

WESTERN AUSTRALIA.

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# CITY OF PERTH ENDOWMENT LANDS.

11° Geo. V., No. XXXI.

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No. 31 of 1920.

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(Affected by Act No. 113 of 1965.)

[As Amended by Acts:

No. 15 of 1936, assented to 3rd December, 1936;

No. 103 of 1970, assented to 8th December, 1970;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to extend the Boundaries of the City of Perth, and to give the City of Perth powers of dealing with certain Endowment and other Lands.**

*[Assented to 31st December, 1920.]*

**WHEREAS** the City of Perth is the registered proprietor of certain lands being portion of Swan Location 1911 containing 2,281 acres, which lands are held by way of endowment and are known as the "Endowment Lands," and are comprised in Certificate of Title Volume 641, Folio 60: And whereas the City of Perth is also the proprietor of other lands being Swan Location 571, Perthshire Location Ak, portions of Perthshire Location Al and Am, and Swan Locations 585, 617, and 691, containing 1,290 acres, which lands are comprised in Certificate of Title Volume 675, Folio 9, and are

Preamble.

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known as the "Lime Kilns Estate": And whereas His Majesty has vested in the City of Perth Reserve  $\uparrow$ 16921 for the purpose of public recreation: And whereas for the better use and development of said lands it is necessary to provide proper means of communication, to extend the municipal district of the City of Perth so as to include the said lands, and to confer the powers and authorities hereinafter mentioned on the City of Perth: Be it therefore 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:—

## PART I.—PRELIMINARY.

Short title.  
Amended by  
No. 103 of  
1970, s. 1.

1. This Act may be cited as the *City of Perth Endowment Lands Act, 1920-1970*.

Arrangement  
of Act.

2. This Act is divided into Parts and Divisions, as follows:—

PART I.—PRELIMINARY.

PART II.—EXTENSION OF MUNICIPAL BOUNDARIES,  
AND OPTIONAL SYSTEM OF VALUING.

PART III.—TRAMWAY CONSTRUCTION.

PART IV.—BORROWING POWERS.

PART V.—CONTROL AND MANAGEMENT OF UNDER-  
TAKINGS.

PART VI.—POWERS OF THE COUNCIL.

PART VII.—BY-LAWS.

PART VIII.—GENERAL.

Interpreta-  
tion.

3. In this Act, unless the context otherwise requires—

“Council” means the council of the municipality  
of the City of Perth;

“Council tramway” means a tramway constructed or worked under this Act;

“Improvements” includes houses and buildings of every kind, tramways, roads, ways, fencing, planting, wells, draining, clearing from timber and scrub, or any other improvements whatsoever the benefit of which is unexhausted at the time of valuation; but for the purpose of valuation does not include machinery whether affixed to the soil or not;

“District” or “municipal district” means the municipal district of the City of Perth;

“Road” means a street or road within the meaning of the term in the Municipal Corporations Act, 1906.<sup>1</sup>

“The said lands” means and includes the endowment lands, the Lime Kilns Estate, and the lands comprised in Reserve <sup>↑</sup> 16921, mentioned and described in the preamble.

“Works” and “undertakings” mean and include works of every nature and kind which the City of Perth is authorised by this Act to undertake, perform, and carry out.

PART II.—EXTENSION OF MUNICIPAL BOUNDARIES, AND  
OPTIONAL SYSTEM OF VALUING.

4. The boundaries of the municipal district of the City of Perth are hereby extended so as to include the said lands.

Extension of  
Municipal  
District.

5. Section three hundred and seventy-seven of the Municipal Corporations Act, 1906, is hereby amended by adding thereto a paragraph, as follows:—

Amendment  
of Sec. 377  
Municipal  
Corpora-  
tions Act,  
1906.

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<sup>1</sup> Now Local Government Act, 1960.

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Valuation  
on capital  
unimproved  
value.

Provided that in respect of the lands, or any part of the lands, specified in the preamble to the City of Perth Endowment Lands Act, 1920, a valuation of the capital unimproved value thereof may be made.

Valuation of  
lands on  
capital  
unimproved  
value.

