



Shire of Coolgardie

Review of Local Laws

In accordance with Section 3.16 of the Local Government Act 1995, the Council resolved at its ordinary meeting of council 25 September 2012 to conduct a review of the following local laws.

- Angle Parking
- TV Masts and Antennae
- Signs, Hoarding – Draft Model by Law No 13
- Sick Leave
- Recreation Reserve
- Coolgardie Cemetery
- Dogs
- Bees
- Intersection Fencing and Obstructions
- Health Local Laws 1998
- Standing Orders

A copy of the current local laws is available at the Administration Offices in Coolgardie and Kambalda, and at the Kambalda Library in the Kambalda Community Recreation Centre.

Submissions relating to this review will close on Monday 12 November 2012. Submissions should be addressed to the Chief Executive Officer, PO Box 138 Kambalda 6442.



Parking

16 January 1952

THE ROAD DISTRICTS ACT, 1919-1948.

Road Board Election.

Local Government Department,
Perth, 13th January, 1953.

IT is hereby notified, for general information, in accordance with section 92 of the Road Districts Act, 1919-1948, that the following gentlemen have been elected Members of the undermentioned Road Boards to fill the vacancies shown in the particulars hereunder:—

Date of Election; Member Elected: Surname, Christian Name; Ward; Occupation; How Vacancy Occurred: (a) Effluxion of time, (b) Resignation, (c) Death; Name of Previous Member; Remarks.

West Kimberley Road Board.

*22nd December, 1952; Swain, Robert Percy; —; Agency; (a); Swain, R. P.; unopposed.

Wiluna Road Board.

*1st December, 1952; Ward, Nicholas R.; Town; Station Owner and Butcher; (b); McKenzie, J.; unopposed.

Beverley Road Board.

*7th January, 1953; Smith, Roderick Conrad; Central; Retired Farmer; (b); Petchell, I. M.; —.

* Denotes extraordinary election.

(Sgd.) A. E. WHITE,

Acting Secretary for Local Government.

ROAD DISTRICTS ACT, 1919-1951.

Section 286 EA.

Yilgarn Road Board.

L.G. 1410/52.

APPLICATION has been made by the Yilgarn Road Board to the Minister for Local Government for a certificate pursuant to section 286 EA of the Road Districts Act, 1919-1951, that the land specified in the Schedule hereunder be vested in Her Majesty.

Any person objecting to the issue of such certificate is required to lodge particulars of his objection with the undersigned on or before the 16th day of February, 1953, in order that such objection may be placed before the Minister when he considers the application in accordance with the provisions of the Act.

Dated the 14th day of January, 1953.

(Sgd.) A. E. WHITE,

Acting Secretary for Local Government.

Schedule.

George Anthony Wilson, Southern Cross, Town Clerk, as Registered Proprietor; Commissioner of Taxation, Perth, as Caveator; Caveat No. 687/45; Southern Cross Town Lot 64; Vol. 420, Fol. 191; area, 1 rood.

TRAFFIC ACT, 1919-1951.

Coolgardie Road Board.

Parking By-laws.

THE Coolgardie Road Board, pursuant to an Order in Council, under section 49 of the Traffic Act, 1919-1951, published in the *Government Gazette* of the 14th November, 1952, and in the exercise of the powers thereby conferred, doth hereby make the following by-laws prescribing rules to be observed in respect of any vehicle being driven or used in the roads and streets within the Townsite of Coolgardie, in the Coolgardie Road District.

(a) No person in charge of any vehicle shall park or permit such vehicle to be parked in Bayley Street between the intersection of that street with Renou Street on the Eastward and Moran Street on the Westward, or in Lefroy Street between its intersection with Woodward Street on the Southward and Sylvester Street on the Northward, at other than an angle of 45 degrees from the kerb of the footpath.

(b) No person in charge of any vehicle shall park or permit such vehicle to be parked in Bayley Street between the Coolgardie Town Park gates (reserve No. 3255) and the end of the Park fence in a Westerly direction on occasions when notices prohibiting parking in this section are conspicuously exhibited.

(c) Any person who does or permits any act contrary to these by-laws shall be guilty of an offence against these by-laws and shall be liable, on conviction, to a penalty not exceeding £2.

Passed by resolution of the Coolgardie Road Board on the 8th December, 1952.

ROBERT DAVISON,
Chairman.P. A. MORAN,
Secretary.

Recommended—

(Sgd.) VICTOR DONEY,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 7th day of January, 1953.

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

ROAD DISTRICTS ACT, 1919-1948.

Canning Road Board—Loan No. 28.

Notice of Intention to Borrow.

NOTICE is hereby given that the Canning Road Board proposes to borrow the sum of five thousand pounds (£5,000) to be expended on works and undertakings in the Canning Road District, the said works and undertakings being the construction, widening and surfacing of roads.

Plans and specifications and an estimate of the cost of the said works and undertakings, and the statement showing the proposed expenditure of the money to be borrowed, including the cost of supervision and initial expenditure in connection with the raising of the loan, are open for the inspection at the office of the Board, Albany Highway, Cannington, for one month from this publication, from 9 o'clock in the forenoon to 4 o'clock in the afternoon, from Monday to Friday (inclusive).

The amount of £5,000 is to be raised by the sale of debentures, repayable with interest by 40 equal half-yearly instalments over a period of 20 years after the date of issue thereof, in lieu of the formation of a sinking fund. The debentures will bear interest at a rate not exceeding four and seven-eighths per cent. (4 $\frac{7}{8}$ %) per annum, payable half-yearly, the amount of debentures and interest to be payable at the office of the Superannuation Board, Perth.

The works and undertakings for which the loan is proposed to be raised will, in the opinion of the Board, be of special benefit to a portion of the Canning Road Board District, namely, the Central Ward, as defined in the *Government Gazette* of the 21st March, 1941, and any loan rate applicable to such loan will be levied on the rateable land within the Central Ward only.

Dated this 7th day of January, 1953.

C. J. KIELMAN,
Chairman.R. A. RUSHTON,
Secretary.

ROAD DISTRICTS ACT, 1919-1948.

Canning Road Board—Loan No. 30.

Notice of Intention to Borrow.

NOTICE is hereby given that the Canning Road Board proposes to borrow the sum of five thousand pounds (£5,000) to be expended on works and undertakings in the Canning Road District, the said works and undertakings being the construction, widening and surfacing of roads.



TV Masts and Antennae

6 May 1960

- (5) determine that the number of members allotted to the Guildford Ward shall be three and that the number of members allotted to the East Ward shall be reduced to three, and to the West Ward shall be reduced to two, but that the number of members allotted to the following Wards, namely South, Gidgegannup and North Ward shall remain unaltered.

(Sgd.) L. A. LOGAN,
Minister for Local Government.

ROAD DISTRICTS ACT, 1919.

Carnamah and Dandaragan Road Districts.

Severance and Annexation of Land.

Notice of Intention.

Department of Local Government,
Perth, 8th April, 1960.

L.G. 46/53.
L.G. 3169/52.

IT is hereby notified for general information that it is the intention of His Excellency the Governor, under the provisions of the Road Districts Act, 1919, to sever from the Dandaragan Road District and annex to the Carnamah Road District certain pieces of land and to sever from the Carnamah Road District and annex to the Dandaragan Road District certain other pieces of land to the intent and purpose that the common boundary between the two districts shall be altered in one portion so that it will conform to the boundary set out in the Schedule hereto.

The plan showing the proposed transfer of territory may be perused at the office of the Department of Local Government, Perth.

(Sgd.) L. A. LOGAN,
Minister for Local Government.

Schedule.

Transfer of Territories between Carnamah Road District and Dandaragan Road District.

Transfer of territories between Carnamah Road District and Dandaragan Road District by the amendment of their common boundary between the south-eastern corner of lease 667/41A and a point on the western boundary of Melbourne Location 2001, situate opposite the north-eastern corner of Victoria Location 9812.

The amended common boundary between these points is as follows:—

Starting from the easternmost south-eastern corner of lease 667/41A and extending south about 45 chains to the northernmost north-western corner of late pastoral lease 1940/93; thence east 84 chains 66 links and south about 165 chains along boundaries of that late lease to the northern boundary of Victoria Location 10351; thence easterly along the northern boundary of that location to its north-eastern corner; thence east to the western boundary of location 10358; thence southerly along that boundary to the northern side of a three chain road; thence generally east-north-easterly along that side to a point situate in prolongation northerly of the eastern boundary of location 10328; thence southerly to and along that boundary, the eastern boundary of location 10329 and onwards to the north-eastern corner of location 10330, a point on the southern side of a three chain road; thence generally easterly along that side to the north-eastern corner of location 9812 and onwards to the western boundary of Melbourne Location 2001,

(Public Plans 91/80 and 90/80.)

ROAD DISTRICTS ACT, 1919.

Dumbleyung Road Board.

Department of Local Government,
Perth, 2nd May, 1960.

L.G. 3250/52.

IT is hereby notified for general information that His Excellency the Governor has approved of the purchase of a grader, as a work and undertaking for which money may be borrowed under Part VII of the Road Districts Act, 1919, by the Dumbleyung Road Board.

(Sgd.) GEO. S. LINDSAY,
Secretary for Local Government.

ROAD DISTRICTS ACT, 1919.

Harvey Road Board.

Department of Local Government,
Perth, 2nd May, 1960.

L.G. 353/56.

IT is hereby notified for general information that His Excellency the Governor has approved of the installation of a reticulated water scheme at Australind on portion of Wellington Location 1, being the subdivision of lots 2, 3 and 4 on plan 557 and diagram 6895, Certificate of Title Volume 931, folio 31, as a work and undertaking for which money may be borrowed under Part VII of the Road Districts Act, 1919, by the Harvey Road Board.

(Sgd.) GEO. S. LINDSAY,
Secretary for Local Government.

ROAD DISTRICTS ACT, 1919.

Three Springs Road Board.

Department of Local Government,
Perth, 2nd May, 1960.

L.G. 3293/52.

IT is hereby notified for general information that His Excellency the Governor has approved of a drainage scheme for the diversion of storm water from Thomas Street, Three Springs, as a work and undertaking for which money may be borrowed, under Part VII of the Road Districts Act, 1919, by the Three Springs Road Board.

(Sgd.) GEO. S. LINDSAY,
Secretary for Local Government.

ROAD DISTRICTS ACT, 1919.

Notice.

Department of Local Government,
Perth, 2nd May, 1960.

L.G. 9/60.

IT is hereby notified for public information that His Excellency the Governor, pursuant to the provisions of section 203 of the Road Districts Act, 1919, has been pleased to specify that the Uniform By-laws for the Construction of Television Masts and Antennae made under the provisions of the said Act and published in the *Government Gazette* on the 5th February, 1960, shall have the force of law within the following Road Districts, viz., Collic Coalfields, Dowerin, Mandurah and Mundaring.

(Sgd.) GEO. S. LINDSAY,
Secretary for Local Government.

the Governor for approval; and that if they are approved, the Governor may forthwith by Order in Council, empower the Minister to undertake the construction of the proposed works: Now, therefore, His Excellency the Governor, with the advice of the Executive Council, hereby approves of the plans, description, books of reference and estimates marked on Plan P.W.D., W.A. 37831, for the construction of the Kalamunda Water Supply—Section 3 which was duly submitted for approval, and hereby empowers the Minister to undertake the construction of the said works.

R. H. DOIG,
Clerk of the Council.

Country Towns Sewerage Act, 1948-1954.

Merredin Sewerage Area and Sewerage Districts.

ORDER IN COUNCIL.

WHEREAS by section 4 (a) of the Country Towns Sewerage Act, 1948-1954, the Governor may, by Order in Council, constitute any part or parts of the State outside the boundaries of the Metropolitan Water, Sewerage and Drainage Area as constituted and defined by the Act No. 43 of 1909, as a sewerage area under such name as may be directed by the Order in Council, and whereas by section 4 (b) of the Country Towns Sewerage Act, 1948-1954, the Governor may, by Order in Council, constitute sewerage districts by dividing any sewerage area into sewerage districts, under such names as may be directed: Now, therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council, doth hereby constitute that part of the State defined in the first schedule hereunder, a sewerage area, and assign the name of Merredin Sewerage Area thereto, and doth also hereby divide the said Merredin Sewerage Area into two sewerage districts, namely (a) Merredin No. 1 Sewerage District, and (b) Merredin No. 2 Sewerage District as defined in the second and third Schedules respectively hereunder.

First Schedule.

Merredin Sewerage Area.

All that portion of land contained within a circle having a radius of five miles from a point adjacent to the north-eastern corner of Merredin Town Lot 354 and situate at the intersection of the southern alignment of Todd Street and the western alignment of French Avenue.

Being the land delineated and shown bordered red on Department of Lands and Surveys Miscellaneous Plan 261, Sheet 2, and also on Plan P.W.D. 37970.

(Public Plan 24/80 and 25/80.)

Second Schedule.

Merredin No. 1 Sewerage District.

The whole of the land situate within the boundaries of Merredin Townsite.

Being the land delineated and shown bordered blue on Department of Lands and Surveys Miscellaneous Plan 261, Sheet 1, and also on Plan P.W.D. 37970.

(Public Plans 24/80 and Merredin Townsite.)

Third Schedule.

Merredin No. 2 Sewerage District.

All that portion of land contained within a circle having a radius of five miles from a point adjacent to the north-eastern corner of Merredin Town Lot 354 and situate at the intersection of the southern alignment of Todd Street and the western alignment of French Avenue, but excluding the land contained within the boundaries of Merredin Townsite.

Being the land delineated and shown bordered green on Department of Lands and Surveys Miscellaneous Plan 261, Sheet 2, and also on Plan P.W.D. 37970.

(Public Plans 24/80 and 25/80.)

R. H. DOIG,
Clerk of the Council.

Road Districts Act, 1919-1959.

Uniform General By-laws.

ORDER IN COUNCIL.

L.G. 9/60.

WHEREAS it is enacted by section 203 of the Road Districts Act, 1919-1959, that the Governor may make and publish in the *Government Gazette* uniform general by-laws for all or any of the purposes for which by-laws may be made under this Act: Now, therefore, His Excellency the Governor, acting with the advice and consent of the Executive Council, and in exercise of the powers conferred by the said Act, doth hereby make the uniform general by-laws set out in the Schedule hereto.

R. H. DOIG,
Clerk of the Council.

Schedule.

Uniform By-laws for the Construction of Television Masts and Antennae.

1. In these by-laws, unless inconsistent with the context or subject matter, or some other meaning is clearly intended—

"aerial" or "television aerial" means a television receiving antenna and its supporting mast;

"erect" includes instal and affix whether on or to a building or on land;

"Local Authority" means the Board of a Road District;

"prescribed height" means a height not exceeding twelve feet from the lowest point of attachment; and

"surveyor" means building surveyor as defined in the Road Districts Act, or any officer of a Local Authority acting in that capacity.

2. No person shall erect or instal a television aerial on any land or building in a road district except pursuant to the provisions of these by-laws.

3. No person shall erect an aerial of a height exceeding the prescribed height without license from the Local Authority.

4. (1) Any person requiring a license to erect an aerial of a height greater than the prescribed height shall make written application therefor to the Local Authority.

(2) An application shall be accompanied by—

(a) a block plan showing the position of all buildings in relation to the boundaries of the land on which and the position in which the aerial is to be erected; and

(b) a plan setting out the details of the aerial, the method by which it is to be erected or affixed on or to any building or the soil and of all supporting guy wires; and

(c) a specification.

5. Upon the granting of a license as provided in by-law 3 hereof the grantee shall pay to the Local Authority a fee of ten shillings.

6. Any person erecting an aerial, whether of a height greater than the prescribed height or not shall comply with the following rules:—

(A) Scope.—These rules apply to all aerials for use with television receivers.

(B) Construction.—Masts, aerials, and their supports, shall be designed and installed to withstand pressures and vibrations caused by wind loads to which the area is ordinarily subjected, and in any case wind loads of not less than thirty pounds weight per square foot.

Masts, aerials, and their supports, including bases, guys, turnbuckles and other appurtenances shall be inherently corrosion-resistant or shall be rendered corrosion-resistant by galvanising, or other equivalent means and, in the case of roof mounted masts or aerials, shall be of non-ignitable material, unless the surveyor expressly approves of the use of other material.

Galvanised components shall comply with the appropriate requirements of Australian Standard No. K3-1942, Testing Zinc Coatings on Galvanised Articles.

Wooden poles may be used as masts if the portion in contact with the ground is adequately treated with a satisfactory wood preservative.

- (C) Location and Clearances.—No aerial shall project beyond the boundary of the premises on which it is erected and every aerial shall be so erected and maintained as to obviate the danger of its falling onto a public place or other premises.

No aerial or lead-in conductor shall pass over or under any telephone line or overhead power line and shall be kept sufficiently clear of all such circuits as to obviate the possibility of accidental contact. In any case when proximity to overhead lines cannot be obviated, the installation shall be such as to provide a clearance of six feet at least in the case of circuits not exceeding 250 volts to earth and ten feet at least in the case of circuits exceeding 250 volts to earth.

The clearance between lead-in conductors and any conductor forming part of a lightning protection system shall not be less than six feet.

- (D) Limitation on Height.—No aerial mounted on a roof, parapet wall or chimney shall, without the express approval of the Local Authority, extend more than ten feet above the ridge of the roof of the building on which it is erected or, in the case of a flat roof more than twelve feet above the surface thereof or in the case of a skillion roof more than twelve feet above the highest portion thereof.

In the case of a flat or skillion roof the aerial shall be guyed in accordance with rule (F) hereof.

(E) Mounting.—

- (i) General.—All aerials having a free length over ten feet shall be guyed in accordance with rule (F) hereof.

No aerial shall be mounted on, or be in any way braced by vent pipes or similar structures.

- (ii) On Roofs.—An aerial installed on a roof shall be mounted on a base of adequate size securely anchored to the roof. The aerial shall be supported only by non-ignitable materials, unless the surveyor expressly approves the use of other materials.

- (iii) On Chimneys.—An aerial mounted on a chimney shall be securely attached by metal strapping or lashing embracing the periphery of the chimney. Where a chimney has walls of less than nine inches in thickness, each corner of the chimney shall be reinforced with angle-iron of one-eighth guage in the dimensions set out in the Table to this rule and the angle-iron shall be held firmly in position against the chimney by the strapping or lashing in this paragraph mentioned.

If for any reason the reinforcement mentioned in this paragraph cannot be applied then the surveyor may approve an alternative method of reinforcement.

In every case the aerial shall be attached as close to the base of the chimney as may be practicable.

Table of Dimensions of Reinforcement.

Free Length of Aerial in Feet.	Length of Reinforcement in Inches.
Up to 6	12
6 to 8	15
8 to 10	18

- (iv) On Walls.—Aerials may be mounted on nine-inch thick parapet walls or eleven-inch cavity parapet walls except that in the latter case the attachment shall be by a bolted and plated connection through both walls and then only where the walls are capable of carrying the load so imposed.

- (v) Ground Supported.—Ground-supported aerials, unless designed to be self-supporting, shall be guyed in accordance with rule (F) hereof.

Wooden poles may be used as masts if any portion of the mast in contact with the ground is adequately treated with a satisfactory wood preservative.

No pole slip shall be installed closer than seven and one-half feet from the ground or other readily accessible place.

- (F) Guying.—In any case where guy wires are required by these by-laws to be installed there shall be three or more equally spaced guy wires for the first twenty feet of mast height. Additional sets of guy wires shall be installed for each section of a telescopic aerial or at such intervals as will ensure rigidity of the structure for other types of aerial.

No guy wire shall be of less than three-thirty-seconds of an inch six-strand galvanised cable. The attachment of guys to anchors, aerials, turnbuckles or other fastenings shall be made with adequate guy thimbles or equivalent fixture.

In the case of roof aerial guys, anchor screws shall be securely fastened to rafters, beams, or other substantial framing member of the structure. In the case of ground aerial guys, the anchor screws shall be securely fastened to a substantial support and shall not be attached to trees.

(G) Earthing.—

- (i) General.—Metal structures supporting antennae shall be solidly earthed using an earthing conductor not smaller than 0.0045 square inches (7/029 in.) connected with a suitable clamp to a continuous metallic cold water piping supply system or to an earth electrode consisting of a metallic pipe or rod driven into the ground so that at least four feet of the pipe or rod is below ground level. Wherever practicable, such electrodes shall be located not closer than six feet to any power earthing system and shall not be bonded to the power earthing system.

- (ii) Labelling.—The earthing conductor shall be labelled at or immediately adjacent to the point at which it is connected to a water pipe or electrode. Such label shall consist of a metallic disc, securely attached to the earthing conductor and shall be clearly and indelibly marked with the words, "Radio Earth."

- (iii) Joints.—Joints in earthing conductors shall be made by soldering or by mechanical clamping. In the case of mechanical clamping, the conductor shall be twisted together and clamped between such metal surfaces as a bolt and nut with washers so constructed and arranged as to prevent spreading of the conductor strands, or by means of not less than two screws, according to the form of connector used.

- (H) Lightning Arresters.—All lead-in conductors from an outdoor aerial shall be provided with a suitable lightning arrester but where the lead-in conductors are enclosed in a continuous metallic sheathing, a

lightning arrester may be installed to protect the sheathing or may be omitted if the sheathing is permanently and effectively earthed. Lightning arresters shall be located either outside the building, or inside the building between the point of entrance of the lead-in conductor and the receiver, and as near as practicable to the entrance of the conductors to the building. No lightning arrester shall be located near combustible material.

A lightning arrester shall be earthed as required by rule (G) hereof.

7. A person who commits a breach of the provisions of any of these by-laws is liable on conviction to a penalty not exceeding twenty pounds.

Municipal Corporations Act, 1906-1959.

Uniform General Regulations.

ORDER IN COUNCIL.

L.G. 10/60.

WHEREAS it is enacted by section 338A of the Municipal Corporations Act, 1906-1959, that the Governor may by Order in Council prescribe uniform general regulations with respect to all or any of the matters in relation to which a Council may make by-laws under section 338 of the said Act: Now, therefore, His Excellency the Governor, acting with the advice and consent of the Executive Council, and in exercise of the powers conferred by the said Act, hereby makes the uniform general regulations set out in the Schedule hereto.

R. H. DOIG,
Clerk of the Council.

Schedule.

Uniform Regulations for the Construction of Television Masts and Antennae.

1. In these regulations unless inconsistent with the context or subject matter, or some other meaning is clearly intended—

"aerial" or "television aerial" means a television receiving antenna and its supporting mast;

"erect" includes instal and affix whether on or to a building or on land;

"Local Authority" means a municipality and the council thereof;

"prescribed height" means a height not exceeding twelve feet from the lowest point of attachment; and

"surveyor" means building surveyor as defined in the Municipal Corporations Act.

2. No person shall erect or instal a television aerial on any land or building in a municipal district except pursuant to the provisions of these regulations.

3. No person shall erect an aerial of a height exceeding the prescribed height without license from the Local Authority.

4. (1) Any person requiring a license to erect an aerial of a height greater than the prescribed height shall make written application therefor to the Local Authority.

(2) An application shall be accompanied by—

(a) a block plan showing the position of all buildings in relation to the boundaries of the land on which and the position in which the aerial is to be erected; and

(b) a plan setting out the details of the aerial, the method by which it is to be erected or affixed on or to any building or the soil and of all supporting guy wires; and

(c) a specification.

5. Upon the granting of a license as provided in regulation 3 hereof the grantee shall pay to the Local Authority a fee of ten shillings.

6. Any person erecting an aerial, whether of a height greater than the prescribed height or not, shall comply with the following rules:—

(A) Scope.—These rules apply to all aerials for use with television receivers.

(B) Construction.—Masts, aerials, and their supports, shall be designed and installed to withstand pressures and vibrations caused by wind loads to which the area is ordinarily subjected, and in any case wind loads of not less than thirty pounds weight per square foot.

Masts, aerials, and their supports, including bases, guys, turnbuckles and other appurtenances shall be inherently corrosion-resistant or shall be rendered corrosion-resistant by galvanising, or other equivalent means, and, in the case of roof mounted masts or aerials, shall be of non-ignitable material unless the surveyor expressly approves of the use of other material.

Galvanised components shall comply with the appropriate requirements of Australian Standard No. K3-1942, Testing Zinc Coatings on Galvanised Articles.

Wooden poles may be used as masts if the portion in contact with the ground is adequately treated with a satisfactory wood preservative.

(C) Location and Clearances.—No aerial shall project beyond the boundary of the premises on which it is erected and every aerial shall be so erected and maintained as to obviate the danger of its falling onto a public place or other premises.

No aerial or lead-in conductor shall pass over or under any telephone line or overhead power line and shall be kept sufficiently clear of all such circuits as to obviate the possibility of accidental contact. In any case when proximity to overhead lines cannot be obviated the installation shall be such as to provide a clearance of six feet at least in the case of circuits not exceeding 250 volts to earth and ten feet at least in the case of circuits exceeding 250 volts to earth.

The clearance between lead-in conductors and any conductor forming part of a lightning protection system shall not be less than six feet.

(D) Limitation on Height.—No aerial mounted on a roof, parapet wall or chimney shall, without the express approval of the Local Authority, extend more than ten feet above the ridge of the roof of the building on which it is erected or, in the case of a flat roof more than twelve feet above the surface thereof or in the case of a skillion roof more than twelve feet above the highest portion thereof.

In the case of a flat or skillion roof the aerial shall be guyed in accordance with rule (F) hereof.

(E) Mounting—

(i) General.—All aerials having a free length over ten feet shall be guyed in accordance with rule (F) hereof.

No aerial shall be mounted on, or be in any way braced by vent pipes or similar structures.

(ii) On Roofs.—An aerial installed on a roof shall be mounted on a base of adequate size securely anchored to the roof. The aerial shall be supported only by non-ignitable materials, unless the surveyor expressly approves the use of other materials.

(iii) On Chimneys.—An aerial mounted on a chimney shall be securely attached by metal strapping or lashing embracing the periphery of the chimney. Where a chimney has walls of less than nine inches in thickness each corner of the chimney

shall be re-inforced with angle-iron of one-eighth guage in the dimensions set out in the Table to this rule and the angle-iron shall be held firmly in position against the chimney by the strapping or lashing in this paragraph mentioned.

If for any reason the reinforcement mentioned in this paragraph cannot be applied then the surveyor may approve an alternative method of reinforcement.

In every case the aerial shall be attached as close to the base of the chimney as may be practicable.

Table of Dimensions of Reinforcement.

Free Length of Aerial in Feet.	Length of Reinforcement in Inches.
Up to 6	12
6 to 8	15
8 to 10	18

- (iv) On Walls.—Aerials may be mounted on nine-inch thick parapet walls or 11-inch cavity parapet walls except that in the latter case the attachment shall be by a bolted and plated connection through both walls and then only where the walls are capable of carrying the load so imposed.

- (v) Ground Supported.—Ground-supported aerials, unless designed to be self-supporting, shall be guyed in accordance with rule (F) hereof.

Wooden poles may be used as masts if any portion of the mast in contact with the ground is adequately treated with a satisfactory wood preservative.

No pole slip shall be installed closer than seven and one-half feet from the ground or other readily accessible place.

- (F) Guying.—In any case where guy wires are required by these regulations to be installed there shall be three or more equally spaced guy wires for the first 20 feet of mast height. Additional sets of guy wires shall be installed for each section of a telescopic aerial or at such intervals as will ensure rigidity of the structure for other types of aerial.

No guy wire shall be of less than three thirty-seconds of an inch six strand galvanised cable. The attachment of guys to anchors, aerials, turnbuckles or other fastenings shall be made with adequate guy thimbles or equivalent fixture.

In the case of roof aerial guys, anchor screws shall be securely fastened to rafters, beams, or other substantial framing member of the structure. In the case of ground aerial guys, the anchor screws shall be securely fastened to a substantial support and shall not be attached to trees.

- (G) Earthing.—

- (i) General.—Metal structures supporting antennae shall be solidly earthed using an earthing conductor not smaller than 0.0045 square inches (7/.029 in.) connected with a suitable clamp to a continuous metallic cold water piping supply system or to an earth electrode consisting of a metallic pipe or rod driven into the ground so that at least four feet of the pipe or rod is below ground level. Wherever practicable, such electrodes shall be located not closer than six feet to any power earthing system and shall not be bonded to the power earthing system.

- (ii) Labelling.—The earthing conductor shall be labelled at or immediately adjacent to the point at which it

is connected to a water pipe or electrode. Such label shall consist of a metallic disc, securely attached to the earthing conductor and shall be clearly and indelibly marked with the words "Radio Earth."

- (iii) Joints.—Joints in earthing conductors shall be made by soldering or by mechanical clamping. In the case of mechanical clamping, the conductors shall be twisted together and clamped between such metal surfaces as a bolt and nut with washers so constructed and arranged as to prevent spreading of the conductor strands, or by means of not less than two screws, according to the form of connector used.

- (H) Lightning Arresters.—All lead-in conductors from an outdoor aerial shall be provided with a suitable lightning arrester, but where the lead-in conductors are enclosed in a continuous metallic sheathing, a lightning arrester may be installed to protect the sheathing or may be omitted if the sheathing is permanently and effectively earthed. Lightning arresters shall be located either outside the building, or inside the building between the point of entrance of the lead-in conductor and the receiver, and as near as practicable to the entrance of the conductors to the building. No lightning arrester shall be located near combustible material.

A lightning arrester shall be earthed as required by rule (G) hereof.

7. A person who commits a breach of the provisions of any of these regulations is liable on conviction to a penalty not exceeding twenty pounds.

