

**THE ROAD DISTRICTS ACT, 1919.**

Wagin Road Board.

**Department of Works and Trading Concerns,**

Perth, 27th March, 1923.

Ex. Co. 797; Pw. 2924/22.

IT is hereby notified, for general information, that His Excellency the Governor in Council has approved of the attached By-laws of the Wagin Road Board, in accordance with the provisions of "The- Road Districts Act, 1919."

H.W. STANLEY-LOW,  
Acting Under Secretary for Works and Trading Concerns.

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**WAGIN DISTRICT ROAD BOARD.**

*By laws of the Wagin Road Board.*

WHEREAS by "The Road Districts Act, 1919," the Road Board of any District is empowered to make Bylaws for all or any purposes in the said Act mentioned, the Wagin Road Board, in pursuance of the powers vested in the said Board under and by virtue of the said Act and of every other authority enabling it in that behalf, doth hereby make and publish the following Bylaws: -

**Interpretations.**

1. In these by-law's the interpretations set out in "The Road Districts Act, 1919," shall apply, in addition to which, the following terms shall, unless the context otherwise indicates, bear the meaning set against them, in the Road Districts Act, or respectively, that is to say: -  
"The Act" - "The Road Districts Act, 1919," and all amendments thereto which may hereafter come into force.  
"Board" - The Wagin Road Board.  
"Board Room" shall be the office, hall, or building in which the meeting of the Board is held from time to time.  
"District" - The District under the jurisdiction of the Wagin Road Board.  
"Secretary" the Secretary of the Board.

All other interpretations to be as prescribed in the Road Districts Act or other Acts or regulations thereunder.

**Duties of Secretary.**

2. The duties of the Secretary shall be:
  - (a) To attend all Board meetings.
  - (b) To attend all Committee meetings.
  - (c) To take notes of minutes and prepare reports of Committees.
  - (d) Conduct all correspondence, and to give the other officers instructions as directed by the minutes and carry out the resolutions of the Board as contained in such minutes.
  - (e) Answer all questions on the Board 's business.

- (f) See that the accounts are audited once a year, and the balance sheets prepared and published yearly in the *Government Gazette*, and any other duties specified under "The Road Districts Act, 1919."
  - (g) Prepare and place before the Board the quarterly financial statement at the end of each quarter of the 'financial year, and enter the same on the minutes as required by the Att.
  - (h) Supervise the preparations of the rate-books and the Board's electoral lists; to examine proof of the latter, and to arrange for the distribution of copies prior to elections; also to attend all courts of revision or appeal; to make the necessary arrangements for the elections; to issue instructions to the supervisor in accordance with the Board's resolution.
  - (i) Summon, the members to Board and Committee meetings.
  - (j) Keep all books entered up to date in accordance with instructions issued by the Minister, and additional instructions of Board.
  - (k) Check all accounts sent into tile Board, and see all accounts for works have stated in them the authority under which such works have been done, and to check all returns made by the Collector or other of the Board's officers, and see that the counterfoils of the receipt book accompany all returns; to supervise and attend to the due payment of all moneys coming through the hands of the Board's officers and payable to the credit of the Board.
  - (l) Report to the Board at its next meeting any officer neglecting to make his returns as provided, with the necessary vouchers attached thereto.
  - (m) To pay into the bank after receipt, to the credit of the Board, all moneys received by him on behalf of the Board when such moneys shall amount in the aggregate to the sum of or over, with the exception of moneys granted by the Government, which, are paid into Treasury book.
  - (n) No money shall be paid into the bank to the credit of the Board by ant- officer of the Board except by or through the Secretary, as directed by the Board, and the Secretary shall give all receipts on printed forms.
  - (o) Readily and cheerfully obey all lawful commands or orders of the Board, and to attend. to all other matters affecting the finances and welfare of the Board and not herein specified.
  - (p) See that all bonds and other forms of security to lie taken from the contractors are prepared, and that the security required of servants is taken within due time, and report as to such matters to the Board.
  - (q) Report to the Chairman tiny servant of the Board who has been guilty of any neglect of duty or who is incapable of performing the duties allotted to him.
  - (r) Exercise, subject to any directions given by the Board or Chairman, control over all servants of the Board.
3. (a) All current books and legal documents when not in actual use shall be kept in the strong room or safe.
- (b) One key of the strong room or safe shall be kept in the personal custody of the Secretary, and the duplicate lodged at the bank, in the names of the Chairman and one member of the Board.
- (e) The Cash Books must be written up to the close of the day preceding the day of banking, or upon the day of banking as the case may warrant, and the amount of the bank lodgment entered bank lodgment column of the Cash Book and dated.

