

**Shire of Gingin**

**Bush Fire Brigades Amendment Local Law 2015**

Under the powers conferred on it by the *Bush Fires Act 1954*, the *Local Government Act 1995* and all other relevant powers, the Council of the Shire of Gingin resolved on 17 March 2015 to make this local law.

**1. Title**

This local law may be cited as the *Shire of Gingin Bush Fire Brigades Amendment Local Law 2015*.

**2. Commencement**

This local law commences on the 14<sup>th</sup> day after the day on which it is published in the *Government Gazette*.

**3. Principal Local Law**

This local law amends the *Shire of Gingin Bush Fire Brigades Local Law 2004* as published in the *Government Gazette* on 13 September 2004.

**4. Title Amended**

The title of the local law is amended by inserting "**LOCAL GOVERNMENT ACT 1995**" below "**BUSH FIRES ACT 1954**" at the top of the page.

**5. Enacting clause amended**

In the enacting clause of the local law, after "*Bush Fires Act 1954*" insert ", the *Local Government Act 1995*".

**6. Clause 1.2 amended**

(1) In clause 1.2(1) -

- (a) Delete the definitions for "**Authority**" and "**Council**";
- (b) Insert new definitions in alphabetical order as follows:

"**Department**" means the Department of Fire and Emergency Services established by section 3 of the *Fire and Emergency Services Act 1998*;

"**District**" means the district of the local government;

- (2) Subclause 1.2(2) is amended as follows:
- (a) in paragraph (f) delete “.” and replace with “;”;
  - (b) in paragraph (g) delete “; or” and replace with “;”;
  - (c) in paragraph (h) delete “,” and replace with “; or”; and
  - (d) after paragraph (h) insert:
    - (i) a Training Officer;

**7. Clause 2.2 amended**

- (1) In subclause 2.2(1)(c) -
- (a) At the end of subparagraph (viii), delete the full stop and substitute with “; and”;
  - (b) After subparagraph (viii) insert the following new subparagraph:
    - (ix) a Training Officer if the brigade considers it necessary.
- (2) In clause 2.2(3), delete “taken to be a” and substitute “a registered”.

**8. Clause 2.4 amended**

Delete subclause 2.4(3)

**9. Clause 3.1 amended**

In clause 3.1, delete “Council” and replace with “local government”.

**10. Clause 3.6 amended**

In clause 3.6, delete “its annual general meeting during the month of March each year” and replace with “one annual general meeting every financial year”.

**11. Clause 3.7 amended**

In clause 3.7, delete “one brigade member is to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area until the next general meeting” and replace with “the brigade may nominate preferred candidates for the position of bush fire control officer to the Chief Bush Fire Control Officer and to the Bush Fire Advisory Committee for consideration and recommendation to Council”.

**12. Clause 3.9 amended**

In clause 3.9(2)(b) delete “Council” and substitute “Local government”.

**13. Clause 4.2 amended**

In clause 4.2 –

- (a) Renumber the text of the clause as subclause (1); and
- (b) After subclause (1) insert the following:
  - (2) Notwithstanding subclause (1), a fire fighting member between the age of 16 and 18 must not attend a fire or other emergency incident unless the member has the consent of their parent or guardian and is accompanied by an appropriately trained fire fighting member over the age of 18.

**14. Clause 4.4 amended**

In clause 4.4(f), delete “Authority’s” and substitute “Department’s”.

**15. Clause 6.2 deleted**

Delete clause 6.2.

**16. Clause 6.3 deleted**

Delete clause 6.3.

**17. Clause 6.4 deleted**

Delete clause 6.4.

**18. First Schedule amended**

- (1) In clause 2.4 delete “Fire and Emergency Services Authority” and substitute “Department”.
- (2) In clause 2.6 -
  - (a) delete “FESA” and substitute “Department”; and
  - (b) delete “Authority” where it appears throughout the section and substitute “Department”.
- (3) In clause 3.2, delete the words “Duties of” in the section heading.
- (4) In clause 3.3(1)(e) delete “Authority” where it appears throughout the clause and substitute “Department”.
- (5) In clause 3.4(d), delete “and”.
- (6) In clause 3.4(e) delete the full stop at the end of the clause and substitute “; and”.
- (7) After clause 3.7 insert -

### 3.8 Training Officer

The Training Officer is responsible for the coordination of brigade training under the direction of the Captain.

- (8) In clause 4.1(2)(h), insert “to” before the word “deal”.
- (9) In clause 7.2 -
  - (a) delete “the purpose of promoting”; and
  - (b) delete “objects” and substitute with “objectives”.
- (10) In clause 8.1(4)(c) -
  - (a) delete “or” at the end of paragraph (c)(ii);
  - (b) delete the full stop at the end of paragraph (c)(iii) and substitute “; or”; and
  - (c) after paragraph (c)(iii) insert:
    - (iv) email;
- (11) In clause 8.1(4)(d) -
  - (a) delete “or” at the end of paragraph (d)(ii);
  - (b) delete the full stop at the end of paragraph (d)(iii) and substitute “; or”; and
  - (c) after paragraph (d)(iv) insert:
    - (iv) if no notification is received to indicate that an email is undeliverable.

Dated this 24<sup>th</sup> day of March 2015

The Common Seal of the Shire of Gingin )  
was affixed by authority )  
of a resolution of the Council in the )  
presence of: )

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M ASPINALL  
Shire President

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J EDWARDS  
Chief Executive Officer