Workers' Compensation Act, 1912-1956.

ORDER IN COUNCIL.

WHEREAS it is enacted by section 13 of the Workers' Compensation Act, 1912-1956, *inter alia*, that it shall be obligatory for every employer to obtain from an incorporated insurance office, approved by the Minister, a policy of insurance for the full amount of the liability to pay compensation under the said Act to all workers employed by him, but that if an employer proves to the satisfaction of the Minister that such employer has established a fund for insurance against such liability and has deposited at the Treasury securities charged with all payments to become due under such liability, the Governor may, by Order in Council, exempt such employer from the operation of that section; and whereas Australian Mutual Provident Society, Western Australia Branch, being an employer within the meaning of the Act and as such is subject to the provisions of section 13 thereof, in accordance with the Act and the regulations made thereunder, duly made application for exemption from the operation of the section, and has satisfied the Minister that it has established a fund for insurance against the said liability, and has deposited at the Treasury a security, to wit, Certificate of Title Volume 478, folio 98, in which is comprised an estate in fee simple in all that piece of land being portion of Perth Town Lot G1, charged with all payments to become due under the said liability: Now, therefore, His Excellency the Governor, acting with the advice and consent of the Executive Council and in exercise of the powers conferred by the Act, doth hereby exempt the Australian Mutual Provident Society, Western Australia Branch, from the operation of section 13 of the Workers' Compensation Act, 1912-1956, for a period expiring on the 17th day of November, 1961.

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



Signs and Hoardings

11 June 1963

Amended

10 December 1964

21 November 1967

15 March 1996

3 June 1997

16. Any person committing a breach of these by-laws or of the terms of any permission granted to him to be upon a caravan parking area shall be guilty of an offence and liable to a penalty not exceeding £20.

17. The Council may, at any time, make and declare a schedule of charges for a site in the caravan park and vary such charges from time to time.

Passed by the Shire of Irwin at a meeting of the Shire held on the 13th day of March, 1963.

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

[L.S.]

A. J. GILLAM,
President.

J. PICKERING,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

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

LOCAL GOVERNMENT ACT, 1960.

Local Government Department,
Perth, 27th May, 1963.

L.G.D. 77/63.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Local Government Act, 1960, has been pleased to cause the draft model by-laws set out in the schedule hereto to be prepared and published.

2. Councils proposing to adopt the draft model by-laws are required, in addition to conforming with the provisions of section 258 (4) of the Act, to frame the adopting resolution so as to complete by-law 38, where the Council has previously made by-laws relating to signs, hoardings and bill posting, or, where none such has been made by it, to delete by-law 38.

R. C. PAUST,
Acting Secretary for Local Government.

Schedule.

Draft Model By-laws.

Part I.—Preliminary.

Citation.

1. These by-laws may be cited as the Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13.

Interpretation.

2. In these by-laws, unless the context otherwise requires—

“Act” means the Local Government Act, 1960, as amended;

“direction sign” means a sign erected in a street or public place to indicate the direction to be taken to some other place; but does not include any such sign erected or affixed by the council or a road direction sign erected or affixed by a duly incorporated association, or union, of motorists, authorised in that regard by the Minister for Transport;

"hoarding" means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of section 377 of the Act;

"illuminated sign" means a sign that is so arranged as to be capable of being lighted, either from within or without the sign by artificial light provided, or mainly provided, for that purpose;

"pylon sign" means a sign supported by one or more piers and not attached to a building;

"residential area" means an area that has been so designated under a Town Planning Scheme or in Zoning By-laws or, where not so designated, a lot not exceeding one-half acre in area;

"sale sign" means a sign indicating that the premises whereon it is affixed are for sale or for letting;

"semaphore sign" means a sign affixed and supported at, or by, one of its ends, only;

"sign" includes a signboard and a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall;

"surveyor" means the council's building surveyor appointed pursuant to the Act;

"tower sign" means a sign affixed to, or placed on, a chimney stack or an open structural mast or tower; and

words and expressions used have the same respective meanings as are given them in, and for the purposes of the Act.

Part II.—Signs.

Division 1.—Signs Generally.

License Required for Certain Signs.

3. (1) A person shall not erect or maintain a sign, and the owner or occupier of premises shall not suffer or permit a sign to remain on those premises, within 100 feet of a street or other public place, except pursuant to a license issued under these by-laws.

(2) Nothing in this by-law relates to a sign erected or maintained pursuant to any Act having operation within the State or to a sign that is—

- (a) a sale sign;
- (b) a plate, not exceeding two square feet in area, erected, or affixed, on the street alignment, or between that alignment and the building line, to indicate the name and occupation or profession of the occupier of the premises;
- (c) of an area not exceeding four square feet and is affixed to a dwelling or erected, or affixed, behind the building line, to indicate the name of the occupier and his trade or occupation.

Fixing of Signs.

4. Every sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the surveyor, and shall be safely maintained.

Glass in Signs.

5. Glass shall not be used in any sign, other than in an illuminated sign.

Readily Combustible Material.

6. Except in the case of posters securely affixed to a sign board or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of, or be attached to, any sign.

Signs to be Kept Clean.

7. Every sign shall be kept clean and free from unsightly matter.

Illuminated Signs.

8. (1) Every illuminated sign shall—

- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;

- (b) where comprising glass (other than fluorescent tubing), have the glass so protected as to prevent its falling into a public place, in the event of breakage;
 - (c) have its electrical installation constructed and maintained to the satisfaction of the State Electricity Commission or the appropriate electric supply authority and in accordance with the SAA Wiring Rules No. C.C.1—Part 1, 1961;
 - (d) be maintained to operate as an illuminated sign;
 - (e) not have a light of such intensity as to cause annoyance to the public; and
 - (f) display one or more of the following, namely—
 - (i) the name of one or more of the occupiers of the premises;
 - (ii) the business or businesses carried on in the premises; and
 - (iii) the goods sold in the premises, to which it is affixed, and nothing more;
- (2) The provisions of paragraph (f) of sub-by-law (1) of these by-laws do not apply to a roof sign that is an illuminated sign.

Certain Signs Prohibited or Restricted.

9. A sign shall not be erected or maintained—

- (a) so as to obstruct the view, from a street or public place, of traffic in the same street or public place;
- (b) so as to be likely to be confused with, or mistaken for, an official traffic light or sign, or so as to contravene the Traffic Act, 1919, or the Traffic Regulations;
- (c) except with the specific approval of the council, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building;
- (d) on any land that is classified in a Town Planning Scheme or Zoning By-laws as residential or for flats;
- (e) on any building of which the stability is, in the opinion of the surveyor, likely to be affected by the sign;
- (f) as a movable or portable sign, in a street or public place, unaffixed to a building; or
- (g) in any position wherein it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty.

Division 2.—Particular Signs.

Signs Above Verandah Fascias.

10. Signs comprising free standing lettering only may be erected above the outer fascia of a verandah, parallel to the kerb, if the lettering does not exceed 15 inches in height and is mounted on a base of at least three inches in width.

Signs on Verandah Fascias.

11. A sign fixed to the outer or return fascia of a verandah—

- (a) shall not exceed two feet in depth;
- (b) shall not project beyond the outer metal frame, or surround of the fascia; and
- (c) if an illuminated sign, may be of changing colours, but shall not emit a flashing light.

Signs Under Verandahs.

12. A sign under a verandah shall—

- (a) afford a headway of at least eight feet;
- (b) not exceed eight feet in length, nine and one-third square feet in area or 24 inches in width;
- (c) not weigh more than 120 pounds;

- (d) not, if it exceeds 12 inches in width, be within four feet six inches, or, where it does not exceed 12 inches in width, be within three feet of the side wall of the building, measured along the front of the building, before which it is erected;
- (e) not, if it exceeds 12 inches in width, be within nine feet, or, where it does not exceed 12 inches in width, be within six feet, of another sign under that verandah;
- (f) be fixed at right angles to the front wall of the building before which it is erected, except on a corner of a building at a street intersection, where the sign may be placed at an angle with the wall, so as to be visible from both streets;
- (g) bear, at its outer end, its license number in figures clearly legible from the footway; and
- (h) be so placed that the centre of its base, longitudinally, is equidistant from the outer edge of the verandah and the edge of the street nearest to the building to which such verandah is attached.

Horizontal Signs.

13. (1) A horizontal sign shall—

- (a) afford a minimum headway of eight feet;
- (b) be fixed parallel to the wall of the building to which it is attached and with the bottom of the sign contiguous to the wall;
- (c) conform, as to the depth, to the following table:—

Minimum Distance of Sign Above Street.	Maximum Depth of Sign.	
	Ft.	Ins.
Less than 25 feet	2	0
25 feet to 30 feet	2	6
31 feet to 40 feet	3	0
More than 40 feet (if there is no roof sign on the building)	15	0 ;

- (d) not project more than two feet from the wall to which it is attached; and
 - (e) not be within two feet of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least nine inches wide and projects at least one inch in front of, and three inches above and below, the sign.
- (2) Notwithstanding the provisions of paragraph (c) of sub-bylaw (1) of this by-law, the council may permit an increase of not more than 50 per cent. of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.
- (3) There shall be not more than one line of horizontal signs facing any one street on any storey of a building.
- (4) The name of the building, owner or occupier may be placed on the facade of a building, but—
- (a) unless otherwise specifically approved by the council, only one such name shall be placed on any facade;
 - (b) the letters of the name shall not exceed four feet in depth;
 - (c) the letters shall be of metal or other incombustible material; and
 - (d) the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the council.

Vertical Signs.

14. (1) A vertical sign shall—

- (a) afford a minimum headway of 10 feet;
- (b) subject to sub-bylaw (2) of this by-law, not project more than three feet from the face of the building to which it is attached;
- (c) subject to sub-bylaw (3) of this by-law, not be within six feet of either end of the wall to which it is attached;

- (d) not project more than eight feet above the top of the wall to which it is attached nor more than five feet back from the face of that wall;
- (e) be of a height at least twice its width;
- (f) not be within 12 feet of another vertical sign on the same building;
- (g) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls, so as to be visible from both streets; and
- (h) not exceed three feet in width.

(2) Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within 10 feet of it, the sign may project two feet further than the distance prescribed by paragraph (b) of sub-bylaw (1) of this by-law or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.

(3) Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right-of-way, the council may authorise the affixing of the sign at a lesser distance from the end of the wall than that prescribed by paragraph (c) of sub-bylaw (1) of this by-law.

Semaphore Signs.

15. (1) A semaphore sign shall—

- (a) afford a minimum headway of nine feet;
- (b) be fixed at right angles to the wall to which it is attached;
- (c) not project more than three feet from the point of attachment, nor be of a greater height at any point than three feet six inches;
- (d) be fixed over, or adjacent to, the entrance to a building; and
- (e) not be fixed over or under a verandah.

(2) Not more than one semaphore sign shall be fixed over, or adjacent to, any one entrance to a building.

Direction Signs on Street Poles.

16. A direction sign attached to a pole in a street shall not exceed six inches in depth or two feet six inches in length.

Roof Signs.

17. (1) Approval for the erection of a sign on a roof of a building shall be granted by resolution of the council at an ordinary meeting only, and where approval has been so granted, a roof sign shall—

- (a) not at any part be within 12 feet of the ground;
- (b) not extend laterally beyond the external walls of the building;
- (c) comply, as regards height above ground and height of sign, with the following table:—

Height of Main Building above Ground Level at Point where Sign is to be Erected.	Maximum Height of Sign. Ft.
12 feet and under 15 feet	4
15 feet and under 20 feet	6
20 feet and under 40 feet	10
40 feet and under 60 feet	15
60 feet and upwards	20 ; and

- (d) not be at any part more than 150 feet above the ground.

(2) The council shall not approve the erection of a roof sign unless the building surveyor certifies that, in his opinion, the building is so designed and constructed that the sign may be erected thereon without fear of damage or danger to the building or its occupants.

(3) When ascertaining the height of the main building above ground level for the purposes of this by-law, any part of the roof, at the point where the sign is to be erected, that is provided solely for the purpose of architectural decoration, shall be disregarded.

Pylon Signs.

18. (1) A pylon sign shall—

- (a) not have any part thereof less than nine feet or more than 20 feet above the level of the ground immediately below it;
- (b) not exceed eight feet six inches measured in any direction across the face of the sign or have a greater superficial area than 43 square feet;
- (c) not project more than three feet over any street;
- (d) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- (e) not, as to any part thereof, project over any street at a height of less than nine feet;
- (f) subject to sub-by-law (2) of this by-law, not be within six feet of the side boundaries of the lot on which it is erected;
- (g) not have any part thereof less than twenty feet from any part of another sign erected on the same lot.

(2) Where a lot on which a pylon sign is to be erected abuts on an intersecting street or right-of-way, the council may authorise the erection of the sign at a lesser distance from the side boundaries than that prescribed by paragraph (f) of sub-by-law (1) of this by-law.

(3) Where a pylon sign is supported on two or more piers or columns, the space between the piers or columns shall not be wholly or partly filled in with any material.

Clocks.

19. (1) A clock shall—

- (a) if suspended under a verandah, have its centre coinciding with the centre line of the footway thereunder;
- (b) comply, as regards size, with the following table:—

Height of Bottom of Clock above Footway	Maximum Diameter of Width of Clock Face and Depth of Clock including Lettering		
		Ft.	In.
9 feet and under 12 feet	1	6
12 feet and under 20 feet	2	6
20 feet and under 40 feet	3	6
40 feet and over	5	0;

- (c) be fixed either parallel with, or at right angles to, the wall to which it is attached;
- (d) not project from the wall to which it is attached—
 - (i) if parallel to the wall, more than one foot; or
 - (ii) if at right angles to the wall, more than six feet;
- (e) afford a minimum headway of nine feet;
- (f) be maintained so as to show the correct time;
- (g) be illuminated from sunset to midnight; and
- (h) not be permitted to strike between midnight and seven o'clock in the morning.

(2) Notwithstanding the provisions of sub-by-law (1) of this by-law, a clock suspended in an arcade, may be suspended over the centre of the arcade.

Tower Signs.

20. A tower sign shall not—

- (a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- (b) if illuminated, be a flashing sign;
- (c) exceed, in height, one-sixth of the height of the mast, tower or chimney stack on which it is placed;
- (d) exceed, in width, the width or diameter of the mast, tower or chimney stack on which it is placed; or
- (e) extend, laterally, beyond any part of the mast, tower, or chimney stack on which it is placed.

Sale Signs.

21. Where erected in a residential area, a sale sign shall not exceed four square feet in area.

Institutional Signs.

22. Signs erected or placed on any land, building, fence or other structure used for, or in connection with, a surgery, clinic, hospital, rest home, home for the aged or other institution or place of a similar nature, shall not exceed six square feet in area.

Signs on Fences or Vacant Lots.

23. Signs may, with the approval of the council, be painted or erected on the side or rear fence of lots on which there are no buildings, and which are used for business purposes, but any such sign shall not be nearer to the street than a distance equal to its own height above the ground, or exceed three feet in depth.

Part III—Hoardings.

Prohibition or Restriction of Hoardings.

24. (1) A person shall not erect or maintain a hoarding except pursuant to a license issued by the council for that purpose.

(2) Subject to the Act, the council may in its absolute discretion grant or refuse a license for the erection or maintenance of a hoarding.

(3) Except with specific approval of the council, a hoarding shall not be erected within 50 feet of any street or other public place.

(4) A hoarding shall not be of a greater area than 240 square feet.

Part IV—Bill Posting, etc.

25. (1) Subject to sub-by-law (2) of this by-law, a person shall not post any bill, or paint, stencil, place or affix any advertisement on any street or on any building, structure, fence, wall, hoarding, sign, post, blind or awning in, or within 50 feet of any street.

(2) This by-law does not apply to—

- (a) signs or hoardings for which a license is in force under these by-laws;
- (b) advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried on therein;
- (c) the name and occupation of any occupier of business premises painted on a window or wall of those premises; or
- (d) signs within a building.

Part V—Licenses.

Objectionable Signs and Hoardings.

26. Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws and without limiting the provisions of sub-by-law (2) of by-law 24 of these by-laws, the council may refuse a license therefor, if the sign or hoarding would, in its opinion, be injurious to the amenity or natural beauty of the area.

License to be Subject to By-laws.

27. Every license shall be granted, and shall subsist, subject only to the provisions of these by-laws.

Revocation of Licenses.

28. Where anything purporting to be done pursuant to a license issued under these by-laws is not done in conformity with the license or with these by-laws or where the licensee is guilty of an offence against these by-laws the council may, without derogation of any penalty to which that person may be liable, by notice in writing, revoke the license.

Licenses to be Produced.

29. A licensee shall, on demand by an officer of the council, produce his license for inspection.

Applications for Licenses.

30. (1) An application for a license under these by-laws shall be made in the form of application set out in the First Schedule thereto.

- (2) An application for the first issue of a license, in respect of—
(a) an illuminated sign;
(b) a pylon sign;
(c) a clock; or
(d) a hoarding;

shall be accompanied by a plan drawn to a scale of not less than one-quarter inch to the foot, showing the position, design and method of construction of the thing for which the license is sought.

(3) An application for the first issue of a license, in respect of a roof sign, shall be accompanied by a certificate from an architect or structural engineer certifying that the building upon which it is proposed to erect the sign is, in all respects, of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design.

(4) Every applicant for a license shall furnish, in writing, such further particulars as may be required by the surveyor.

Licenses.

31. (1) Subject to sub-by-law (2) of this by-law a license issued pursuant to these by-laws remains valid until any alteration is made to the sign in respect of which it issued, and in that event the licensee shall apply for a new license.

(2) A license issued in respect of a hoarding is valid for the period of one year only.

(3) A license shall be in the form set out in the First Schedule to these by-laws.

License Fees.

32. (1) A license shall be issued upon payment of the appropriate fee, set out in the Second Schedule to these by-laws, only, but the payment of a license fee pursuant to any by-laws that were in operation prior to the coming into operation of these by-laws is deemed to be a payment for the purposes of this by-law.

(2) The license fee for a hoarding is an annual license fee and is payable annually, so long as the hoarding is maintained.

Special Permits.

33. (1) Notwithstanding anything contained in these by-laws, the council may, by permit under the hand of the surveyor, allow the display of advertisements at theatres and other places of public entertainment or of advertisements of meetings or other matters of public interest, upon such terms, and for such period, as the council may, in each case, decide.

(2) The council may revoke any such permit at any time without assigning any reason therefor.

(3) Upon the expiration or revocation of a permit issued under this by-law, the person to whom it was issued shall forthwith remove the advertisement to which it relates.

Part VI—General.

No Obstruction to Doors, etc.

34. A sign shall be not so erected as to obstruct access to or from any door, fire escape or window, other than a window designed for the display of goods.

License Number.

35. Every advertising device shall bear on its face, in figures legible from the nearest street, the number of the license under which it is erected or displayed.

Second Schedule.

FEES.

	£	s.	d.
1. A pylon sign or tower sign	2	0	0
2. An illuminated sign—			
(a) on a roof—6d. per square foot with a minimum of £4	1	0	0
(b) under a verandah	2	0	0
(c) any other	1	0	0
3. A sign other than a pylon sign or an illuminated sign	5	0	0
4. A hoarding—per annum			

Deleted 15 March 96

Insert 15 March 96

P1005

CEMETERIES ACT, 1897.

Albany Public Cemetery.

Department of Local Government,
Perth, 27th May, 1963.

L.G. 196/58.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Cemeteries Act, 1897-1962, has been pleased to approve of the by-laws made by the Trustees of the Albany Public Cemetery Board as set out in the schedule hereunder.

R. C. PAUST,
Acting Secretary for Local Government.

Schedule.

The by-laws made by the Albany Public Cemetery Board Trustees and published in the *Government Gazette* of the 3rd May, 1955, and thereafter amended from time to time are referred to in these by-laws as the principal by-laws.

1. By-law No. 27, subsection (1): Add after the words "each tombstone" the words "other than as specified in clause G."

After clause (f) insert clause (g) as follows:—

(g) As an alternative to the type of headstone as previously specified in clauses (a) to (f) inclusive, a Desk Type Headstone will be permitted and shall be as follows: Shall be constructed of granite and to be the sizes as stated. Width, 36 inches; thickness, 12 inches; height of front face above lawn level, six inches; height of rear face above lawn level, minimum 12 inches, maximum 18 inches. Sloping face to form a panel with inscription thereon or to have a marble or bronze tablet fixed thereto with inscription as set out in clause (f). No concrete foundation required but stone to be firmly embedded on a sand base at the existing level of the lawn at the time of fixing."

2. Schedule "B" is amended by adding to the provision "For permission to erect a headstone not exceeding 3 ft. 6 in. in height 15s." the following:—

Plus a surcharge on all memorial work erected including lettering of five per cent. of cost of same exceeding the amount of fifty (£50) pounds.

The amendments to the by-laws as set out in the above schedule were made by the Albany Cemetery Board at a duly convened meeting of Board held on the 16th January, 1963, and 17th April, 1963.

The Common Seal of the Albany Public Cemetery Board was hereunto affixed this 3rd day of May, 1963, by the Chairman in the presence of the Secretary.

[L.S.]

C. JOHNSON,
Chairman,
C. E. COURTIS,
Secretary.

Offences.

36. (1) Every person who erects a sign that does not comply with, or erects a sign in a manner contrary to, the provisions of these by-laws commits an offence.

(2) Every person who maintains a sign without a license or in respect of which the license has expired or been cancelled commits an offence.

(3) Without prejudice to the provisions of sub-bylaws (1) and (2) of this by-law, the council may serve on the owner or occupier of any premises on which any sign is erected, affixed or maintained, contrary to these by-laws, notice to remove the sign within such time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this sub-bylaw commits an offence.

Penalty.

37. Any person who is guilty of an offence against these by-laws is liable to a penalty not exceeding £50.

Revocation.

38. The by-laws of the municipality relating to signs and hoardings, published in the *Government Gazette* of the _____ day of _____, 19____, are hereby revoked.

First Schedule.

APPLICATIONS FOR LICENSES.

Signs and Hoardings.

Municipality of _____, Date _____ 19____.

I hereby apply for a license for a sign/illuminated sign/roof sign/pylon sign/semaphore sign/direction sign/clock/hoarding* (to be)† erected on the premises known as No. _____ subject to the by-laws of the Municipality.

Full name and address of applicant _____

Exact position of sign _____

Dimensions of sign _____

Materials and construction of sign and supports _____

Inscription or device on sign _____

Plan attached. _____

Signature of Applicant. _____

*Strike out whichever does not apply.

†Strike out, if sign is already erected.

LICENSE.

Municipality of _____, Date _____ 19____.

No. _____ This license is granted to _____ of _____ in respect of a _____ on premises known as No. _____ in accordance with Application No. _____ and subject to the by-laws of the Municipality. This license shall remain valid unless any alteration is made to the sign, then in such event the licensee must apply for a new license. If this license is issued in respect of a hoarding, the license expires on the _____ 19____.

Building Surveyor. _____

Amendment 14 Dec 1964
Add 36A. p3971.

(2) When a test has been completed to the satisfaction of the Minister or an officer of the Minister then—

- (a) where the meter registers more than five per cent. in excess of the quantity that actually passes through it at the test, the Minister shall bear all direct and incidental expenses of that test;
- (b) where the meter registers less than five per cent. in excess of the quantity that actually passes through it at the test, the licensee shall pay to the Minister all direct and incidental expenses of that test.

(3) The expenses of a test shall be fixed by the Minister, subject to a minimum charge of ten shillings.

(4) A licensee may only request a test for the period of registration last preceding the date of reading in respect of which he gives notice.

Averaging of Quantity Drawn.

12E. (1) Where a meter ceases to register the correct quantity of water drawn from a well, or where a meter is being repaired, the Minister shall estimate the quantity of water drawn by taking an average of the quantities drawn during any previous periods, and the quantity so estimated shall be considered to be the amount of water drawn from the well for the purpose of section 21 of the Act.

(2) Notice of an estimate made under this regulation shall be sent to the licensee.

Evidence of Certificate of Reading.

12F. Where in any proceedings the quantity of water drawn from a well is in question, then a certificate signed by an officer appointed by the Minister, which states the quantity registered by the meter attached to the well shall be *prima facie* evidence of the quantity of water drawn from the well.

LOCAL GOVERNMENT ACT, 1960-1963.

Local Government Department,
Perth, 30th November, 1964.

L.G. 77/63.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Local Government Act, 1960-1963, has been pleased to cause the Draft Model By-laws set out in the schedule hereto to be prepared and published.

2. Councils of municipalities that have already adopted the Local Government Model By-laws (Signs, Hoardings and Billposting) No. 13 will, if requiring to give effect to the amendments comprised in the by-laws hereunder, need to make a resolution for their adoption. Councils requiring to adopt the by-laws, as now amended, will need to make a resolution to that effect.

A. E. WHITE,
Secretary for Local Government.

Schedule.

Draft Model By-laws.

Principal
by-laws.

1. In these by-laws, the Local Government Model By-laws (Signs, Hoardings and Billposting) No. 13, published in the *Government Gazette* on the 11th June, 1963, are referred to as the principal by-laws.

By-law 36A and heading added. 2. The principal by-laws are amended by adding immediately after by-law 36, the following heading and by-law:—

Removal and Disposal of Signs Unlawfully Displayed.

36A. (1) The Council may remove any sign placed or erected, contrary to the provisions of these by-laws, on any street or land vested in, or under the care or control of, the Council and may, without incurring any liability therefor, dispose of any sign so removed, in such manner as it thinks fit.

(2) Where, in exercise of the power conferred by sub-by-law (1) of this by-law, the Council removes and disposes of a sign, it may recover the cost of the removal and disposal, in any court of competent jurisdiction, from the person responsible for the placing or erecting of the sign.

LOCAL GOVERNMENT ACT, 1960.

By-law No. 65—Town Planning Classification or Zoning By-law for Land and/or Buildings in the Central Area being Part of the City of Perth Municipal District—Amendment.

The Municipality of the City of Perth By-law Relating to Zoning.

L.G. 192/62.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovenamed Municipality hereby records having resolved on the 7th day of September, 1964, to make and submit for confirmation by the Governor the following amendments to by-law No. 65:—

That—

- (a) portion of Perth Town Lot N4 and being lot 28, Goderich Street, on Plan 8058;
- (b) portion of Perth Town Lot N3 and being lot 17, Goderich Street, the subject of Diagram 16533;
- (c) portion of each of Perth Town Lots N2 and N3 and being lot 18, Goderich Street, on Diagram 16532;
- (d) portion of Perth Town Lot N2 and being lot 19, Goderich Street, on Diagram 16532;

be and are hereby excised from Zone 2 Classification and re-classified to be included in Zone 7 and the Central Zoning Plan No. 65 is amended accordingly.

Dated this 9th day of October, 1964.

The Common Seal of the City of Perth was hereunto affixed in the presence of—

[L.S.]

C. J. B. VERYARD,
Lord Mayor.
W. A. McI. GREEN,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 25th day of November, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Coolgardie.

Adoption of Draft Model By-laws Relating to Signs, Hoardings
and Billposting.

L.G. 848/67.

IN pursuance of the powers conferred upon it by the abovementioned Act the Council of the abovementioned Municipality hereby records having resolved on the 10th day of August, 1967, to adopt such of the Draft Model By-laws published in the *Government Gazette* on the 11th day of June, 1963, and amended in the *Government Gazette* on the 19th day of December, 1964 (with such alterations) as are here set out.

Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13: Alterations—Delete By-Law 38.

Dated the 28th day of September, 1967.

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

[L.S.]

J. P. BAKER,
President.

B. G. WILLOUGHBY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 2nd day of November, 1967.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

Shire of Merredin.

Draft Model By-laws Relating to Motels.

L.G. 667/60.

IN pursuance of the powers conferred upon it by the abovementioned Act the Council of the abovementioned Municipality having adopted the Draft Model By-laws (Motels) No. 3 published in the *Government Gazette* on the 20th September, 1961, hereby records having resolved on the 5th day of September, 1967, to adopt the amendments to these Model By-laws published in the *Government Gazettes* on the 13th June, 1962, 23rd July, 1962, and the 9th August, 1967, without alteration.

The Common Seal of the Shire of Merredin
was hereunto affixed on the 20th day of
October, 1967, in the presence of—

[L.S.]

J. McMILLAN BROWN,
President.

R. LITTLE,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 2nd day of November, 1967.

W. S. LONNIE,
Clerk of the Council.

LG305

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Coolgardie

By-laws Relating to Signs, Hoardings and Billpostings

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 25 August, 1994, to make and submit for confirmation by the Governor the following By-law amendments.

1.0 Delete the Second Schedule.

2.0 Insert the following Schedule.

Second Schedule

Fees

1. A Pylon Sign or Tower Sign \$25.00
2. An Illuminated Sign—
 - (a) On a roof—\$10 per square metre with a minimum of \$25.00
 - (b) Under a verandah \$25.00
 - (c) Any other \$25.00
3. A sign other than a Pylon Sign or an Illuminated Sign \$25.00
4. A Hoarding—Per Annum \$25.00

Dated this 2nd day of March 1995.