6. In the valuation of land on the capital unimproved value, the following rules shall be observed:—

- (a) Except as hereinafter provided the value of rateable land shall be the estimated capital unimproved value thereof, that is to say, the price at which the land in fee simple unencumbered by any mortgage or charge thereon, and if no improvements existed thereon, might be expected to sell at the time when valued. The valuation shall be made without regard to any metals or minerals contained or supposed to be contained in the land.
- (b) When more persons than one are in separate occupation of a building erected upon any portion of rateable land, each of them shall be deemed to be in occupation of a part of the land, and the capital unimproved value of such part shall be taken to bear the same proportion to the capital unimproved value of the whole of the land as the annual rental value of the part of the building occupied by him bears to the annual rental value of the whole of the building.

Rates on  
capital  
unimproved  
value.

7. Rates for any year in respect of the said lands or any portion thereof shall be imposed on the capital unimproved value.

Amendment  
of Sec. 392,  
Municipal  
Corporations  
Act, 1906.

8. Section three hundred and ninety-two of the Municipal Corporations Act, 1906, is hereby amended by adding a subsection, as follows:—

Limit of  
rates on  
capital  
unimproved  
value.

(3) No rates made in respect of land valued on the basis of the capital unimproved value shall in any one year, exceed sixpence in the

pound on the capital unimproved value of rateable land.

9. Any general or other rate struck by the Council in respect of any portion of the said lands which may be sold or leased may be of a different amount from the corresponding rate which may be struck by the Council under the Municipal Corporations Act, 1906,<sup>1</sup> or the Health Act, 1911, in respect of any other lands within the district, provided that no such rate shall exceed the rating limits of the Council under the Act applicable thereto.

Differential rating.

10. For the purposes of this Act, a column with the heading "Unimproved capital value" shall be added to the form in the Seventeenth Schedule of the Municipal Corporations Act, 1906.<sup>1</sup>

Amendment of 17th Schedule. M.C. Act, 1906.

PART III.—TRAMWAY CONSTRUCTION.

11. The City of Perth is hereby authorised and empowered, subject to the proviso to this section—

Power to construct and work tramways.

(a) to make, form, lay down, construct, maintain, use, work, alter, and extend tramways, in, upon, or over or along—

(i) "the said lands," and any roads which may from time to time be set out, dedicated, or proclaimed thereon, and

(ii) such other roads in the municipal district as may be agreed upon between the council and the Commissioner of Railways,

and to remove and discontinue the use of any such tramways;

(b) to enter into any agreement with the local authority of any district for the extension of such tramways into such district;

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<sup>1</sup> Now see Local Government Act, 1960.

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- (c) to place and run tram cars upon such tramways, and to demand and take tolls and charges in respect of the use of any such tram cars:

Provided that the powers hereby conferred so far as they extend beyond the Endowment Lands and the Lime Kilns Estate shall not be exercisable except with the consent of the Governor.

Powers incidental to the construction and maintenance of tramways.

12. The council may construct such tramways on roads or lands as herein authorised and for such purpose, and for the maintenance, repair, alteration or renewal of all council tramways, and generally for the purposes of this Act may—

- (a) break up, open, and alter the surface or level of any road;
- (b) temporarily stop traffic upon any road;
- (c) place, erect, lay down, work and maintain, in, over or under any road, and with the consent of the owner and occupier thereof attach to any building, any apparatus or thing which in the opinion of the council may be necessary or expedient in connection with the transmission of electric or other power, and may from time to time repair, renew, remove, and replace the same;
- (d) with the consent of the Postmaster General raise, lower, alter, or remove any telegraphic, telephonic, or electric apparatus, whether under the control of the Postmaster General or not;
- (e) alter, remove, replace, or relay in any position or situation any existing or future tramways which may be lawfully constructed under this Act or any part thereof, or anything connected therewith;
- (f) extend or vary any existing or future tramways which may be lawfully constructed under this Act;

- (g) make, renew, remove, replace, or alter as to position or otherwise any junction, siding, station, turntable or turn-out;
- (h) erect, repair, remove, alter, pull down, or make additions to any power house, storage station, tram sheds or buildings with all proper offices, conveniences, and appurtenances;

13. The Council—

Powers of Council over tramways.

- (a) shall have the management and control of all council tramways for the time being open for traffic;
- (b) may work such tramways upon all roads with tram cars propelled or drawn by electric or any other power; and
- (c) may run over, work, and use any tramways in respect of which the council may have or may hereafter acquire running powers, under and subject to the provisions of any agreement in force for the time being relating thereto.

14. No person shall without lawful excuse do any of the following things, namely:—

Penalty on interference with or obstruction of tramways. Amended by No. 113 of 1965, s. 8.

