is specified by the Fund Medical Officer, for which a payment of 16s. per day shall be made to that hospital for pensioners, and 36s. per day for non-pensioners. Benefit shall be limited to 70 days in any one year for each person entitled to benefit, subject to the provisions relating to Special Account contributors contained in by-law 34.

16. Provided that if a bed is not available at a rate which will be fully met by the amount specified in by-law 15, the Board may make an additional payment to cover the increased cost, but such payment shall not be made if a bed at increased cost is requested by the subscriber or dependant.

17. The Board of Management shall have discretionary powers regarding payment for treatment incurred at any hospital by a subscriber or dependant when such subscriber or dependant becomes suddenly ill or meets with an accident while temporarily outside the Fund district and is unable to return for treatment by the Fund Medical Officer.

18. A payment of 48s. per day shall be made for inpatient treatment at any other approved hospital as defined in the National Health Act, providing the total Commonwealth and Fund benefit does not exceed the Hospital account. Payment in respect to other hospitals shall be limited to 70 days in any one year for each person entitled to benefit subject to the provisions relating to Special Account contributors contained in by-law 34.

#### Ancillary Fund Benefits.

19. Benefit for transport provided under by-law 9 (b) and 9 (d) shall be paid from the Ancillary Fund.

20. (a) If a subscriber or dependant, on the recommendation of the Medical Officer, is required to travel for the purpose of consulting another doctor, the Ancillary Fund shall pay the cost of transport to a maximum of £1 10s. per visit.

20. (b) If, owing to the condition of the subscriber or dependant, the Medical Officer recommends transport by ambulance or other vehicle, the Ancillary Fund shall pay the cost of such transport.

20. (c) Cost of transport of members or dependants, being members of the Ancillary Fund, from out-centres approved by the Board for the purpose of consulting the Medical Officer in cases of emergency, may be paid by the Fund, provided that such journey is authorised by the Medical Officer before the journey is undertaken. The rates of payment from such out-centres shall be fixed by the Board from time to time.

21. The Ancillary Fund shall provide each out-centre with drugs and dressings for use in emergency.

22. Every subscriber and dependant, being a member of the Ancillary Fund, shall be entitled to outpatient treatment whilst being attended by a Fund Medical Officer as an outpatient within the Fund area, subject to the limitations and conditions set forth in these by-laws.

23. The Ancillary Fund shall pay theatre charges at such rates as may be determined from time to time by the State Medical Department.

#### Waiting Periods.

24. Accidents.—The subscriber shall be entitled to benefit from the Fund if he meets with an accident at any time after acceptance of membership.

25. Confinements.—Benefit for confinements will not be available to the subscriber until the expiration of a period of nine months after acceptance of membership.

Pre-Existing Ailments.

26. Benefit will not be payable in respect of treatment for a disability of which the symptoms were apparent to the subscriber before the expiration of two weeks after acceptance of membership, subject to the provisions relating to Special Account contributors contained in by-law 34.

27. Forfeiture of Benefits.—A subscriber shall only be entitled to benefits for himself and dependants as long as he shall be a financial member of the Fund, and any subscriber who is four weeks in arrears may be deemed to be unfinancial and, if so deemed, shall forfeit all benefits from the Fund.

28. A subscriber who has been a member of the Fund for a longer period than twelve consecutive months may continue membership of the Fund although not residing within the Fund area and shall be entitled to those benefits given under a fee-for-service.

29. Limitations.—Benefits will not be payable in the following cases:—

- (a) For any condition covered by the Workers' Compensation Act.
- (b) Injuries or sickness covered by Third Party Insurance, Repatriation Act, or Social Services Act, or under process of Common Law; provided that failure on the part of the sick or injured person to recover damages or compensation shall not deprive such persons from medical services by the Fund.
- (c) Examination for life insurance.
- (d) Alcoholism.
- (e) Venereal disease.
- (f) Insanity after certification.
- (g) Tuberculosis after date of positive diagnosis.

30. For the purpose of these by-laws the expression "in any one year" shall mean the period of 365 days immediately preceding each day for which a claim for benefit is made.

Accounts.

31. Separate Accounts.—Separate accounts shall be maintained for the Medical and Hospital and Ancillary Funds and a statement of receipts and payments in respect to each fund shall be compiled quarterly. A balance sheet of each fund shall be published annually. The accounts shall be audited annually by an officer appointed by the Minister for Health under section 26 of the Hospitals Act, 1927-1955. Separate records and accounts as required by the Director-General of Health shall be maintained for the Hospital Fund Special Account.

32. The secretary as appointed from time to time to the Hospital Board shall be secretary of the Medical and Hospital and Ancillary Funds and shall keep the books and carry out all the duties required under the instructions of the Board. He shall also act as the Public Officer of the Funds to perform all acts required under the National Health Act.

33. No payments shall be made from moneys received as subscriptions to the Hospital or Medical or Ancillary Fund except for the payment of benefits to subscribers or for the administration of the Funds. The cost of administration shall at no time exceed 15 per cent.

Special Account.

34. (1) A Special Account in the Hospital Fund shall be established on 1st January, 1963, and all related provisions of this rule shall apply to hospitalisation on and after that date.

(2) Members who have attained the age of 65 years, and their dependants, shall be transferred to the Special Account for hospital benefits, and shall not be transferred therefrom.



(3) Members who have not attained the age of 65 years, and their dependants, shall be transferred to the Special Account if the fund does not elect to pay hospital benefits from its Ordinary Account at the standard rate of 16s. per day for hospitalisation, or the insured rate, whichever is the lesser, in respect of—

- (a) hospitalisation of a member or his dependants in excess of 70 days in any one financial year;
- (b) hospitalisation for any illness, the symptoms of which were in evidence to the contributor or his dependants before the expiration of two weeks after his acceptance of membership.

Members transferred to the Special Account in terms of clause 3 hereof shall not be removed to the Ordinary Account until two years from the date of contributing to the Special Account.

(4) Contributions payable by Special Account members will be the same as those payable by the Ordinary Account member for the same level of benefits. The Special Account member will be entitled to the same fund benefits as if he were an ordinary member, except as hereinafter otherwise provided.

(5) Payment from the Special Account shall be made at the insured rate or the standard rate of 16s. per day for hospital benefits, whichever is the lesser, in respect of a member or a dependant for—

- (a) hospitalisation of a person in excess of 70 days in any financial year, provided, however, that the insured rate will be paid up to the 70 days maximum when a new financial year is entered. However, where a Special Account member's hospital fund benefit has been reduced to the standard rate as a result of the application of the maximum benefit rule, standard rate benefit will continue to be paid for the remainder of that period of hospitalisation;
- (b) hospitalisation of a person in respect of any illness, the symptoms of which were in evidence to the contributor or his dependants before the expiration of two weeks after acceptance of membership.