- (d) Regular bankings must be made every Saturday morning of all moneys in hand of the :Board, or daily if circumstances warrant, in order to comply with the provisions of the Act.
- (e) The money shall be banked to the Board's credit at the Commonwealth Bank, or such other bank as the Board may, from time to time, direct, by the Secretary or such other officer as he may direct.
- (f) the event of any officer whose duty it should be by these regulations to bank money failing to do so for any cause whatever, the duty shall devolve upon the next officer in seniority, who shall bank the money and report the occurrence to the Chairman in writing.
- (g) All moneys in hand belonging to the Board which cannot be banked at the close of the day must be locked up in the Board's strong room or safe, by the Secretary, or, if he is absent, by the officer next in seniority.
- (h) Full particulars of all cheques and moneys included in each bank lodgment must be entered in the Bank Lodgment Book by the officer entrusted with the banking, who shall also get the same duly receipted or endorsed by the bank at each lodgment.
- (i) All books, including the Rate Book and personal Ledgers, must be written up to date, at least every seven days, when totals should be balanced to agree with bank lodgments.
- (j) All accounts must be rendered within the first seven clays of each month. In the event of this action not being taken particulars of accounts, together with particulars of delays, must be reported, in writing, to the Chairman by the Secretary.
- (k.) The Secretary must balance the books (in ink) and make out the quarterly statement at the end of every quarter. The books and quarterly statement shall be then laid on the table of the Board at the first meeting in each quarter for the inspection of members.
- (l) All stores and requirements of the Board must be obtained by issue of official orders signed by the Secretary.
- (m) Any officer who fails or neglects to comply with any of these By-laws or regulations shall be suspended.

**Duties of Supervisor.**

4. The duties of the Supervisor shall be:

- (a) The Supervisor shall have the control of works, plant, and all property of the Board, and shall issue instructions to the Foreman and shall see that same are faithfully carried out. Should the foreman be guilty of insubordination or disobedience, or be found incapable of performing the duties allotted to him, the Supervisor shall report the matter to the Chairman, who shall inquire into the matter and, if necessary, shall suspend the Foreman and report the matter to the next meeting of the Board.
- (b) To prepare proper plans and specifications for all works and improvements as regards roads and culverts under the control of the Board; examine all materials to be employed in such works, and to see the same faithfully and properly executed and performed, and watch the progress and formation thereof; submit all specifications and plans to the Board before tenders are called.

- (c) To see that the work of cleaning and repairing all public roads and footways is properly carried out.
- (d) To see that no labourers are engaged but those who are able-bodied and sober.
- (e) To see that all drains, sewers, culverts, and bridges are maintained in a state of efficiency.
- (f) To see that all servants under his control carry out their duties efficiently, and to report any departure therefrom.
- (g) To attend all Board and Committee meetings if required.
- (h) To specially examine all roads throughout the district at least once each six months, or as required by the Board.
- (i) To supply monthly, or as required, to the Board returns of all work completed or in progress, with remarks thereon.

**Duties of Collector.**

- 5. (a) The Collector shall collect moneys that may be due to the Board, issuing receipts for payment, and entering particulars of all payments in the book for that purpose.
- (b) He shall pay all such moneys as are collected from day to day to the Secretary of the Board, who shall check all such entries on receiving the moneys answering thereto, and shall initial such entries.

**Appointments of Officers.**

- 6. (a) No permanent appointment shall be made to any office under the Board until after an advertisement has been published in one or more local newspapers calling for applications from persons competent to fill such an appointment. All appointments shall be made by resolution passed by the Board. In the event of there being more than one applicant for such appointment, the election thereto shall be conducted by ballot, so as to obtain an absolute majority of the members present.
- (b) The election of all other officers shall be conducted by a show of hands, unless a ballot be demanded, in which case the procedure in the foregoing By-law shall be followed.
- 7. The salary or allowance attached to the office under consideration of the Board shall be fixed in all cases preceding the election, and the salary of any officer when fixed shall not at any time be considered with a view to its increase or reduction, unless specially authorised by a meeting of the Board, at which a majority of the members are present.
- 8. All complaints against servants of the Board must be in writing, and must in every case be signed by the person or persons complaining, and 110 notice whatever shall be taken of any complaint not made in accordance with this By-law. All such complaints as are receivable may be addressed to the Chairman, who, upon the receipt of such complaints, shall have power to investigate the same, and he shall report thereon to the Board at their next meeting.

**Meetings and Proceedings.**

- 9. Notice shall be given in writing by the Chairman or Secretary of ordinary or regular meetings, and also of every meeting adjourned for a term exceeding six days.
- 10. Meetings of the Board shall be of two kinds "Ordinary" and "Special." Ordinary meetings are the regular meetings held in pursuance of these By-laws for the transaction of the general business of the Board, including meetings adjourned for the purpose of any

incomplete business, but an adjourned meeting would not exclude any business which was considered necessary to transact. Special meetings are those called under Section 130 of the Act, and shall include those called by the Chairman in response to a requisition signed by three members on his own behalf, and the notices for such special meeting shall have such special business notified thereon, for which the meeting was called, and for which each member shall receive seven days notice. No business shall be transacted at a special meeting other than that for which the special meeting was called, provided that any matter of emergency can be discussed, with the ruling of the Chairman and the consent of those present. The ratepayers meeting shall consist of one called under Section 143 of the Road Districts Act, and the Standing Orders shall, so far as the Act allows, apply to the proceedings, but the provisions of the act shall be first dealt with. The Chairman, if present, shall preside at all meetings of ratepayers and of the Board, and in his absence, or after being present, he shall retire, one of the ratepayers chosen by the ratepayers or members of the Board, as the case may be, shall preside.