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

W. M. INGHAM, President.
P. J. HUGHSON, Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 12th day of March 1996.

J. PRITCHARD, Clerk of the Council.

LG306

LOCAL GOVERNMENT ACT 1960

The Municipality of the Town of Mosman Park

By-laws

In pursuance to the powers conferred upon it by the Local Government Act, and all other powers enabling it, the Council of the Town of Mosman Park hereby records having resolved on the 27th day of June, 1995 to revoke and submit for confirmation by the Governor the following By-laws—

- The General By-laws published in the *Government Gazette* on February 13th, 1948 and amendments.
- By-laws governing Long Service Leave Granted to Employees of the Mosman Park Town Council published in the *Government Gazette* on June 3rd, 1949.
- Building By-laws—Numbering of Houses published in the *Government Gazette* on October 29th, 1959, and amendments.
- Building Line By-laws—Riverside Drive published in the *Government Gazette* on August 29th, 1963.
- By-laws Relating to Zoning published in the *Government Gazette* on November 7th, 1963.
- By-laws Relating to Zoning published in the *Government Gazette* on January 10, 1966.
- By-law Relating to Zoning published in the *Government Gazette* on March 24th, 1969.
- By-law Relating to Buildings—Saunders Street published in the *Government Gazette* on February 26th, 1968.

Dated this 6th day of July, 1995.

The Common Seal of the Town of Mosman Park was affixed hereto in the presence of—

B. H. MOORE, Mayor.
T. J. HARKEN, Town Clerk.

LOCAL GOVERNMENT

LG301

LOCAL GOVERNMENT ACT 1995*Shire of Coolgardie*

Repeal of Local Laws

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the Shire of Coolgardie hereby records having resolved on the 22nd May 1997 to repeal the following local laws—

- the Registration of Camels and licensing of Camel-drivers, published in the *Government Gazette* on 11 February 1916;
- prescribing the regulations, manner and keeping of goats, published in the *Government Gazette* on 7 June 1912, 5 November 1926 and 10 August 1945;
- Dogs, published in the *Government Gazette* on 21 March 1930;
- Control and Management of halls, published in the *Government Gazette* on 19 February 1937;
- Hawkers, published in the *Government Gazette* on 7 June 1912 and 8 March 1940;
- Buildings, published in the *Government Gazette* on 24 January 1941;
- the appointment of Employees, published in the *Government Gazette* on 19 June 1942;
- Parking, published in the *Government Gazette* on 16 January 1953;
- Discount of Rates, published in the *Government Gazette* on 23 August 1953;
- Long Service Leave to be Granted to Employees of the Coolgardie District Road Board, published in the *Government Gazette* on 15 October 1957 and an amendment published in the *Government Gazette* on 6 April 1959;
- the Defining of Functions of Senior Shire Staff, published in the *Government Gazette* on 9 October 1981.

Dated this 22nd day of May 1997.

The Common Seal of the Shire of Coolgardie was affixed in the presence of—

W. M. INGHAM, President.
ANTHONY A. McCABE, Acting Chief Executive Officer.

LG302

LOCAL GOVERNMENT ACT 1995*Shire of Coolgardie*

Adoption of amendments to Model Local Laws relating to Signs Hoardings and Bill Posting No. 13

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the Shire of Coolgardie hereby records having resolved on the 22nd May 1997 to adopt Amendments to the abovementioned Local Laws as published in the *Government Gazette* on 21 November 1967 by adopting the following amendments—

1. As published in the *Government Gazette* on 10 December 1964;
2. As published in the *Government Gazette* on 21 June 1974, except that part of the amendment relating to the second schedule.

Dated this 22nd day of May 1997.

The Common Seal of the Shire of Coolgardie was affixed in the presence of—

W. M. INGHAM, President.
ANTHONY McCABE, Acting Chief Executive Officer.



Sick Leave

1 May 1969

New Legislation

National Employment Standards (as amended)

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Town of Albany.

Adoption of Draft Model By-law No. 18 Relating to Holiday Cabins and Chalets.

L.G. 192/69.

IN pursuance of the powers conferred upon it by the Local Government Act, 1960-1968, and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 28th day of October, 1968, to adopt the Draft Model By-law No. 18 as published in the *Government Gazette* of the 13th day of August, 1968: Local Government Model By-laws (Holiday Cabins and Chalets) No. 18—the whole of the by-law.

Dated this 10th day of February, 1969.

The Common Seal of the Town of Albany was
hereunto affixed in the presence of—G. J. FORMBY,
Mayor.

[L.S.]

F. R. BRAND,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.Approved by His Excellency the Governor in Executive Council this 17th
day of April, 1969.W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Coolgardie.

By-laws Relating to Sick Leave.

L.G. 188/69.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all the powers enabling it, the Council of the above Municipality hereby resolve on the 14th day of March, 1968 to make and submit for confirmation by the Governor the following By-Law:—

That the employees of the Coolgardie Shire Council shall be permitted to accumulate Sick Leave to a maximum accumulation of six months leave and that the date on which such accumulation period shall commence shall be the date on which the employee commenced service with the Council.

Dated the 12th day of March, 1969.

The seal of the Shire of Coolgardie was affixed
in the presence of—R. J. CRAWFORD,
President.

[L.S.]

B. G. WILLOUGHBY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.Approved by His Excellency the Governor in Executive Council this 17th
day of April, 1969.W. S. LONNIE,
Clerk of the Council.



Recreation Reserve

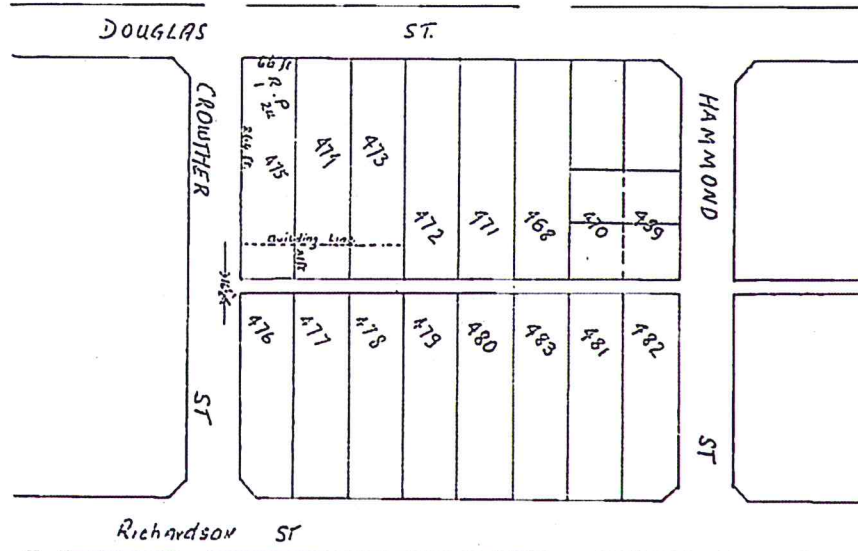
20 April 1971

Amended

4 January 1985

11 January 1985

2. Except by or under the authority of an Act, no person shall erect any building or make any addition to any building whether temporary or otherwise between the building line prescribed in by-law 1 and the way.



Dated this 23rd day of December, 1970.

Sealed with the seal of the Shire of Carnarvon
in the presence of—

[L.S.]

C. W. TUCKEY,
Deputy President.
G. N. WHITELEY,
Shire Clerk.

Recommended—

C. STUBBS,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st
day of March, 1971.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1970.

The Municipality of the Shire of Coolgardie.

By-laws Relating to Recreation Reserve.

L.G. 45/71.

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 12th day of November, 1970, to make and submit for confirmation by the Governor the following by-laws:—

1. In these by-laws, unless the context otherwise requires—
"building" means and includes any building, erection, stall, fence, barrier, hoarding or other structure and includes a tent or a caravan;
"caretaker" means a person appointed by the Council to take care of a recreation reserve;

"function" includes any gathering, meeting, show, exhibition, game, contest, match or gymkhana;

"license" means a license to hold a function on a recreation reserve or to train persons or to train or exercise animals;

"person" includes any person, body corporate, club or association;

"recreation reserve" means the area or areas described in the first schedule to these by-laws.

2. No person shall conduct a function on a recreation reserve or conduct training for sports or train or exercise animals on a recreation reserve unless he holds a current license under these by-laws.

3. Every person wishing to obtain a license shall make application therefor to the Council in the form set out in the second Schedule hereto.

4. The Council may grant a license upon such terms and conditions as it deems fit.

5. A license shall be in the form set out in the third Schedule hereto.

6. The ~~person~~ to whom a license has been granted under these by-laws shall pay to the Council the fees set out in the fourth Schedule hereto.

*Deleted 4 Jan 1985
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7. No person to whom a license to hold a function has been granted shall make a charge for admission to the function unless authorised to do so by the Council and no person shall make a charge for admission in excess of that authorised by the Council.

8. No person under the influence of alcohol or acting in a riotous or disorderly manner shall attend any function on a recreation reserve.

9. A person to whom a license to hold a function has been granted shall prevent any person under the influence of alcohol or any person acting in a riotous or disorderly manner from attending or remaining at the function.

10. A person to whom a license has been granted under by-laws who commits or permits the commission of a breach of any of the terms and conditions of the license shall be guilty of an offence.

11. The Council may by notice in writing served upon the licensee cancel a license granted under these by-laws if it is satisfied that the licensee has committed or permitted or authorised the commission of a breach of any of these by-laws.

Buildings.

12. Except with the prior written permission of the Council no person shall erect a building on a recreation reserve.

13. Every person wishing to erect a building on a recreation reserve shall make application therefor to the Council in the form set out in the schedule hereto.

14. The Council may grant its consent to the erection of a building in the form set out in the sixth schedule hereto upon such terms and conditions as it deems fit.

15. The Council may, by notice in writing to the owner to whom consent to erect a building has been granted or to the owner or to the person whom it believes to be the owner of a building on a recreation reserve direct that the building be removed within a period of 14 days after the date of service of the notice.

16. Any person who fails to comply with a notice given by the Council requiring him to remove a building on a recreation reserve shall be guilty of an offence and the Council may sell the building or may sell the materials of which it is constructed and shall hold the balance of the purchase money received by it, after deducting therefrom all costs and expenses of such taking down, removal and sale, upon trust for the person entitled thereto.

17. No person other than the owner of a building or a person duly authorised in that behalf by the owner of a building erected on a recreation reserve pursuant to the provisions of these by-laws shall use the building.

18. No person shall occupy or use a building on a recreation reserve during the course of a function without the permission of the person to whom a license to hold the function has been granted.

19. No person shall assign or transfer his ownership of or his interest in a building on a recreation reserve without having first delivered to the Council a duly completed notice of transfer in the form set out in the seventh schedule hereto.

Offences.

20. No person shall damage or interfere with any building property or thing placed or used in or belonging to the Council or authorised by the Council to be placed on a recreation reserve, or throw stones, or other missiles, or commit any nuisance therein, or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind on a recreation reserve other than in a receptacle provided for that purpose.

21. No person shall stand on or climb or jump over any tree, seat, gate post or fence on a recreation reserve or cut letters, names, or marks on or otherwise damage any structure, tree, seat, gate post, or fence thereon, or otherwise deface the same or write thereon.

22. Except with the prior permission of the Council no person shall bring any animal into a recreation reserve.

23. Except with the prior written permission of the Council no person shall light any fire within a recreation reserve.

24. No person, except the officers or servants of the Council, acting in the discharge of their duty, shall enter a recreation reserve on such days as a license has been granted for the holding of a function except through the proper entrance for that purpose, and on payment of the fee properly chargeable for admission at the time.

25. No person other than a member of a club or sporting association authorised in that behalf shall enter a recreation reserve for the purpose of playing any game or sport or taking part in any gymkhana or for horse-racing or trotting therein without a license so to do from the Council.

26. No person shall practise play at, or carry on any game, sport, amusement or exercise or race any animal except upon such portions of a recreation reserve as may be specified by the Council for that purpose.

27. No person shall enter a recreation reserve without being duly authorised by the Council or by a license holder nor enter any of the dressing or training rooms on a recreation reserve or use any locker without having first been duly authorised by the Council or by a license holder for that purpose.

28. Except with the prior written permission of the Council no person shall address an audience or public meeting on a recreation reserve.

29. Except with the prior written permission of the Council no person shall camp, lodge or tarry overnight or frequent for the purpose of camping, lodging or tarrying overnight on a recreation reserve.

30. Except with the prior written permission of the Council no person shall sell or expose for sale any food, drink, goods, wares, merchandise or other things on a recreation reserve, provided however that the permission of the Council shall not be required when such person sells or exposes for sale anything with the consent of a person to whom a license has been granted to hold a function and during the period of that license.

31. Except with the prior written permission of the council a person shall not drive any vehicle or machine of any kind on a recreation reserve (other than on a carriageway) at a speed exceeding 10 miles per hour.

32. Any person found under the influence of alcohol on a recreation reserve or acting in a riotous or disorderly manner, or creating or taking part in any disturbance, or using any profane, indecent or obscene language, or committing any breach of these by-laws, may be removed forthwith from the recreation reserve by the caretaker or by any officer or servant of the Council or by any member of the Police Force, without however affecting such person's liability to prosecution for an offence against these by-laws.

33. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do is guilty of an offence and is liable to a penalty of \$100 and, in addition, to a daily penalty of \$10 for each day during which the offence continues.

34. No person or persons shall permit the sale or issue of liquor at a function without first obtaining permission from the Commissioner of Police.

First Schedule.

- (a) ~~Kambalda Sporting Complex Area Kambalda West.
Bounded by Salmon Gums Road on the West.
Irish Mulga Drive on the South.
Education Department on the North.
Creek Reserve on the East.~~

*Deleted 4 January 1985
p 132.*

Addition - First Schedule (a) to (d)

4 January 1985 Page 132

Second Schedule.

FORM OF APPLICATION FOR LICENSE TO HOLD A FUNCTION ON OR TO USE THE RECREATION RESERVE AREA FOR THE PURPOSE MENTIONED.

To the Shire Clerk, Shire of Coolgardie:

I/We of
hereby apply for a license to hold a function on or otherwise to use the Recreation Reserve.

1. Purpose for which the recreation reserve is to be used
2. Date and times the recreation reserve is to be used
3. It is proposed to charge for admission to the function.
4. Application is also made for the erection of the following buildings for the purpose of such functions. These buildings shall not be erected before the day of 19 and shall be taken down and removed on or before the day of 19

If a license shall be granted I agree to abide by the terms thereof and to comply with and observe the provisions of the by-laws of the Shire.

Dated the day of 19

Signed:

(c) Basket Ball Courts:

The fees for the use of the Basket Ball Courts shall be as follows:—

For Basket Ball Clubs: \$12.50 per annum per court.

All electricity and water consumed to be payable by the club concerned on meter reading per meter provided by Council.

Control and Administration of Courts to be by Basket Ball Club elected by and approved by the Coolgardie Shire Council under conditions to be imposed from time to time by the Council.

(d) Cricket Clubs:

The fees for the use of cricket pitches provided by Council shall be as follows:—

For Cricket Clubs: \$30.00 per team per season per wicket, or

\$3.00 per half day per wicket.

\$6.00 per full day per wicket.

Fifth Schedule.

Shire of Coolgardie.

APPLICATION TO ERECT A BUILDING ON A RECREATION RESERVE.

To the Shire Clerk, Shire of Coolgardie:

I/We of hereby apply for the consent of the Coolgardie Shire Council to the erection of a building on recreation reserve.

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

I/We agree to observe the provisions of the by-laws of the Council and in the event of non-compliance with a notice duly served upon me/us requiring the removal of the said buildings I/We authorise the Council to sell or to take down and remove the building and to sell the building or the materials with which it is constructed and to pay from the proceeds of the sale all costs and expenses consequent upon such failure to comply with the notice and such taking down, removal and sale.

Dated the day of 19.....

Signed:.....

Sixth Schedule.

Shire of Coolgardie.

CONSENT TO ERECT A BUILDING ON A RECREATION RESERVE.

The consent of the Coolgardie Shire Council is hereby given to of to erect a building on recreation reserve on the following terms and conditions:—

- (a) The nature of the building shall be.....
- (b) The building shall not be used except for the purpose of.....
- (c) The building shall not be used except on the following dates and times.....

Third Schedule.

Shire of Coolgardie.

LICENSE TO HOLD A FUNCTION ON A RECREATION RESERVE.

The license of the Coolgardie Shire Council is hereby granted to
 of to hold a function
 (or train or exercise animals or persons) on recreation
 reserve on the following terms and conditions—

- (a) The nature of the function for which this license is granted is
- (b) This license shall be valid for a period of
- (c) The time during which this license shall operate are
- (d) The position or particular place on the recreation reserve where it is NO such buildings shall be erected before the day of 19 and all such buildings shall be removed before the day of 19 Buildings referred to
- (e) The recreation reserve shall be left clean and tidy after the completion of the function.
- (f) No charge (or a charge of \$.....c) will be made for admission to the function.
- (g) Special conditions if any

This license is issued subject to the licensees' strictly observing the by-laws of the Council.

Dated the day of 19

Shire Clerk.

Fourth Schedule.

CONDITIONS AND FEES FOR USE OF SPORTS FACILITIES.

(a) Recreation Ground:

The fees for use of the recreation ground shall be as follows:—

For Sporting Fixtures:

17½ per cent. of the nett gate takings or \$3.00 per day whichever is the greatest—clubs to provide own gate keepers.

For Shows and Exhibitions:

17½ per cent. of the nett gate takings or \$10.00 per day whichever is the greatest—show organisers to provide own gate keepers.

School Sports: Approved by the Council—no charge.

Football Clubs: Australian Rules Football: Minimum Charge \$160.00 per season or 17½ per cent nett gate takings.

(b) Tennis Courts:

The fees for use of the Tennis Courts shall be as follows:—

For Tennis Clubs: \$25.00 per annum per court.

All electricity and water consumed to be payable by the Club concerned on meter reading per meter provided by the Council.

For Individuals and Casuals: By arrangement with the Tennis Club.

Control and Administration of Courts to be by Tennis Club elected and approved by Coolgardie Shire Council under conditions to be imposed from time to time by the Council.

Deleted 4 January '85
P132

- (d) The building shall be erected only on the following part of the recreation reserve.
- (e) The building shall be removed from the recreation reserve on or before or on notice to remove the same being given before that date.
- (f) The building shall be constructed of the following materials and in accordance with the plan attached to the application herein.
- (g) Ownership of the building shall not be transferred or assigned unless notice in the form of the seventh schedule to the by-laws has been first duly completed and delivered to the Council.
- (h) The building shall not be used during a function on the recreation reserve without the approval of the person to whom a license to hold such function has been given.
- (i) The building shall not be used as a dwelling or for sleeping purposes without the consent of the Council. Special conditions (if any)

Dated the day of 19

Shire Clerk.

Seventh Schedule.

Shire of Coolgardie.

TRANSFER OF OWNERSHIP OF BUILDING.

To the Shire Clerk, Shire of Coolgardie.

I/We of hereby give notice that I/We intend to transfer the ownership of the under-mentioned building situate on recreation reserve to of The transfer will take effect when this notice has been delivered to the Council.

I/We of (being the transferee) accept the building subject to the terms of the application for consent and the terms of consent of the Council and hereby undertake to comply with the terms and conditions of the said consent and the by-laws of the Council.

Building referred to

Dated the day of 19

Signed by the transferor

Signed by the transferee

Received by the Coolgardie Shire Council the day of 19

Shire Clerk.

Dated the 14th day of January, 1971.

[L.S.]

JOHN FRANCIS COTTER,
President.

B. G. WILLOUGHBY,
Shire Clerk.

Recommended—

C. STUBBS,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of March, 1971.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT 1960.

The Municipality of the Shire of Coolgardie.
By-laws Relating to Recreation Reserves (Parks).

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 7 May 1984, to make and submit for confirmation by His Excellency the Governor, the following by-laws:

1. In these by-laws, unless the context otherwise requires:
 - "building" means and includes any building, erection, stall, fence, barrier, hoarding or other structure and includes a tent or a caravan;
 - "caretaker" means a person appointed by the Council to take care of a recreation reserve;
 - "Council" means the Shire of Coolgardie;
 - "function" includes any meeting, show, exhibition;
 - "person" includes any person, body corporate, club or association;
 - "recreation reserve" means the area or areas described in the First Schedule to these by-laws.
2. No person shall conduct a function on a recreation reserve or train or exercise animals on a recreation reserve unless that person has prior written permission from Council.
3. The Council may grant permission upon such terms and conditions as it deems fit.
4. No person to whom permission to hold a function has been granted shall make a charge for admission to the function unless authorised to do so by the Council and no person shall make a charge for admission in excess of that authorised by the Council.
5. No person under the influence of alcohol or acting in a riotous or disorderly manner shall attend any function on a recreation reserve.
6. A person to whom permission to hold a function has been granted shall prevent any person under the influence of alcohol or any person acting in a riotous or disorderly manner from attending or remaining at the function.
7. A person to whom permission has been granted under by-laws who commits or permits the commission of a breach of any of the terms and conditions of the Council's written permission shall be guilty of an offence.
8. The Council may by notice in writing withdraw their permission under these by-laws if it is satisfied that the applicant has committed or permitted or authorised the commission of a breach of any of these by-laws.

Buildings.

9. Except with the prior written permission of the Council no person shall erect a building on a recreation reserve.
10. Every person wishing to erect a building on a recreation reserve shall make application therefor to the Council in the form set out in the Second Schedule hereto.
11. The Council may grant its consent to the erection of a building in the form set out in the Third Schedule hereto upon such terms and conditions as it deems fit.
12. The Council may, by notice in writing to the owner to whom consent to erect a building has been granted or to the owner or to the person whom it believes to be the owner of a building on a recreation reserve direct that the building be removed within a period of 14 days after the date of service of the notice.
13. Any person who fails to comply with a notice given by the Council requiring him to remove a building on a recreation reserve shall be guilty of an offence and the Council may sell the building or may sell the materials of which it is constructed and shall hold the balance of the purchase money received by it, after deducting therefrom all costs and expenses of such taking down, removal and sale, upon trust for the person entitled thereto.
14. No person other than the owner of a building or a person duly authorised in that behalf by the owner of a building erected on a recreation reserve pursuant to the provisions of these by-laws shall use the building.
15. No person shall occupy or use a building on a recreation reserve during the course of a function without the approval of the person to whom permission to hold the function has been granted.
16. No person shall assign or transfer his ownership of or his interest in a building on a recreation reserve without having first delivered to the Council a duly completed notice of transfer in the form set out in the Fourth Schedule hereto.

Offences.

17. No person shall damage or interfere with any building property or thing placed or used in or belonging to the Council or authorised by the Council to be placed on a recreation reserve, or throw stones, or other missiles, or commit any nuisance therein, or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind on a recreation reserve other than in a receptacle provided for that purpose.
18. No person shall stand on or climb or jump over any tree, seat, gate, post or fence on a recreation reserve or cut letters, names, or marks on or otherwise damage any structure, tree, seat, gate, post, or fence thereon, or otherwise deface the same or write thereon.
19. Except with the prior permission of the Council no person shall bring any animal into a recreation reserve.
20. Except with the prior written permission of the Council no person shall light any fire within a recreation reserve other than within the fireplaces provided by Council.

21. No person, except the officers or servants of the Council, acting in the discharge of their duty, shall enter a recreation reserve on such days as permission has been granted for the holding of a function except through the proper entrance for that purpose, and on payment of the fee properly chargeable for admission at the time.

22. No person shall practice, play at, or carry on any game, sport, amusement or exercise any animal except upon such portions of a recreation reserve as may be specified by the Council for that purpose.

23. Except with the prior written permission of the Council no person shall address an audience or public meeting on a recreation reserve.

24. Except with the prior written permission of the Council no person shall camp, lodge or tarry overnight or frequent for the purpose of camping, lodging or tarrying overnight on a recreation reserve.

25. Except with the prior written permission of the Council no person shall sell or expose for sale any food, drink, goods, wares, merchandise or other things on a recreation reserve, provided however that the permission of the Council shall not be required when such person sells or exposes for sale anything with the consent of a person to whom permission has been granted to hold a function and during the period of which the permission was granted.

26. Except with the prior written permission of the Council a person shall not drive any vehicle or machine of any kind on a recreation reserve (other than on a carriageway) at a speed exceeding 10 km per hour.

27. Any person found under the influence of alcohol on a recreation reserve or acting in a riotous or disorderly manner, or creating or taking part in any disturbance, or using any profane, indecent or obscene language or committing any breach of these by-laws, may be removed forthwith from the recreation reserve by the caretaker or by any officer or servant of the Council or by any member of the Police Force, without however affecting such person's liability to prosecution for an offence against these by-laws.

28. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do is guilty of an offence and is liable to a penalty of \$100 and, in addition, to a daily penalty of \$10 for each day during which the offence continues.

29. No person or persons shall permit the sale or issue of liquor at a function without first obtaining permission from Council and the Commissioner of Police.

First Schedule.

- (a) Coolgardie Park: Bounded by Bayley Street on the South, Moran Street on the West, Sylvester Street on the North, Lefroy Street on the East.
- (b) Kambalda West Lions Park: Bounded by Kambalda West Sporting Complex Area.
- (c) Kambalda Picnic Area: Bounded by Kambalda Recreation Complex Area.
- (d) Kambalda West Parkland Town Lots: 713, 707, 819, 666 and 1113.
- (e) Kambalda Parklands Town Lots: 108, 118, 134, 149, 211, 218, 235, 244, 381, 414 and 439.

Second Schedule.

Shire of Coolgardie.

APPLICATION TO ERECT A BUILDING ON A RECREATION RESERVE.

To the Shire Clerk, Shire of Coolgardie:

I/We of
hereby apply for the consent of the Coolgardie Shire Council to the erection of a building on
recreation reserve.

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

I/We agree to observe the provisions of the by-laws of the Council and in the event of non-compliance with a notice duly served upon me/us requiring the removal of the said buildings I/We authorise the Council to sell or to take down and remove the building and to sell the building or the materials with which it is constructed and to pay from the proceeds of the sale all costs and expenses consequent upon such failure to comply with the notice and such taking down, removal and sale.

Dated the day of 19.....

Signed:

Third Schedule.
Shire of Coolgardie.

CONSENT TO ERECT A BUILDING ON A RECREATION RESERVE.

The consent of the Coolgardie Shire Council is hereby given to
..... of
to erect a building on recreation reserve on
the following terms and conditions:—

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

Dated the day of 19.....

Shire Clerk.

Fourth Schedule.
Shire of Coolgardie.

TRANSFER OF OWNERSHIP OF BUILDING.

To the Shire Clerk, Shire of Coolgardie.

I/We of
hereby give notice that I/We intend to transfer the ownership of the undermentioned building situated on recreation reserve to of

The transfer will take effect when this notice has been delivered to the Council.

I/We of
(being the transferee) accept the building subject to the terms of the application for consent and the terms of consent of the Council and hereby undertake to comply with the terms and conditions of the said consent and the by-laws of the Council.

Building referred to

Dated the day of 19.....

Signed by the transferor

Signed by the transferee

Received by the Coolgardie Shire Council the day of 19.....

Shire Clerk.

Dated this 23rd day of August, 1984.

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

[L.S.]

D. P. MANNING,
President.

T. L. PEDRETTI,
Acting Shire Clerk.

Recommended—

JEFF CARR,
Minister for Local Government.

Approved by His Excellency the Governor in The Executive Council this 8th day of January, 1985.

R. G. COOPER,
Clerk of the Council.

LOCAL GOVERNMENT ACT 1960.

The Municipality of the Shire of Coolgardie.

By-laws Relating to Recreation Reserve.

IN pursuance of the power 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 7 May 1984 to make and submit for confirmation by His Excellency the Governor, the following amendment to the by-laws.

The By-laws of the Shire of Coolgardie published in the *Government Gazette* of 20 April 1971 are hereby amended in the following manner:—

- (1) By-law 6 is deleted.
- (2) The First Schedule is altered by the deletion of (a) and the addition of:
 - (a) Kambalda West Sporting Complex area. Excluding the Kambalda West Lions Park. Bounded by the Salmon Gum Road on the West, Irish Mulga Drive on the South, Education Department on the North, Creek Reserve on the East.
 - (b) Manning Park Kambalda West. Outside of School Hours. Bounded by Kambalda West Sporting Complex on the South Creek Reserve on the East, Education Department on the North and West.
 - (c) Kambalda Recreation Complex, Kambalda. Excluding Kambalda Picnic Area. Bounded by Serpentine Road on the North, Jasper Road on the East, Gordon Adams Road on the South and West.
 - (d) Coolgardie Recreation Ground, Coolgardie. Bounded by Bayley Street on the North, Jobson Street on the East, Taylor Street on the South, Aboretum on the West.
- (3) The Fourth Schedule is deleted.

Dated the 23rd day of August, 1984.

The Common Seal of the Shire of Coolgardie was hereby affixed by authority of a resolution of the Council in the presence of:—

[L.S.]

D. P. MANNING,
President.

T. L. PEDRETTI,
Acting Shire Clerk.

Recommended—

JEFF CARR,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of December, 1984.

R. G. COOPER,
Clerk of the Council.

LOCAL GOVERNMENT ACT 1960.

The Municipality of the Shire of East Pilbara.

By-laws Relating to Parking Facilities.