- (a) interfere with, remove, or alter any council tramway or the works connected therewith;
- (b) place any stones, wood, refuse, or other material on any part of any council tramway;
- (c) do or cause to be done anything in such manner as to obstruct a tram car used on any such tramway;
- (d) obstruct, hinder, or interfere with the exercise of any power hereby conferred; or
- (e) knowingly aid or assist in doing any such thing.

Penalty: One hundred dollars.

Penalty for travelling without payment of fare, etc. Amended by No. 113 of 1965, s. 8.

15. No person shall—

- (a) while travelling or after having travelled in any tram car on a council tramway avoid or attempt to avoid payment of his fare; or
- (b) having paid his fare for a certain distance knowingly and wilfully proceed on any tramway beyond such distance and neglect to pay the additional fare for the additional distance or attempt to avoid payment thereof; or
- (c) knowingly or wilfully refuse or neglect on arriving at the point to which he has paid his fare to quit such tram car; or
- (d) deface any notice placed by the council on any part of the council's tramway, or on any tram car; or
- (e) obstruct any person employed on any council tramway or on any such tram car; or
- (f) behave in a violent manner to the annoyance of others on a council tramway or any such tramcar; or
- (g) refuse to leave any platform or step of any tramcar when required to do so by the conductor.

Penalty: Four dollars.

Penalty on persons using vehicles with flanged wheels on tramways. Amended by No. 113 of 1965, s. 8.

16. No person shall, without the permission of the council, use a council tramway or any part thereof with vehicles having flanged wheels or other wheels suitable only to run on the rails of a tramway.

Penalty: Forty dollars.

Person injured to submit to examination.

17. No action shall lie or be brought or continued against the council in respect of any injury if the person injured refuses to submit himself to examination, at the cost of the council, by a medical



practitioner or medical practitioners appointed by the council at all reasonable times as the council may require.

18. All moneys received by the council by way of tolls, fares, and charges, or otherwise accruing from the said tramways after allowance for depreciation and deduction of interest and contributions to the sinking fund in respect of money borrowed for the construction of such tramways shall form part of the ordinary revenue of the council, and all expenditure incurred in the maintenance, repair, and working of the said tramways shall be defrayed out of the ordinary revenue of the council.

Disposal of receipts and payment of expenses.

19. (1) The council may, with the approval of the Governor, but not otherwise, lease the said tramways or any portion thereof on such terms and conditions as the council may think fit.

Powers of leasing and sale.

(2) Where any lease of the tramways has been made, all the rights, powers, authorities, obligations and liabilities of the council in respect of the running, maintenance, and repair thereof shall, subject to any agreement between the council and the lessee, be vested in and may be exercised by and shall attach to the lessee.

(3) The council may with, but shall not without the approval of the Governor sell, transfer, or assign the said tramways or any portion thereof or the privilege conferred on the council by this Act: Provided that nothing herein shall authorise the sale of any portion of the land comprised in Reserve  
↑ 16921.

(4) When any tramway has been leased or sold, the provisions of this Act applicable to the working thereof shall apply in respect of such tramway as if it were being worked by the council; but the lessee or purchaser shall not acquire any right, other than that of user, over any road over or across which any such tramway may be laid.

Power to run motor omnibuses and motor cars.

20. The council may provide and run motor omnibuses and motor cars, and the powers conferred by this Act on the council to operate, control, lease, and sell tramways shall extend to such motor omnibus and motor car services:

Provided that the council shall not run any such omnibus or motor car service beyond the Endowment Lands and the Lime Kilns Estate without the consent of the Governor, and the route of such service shall be limited and defined by the terms of such consent:

Provided also that the council shall not run any such omnibus or motor car service within the Endowment Lands and the Lime Kilns Estate without the like consent if at any time the council tramways are acquired by the Governor.

Application of the Tramways Act, 1885.

21. In forming, constructing, and making the tramways hereby authorised, the council shall observe the provisions of the Tramways Act, 1885,<sup>1</sup> so far as the same are applicable; and for such purpose the council shall be deemed to be "promoters" within the meaning of that Act, and generally all the provisions of that Act so far as the same are applicable and are not repugnant to the special provisions of this Act shall apply as if the same had been enacted herein.

Conformity to standard.