11. Ordinary meetings shall be held at the office of the Board, Wagin, on the second Friday in the month, unless otherwise arranged by resolution carried to that effect at the preceding ordinary meeting of the Board, at which each member has received due notice of the proposed alteration.
12. A special meeting may, on the requisition of three members of the Board, be called at any time in the manner prescribed by the Act, but the Chairman may call a special meeting of the Board as often as he may think proper. No business will be transacted at any ordinary or special meeting unless at least five members of the Board, inclusive of the Chairman, or the member of the Board chosen to preside in his absence, shall be present.
13. A majority of members present may require the Board room to be cleared of strangers, and the Chairman, or other presiding Chairman, shall immediately give directions to have the order executed.
14. At all meetings of the Board when there is not a quorum present, or when the Board is counted out (which counting out shall take place whenever there shall be less than a quorum present), or within 30 minutes after time for which meeting is called; such circumstances, together with the names of the members then present, shall be recorded in the minute book.
15. The first business of all meetings of the Board shall be the reading of the minutes of the preceding meeting aloud with a view to their confirmation.

**Voting.**

16. Each member (including the Chairman) shall have one vote, and such Chairman shall, in case of equality of votes, have a casting vote in addition to his ordinary vote, and all questions at such meetings shall be decided by a majority of the votes of the members present. All motions and amendments shall be decided by a show of hands, unless a division is demanded, before the next business is proceeded with.

**Minutes of Meeting.**

17. The minute-book prescribed by the Act shall be kept in which any item of business transacted by the Board at a meeting shall be then and there entered by the Secretary. Minutes of special or ordinary meetings shall be confirmed at the next ordinary meeting.

No discussion shall take place upon the minutes of proceedings, except as to their accuracy or for the rectification of a clerical error.

18. The order of business at all ordinary meetings of the Board shall be as follows, that is to say: -
- (a) Reading and confirmation of minutes of last ordinary, also special meetings (if any).
  - (b) Consideration of business arising out of minutes.
  - (c) Questions of which due notice has been given by members or officers of the Board
  - (d) The Chairman shall have the right of directing attention at any meeting to any matter or subject within the jurisdiction or official cognisance of the Board by a minute signed by himself, and such minute shall, when introduced, take precedence of all business before or to come before the Board, and the adoption thereof may be put by him from the Chair as a motion without being seconded, but he shall confine himself to the questions contained therein.
  - (e) Reports of sub-committees.
  - (f) Presentation of petitions or memorials, and consideration thereby.
  - (g) Reading of correspondence (received and despatched) and taking action as may be deemed expedient in regard thereto.
  - (h) Consideration of tenders and ratification of contracts.
  - (i) Passing of accounts for payment.
  - (j) Motions of which previous notice has been given.
  - (k) Motions without notice (by leave of the Board under By-law 19).
  - (l) General business.
  - (m) Notice of motions.
19. In the event of any member having urgent business to place before the meeting he may move the suspension of the Standing Orders, and, if agreed to by the Board, such business shall take precedence to all others.
20. Any member wishing to rescind any motion shall act in direct compliance with Section 135 of the Road Districts Act, by giving seven days' notice to each member or submitting to the Secretary of the Board notice of his intention in time to enable him to give the necessary notice prescribed by the Act to each member.

**Petitions.**

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

**Tenders.**

22. Tenders for work shall be opened and dealt with when the subject matter of the tenders comes on to be considered at the meeting of the Board, or by a committee appointed for the purpose.

### **Orders of Debate.**

#### **Speakers must not digress.**

23. A member having audience shall not digress from the subject of debate.

#### **Unopposed Notices of Motion.**

24. The Chairman may call over the notices of motion on the business paper in the order in which they appear thereon; and if objection is not taken to a motion being taken as a formal motion, may call upon the mover to move the same, and upon the motion being seconded may then, without discussion, put the motion to the vote.

#### **Correspondence.**

25. All correspondence with the Board shall be addressed to the Secretary and submitted to the Board. No letter addressed to the Board shall be presented or read by a member.

#### **Consideration of Reports.**

26. (a) If in a report of a committee distinct recommendations are made, the decision of the Board may be taken separately on each recommendation.
- (b) Any report of a committee or any portion thereof may be amended by the Board in any matter if it may think fit, or may be referred back to the committee for further consideration.
- (c) The recommendations of any committee when adopted by the Board shall be resolutions of the Board.

#### **Precedence of Chairman.**

27. When the Chairman rises in his place during the progress of a debate, any member then speaking or offering to speak shall immediately resume his seat, and every member present shall preserve strict silence so that the Chairman shall be heard without interruption, but the member who was speaking may resume when the Chairman takes his seat.

#### **Notice of Motion: Absence of Mover.**

28. In the absence of a member who had placed a notice of motion on the business paper for any meeting, any other member may at such meeting move the same, or such motion may be deferred until the next ordinary meeting of the Board.