(6) Payment at the insured rate shall be made from the Special Account in all other cases.

(7) Payment of ancillary benefits shall be limited to the charge for the service.

(8) No member shall be entitled to be a contributor to a Special Account in more than one organisation registered under the National Health Act. Where it is subsequently found that a Special Account member is a member of a Special Account of another organisation, it will be necessary for such member to relinquish his membership in one of the registered organisations. However, payment of Special Account fund benefit shall be made to the member for his first claim which reveals dual membership in two Special Accounts. A Special Account contributor, who, because of this provision, relinquishes membership of the Special Account of this fund, shall be entitled to receive a proportionate refund of any contributions paid in advance.

(9) Hospital Fund Benefit is not payable from the Special Account in respect of a period during which a Special Account contributor was a patient in an institution other than an approved hospital unless payment of the benefit has been approved by the Director-General.

(10) The amount of hospital fund benefit payable in respect of the period covered by any claims by a Special Account contributor shall not exceed the difference between—

- (a) the sum of the gross fees and extra charges (as defined in the National Health Act) for that period; and
- (b) the sum of—
  - (i) the Commonwealth benefits for that period;
  - (ii) the amount of hospital fund benefit paid or payable by any registered hospital benefits organisation for that period;
  - (iii) the amount paid or payable by this organisation or by any other registered hospital or medical benefits organisation in respect of the extra charges (as defined in the National Health Act) for that period.

(11) There shall be no act of grace payments from the Special Account.

(12) A Special Account contributor is not entitled to payment of fund benefit in respect of a professional service or hospital treatment rendered to him during a period of two months commencing on the day on which he became a contributor—

(a) except in the case of injury by accidents; or

(b) in the case of hospital treatment—unless he was a qualified nursing home patient during any part of the period of two months immediately before he became a qualified hospital patient.

35. The Board may require of any officer handling any moneys of the fund such guarantee of fidelity as the Board may decide or the Medical Department may require.

Passed at a meeting of the Yarloop District Hospital Board of Management on the 11th June, 1963.

R. A. McCALLUM,  
Chairman.

D. G. EVANS,  
Secretary.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

(Sgd.) W. S. LONNIE,  
Acting Clerk of the Council.

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TRAFFIC ACT, 1919-1962.

The Municipality of the Shire of Quairading.

Traffic By-law.

Police T.O. 58/460.

IN pursuance of the powers confirmed by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 14th March, 1963, to make and submit for confirmation by the Governor, the following amendment to a by-law:—

Traffic By-law Gazetted 20th May, 1960, p. 1341.

Delete clause 2: A person shall not park or cause to be parked, any motor vehicle on the south side of Heal Street.

Dated this 15th day of May, 1963.

(Sgd.) K. G. MANNING,  
President.

(Sgd.) F. L. COMMINS,  
Shire Clerk.

Recommended—

(Sgd.) J. F. CRAIG,  
Minister for Police.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council, this 10th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## RIGHTS IN WATER AND IRRIGATION ACT, 1914-1962.

Department of Public Works Water Supply,  
Perth, 30th July, 1963.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council has been pleased to approve of the by-laws made pursuant to the provisions of the Rights in Water and Irrigation Act, 1914-1962, by the Minister for Water Supply, Sewerage and Drainage (acting as the Irrigation Board for Harvey No. 1, Waroona, Harvey No. 2 and Collie Irrigation Districts) and set out in the schedule hereunder.

J. McCONNELL,  
Under Secretary for Works.

## Schedule.

## By-laws.

Principal  
by-laws.

1. The by-laws for Harvey No. 1 Irrigation District, Waroona Irrigation District, Harvey No. 2 Irrigation District and Collie Irrigation District reprinted pursuant to the Reprinting of Regulations Act, 1954, published in the *Government Gazette* on the 6th April, 1955, and amended by notices published in the *Government Gazette* on the 12th December, 1956, the 14th November, 1957, the 28th January, 1960, the 30th August, 1960, the 17th August, 1961, and the 27th February, 1962, are referred to in these by-laws as the principal by-laws.

By-law 35  
substituted.

2. The principal by-laws are amended by substituting for by-law 35 and the heading thereto the following heading and by-law:—

## 35.—Pipe and Pump Supplies.

(1) The Minister may in respect of any land, whether that land is or is not subject to an irrigation rate or is or is not within an irrigation district, grant to the owner or occupier of that land, or to both of them, permission to take water from any work by means of pumping, or may construct works to supply water to that land, subject in either case to the condition that the water is taken as and when it is available in the channel, drain, watercourse or work and no special service for the individual consumer by the department is involved.

(2) The annual charges for water taken or supplied in accordance with the provisions of sub-by-law (1) of this by-law shall be as follows:—

## (a) For sprinkler irrigation of land—

- (i) if the supply of water is from works installed and is a gravity supply to the property, £2 10s. per acre; or
- (ii) if the supply of water is pumped from any work, £1 10s. per acre where supplies are sufficient to provide an assured service, or £1 2s. 6d. per acre where supplies are not so sufficient; and

## (b) For stock water supplies to non-rated properties, and for either or both household and dairy water supplies, including a garden cultivated in conjunction with the house—

- (i) if supplies of water are continuous throughout the irrigation season, £6 for each service; or
- (ii) if supplies of water are intermittent due to zonal waterings, £4 10s. for each service.

(3) (a) The Minister may from time to time limit either or both the area of land to be watered and the amount of water to be supplied, under the provisions of this by-law.

(b) The Minister may at any time at his discretion cancel any permission granted by him under sub-by-law (1) of this by-law.

(4) Where it is necessary for the Minister to construct works for the purpose of supplying water under the provisions of this by-law, either or both the owner and the occupier shall be liable to pay the cost of constructing those works, plus a capitalised maintenance charge determined by the Minister.

(5) Applications for any of the services referred to in this by-law shall be in writing and be made on the prescribed form.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Cottesloe.

By-law Relating to Beaches, Reserves and other Matters as detailed in Paragraph 1 of the By-law.

L.G. 714/62.

IN pursuance of the powers conferred upon it by the abovementioned Act and the additional powers granted by an Order in Council published in the *Government Gazette* of the 13th day of July, 1962, under subsection (8) of section 190 of the said Act, and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 26th day of June, 1963, to make and submit for confirmation by the Governor the following by-law:—

By-law No. 3.

Purpose.

1. This by-law is for the general control and management of Reserves Nos. 16189, 13719, 16188, 6896, 13718, 16187 and 25541 (Cottesloe), of beaches within the boundaries of the municipality and all buildings and structures in or on such reserves and beaches, jetties, groynes or other structures projecting into the sea therefrom, of boats and bathing appliances and of bathers and other persons entering upon or using the said reserves or beaches or any of them and the adjacent waters of the sea for a distance of two hundred (200) yards seaward from low water mark at ordinary spring tides.