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 18 July 1984 to make and submit for confirmation by the Governor the following by-laws:—

1. These by-laws may be cited as the Shire of East Pilbara By-laws relating to Parking Facilities.
2. In these by-laws, unless the context otherwise requires—
 - "Act" means the Local Government Act 1960;
 - "built up area" shall have the same meaning as defined in the Road Traffic Code 1975;
 - "bus" means an omnibus within the meaning of section 5 of the Traffic Act;
 - "by-law" means one of these by-laws;
 - "carriageway" means a portion of a road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders and areas including embayments at the side or centre of the carriageway used for the standing or parking of vehicles; and where a road has two or more of those portions divided by a median strip, the expression means each of those portions separately;
 - "cattle" shall have the same meaning as defined in the Local Government Act;
 - "commercial vehicle" means a vehicle which comes within the description of a motor wagon as set out in the first Schedule of the Traffic Act;



Cemetery

Coolgardie Cemetery Board By-laws 24 August 1951

Amended

24 December 1953

25 November 1960

8 February 1972

	£	s.	d.		£	s.	d.
(B) In private ground, including the issue of a grant of "Right of Burial"—				For permission to cover an 8ft. x 4ft. grave with slab, shells, tiles, or chips, per grave	0	10	0
Ordinary ground for grave 8ft. x 4ft. where directed	3	0	0	For permission to erect any name plate	0	5	0
Selected land for grave in any part of the cemetery open for selection 8ft. x 4ft.	5	0	0	For permission to erect a vase with inscription	0	5	0
Each additional grave selected	5	0	0	For permission to add additional inscription	0	5	0
For interment of any adult in grave 7ft. deep	3	10	0	Plus a supercharge on all memorial work erected, including lettering, of 5 per cent. on the cost of same exceeding the amount of £50.			
For interment of any child under the age of seven years in grave 7ft. deep	2	10	0	(F) Miscellaneous—			
If graves are required to be dug deeper than 7ft. the following additional charges shall be payable:—				Transfer or re-issue of title	0	5	0
For first additional foot	0	15	0	For use of iron or cement number plate or label	0	7	6
For second additional foot	1	10	0	For name plate for stillborn coffin	0	1	0
For third additional foot	3	0	0	For making search in register	0	1	0
(C) Re-opening an ordinary grave—				For copy of by-laws and regulations	0	1	0
For each interment of an adult	3	10	0	For hire of coffin bier	0	5	0
For each interment of a child under seven years of age	2	10	0	For removing and replacing edging tiles on 8ft. x 4ft. grave for re-opening	0	5	0
For each interment of a stillborn child in private grave	1	5	0	For removal and replanting grass on 8ft. x 4ft. grave for re-opening	0	10	0
For each interment of cremated remains	1	5	0	For reserving vacant graves for a period of 10 years, per grave	0	10	0
For each Government interment—				For dressing neglected graves, according to work done, from	0	5	0
Adult	2	0	0	and not exceeding	2	0	0
Child	1	0	0	For planting 8ft. x 4ft. grave with grass	0	12	6
Registration fee for each interment of a stillborn child	0	2	6	Each additional grave	0	12	6
Registration fee for all other interment	0	5	0	Shrubs, suitable for graves, supplied and planted, from	0	5	0
Exhumations—				Tending grave after planting by grantee, 8ft. by 4ft. per annum	1	2	6
Re-opening grave for exhumation—				Tending each additional grave, per annum	0	17	6
Adult	3	10	0	Provided that a rebate of 2s. 6d. per grave per annum shall be allowed in respect of the charges under this item when such charges are paid within 30 days after notice for payment thereof is given.			
Child	2	10	0	Tending grave 8ft. x 4ft. for term of seven years	6	0	0
Re-interment in new grave after exhumation—				Each additional grave	5	0	0
Adult	3	10	0	Tending grave 8ft. x 4ft. for term of 15 years	12	10	0
Child	2	10	0	Tending grave 8ft. x 4ft. for term of 50 years	20	0	0
Exhumation fee	2	10	0	Each additional grave	12	10	0
Removal after exhumation when required, from £1 and not exceeding £2.				Tending grave 8ft. x 4ft. for the term of the title	25	0	0
(D) Extra charges—				Each additional grave	12	10	0
Re-opening a brick grave or vault, according to work required, from and not exceeding	1	7	0	For keeping grave 8ft. x 4ft. clean and free from weeds per year	0	12	6
For each interment in open ground, without due notice under by-law 3	10	0	0	For use of 9in. tile kerb, 8ft. x 4ft.	1	10	0
For each interment in private ground without due notice under by-law 3	1	1	0	For use of 9in. tile kerb 8ft. x 8ft.	2	0	0
For each interment not in usual hours as prescribed by by-law 10	1	10	0	For use of tile kerb with cement corners, 8ft. x 4ft.	2	0	0
For late arrival at Cemetery gates of funeral, as per by-law 11	0	10	6	For use of tile kerb with cement corners, 8ft. x 8ft.	2	10	0
For late moving off from Cemetery gates of funeral, as per by-law 12	0	10	6	Refund on tile kerb when no longer required, 8ft. x 4ft.	0	5	0
For each interment on a Saturday, Sunday or gazetted holiday	2	0	0	Refund on tile kerb when no longer required, 8ft. x 8ft.	0	7	6
Minister's fee for each interment	0	15	0				
For erecting a platform round monument for re-opening a grave	0	5	0				
(E) Monumental permits—							
For permission to construct a brick grave	0	10	6				
For permission to construct a vault	2	12	6				
For permission to erect a headstone on 7ft. foundation, under 6ft. high and over 9cwt.	1	10	0				
For permission to erect a headstone under 9cwt.	0	15	0				
For permission to erect a small headstone, not exceeding 2ft. 6in. in height and £5 in value	0	7	6				
For permission to erect a monument, including ledger	2	10	0				
For permission to erect a headstone or monument over a brick grave or vault	2	10	0				
For permission to enclose an 8ft. x 4ft. grave with kerb	0	5	0				
To enclose each additional 8ft. x 4ft. grave with kerb	0	5	0				

CEMETERIES ACT, 1897-1946.

Coolgardie Cemetery Board By-laws.

Department of Lands and Surveys,

Perth, 20th August, 1951.

HIS Excellency the Administrator, the officer for the time being administering the government of the State, in Executive Council, acting under the provisions of the Cemeteries Act, 1897-1946, has been pleased to approve of the repeal of the by-laws

for the control and management of the Coolgardie Public Cemetery and of the substitution therefor of the following by-laws.

H. E. SMITH,
Under Secretary for Lands.

Schedule.

Coolgardie Cemetery Board—By-laws.

By virtue of all the powers in that behalf vested in the trustees of the Coolgardie Cemetery Board, which shall be appointed by the Coolgardie Road Board, annually, the said trustees hereby repeal all by-laws heretofore made in respect of the said cemetery and make the following by-laws in lieu thereof:—

1. All fees and charges payable to the trustees as set forth in Schedule A shall be paid at the times and manner therein mentioned, unless otherwise ordered.

2. The "Secretary," as referred to in these by-laws, means the person for the time being employed as Secretary of the Coolgardie Road Board, who shall act also as Secretary of the Coolgardie Cemetery Board, and such person shall, subject to the trustees, exercise a general supervision and control over all matters pertaining to the cemetery, and to the carrying out and enforcement of these by-laws, and the direction of such person shall in all cases and for all purposes be presumed to be and to have been the direction of the trustees.

3. A plan of the cemetery showing the distribution of the land, compartments, sections, situation and number of grave, and a register of burials, shall be kept at the office of the Road Board.

4. Any person desiring to inter any dead body in the cemetery shall make an application in the form contained in Schedule B.

5. All applications for interment shall be made at the office of the Board in such time as to allow at least 8 working hours' notice being given to the Secretary at the office prior to the time fixed for burial, otherwise an extra charge shall be made.

6. The trustees shall cause all graves to be dug and vaults, brick graves or graves to be re-opened as and when required.

7. Every coffin shall have upon the lid an approved metal plate bearing the name of the deceased stamped or otherwise indelibly inscribed in legible characters thereon. Any coffin not complying with this by-law shall not be admitted to or be interred in the cemetery.

8. Every grave shall be at least 6ft. deep at the first interment, and no interment shall be allowed in any grave with a less depth than 3ft. from the top of the coffin to the original surface of the surrounding ground, but in the case of the Australian and American War Cemeteries, every grave shall be at least 5ft. deep, and one interment shall take place in each grave.

9. No burial shall be allowed to take place in the cemetery, nor shall any coffin be allowed to enter the cemetery, unless a certificate from a District Registrar of Death that the death has been registered, or a coroner's order for burial is handed to the Secretary, at the latest upon the day of the burial. Should the undertaker or his representatives be unable to produce the said certificate from the Registrar, he shall give a written guarantee to produce same within 3 days, and satisfactory reasons must be given for the non-production of such certificate in the first instance. In default of the production of the said certificate within 3 days, the undertaker's license may be suspended until such certificate is produced. Such certificate will be retained by the Secretary, but any coroner's order shall be returned to the person delivering the same.

10. No interment shall be allowed on Sunday, except when it is certified in writing by a medical officer of health that for sanitary or special religious reasons it is necessary or advisable that the burial take place on that day.

11. The hours for burial shall be as follows:—Week days, from 8 a.m. to 4.15 p.m.; Sundays, from 2 p.m. to 4 p.m. And no burials shall be allowed to take place, nor any coffin enter the cemetery at any other hour, except by permission of the trustees. No burial shall take place on Christmas Day or Good Friday.

12. The time fixed for any burial shall be the time at which the funeral is to arrive at the cemetery gates.

13. Every funeral shall enter by the principal entrance, and no vehicle, except the hearse and mourning coaches, shall be permitted to enter the cemetery, or stand opposite the entrance gates. Vehicles shall not be allowed to proceed faster than 10 miles per hour within the cemetery. Any driver or other person failing or neglecting to observe such directions may be forthwith expelled from the cemetery.

14. If applications be made to the trustees to exhume any corpse for the purpose of examination or identification, or for the purpose of its being buried elsewhere in accordance with the wishes of the deceased or his family, an order from the Governor or the warrant of a coroner, or of a Justice of the Peace issued in accordance with the law authorising the Board to permit of the exhumation must be attached to the application form.

15. Children under the age of 10 years entering the cemetery must be in charge of some responsible person.

16. Smoking shall not be allowed within the cemetery, nor may any fireworks be discharged therein.

17. No dogs shall be admitted into the cemetery, and any found therein shall be liable to be destroyed.

18. Any person violating the rules of propriety and decorum, or committing nuisance or trespass, or injuring any tree, shrub, flower border, grave, or any erection, or in any way infringing these by-laws, shall be expelled from the cemetery.

19. No person shall remove any plant, tree, shrub, flower (other than withered flowers), or any article from any grave without first obtaining a permit from the trustees or their representatives.

20. No person shall promote or advertise, or carry on within the cemetery, any trade, business or calling, either by solicitation, distribution of circulars, by cards or otherwise, or by any other system of advertising whatsoever, without the written consent of the trustees, and any person infringing this by-law shall be expelled from the cemetery.

21. No person employed by or under the trustees shall be permitted to accept any gratuity whatever, nor shall he be pecuniarily interested in any work in the cemetery, other than the remuneration he receives from the trustees, and any such person proved guilty of accepting any gratuity, or being pecuniarily interested in any such work, shall be liable to summary dismissal.

22. Any person requiring an Exclusive Right of Burial in any part of the cemetery shall apply to the trustees, in writing, specifying the location of the grave. If it is proposed to inter therein the remains of any already deceased person, the name of such person must be shown in the application. If the application is approved by the trustees, a Grant of Exclusive Right of Burial shall be issued.

23. Every such Grant of Exclusive Right of Burial shall be subject to the by-laws for the time being, and no interment in any such grave or vault shall be allowed unless upon production of the grant aforesaid, nor shall any such grave or vault be opened, unless with the consent of the trustees.

24. If application be made for an "interment" in any grave or vault of the remains of any person other than the person to whom the grant was issued, or his registered assign, the written and verified consent of such grantee or assignee shall be produced, together with the Grant of Right of Burial.

25. Should the grantee be unable to produce the Grant of Right of Burial on making application for a grave to be re-opened, for the purpose of interment, through having lost same, the said grantee shall make a sworn declaration to this effect, and shall pay the fee for a copy of such Grant of Right of Burial before the interment takes place.

26. Any person desiring to place or erect, or to alter or add to any monument, tombstone, or enclosure in any part of the cemetery, must first obtain the written consent and approval of the trustees.

27. Every tombstone, monument, or enclosure shall be placed on proper and substantial foundations, which, if required by the trustees or their officers, shall extend to the bottom of the grave.

28. The materials used in every such erection shall be subject to the approval of the Secretary or other officer appointed by the trustees, and any materials rejected shall be immediately removed from the cemetery by the contractor for the erection. All refuse and other rubbish remaining after any work is completed shall be immediately removed from the cemetery by the person causing the same.

29. Should any work by masons or others be not completed before a Sunday, they shall be required to leave the work in a neat and safe condition to the satisfaction of the Secretary.

30. Monumental masons and other tradesmen shall, before commencing any work within the cemetery, deposit with the Secretary to the trustees the sum of 10s. which shall be forfeited if the provisions of either of the 2 preceding by-laws be not complied with to the satisfaction of the Secretary.

31. All material required in the erection and completion of any such work shall, as far as possible, be prepared before being taken to the cemetery; and all materials required by tradesmen shall be admitted at the main entrance, and no vehicle conveying any such materials with wheels less than 4in. broad shall be permitted to enter the cemetery.

32. Monumental masons shall not be permitted to carry on work within the cemetery during other than the hours specified for the opening and closing of the gates on week days, Saturday and Sunday excepted, when no work is to be done from noon Saturday to the opening of gates on the Monday morning, without the written permission of the trustees.

33. No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave or vault.

34. Every grave, vault, monument, tombstone, kerbing, or any other erection, shall be maintained and kept in thorough repair and proper condition by, and at the expense of the grantee. Should the grantee's residence not be known, or be out of the State, the trustees to have power to do the work and keep an account against the grantee.

35. No trees or shrubs shall be planted on any grave except such as shall be approved by the Secretary.

36. All workmen, whether employed by the trustees or by any other person, shall at all times whilst within the boundaries of the cemetery, be subject to the supervision of the Secretary, and shall obey such directions as that officer may find it necessary to give; and any workman permitting any breach of these regulations and by-laws, or refusing or neglecting to comply with any directions of the said Secretary, shall be removeable from the cemetery.

37. Any person taking part in dressing or attending to any grave shall comply with the following rules:—

(a) No rubbish, soil, sand, or other material removed in dressing a grave shall be placed on any other grave, and if placed on any adjoining ground shall be removed immediately the work is completed.

(b) No sand, soil or loam shall be taken from any portion of the cemetery for the purpose of dressing any grave, except with the permission of the Secretary.

(c) The dressing of all graves, and the wheeling and carting of any material shall be subject to the supervision of the Secretary.

(d) Work in all cases to be carried on with due dispatch, and only during regulation hours.

38. Prior to conducting any interment within the cemetery or making use of the cemetery for any purpose connected with interments, every undertaker shall pay to the trustees an annual fee as prescribed in Schedule A, and shall at the time of making such payment give his assent in writing to such conditions as the trustees may deem fit to impose. Upon such assent being given, and payment of the fee made, he shall receive a permit, to hold good during good behaviour and until the first day of July following, and unless in the pos-

session of such a permit, no undertaker shall be allowed to engage in or carry out any duty or work within the cemetery.

39. The trustees may decorate graves from time to time, when desired by the grantees so to do. If the grantees do not desire the trustees to carry out this work, the grantees may either do it themselves or employ any person licensed by the trustees for that purpose.

40. No person, except the relatives of the deceased, the trustees, or those licensed by the trustees, shall be permitted to decorate any grave.

41. If for the purpose of re-opening a grave the trustees find it necessary to remove edging tiles, plants, grass, shrubs, etc., from off the grave, the person so ordering the re-opening shall pay to the trustees the charges laid down in Schedule A.

42. Notwithstanding anything contained in the by-laws to the contrary, permission may be granted to the Defence Department of the Commonwealth to erect headstones on the graves of deceased soldiers without payment of any fee.

43. Free ground may be granted if it is proved to the satisfaction of the trustees—

(a) that the deceased was a returned soldier, and that he died as the result of injuries received on active service;

(b) that the relatives of the deceased are in necessitous circumstances:

Provided that such grant shall be made subject to the conditions that only the remains of deceased soldiers shall be interred in the grave.

44. Any persons committing any breach of any by-laws or regulation, or of any other rules, regulations, or by-laws lawfully made under the authority of any Act relating to cemeteries, shall for every such offence be liable to a penalty not exceeding five pounds, and in case of a continuing breach, a further sum not exceeding one pound for every day during which such breach continues.

45. Any person committing a breach of any by-law shall in addition to being liable to a penalty under any by-law, be liable to be forthwith removed from the cemetery by the trustees or the Secretary or other employees of the trustees or by any police constable. If such person resists removal from the cemetery, or if and as often as such person so removed shall, unless with the consent of the Secretary, again enter the cemetery within 24 hours of his removal therefrom, he shall be liable to a penalty not exceeding five pounds.

The foregoing by-laws, with the accompanying Schedules, were duly framed and presented to a meeting of the Coolgardie Cemetery Board Trustees held at the Coolgardie Road Board Office on the 12th day of February, 1951, and adopted.

ROBERT DAVISON,
Chairman.

P. A. MORAN,
Secretary.

Schedule A.

CEMETERY BOARD FEES.

Scale of Fees and Charges Payable to the Coolgardie Cemetery Board.

	£	s.	d.	
(a) For interment of any person in grave 6ft. deep	3	10	0	4 4 φ
For interment of any stillborn child or under the age of 1 year	3	0	0	3 10 φ
For re-opening any grave for interment, or exhumation	3	10	0	4 4 φ
Plus the cost of labour in removing any headstone or monumental work, plants, etc., and no responsibility will be accepted by the Cemetery Board for damage which may be incurred.	4	4	φ	6 4 φ
(b) For permission to erect any headstone or monumental work on any grave—5% total cost.	5	7	φ	4 4 φ
(c) For Grant of Exclusive Right of Burial (grave 8ft. x 4ft.), which must be obtained before any headstone or improvements are effected	2	2	0	6 4 φ
(d) For a copy of a Grant of Exclusive Right of Burial			5	0
(e) Undertaker's Annual License Fee			10	6
(f) Additional fee for Sunday burial			10	6

Amended
24 Dec 1953
19590

Amended
25 Nov 1960

Schedule A Amended 8 Feb 1972 p. 252
D. M.

Schedule B.

FORM OF INSTRUCTIONS FOR GRAVES AND APPLICATION FOR BURIAL.

Answers to the following questions to be supplied at the time of giving orders, or making application:—

- Date
1. Name of deceased?
 2. Age of deceased?
 3. Late place of residence of deceased?
 4. Place where death occurred?
 5. Rank, or occupation of the deceased?
 6. Birthplace of the deceased?
 7. Nature of the disease, or supposed cause of death?
 8. What denominational ground?
 9. What compartment?
 10. What section?
 11. No. of grave on plan?
 12. Is it a public grave?
 13. Is it a private grave?
 14. Is ground to be selected by applicant, or by trustees?
 15. Size of ground?
 16. Is a grant required?
 17. If already granted, give number of grant and name of grantee?
 18. Length and width of coffin?
 19. Depth of grave?
 20. Is it the first interment in the grave?
 21. Date of last interment in grave?
 22. Date of burial?
 23. At what hour, and if usual or extra?
 24. Name of minister to officiate at the grave?
 25. From where is funeral to start?
 26. Name of undertaker?
- Name in full and signature of person making application
- Occupation
- Address
- Application received this day of 19..... at o'clock..... m. Secretary.
- No. of Receipt
- No. of Register of Burials
- No. of Grant

CEMETERIES ACT, 1897-1946.

Appointment of Trustees of the
Walpole Cemetery.

Department of Lands and Surveys,
Perth. 20th August, 1951.

Corres. 2494/31.

HIS Excellency the Administrator in Executive Council has been pleased to appoint, under the provisions of the Cemeteries Act, 1897-1946, Messrs. Bruce Burnside, Bruce McMurray and Frank S. Thompson as trustees to control and manage the Walpole Cemetery, *vice* Messrs. Robert Nockolds, Herbert Stanley Stewart and Alexander James Sweeney, who have resigned.

H. E. SMITH,
Under Secretary for Lands.

CASH ORDER LOST.

Department of Lands and Surveys,
Perth, 21st August, 1951.

Corr. 794/38.

IT is hereby notified that the undermentioned Cash Order has been lost. Payment has been stopped, and it is intended to issue an order in lieu thereof:—

Cash Order No. 68190; amount, £21 10s. 11d.; drawn by C. Gardiner: in favour of J. Crabtree.

H. E. SMITH,
Under Secretary for Lands.

WITHDRAWN FROM SELECTION.

Department of Lands and Surveys,
Perth, 21st August, 1951.

Corres. No. 468/49.

IT is hereby notified, for general information, that all vacant Crown land delineated and shown coloured blue on Lands and Surveys Department Miscellaneous Plan No. 84 has been withdrawn from selection.

H. E. SMITH,
Under Secretary for Lands.

LOTS OPEN FOR SALE.

Department of Lands and Surveys,
Perth, 20th August, 1951.

IT is hereby notified, for general information, that the undermentioned lots are now open for sale, under the conditions specified, by public auction, as provided by the Land Act, 1933-1950, at the following upset prices:—

Applications to be lodged at Perth.

Corres. No. 5525/50.

BULLFINCH.—Town 65 and 81, £30 each; 66, £25.

Corres. No. 3295/51.

HOPETOUN.—Town 122, £25.

Plans showing the arrangement of the lots referred to are now obtainable at this office and the offices of the various Government Land Agents.

H. E. SMITH,
Under Secretary for Lands.

OPEN FOR SALE.

Kukerin Lot 3 and Wongan Hills Lot 202.

Applications close 29th August, 1951.

Department of Lands and Surveys,
Perth, 31st July, 1951.

HIS Excellency the Administrator in Executive Council has been pleased to approve, under section 45A of the Land Act, 1933-1950, as follows:—

Corres. No. 1529/51.—Of Kukerin Lot 3 being made available for sale for an estate in fee simple at the price of fifty pounds (£50).

Corres. No. 2184/13.—Of Wongan Hills Lot 202 being made available for sale in fee simple, priced at £70.

The above lots are subject to the following conditions:—

1. Applications, accompanied by a deposit of 10 per cent. of the fixed price, must be lodged at the Lands Office, Perth, on or before Wednesday, 29th August, 1951.

2. Balance of purchase money shall be paid within 12 months from the date of approval of the application by 4 quarterly instalments on the 1st days of January, April, July and October.

3. All applications lodged on or before such date will be treated as having been received on the closing day, and if there are more applications than one for this lot, the application to be granted will be determined by the Land Board.

H. E. SMITH,
Under Secretary for Lands.

OPEN FOR SALE.

Wyalkatchem Lots 104, 105, 106, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 129.

Applications close 29th August, 1951.

Department of Lands and Surveys,
Perth, 31st July, 1951.

Corres. No. 8167/50.

HIS Excellency the Administrator in Executive Council has been pleased to approve under section 45A of the Land Act, 1933-1950 of Wyalkatchem Lots 104, 105, 106, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 129 being made available

Morawa Police Station and Quarters—Repairs and Renovations (12340); 19th January, 1954; conditions may be seen at the Contractors' Room, P.W.D., Perth, and at Police Station, Morawa, on and after the 22nd December, 1953.

Tenders, together with the prescribed deposit, are to be addressed to "The Hon. the Minister for Works, Public Works Department, The Barracks, St. George's Place, Perth," and must be indorsed "Tender." The highest, lowest or any tender will not necessarily be accepted.

R. J. BOND,
Under Secretary for Works.

24/12/53

CEMETERIES ACT, 1897-1946.
Coolgardie Cemetery Board.

Local Government Department,
Perth, 21st December, 1953.

L.G. 872/53.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Cemeteries Act, 1897-1946, has been pleased to approve of the

amendments in the manner set forth in the Schedule hereunder of the by-laws of the Coolgardie Cemetery Board made under the Act and published in the *Government Gazette* on the 24th August, 1951.

GEO. S. LINDSAY,
Secretary for Local Government.

Schedule.

Paragraph (a) of Schedule A of the above-mentioned by-laws is amended—

- (i) by substituting the figures "4 4 0" for the figures "3 10 0" appearing opposite the item "For interment of any person in grave 6ft. deep";
- (ii) by substituting the figures "3 10 0" for the figures "3 0 0" appearing opposite the item "For interment of any stillborn child or under the age of one year";
- (iii) by substituting the figures "4 4 0" for the figures "3 10 0" appearing opposite the item "For re-opening any grave for interment or exhumation."

P.W. 2025/53; Ex. Co. No. 2489.

Industrial Development (Kwinana Area) Act, 1952-1953; Main Roads Act, 1930-1952;

Public Works Act, 1902-1950.

LAND RESUMPTION.

Fremantle-Mandurah-Pinjarra Road—Controlled Access Road.

NOTICE is hereby given, and it is hereby declared, that the several pieces or parcels of land described in the Schedule hereto—being all in the Cockburn Sound District—have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 17th day of December, 1953, been set apart, taken, or resumed for the purposes of the following public work, namely:—Fremantle-Mandurah-Pinjarra Road—Controlled Access Road.

And further notice is hereby given that the said pieces or parcels of land so set apart, taken, or resumed are marked off and more particularly described on Plan, P.W.D., W.A., 34028, which may be inspected at the Office of the Minister for Works, Perth.

And it is hereby directed that the said lands shall vest in Her Majesty for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

SCHEDULE.

No. on Plan P.W.D., W.A., No. 34028.	Owner or Reputed Owner.	Description.	Area.
1 and 2	Thomas Harwood Pickles	Portion of each of Cockburn Sound Locations 121 and 49, being part of the land contained in Certificate of Title Volume 1115, Folio 597	a. r. p. 14 3 83
3	Theodore Percy Crisp	Portion of Cockburn Sound Location 138, being part of the land contained in Certificate of Title Volume 1127, Folio 587	3 0 5
4 and 5	Thomas Harwood Pickles	Portion of each of Cockburn Sound Locations 153 and 17, being part of the land contained in Certificate of Title Volume 1136, Folio 889	26 0 12.5
6	Raymond Trevor Stokes	Portion of Cockburn Sound Location 202, being part of the land contained in Certificate of Title Volume 701, Folio 11	0 2 30
7	James Joseph Stokes	Portion of Cockburn Sound Location 201, being part of the land contained in Certificate of Title Volume 4, Folio 274	6 2 12

Certified correct this 16th day of December, 1953.

JOHN T. TONKIN,
Minister for Works.

CHARLES GAIRDNER,
Governor in Executive Council.

Dated this 17th day of December, 1953.

1960, amended in the manner shown in the schedule hereunder, the by-laws published in the *Government Gazette* of the 24th August, 1951, and amended on the 24th December, 1953.

Schedule.

Paragraph (a) of Schedule "A" of the abovementioned by-laws is amended—

- (i) by substituting the figures "6 4 0" for the figures "4 4 0," appearing opposite the item "For interment of any person in grave 6 ft. deep";
- (ii) by substituting the figures "4 4 0," for the figures "3 10 0," appearing opposite the item "For interment of any stillborn child or under the age of one year";
- (iii) by substituting the figures "6 4 0," for the figures "4 4 0," appearing opposite the item "For re-opening any grave for interment or exhumation."

Passed by resolution of the Coolgardie Cemetery Board at a meeting of the Board held on Monday, 25th July, 1960.

J. P. BAKER,
Chairman,
H. E. WILLIAMS,
Secretary.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor in Executive Council, this 9th day of November, 1960.

R. H. DOIG,
Clerk of the Council.

CEMETERIES ACT, 1897.

Department of Local Government,
Perth, 15th November, 1960.

L.G. 235/58.

HIS Excellency the Lieutenant-Governor in Executive Council, under the provisions of the Cemeteries Act, 1897, has been pleased to make the regulations set out in the Schedule hereunder.

GEO. S. LINDSAY,
Secretary for Local Government.

Schedule.

Regulations.

Principal regulations. 1. In these regulations the regulations made under the Cemeteries Act, 1897, published in the *Government Gazette* on the 20th November, 1914, and amended by notice published in the *Government Gazette* on the 12th July, 1957, are referred to as the principal regulations.

Reg. 6 added. 2. The principal regulations are amended by adding after regulation 5 a heading and regulation as follows:—

Fees Payable to the Trustees of the Fremantle

Public Cemetery.

6. The fees payable to the Trustees of the Fremantle Public Cemetery shall be—

- (a) Chairman—a sitting fee of £2 2s. for each meeting of the Board which he attends;
- (b) Members—a sitting fee of £1 1s. for each meeting of the Board which the member attends.

10. No person shall remove, or deface or in any way damage any number plate affixed in accordance with this by-law.

11. Any person committing a breach of this by-law shall be liable on conviction to a penalty not exceeding Ten pounds.

Passed by resolution of the Port Hedland Road Board at a meeting held on the 19th day of August, 1960.

E. A. RICHARDSON,
Chairman.

R. L. LEGGO,
Secretary.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor in Executive Council this 9th day of November, 1960.

R. H. DOIG,
Clerk of the Council.

ROAD DISTRICTS ACT, 1919.

Armadale-Kelmscott Road Board.

Swimming Pool By-laws.

L.G. 311/58.

IN pursuance of the powers conferred by the Road Districts Act, 1919, the Armadale-Kelmscott Road Board orders that the by-law published in the *Government Gazette* of the 2nd day of April, 1958, and amended on the 13th day of November, 1959, be further amended as follows:—

Clause 5. Charges for Admission.

Delete the charge of 1s. 0d. in line 4 and insert in lieu thereof a charge of 1s. 6d. and delete the charge of 3d. in line 12 and insert in lieu thereof a charge of 6d.

Passed at a meeting of the Armadale-Kelmscott Road Board held on 17th day of October, 1960.

J. E. MURRAY,
Chairman.

W. W. ROGERS,
Secretary.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor in Executive Council this 9th day of November, 1960.