22. All tramway lines laid down by the council in pursuance of the Act shall be in accordance with standard of the tramways constructed under the Government Tramways Act, 1912.<sup>2</sup>

Railways and tramways may be connected with Government tramway system.

23. The tramways constructed under this Act may, with the approval of the Governor, be connected with the Government tramways, and the tram cars of the Government tramways may be run upon the tramways authorised by this Act on such terms and conditions as may, with the approval of the Governor, be agreed upon between the Commissioner of Railways and the council.

<sup>1</sup> Repealed by Act 91/66, State Transport Co-ordination Act, 1966.

<sup>2</sup> Repealed by Act 52/48, which was repealed by Act 91/66.

24. Before commencing the construction of any tramway the council shall submit to the Commissioner of Railways the plans and specifications for the work proposed to be carried out, and no construction work shall be commenced unless the approval in writing of the Commissioner of Railways to such plans and specifications has been obtained.

Plans to be submitted to Commissioner of Railways.

25. (1) The Governor shall have the right at any time of purchasing from the council any tramway constructed under this Act.

Government right of purchase.

(2) The right of purchase shall be exercised by the Governor by causing six months' notice in writing of the intention to so purchase to be given to the council, and in the event of the purchase price not being agreed to the same shall be determined by arbitration under the provisions of the Arbitration Act, 1895:

Provided that in estimating the amount of purchase money to be paid on such purchase, allowance may be made to reimburse the council for any loss or portion thereof sustained in operating such tramway during a period not exceeding the first seven years after the completion, but no amount shall be allowed for the good-will of the council.

#### PART IV.—BORROWING POWERS.

26. Notwithstanding the provisions contained in sections four hundred and thirty-four and four hundred and thirty-five of the Municipal Corporations Act, 1906,<sup>1</sup> the council may at any time, and from time to time under and subject to the powers and provisos hereinafter contained, borrow any sum or sums of money which may be necessary for the proper carrying out of the undertakings and works authorised by this Act, or any of them, but so that the total amount so borrowed shall not in any case exceed the sum of five hundred thousand dollars.

Power to borrow money for the purposes of this Act. Amended by No. 113 of 1965, s. 8.

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<sup>1</sup> Now see Local Government Act, 1960.

Amount borrowed not to be taken into account in estimating limit of borrowing power under M.C. Act, 1906.

27. The sum or sums so borrowed shall not be taken into account in estimating the amount which may be borrowed for other purposes by the said municipality, and shall not be subtracted from ten times the average income of the said municipality in making such estimate.

Method of borrowing.

28. All moneys borrowed by the council under the powers contained in this Act may be raised by the sale of debentures, and such debentures shall bear on the face of them a statement that the same are issued in pursuance of the powers conferred by this Act. Subject to this Act, Part XXIV. of the Municipal Corporations Act, 1906,<sup>1</sup> shall apply to all loans so raised in the same manner as if such Part was herein enacted, and in terms made applicable to this Act: Provided, nevertheless, that it shall not be necessary to provide a sinking fund for the repayment of any loan during the first two years after the raising of the first loan under this Act.

Special rate to cover liability for loan.

29. Whenever any money has been so borrowed by the council, and so long as any portion thereof remains unpaid, the council shall in every year strike such a special rate as the council deems necessary to meet the interest and sinking fund on the amount of the loan for which it is responsible, after deducting any profit which may have been earned from the preceding year as the result of the working of the undertaking for which such money has been borrowed.

Provisions as to dealing with excess proceeds of rate.

30. If in any year the proceeds of such special rate are in excess of the sum required for the purposes set out in the preceding section, such excess shall be retained and credited against any sum raisable for like purposes during the next ensuing year.

Provisions as to deficiency in proceeds of rate.

31. If in any year the proceeds of such special rate are insufficient for the purposes aforesaid, the council may make up the deficiency out of ordinary

<sup>1</sup> Now see Local Government Act, 1960.

income, and may in the next ensuing year add such deficiency to the amount of the rate raisable for that year, and out of the proceeds thereof may repay to itself the amount so paid out of ordinary income.

32. Subject to this Act, the provisions of Part XXIII. of the Municipal Corporations Act, 1906,<sup>1</sup> shall, so far as applicable, apply *mutatis mutandis* to and in respect of all rates authorised, struck, or raised under this Part of this Act.

Application of Part XXIII. of M.C. Act, 1906.