By-law No. 3 made by the Municipality of Cottesloe and published in the *Government Gazette* of the 7th June, 1935, is revoked.

2. Except where the context specifically provides to the contrary, this by-law shall have effect throughout the area defined above.

Interpretation.

3. For the purpose of this by-law, unless the context otherwise indicates or requires, the following terms shall have the meanings set against them respectively, that is to say:—

“Authorised person”—An officer or inspector of the Council appointed as such, or any member in charge of a life saving patrol.

“Bathing”—The term includes entry into the sea; it also includes the use of bathing appliances.

“Bathing appliance”—A float of any material, surf ski, surf board, boat or any other device of whatsoever description used or for use in bathing.

“Bathing area”—That part of the defined area which, from time to time, is set aside pursuant to paragraph No. 10 (i) of this by-law as a bathing area.

“Boat”—Any craft or structure, whether propelled manually or by the wind or power, made or used to float upon the sea.

“Building or structure”—This term shall be deemed to include any thing made by the hands of man of any substance or material and shall also include all plumbing, electrical installations, fittings, fixtures and all furniture or other contents of a building and all structures in the open air such as notices, signs, seats, fences, walls, drains, showers, roads, footpaths, memorials and the like erected by or with the consent of the Council.

“Council”—The Council of the Municipality of the Town of Cottesloe.

“Defined area”—The places and the area of the sea defined in paragraph 1 of this by-law.

"Inspector"—A person appointed as such under this by-law.

"Life Saving Club"—A life saving club affiliated with the Western Australian State Centre of the Surf Life Saving Association of Australia or any branch thereof.

"Life saving gear or appliance"—Life saving reel, box line outfit, line or belt, patrol or signal flag, notice board, resuscitation or first aid equipment, blanket, signal whistle, bell or siren, trans-hailer, broadcasting equipment, patrol caps, patrol enclosure, look-out tower, watercraft or any other gear or appliance for use in the provision of life saving services or for the training of life saving club members in their duties.

"Life saving patrol"—A unit comprising such members of a life saving club as are appointed by that club from time to time to provide life saving services in the defined area. The term shall include a servant of the Council appointed as a permanent beach patrol officer or inspector.

"Life saving services"—Services provided in the defined area by the Council or by a life saving club under the authority of the Council for the protection and safety of persons bathing in or upon that area.

"Patrol flags"—Flags or notices erected at the outer limits of a bathing area to denote the limits of that area.

"Patrolled area"—An area within the defined area within which a life saving patrol is operating.

"Person"—An individual or individuals of either sex or a group, club, association or other body of persons.

#### Conduct Generally.

#### 4. No person shall—

- (a) create or commit any nuisance or behave in a disorderly or offensive manner or use indecent or improper language;
- (b) enter, pry or look into or loiter outside any lavatory, dressing shed or other building or portion of a building expressly reserved for the use of the opposite sex;
- (c) dress or undress or remove or disarrange any part of his or her bathing costume in any place open to public view or in any building save those specifically set aside by the Council for the purpose; provided that this shall not prevent any person already clad in proper bathing costume from doffing or donning an outer garment or garments over such bathing costume;
- (d) climb on or over any building or structure unless he be a member of a life saving club acting in the course of his duty;
- (e) enter any area or place which has been fenced off or otherwise closed to the public;
- (f) alter, cut, mutilate, deface or disfigure or otherwise damage any building or structure or expectorate or throw lighted matches thereon;
- (g) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, paper, broken glass, china or litter of any kind except in receptacles provided for that purpose.
- (h) injure, cut, break, deface, pull up, pick, remove or destroy any tree, shrub, flowers, grass or plant of any kind or description or, without the consent of the Council, plant any such or sow any seed;
- (i) without the written consent of the Council, cut, collect or remove any timber, firewood, stone, sand or other material except seaweed;
- (j) consume any intoxicating liquor except—
  - (i) on a portion of the defined area leased or let by the Council on such conditions as will permit the consumption of intoxicating liquor thereon; or
  - (ii) on a portion of the defined area in respect of which the Council has given approval for the consumption of intoxicating liquor but only in accordance with any conditions laid down by the Council.

A person shall not enter or remain in the defined area when under the influence of intoxicating liquor. Any person who, in the opinion of an authorised person, is under the influence of intoxicating liquor shall immediately leave the defined area when ordered or requested by such authorised person so to do;

- (k) unless he be a servant of the Council or a member of a life saving club acting in the course of his duty as such, carry or discharge any firearm, air gun or other missile discharging device (other than a speargun) or throw or discharge any firework, stone, spear or other missile;
- (l) load or discharge any speargun except when such gun is under water and fifty yards or more from any swimmer other than a companion spear fisherman;
- (m) drive any mechanically propelled vehicle designed for use on land except upon a roadway or parking place constructed for such purpose or upon a track approved by the Council to a boat launching point approved by the Council;
- (n) light any fire except in an area permitted by the Council;
- (o) ski into any place where bathers are congregated;
- (p) play games in such a way as to cause annoyance or inconvenience to persons bathing or using the beach.

#### Public Activities.

5. Unless the consent of the Council in writing shall previously have been obtained, no person shall—

- (a) bet or offer to bet publicly or conduct or take part in any gambling game or contest;
- (b) engage in any public speaking or conduct any meeting, entertainment or competition of an athletic or natatorial nature, provided however, that this clause shall not apply to the normal competitive or training activity of a life saving club or to meetings of such a club convened and held in accordance with its constitution.
- (c) sell or hire or offer for sale or hire any equipment, goods, produce or merchandise;
- (d) operate any broadcasting or public address system or apparatus other than those employed or used by a life saving club in the performance of its functions as such;
- (e) operate any radio, record player, radiogram, television set or other sound producing appliance or instrument at such volume as to cause annoyance to other users of the defined area;
- (f) advertise by any means anything whatsoever nor display or distribute any notice, pamphlet or document;
- (g) solicit, purchase, or offer to purchase bottles.

#### Dogs and other Livestock.

6. (a) No person shall, without permission of the Council, allow any animal (except a dog as provided in the next succeeding paragraph), or any bird to enter the defined area.

(b) No dog shall be permitted in the defined area except on the beach south of the projection of Rosendo Street in a westerly direction across Marine Parade and north of the projection of Grant Street in a westerly direction across Marine Parade.

(c) Except as aforesaid, no person shall cause or permit any dog of which he is the owner as defined in the Dog Act, 1903-1961, or any amendment or replacement of that Act, or of which he is for the time being in charge, to enter or remain in the defined area.

(d) Any dog found in the defined area in contravention of this by-law may be impounded. Such impounding, if carried out, shall not absolve the offending persons from prosecution.