R. H. DOIG,
Clerk of the Council.

CEMETERIES ACT, 1897.

Coolgardie Cemetery Board.

Amendment to By-laws.

L.G. 872/53.

BY virtue of all the powers in that behalf vested in the Trustees of the Coolgardie Cemetery Board, which shall be appointed annually by the Coolgardie Road Board, the said Trustees at a meeting held on Monday, 25th July,

CEMETERIES ACT, 1897.

Coolgardie Cemetery Board.

Amendment to By-laws.

L.G. 872/53.

BY virtue of all the powers in that behalf vested in the trustees of the Coolgardie Cemetery Board which shall be appointed annually by the Coolgardie Shire Council, the said Trustees at a meeting held on Monday, 8th November, 1971 amended in the manner shown in the schedule hereunder the by-laws published in the *Government Gazette* on the 24th August, 1951 and amended on 24th December, 1953 and 25th November, 1960.

Schedule.

Paragraph (a) of Schedule "A" of the abovementioned by-laws is amended—

(i) by substituting the figure \$30.00 for the figure £6.4.0 appearing opposite the item "For interment of any person in a grave 6 ft. deep."

(ii) by substituting the figure \$20.00 for the figure £4.4.0 appearing opposite the item "For interment of any stillborn child or under the age of one year."

(iii) by substituting the figure \$30.00 for the figure £6.4.0 appearing opposite the item "For re-opening any grave for interment or exhumation."

Paragraph (c) of Schedule "A" of the abovementioned by-law is amended—by substituting the figure \$5.00 for the figure £2.2.0 appearing opposite the item "For Grant of Exclusive Right of Burial."

Paragraph (e) of Schedule "A" of the abovementioned by-law is amended—by substituting the figure \$4.50 for the figure 10.6 appearing opposite "Undertakers Annual License Fee."

Paragraph (f) of Schedule "A" of the abovementioned by-law is amended—by substituting the figure \$2.00 for the figure 10.6 appearing opposite the item "additional fee for Sunday Burial."

Passed by resolution of the Coolgardie Cemetery Board at a meeting of the Board held on Monday, 8th November, 1971.

T. E. CULLEN,
Chairman.
B. G. WILLOUGHBY,
Shire Clerk.

Recommended—

C. STUBBS,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 26th day of January, 1972.

W. S. LONNIE,
Clerk of the Council.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT, 1959-1970.

The Metropolitan Region Planning Authority,
Perth, 26th January, 1972.

Ex. Co. 320.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Metropolitan Region Town Planning Scheme Act, 1959-1970, has been pleased to make the regulations set out in the Schedule hereunder.

E. G. FOREMAN,
Secretary.



Control of Dogs

4 January 1985

Amended 24 October 1997

Dogs.

7

4 January 1985.]

GOVERNMENT GAZETTE, W.A.

129

LOCAL GOVERNMENT ACT 1960 (AS AMENDED).

The Municipality of the Shire of Augusta-Margaret River.

By-laws Relating to Caravan Parks and Camping Grounds.

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 9th August, 1984, to amend and submit for confirmation by the Governor the following amendment to its By-laws Relating to Caravan Parks and Camping Grounds:

By-Law 18 is amended by adding after sub-by-law (g) the following:—

(h) Chalets and similar holiday accommodation, at Council's discretion.

Dated this 24th day of September, 1984.

The Common Seal of the Shire of Augusta-Margaret River was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

A. P. HILLIER,
President.

K. S. PRESTON,
Shire Clerk.

Recommended—

JEFF CARR,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of December, 1984.

R. G. COOPER,
Clerk of the Council.

DOG ACT 1976.

The Municipality of the Shire of Coolgardie.

By-laws Relating to Dogs.

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 29 August 1984 to make and submit for confirmation by the Governor, the following by-laws regarding the Control of Dogs in the townsites of Coolgardie, Kambalda, Kambalda West, Widgiemooltha and Kurrawang.

PART 1.—Preliminary.

1. In these By-laws unless the context otherwise requires:—

"Act" means the Dog Act 1976-1977.

"Council" means the Council of the Shire of Coolgardie.

"Schedule" means a schedule to these by-laws.

"Form" means a form contained in the Second Schedule.

Expressions used in these by-laws have the meanings given to them by the Act.

All previous by-laws relating to dogs as were published in the *Government Gazette* of 17 October 1947 are hereby repealed.

PART 2.—Keeping of Dogs.

2. The occupier of premises situated within the Townsites of Coolgardie, Kambalda, Kambalda West, Widgiemooltha and Kurrawang shall not unless the premises are licensed as an approved Kennel Establishment under section 27 of the Act or have been granted exemption pursuant to section 26 (3) of the Act keep or permit to be kept on those premises more than two dogs over the age of three months and the young of those dogs under that age.

3. The owner or occupier of premises within the Townsites specified in By-law 2 on which a dog is kept shall cause portion of the premises to be fenced in a manner capable of confining the dog.

PART 3.—Seizure and Impounding of Dogs.

4. The Dog Pounds for the Shire of Coolgardie are situated on Reserve No. 34988 Woodward Street, Coolgardie and Lot 904 Solanum Street, Kambalda West.

5. The fees payable for the seizure, impounding, destruction and maintenance of dogs are those specified in the First Schedule.

PART 4.—Regulation of Kennel Establishment.

6. An application for a licence to keep an approved Kennel Establishment shall be in writing and shall be in or substantially in the form of Form 1 of the Second Schedule.

7. An application for a licence to keep an approved Kennel Establishment shall be supported by evidence that:—

(a) Full details and particulars of the proposal have been advertised by the applicant at least twice in a newspaper circulating in the district of the Shire of Coolgardie. Such advertisement shall specify the manner in which and the period (not being less than 21 days) during which representations may be made to the Council.

- (b) Adjoining property owners have been notified of the proposal in writing.
8. In accordance with section 27 (4) of the Act, Council shall consider any representations made either in support of or in opposition to the proposal.
9. The fee payable for the issue of a licence to keep an approved Kennel Establishment is that specified in the First Schedule.
10. A licence to keep an approved Kennel Establishment shall be in or substantially in the form of Form 2 of the Second Schedule.
11. The fee payable for the renewal of a licence to keep an approved Kennel Establishment is that specified in the First Schedule.
12. The owner or occupier of premises which are licensed as an approved Kennel Establishment shall provide kennels and yards appropriate to the breed or kind in question, sited and maintained in accordance with the requirements of public health, sufficiently secured and having specifications of a standard not less than the following:—
- (a) each Kennel shall have a yard appurtenant thereto;
 - (b) each Kennel and each yard and every part thereof shall be at a distance of not less than 7 metres from the boundaries of the land in the occupation of the occupier;
 - (c) each Kennel and each yard and every part thereof shall be at a distance of not less than 24 metres from the front road or street;
 - (d) each Kennel and each yard and every part thereof shall be at a distance of not less than 10 metres from any dwelling house, church, schoolroom, hall or factory;
 - (e) the walls shall be constructed of concrete, brick, stone, wood, asbestos, ceillite or galvanised iron;
 - (f) the roof shall be constructed of impervious material or other material approved by the Council;
 - (g) all external surfaces of galvanised iron, wood or asbestos material shall be painted and kept painted with good quality paint;
 - (h) the lowest internal height shall be at least 1.8 metres from the floor;
 - (i) each yard shall be securely fenced and kept securely fenced with a fence not less than 1.8 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting or other material approved by the Council;
 - (j) all gates shall be provided with proper catches or means of fastening;
 - (k) the upper surface of the floor of each kennel shall be set at least 100 mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and have a fall of not less than 1 in 100; the entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped; all floor washings shall pass through the drain and shall be disposed of in accordance with the health requirements of the Council;
 - (l) the floor of any yard which is floored shall be constructed in the same manner as the floor of any kennel as is provided in the last preceding paragraph;
 - (m) for each dog kept therein every kennel shall have not less than 2 square metres of floor space and every yard not less than 3 square metres;
 - (n) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleansed and disinfected when so ordered by an Officer of the Council.
13. A person shall not erect a kennel unless and until plans and specifications of and a location plan showing the proposed site of the kennel and of the yard appurtenant thereto have been approved by the Council.
14. A person who contravenes or fails to comply with any of these By-laws commits an offence and is liable on conviction to a penalty not exceeding \$100.

Insert Part 5. 24 October 1997. P5862.

First Schedule.

By-law No. 5

For the seizure and impounding of a dog	\$20.00
For the maintenance of a dog in a pound per day or part of a day	\$10.00
For the destruction of a dog	\$10.00

By-law No. 9

Kennel Establishment licence	\$30.00
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By-law No 11

Kennel Establishment renewal	\$30.00
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Second Schedule.

Form 1.

Shire of Coolgardie.

Application for Licence or Renewal of Licence
to Keep Approved Kennel Establishment.Pursuant to the Dog Act 1976, and the By-laws
of the Shire of Coolgardie made thereunder.

I/We (full name)
 of
 hereby apply for a licence/the renewal of a licence (strike out whichever is not applic-
 able) to keep an approved Kennel Establishment at
 at which dogs of
 breed(s) will be/are kept.

Attached hereto are:

- (a) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- (b) plans and specification of the kennels;
- (c) evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- (d) a remittance for the fee of \$

Dated this day 19.....

Signature of Applicant

Note: Items (a), (b) and (c) may be struck if the application is for the renewal of a
 licence and if no change has been made since the previous application.

Form 2.

Shire of Coolgardie.

Licence to Keep an Approved Kennel Establishment.

..... is/are the holder(s)
 of a licence to keep an approved Kennel Establishment at
 for
 dogs of breed(s).

This Licence has effect for a period of 12 months from the date hereof.

Dated this day of 19.....

Shire Clerk

Dated this 2nd day of October, 1984.

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

[L.S.]

D. P. MANNING,
 President.

T. L. PEDRETTI,
 Acting Shire Clerk.

Recommended—

JEFF CARR,
 Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of
 December, 1984.

R. G. COOPER,
 Clerk of the Council.

LG301

LOCAL GOVERNMENT ACT 1995

*Shire of Coolgardie***Local Laws Relating to Dogs**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Shire of Coolgardie records having resolved on 25 September 1997 to adopt amendments to the abovementioned Local Laws published in the *Government Gazette* on 4 January 1985 by making the following amendments—

- (1) After Bylaw 14 insert the heading PART 5—GENERAL
- (2) Add new local law after PART 5—GENERAL, as follows—
 15. The land specified in the third schedule of local laws is designated as a dog exercise area for the purposes of the Dog Act 1976.
- (3) Add the following after Form 2 of the second schedule.

SCHEDULE 3

KAMBALDA

Reserve 44237

Lots 211, 381

Lot 7 of 1061

Reserve 35916

Lot 519

COOLGARDIE

Reserve 35896

Lot 2138

Dated this 2nd day of October 1997.

The Common Seal of the Shire of Coolgardie was affixed in the presence of—

W. M. INGHAM, Shire President.
ANTHONY McCABE, Acting Chief Executive Officer.

LG401

SHIRE OF BRIDGETOWN-GREENBUSHES

Rangers

It is hereby notified for public information that Ms Jenelle Susan Kowal, Mr Paul William Hagar and Mr Donald Keith Craigie have been appointed Rangers for the Shire of Bridgetown-Greenbushes for the period 7 November to 10 November 1997 inclusive and are Authorised Officers to enforce the following Acts, Regulations and Council By-laws—

1. Dog Act 1976 and Regulations
2. Local Government Act 1995
3. Litter Act 1979 and Regulations
4. Council By-laws.

I. M. BODILL, Chief Executive Officer.

LG402

TOWN OF EAST FREMANTLE

Chief Executive Officer

It is hereby advised that Mr Anthony John Ford has been appointed Chief Executive Officer of the Town of East Fremantle, in accordance with Section 5.36 of the Local Government Act 1995, effective from 13 October 1997.

The appointment of Mr Laurence Allen Vicary was cancelled on 5 September 1997.

ANDREW SMITH, Mayor.

LG403

CITY OF STIRLING

Health Amendment Local Laws 1997

RETRACTION NOTICE

It is hereby advised that the gazettal of the Health Amendment Local Laws 1997 on Page 5379 of the *Government Gazette* on 26 September 1997 was incorrect.

The Amendments have not yet been approved by the Executive Director of the Health Department and are therefore retracted.

D. C. VALLELONGA, Mayor.
M. J. WADSWORTH, Chief Executive Officer.



Bees

16 June 1989

LOCAL GOVERNMENT ACT, 1960

City of Kalgoorlie-Boulder

(Valuation and Rating) Order 1989

MADE by His Excellency the Governor under the provisions of section 533 (17) of the Local Government Act.

Citation

1. This Order may be cited as the "City of Kalgoorlie-Boulder (Valuation and Rating) Order 1989".

Authorisation to Retain Systems of Valuation

2. The Council of the City of Kalgoorlie-Boulder is authorised to use the same systems of valuation as were used in respect of the districts of the Town of Kalgoorlie and Shire of Boulder immediately before their unification and declaration as a City, notice of which was published in the *Government Gazette*.

By His Excellency's Command,

G. PEARCE,
Clerk of the Council.

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Coolgardie

By-laws Relating to Bees Kept on Residential Zoned Land

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 17th day of November 1988, to make and submit for confirmation by the Governor, the following By-laws.

1. In this By-law, unless the context requires otherwise:
 - "Act" means Local Government Act 1960 (as amended).
 - "District" means the District of the Shire of Coolgardie.
 - "Council" means the Council of the Municipality of the Shire of Coolgardie.
 - "Residential" means any land zoned Residential under Councils Town Planning Scheme.
 - "Shire Clerk" means the Shire Clerk for the Municipality of the Shire of Coolgardie.
2. (a) No person shall keep bees in an area zoned for residential purposes within the Shire of Coolgardie, without first having obtained written approval of the Shire Clerk of the Council.
 - (b) Such approval is subject to the provision of a current Certificate of Registration as a beekeeper from the Department of Agriculture.
3. (a) No person shall keep more than two hives of bees on any land zoned for residential purposes within the Municipality of the Shire of Coolgardie.
 - (b) Subject to compliance with all Statutes and By-laws, Council may, upon written application, grant exemption to sub-by-law (a) of this by-law, to apiarists on residential land who can demonstrate sound hive management.
 - (c) Approval which has been granted under sub-by-law (b) of this by-law may be withdrawn at any time if Council is of the opinion that a nuisance exists for occupiers of other residential premises.
4. A person shall not keep, or permit to be kept, bees in a bee hive on any residential zoned land within the District unless—
 - (a) prior to the siting of hives an adequate supply of water is provided not less than ten (10) metres from the proposed site of the bee hive; and
 - (b) the bee hive is screened in a manner which affords protection to neighbouring residents and passers by; and
 - (c) the bee hive is not less than five (5) metres from a boundary fence.
5. A person shall not keep bees in such a manner as to cause a nuisance to any other person. Whenever, in the opinion of Council, a nuisance arises because of the keeping of bees, Council may order the withdrawal of approval and direct the occupier of the land to remove bee hives from the land within a time specified in a written Notice.
7. Any person who fails to comply with a written notice referred to in by-law 7, or contravenes this by-law or any part thereof, commits an offence and shall be liable, on conviction, to a penalty not exceeding \$200.

Dated this 17th day of January 1989.

The Common Seal of the Shire of Coolgardie was
hereunto affixed in the presence of—
[L.S.]

G. E. LITTLE,
Shire President.
A. B. WRIGHT,
Acting Shire Clerk.

Recommended—

JEFF CARR,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on the 13th day of June 1989.

G. PEARCE,
Clerk of the Council.



Fencing and Obstructions at Intersections

31 December 1996

31 December 1996]

GOVERNMENT GAZETTE, WA

7227

LG6

LOCAL GOVERNMENT ACT

The Municipality of the Shire of Coolgardie

BY-LAWS RELATING TO FENCING AND OBSTRUCTIONS AT INTERSECTIONS

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 27th day of October 1994, to make and submit for confirmation by the Governor the following By-laws.

1. In these By-laws unless the context otherwise requires—

"Council" means the Council of the Shire of Coolgardie.

"District" means the municipal district of the Shire of Coolgardie.

"Dangerous Fence" means a fence declared by a Building Surveyor to be in a dangerous condition by reason of any one or more of the following, namely; faulty design, location, construction, deterioration of materials, damage by termites, decay, damage by collision, changes in ground levels, or any other cause or causes.

"Fence" means a fence abutting a road way or street or a fence on or near the boundary line of a lot and includes any free standing wall and any retaining wall.

"Industrial and Commercial Zone" means any portion of the District that is classified or zoned industrial and commercial by a Town Planning Scheme or By-Law for the time being in force.

"Residential Zone" means any portion of the District that is classified or zoned Residential by a Town Planning Scheme or By-Law for the time being in force.

"Building Surveyor" means a building surveyor appointed by the Shire of Coolgardie.

"Dividing Fence" means a fence that separates the land of different owners whether the fence is on the common boundary of the adjoining land or on a line other than the common boundary.

"Town Planning Scheme" means the Town Planning Scheme of the Shire of Coolgardie for the time being in force under the provisions of the Town Planning and Development Act 1982 (as amended).

2. Subject to By-Law 3—

(a) A fence within a Residential Zone constructed in accordance with the specifications set out in the First Schedule hereto is hereby prescribed as a "sufficient fence" for the purpose of the Dividing Fences Act 1961 (as amended).

(b) A fence within an Industrial and Commercial Zone constructed in accordance with the specifications set out in the Second Schedule hereto is hereby prescribed as a "sufficient fence" for the purposes of the Dividing Fences Act 1961 (as amended).

3. (a) Where a fence is erected on the boundary between land in a Residential Zone and land in some other zone then a "sufficient fence" for the purposes of the Dividing Fences Act 1961 (as amended) shall be prescribed as a "sufficient fence" for a Residential Zone.

(b) Where a fence is erected on a boundary line between land in differing zones neither of which is a Residential Zone the Council shall determine which schedule shall apply for the purposes of prescribing a "sufficient fence" for the purposes of the Dividing Fences Act 1961 (as amended).

4. (a) No person shall construct a fence of second hand material within the townsites of Kambalda and Kambalda West under any circumstance, and in any other case without the written consent of the Council which consent the Council in its absolute discretion may refuse to grant or may grant upon such terms and conditions as it deems fit.

(b) No fence shall be constructed of sheet metal unless the fence to be erected is adequately capped.

5. (a) Within a Residential Zone, subject to By-law 7 a front boundary fence not exceeding 1200mm in height may be constructed along the full width of the frontage of a lot.

(b) A fence within a Residential Zone in excess of 1200mm and not exceeding 1800mm in height may be constructed along the front boundary of a lot subject to—

(i) approval by Council; and

(ii) By-law 7 being complied with.

(c) A fence within a Residential Zone shall not, within 7.5 metres of the front boundary of the lot, exceed 1200mm in height, without the express approval of Council.

(d) The Council at its discretion may upon written application approve a fence other than those permitted by these By-Laws.

6. No person shall erect any structure in front of the building line in an Industrial, Commercial or Residential Zone other than a fence permitted by these By-Laws without having first made written application to and obtained the written approval of the Council.

7. No person shall erect or permit to be erected on any land owned or occupied by him any wall, fence, hedge, tree, shrub or other obstruction of a greater height than 750mm measured from the level of the footpath, road or right-of-way immediately adjoining the same within the area enclosed by the boundaries of the streets, roads, or rights-of-way and a line joining the points located at a distance of 6 metres measured horizontally along each street, or road or right-of-way boundary from the point of intersection of the streets, roads or rights-of-way or from the point of intersection of a prolongation of the said boundaries except that this By-law shall not apply to intersections or junctions having the standard truncation of 8.5 metres or more.

8. No person shall erect a dividing fence greater than 1800mm in height in a Residential Zone without having first made application to and obtained the written approval of the Council.

9. (a) No person shall commence to erect or proceed with the erection of a retaining wall which is on a boundary line unless and until he has lodged with the Council two (2) copies of a plan and specifications thereof and in the case of a retaining wall exceeding 1000mm in height when required by the Council, engineering calculations in respect thereof and the Council has approved a copy of the plan and specifications and (where applicable) the calculations.

(b) No person shall erect or permit a dividing fence to act as a retaining wall without first having obtained Council permission.

10. A fence wholly or partly of barbed wire complying with these By-laws may only be erected—

- (i) In any area that is used for rural purposes;
- (ii) In an Industrial and Commercial Zone if no barbed wire is used below a height of 1800mm from the ground; or
- (iii) In any other part of the Shire of Coolgardie with the written approval of the Council.

11. No person shall erect or maintain a dangerous fence anywhere within the Shire.

12. The use of metal spikes, broken glass or any other potentially dangerous material in or on any fence in the district is prohibited.

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

14. The Council may give notice in writing to the owner or occupier of any land upon which there is a dangerous fence or a fence which is in the opinion of the Building Surveyor in bad condition or repair, dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood or is contrary to the provisions of these By-laws requiring such owner or occupier to repair, paint, or maintain such fence within the time stipulated in the notice or in that time give satisfactory reason why the notice should not be complied with or be given extra time in which to comply. Any person who fails to comply with the terms of any notice served under these By-laws commits an offence.

15. Where the owner or occupier of land fails to comply with a written notice given by the Council in accordance with By-law 14 of these By-laws the Council may enter upon such land and carry out the works specified in the written notice and the costs and expenses incurred by the Council in so doing may be recovered from such owner or occupier in a Court of competent jurisdiction.

16. Any person who commits a breach of these By-laws commits an offence and shall on conviction be liable to—

- (i) a maximum penalty of \$200, and
- (ii) in addition a maximum daily penalty of \$20 for each day during which the offence occurs.

First Schedule Residential Zone

A sufficient fence shall be—

- (a) A free standing fibro cement fence having specifications as follows—
 - (i) A height of 1500mm;
 - (ii) An in-ground depth of 25% of the total length of the sheet with a minimum in-ground length of 600mm;
 - (iii) The combined height and depth of the fence shall consist of a single continuous fibre reinforced cement sheet;
 - (iv) Fibre reinforced cement sheets are to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturers' specifications.

Second Schedule
Industrial and Commercial Zones

A sufficient fence shall consist of rail-less link or chain mesh of a height of 1800mm on top of which are three strands of barbed wire carrying the fence to a height of 2100mm supported by galvanised iron posts of a diameter of 50mm spaced at three (3) metre centres and sunk in the ground 600mm and encased in a concrete footing having a dimension of 160mm x 600mm.

Dated this 27th day of November 1996.

The Common Seal of the Shire of Coolgardie was hereunto affixed in the presence of—

W. M. INGHAM, President.
A. A. McCABE, A/Chief Executive Officer.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG7

LOCAL GOVERNMENT ACT 1960
Municipality of the Shire of East Pilbara
BY-LAWS RELATING TO NEWMAN AIRPORT

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 Friday 23rd February 1996 to make and submit for confirmation by the Governor the following by-laws.

Application

These by-laws shall apply to and be in force within that portion of the district of the Shire of East Pilbara as is hereinafter described as the Airport.

Interpretation

2. In these by-laws, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say—

“Act” means the Air Navigation Act 1920 as amended of the Commonwealth of Australia or any other Act or Acts of the Commonwealth relating to air navigation for the time being in force;

“Aircraft” means any machine or craft that can derive support in the atmosphere from the reactions of the air.

“Airport” means all those pieces of land being currently designated, vested and described as Newman Airport and shall include future designations, vesting and descriptions as Newman Airport.

“Airport Manager” means the officer appointed by or by the authority of the Council who shall be appointed to the position designated as Airport Manager and who shall be responsible for directing and controlling traffic of aircraft on and about the Airport, directing crew, passengers or any other person within the precincts of the Airport, the parking and movement of all vehicles within the precincts of the Airport and the enforcement of these By-laws together with all such other powers as may be given or conferred upon the Airport Manager by the Council in the capacity as the responsible officer of the Council for the operation of the Airport;

“bus” has the same meaning as Omnibus in the Road Traffic Act 1974;

“car park” means that portion of the Airport set aside for the purpose of parking vehicles which may be designated in accordance with these By-laws to be used for the parking of vehicles;

“Council” means the Council of the Municipality of the Shire of East Pilbara;



Health Local Laws 1998

31 March 1999

Amended

6 March 2001

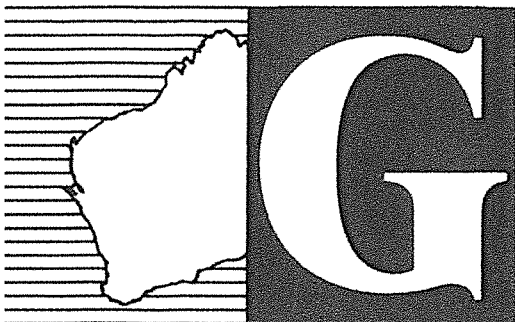
27 March 2001

30 May 2003

Health Local Laws 1998.

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HEALTH ACT 1911

SHIRE OF COOLGARDIE

HEALTH LOCAL LAWS 1998

HEALTH ACT 1911**SHIRE OF COOLGARDIE****HEALTH LOCAL LAWS****ARRANGEMENT****PART 1—PRELIMINARY****Section**

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HEALTH ACT 1911

SHIRE OF COOLGARDIE

HEALTH LOCAL LAWS 1998

Made by the Council of the Shire of Coolgardie.

PART 1—PRELIMINARY

Citation

1. These local laws may be cited as *Shire of Coolgardie Health Local Laws 1998*.

Repeal

2. (i) The Health Local Laws adopted by the Shire of Coolgardie and published in the *Government Gazette* on the 26 July 1912, and amended from time to time, are repealed;
- (ii) The Health Local Laws adopted by the Shire of Coolgardie and published in the *Government Gazette* on the 3 March 1939, and amended from time to time, are repealed; and
- (iii) The *Shire of Coolgardie Health Local Laws 1986* adopted by the Shire of Coolgardie on 11 November 1985 and published in the *Government Gazette* on the 27 March 1986, and amended from time to time, are repealed.

Interpretation

3. (1) These local laws, unless the context otherwise requires—

“Act” means the *Health Act 1911* and includes ~~subsidiary legislation made under the Health Act 1911~~; Amend
30 May 2003
JP/913

“adequate supply of water” means a flow of water not less than 0.076 litres per second;

“approved” means approved by the Principal Environmental Health Officer;

“AS” means Australian Standard published by the Standards Association of Australia;

“Building Code” means the Building Code of Australia as adopted by the *Building Regulations 1989* made under the *Local Government (Miscellaneous Provisions) Act 1960*;

“Chief Executive Officer” means the Chief Executive Officer of the Shire of Coolgardie and includes an Acting Chief Executive Officer;

“Council” means the Council of the Shire of Coolgardie;

“district” means the district of the Shire of Coolgardie and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act; Add

“dwelling house” means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located; amended by
Item 2
30 May 2003
JP/913

“Environmental Health Officer” means an Environmental Health Officer appointed by the Council under the Act and includes an Acting or Assistant Environmental Health Officer;

“habitable rooms” means a room used for normal domestic activities, and

- a) Includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play room, family room and sun room; but
- b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

“hot water” means water at a temperature of at least 75 degrees Celsius;

“Medical Officer” means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

“Principal Environmental Health Officer” means Environmental Health Officer who has been appointed to the position of Principal Environmental Health Officer and includes an acting P.E.H.O.;

“public place” includes every place to which the public ordinarily have access, whether by payment of a fee or not;

“sanitary convenience” includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

“sewage” Means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;

"sewer" includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of Council

"street" includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

"toilet" means a water closet, earth closet, or privy or urinal and includes a room or cubicle in which one or more of these is located; and

"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality In Australia 1987 as published by the National Health and Medical Research Council; and

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these local laws a duty or liability is imposed on an "owner or occupier" the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

(3) Where under this Local Law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2—SANITATION

Division 1—Sanitary Conveniences

Interpretation

4. In this Part, unless the context otherwise requires—

"festival" includes a fair, function or event;

"organiser" means a person—

- a) to whom approval has been granted by the Council to conduct the festival; or
- b) responsible for the conduct of the festival;

"public sanitary convenience" means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by—

- a) patrons in conjunction with a festival; or
- b) employees at construction sites or the like.

Dwelling House

5. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have adequate lighting.

Premises other than a Dwelling House

6. (1) The owner of premises, other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—

- a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
- b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
- c) the premises have hand wash basins—
 - i) in accordance with the Building Code;
 - ii) for the use of persons employed or engaged on the premises;
 - iii) provided with adequate supply of water supplied by taps located over each basin;
 - iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
 - v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that—

- a) clean toilet paper is available at all times in each cubicle;
- b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
- c) each hand wash basin is provided with—
 - i) an adequate supply of soap or other hand cleaning substances; and
 - ii) hand drying facilities, situated adjacent to and visible from the hand basin.

Outdoor Festivals

7. (1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale—

- a) for the first 1,000 males—
 - i) one water closet for each 333;

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- ii) one urinal stall for each 100; and
- iii) one wash hand basin for each 500;
- b) for additional males—
 - i) one water closet for each 500;
 - ii) one urinal stall for each 100; and
 - iii) one wash hand basin for each 500;
- c) for the first 1,000 females—
 - i) one water closet for each 77; and
 - ii) one wash hand basin for each 500; and
- d) for additional females—
 - i) one water closet for each 100; and
 - ii) one wash hand basin for each 500.