#### **Withdrawal of Motions.**

29. Except as elsewhere provided, no motion, after being placed on the business paper, shall be withdrawn without the consent of the Board.

#### **Motions to be seconded.**

30. No motion shall be debated unless or until it has been seconded.

#### **Motions not to be withdrawn without consent.**

31. When a motion has been proposed and seconded it shall become subject to the control of the Board, and shall not be withdrawn without consent of the Board.

#### **Amendment may be moved.**

32. When a motion has been proposed and seconded, any member shall be at liberty to move an amendment thereon, but no such amendment shall be debated unless or until it has been seconded.

**Motions and Amendments to be in writing.**

33. No motion or amendment shall be debated unless or until it has been reduced to writing if the Chairman so directs.

**Further Amendment may be moved on amended Question.**

34. If an amendment has been carried, the question as amended thereby shall become itself the question before the Board, whereupon any further amendment upon such question may be moved.

**How subsequent Amendments may be moved.**

35. If an amendment, whether upon an original question or upon any question amended as aforesaid, has been negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved and so on, provided that not more than one question and one proposed amendment thereof shall be before the Board at any one time.

**Motions for Adjournment.**

36. No discussion shall be permitted upon any motion for adjournment of the Board. If upon the question being put on any such motion the same is negatived, the subject then under consideration or next on the business paper shall be discussed, and it shall not be competent for any member to again move a motion for adjournment until half an hour has elapsed from the time of moving the one that has been negatived.

**Mover of Adjournment – when entitled to Priority.**

37. On resuming any discussion which has been adjourned, the mover of such adjournment shall be entitled, if he has not already spoken on the subject under discussion, to speak first.

**Notice of Questions to be given.**

38. Sufficient notice of every question shall be given to the Chairman or member expected to reply thereto, to permit of consideration of such reply and, if necessary, reference to other persons or to documents.

**Questions to be put without argument.**

39. Every such question shall be put categorically and without any argument.

**Replies and Objections and subsequent Motions received.**

40. No discussion shall be permitted respecting any reply or refusal to reply to any question.

**Mode of addressing Board, etc.**

41. Members shall, on all occasions when at a meeting, address and speak to each other by their official designations, as Chairman or Secretary, as the case may be. and, with the exception of the Chairman, shall rise in their place and stand while speaking (except when prevented from so doing by bodily infirmity).

**Speaker not to be interrupted if in order.**

42. No member shall be interrupted while speaking, except for the purpose of calling him to order as hereinafter provided or in pursuance of Bylaw.
43. A motion or amendment not seconded cannot be discussed by any member except the mover, nor put by the Chairman.
44. In submitting a motion or amendment, the Chairman shall put the question first in the affirmative and then in the negative.

45. When all amendment is carried, the motion amended thereby becomes a substantive motion, upon which further amendments may be moved before it is finally dealt with.

**Limitation as to number of Speeches.**

46. The mover of an original motion shall have the right of general reply to all observations which have been made in reference to such motion and to any amendment thereon, as well as the right to speak upon every such amendment. Every member, other than the mover of all original motion, shall have the right to speak once upon such motion and once upon every amendment moved thereon. No member shall without the consent of the Board speak more than once upon any one question, or for longer than ten minutes at any one time, unless when misrepresented or misunderstood, in which case he may be permitted to explain without adding further observations than may be necessary for the purpose of such explanation.

**All Members to vote.**

47. Upon a vote being taken, all members present within the Board room, unless disqualified from voting, and the Chairman unless so disqualified may, upon the question being put, record their respective votes; in the affirmative or negative as each shall deem desirable, but if a member other than the Chairman neglects or refuses to vote, his vote shall be counted for the negative.

**Determination. of Questions.**

48. (a) All questions shall, if not otherwise decided by law, be determined thus: -Upon a question being put, those in favour shall say "Aye" and those against "No"; and the Chairman shall declare whether the "Ayes" or "Noes" have determined the question; or if the Chairman prefer, he may call for a show of hands for and against the question. The decision of the Chairman shall be final and conclusive unless such decision be immediately challenged and two members rise and demand a division.
- (b) Where there is only one dissentient, he may request that his name be recorded in the Minutes as opposed to the motion, and it shall be so recorded.

**Divisions.**

49. Upon a division being so called for, the question shall first be put in the affirmative and then in the negative, and the Chairman and all members present shall vote by show of hands, and the names and votes of the Chairman and members present shall be recorded in the minutes by the Secretary. Any member of the Board present when a division is called for who does not in the manner above indicated vote on such motion, not being disabled by law from so voting, his vote shall be counted for the negative.

**Chairman may repeat Question.**

50. The Chairman shall be at liberty to put any question as often as may be necessary to enable him to form his opinion as to the result of the voting and declare the same.

**Acts of Disorder.**

51. Any member who, at any meeting of the Board or any committee commits, a breach of any By-law, or who moves or attempts to move any motion or amendment embodying any matter beyond the legal jurisdiction of the Board or committee, or who in any other way raises or attempts to raise any question or addresses or attempts to address the Board or committee upon any subject which the Board or committee have no legal right to entertain or discuss, or who uses any language which, according to the common usage of gentlemen, would be held

disorderly, or makes use of any expression inconsistent with good order and decorum, or who says or does anything calculated to bring the Board or committee into contempt, shall be guilty of an act of disorder.