#### Fishing.

7. (a) The Council may, by resolution and the exhibiting of a notice to that effect on or adjacent to any place or location within the defined area, prohibit fishing from any such place or location and no person shall fish from or in any such place or location.

- (b) No person shall, within the defined area—
- (i) clean fish or cut bait on any seat or handrail;
  - (ii) leave or deposit fish offal anywhere on land at any time or in the sea within 200 yards of any portion of the beach at which people are swimming or are likely to swim within twelve hours of such disposal;
  - (iii) without written permission of the Council, fish for sharks by use of set or buoyed lines or use blood or any other lure for the purpose of attracting sharks.

#### Boats.

8. (a) Where the Council sets aside areas or sites for the launching and beaching of boats at any place in the prescribed area, it shall exhibit signs indicating that the area is one in which that action may be taken.

(b) The Council may, by resolution and the exhibiting of notices, prohibit the launching and beaching of boats elsewhere in the defined area.

(c) The Council may set aside an area in which boats may be left or parked and no boat may be left on the beach other than in an area so set aside.

(d) A person using a vehicle to tow a boat to a launching site shall use the road or track set aside for the purpose and immediately after launching he shall withdraw the vehicle from such road or track and the beach.

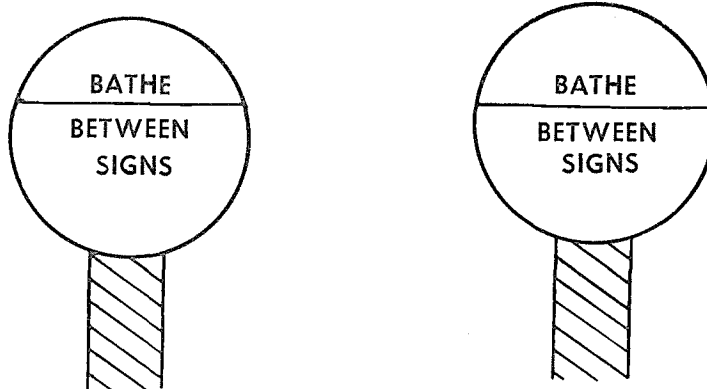
#### Camps or Camping.

9. Unless written permission of the Council to do so has been obtained, no person shall within the defined area—

- (a) camp or lodge at night in or occupy as sleeping quarters any stall, building, tent or structure or any kind;
- (b) erect any tent, camp, hut or other structure except a beach shade or windbreak for use during daylight and erected, dismantled and removed during the hours of daylight on the day of use.

#### Bathing.

10. (i) Within the portions of the defined area in which life saving services are provided the authorised person who first commences duty each morning during the patrol season approved by the Western Australian State Centre of the Surf Life Saving Association of Australia and during any additional period for which the Council may maintain its paid Beach Inspector on duty shall, immediately upon commencing duty, select what in his opinion is the safest and most suitable part of the patrolled area to be set aside as a bathing area and shall thereupon define the limits of such bathing area by erecting at each extremity thereof a red and yellow patrol flag at least thirty inches square and/or a sign in the following form:—



The upper half of each sign shall be painted yellow and the lower half red with lettering in black. The lettering shall be at least three inches high.

The sign shall have a minimum diameter of twenty-four inches and the lowest point thereof shall be at least seven feet and not more than ten feet above the immediate ground level.

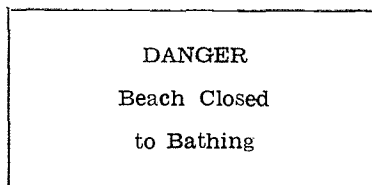
(ii) The erection of such patrol flags and/or signs, or their re-erection as hereinafter provided, shall set aside and define the bathing area for the time being and denote that an officer of the Council appointed as a permanent beach patrol or, as the case may be, a surf life saving club, is providing life saving services in that area.

(iii) If at any time, having regard to prevailing conditions, an authorised person is of the opinion that the limits of the bathing area should be altered, he may remove such red and yellow diagonal patrol flags and/or signs and re-erect them in another position within the patrolled area.

(iv) If at any time having regard to prevailing conditions, an authorised person is of the opinion that conditions within the bathing area are so dangerous as to warrant that action, he may close the beach by removing such patrol flags and/or signs and erecting in a central position within the bathing area a notice that the beach is closed to bathing.

Such notice shall—

- (a) be at least three feet in length and two feet wide;
- (b) be painted white with red lettering at least three inches high;
- (c) be erected at least seven feet and no more than ten feet above the immediate ground level;
- (d) be in the following form:—



(v) During any time life saving services are not provided in the bathing area, an authorised person shall remove the patrol flags and/or signs hereinbefore specified.

(vi) An authorised person may—

- (a) place any life saving gear or appliance in a position on the defined area considered by him to be the most suitable;
- (b) set aside a roped enclosure not greater than twelve feet square for the exclusive use of members of a life-saving patrol;
- (c) order the discontinuance of use within a bathing area of bathing appliances (either generally or a particular class) which, in his opinion, could cause inconvenience or danger to bathers;
- (d) require any or all persons to leave the water within the bathing area or any part thereof during the course of any rescue.

(vii) During the presence of a shark or other danger, an authorised person may cause a shark alarm to be given. The signal for the shark alarm shall be the prolonged ringing of a shark alarm bell or a long blast on a shark alarm siren and the erection of a red and white quartered flag upon the lookout tower or some prominent position, or the holding of a red and white quartered flag stationary above the head. When he is of the opinion that any danger shall have passed, such authorised person shall cause the signal of "all-clear"



to be given by a short ringing of the shark alarm bell or a short blast on the shark alarm siren followed by the taking down of the red and white quartered flag.

(viii) (a) An authorised person may at any time during which the discontinuance of use of bathing appliances (either generally or of a particular class) is ordered pursuant to subparagraph (c) of paragraph (vi) of this by-law set aside a part of the patrolled area (other than the bathing area) for use by persons using bathing appliances either generally or of the particular class concerned.

(b) The part so set aside may be defined by notice, flag or such other means as he shall deem necessary.

(ix) Each member of a life saving patrol shall wear a red and yellow quartered swimming cap whilst engaged on patrol.

#### Life Saving Competition Areas.

11. The Council may, from time to time authorise a life saving club to—
- (a) temporarily set apart any part of the defined area for the holding of a life saving competition;
  - (b) enclose a competition area with rope, hessian, wire or other means;
  - (c) divide a competition area into sections, some of which may be set aside for use by the public and some of which may be set aside for competition use only, in which case, such areas shall be clearly defined as to the nature of their respective uses;
  - (d) prescribe the terms and conditions of entry of the public into such competition area, in which case the terms and conditions of such entry shall be clearly defined by notice erected at each end and every entrance to such competition area.
  - (e) During the period of such authorisation, no person shall—
    - (i) enter into or remain within such competition area except upon compliance with the conditions of admission indicated by notice at the entrance or entrances to such areas;
    - (ii) if he is a member of the public enter upon any part of the competition area set aside for competition use; or
    - (iii) do any act or thing to create, or which may be likely to create, any interruption or interference to the smooth running of the competition.