33. In the event of any default being made in payment of any principal money or interest of any loan raised under the powers conferred by this Act, the holder of any debenture in respect of which any such principal money or interest is overdue may apply to the Supreme Court by petition, on behalf of himself and all other holders of debentures in respect of which a like default has been made, for the appointment of a liquidator of the undertaking in respect of which the money has been borrowed.

Power of Supreme Court to appoint liquidator in case of default in payment of principal or interest on loan.

34. The liquidator when so appointed shall be entitled to take possession of the undertaking and the property, plant, machinery, and effects used or appropriated in connection therewith, and subject to any order or direction which may be made by the Supreme Court he shall have all the powers and authorities conferred by law upon an official liquidator appointed in the winding-up of a limited company, including the power of sale and the right to carry on the undertaking as a going concern pending realisation thereof.

Powers of liquidator.

35. The undertaking and works shall constitute the primary security for the repayment of all debentures, interest, and costs, but in the event of there being any deficiency on the sale and realisation thereof, the liquidator shall be entitled to sue for and recover from the council the amount of such deficiency.

Undertaking and works to be primary security for repayment of loans.

<sup>1</sup> Now see Local Government Act, 1960.

Debenture holder may apply for a receiver.

36. Nothing in this Part shall be deemed to affect the right of a debenture holder to apply for the appointment of a receiver under Part XXIV. of the Municipal Corporations Act, 1906.<sup>1</sup>

PART V.—CONTROL AND MANAGEMENT OF UNDERTAKINGS.

Council to have control of undertakings.

37. The entire control and management of the undertakings and works authorised by this Act, and the construction and carrying on of the same, and the expenditure of all money raised by the council for such purposes shall be vested in the council.

Appointment of officers, etc.

38. Without prejudice to the general powers for the control and management of the undertakings conferred upon the council, the council shall have the following powers, that is to say, power—

- (a) to appoint and at its discretion remove or suspend such managers, secretaries, officers, clerks, agents, and servants for permanent, temporary, or special services as it may from time to time think fit, and to invest them with such powers as it may think expedient, and to determine their duties and offices, their salaries and emoluments, and to require such security in such amount as it thinks fit.
- (b) to make rules and regulations as to the conduct and business of the undertaking, and as to the carrying on of the same.

PART VI.—POWERS OF THE COUNCIL.

Powers of council over lands.  
Amended by No. 103 of 1970, s. 2.

39. (1) The council shall have all the powers of an owner of an estate in fee simple in respect of the said lands including powers of sale, leasing and mortgaging, and may erect buildings thereon and otherwise improve and make use of the same in such manner as the council may deem expedient.

<sup>1</sup> Now see Local Government Act, 1960.

(2) The proceeds arising from any sale or sales of the said lands shall be applied by the council in the development of the said lands and to provide a sinking fund for the repayment of any money borrowed under this Act, or which may be due and owing under mortgage over the said lands, and the surplus (if any) shall be invested in the joint names of the City of Perth and the Treasurer of the State in any investments authorised by law as those in which trust funds may be invested.

(2a) Any act, matter, or thing for or with respect to which provision is made in subsection (2) of this section made, done, or executed before the coming into operation of the City of Perth Endowment Lands Act Amendment Act (No. 2), 1970 which would have been lawful if that Act had been in force at the time such act, matter, or thing was made, done, or executed is hereby validated.

(3) Provided also that the powers of sale and of mortgaging shall not apply to the land comprised in Reserve  $\uparrow$  16921, nor shall any portion thereof be leased by the council without the consent of the Governor.

40. In addition to the general powers of owners conferred by the last preceding section, but subject to the proviso in subsection (3) thereof, the council shall have the power—

Specific powers in respect of lands.

- (1) to survey the said lands or any part of them;
- (2) to invite competitive designs for the laying out of the lands or any part of them, and award prizes for such design;
- (3) to subdivide the said lands or any part of them for the purpose of sale or lease, and the council may, in its discretion, set out roads on the said land of less than sixty-feet in width if, in the opinion of the council, such streets will not be used as main thoroughfares;