**Ruling of Chairman.**

52. (a) The Chairman when called upon to decide a point of order or practice shall state the rule or precedent applicable to the case, without argument or comment, and his decision shall be final in that particular case.
- (b) If the ruling of the Chairman be disagreed with then the usual Parliamentary procedure may be adopted.

**Members called to order more than once.**

53. Any member who, having been called to order by the Chairman for any. Infringement of any of the provisions of By-law or for any breach of decorum, shall, upon the request of the Chairman, withdraw from the Board room for the remainder of the meeting.

**Removal from Board Room; Penalty for continued Breach of Order, etc.**

54. In the event of a member declining to withdraw from the Board room on being required so to do by the Chairman, the Chairman may order his removal until the termination of the sitting, and such member shall be deemed guilty of an offence, and shall be liable to a penalty not exceeding Two pounds.

**Disorder.**

55. If disorder arise at any meeting, the Chairman may adjourn the meeting for a period of fifteen minutes and quit the chair. The Board on resuming shall, on question put from the chair, decide without debate whether the business shall be proceeded with or not.

**Appointment of Committees.**

56. The Board may at any time appoint one or more members as a committee to inquire into any matter and make a report and recommendation thereon, but no committee shall incur any financial liability or in any way commit the Board to any responsibility whatever, without express and specific authority conferred by the By-laws, or a resolution of the Board.

**Finance and Accounts.**

57. All accounts, bills, and vouchers shall be submitted to the ordinary meeting; and after being certified as correct shall be paid by cheque.
58. An account shall be opened with such bank as the Board may from time to time direct, and all moneys received from whatever source, with the exception of money granted by the Government, shall be paid into such bank to the credit of the Board, and no account shall be paid except by cheque signed by the Chairman and one or more members of the Board, and counter. signed by the Secretary. .All moneys belonging to the Board shall, within 24 hours after they come into the hands of any officer, servant, or clerk, be paid to the Secretary or to any other responsible officer if directed by the Board.

**Urgent Works.**

59. The Chairman, with One member, or, in the absence of the Chairman any two members may, in case of urgency authorise the expenditure of a sum not exceeding. Ten pounds.
60. Any one measlier is empowered, in cases of very urgent necessity, to authorise the expenditure, upon declared roads, of a sum not exceeding Two pounds ten shillings. In both these cases such action should be confirmed at the next meeting.

**Unauthorised Expenditure.**

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

**Common Seal.**

62. The common seal of the Board shall be kept in the Board's safe. The common seal shall not be affixed to any deed or other instrument except by order of the Board.

**Prevention of Nuisances.**

63. Any person who-
- (a) shall keep, or cause to be kept, any abattoir, slaughterhouse, pigsty, manure works, works for boiling down meat, bones, blood, or offal, bone mill, bone manure depot, fellmongery, tannery, wool-scouring establishment, glue factory, soap or candle works, fish-curing establishment, place for storing, drying, or preserving bones, hides, hoofs, or skins, dairy, or oilier work or establishment; or
  - (b) shall keep, or cause to be kept, any house, passage, yard, way, cellar, drain, stable, cowshed, earth or other closet or cesspool; or
  - (c) shall permit any accumulation of stagnant water, manure, dung, offal, or other filth upon any premises owned or occupied by him, so as to be likely to become a nuisance or injurious to public health,
- shall be deemed guilty of an offence against these Bylaws, and shall, on conviction, be liable to a penalty not exceeding £20.

**Abatement of Nuisances.**

64. If any person shall permit or suffer any of the nuisances contained in the foregoing By-law to continue after notice from the Board requiring such person to remedy or abate the same, he shall be liable to a penalty of Five shillings for every day during which such nuisance shall remain unremedied or unabated to the satisfaction of the Board. Such penalty shall not exceed in the aggregate £20.

**Offences, Omissions, or Neglects.**

65. Any person guilty of the following offences shall, on conviction thereof, pay a penalty not exceeding £10:
- (a) Damaging or destroying any building, dam, well, tank, pump, windmill, windlass, bucket, rope, piping, troughing fence, gate, or other property strider the control of the Board.
  - (b) Placing any placard or other document, writing, printing on or otherwise defacing any house or building abutting or contiguous to a public road, or on any wall, fence, or gate without the consent of the occupier or owner thereof.
  - (c) Blasting any rock, stone, or timber in or near any road without the permission of the Board, and not attending to such directions in regard thereto given by such Board.
  - (d) Placing, stacking, or storing within the limits of any townsite in the open air, any cases, paper, shavings, crates packed- with straw, or dangerous or inflammable substances so as to be, or likely to become, a source of danger through fire.

**Preservation of Trees.**

66. Any person who shall carelessly, wilfully, or wantonly injure, destroy, carry away, or remove from its place any tree or shrub or plant standing in any of the roads, enclosures, public places, or reserves, or who shall carelessly, wilfully, or wantonly injure, destroy, carry away, or remove out of its place or ride or drive against any of the tree guards; fences, or other protection to such trees, shrubs, or plants aforesaid, shall be liable to a penalty of not more than £10, and in addition thereto shall also pay the Board a sum equal to the damage so done.