#### Clothing.

12. All persons over the age of four years shall be decently clad.

If an authorised person considers that the costume or other clothing of any person is inadequate to preserve decency he may order such person to don adequate clothing and if such person refuses to do so he may be removed from the defined area by such authorised person.

#### Offences (Bathing).

13. No person shall—
- (a) swim out to sea such a distance that, if his life should become endangered, the life of any other person rescuing or attempting to rescue him shall or might also become endangered. It shall be sufficient for the proof of an offence under this paragraph that an authorised person shall consider the distance to be sufficient to create the danger referred to;
  - (b) bathe in any place which has, by notice erected by the Council or by an authorised person, been declared as—
    - (i) closed to bathing;
    - (ii) dangerous;
    - (iii) reserved for the launching and beaching of surf boats operated by a life saving club;

- (c) use a bathing appliance (either generally or of a particular class) in a bathing area where the use of such appliance has been prohibited, either by notice or the verbal order of an authorised person pursuant to paragraph 10 of this by-law;
- (d) fail to leave the water during the course of a rescue when so required by an authorised person;
- (e) bathe within the bathing area after a shark alarm has been given pursuant to paragraph 10 (vii) of this by-law and before the signal of "all clear" has been given;
- (f) assist or attempt to assist in the use of any life saving gear or appliance or in any way interfere with its use unless requested or authorised so to do by an authorised person or a member of a life saving patrol;
- (g) interfere with, damage, or destroy any notices, life saving gear or appliance;
- (h) place any clothing, towel or any other object matter or thing on any notice, life saving gear or appliance;
- (i) encroach upon any area in which any life saving gear or appliance is located or is being used or in which life saving or first aid treatment is being administered to any person;
- (j) obstruct any authorised person or member of a life saving patrol providing life saving services;
- (k) enter upon or loiter in any roped enclosure set aside for the exclusive use of members of a life saving patrol pursuant to paragraph 10 (vi) (b) of this by-law;
- (l) refuse to remove any beach umbrella, sunshade, beach coat or any other thing in his control which will impair the view of the bathing area from the roped enclosure set aside for the exclusive use of members of a life saving patrol pursuant to paragraph 10 (vi) (b) of this by-law;
- (m) unless he is a member of a life saving patrol on duty, wear a red and yellow quartered swimming cap in or upon any bathing area;
- (n) unless he is an inspector appointed by the Council pursuant to these by-laws, wear a badge bearing the words "Beach Inspector".

#### Inspectors.

14. (a) The Council may appoint any of its members or employees to be an inspector under this by-law.

(b) The Council may also appoint any member of a life saving club as inspector under this by-law, provided that a member so appointed shall not prosecute any person for a breach of any provisions of this by-law, but shall report such breach to the Council for action by it.

(c) Any person appointed an inspector as provided in the two preceding paragraphs, shall be given written notice of his appointment and shall have issued to him a badge bearing the words "Beach Inspector." The wearing of such badge or the production of it or of the written notice of his appointment when exercising his authority under this by-law, shall be prima facie evidence of the appointment and authority of the person producing the same.

(d) Every member of the Western Australian Police Force shall have the power of an inspector under this by-law.

(e) Any inspector or authorised person who finds any person committing or attempting to commit a breach of any of the provisions of this by-law may demand from such person his name and current place of abode and usual place of abode, and shall report the fact of such breach and the name and place or places of abode of such persons as soon as conveniently may be, to the Council.

(f) Any person who refuses to state his name and place or places of abode to any inspector or any authorised person shall be guilty of an offence under this by-law.

## Offences (Generally).

15. Any person who fails to do anything required under this by-law to be done or who does or attempts to do anything prohibited under this by-law shall be guilty of an offence.

## Penalty.

16. The penalty upon conviction of an offence under or against this by-law shall be a fine not exceeding fifty pounds (£50).

Dated this 27th day of June, 1963.

The Common Seal of the Town of Cottesloe was hereunto affixed this 27th day of June, 1963, by the Mayor in the presence of the Town Clerk.

[L.S.]

C. L. HARVEY,  
Mayor.  
D. G. HILL,  
Town Clerk.

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Albany.

Adoption of Draft Model By-laws Relating to Removal and Disposal of Obstructing Animals or Vehicles.

L.G. 384/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 11th day of February, 1963, to adopt the Draft Model By-laws published in the *Gazette* of the 1st day of August, 1962:—

Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7.

The whole of the by-laws.

Dated the 8th day of July, 1963.

The Common Seal of the Town of Albany was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

C. JOHNSON,  
Mayor.  
F. R. BRAND,  
Town Clerk.

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Albany.

Adoption of Draft Model By-laws Relating to Extractive Industries.

L.G. 383/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 27th day of May, 1963, to adopt Draft Model By-laws published in the *Gazette* on the 8th day of November, 1962:—

Local Government Model By-laws (Extractive Industries) No. 9.

The whole of the by-laws.

Dated this 8th day of July, 1963.

The Common Seal of the Town of Albany was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

C. JOHNSON,  
Mayor.  
F. R. BRAND,  
Town Clerk.

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## LOCAL GOVERNMENT ACT, 1960.

TOWN PLANNING AND DEVELOPMENT ACT, 1928.

The Municipality of the Shire of Armadale-Kelmscott.

By-law Relating to Building Lines.

L.G. 504/62.

IN pursuance of the powers conferred upon it by the abovementioned Acts and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 18th day of March, 1963, to make and submit for confirmation by the Governor the following by-law:—

(1) The building lines for the streets and portions thereof shown on the plan and schedule hereto shall be the line indicated as the dotted line on the said plan.

(2) No person shall erect or cause to be erected any building or structure between the building line and the street on which the land abuts.

(3) Any person who commits a breach of these by-laws shall, upon conviction, be liable to a penalty not exceeding twenty pounds (£20).

Passed by the Armadale-Kelmscott Shire Council at the ordinary meeting of the Council held on the 18th day of March, 1963.

[L.S.]