(2) Where under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

Toilets

8. (1) Toilets on premises shall be maintained in accordance with the following requirements—
- a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;
 - b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;
 - c) the floor of any internal toilet shall be—
 - i) of concrete or of other approved impervious material of an approved thickness; and
 - ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
 - d) the floor of any external toilet shall be—
 - i) of concrete or of other approved impervious material of an approved thickness; and
 - ii) graded to the door or alternatively an approved outlet.
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—
- a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to blanket sound.
 - b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

Temporary Works

9. A person who undertakes temporary work at any place shall—
- a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, one temporary approved toilet for every 20 such persons; and
 - b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from the Principal Environmental Health Officer and ensure the site is left clean.

Maintenance of Sanitary Conveniences and Fittings

10. (1) The occupier of premises shall—
- a) keep clean, in good condition and repair; and
 - b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.
- (2) the owner of premises shall—
- a) keep or cause to be kept in good repair; and
 - b) maintain an adequate supply of water to, all sanitary conveniences including sanitary fittings in or on the premises.

Ventilation of Toilet

11. (1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code and shall be—
- a) mechanically ventilated to external air, through a fully enclosed duct at a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour; or
 - b) naturally ventilated to the external air by the provision of—
 - i) fixed and permanently ventilated windows or skylights;
 - ii) fixed glazed louvred windows; or
 - iii) wall or ceiling vents, ducted as directly to the outside air as is practical and boxed throughout,

situated in both the room in which the toilet is located and any adjacent air lock.

- (2) A mechanical ventilation system provided under subsection (1)(a) shall—
- be separate and distinct from any other system of mechanical ventilation in the building;
 - be of an exhaust type;
 - where it is provided for a building of more than 2 storeys, have a ventilating fan and power unit in duplicate; and
 - be maintained in good working order and condition.
- (3) A natural ventilation system provided under subsection (1)(b) shall have—
- a clear ventilation area of not less than 0.015 square metres per fixture; and
 - a window of light transmitting area equivalent to not less than ten percent of the floor area.
- (4) A toilet with an entrance opening from—
- a room used for the manufacture, storage or consumption of food;
 - a room used for sleeping or other domestic activities; or
 - a room used as a work place,
- shall be mechanically ventilated as required by subsection (1)(a) and the entrance shall be fitted with a door having an efficient self closing device.

Public Sanitary Conveniences

12. (1) A person shall not—
- foul;
 - damage or vandalise; or
 - write on or otherwise deface,
- a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
- (2) A person using a public sanitary convenience shall where the convenience has been provided by the Council and a charge for its use has been levied, forthwith pay that charge.
- (3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

Lighting

13. The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

Installation

14. (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and shall have an adequate water supply.
- (2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

Division 2—Bathroom, Laundries and Kitchens

Bathrooms

15. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—
- is adequately lined with an impervious material and has an adequate ceiling;
 - complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
 - is equipped with—
 - a wash hand basin; and
 - either a shower in a shower recess or a bath.
- (2) The floor of the bathroom referred to in subsection (1) shall be—
- of concrete or of other approved impervious material of an approved thickness.
 - properly surfaced with an even fall to a floor waste, suitably trapped and discharging to—
 - the Town Sewer; or
 - a proper discharge pipe with flap valve fitted, where necessary, protected by an approved sump.
- (3) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

Laundries

16. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—
- is properly enclosed and roofed;
 - is adequately lined with an impervious material;
 - has a floor of concrete or other approved impervious material of an approved thickness;
 - is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to—
 - the Town sewer; or

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- ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
 - e) is not a room in which food is stored, prepared, served or consumed.
- (2) In the case of a single occupancy dwelling, the laundry referred to in subsection 1(1) shall have—
- a) either—
 - i) two wash troughs and one copper; or
 - ii) a washing machine and either a wash trough or a sink; and
 - b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.
- (3) All wash troughs, sinks, coppers and washing machines shall be—
- a) in a laundry and connected to an adequate supply of hot and cold water; and
 - b) properly supported,
- and all wash troughs and sinks shall have a capacity of at least 36 litres.
- (4) Sole or multiple occupancy units, each being a separate dwelling, shall have—
- a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or
 - b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.
- (5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
- (6) Where there is an opening between laundry and a kitchen or other room where food is stored or consumed, the opening shall—
- a) not be more than 1220 millimetres wide; and
 - b) have a door which when closed shall completely fill the opening.

Washing or Keeping of Clothes in Kitchens

17. A person shall not in any kitchen or other place where food is kept—
- a) wash or permit to be washed any clothing or bedding; or
 - b) keep or permit to be kept any soiled clothing or bedding.

Kitchens

18. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—
- a) an electric, gas, wood or other fuel burning stove;
 - b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres; and
 - c) a sink which shall—
 - i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
 - ii) have an adequate supply of hot and cold water.
- (2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall—
- a) be installed in accordance with the requirements of the Office of Energy; and
 - b) not be installed or used in any room other than a kitchen.
- (4) Where mechanical extraction is provided in a kitchen, the exhaust air shall be—
- a) carried to the outside air as directly as practicable; and
 - b) boxed throughout.
- (5) In this section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Houses

Dwelling House Maintenance

19. The owner or occupier of a dwelling house shall maintain the house and any appurtenant buildings in sound condition and fit for use and, in particular, shall—
- a) maintain all roofs, guttering and downpipes in sound weatherproof conditions;
 - b) maintain any footings, foundations and walls, either external or internal, in sound condition.
 - c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality.
 - d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
 - e) maintain any brick, stone, mortar or cement work in a sound condition;

- f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- g) maintain all ventilators in good order and repair;
- h) maintain all floors even in surface and free from cracks;
- i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- j) maintain all doors and windows in good working order and weatherproof condition;
- k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
- m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy.

Disposal of Rainwater

20. The owner of a house shall not use or occupy, or permit to be used or occupied, a house unless—
- a) the house is provided with adequate means for all rainwater to be effectively disposed of to the satisfaction of the Principal Environmental Health Officer;
 - b) any rainwater from any roof is not discharged onto any unpaved surface of land within 1.5 metres of any house.

Maintenance of Rainwater Drains

21. The owner or occupier of a house shall—
- a) maintain all rain water drains on the premises in a good state of repair, clean and free from obstruction; and
 - b) not permit any rainwater from the premises to discharge onto or over a footpath or other property.

Division 2—Ventilation of Houses

Exemption for Short Term Hostels & Recreational Campsites

22. This Division shall not apply to short term hostels & recreational campsites referred to in Division 2 of Part 9.

Overcrowding

23. The owner or occupier of a house shall not permit—
- a) a room in the house that is not a habitable room to be used for sleeping purposes; or
 - b) a habitable room in the house to be used for sleeping purposes unless—
 - i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
 - ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
 - c) any garage or shed to be used for sleeping purposes.

Calculate Sufficient Space

24. For the purpose of section 23, in calculating the space required for each person—
- a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
 - b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

Ventilation

25. (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—

- a) natural ventilation; or
- b) a mechanical ventilation or air-conditioning system complying with AS1668.2:- 1991

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is—

- a) maintained in good working condition and in accordance with AS3666-1989; and
- b) in use at all times the building is occupied.

(4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the Council may by notice require the owner of the house to—

- a) provide a different, or additional method of ventilation; or
- b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under subsection (4).

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Sub Floor Ventilation

26. The owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

*Division 3—Water Supply***Water Supply**

27. (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the Council.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

Rain Water Tanks

28. The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

- a) maintain in a clean condition—
 - i) the roof forming the catchment for the tank; and
 - ii) the guttering and down pipes appurtenant to the roof;
- b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
- c) at least once in each year, thoroughly clean any tank the water from which is used for human consumption;
- d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.

Wells

29. The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—

- a) at least 30 metres from any soakwell or other possible source of pollution unless otherwise approved by the Executive Director Public Health; and
- b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

Pollution

30. A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

*Division 4—Secondhand Furniture, Bedding and Clothing***Prohibition of Sale**

31. A person shall not offer for sale or sell any second hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

Prohibition of Possessions

32. A dealer in second hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

PART 4—WASTE FOOD AND REFUSE*Division 1—Liquid Refuse***Definition**

33. In this division, unless the context otherwise requires—

“**liquid refuse**” includes all washings from windows and vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges;

“**liquid waste**” means bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage.

Deposit of Liquid Refuse

34. A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste—

- a) on a street;
- b) in a storm water disposal system; or
- c) on any land or place other than a place or depot duly authorised for that purpose.

Disposal of Liquid Waste

35. (1) The owner or occupier of premises shall—

- a) provide, by one of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and

- b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods—
 - a) discharging it into the sewerage system of the Shire of Coolgardie in a manner approved by the Shire of Coolgardie;
 - b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health and the Council;
 - c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director, Public Health or the Council.

Approval for Septic Tank Pumpouts

36. A person shall not—
- a) without the written approval of the Council; and
 - b) except in accordance with any terms and conditions imposed by the Council or the Executive Director, Public Health in connection with the approval under paragraph (a),
- collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks or an apparatus for the treatment of sewage.

Application for Approval

37. (1) A person may apply in writing to Council for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.

(2) The Council may grant or refuse an application under this section subject to conditions relating to—

- a) the time and method of collection, removal or disposal of the contents; or
- b) the route to be followed by a vehicle used in collection, removal or disposal of the contents.
- (3) Any conditions imposed by the Council under this section shall be—
 - a) specified in the written approval of the Council; and
 - b) in addition to any conditions imposed by the Executive Director Public Health or conditions applying under any other law.

(4) The Council may from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom approval was given.

Notice of Intention

38. A person to whom approval has been given under section 37 shall, at least 24 hours before collecting, removing or disposing of the contents of a septic tank or an apparatus for the treatment of sewage, notify the Principal Environmental Health Officer of his or her intention to do so.

Division 2—Disposal of Refuse

Definition

39. In this division, unless the context otherwise requires—

“collection time” where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the Council or its contractor;

“public place” includes a street, way or place which the public is allowed to use, whether the street, way or place is or is not on private property;

~~waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;~~

“refuse disposal site” means land set apart by the Council under the Act as a site for the deposit of rubbish or refuse;

“receptacle” where used in connection with any premises, means—

- a) A cart that is:
 - (i) made of polyethylene or other material approved by Council;
 - (ii) to a design approved by Council;
 - (iii) fitted with wheels, a handle and a lid; and
 - (iv) not less than 120 Litres in capacity.
- b) A container provided by the Council or its contractor for the deposit, collection and recycling of specific materials;

and supplied to the premises by the Council or its contractor;

“street” includes—

- a) a highway; and
- b) a thoroughfare; which—the public are allowed to use;

and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it; and

“street alignment” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed.

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Receptacles

40. An owner or occupier of premises shall—

- a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
- b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
 - i) behind the street alignment and so as not to be visible from a street or public place; or
 - ii) in such other position as is approved by the Principal Environmental Health Officer;
- c) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any foot-path, cycle way, right of way or carriage way;
- d) if the receptacle is lost, stolen, damaged or defective, notify the Council within 7 days after the event; and
- e) ensure that the premises is provided with an adequate number of receptacles.

Exemption

41. (1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of subsection 40(b) or (c).

(2) The Council may grant, refuse, with or without conditions, an application for exemption from compliance under this section.

(3) An exemption granted under this section shall state—

- a) the premises to which the exemption applies;
- b) the period during which the exemption applies; and
- c) any conditions imposed by the Council.

(4) An exemption granted under this section shall cease to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

Use of Receptacles

42. An owner or occupier of premises shall—

- a) not deposit or permit to be deposited in a receptacle—
 - i) more than 70 kilograms of rubbish or refuse;
 - ii) hot or burning ash;
 - iii) oil, motor spirit or other flammable liquid;
 - iv) liquid paint or other solvent;
 - v) bricks, concrete, building rubble, earth or other like substances;
 - vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
 - vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious leak-proof container;
 - viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
 - ix) cytotoxics, radioactive substances and dangerous chemicals;
 - x) sewage, manure, nightsoil, faeces or urine;
 - xi) any object which is greater in length, width or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
 - xii) rubbish or refuse which is or is likely to become offensive or a nuisance or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;
- b) unless authorised by the Principal Environmental Health Officer, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;
- c) at all times keep the receptacle in a clean condition;
- d) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- e) take all reasonable steps to prevent—
 - i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
 - ii) the emission of offensive and noxious odours from the receptacle; and
- f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

Damage to Receptacles

43. A person, other than the Council or its contractor, shall not—

- a) damage, destroy or interfere with a receptacle; or
- b) except as permitted by these local laws or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the Council or its contractor.

Use of Other Containers

44. (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall—

- a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in section 42(a)(ii)-(xii);
- b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
- c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
- d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;
- e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
- f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

(3) An owner or occupier shall—

- a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
- b) ensure that each container on the premises—
 - i) has a close fitting lid;
 - ii) is constructed of non-absorbent and non-corrosive material; and
 - iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;
- c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
- d) place any rubbish or refuse in, and only in, a container marked for that purpose;
- e) keep the cover on each container except when it is necessary to place something in, or remove something from it; and
- f) ensure that the containers are empties at least weekly or as directed by an Environmental Health Officer.

Suitable Enclosure

45. (1) An owner or occupier of premises—

- a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or

- b) used for commercial or industrial purposes or as a food premises,

that have been provided with receptacles, shall—

- c) if required by the Principal Environmental Health Officer—
 - i) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
 - ii) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this section, a "suitable enclosure" means an enclosure—

- a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;
- b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Principal Environmental Health Officer;
- c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;
- d) containing a smooth and impervious floor—
 - i) of not less than 75 millimetres in thickness; and
 - ii) which is evenly graded to an approved liquid refuse disposal system; and
- e) which is easily accessible to allow for the removal of the receptacles.

Deposit of Refuse

46. (1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street, or on any land other than a refuse disposal site.

(2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except—

- a) at such place on the site as may be directed by the person in charge of the site; or
- b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

Removal from Refuse Disposal Site

47. (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the Council.

- b) thoroughly cleaned at the conclusion of each days work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—
 - a) the sight of animal skeletons, bones, offal or waste matter;
 - b) the odour or putrefaction, offal or waste matter; or
 - c) the presence of blood and particles of flesh or fat dropping on to the surface of the street pavement or ground.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

Interpretation

53. In this Division, unless the context other requires—

“fertiliser” includes manure.

Footpaths etc. to be kept clean

54. An owner or occupier of premises shall maintain in a clean condition, any footpath, pavement, area or right of way immediately adjacent to the premises.

Escape of Smoke etc.

55. (1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

Public Vehicles to be kept clean

56. The owner or person in control of a public vehicle shall—

- a) maintain the vehicle at all times—
 - i) in a clean condition; and
 - ii) free from vectors of disease; and
- b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

Prohibition against Spitting

57. A person shall not spit—

- a) on a footpath, street or public place; or
- b) in a train, bus or other public transport.

Transportation, Use and Storage of Offal or Blood

58. A person shall not transport or store offal or blood, for the purposes of being used as manure, unless it has been sterilised by steam and properly dried.

Use of Storage of Fertiliser

59. An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any—

- a) pig manure;
- b) human faeces; or
- c) urine

Storage and Despatch of Artificial Fertiliser

60. An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall—

- a) keep all artificial fertiliser in a building—
 - i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and
 - ii) free from damp and properly ventilated;
- b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and
- c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

Storage of Fertiliser in a House

61. The owner or occupier of a house where fertiliser or compost is stored or used shall—

- a) prevent the escape of odours, dust or particles of fertiliser or compost;
- b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- c) store only such amounts of fertiliser or compost—
 - i) as can be readily used within a reasonable period; or
 - ii) as may be directed by the Principal Environmental Health Officer

(2) A person who obtains approval from the Council shall comply with any conditions imposed by the Council and set out in the approval.

Removal of Rubbish from Premises or Receptacle

48. (1) A person shall not remove any rubbish or refuse from premises unless that person is—

- a) the owner or occupier of the premises;
- b) authorised to do so by the owner or occupier of the premises; or
- c) authorised in writing to do so by the Council.

(2) A person shall not, without the approval of the Council or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

Burning Rubbish or Refuse

49. (1) A person shall not—

- a) without the written approval of the Principal Environmental Health Officer; and
- b) except in accordance with the terms and conditions to which the approval is subject; set fire to, or cause to be set on fire, any rubbish or refuse either—
- c) in any incinerator; or
- d) on the ground.

(2) Subject to subsection (3), an approval of the Principal Environmental Health Officer is issued subject to the following conditions—

- a) the material to be burnt
 - i) does not include any plastic, rubber, food scraps, green garden cuttings or other material offensive when burnt; and
 - ii) is of such quantity, or of such a nature, as not to be suitable for removal by the Council's refuse collection service;
- b) there is no other appropriate means of disposal;
- c) burning shall not take place—
 - i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
 - ii) where there is no current dispersion alert, outside the hours of 10.00am to 3.00pm;
- d) an incinerator must meet the minimum standards specified in A.S. 1875-1976; and
- e) an incinerator unit used for fire must be located—
 - i) at least 3 metres from a fence or building; and
 - ii) in such position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the Bushfires Act 1954, the Chief Bushfire Control Officer may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.

Division 3—Transport of Butchers' Waste

Interpretation

50. In this Division, unless the context otherwise requires—

"butchers' waste" includes animal skeletons and rib cages from a boning room and the inedible products of an abattoir.

Restriction of Vehicles

51. A person shall not use, for the transport of butchers' waste—

- a) a vehicle used for the transport of food or drugs; or
- b) anything intended to be used for the packing or handling of food or drugs.

Transport of Butchers' Waste

52. (1) A person shall not transport butchers' waste otherwise than in—

- a) compartment complying with the following specifications—
 - i) the floor and 4 walls to be made of ~~sheet metal~~ *an approved impervious material* and the walls to be not less than 910 millimetres high;
 - ii) all joints to be welded, soldered or brazed and made water-tight;
 - iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
 - iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

- b) a water tight ~~metal~~ *divisible and impervious* container fitted with a lid which can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are—

- a) maintained in good order and condition; and

*Division 2—Keeping of Animals***Cleanliness**

62. An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—
- keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
 - when so directed by an Environmental Health Officer, clean and disinfect the premises; and
 - keep the premises, so far as possible, free from flies or insects by spraying with a residual insecticide or other effective means.

Animal Enclosures

63. (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Principal Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

Cats

64. (1) Subject to sub-section (5), a person shall not, without an exemption in writing from the Council, keep more than 3 cats over the ages of 3 months on premises on any land—
- within the residential zone of the Shire of Coolgardie, District Town Planning Scheme No4; or
 - used for residential purposes.
- (2) Any owner or occupier of premises may apply in writing to the Council for exemption from the requirements of sub-section(1).
- (3) The Council shall not grant an exemption under this section unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
- (4) An exemption granted under this section shall specify—
- the owner or occupier to whom the exemption applies;
 - the premises to which the exemption applies; and
 - the maximum number of cats which may be kept on the premises.
- (5) A person may keep more than 3 cats on premises used for veterinary purposes or as a pet shop.

Slaughter of Animals

65. (1) Subject to subsection (2), a person shall not slaughter any animal within the district.
- (2) Subsection (1) does not apply to—
- euthanasia of animals by veterinarians or duly authorised persons.
 - slaughter of animals for the purposes of pet meat and game meat operations;
 - slaughter of animals for human consumption in abattoirs approved by the Council; and
 - farming property occupiers preparing meat for their own consumption.

Disposal of Dead Animals

66. (1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (2) An owner, or person having the care, of any animals that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

*Division 3—Keeping of Large Animals***Interpretation**

67. In this Division, unless the context otherwise requires—
- “**approved animals**” means a horse, cow or large animal the subject of an approval by Council under section 68;
- “**cow**” includes an ox, calf or bull;
- “**horse**” includes an ass, mule, donkey or pony; and
- “**large animal**” includes a pig, sheep or goat.

Stables

68. (1) An owner or occupier of premises within the gazetted town sites shall not keep a horse, cow or large animal on those premises without the written approval of the Council.
- (2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall—
- not be situated within 15 metres of a house or other premises;
 - have a proper separate stall—
 - for each horse or cow; and
 - the floor area of which shall be a minimum of 6 square metres;
 - have each wall and roof constructed of an impervious material;
 - have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

- e) have a floor, the upper surface of which shall—
 - i) be raised at least 75 millimetres above the surface of the ground;
 - ii) be constructed of cement, concrete or other similar impervious materials; and
 - iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.
- (3) The owner or occupier of premises on which a stable is located shall—
 - a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;
 - b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
 - c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

Proximity of Animals to a Dwelling House

69. The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

Manure Receptacle

70. An owner or occupier of premises on which an approved animal is kept shall—
- a) provide in a position convenient to the stable a manure receptacle. The receptacle should be constructed from durable impervious material and designed in such a way as to be easily cleaned. The receptacle must be fitted with a tight fitting hinged cover;
 - b) keep the lid of the receptacle closed except when manure is being deposited or removed;
 - c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
 - d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
 - e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 4—Keeping of Poultry and Pigeons

Interpretation

71. In this Division, unless the context otherwise requires—

“poultry” includes fowls, peafowls, turkeys, geese, ducks and other domestic fowls;

“the Prohibited Area” means that portion of the district within the boundaries of Kambalda and Kambalda West town sites.

*Amend 30 May 2003
P1915*

Limitation on Numbers of Poultry and Pigeons

72. (1) An owner or occupier of premises in the Prohibited Area shall not keep or permit to be kept on the premises any poultry or pigeons.

(2) An owner or occupier of premises—

- a) who is not an Affiliated Person, shall not keep a combined total of more than 20 poultry and pigeons; and
- b) who is an Affiliated Person, shall not keep a total of more than 150 pigeons; and 12 poultry on any one lot of land.

(3) In this section, “Affiliated Person” means a person who is a member of—

- a) the Pigeon Racing Federation of Western Australia;
- b) the Fancy Utility Pigeon Club of Western Australia;
- c) the Southern District Pigeon and Bantam Club, or
- d) any other properly constituted Poultry or Pigeon Club.

*Amend Item 21
30 May 2003
P1915*

Conditions of Keeping Poultry

73. A person who keeps poultry or permits poultry to be kept shall ensure that—

- a) no poultry is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
- d) no poultry is able to approach within 18 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Council has approved a lesser distance.

Roosters

74. (1) An owner or occupier of premises shall not—

- a) without the written approval of the Principal Environmental Health Officer; or
- b) except in accordance with any conditions imposed by the Principal Environmental Health Officer in connection with the approval under paragraph (a),

keep or permit a rooster to be kept on the premises.

(2) The Principal Environmental Health Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of roosters.

Pigeons or Doves

75. A person who keeps, or permits to be kept, pigeons or doves shall ensure that—

- a) none is able to approach with 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that is in a yard having an otherwise unobstructed area of at least 30 square metres.

Removal of Non-Conforming Structure or Enclosure

76. (1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of sections 73 and 75, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this section.

Restrictions on Pigeons Nesting or Perching

77. (1) The Council may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the council order under this section.

PART 6—PEST CONTROL

Division 1—Flies

Interpretation

78. In this Division, unless the context otherwise requires—

“flies” means any of the two-winged insects constituting the order Diptera commonly known as flies.

Fly Breeding Matter Not To Be Left on Premises Unless Covered or Treated

79. An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

Measures to be taken by an Occupier

80. An owner or occupier of premises shall ensure that—

- a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- c) lawn clippings used on gardens as mulch are raked out thinly;
- d) fertilisers are dug well into the soil;
- e) compost heaps are kept well covered;
- f) barbecues are kept clean and free from food scraps;
- g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- h) excrement from pets is collected and properly disposed of without delay.

Officer May Give Notice Directing Measurers to be Taken

81. Where in the opinion of an Environmental Health Officer flies are prevalent or are breeding on any premises, the Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Officer are necessary to—

- a) control the prevalence;
- b) effect the eradication; or
- c) effectively prevent the breeding

of flies.

Council May Execute Work and Recover Costs

82. (1) Where—

- a) a person is required under this Division or directed by a notice given under section 81 to execute any work; and
- b) that person fails or neglects to comply with the requirement,

the Council may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these local laws.

(2) The costs and expenses incurred by the Council in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Council under this section.

Division 2—Mosquitoes

Interpretation

83. In this Division, unless the context otherwise requires—

“mosquitoes” means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes.

Premises to be Kept Free of Mosquito Breeding Matter

84. An owner or occupier of premises shall keep the premises free of—

- a) refuse; and
- b) water located so as to be,

liable to become the breeding place of mosquitoes.

Measures to be Taken By An Owner or Occupier

85. An owner or occupier of premises—

- a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water—
 - i) stocked with mosquito destroying fish; or
 - ii) covered with a film of petroleum oil or other larvicide; and
- b) where there is a water tank, well, cistern, vat or barrel, shall—
 - i) keep it protected with a mosquito-proof cover; and
 - ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

Measures to be Taken by Occupier

86. An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- a) frequently change the water; and
- b) keep the water clean and free from vegetable matter and slime.

Removal of Undergrowth of Vegetation

87. (1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this section.

Filling in Excavations etc.

88. Unless written permission to the contrary is obtained from the Council, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

Drains, Channels and Septic Tanks

89. An owner or occupier of land shall—

- a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- b) where a septic tank is installed on the land—
 - i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer; and
 - ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent into the tank.

Drainage of Land

90. An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the Council, effectively drain the land and, for that purpose, shall—

- a) make or provide drains on the land;
- b) remove all irregularities in the surface of the land;
- c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
 - i) the water on the land may flow into the drains without obstruction; and
 - ii) no water shall remain on any portion of the land other than the drains; and
- d) keep all drains in good order and free from obstruction.

*Division 3—Rodents***Interpretation**

91. In this Division, unless the context otherwise requires—

“**rodents**” means those animals belonging to the order Rodentia and includes rats and mice but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

Measures to be Taken to Eradicate Rodents

92. (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodent in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall—

- a) take effective measures to keep the premises free from rodents including—
 - i) protecting food stuffs;
 - ii) using a rodenticide bait or a properly baited trap; and
 - iii) preventing rodents having access to water on the premises;
- b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—
 - i) if it is not already dead, kill it immediately; and
 - ii) dispose of the carcass in such a manner as will not create a nuisance; and
- c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

Waste food etc. to be kept in rodent proof Receptacles

93. A person shall not place or cause to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises.

- a) any waste food, refuse or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or
- b) any food intended for birds or other animals, unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

Restriction on material affording harbourage for rodents

94. (1) An owner or occupier of premises shall cause—

- a) any part of the premises; or
- b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction give by an Environmental Health Officer under this section.

Food Premises etc. to be Cleaned After Use

95. An owner or occupier of a food premises, theatre or place of entertainment whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises have been used on that day or, if the use extends after midnight, then immediately after that use.

Restrictions on the Sale or Keeping of Rats

96. (1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises—

- a) keep or permit to be kept a rat; or
- b) sell or offer for sale or permit to be sold or offered for sale a rat.

(2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by—

- a) a university or school;
- b) a person approved by the Council; or
- c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927*.

(3) A person or body specified in subsection (2) which keeps rats for the purpose of scientific research or medical research shall—

- a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
- b) if a rat escapes, forthwith comply with the requirements of Section 92 and ensure that all reasonable steps are taken to destroy the rat.

*Division 4—Cockroaches***Interpretation**

97. In this Division, unless the context otherwise requires—

“**cockroach**” means any of the various orthopterous insects commonly known as cockroaches.

Measures to be Taken to Eradicate Cockroaches

98. (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—

- a) washing and storing, immediately after use, cooking and eating utensils;
- b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;
- c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
- d) whenever required by an Environmental Health Officer, treating any area with baits of other methods to eradicate cockroaches.

*Division 5—Argentine Ants***Interpretation**

99. In this Division, unless the context otherwise requires—

“**Argentine Ant**” means an ant belonging to the species *Irdomyrmex humilis*.

Measures to be taken to keep premises free from Argentine Ants

100. An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall—

- a) immediately notify the Council of any ant nest located on the premises suspected to be an Argentine Ant nest;
- b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;
- c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
- d) whenever required by an Environmental Health Officer—
 - i) treat any area or infestation with an insecticide referred to in paragraph c); and
 - ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

*Division 6—European Wasps***Interpretation**

101. In this Division, unless the context otherwise requires—

“**European Wasp**” means a wasp *Vespula germanica*.

Measures to be taken to keep premises free from European Wasp Nests

102. An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall—

- a) immediately notify the Council of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;
- b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nests; and
- c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

*Division 7—Bee Keeping***Interpretation**

103. In this Division, unless the context otherwise requires—

“**bees**” means an insect belonging to any of the various hymenopterous insects of the super family *Apoidea* and commonly known as a bee;

“**footpath**” includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

“**hive**” means a moveable or fixed structure, container or object in which a colony of bees is kept;

“**lot**” has the meaning given to it in the *Town Planning and Development Act 1928*; and

“**private street**” has the meaning given to it by the *Local Government (Miscellaneous Provisions) Act 1960*.

Limitation on numbers of Hives

104. (1) A person shall not keep or permit the keeping of bees except on a lot in accordance with this Division.

(3) The Council may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.

(4) The Council shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the Council or any of its staff or employees under this section.

Insanitary houses, premises and things

112. (1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) Where an Environmental Health Officer considers that—

- a) a house or premises is not being maintained in a sanitary condition; or
- b) any thing is insanitary,

the officer may, by notice in writing, direct as the case may be—

- i) the owner or occupier of the house or premises to amend any insanitary condition; or
- ii) the owner or occupier of the thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under sub-sections (2) or (3) shall comply with the terms of the notice.

Medical Officer may authorise disinfecting

113. (1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

(2) A person shall comply with any direction of the Medical Officer under this section.