**Prescribing removal of Verandahs.**

67. Any verandah or balcony which obstructs the footway or roadway, or is dangerous, and all other obstructions on the footways, or roadways, or overhanging the same, shall be removed when ordered within such time as shall be notified by the Board, and all expenses incurred in removing same shall be borne by the owner or occupier of such verandah, balcony-, or other obstruction, whether removed by the Board or otherwise; and any person whatsoever interfering or obstructing any officer or person employed by the Board in carrying out this By-law shall be liable to a penalty not exceeding £10.

**Encroachments, etc - Removal of.**

68. On the order of the Board, the Secretary or other appointed officer may direct the removal within 14 days of any building, fence, or other obstruction or encroachment in Or upon any road, street, lane, or public place under the control of the Board. In any case where, after service of notice for such removal, any such obstruction or encroachment has not been removed within the specified time, it shall be lawful for the officer appointed by the Board to remove the same, at the cost and charges of the person so offending, and to proceed against the offender for the breach of this By-law, the penalty for which breach shall not be more than £20 for every day or part of a day during which such offence shall be committed or continued after the expiry of the notice prescribed therein.

**Lighting.**

69. Any unauthorised, person who Shall light, put out when lighted, or in any other way interfere with any lamp belonging to the .Board, or any person who shall damage or destroy such lamp shall pay, in addition to the value of such damage, if any, on conviction a sum not exceeding £5.

**Water Supply.**

70. Any person who shall injure or destroy any well, bore, pipe, tank, or place of storage for water, or any machinery, appliances, or property used in connection therewith, shall be liable to a penalty not exceeding £5, and also shall pay to the Board the sum of such damages.
71. Any person who shall waste, or allow water to escape, foul, pollute, or taint any water contained in any bore, pipe, tank, or place of storage shall be guilty of an offence against this By-law, and shall be liable to a penalty not exceeding £20.
72. No person shall pollute or cause to be polluted any watercourse, pool, well, tank, reservoir, or other water within the district..
73. Any person or persons leaving open the lid of any well in the district shall be guilty of an offence against these By-laws, and notwithstanding any civil remedy for damages so caused, shall be liable, on conviction, to a penalty not exceeding £5.

74. Any person who shall remove any water from any well, bore, tank, or other place of storage under the control of the Board, except in the direct watering of, stock thereat, or for *bona fide* camping use, or except with the written consent of the Board and payment thereon of such reasonable fee as may be demanded, shall forfeit and pay, on conviction, a penalty not exceeding £5.

**Sand and Timber.**

75. Any person who shall remove any sand or other materials from any lands under the control of the Board without a license shall forfeit and pay, on conviction, a sum not exceeding £5.

**Barbed Wire.**

76. Barbed wire shall not be allowed on the outer or road side of any fence along any road. Any person offending against this By-law shall be liable to a penalty not exceeding £5.

**Fencing.**

77. The owner or any land abutting on any road in any townsite shall fence all such boundaries so abutting with such description of fence as may be directed by the Board, and shall maintain every such boundary fence erected, or to be erected, in good order. In the event of such fence not being erected or repaired after due notice has been given so to do, the Board may fence or repair such fences and recover the cost of so doing from the owner or owners of the land.

**Bathing.**

78. No person shall bathe in any river or open public water within the limits of the Road District within the jurisdiction of the Board without suitable bathing costume or clothing. Every person offending against this By-law shall, for every such offence, be liable to a penalty not exceeding £20.

**Depasturing of Cattle, etc.**

79. Any person who shall turn loose, or suffer any kind of animals belonging to him or under his control to stray or go about, or to be tethered or depastured in or upon any road, recreation ground or reserve shall, upon conviction, be liable to a penalty not exceeding £5.
80. No animal shall be allowed to stray on any roads or places, and no animal suffering from an infectious or contagious disease shall be ridden or driven on any road or be allowed to drink at any public watering place within the district. Any animal so suffering may be slaughtered and destroyed at the owner's expense. The owner or driver of such animal shall be liable to a penalty not exceeding £10 for a breach of this By-law.

**Copulation of Stock.**

81. Any person who, as owner or otherwise, -while in charge of an entire horse, bull, or ass shall cause, allow, permit, or suffer any such entire horse, bull, or ass to try to cover any mare or cow .within any township within the district, or shall cause, permit, allow, or suffer any such entire horse, bull, or ass to be turned loose in any yard or other place with any mare or cow for the purpose of allowing such mare or cow to be tried or covered except in some yard, building, or other premises as shall be entirely and sufficiently screened from public view, shall forfeit and pay, on conviction, a sum not exceeding £10.