J. E. MURRAY,  
President.  
W. W. ROGERS,  
Shire Clerk.

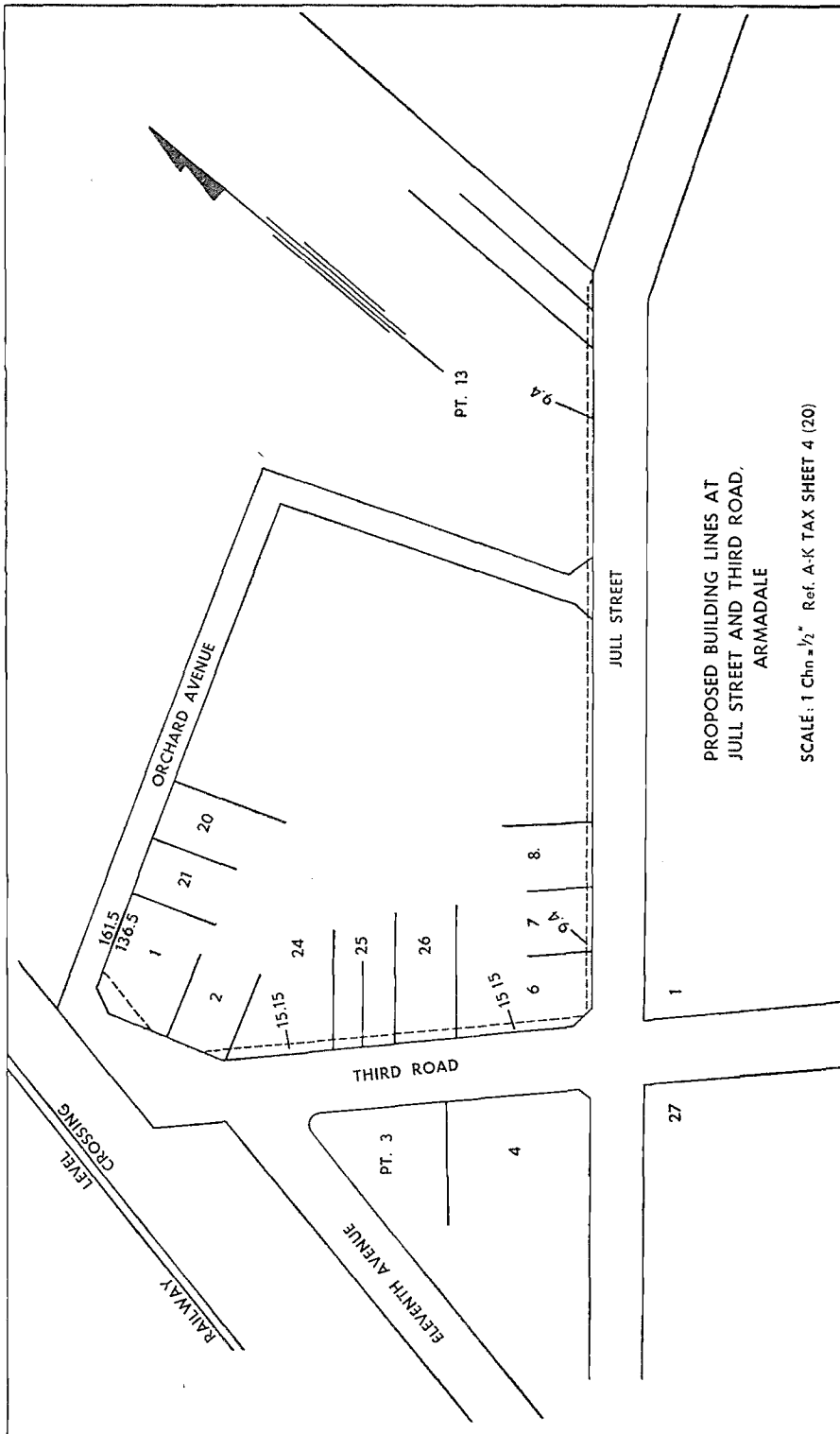
Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

Schedule.



## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Swan-Guildford.

By-law relating to the Removal of Refuse, etc.

L.G. 379/60.

IN pursuance of the powers conferred by the abovementioned Act and of all other powers enabling it, the Council of the abovenamed Municipality hereby records having resolved on the 20th day of May, 1963, to make and submit for confirmation by the Governor the following by-laws:—

1. The by-law requiring removal of refuse, etc., approved by the Swan Road Board on 20th day of May, 1960, and published in the *Government Gazette* on the 30th day of June, 1960, is hereby revoked.

2. If there is on any land within the District any refuse, rubbish or other material of any kind whatsoever which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof the Council may cause a notice under the hand of the Shire Clerk to be served on the owner or occupier of such land requiring such owner or occupier within the time specified in such notice to remove such refuse, rubbish or material from such land.

3. Every owner or occupier of land upon whom a notice is served under clause 2 of this by-law shall comply with such notice within the time therein specified.

4. Any person committing an offence against this by-law shall on conviction be liable to a penalty not exceeding twenty pounds.

Dated this 15th day of July, 1963.

The Common Seal of the Shire of Swan-Guildford  
was hereunto affixed in the presence of—

[L.S.]

D. H. FERGUSON,  
President.

T. J. WILLIAMSON,  
Shire Clerk.

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by his Excellency the Lieutenant-Governor and Administrator  
in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Swan-Guildford.

By-law to Regulate Stalls.

L.G. 393/63.

IN pursuance of the powers conferred by the abovementioned Act and of all other powers enabling it, the Council of the abovenamed Municipality hereby records having resolved on the 20th day of May, 1963, to make and submit for confirmation by the Governor the following by-laws:—

1. The by-law to regulate hawkers and stalls approved by the Swan Road Board on the 12th day of November, 1959, and published in the *Government Gazette* on the 28th day January, 1960, and amended in the *Government Gazette* on the 30th day of June, 1960, is hereby revoked.

2. In this by-law buildings especially erected for the purpose and trays, stands, vehicles, tables, etc., used for selling purposes shall be regarded as a stall but this shall not include buildings lawfully erected and used for other purposes, such as a drying shed, dwelling, verandahs, etc.

3. Subject to clause 9 of this by-law no person shall conduct a stall in any street or way within the District.

4. No person shall conduct a stall on or near any street or way within the district unless he holds a current license from the Council so to do and no stall shall be erected within 15 feet of the road alignment or such further distance

as is required by the by-law made under the Town Planning and Development Act, 1928-1953, and, subject to clause 9 of this by-law, no such license shall be granted for a stall on land which is zoned for residential purposes.

Every stall shall be erected and finished off in a good workmanlike manner to the satisfaction of the Council and, if required by the Council, shall be properly painted.

Every stall erected for a "seasonal period" shall be removed after expiration of the period for which the license is issued if so directed by the Council.

5. A person who wishes to obtain a stallkeeper's license shall apply therefor in writing to the Shire Clerk stating the kind of merchandise in which he wishes to deal, the type of stall which he wishes to use with particulars of the dimensions and construction thereof, the place or places where he wishes to conduct the stall and the period for which he desires the license.

6. (1) Licenses shall be in the form set out in Schedule "A" hereto and, subject to clause 9 of this by-law, the fees set out in Schedule "B" hereto shall be paid by the licensee to the Council on the issuing thereof.

(2) No license shall be transferable.

(3) A license shall be valid only as to the merchandise described therein and as to the place or places described therein.