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- (4) to sell or lease the said lands or any part thereof, subject to any restriction which may be imposed by this Act or any by-laws made in pursuance thereof;
- (5) to erect and maintain houses and shops on any part or parts of the said lands, and subject to the proviso to the last preceding section, to sell or let the said lands with such houses and shops erected on them;
- (6) to advance money to the purchasers of any parts of the said lands for the purpose of erecting houses, shops, or other buildings, such advances to be made on such conditions as the council may from time to time deem fit;
- (7) to work or lease quarries on the said lands or any part thereof; and to employ persons and provide machinery, apparatus, horses, and plant for such work, and to sell the stone raised from the quarries: Provided that the power conferred by this paragraph shall not be exercisable on Reserve  $\uparrow$  16921 without the consent of the Governor;
- (8) to manufacture and sell lime, cement, or any other products, and for such work to provide all necessary kilns, machinery, apparatus, and plant;
- (9) to grant any concession to any person for the manufacture and sale of lime, cement, or other products of the said land;
- (10) to level off any portions of the said lands in such manner as the council may deem advisable;
- (11) to set apart from time to time any part of the said lands for public health, recreation, convenience, enjoyment, or other public purposes of the like nature, including parks, children's playgrounds, drill grounds, sports grounds, and gardens;



- (12) to manage, control, improve, and embellish the said lands so set apart as aforesaid or any of them;
- (13) from time to time on any part or parts of the said lands to construct or provide and maintain, control and manage or grant concessions for the construction, maintenance, control and management of—
  - (a) grandstands, pavilions, seats, shelter sheds, picnic kiosks, and other buildings for the convenience of the public;
  - (b) aquariums, paddling ponds;
  - (c) high or low level esplanades and marine promenade piers;
  - (d) chairs for hire to the public;
  - (e) public refreshment rooms;
  - (f) buildings for public entertainments conducted or authorised by the council;
  - (g) public entertainments;
  - (h) boat sheds for the hire of boats to the public;
  - (i) boats for hire to the public;
- (14) on any part of the said lands or on lands vested in the council to provide, control, and manage—
  - (a) public baths;
  - (b) public dressing pavilion for bathers;
  - (c) club and drill rooms, appliances and materials for life-saving clubs;
  - (d) costumes and other conveniences for hire or sale to bathers;
  - (e) works and appliances for the protection of bathers from injury, drowning, or sharks;

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- (15) to control and regulate public bathing, and the conduct and costume of bathers—
  - (a) in any baths under the care, control, and management of the council;
  - (b) on any part of the beach forming the foreshore of the said lands;
  - (c) in the sea adjacent to, though outside the said lands;
- (16) to prohibit bathing in any specified locality on the said foreshore by notices erected in the vicinity of such locality;
- (17) to plant Marram grass and take all necessary steps for the purpose of preventing sand-drift;
- (18) to plant trees and control such plantations and cut and sell the timber therefrom, and to grant concessions for the cutting and sale of such timber;
- (19) to lay out or grant rights for the laying out of golf links, and to lease the said links or to conduct and carry the same on as municipal golf links;
- (20) to set apart from time to time any part or parts of the said lands for—
  - (a) tennis grounds;
  - (b) bowling and croquet grounds;
  - (c) cricket grounds;
  - (d) football grounds;
  - (e) sports grounds,and to expend money for the formation and maintenance of all such grounds;
- (21) to lease from time to time all or any of such grounds for such term and upon such conditions and at such rent as the council may from time to time determine;

- (22) to provide or lease the rights for the provision of accommodation houses and refreshment rooms;
- (23) to provide or to lease the rights for the provisions of amusements on the beach, bathing facilities, switchbacks, picture buildings or entertainment halls;
- (24) to make gardens or reserves in any street or road to be laid out on the said lands in such a manner as in the opinion of the council will not unduly impede traffic, and to maintain same;
- (25) to expend moneys in advertising for the purposes hereby authorised;
- (26) to expend the ordinary revenue of the council for any of the purposes of this Act or for carrying into effect any of the powers granted herein;
- (27) to classify the said lands into districts for residence, factories, business and noxious trades, and to prohibit any district or part of it from being used for any purpose other than that for which it has been classified: Provided the council shall have the power to declare any district a mixed district for the combining of any two or more of the classifications;
- (28) From time to time to reclassify any of the said lands so classified. Notice of any classification or reclassification shall be published in the *Government Gazette* and in one Perth daily newspaper within one month of such classification or reclassification, and on such publication the said classification or reclassification, as the case may be, shall become effective;
- (29) to borrow money within the limit of the authority conferred by Part IV. at such rate of interest as the council thinks fit for all or any of the before-mentioned purposes, and

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to issue debentures or mortgage the said lands or any part thereof in order to secure the repayment of the moneys so borrowed with interest thereon;

- (30) to temporarily close to traffic any portion of a road of the maximum width which may not be required for use, and to lease to adjoining owners such part of the said road so closed for such term, at such rental, and on such conditions as the council may from time to time determine;
- (31) if no right-of-way is provided at the rear of any blocks of land sold, to reserve to the council an easement over so much of the rear portion of such lands as may be necessary for public services;
- (32) generally to do and make or cause to be made and done all acts and things whatsoever that are necessary and proper for accomplishing the several purposes aforesaid.