Persons in contact with an infectious disease sufferer

114. If a person in any house, is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

- a) shall obey such instructions or directions as the Council or the Medical Officer may issue;
- b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and
- c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

Declaration of infected house or premises

115. (1) To prevent or check the spread of infectious disease, the Council or the Medical Officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

Destruction of infected animals

116. (1) The Principal Environmental Health Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

- a) in the manner and within the time specified in the notice; and
- b) by the person in whose possession, or upon whose premises, the animal is located.

(2) A person who has in his or her possession or upon premises occupied by him or her, an animal which is the subject of a notice under sub-section (1) shall comply with the terms of the notice.

Disposal of a body

117. (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to sub-section (2) cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

(2) A body shall not be removed from the premises where death occurred except to a cemetery or morgue.

Council may carry out work and recover costs

118. (1) Where—

- a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
- b) that person fails or neglects to comply with the requirement,

that person commits an offence and the Council may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the Council in the execution of a power under this section may be recovered in a court of competent jurisdiction from the person referred to in sub-section (1)(a).

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in sub-section (1)(a) in relation to any action taken by the Council under this section.

(2) Subject to sub sections (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(3) The Council may, upon written application, consent, with or without conditions to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.

(4) A person shall comply with any conditions imposed by the Council under subsection (3).

Restrictions on keeping of Bees in Hives

105. A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- a) an adequate and permanent supply of water is provided on the lot within 10 metres of the hives;
- b) the hive is kept—
 - i) outside and at least 10 metres from, any building other than a fence;
 - ii) at least 10 metres from any footpath, street, private street or public place; and
 - iii) at least 5 metres from the boundary of the lot; and
- c) the hive is enclosed on all sides by a fence, wall or other enclosure.

Bees which cause a nuisance not to be kept

106. (1) A person shall not keep, or permit the keeping of bees which cause a nuisance.

(2) The Council may direct any person to remove any bees or beehives which in the opinion of the Principal Environmental Health Officer are causing a nuisance.

(3) A person shall comply with a direction given under subsection (2) within the time specified.

Division 8—Arthropod Vectors of Disease

Interpretation

107. In this Division, unless the context otherwise requires—

Arthropod vectors of disease includes—

- a) fleas (*Siphonaptera*);
- b) bedbugs (*Cimex lectularius*);
- c) crab lice (*Phthirus pubis*);
- d) body lice (*Pediculus humanus* var. *corporis*);
- e) head lice (*Pediculus humanus* var. *capitis*); and
- ~~f) any other insect prescribed by the Council.~~

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Responsibility of the Owner or Occupier

108. The owner or occupier of premises shall—

- a) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

Environmental Health Officer may visit, inspect and report

109. An Environmental Health Officer—

- a) may visit and inspect any house, its occupants, fixtures and fittings; and
- b) who has reason to believe that there has been a breach of the Act, any regulation made under the Act or these local laws relating to infectious diseases, shall as soon as possible, submit a written report on the matter to the Council.

Requirements on owner or occupier to clean, disinfect and disinfect

110. (1) The Council or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice to clean, disinfect and disinfect—

- a) the premises; or
- b) such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under sub-section(1).

Environmental Health Officer may disinfect or disinfect premises

111. (1) Where the Council or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Council or the Medical Officer may direct an Environmental Health Officer, other Council officer or other person to disinfect and disinfect the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other Council Officer or other person to carry out the direction given under sub-section (1).

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- b) duly completed and signed by the proposed keeper; and
 c) accompanied by— *as fixed from time to time by Council under Section 344C of the Act.*
 i) the fee prescribed in Schedule 11; and
 ii) detailed plans and specifications of the lodging house.

Approval of Application

124. The Council may approve, with or without conditions, an application under Section 123 by issuing to the applicant a certificate in the form of Schedule 2.

Renewal of Registration

125. A person who keeps a lodging house which is registered under this Part shall—

- a) during the month of December in each year apply to the Council for the renewal of the registration of the lodging house; and

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1915* b) pay the fee ~~prescribed in Schedule 11~~ *as fixed from time to time by Council under section 344C of the Act.* at the time of making each application for renewal.

Notification upon sale or transfer

126. If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 3 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

Revocation of registration

127. (1) Subject to subsection (3), the Council may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection (1), the Council may revoke a registration upon any one or more of the following grounds—

- a) that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 b) that the keeper has—
 i) been convicted of an offence against these local laws in respect of the lodging house;
 ii) not complied with a requirement of this Part; or
 iii) not complied with a condition of registration.
 c) that the Council, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
 d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the Council shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and Use Requirements

General Construction Requirements

128. The general construction requirements of a lodging house shall comply with the Building Code.

Sanitary Conveniences

129. (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—

- a) toilets; and

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in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (1).

(3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall—

- a) be so situated, separated and screened as to ensure privacy;
 b) be apportioned to each sex;
 c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
 d) be provided with adequate electric lighting.

(6) Paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment.

*Division 2—Disposal of Used Condoms and Needles***Disposal of used condoms**

119. (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—

- a) placed in a sealed impervious container and disposed of in a sanitary manner; or
- b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

Disposal of used needles

120. A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

PART 8—LODGING HOUSES*Division 1—Registration***Interpretation**

121. (1) In this Part, unless the context otherwise requires—

“**bed**” means a single sleeping berth only, and a double bed provided for the use of couples has the same floor space requirements as 2 single beds;

“**bunk**” means a sleeping berth comprising one of 2 arranged vertically;

“**dormitory**” means a building or room utilised for sleeping purposes at a short term hostel or a recreational campsite;

“**keeper**” means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

“**lodger**” means a person who obtains, for hire or reward, board or lodging in a lodging house;

“**lodging house**” includes a recreational campsite, a serviced apartment and a short term hostel;

“**manager**” means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

“**recreational campsite**” means a lodging house—

- a) situated on a campsite principally used for—

- i) recreational, sporting, religious, ethnic or educational pursuits; or
- ii) conferences or conventions; and

- b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

“**register of lodgers**” means the register kept in accordance with section 157 of the Act and this Part;

“**resident**” means a person other than a lodger, who resides in a lodging house;

“**serviced apartment**” means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

“**short term hostel**” means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and includes a youth hostel or a backpacker hostel;

“**vectors of disease**” means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing the act to be done, or of preventing the act so forbidden from being done, as the case may be.

Lodging House not to be kept unless registered

122. A person shall not keep or cause, suffer or permit to be kept a lodging house unless—

- a) the lodging house is constructed in accordance with the requirements of this Part;
- b) the lodging house is registered by the Council under Section 124;
- c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- d) either—
 - i) the keeper; or
 - ii) a manager who, with the written approval of the Chief Executive Officer, has been appointed by the keeper to have the care and management of the lodging house, resides or intends to reside continuously in the lodging house.

Application for registration

123. An application for registration of a lodging house shall be—

- a) in the form prescribed in Schedule 1.

Laundry

130. (1) A keeper shall—

- a) Subject to subsection (2)—
 - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of a least one 45 litre stainless steel trough; and
 - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
- b) at all time maintain each laundry in a proper sanitary condition and in good repair;
- c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and
- d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section—

“laundry unit” means a group of facilities consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
- (c) either an electric drying cabinet or not less than 30 metres of clothes line,

and for which a hot water system is provided that—

- (d) is capable of delivering 136 litres of water per hour at a temperature of at least 75° C for each washing machine provided with the communal facilities; and
- (e) has a delivery rate of not less than 18 litres per minute to each washing machine.

Kitchen

131. The keeper of a lodging house shall provide in that lodging house a kitchen which—

- a) has a minimum floor area of—
 - i) where lodgers prepare their own meals—0.65 square metres per person;
 - ii) where meals are provided by the keeper or manager—0.35 square metres per person; or
 - iii) where a kitchen and dining room are combined—1 square metre per person, but in any case not less than 16 square metres;
- b) has adequate—
 - i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
 - ii) refrigerator space for storage of perishable goods;
- c) complies with the requirements of the Health (Food Hygiene) Regulations 1993;
- d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water; and
- e) has a delivery rate of not less than 18 litres per minute to each washing machine.

Cooking Facilities

132. (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by the Principal Environmental Health Officer in accordance with the following table—

NO OF LODGERS	OVENS	4 BURNER STOVES
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers (or part thereof) over 60

(2) The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Principal Environmental Health Officer.

Dining Room

133. The keeper of a lodging house shall provide in that lodging house a dining room—

- a) located in close proximity to, or combined with, the kitchen;
- b) the floor area of which shall be not less than the greater of—
 - i) 0.5 square metres per person; or
 - ii) 10 square metres; and
- c) which shall be—
 - i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - ii) provided with a suitable floor covering.

Lounge Room

134. The keeper of a lodging house shall provide in that lodging house a lounge room—

- a) with a floor area of—
 - i) where the lounge is not combined with the dining room - not less than 0.6 square metres per person; or
 - ii) where the lounge room is combined
 - iii) with a dining room—not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

- b) which shall be—
 - i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - ii) provided with a suitable floor covering.

Fire Prevention and Control

135. (1) A keeper shall—

- a) in each passage in the lodging house provide an emergency light—
 - i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and
 - ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and
- c) ensure that each illuminated exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as advised by the Western Australian Fire Brigades Board and approved by the Council.

Obstruction of passages and stairways

136. A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on—

- a) a stairway, stair landing, fire-escape, window or common passageway; or
 - b) part of the lodging house in common use or intended or adapted for common use,
- in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

Fitting of Locks

137. A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

Restriction on Use of Rooms for Sleeping

138. (1) Subject to sub-section (3) and section 170, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

- a) which contains food;
- b) which contains or is fitted with a cooking appliance or kitchen sink;
- c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
- d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- e) which except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
- f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
- g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
- h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
- i) which is not free from internal dampness;
- j) of which any part of the floor is below the level of the adjoining ground; or
- k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.

(2) For the purposes of this section, two children under the age of 10 years shall be counted as one lodger.

(3) Paragraphs a), b) and c) of sub-section (1) shall not apply to a serviced apartment.

Sleeping Accommodation—Short Term Hostels and Recreational Campsites

139. (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—

- a) 4 square metres per person in each dormitory utilising beds;

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required by the Building Code.

b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subsection (1), shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection(1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short term hostel or recreational campsite shall provide;

a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;

b) mechanical ventilation in lieu of fixed ventilation, subject Council's approval.

(6) The keeper of any short term hostel or recreational campsite shall provide;

a) beds with a minimum size of—

(i) in short term hostels—800 millimetres x 1.9 metres.

(ii) In recreational campsites—750 millimetres x 1.85 metres.

b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short term hostel or recreational campsite shall—

a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;

b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, ensure there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;

c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short term hostel or recreational campsite shall ensure that—

a) materials used in dormitory areas comply with AS1530.2¹⁹⁹³ and AS1530.3¹⁹⁹⁹ as follows—

drapes, curtains, blinds and bed covers —a maximum Flammability Index of 6;

upholstery & bedding —a maximum Spread of Flame Index of 6;

—a maximum Smoke Developed Index of 5;

Floor coverings —a maximum Spread of Flame Index of 7;

—a maximum Smoke Developed Index of 5;

Fire retardant coatings used to make a material comply with these indices must be—

i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;

ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5-4-1987^{2001.5-4-1987} Procedure 7A, using ECE reference detergent; and

iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,

b) emergency lighting is provided in accordance with the Building Code;

c) no person shall smoke in any dormitory, kitchen or dining room, within a short term hostel or recreational campsite. The keeper may permit smoking in a meeting or assembly hall area, within a short term hostel;

d) shall ensure all mattresses are fitted with a mattress protector.

Furnishing etc of Sleeping Apartments

140. (1) A keeper shall—

a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

b) ensure that each bed—

i) has a bed head, mattress and pillow; and

ii) is provided with a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and

c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

Ventilation

141. (1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

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(2) The keeper shall comply with any direction given under sub-section (1) within such time as directed.

Numbers to be placed on Doors

142. (1) A Keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—

- a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
- b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under sub-section (1) shall be—

- a) not less than 40 millimetres in height;
- b) 1.5 metres from the floor; and
- c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3—Management and Care

Keeper or manager to reside in the lodging house

143. Whenever there is one or more lodgers in a lodging house a keeper or manager shall—

- a) reside continuously in the lodging house; and
- b) not be absent from the lodging house ~~for more than 48 consecutive hours~~ unless he or she arranges for a reputable person to have the care and management of the lodging house.

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Register of Lodgers

144. (1) A keeper shall keep a register of lodgers in the form of Schedule 4.

(2) The register of lodgers shall be—

- a) kept in the lodging house; and
- b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

Keeper Report

145. A keeper shall, whenever required by the Council, report to the Council, in the form of Schedule 5, the name of each lodger who lodged in the lodging house during the preceding day or night.

Certificate in respect of sleeping accommodation

146. (1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.

(2) The certificate issued under sub section (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by the Principal Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

Duplicate Keys and Inspection

147. Each keeper and manager of a lodging house shall—

- a) retain possession of a duplicate key to the door of each room; and
- b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the officer.

Room Occupancy

148. (1) A keeper shall not—

- a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
- b) cause, suffer or permit to be placed or kept in any sleeping apartments—
 - i) a larger number of beds; or
 - ii) a larger quantity of bedding,than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
- c) use or cause, suffer or permit to be used for sleeping purposes a room that—
 - i) has not been certified for that purpose; and
 - ii) the Council or the Medical Officer has forbidden to be used as a sleeping apartment.

(2) For the purpose of this section, two children under 10 years of age shall be counted as one lodger.

Maintenance of a Room by a Lodger or Resident

149. (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

- (2) Where permission is given or a contract entered into under subsection (1), the keeper shall—
- a) inspect each room the subject of the permission or agreement at least once a week; and
 - b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

Cleaning and Maintenance Requirements

150. (1) A keeper of a lodging house shall—

- a) maintain in a clean, sound and undamaged condition—
 - i) the floor, walls, ceilings, woodwork and painted surfaces;
 - ii) the floor coverings and window treatments; and
 - iii) the toilet seats;
- b) maintain in a clean condition and in good working order—
 - i) all fixtures and fittings; and
 - ii) windows, door and door furniture;
- c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- d) whenever there is one or more lodgers in a lodging house ensure that the laundry floor is cleaned daily;
- e) ensure that—
 - i) all bed linen, towels, and house linen in use is washed at least once a week;
 - ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
 - iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
 - v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, effective action is taken to eradicate the vectors of disease; and
 - vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
- f) when so directed by the Principal Environmental Health Officer, ensure that—
 - i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- g) ensure that the yard is kept clean at all times;
- h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.

(2) In this section—

“**bed linen**” includes sheets and pillow cases and in the case of a short term hostel or a recreational campsite, mattress protectors.

Responsibilities of Lodgers and Residents

151. A lodger or resident shall not—

- a) use any room available to lodgers—
 - i) as a shop, store or factory; or
 - ii) for manufacturing or trading services;
- b) keep or store in or on the lodging house any goods or materials which are flammable, obnoxious or offensive.
- c) use a bath or wash hand basin other than for ablutionary purposes;
- d) use a bathroom facility or fitting for laundry purposes;
- e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- g) in a kitchen or other place where food is kept—
 - i) wash or permit the washing of clothing or bedding; or
 - ii) keep or permit to be kept any soiled clothing or bedding;
- h) subject to Section 170
 - i) keep, store, prepare or cook food in any sleeping apartment; or
 - ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;

- i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, that is infested with vectors of disease;
- j) store or keep such a quantity of furniture, material or goods within the lodging house—
 - i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of floors, walls, fittings or fixtures; or
 - ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

Approval for Storage of Food

152. (1) The Principal Environmental Health Officer may—
- a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
 - b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.
- (2) The keeper of a service apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9—OFFENSIVE TRADES

Division 1—General

Interpretation

153. In this Part, unless the context otherwise requires—
- “occupier” in relation to premises includes the person registered as the occupier of the premises in the Schedule 10 Certificate of Registration;
- “offensive trade” means any one or more of the trades, businesses or occupations usually carried on, in or connected with the following works or establishments—
- a) fat rendering premises;
 - b) flock factories;
 - c) laundries, dry cleaning premises and dye works;
 - d) any trade as defined by section 186 of the Act; and
 - ~~e) any other trade that, unless preventative measures are adopted, may become a nuisance to the health of the inhabitants of the district; and~~
- “premises” includes houses.

Consent to Establish an Offensive Trade

154. (1) A person seeking the consent of the Council under section 187 of the Act to establish an offensive trade shall—
- a) advertise notice of his intention to apply for consent in accordance with Section 173, and
 - b) lodge with the Chief Executive Officer an application in the form of Schedule 8.
- (2) A person who makes a false statement in an application under this section shall be guilty of an offence.

Notice of Application

155. A notice required under subsection (1)(a) shall—
- a) contain the name and address of the person who intends to make the application;
 - b) contain a description of the nature of the offensive trade;
 - c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
 - d) appear in a local daily newspaper at least two weeks but not more than one month before the application under subsection (1)(b) is lodged with the Chief Executive Officer.

Registration of Premises

156. An application for the registration of premises pursuant to section 191 of the Act shall be—
- a) in the form of Schedule 9
 - b) accompanied by the fee prescribed in the *Offensive Trades (Fees) Regulations 1976*; and
 - c) lodged with the Chief Executive Officer

Certificate of Registration

157. Upon the registration of premises for the carrying on of an offensive trade, the Council shall issue to the applicant a certificate in the form of Schedule 10.

Change of Occupier

158. Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

Specified Offensive Trades

169. (1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with the following works or premises—

- a) fat rendering premises;
- b) fish curing premises; and
- c) laundries, dry cleaning premises and dye works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—

- a) cause the floor of the premises to—
 - i) be properly paved and drained with impervious materials;
 - ii) have a smooth surface; and
 - iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
- b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.
- c) cause all liquid refuse to be—
 - i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and
 - ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

Directions

170. (1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this section.

Other Duties of Occupier

171. In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on by him.

*Division 3—Fat Rendering Establishments***Interpretation**

172. In this Division, unless the context otherwise requires—

"fat rendering establishments" means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

"the occupier" means the occupier of any premises on which the trade of fat rendering is carried on.

Exhaust Ventilation

173. The occupier shall provide and maintain—

- a) a hood which shall—
 - i) be of an approved design and construction;
 - ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - iii) extend a minimum of 150 millimetres beyond the length of each appliance; and
- b) an exhaust ventilation system—
 - i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
 - ii) which shall discharge in such manner and in such a position that no nuisance is created.

Covering of Apparatus

174. External parts of the fat rendering apparatus shall be constructed or covered with a smooth, non-corrosive impervious material, devoid of holes, cracks and crevices.

Rendering of Walls

175. The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

*Division 4—Flock Factories***Interpretation**

176. In this Division, unless the context otherwise requires—

"flock factory" means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and

"the occupier" means the occupier of a flock factory.

Alterations to Premises

159. While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatsoever to the premises.

Occupier Includes Employee

160. Where in any section contained in this Part, a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he were the occupier.

*Division 2—General Duties of an Occupier***Interpretation**

161. In this Division, unless the context otherwise requires—

“**occupier**” means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which offensive trade is carried on; and

“**the premises**” means those premises in or upon which an offensive trade is carried on.

Cleanliness

162. The occupier shall—

- a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

Rats and other Vectors of Disease

163. The occupier shall—

- a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
- b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

Sanitary Conveniences and Wash Basins

164. The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and wash hand basins, each with adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

Painting of Walls etc.

165. The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Environmental Health Officer.

Effluvia, Vapours or Gases

166. The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

Offensive Material

167. The occupier shall—

- a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- b) keep air-tight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- d) cause the contents of the receptacles to be removed from the premises at least once in every working day ~~and at such more frequent intervals as may be directed by a Principal Environmental Health Officer or whenever so directed by the Environmental Health Officer;~~ and
- e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

Storage of Materials

168. The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by smell or otherwise and so as to prevent the creation of a nuisance.

Amended 1ter 33
30 May 2003
P1916

New & Used Material

177. (1) Subject to subsection (2), the occupier shall not use for the manufacture of flock any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 20 minutes.

Collection and Removal of Dust

178. The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

Building Requirements

179. The occupier shall cause each building on the premises to comply with the following requirements—

- a) the floor shall be of concrete;
- b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and
- c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

Unclean Rags

180. A person shall not—

- a) collect, deliver, offer for sale or sell; or
- b) receive, store or deliver; or
- c) make flock from,

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle used for the storage or collection of refuse or rubbish.

Bedding and Upholstery

181. A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, retease, fill, refill or repair any—

- a) used bedding; or
- b) upholstery,

which is unclean, offensive, or infested with vectors of disease, unless the—

- c) material of which the bedding is made; or
- d) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

*Division 5—Laundries, Dry Cleaning Establishments and Dye Works***Interpretation**

182. In this Division, unless the context otherwise requires—

“dry cleaning establishments”—

- i) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

“dye works” means a place where articles are commercially dyed but does not include dye works in which provision is made for the discharge of all liquid waste therefrom, into a public sewer;

“exempt laundromat” means a premises in which —

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments.
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer.

“laundromat” means a public laundry with coin operated washing machines, spin dryers or dry cleaning machines; and

“laundry” means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

Receiving Depot

183. An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

Reception Room

184. (1) The occupier of a laundry, dry cleaning establishment or dye works shall—
- provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
 - cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

Walls and Floors

185. The occupier of a laundry, dry cleaning establishment or dye works shall cause—
- the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;
 - the floor to be impervious, constructed of concrete and finished to a smooth surface; and
 - every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

Laundry Floor

186. The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, with a width of at least 910 millimetres, so constructed as to prevent any person from standing in water on the floor.

Escape of Dust

187. The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

Precautions Against Combustion

188. The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

Trolleys

189. The occupier of a dry cleaning establishment shall—
- provide trolleys for the use of transporting dirty and clean linen; and
 - ensure that each trolley is—
 - clearly designated to indicate the use for which it is intended;
 - lined internally with a smooth impervious non-absorbent material that is easily cleaned; and
 - thoroughly cleaned and disinfected on a regular basis.

Sleeping on Premises

190. A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

PART 10—OFFENCES AND PENALTIES**Penalties**

191. A person who contravenes a provision of these local laws, commits an offence and is liable to—
- a penalty which is not more than \$1,000 and not less than—
 - in the case of a first or such offence, \$100;
 - in the case of a second or such offence, \$200;
 - in the case of a third or subsequent such offence, \$500; and
 - if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

Section 140

SCHEDULE 1
Shire of Coolgardie
Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

TO: Chief Executive Officer
Shire of Coolgardie

I/We,
(Full name of Applicant/s)

of
(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at.....

as a lodging house to be classified as—

- a lodging house;
- a short term hostel;
- night shelter; or
- serviced apartments

(Specify which is to apply)

and for my name to be entered in the Register as a keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of storeys.....

Rooms for private use

Area	Number
Laundries/toilets/bathrooms
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify)

Rooms for lodgers

	Number	Area
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other(Specify)
Sanitary Conveniences for Male Lodgers		
Toilets
Urinals
Baths
Showers
Wash hand basins

Sanitary Conveniences for Female Lodgers

Toilets
Baths
Showers
Wash hand basins

Laundry Facilities

Coppers
Washtroughs
Washing Machines
Drying Cabinet or	
Clothes Lines

Additional Details

- a) Lodgers' meals will be provided by the manager/keeper/lodgers.
- b) The keeper will/will not reside continuously on the premises.
- c) Name and occupation of proposed manager if keeper resides elsewhere,
- d) There will be.....Family members residing on the premises with the keeper/manager.

Application fee of \$..... is attached.

.....
(Signature of Applicant/s)

.....
(Date)

*Amended 30 May 2003
11916*

Schedule 141

SCHEDULE 2
Shire of Coolgardie
Health Act 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at.....are registered as a Lodging House and classified as:

- a lodging house
- a short term hostel
- serviced apartment

until 31st December 19....., on the following conditions:

1. That.....whose name is entered on the register of keepers of the Shire of Coolgardie, continues to be the keeper of the lodging house;
2. that....., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping apartments for lodgers is—
.....; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed
.....

This Certificate of Registration is issued subject to the Health Act 1911 and Health Local Laws of the Shire of Coolgardie and is not transferable.

Dated.....19.....

Principal Environmental Health Officer

Shire of Coolgardie

Fee Received: \$.....

Section 143

SCHEDULE 3
Shire of Coolgardie
Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

TO: Chief Executive Officer

Shire of Coolgardie

I/We,
(Full Name of Applicant/s)

of
(Residential Address of Applicant/s)

am/are the new owner/s of premises situated at.....

which are registered in the name of

for the carrying on of the lodging house business.

Signature of Applicant/s

Date

Section 161

SCHEDULE 4
Shire of Coolgardie
Health Act 1911
(Section 157)

REGISTER OF LODGERS

Location of Lodging House

Date of Arrival	Name	Previous Address	Signature	Room No	Date of Departure
.....
.....
.....
.....

Section 162

SCHEDULE 5
Shire of Coolgardie
Health Act 1911
LIST OF LODGERS

The Chief Executive Officer
Shire of Coolgardie

The following is the name of every person who resided in the lodging house at.....

on the..... day of..... 19.....

Signed..... Date:.....

(Keeper)

Section 163

SCHEDULE 6
Shire of Coolgardie
Health Act 1911
CERTIFICATE OF SLEEPING ACCOMMODATION

To:.....
(Name of Keeper)

of
(Address of Keeper)

For the registered lodging house situated at:

This room, No, can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than..... Persons at any one time.

Date

Environmental Health Officer

Schedule 163

SCHEDULE 7
Shire of Coolgardie
Health Act 1911
**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH MORE
THAN 20 SLEEPING APARTMENTS**

To:.....
(Name of Keeper)

.....
(Address of Keeper)

for the registered lodging house situated at

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

ROOM NUMBER:

MAXIMUM OCCUPANCY:

Date

Environmental Health Officer

Section 172

SCHEDULE 8
Shire of Coolgardie
Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
Shire of Coolgardie

I/We,
(Full Name of Applicant/s)

of
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being
(Description of Offensive Trade)

in or upon
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in
.....
(Date of Advertisement)

on

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

.....
(Signature of Applicant/s)

.....
(Date)

Section 174

SCHEDULE 9
Shire of Coolgardie
Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
Shire of Coolgardie

I/We,
(Full Name of Applicant/s)

of
(Residential Address of Applicant/s)

apply for registration, for the year ended.....
.....
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely.....
.....
(Description of Offensive Trade)

under the business name of.....
The prescribed registration fee of \$.....is attached.

.....
(Signature of Applicant/s)

.....
(Date)

Section 175

SCHEDULE 10
Shire of Coolgardie
Health Act 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at.....
.....

of which.....is the occupier, are registered for the
carrying on of the trade of

Trade Name.....

This registration expires on the.....19.....

Dated this..... day of19.....

.....
Principal Environmental Health Officer
Shire of Coolgardie

SCHEDULE 11
Shire of Coolgardie
Health Act 1911
PRESCRIBED FEES

Deleted
30 May 2003
p1916

<u>Schedule</u>	<u>Description</u>	<u>Prescribed Fee</u>
9	Registration of Lodging House	\$180.00
16	Registration of Offensive Trade	as per regulation

Passed at a meeting of the Council of the Shire of Coolgardie on 26 November 1998.

The Common Seal of the Shire of Coolgardie was hereunto affixed in the presence of—

W. M. INGHAM, President.
H. J. FRASER, Chief Executive Officer.

Consented—

Dr. C. F. QUADROS, Delegate of Executive Director,
Public Health.

— PART 1 —

LOCAL GOVERNMENT

LG301

HEALTH ACT 1911

SHIRE OF COOLGARDIE HEALTH AMENDMENT LOCAL LAWS 2000

Made by the Council of the Shire of Coolgardie under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the *Shire of Coolgardie Health Amendment Local Laws 2000*.

Principal local laws

2. In these local laws, the *Shire of Coolgardie Health Local Laws 1998* made under the *Health Act 1911* and passed by the Council of the Shire of Coolgardie on 26 November 1998, by notice published in the *Government Gazette* [No. 51 Special] on 31 March 1999, are referred to as the principal local laws.

Subsection 48(1) amended

3. The principal local laws are amended in Part 4, Division 2, by deleting subsection 48(1) and substituting the following—

- '(1) A person shall not remove any rubbish or refuse from a premises unless that person is—
- (a) the owner or occupier of the premises; or
 - (b) authorised in writing to do so by the owner or occupier of the premises and by the Council.'
-

Dated this 9th day of March 2001.

The Common Seal of the Shire of Lake Grace was affixed by the authority of a resolution of the Council in the presence of:

C. J. CONNOLLY, President.
N. HALE, Chief Executive Officer.

LG307

HEALTH ACT 1911

SHIRE OF COOLGARDIE HEALTH AMENDMENT LOCAL LAWS 2000

Made by the Council of the Shire of Coolgardie under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the *Shire of Coolgardie Health Amendment Local Laws 2000*.

Principal local laws

2. In these local laws, the *Shire of Coolgardie Health Local Laws 1998* made under the *Health Act 1911* and passed by the Council of the Shire of Coolgardie on 26 November 1998, by notice published in the *Government Gazette* [No. 51 Special] on 31 March 1999, are referred to as the principal local laws.

Subsection 48(1) amended

3. The principal local laws are amended in Part 4, Division 2, by deleting subsection 48(1) and substituting the following—

- '(1) A person shall not remove any rubbish or refuse from a premises unless that person is—
- (a) the owner or occupier of the premises; or
 - (b) authorised in writing to do so by the owner or occupier of the premises and by the Council.'

Passed at an ordinary meeting of the Council of the Shire of Coolgardie held on 27 July 2000.