7. The Council may refuse to issue a license for any of the following reasons:—

(a) That the person concerned has been convicted of a crime or serious offence.

(b) That he is an undischarged bankrupt.

(c) Where the Council is of the opinion that any area is sufficiently catered for.

(d) Where the stall applicant is not a *bona fide* resident of the district selling only their own produce.

8. The Council may cancel a license if, in the opinion of the Council, the holder of a license is not a suitable person to hold a license or where, in the opinion of the Council, a stall has become unsuitable or is not satisfactorily maintained and upon cancellation the holder thereof shall forthwith return the license to the Shire Clerk.

9. Notwithstanding the provisions of clause 3, clause 4, and clause 6 (1) of this by-law, the Council may grant, without fee, licenses to conduct stalls in any street or way or on any land for any period specified in such a license if such stalls are conducted solely for the purpose of raising money for religious or charitable purposes.

10. No stallkeeper shall shout his wares or make or cause to be made any outcry, noise or disturbance likely to annoy persons in the vicinity.

11. Every stallkeeper shall whilst plying his trade have his name and the words "Licensed Stallkeeper" legibly and conspicuously painted on some part of his tray or stall.

12. Every stallkeeper shall, whilst plying his trade, carry with him his license and shall produce the same on demand to any officer of the Council.

13. Any person committing a breach of this by-law shall be liable to a penalty not exceeding twenty pounds.

Schedule "A."

Shire of Swan-Guildford.

STALLKEEPER'S LICENSE.

No.....

..... of ..... is hereby licensed to conduct a stall of the nature described in his application dated the ..... 19..... at ..... within the Shire of Swan-Guildford during the month of ..... 19....., the year ending on the ..... day of ..... 19....., subject to the by-law relating to stalls from time to time in force in the said district.

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

.....  
Shire Clerk.

## Schedule "B."

## FEES FOR STALL LICENSES.

- (a) Five shillings per month or one pound for a "Season" of four months' duration.
- (b) Five pounds per annum for a permanent stall.

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Dated this 15th day of July, 1963.

The Common Seal of the Shire of Swan-Guildford was hereunto affixed in the presence of—

[L.S.]

D. H. FERGUSON,  
President.  
T. J. WILLIAMSON,  
Shire Clerk.

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Recommended—

L. A. LOGAN,  
Minister for Local Government.

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Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Mundaring.

Adoption of Draft Model By-law No. 11 Relating to Street Lawns and Gardens.

L.G. 274/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 9th day of May, 1963, to adopt the whole of the Draft Model By-law published in the *Government Gazette* of the 7th February, 1963, and designated Local Government By-law (Street Lawns and Gardens) No. 11.

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Dated the 11th day of July, 1963.

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

H. E. MARNIE,  
President.  
JOHN MOORE,  
Shire Clerk.

---

Recommended—

L. A. LOGAN,  
Minister for Local Government.

---

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.



## LOCAL GOVERNMENT ACT, 1960.

Municipality of the Shire of Mundaring.

Adoption of Draft Model By-law No. 9 Relating to Extractive Industries.

L.G. 272/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 9th day of May, 1963, to adopt the whole of the Draft Model By-law published in the *Government Gazette* of the 8th November, 1962, and designated Local Government By-law (Extractive Industries) No. 9.

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Dated the 11th day of July, 1963.

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

H. E. MARNIE,  
President.  
JOHN MOORE,  
Shire Clerk.

Recommended—

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L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

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## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Mundaring

Adoption of Draft Model By-law No. 8 Relating to Dumping of Old Refrigerators and Cabinets.

L.G. 271/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 9th day of May, 1963, to adopt the whole of the Draft Model By-law published in the *Government Gazette* on the 1st May, 1962, and designated Local Government By-law (Old Refrigerators and Cabinets) No. 8.

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Dated the 11th day of July, 1963.

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

H. E. MARNIE,  
President.  
JOHN MOORE,  
Shire Clerk.

Recommended—

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L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Mundaring.

Adoption of Draft Model By-law No. 10 Relating to Petrol Pumps.

L.G. 273/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 9th day of May, 1963, to adopt the whole of the Draft Model By-law published in the *Government Gazette* of the 16th January, 1963, and designated Local Government By-law (Petrol Pumps) No. 10.

Dated the 11th day of July, 1963.

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

H. E. MARNIE,  
President.  
JOHN MOORE,  
Shire Clerk.

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Mundaring.

Adoption of Draft Model By-law No. 4 Relating to Standing Orders.

L.G. 204/63.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 9th day of May, 1963, to adopt and submit for confirmation by the Governor, Local Government Model By-laws (Standing Orders) No. 4 which was published in the *Government Gazette* on the 12th December, 1961, and amendments as appearing in *Government Gazettes* of the 25th January, 1962, and 8th May, 1962, subject to the following alterations to Local Government Model By-laws (Standing Orders) No. 4:—

1. Substitution of the word "President" for the word "Mayor" wherever appearing in the by-laws.
2. After the word "Works" in line five of section (1) of clause 88 of the by-law insert the words "and (C) Town Planning."
3. Delete the whole of section (2) of clause 88 of the by-law and insert in lieu thereof:—
  - The Finance Committee shall comprise the President and two Councillors.
  - The Works Committee shall comprise the President and three Councillors.
  - The Town Planning Committee shall comprise the President and three Councillors.

4. Add a new paragraph to section (1) of clause 89 of the by-law:—

- (c) Town Planning Committee, the oversight of—  
 (i) Land subdivision.  
 (ii) Planning and zoning.

5. Delete the words "members and the Chairman" and insert the words "the Chairman and one member" in section (11) of clause 93 of the by-law.

Dated the 11th day of July, 1963.

The Common Seal of the Shire of Mundaring was hereunto affixed pursuant to resolution of the Council in presence of—

[L.S.]

H. E. MARNIE,  
 President.  
 JOHN MOORE,  
 Shire Clerk.

Recommended—

L. A. LOGAN,  
 Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
 Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

Shire of Shark Bay.

By-laws Relating to Zoning.

L.G. 98/63.

IN pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 21st day of February, 1963, to make and submit for confirmation by the Governor, the following by-laws:—

Zoning By-laws.

1. The land shown in Schedule (1) hereunder is hereby classified zoned and set aside as an area in which buildings of a recreational and holiday facility nature may be constructed and used.

Schedule (1).

Lot 47, Knight Terrace, Denham.

Lot 48, Knight Terrace, Denham.

Dated this 21st day of February, 1963.

The Common Seal of the Shire of Shark Bay was hereunto affixed by the Commissioner in the presence of the Acting Shire Clerk this 21st day of February, 1963.

[L.S.]

GEO. S. LINDSAY,  
 Commissioner.  
 M. S. SINNOTT,  
 Acting Shire Clerk.