**Goats.**

82. (1.) No person shall keep any goat Within the boundaries of the Wagin Road District unless such goat shall have been registered and the registration fee of sixpence paid to the Secretary of the Board.
- (2.) Every registration shall be renewed in the month of January in each year.
- (3.) The Board may refuse to register any goat if in the opinion of the Board suitable accommodation has not been provided for keeping such goat.
- (4.) No person shall allow or cause any goat to be depastured upon, or tethered upon, or to loiter or stray upon any roads, streets, or reserves, or any vacant land adjacent thereto.
- (5.) Any goat found wandering upon any street, road, or reserve, as above, may be seized and impounded, or destroyed.
- (6.) The penalty for breach of any of the preceding clauses shall be a sum not exceeding £5 for each breach, in addition to such sums as the Justices may direct as compensation for damages done by such goats.

**Crossing Places.**

83. It shall be lawful for the owner of any land fronting or adjoining any road or public way requiring access thereto, with horse and vehicles, from such street to such land across any existing made footpath, kerbing, channel or gutter, having first had and obtained the consent of the Board, to construct a crossing of such dimensions and materials, and in such form and manner as the regulations of the Board for the time being require, or as may be directed by the Secretary, and shall thereafter keep and maintain the same in good repair. Any person not complying with this By-law shall be liable to a penalty not exceeding £5.
84. Any person who shall break, damage, or destroy any fence, gate, lock, shed, trough, or other premises, the property of the Board, shall be liable to a penalty not exceeding £5.
85. Any person who shall release, or attempt to release, any cattle which shall be lawfully seized for the purpose of being impounded, whether such cattle shall be in the pound or on the way to or from any such pound, shall be guilty of an offence against this By-law and shall, on conviction, be liable to a penalty not exceeding £5.
86. The owner of any bull or stallion straying on any road within the district shall be liable to a penalty of not less than £3 and not exceeding £5 in the night time, and not less than £2 and not exceeding £4 in the daytime.

**Heavy Traffic.**

87. The Board may, by notice affixed to any bridge or culvert, declare the maximum weight of any engine, agricultural or other machine or vehicle of any kind, and of any load or material which shall be permitted to cross such bridge or culvert, and also the pace or speed at which such engine, machine, vehicle, or load shall be driven, led, or taken over such bridge or culvert, and any person who shall cross such bridge or culvert in contravention of this By-law shall, in addition to any liability for damage he may have caused, be liable to a penalty not exceeding £10.
88. No person shall drive or take or cause to be driven any engine, agricultural or other machine or vehicle of any kind across any bridge or culvert so specified from time to time whose weight including any load thereon shall exceed 10 tons, and any person committing any breach of this By-law shall be liable to a penalty not exceeding £20.

**Damaging Roads.**

89. No person shall either wilfully or negligently damage or destroy by means of horse, team, or any other means, any road under construction or repair, and any person found guilty of such damage or destruction shall be liable to a penalty not exceeding £20.
- Any person who-
- (a) cuts or removes, without the consent in writing of the Board, timber, earth, stone, or other material from a road or reserve; or
  - (b) erects, without the consent aforesaid, upon a road so as to encroach thereon; or
  - (c) draws, Without the consent aforesaid, across the waterside of a road, or across a drain except over a properly constructed approach or culvert, a dray or other wheeled vehicle; or
  - (d) draws upon any road, timber, stone or other material otherwise than on a wheeled vehicle or suffers such material, when carried principally or in part upon a wheeled vehicle, to drag or trail upon a road, or draws upon a road a whim or timber carriage any portion of which, or any portion of chains attaching thereto, or any portion of other attachment trails or drags upon a road,
- shall be deemed guilty of an offence against these Bylaws, and shall be liable to a penalty not exceeding £5 for every such offence.
90. Any person taking any plough, cultivator, or other implement over or along any road and thereby damaging or marking such road in such a manner which in the opinion of the Board may indirectly cause ultimate damage to the road, shall be liable to a penalty not exceeding £5.
91. Any person who draws upon any road any vehicle the wheel or wheels of which are locked, unless there is placed at the bottom of such vehicle some sufficient protection to prevent damage to such road, shall be liable to a penalty not exceeding £5.

**To protect bridges from fire.**

92. Any person who shall light a fire (except by the order of the Board) or shall place any rushes, bushes, or other inflammable substance under, near, or against any bridge in the district, for the purpose of making a camp or sleeping place, or for any other purpose, shall be liable to a penalty of not less than £1 and not exceeding £20.

**Prevention of trees falling across roads.**

93. No person shall make or leave a fire near any road or track or reserve Without taking proper precautions against such fire spreading.
94. No person shall ringbark or set fire to any standing tree upon or near to any road or track.

**Park Lands, reserves, and Recreation Grounds.**

95. All recreation grounds shall be open to the public daily for recreation purposes, excepting as provided for in these By-laws. The Board shall have the power to grant exclusive right to use and occupy any recreation grounds or reserves placed under its control within the district for holding public sports or amusements to any responsible person or persons, and any person or persons obtaining such right shall be responsible for the proper care of all fences, buildings, and trees, or other improvements upon or enclosing such recreation grounds and reserves, and shall pay the Board a fee to be fixed for admission on such occasions.