Certain powers to extend below high-water mark.

41. For the purposes of paragraphs (13) (c), (14), and (15) of the last preceding section, the land and water below high-water mark on the foreshore of the "said lands" shall be deemed to be within the district, and the council may with respect to such land or water exercise the powers conferred by the said paragraphs.

## PART VII.—BY-LAWS.

Additional powers of making by-laws. Amended by No. 113 of 1965, s. 8.

42. In addition to the powers for making by-laws contained in section one hundred and seventy-nine of the Municipal Corporations Act, 1906,<sup>1</sup> the council may make by-laws to have effect within "the said lands" as to the following matters:—

- (1) Carrying out any of the purposes provided for in this Act.

<sup>1</sup> Now see Local Government Act, 1960.

- (2) Regulating and controlling the buildings to be erected on any part of the said lands sold or leased.
- (3) Prohibiting the erection of any building or buildings on the said lands, the plans of which the council shall not approve.
- (4) Prohibiting the carrying on of any trade or business manufactures or otherwise on any part of the said land.
- (5) Regulating the number of houses to the acre which may be built on any part of the lands set apart as a residential district.
- (6) Prohibiting and regulating the area of lots into which any lands sold by the council may be subdivided.
- (7) Regulating and controlling the building line of any street or way, and prohibiting any building extending beyond such line.
- (8) Regulating and controlling the portions of any public road which shall or may be devoted to or used for—
  - (a) carriage way;
  - (b) footway;
  - (c) tree planting;
  - (d) gardens;
  - (e) grass plots;
  - (f) island refuges;
  - (g) public conveniences;
  - (h) street lamps;
  - (i) fountains;
  - (j) monuments or memorials;
  - (k) poles:
- (9) Prohibiting, regulating, and controlling the erection of advertising hoardings on the said lands or any part thereof.

*City of Perth Endowment Lands.*

- (10) Classifying the said lands into separate or combined districts for residence, factories, business, or noxious trades, and from time to time reclassifying the same.
- (11) Prohibiting, regulating, and controlling the use of any districts so classified as residential district, factory district, business district, and noxious trade district, or a combined district.
- (12) Prohibiting a purchaser of any part of the said lands from the council from dividing or sub-dividing such land without the consent of the council or from transferring, selling, assigning, leasing, or in any way parting with the possession of a portion of the said lands not being the whole so purchased by him without the consent of the council.
- (13) Prohibiting the erection in any classified district of any building other than a building designed and intended for the purpose of the district, and the plans for which have been approved of by the council.
- (14) Prohibiting the use of any building erected in any district for any purpose other than the classified purpose of such district.
- (15) Prescribing the minimum area of land upon which any building to be used as a private residence may be erected, and prohibiting the erection of any such building on a lesser area than the one prescribed.
- (16) Prohibiting the erection of any building which in the opinion of the council would be unsightly or which would tend to destroy local amenities.
- (17) Prescribing the height of fences and hedges on any of the said lands sold or leased by the council.

- (18) Regulating and controlling any motor omnibus or motor car service established by the council, and which may be operated by the council or sold or leased by it to any person or persons.
- (19) Prescribing tolls, fares or charges which may be demanded or taken by the council or its lessees or assignees from any passenger in a tram car or motor omnibus or motor car or in respect of the carriage of goods.
- (20) Regulating the use of tram cars or motor omnibuses or motor cars by passengers, and the number of passengers that may be carried on each tram car, motor omnibus, or motor car.
- (21) Prohibiting the committing of any nuisance on any tramway or tram car, motor omnibus or motor car; and
- (22) Generally for regulating the traffic on the tramways, and the conduct of all persons employed on or about the same or travelling or being thereon.

(2) Any by-law may impose a penalty not exceeding forty dollars for the breach thereof.