Recommended—

L. A. LOGAN,  
 Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
 Acting Clerk of the Council.

## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Gnowangerup.  
By-laws Relating to Verandahs.

L.G. 783/62.

IN pursuance of the powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 28th day of November, 1962, to make and submit for confirmation to the Governor the following by-laws:—

1. The Council at any time after 1st July, 1964, may, by notice, require the owner of any verandah protruding into, or above, a street, way, footpath, or other public place, and which is supported by posts erected in or on a street, way or footpath, or other public place to remove such verandah within the time stipulated in the notice. The said notice shall be in writing and shall be given and served by the Council on the said owner.

2. If the owner of the said verandah fails to comply with the said notice, within the time specified therein, he shall be guilty of an offence. Maximum penalty fifty pounds (£50) and, in addition, a maximum daily penalty of four pounds (£4) for each day during which offence continues.

3. If the owner of the said verandah fails to comply with the terms of the said notice, the Council by its officers, servants or contractors, may remove the said verandah and recover the cost of so doing from the owner thereof in a Court of competent jurisdiction.

Dated this 24th day of June, 1963.

The Common Seal of the Municipality of  
the Shire of Gnowangerup was hereto  
affixed in the presence of—

[L.S.]

E. B. NORRISH,  
President.  
W. J. CUNEO,  
Shire Clerk

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator  
in Executive Council this 24th day of July, 1963.

W. S. LONNIE,  
Acting Clerk of the Council.

## INSPECTION OF SCAFFOLDING ACT, 1924-1962.

Department of Labour,  
Perth, 24th July, 1963.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council, acting pursuant to the powers conferred by the Inspection of Scaffolding Act, 1924-1962, has been pleased to make the regulations set forth in the schedule hereunder.

(Sgd.) H. A. JONES,  
Acting Secretary for Labour.

## Schedule.

## Regulations.

1. In these regulations, the regulations made under the provisions of the Inspection of Scaffolding Act, 1924-1962, as reprinted pursuant to the Reprinting of Regulations Act, 1954, incorporating all amendments up to and including those published in the *Government Gazette* on the 20th December, 1957, and published as so reprinted in the *Government Gazette* on the 18th December, 1961, are referred to as the principal regulations.

2. The principal regulations are amended by substituting for regulation 3 the following regulation:—

3. (1) Subject to subregulations (2) and (3) of this regulation, a person, being the owner of, or having the use (other than as a workman), control, charge or management of, scaffolding or gear, shall not—

- (a) erect the scaffolding, or any of it, to a height exceeding six feet; or
- (b) use any of the scaffolding erected to a height exceeding six feet; or
- (c) use the gear, or any of it; or
- (d) permit or suffer anything mentioned in paragraph (a), (b) or (c) of this subsection to be done,

unless he has, at least 48 hours prior to the commencement of the erection or use, given to the Chief Inspector of Scaffolding notice, in the form of Form D in the schedule to these regulations, of his intention in that regard and has paid the fees prescribed by regulation 21 of these regulations.

(2) Where a person has (other than as a workman) contracted with the owner or other person having the use, control, charge or management of scaffolding or gear, to use the scaffolding or gear, or any of it, he is exempt from the provisions of subregulation (1) of this regulation, if the owner or other person has, by notice under that subregulation, already given notice of that fact and has paid the fees applicable to the works to be carried out by the person so contracting, but not otherwise.

(3) Where a person has contracted, other than in a supervisory capacity only, for the complete performance of any works on which scaffolding is erected or gear is used, he shall, notwithstanding that notice has been given by any other person, as prescribed by this regulation, himself give the notice prescribed by subregulation (1) of this regulation and shall pay such fees as fall to be paid under regulation 21 of these regulations, after taking into account those paid or to be paid by any other person.

(4) The provisions of subregulation (1) of this regulation do not apply to the erection, or use, of scaffolding or gear for works on a one storey dwelling house where no workman is employed or that is outside a radius of 30 miles from the General Post Office, at Perth, or is a farm building.

3. The principal regulations are amended by substituting for regulation 21 the following regulation:—

21. (1) In this regulation, "dwelling house" means a building used or occupied, or intended to be used or occupied, exclusively as a place of residence; but where a building is, or is intended to be, let or occupied as flats, each flat shall be taken as being a separate dwelling house.

(2) Subject to regulation 3 of these regulations and to subregulations (3) and (4) of this regulation, the fee for the inspection of scaffolding, gear or both, payable to the Chief Inspector of Scaffolding by the owner or other person having the use (other than as a workman), control, charge or management of the scaffolding or gear, is, where the scaffolding or gear—

- (a) is erected or used for works on a one storey dwelling house, an amount of three pounds or the amount prescribed by paragraph (b) of this subregulation for scaffolding and gear on other works, whichever is the less;
- (b) is erected or used for works other than on a one storey dwelling house, an amount of three shillings for every hundred pounds, or portion thereof, of the contract price for the works, or, where there is no contract price, of the

estimated cost of the works, up to one and one third million pounds, and two shillings and sixpence for every thousand pounds in excess of one and one third million pounds;

- (c) comprises, in the case of scaffolding, only trestles and planks or swinging stages and, in the case of gear, only such gear as is used by painters, signwriters, plumbers and electricians, an amount of three shillings for every hundred pounds, or portion thereof, of the aggregate cost of all works of which notice has been given pursuant to these regulations, in any financial year, commencing on the 1st July, in any one year, and ending on the 30th June, in the next succeeding year;
- (d) comprises only such as is used by window cleaners, installers of electric signs and such persons engaged in maintenance and repairs as have given notice, in the form of Form D in the schedule to these regulations, to, and been verified as such by, the Chief Inspector of Scaffolding, an amount of five pounds, payable annually on the 1st July; and
- (e) comprises only ladders, and slings used in conjunction with a mobile crane, erected or used under a contract for labour and hire of plant, only, for works that do not exceed 30 feet in height, three shillings for every hundred pounds, or portion thereof, of the aggregate of the charges for labour and the hire of plant.

(3) For the purposes of paragraph (b) of subregulation (2) of this regulation, where a contract comprises separate works in different localities, each of those works shall, as regards its price or estimated cost, be taken as being a separate enterprise.

(4) Where scaffolding or gear is used for works on a building that is to be used exclusively as a place of worship or by a charitable or benevolent institution, the Chief Inspector of Scaffolding may, on being satisfied of that fact, remit to the building owner half the fees payable under subregulation (2) of this regulation.

(5) Where any fees payable under this regulation are not paid within the time prescribed by these regulations, they may be recovered as provided by the Act.

4. The principal regulations are amended by adding, after regulation 37, the following regulation:—

38. In these regulations, "Act" means the Inspection of Scaffolding Act, 1924, as amended; and, unless the context otherwise requires, words and expressions used have the same respective meanings as they have in, and for the purposes of, the Act.