96. No horses, cattle, or vehicles shall be allowed on any recreation grounds without the written permission of the Board.
97. All persons using or being upon any recreation ground or reserves shall at all times conduct themselves in a becoming manner, and any person creating any disturbance or annoyance to the public shall be liable to be expelled from such lands by any police constable or officer of the board
98. The Board may, in its discretion, prohibit any games or gymnastics from being played or carried on by any person or persons upon any recreation grounds or reserves on any Sunday, Christmas Day, or Good Friday.
99. No person shall offer for sale, on any reserve, any provisions, refreshments, or other goods of any kind, nor carry on any games, or boxing, or other similar shows, nor use any firearms, except with the express sanction of the Board, and payment of such fee as may be demanded.
100. The Board, or any person duly authorised, may make charges for admission to any reserve, or defined portion thereof, but such charges shall not exceed 2s. for adults, 1s. for children under 15 years, with free entry for children (accompanied) under five years, and for horses and vehicles 1s. each.
101. Such person to whom the use of any reserve is given for picnic sports, races, or other use shall be held responsible for the immediate removal of all rubbish brought thereon, on the occasion of such use, and a deposit not exceeding £5 shall be paid as a guarantee for the due removal of such rubbish. On the removal of such rubbish to the satisfaction of the Board, the deposit shall be returned.
102. No person shall damage or injure any tree, shrub, or plant in recreation grounds or reserves. Any person offending against this By-law shall forfeit and pay, on conviction, a penalty not exceeding £10 for every such offence.
103. The Board may allow to any person liable to pay any rates, within thirty days after notice given him to pay the same, a discount of Five pounds per centum on the amount of the current rate.

#### **Road Board Halls.**

104. Application for the hire of any hall, room, or furniture shall be made to the Secretary not less than 24 hours before the time that such hall, room, or furniture is required. Each application must be accompanied by the scheduled fee as may be prescribed by the Board from time to time. Each application for the hire of hall, room, or furniture must set out clearly the purpose for which such hall, room, or furniture is required during the term of engagement. The Board shall have the right to accept or refuse any application.
105. The Board may at any time, by giving 24 hours' notice, cancel any agreement made for the hiring of any hall, room, or furniture.
106. In the event of two or more applications being made for the hire of any hall, room, or furniture for the same date and hour, the Board may, without considering priority of application, determine to which applicant the hire of such hall, room, or furniture shall be granted.
107. The hirer of any hall, room, or furniture shall be held responsible for any damage to buildings, fittings, furniture, or crockery, and shall pay to the Board the amount of such damages as shall be assessed by the Board.

108. The Board may at any time demand that the hirer shall, prior to the term of engagement, deposit an amount estimated to cover any damage that might occur during the term of such engagement.
109. The hirer shall, as soon as practicable after the term of engagement, and when the use of the hall crockeryware is allowed, deliver all such crockeryware in a clean and sound condition, and any article not accounted for, or in a cracked or broken condition, insist be paid for at current prices.
110. The hirer of any hall, room, or furniture shall comply with the provisions of the Health Act, Entertainments Tax Act, or any other Act in force during the term of engagement. If, in the opinion of the Board, all the necessary actions have not been taken to comply with the provisions of the Acts above mentioned, the Board may at any time, prior to, or during the term of engagement, forbid and prevent the use of such hall or room.
111. In the event of any engagement being stopped under the last preceding By-law, the hirer shall forfeit the full fees payable for the hire of such hall or room as if such engagement had been duly fulfilled.

**Interpretations.**

"Hirer" – The person making application or arrangements for the hire of hall, room, or furniture.  
"Term of engagement" – The time for which hall, room, or furniture has been allotted to the hirer.

**Penalties.**

112. Where any person by those By-laws or any of them, is required to do or perform any act, and such act is not done or remains undone or unperformed, it shall be lawful for the Board to perform the same and charge the cost and expenses against such person, and the amount thereof may be recovered summarily.
113. Every person who does, permits, or suffers any act, matter, or thing contrary to any of these By-laws, or commits or permits any breach or neglect thereof, shall be deemed guilty of an offence against these Bylaws, and, where not otherwise provided, shall be deemed liable to a penalty not exceeding . £20 for every such offence.
114. All penalties or other sums recovered under provisions of these By-laws shall, unless otherwise provided, be paid to the Board, and shall become the property of, and form part of the ordinary income of the district except so much as may be paid to any informer.

**Previous By-laws.**

115. The By-laws approved by His Excellency the Governor and dated 6<sup>th</sup> April, 1906, with Amendments, and Discount By-law dated 2nd November, 1922, are hereby repealed.

Passed by resolution of the Wagin Road Board, at a meeting duly held on the 12<sup>th</sup> day of January, 1923.

Chairman. (Sgd.) C. S. WEST.  
Secretary. (Sgd.) J. BOOTH.

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The Common Seal of the Wagin Road Board was hereby affixed in the presence of, -

[SEAL]

(Sgd.) C. S. WEST,  
Chairman.  
(Sgd.) J. BOOTH,  
Secretary.

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Recommended,

WM. J. GEORGE,  
Minister for Works.

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Approved by His Excellency the Governor in Council this 21st day of March, 1923.

BERNARD PARKER,  
Clerk of the Council.