(3) Such by-laws when confirmed by the Governor and published in the *Government Gazette* shall have the force of law.

43. The power to make by-laws shall also include power to levy thereunder tolls and charges to the pier, bathing booths, esplanade, bathing enclosures, grandstands, reserves, picnic kiosks, privies, aquariums, paddling ponds, piers, esplanades, buildings for public entertainment, sports grounds, and all buildings and places set apart by the council on the said lands of whatsoever nature and kind soever.

Power to levy  
tolls and  
charges.

## PART VIII.—GENERAL.

Application  
of M.C. Act,  
1906.

44. All necessary provisions and powers contained in the Municipal Corporations Act, 1906,<sup>1</sup> and which may be required to be exercised for carrying this Act into effect shall apply to the said lands as if such powers and provisions were herein enacted, and in terms made applicable to this Act.

Liquor  
license for  
premises  
within said  
lands not  
to be granted  
without  
council's  
consent.

45. No license under the Licensing Act, 1911,<sup>2</sup> or any statutory amendment or modification thereof shall be granted by any licensing authority to any person in respect of any building erected or to be erected on any part of the said lands without the consent in writing of the council is first obtained.

Purchaser of  
land to hold  
same subject  
to this Act.  
Amended by  
No. 15 of  
1936, s. 2.

46. (1) Subject to subsection (2) hereof any registered proprietor for the time being of a freehold or leasehold estate in any portion of the said lands purchased or leased from the council shall at all times hold such portion of the said lands subject to this Act and to any statutory amendment or modification thereof, and to any regulations or by-laws made from time to time in pursuance thereof, and the Registrar of Titles is hereby directed to endorse on the certificate of title or lease for such portion of the said lands purchased or leased, the following statement:—

The registered proprietor for the time being of the lands above described will hold the same subject to the City of Perth Endowment Lands Act, 1920, and to any statutory amendment or modification thereof, and to all by-laws and regulations made from time to time thereunder.

(2) Subsection (1) of this section shall not apply to any of the said lands which before the commencement of this subsection have been acquired from the council by the Workers' Homes Board under and for the purposes of the Workers' Homes Act, 1911,<sup>3</sup> whether by purchase or otherwise, or to any of the said lands which after the commencement of this subsection may at any time be acquired from the council by the said Workers' Homes Board

<sup>1</sup> Now see Local Government Act, 1960.

<sup>2</sup> Now see Liquor Act, 1970.

<sup>3</sup> Now see State Housing Act, 1946.



for the purposes aforesaid and of which the said Workers' Homes Board has become registered, or may hereafter become or be entitled to be registered as the proprietor of an estate in freehold.

(3) In the case of any of the said lands of which prior to the commencement of subsection (2) the Workers' Homes Board had become or is entitled to become the registered proprietor for an estate in freehold by reason of the acquisition thereof from the council as mentioned in subsection (2), the Registrar of Titles shall forthwith upon receipt of an application under the seal of the said Board, and without payment of any fee, cancel the memorandum or statement indorsed prior to the commencement of subsection (2) upon the certificate of title of such lands, as required by subsection (1).

(4) Whenever after the commencement of subsection (2) the Workers' Homes Board acquires from the council for an estate in freehold any of the said lands (whether by purchase or otherwise) under and for the purposes of the Workers' Homes Act, 1911,<sup>1</sup> a notice to the Registrar of Titles under the seal of the said Board that the said lands have been so acquired under and for the purposes of the said Act shall be sufficient notice to the said Registrar that subsection (1) of this section does not apply to the said lands as mentioned and described in the notice given by the said Board as aforesaid.

47. In determining the price to be paid for electric current supplied to the council under the provisions of the Government Electric Works Act, 1914,<sup>2</sup> for the council tramways, the proviso to clause six of the agreement set out in the schedule to the Electric Light and Power Agreement Act, 1913,<sup>3</sup> shall not apply, but the price of current to be supplied shall not exceed the charge made for the time being for current supplied to the Government tramways, plus any additional charge necessitated by reason of increased distance of supply for the purpose of the council tramways.

Current  
supplied for  
Council  
Tramways.

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<sup>1</sup> Now see State Housing Act, 1946.

<sup>2</sup> Repealed by the State Electricity Commission Act, 1945.

<sup>3</sup> Repealed by City of Perth Electricity and Gas Purchase Act, 1948.

