LG302

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

City of Mandurah

BUSH FIRES BRIGADES AMENDMENT LOCAL LAW 2018

Under the powers conferred by the Bush Fires Act 1954, the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Mandurah resolved on 29 January 2019 to make the following local law.

1. Citation
This local law may be cited as the City of Mandurah Bush Fires Brigades Amendment Local Law 2018.

2. Commencement
This local law comes into operation 14 days following the date of its publication in the Government Gazette.

3. Principal local law amended
This local law amends the City of Mandurah Bush Fires Brigades Local Law 2010 as published in Government Gazette No. 43 of 22 March 2011.

4. Clause 1.2 amended
In clause 1.2—
(a) Delete the definition for “Authority”;
(b) Insert the following definition in alphabetical order—
“Department means the Department of Fire and Emergency Services of Western Australia;” and
(c) In the definition for “Bush Fire Operating Procedures” delete “Authority” and replace with “Department”.

5. Clause 3.10 amended
In clause 3.10 (2)—
(a) Delete subclause 3.10 (2) (c); and
(b) Following subclause 3.10 (2) (b) insert—
“following their receipt under subclause (1)” on a new line so that it applies to (a) and (b).

6. Clause 4.4 amended
In subclause 4.4(6) delete “Authority’s” and replace with “Department’s”.

7. Clause 4.5 amended
In clause 4.5 delete subclause (2).

8. Clause 6.3 amended
In subclause 6.3—
(a) Delete “first week in December” and replace with “31 March”; and
(b) Delete “Authority” and replace with “Department”.

9. Schedule 1, Part 2 amended
In Schedule 1, Part 2—
(a) Delete clause 2.4;
(b) After clause 2.3 insert—

2.4 Applications for membership
An application for membership is to be in writing and is to be submitted to the Secretary in the form approved by the Brigade.
(c) In subclause 2.6 delete each reference to “Authority” and replace with “Department”;
(d) In subclause 2.11 (c) delete “has the right of objection to the local government which may dispose of the objection by—
(i) dismissing the objection;
(ii) varying the decision objected to; or
(iii) revoking the decision objected to, with or without—
(A) substituting for it another decision; or
(B) referring the matter, with or without directions, for another decision by the Committee.”; and
(e) Following subclause 2.11 (c) insert—
“has the right of objection to the local government which may dispose of
the objection by—

(i) dismissing the objection;
(ii) varying the decision objected to; or
(iii) revoking the decision objected to, with or without—
(A) substituting for it another decision; or
(B) referring the matter, with or without directions, for
another decision by the Committee.”

on a new line so that it applies to (a), (b) and (c).

10. Schedule 1, Part 3 amended
In Schedule 1, Part 3—
(a) In clause 3.3 delete subclauses 3.3 (l) and (m);
(b) In clause 3.3 insert—
(c) (l) ensure that an incident report is compiled and submitted, in the format
agreed by the Department and local government, within 14 days following
attendance at an incident by the Bush Fire Brigade.; In subclause 3.3 (k)
following “equipment;” insert “and”;
(d) Delete clauses 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 and 3.11;
(e) After clause 3.4 insert the following clause—

“3.5 Equipment Officer
The Equipment Officer is responsible for the custody and maintenance
of protective clothing, equipment and appliances of the bush fire
brigade.”

11. Schedule 1, Part 4 amended
In Schedule 1, Part 4—
(a) In subclause 4.1 (2) insert the following paragraph—
(6) to invest or place on deposit any of the funds of the bush fire brigade
not immediately required to perform the normal brigade functions;,
and
(b) Renumber the remaining subclauses accordingly.

12. Schedule 1, Part 5 amended
In Schedule 1, Part 5—
(a) In clause 5.3 (2) insert the following paragraph—
“(d) appoint an Auditor for the ensuing financial year in accordance with
clause 5.6;”;
(b) Renumber the remaining paragraphs accordingly; and
(c) After clause 5.5 insert the following subclause—

“5.6 Auditor
(1) At the annual general meeting a person, not being a brigade member,
is to be appointed as the Auditor of the bush fire brigade for the ensuing
financial year.
(2) The Auditor is to audit the accounts of the bush fire brigade not less
than 7 days before the annual general meeting and is to certify to their
correctness or otherwise and present a report at the annual general
meeting.”.

13. Schedule 1, Part 6 amended
In Schedule 1, Part 6, clause 6.2 delete the words “50 percent of Committee
members” and replace with “3 Brigade Officers”.

14. Schedule 1, Part 7 amended
In Schedule 1, Part 7 delete subclause 7.1.

15. Schedule 1, APPENDIX II amended
In Schedule 1 delete APPENDIX II.

16. Schedule 1, APPENDIX III amended
In Schedule 1 delete APPENDIX III.

17. Schedule 1, APPENDIX IV amended
In Schedule 1 delete APPENDIX IV.

The Common Seal of the City of Mandurah was affixed by authority of a resolution of the Council in the presence of—

RHYS JOHN WILLIAMS, Mayor.
MARK ROBERT NEWMAN, Chief Executive Officer.