The Common Seal of the Shire of Coolgardie was placed here in the presence of—

S. TRENOWDEN, President.
H. J. FRASER, Chief Executive Officer.

on this 20th day of December 2000.

Consented to—

Dr Virginia McLaughlin, delegate of Executive Director
Public Health.

Dated this 23rd day of January 2001.

LG308*

HEALTH ACT 1911

SHIRE OF WANDERING

HEALTH LOCAL LAWS 2001

Made by the Council of the Shire of Wandering under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These Local Laws may be cited as the "Shire of Wandering Health Local Laws 2001".

— PART 1 —

LOCAL GOVERNMENT

LG301*

HEALTH ACT 1911

SHIRE OF COOLGARDIE

HEALTH AMENDMENT LOCAL LAWS 2002

Made by the Council of the Shire of Coolgardie under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the *Shire of Coolgardie Health Amendment Local Laws 2002*.

Principal local laws

2. In these local laws, the *Shire of Coolgardie Health Local Laws 1998* made under the *Health Act 1911* and passed by the Council of the Shire of Coolgardie on 26 November 1998, and published in the *Government Gazette* (No.51 Special) on 31 March 1999; and amended by the *Shire of Coolgardie Health Amendment Local Laws 2000* made under *Health Act 1911* and passed by the Shire of Coolgardie on 27 July 2000 and published in the *Government Gazette* on 27 March 2001, are referred to as the principal local laws.

Principal local laws amended

3. The principal local laws are amended as described in the following schedule—

Item	Sections Affected	Description
1	3 (1)	In the definition of "Act", delete the words "and includes subsidiary legislation made under the <i>Health Act 1911</i> "
2	3 (1)	In the appropriate alphabetical position add the following definitions: "AS 1530.2: 1993" means the standard published by the Standards Association of Australia as AS 1530.2: 1993 and called "Methods for fire tests on building materials, components and structures - Tests for flammability of materials" "AS 1530.3: 1999" means the standard published by the Standards Association of Australia as AS 1530.3: 1999 and called "Methods for fire tests on building materials, components and structures - Simultaneous determination of ignitability, flame propagation, heat release and smoke release." "AS 1668.2 - 1991" means the standard published by the Standards Association of Australia as AS 1668.2 - 1991 and called "The use of mechanical ventilation and airconditioning in buildings - Mechanical ventilation for acceptable indoor-air quality." "AS 2001.1 - 1995" means the standard published by the Standards Association of Australia as AS 2001.1 - 1995 and called "Methods of test for textiles - Conditioning procedures." "AS/NZS 3666.2: 1995" means the standard published by the Standards Association of Australia as AS/NZS 3666.2: 1995 and called "Air-handling and water systems of buildings - Microbial Control - Operation and maintenance."
3	3 (1)	Delete the definition of "water" and substitute: "water" means drinking water within the meaning of the Australian Drinking Water Guidelines - 1996 as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time; and

Item	Sections Affected	Description
4	8	Delete the text of section 8 and substitute: "Toilets on premises other than a dwelling house shall, where more than one toilet is provided on the premises, bear, on the entrance to each toilet, a suitable sign indicating for which sex its use is intended"
5	9	Delete the text of section 9 and substitute: "A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the <i>Health (Temporary Sanitary Convenience) Regulations 1997</i> ."
6	11	Delete section 11 and substitute: "Ventilation of Toilets" 11. (1) A toilet in any premises shall be ventilated in accordance with the <i>Sewerage (Lighting, Ventilation and Construction) Regulations 1971</i> and the Building Code. (2) A mechanical ventilation system provided under subsection (1) shall be maintained in good working order and condition"
7	15	Delete section 15 and substitute: Bathrooms "15. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that— (a) is adequately lined with an impervious material and has an adequate ceiling; (b) complies with the <i>Health Act (Laundries and Bathrooms) Regulations</i> ' and (2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water."
8	16	Delete section 16 and substitute: "Laundries" "16. (1) A laundry must conform to the provisions of the Building Code. (2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed; the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling. (3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall— (a) not be more than 1220 millimetres wide; and (b) have a door which when closed shall completely fill the opening."
9	25 (2)	In paragraph (b) delete "AS1668.2" and substitute "AS1668.2:1991".
10	25 (3)	In paragraph (a) delete "AS3666" and substitute "AS/NZS 3666.2:1995".
11	25 (3)	Delete paragraph (b) and substitute: " (b) in use at all times the building is occupied, if it is a building without approved natural ventilation."
12	39	In the definition of "public place" delete the words: "waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse"
13	39	Delete the definition of "refuse disposal site"

Item	Sections Affected	Description
30	140	After subsection (2), insert new subsections (3) and (4) as follows; “(3) The sheets and blankets required to be provided by subsection (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire for the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper. (4) In a short term hostel or recreational campsite, the storage facilities required by subsection (1)(c) may be located in a separate secure storage room or locker room.”
31	143(b)	Delete the words “for more than 48 consecutive hours”
32	153	In the definition of “offensive trade”, delete paragraph (e).
33	167(d)	In paragraph (d), delete the words “and at such more frequent intervals as may be directed” and substitute the words; “or at such other intervals as may be approved or directed”.
34	Schedule 1	Delete the term “Coppers” from the table entitled “Laundry Facilities”.
35	Schedule 11	Delete Schedule 11.

Passed at an ordinary meeting of the Council of the Shire of Coolgardie held on the 27th day of February 2003.

The Common Seal of the Shire of Coolgardie was placed here in the presence of—

S. TRENOWDEN, President.
H. J. FRASER, Chief Executive Officer.

on this 30th day of April 2003.

Consented to—

MARGARET STEVENS, Executive Director,
Public Health.

Dated this 16th day of May 2003.

LG302*

HEALTH ACT 1911
SHIRE OF EAST PILBARA
HEALTH AMENDMENT LOCAL LAWS 2003

Made by the Council of the Shire of East Pilbara under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the “*Shire of East Pilbara Health Amendment Local Laws 2003*”.

Principal local laws

2. In these local laws, the *Shire of East Pilbara Health Local Laws 1999* made under the Health Act 1911 and passed by the Council of the Shire of East Pilbara on 10 December 1999, by notice published in the *Government Gazette* on 1 February 2000, are referred to as the principal local laws.

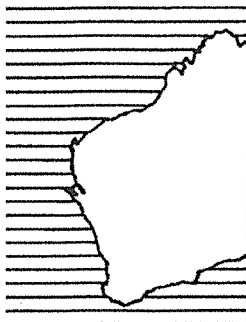
Item	Sections Affected	Description
14	39	After the definition of "receptacle" insert the following two new definitions: " "refuse disposal site" means a waste treatment facility or depot licenced under Part V of the <i>Environmental Protection Act 1986</i> to store, treat, reuse or dispose of rubbish or refuse; "rubbish or refuse" includes any filth, dirt, ashes, vegetation, garden effuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;."
15	49 (2)(d)	Delete "in A.S.1875-1976' and substitute "by Council"
16	49 (2)(e)(i)	Delete the numeral "3" before the word "metres" and substitute "2".
17	52 (1)(a)(i)	In subparagraph (i) delete the words "sheet metal" and substitute the words "an approved impervious material"
18	52 (1)(a)(ii)	In subparagraph (ii), insert the word and comma "sealed," before the word "welded"
19	52 (1)(b)	Delete the word "metal" and substitute "durable and impervious"
20	71	Delete the definition of "the prohibited area".
21	72	3. Delete section 72 and substitute the following— "72 (1) An owner or occupier of premises— (a) who is not affiliated person, shall not keep a combined total of more than 12 poultry and pigeons; and (b) who is an affiliated person, shall not keep a combined total of more than 100 pigeons and 12 poultry on any one lot of land; (2) In this section, "affiliated person" means a person who is a member of— (a) the Pigeon Racing federation of Western Australia; (b) the Fancy Utility Pigeon Club of Western Australia; (c) the Southern District Pigeon and Bantam Club; or (d) any other properly constituted Pigeon Club."
22	107 (f)	Delete paragraph (f).
23	123 (c)(i)	In paragraph (i), delete the words "prescribed in Schedule 11" and substitute the words "as fixed from time to time by Council under Section 344C of the Act".
24	125 (b)	In paragraph (b), delete the words "prescribed in Schedule 11" and substitute the words "as fixed from time to time by Council under Section 344C of the Act".
25	129 (1)	Delete paragraph (b) and substitute: "(b) bathrooms, each fitted with a wash hand basin and either a shower or a bath".
26	135 (2)	Delete the words "advised by the Western Australian Fire Brigades Board and approved by Council" and substitute "required by the Building Code".
27	139 (8)	In paragraph (a) delete "AS 1530.2 and AS 1530.3" and substitute "AS 1530.2 – 1993 and AS 1530.3 – 1999".
28	139 (8)	In subparagraph (a)(ii) delete "AS 2001.5.4-1987" and substitute "AS 2001.1 – 1995"
29	139 (8)(c)	Delete subsection (8)(c), and substitute: "(c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;"



Standing Orders 2000

Amended

8 June 2001



WESTERN
AUSTRALIAN
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Gazette

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LOCAL GOVERNMENT ACT 1995

SHIRE OF COOLGARDIE

LOCAL LAW
(STANDING ORDERS) 2000

LOCAL GOVERNMENT ACT 1995

SHIRE OF COOLGARDIE

LOCAL LAW (STANDING ORDERS) 2000

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LOCAL GOVERNMENT ACT 1995

SHIRE OF COOLGARDIE

STANDING ORDERS LOCAL LAW 2000

Under the powers conferred by the Local Government Act 1995 and of all other powers enabling it, the Council of the Shire of Coolgardie hereby records having resolved on the 28th day of September 2000 to make the following Standing Orders Local Law, to become effective 14 days after the date of its publication in the *Government Gazette*.

PART 1—PRELIMINARY

1.1 Citation

- (1) This Local Law may be cited as the *Shire of Coolgardie Standing Orders Local Law 2000*.
- (2) In the clauses to follow, this Local Law is referred to as "Standing Orders."

1.2 Application

All meetings of the Council or a committee are to be conducted in accordance with the Act, the Regulations and these Standing Orders.

1.3 Interpretation

- (1) In these Standing Orders unless the context otherwise requires—
 - "CEO" means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the Shire of Coolgardie;
 - "committee" means a committee of the Shire of Coolgardie;
 - "Council" means the Council of the Shire of Coolgardie;
 - "presiding member" means the person chairing the meeting;
 - "Regulations" means the *Local Government (Administration) Regulations 1996*;
 - "simple majority" is more than 50% of the members present and voting.
- (2) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

PART 2—CALLING MEETINGS

2.1 Calling Committee Meetings

A meeting of a committee is to be held—

- (a) if called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the committee.

2.2 Notice of Special Council Meetings

- (1) Subject to sub clause (2), the CEO is to convene a special meeting of the Council by giving each Council member at least 72 hours' notice of the date, time, place and purpose of the meeting.
- (2) Where there is a need to meet urgently, in the opinion of the President, the CEO may give notice of a special meeting of not less than 24 hours.

PART 3—BUSINESS OF THE MEETING

3.1 Business to be Specified on Notice Paper

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the person presiding or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.

(4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that—

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of Business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

- (a) Declaration of Opening/Announcement of Visitors
- (b) Public Question Time—
 - general items
 - agenda items
- (c) Apologies and Leave of Absence
- (d) Declaration of Members and Officers Financial Interests
- (e) Petitions/Deputation's
- (f) Presidents Announcements
- (g) Confirmation of Minutes
- (h) Adoption of Standing, Occasional and Sundry Committee Meeting Minutes
- (i) Matters referred from Previous Meetings
- (j) Notice of Motion
- (k) Reports
- (k) Matters for Information of Members
- (l) Urgent Business approved by the Meeting
- (m) Meeting be Closed to Members of the Public
- (n) Closure

*Amended (new clause
3.2 (1)
8 June 2001
P2926 Refer.*

(2) The order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.

(3) Notwithstanding sub clauses (1) and (2) in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(4) Notwithstanding sub clause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

3.3 Public Question Time

(1) A member of the public who raises a question during question time is to state his or her name and address.

(2) A question may be taken on notice by the Council or committee for a later response.

(3) When a question is taken on notice under sub clause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be given to each member of the Council or committee, and be included in the minutes of the meeting or the agenda of the next meeting.

3.4 Petitions/Deputation's

Petitions

A petition, in order to be effective, is to—

- (a) be addressed to the President;
- (b) be made by electors and residents of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the petitioners making the request, and the date signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name and address of the person to which notice to the petitioners can be given;
- (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is—
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a proposal to create a new district or the boundaries of the Local Government;
 - (iii) a request for a poll on a recommended amalgamation;
 - (iv) a submission about changes to wards, the name of a district or ward or the number of Councillors for a district or ward.

Deputations

(1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member.

*Deleted
8 June 2001
P2926.*

(2) The President or the Presiding Member may either approve the request, in which case the CEO is to invite the deputation to attend a meeting of the Council or committee, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.

(3) A deputation invited to attend a Council or committee meeting—

- (a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
- (b) is not to address the meeting for a period exceeding 15 minutes without the agreement of the meeting.

(4) Any matter which is the subject of a deputation is not to be decided by the Council or that committee until the deputation has completed its presentation.

3.5 Confirmation of Minutes

(1) If a member is dissatisfied with the accuracy of the minutes, then he or she is to—

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.6 Announcements by the Person Presiding Without Discussion

(1) At any meeting of the Council or a committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.

(2) Any member may move that a change in order of business proposed by the person presiding not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

3.7 Matters for which Meeting May be Closed to the Public

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be closed to the public, and that matter is to be deferred for consideration as a latter item of the meeting.

3.8 Motions of which Previous Notice has been Given

(1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

(2) A notice of motion under sub clause (1) is to be given at least eight (8) clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good government of persons in the district.

(4) The CEO—

- (a) with the agreement of the President, may exclude from the notice paper any notice of motion or question deemed to be out of order; or
- (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
- (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.

(6) A motion of which notice has been given is to lapse unless—

- (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(7) If a notice of motion is given and lapses in the circumstances referred to in sub clause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

3.9 Urgent Business Approved By the Presiding Person or by Decision of Members Present

(1) In cases of urgency or other special circumstances, matters may, with the consent of the person presiding be raised without notice and decided by the meeting.

(2) Any member may move that the urgent business proposed to be raised by the presiding person not be accepted and if carried by a majority of members present, the urgent business is not to be accepted.

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Inspection Entitlement

Members of the public have access to agenda material in the terms set out in Regulation 14 of the Local Government (Administration) Regulations 1996.

4.2 Confidentiality of Information Withheld

(1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be—

- (a) identified in the agenda of a Council or committee meeting under the item "Matters for which meeting may be closed to the public"; and
- (b) marked "confidential" in the agenda.

(2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

PART 5—DISCLOSURE OF FINANCIAL INTERESTS**5.1 Separation of Committee Recommendations**

Where a member has disclosed an interest at a committee meeting, and that matter is contained in the recommendation to Council, then the recommendation concerned is to be separated on the agenda to enable the member concerned to declare the interest and leave the chamber prior to consideration of that matter only.

5.2 Member with an Interest may ask to be Present

(1) If the member wishes to stay for the discussion but not participate, then only the nature of the interest needs to be disclosed, and the request made to Council.

(2) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

5.3 Member with an Interest may ask Permission to Participate

(1) A member who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member be permitted to participate in the consideration and discussion of the matter or to vote on the matter, then the member may return to participate to the extent permitted.

5.4 Invitation to Return to Provide Information

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

5.5 Disclosures by Employees

(1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

(2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

PART 6—QUORUM**6.1 Quorum to be Present**

(1) The Council or a committee is not to transact business at a meeting unless a quorum is present.

6.2 Loss of Quorum During a Meeting

(1) If at any time during the course of a meeting a quorum is not present—

- (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either—
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or
- (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period of ten minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

(2) Where debate on a motion is interrupted by an adjournment under sub clause (1) (b) the debate is to be resumed at the next meeting at the point where it was so interrupted.

PART 7—KEEPING OF MINUTES

7.1 Content of Minutes

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

7.2 Preservation of Minutes

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the Local Government and are to be transferred to the Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

8.1 Official Titles to be Used

Members of the Council are to speak of each other in the Council or committee by their respective titles of President or Councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles or by title and surname.

8.2 Leaving Meetings

During the course of a meeting no member is to enter or leave the meeting without first advising the person presiding, so that the time of entry or departure can be recorded in the minutes.

8.3 Adverse Reflection

(1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.

(2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

8.4 Recording of Proceedings

(1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.

(2) This does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

8.5 Prevention of Disturbances

(1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.

(2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

PART 9—CONDUCT OF MEMBERS DURING DEBATE

9.1 Members Wishing to Speak

Every member of the Council wishing to speak is to indicate by show of hands.

9.2 Priority

In the event of two or more members of the Council wishing to speak at the same time, the person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

9.3 The Person Presiding to Take Part in Debates

The person presiding may take part in any discussion subject to the compliance to meeting procedure contained in these Standing Orders.

9.4 Relevance

Every member of the Council is to restrict comment to the motion or amendment under discussion, or to a personal explanation or point of order.

9.5 Limitation of Number of Speeches

9.6 Limitation of Duration of Speeches

9.7 Members Not to Speak After Conclusion of Debate

No member of the Council is to speak to any question after it has been put by the person presiding.

9.8 Members Not to Interrupt

No member of the Council is to interrupt another member whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.16; or
- (d) to move a motion under clause 11 (1)(e).

9.9 Re-Opening Discussion on Decisions

No member of the Council is to re-open discussion on any decision, except for the purpose of moving that the decision be revoked or changed.

PART 10—PROCEDURES FOR DEBATE OF MOTIONS**10.1 Motions to be Stated**

A motion or amendment must be moved before speaking to it.

10.2 Motions to be Supported

No motion or amendment to a motion is open to debate until it has been seconded or has the required support of the meeting. If a motion is not seconded, or does not have the required support, the motion lapses and the presiding member moves to the next item of business.

10.3 Unopposed Business

(1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

(2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.

(3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

(4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

(5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

10.4 Only One Motion Considered

When a motion is under debate at any meeting, no further motion is to be accepted.

10.5 Breaking Down of Complex Questions

The person presiding, or at the request of a member, may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

10.6 Order of Call in Debate

The person presiding is to call speakers to a motion in the following order—

- (a) the mover to state the motion
- (b) a seconder to the motion
- (c) the mover to speak to the motion
- (d) the seconder to speak to the motion
- (e) other speakers against and for the motion, alternating in view, if any
- (f) mover takes right of reply which closes debate.

10.7 Limit of Debate

The person presiding may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place and all members have had the opportunity to speak at least once.

10.8 Member May Require Questions to be Read

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

10.9 Consent of Secunder Required to Accept Alteration of Wording

The mover of a motion may not alter the wording of the motion without the consent of the seconder.

10.10 Order of Amendments

Any number of amendments may be proposed to a motion, but when an amendment is moved to a motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

10.11 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

10.12 Mover of Motion Not to Speak on Amendment

On an amendment being moved, if the person who moved the motion does choose to speak to the amendment, the right of reply is forfeited by that person.

10.13 Motion under Amendment

If an amendment to a motion is carried, the motion as amended then becomes the motion, on which any member may speak and any further amendment may be moved.

10.14 Withdrawal of Motion and Amendments

Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the matter can continue.

10.15 Limitation of Withdrawal

Where an amendment has been proposed to a motion, the motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.16 Personal Explanation

No member is to speak at any meeting, except upon the matter before the Council, unless it is to make a personal explanation. Personal explanation allows a member to clarify parts of a former speech which may have been misunderstood.

10.17 Personal Explanation—When Heard

A member wishing to make a personal explanation is entitled to be heard immediately. However, if the member speaking declines the explanation at that time, then the explanation is to occur at the conclusion of the speech in progress.

10.18 Ruling on Questions of Personal Explanation

The ruling of the person presiding on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

10.19 Right of Reply

- (1) The mover of a motion has the right of reply after which no other member is to speak.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.20 Right of Reply Provisions

The right of reply is governed by the following provisions—

- (a) if no amendment is moved to the motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the motion the mover of the motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 11—PROCEDURAL MOTIONS**11.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a motion, it is permissible for a member to move the following procedural motions—

- (a) that the Council (or committee) proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council (or committee) now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the person presiding be disagreed with;
- (g) that the meeting be closed to members of the public, if the motion relates to a matter under section 5.23 of the Act.

11.2 No Debate on Procedural Motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (d) and (e) of Clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Procedural Motions—Closing Debate—Who May Move

No person who has moved, seconded, or spoken for or against the motion, or any amendment may move any procedural motion which, if carried, would close the debate on the motion or amendment.

11.4 Procedural Motions—Right of Reply

The mover of the original motion still has the right of reply.

PART 12—EFFECT OF PROCEDURAL MOTIONS**12.1 Council (or Committee) to Proceed to the Next Business—Effect of Motion**

The motion "that the Council (or Committee) proceed to the next business", if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 Question to be Adjourned—Effect of Motion

(1) The motion "that the question be adjourned", if carried, causes all debate on the motion or amendment to cease but to continue at a time stated in the motion.

(2) If the motion is carried at a meeting of the Council the provisions of clause 10.7 apply when the debate is resumed.

12.3 Council (or Committee) to Now Adjourn—Effect of Motion

(1) The motion "that the Council (or committee) now adjourn", if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise.

(2) Where debate on a motion is interrupted by an adjournment under sub clause (1) the debate is to be resumed at the next meeting at the point where it was so interrupted.

12.4 Questions to be Put—Effect of Motion

(1) The motion "that the question be now put", if carried during discussion of a motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter to the vote without further debate.

(2) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

12.5 Member to be No Longer Heard—Effect of Motion

The motion "that the member be no longer heard", if carried, causes the person presiding to not allow the speaker against whom the motion has been moved to speak to the current motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the motion.

12.6 Ruling of the Person Presiding Disagreed With—Effect of Motion

The motion "that the ruling of the person presiding be disagreed with", if carried, causes the ruling of the person presiding about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

12.7 Meeting be Closed to Members of the Public—Effect of Motion

(1) Subject to any deferral under clause 3.8 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.

(2) When the public have been readmitted to the meeting, the person presiding, unless the Council or committee decides otherwise, is to read aloud the resolution(s) including the votes of the members to be recorded in the minutes under section 5.21 of the Act.

(3) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter closed to the public, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

PART 13—MAKING DECISIONS**13.1 Questions—When Put**

When the debate upon any question is concluded and the right of reply has been exercised the person presiding shall immediately put the question to the Council or the committee, and if so desired by any member of the Council or committee, shall again state it.

13.2 Question—Method of Putting

If a decision of the Council or a committee is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

PART 14—IMPLEMENTING DECISIONS**14.1 Implementation of a Decision**

(1) A decision of the Council or Committee is to be implemented except when a notice of motion to revoke or change the decision is received before any action has been taken to implement that decision. This notice of motion must have the required number of members to support it and either be—

(a) indicated by a show of hands if given during the same meeting at which the decision was made; or

(b) in writing if after the closure of the meeting.

(2) Implementation of a decision is only to be withheld under sub clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(3) The Council shall not vote on a motion to revoke or change a decision—

(a) if action has been taken to implement the decision; or

(b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has

been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;

- (c) without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

PART 15—PRESERVING ORDER

15.1 The Person Presiding to Preserve Order

The person presiding is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

15.2 Demand for Withdrawal

A member at a meeting may be required by the person presiding, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the person presiding may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

15.3 Points of Order—When to Raise—Procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member, who is speaking when a point of order is raised, is to immediately stop speaking while the person presiding listens to the point of order.

15.4 Points of Order—When Valid

The following are to be recognised as valid points of order—

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.

15.5 Points of Order—Ruling

The person presiding is to give a decision on any point of order that is raised by either upholding or rejecting the point of order.

15.6 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the person presiding upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

15.7 Points of Order Take Precedence

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

15.8 Precedence of Person Presiding

(1) When the person presiding calls for order during the progress of a debate, any member then speaking, shall cease to speak and every member present shall preserve strict silence so that the person presiding may be heard without interruption.

(2) Sub clause (1) is not to be used by the person presiding to exercise the right provided in clause 9.3, but to preserve order.

15.9 Right of the Person Presiding to Adjourn Without Explanation to Regain Order

If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

PART 16—ADJOURNMENT OF MEETING

16.1 Meeting may be Adjourned

(1) The presiding person may decide to adjourn any meeting to a later time on the same day or any other day.

(2) Any member may move that the adjournment not take place and if carried by the majority of members present then the adjournment will not take place.

16.2 Limit to Moving Adjournment

No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

16.3 Unopposed Business—Motion for Adjournment

On a motion for the adjournment of the Council or committee, the person presiding, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

16.4 Withdrawal of Motion for Adjournment

The mover, with the consent of the seconder may withdraw a motion or an amendment relating to the adjournment of the Council or a committee, except that if any member objects to the withdrawal, debate of the motion is to continue.

16.5 Time To Which Adjourned

The time to which a meeting is adjourned for want of a quorum, by the person presiding to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

PART 17—COMMITTEES OF THE COUNCIL**17.1 Establishment and Appointment of Committees**

A committee is not to be established except on a motion setting out the proposed functions of the committee and either—

- (a) the names of the Council members, employees and other persons to be appointed to the committee; or
- (b) the number of Council members, employees and other persons to be appointed to the committee and a provision that they be appointed by a separate motion.

17.2 Appointment of Deputy Committee Members

(1) The Council may appoint one or more persons to be the deputy or deputies to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

(2) Where a member of a committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.

17.3 Presentation of Committee Reports

When the report or recommendations of a committee are placed before the Council, the adoption of recommendations of the committee is to be moved by—

- (a) the Presiding Member of the Committee if the Presiding Member is a Council member and is in attendance; or
- (b) a Council member who is a member of the committee, if the Presiding Member of the Committee is not a Council member, or is absent; or
- (c) otherwise, by a Council member who is not a member of the committee.

17.4 Reports of Committees—Questions

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the person presiding to the Presiding Member or to any member of the committee in attendance.

17.5 Permissible Motions on Recommendation From Committee

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be—

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

17.6 Standing Orders Apply to Committees

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees.

PART 18—ADMINISTRATIVE MATTERS**18.1 Suspension of Standing Orders**

(1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.

(2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

18.2 Cases not Provided for in Standing Orders

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final, except where a motion is moved and carried under clause 11.1 (f).

18.3 Enforcement of Standing Orders

Whenever any person is alleged to be in breach of these Standing Orders or of any of their provisions, the President may lay, or in writing cause to be laid, the information before a Justice of the Peace for the purpose of summoning the persons offending and shall afterwards appear and prosecute the charge or arrange for the charge to be prosecuted.

18.4 Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw the attention of the Council any breach or likely breach of these Standing Orders, even if it requires interrupting any person speaking, including the President.

PART 19—COMMON SEAL**19.1 The Council's Common Seal**

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

(3) The common seal of the Local Government is to be affixed to any local law that is made by the Local Government.

(4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty not exceeding \$5000.

Dated this 28th day of September 2000.

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

S. TRENOWDEN, President.

H. J. FRASER, Chief Executive Officer.



Item	Sections Affected	Description
2.	5.1(a)(i)	Delete subparagraph 5.1(a)(i) and substitute "under the age of 10 years and who is unaccompanied by a responsible person."

Passed at a meeting of the Shire of East Pilbara held on 27 April 2001.

The Common Seal of the Shire of East Pilbara was hereunto affixed in the presence of—

ALAN COCHRANE, Shire President.
ALLEN COOPER, Chief Executive Officer.

on this 27th day of April 2001.

LG304*

LOCAL GOVERNMENT ACT 1995

Shire of Coolgardie

LOCAL LAW (STANDING ORDERS AMENDMENT) 2000

Made by the Council of the Shire of Coolgardie in accordance with subdivision 2 of Part 3 of the Local Government Act 1995.

Citation

1. These local laws may be cited as the Shire of Coolgardie Local Law (Standing Orders Amendment) 2000.

Principal Local Laws

2. In these local laws, the Shire of Coolgardie Local Law (Standing Orders) 2000 made under the Local Government Act 1995 and passed by the Council of the Shire of Coolgardie on 28 September 2000, by notice published in the Government Gazette [No. 231 Special] on 6 November 2000, are referred to as the principal local laws.

Subsection 3.2(1) amended

3. The principal local laws are amended by deleting subsection 3.2(1) and substituting the following—

- (1) The order of business at an ordinary meeting of the Council is to be as follows—
 - (a) Declaration of Opening/Announcement of Visitors
 - (b) Record of Attendance/Apologies/Approved Leave of Absence
 - (c) Response to Previous Public Questions Taken on Notice
 - (d) Public Question Time
 - (e) Applications for Leave of Absence
 - (f) Confirmation of Minutes of Previous Meetings
 - (g) Announcements by Presiding Person without Discussion
 - (h) Petitions/Deputations/Presentations/Submissions
 - (i) Reports of Committees
 - (j) Reports of Officers
 - (k) Elected Members Motions of which Previous Notice has been Given
 - (l) New Business of an Urgent Nature Introduced by Decision of Meeting
 - Elected Members
 - Officers
 - (m) Closure of Meeting

subject to Council being able to review the order of business for meetings from time to time and to make changes as are considered appropriate by absolute majority, without the need to amend these Standing Orders.

Passed at an ordinary meeting of the Council of the Shire of Coolgardie held on 24 May 2001.

The Common Seal of the Shire of Coolgardie was placed here in the presence of—

S. TRENOWDEN, President.
H. J. FRASER, Chief Executive Officer.

Dated this 6th day of June 2001.