

WESTERN AUSTRALIAN GOVERNMENT Gazette

1077



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Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy should be received by the Manager (Sales and Editorial), State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

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Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

FAIR TRADING

FT301*

Retail Trading Hours Act 1987

Retail Trading Hours Amendment Regulations 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Retail Trading Hours Amendment Regulations 2001*.

2. Regulation 7 amended

Regulation 7 of the *Retail Trading Hours Regulations 1988** is amended in item 6 column 2 of the Table by deleting “Video cassette tapes” and inserting instead —

“ Digital video disks, video cassette tapes ”.

[* *Reprinted as at 21 May 1999.*

For amendments to 27 December 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 252.]

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG301*

BUSH FIRES ACT 1954

City of Wanneroo

BUSH FIRE BRIGADES LOCAL LAW

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 6 February 2001 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Wanneroo—Bush Fire Brigades Local Law*

1.2 Definitions

(1) In this local law unless the context otherwise requires—

“**Act**” means the Bush Fires Act 1954;

“**Authority**” means the Fire and Emergency Services Authority of Western Australia established by section 4 of the Fire and Emergency Services Authority of Western Australia Act 1998;

“**Brigade area**” is defined in clause 2.2(1)(b);

“**Brigade member**” means a fire fighting member, associate member or a cadet member of a bush fire brigade;

“**Brigade officer**” means a person holding a position referred to in clause 2.2(1)(c), whether or not he or she was appointed by the local government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

“**Bush fire brigade**” is defined in section 7 of the Act;

“**Bush Fire Operating Procedures**” means the Bush Fire Operating Procedures adopted by the local government as amended from time to time;

“**CEO**” means the chief executive officer of the City of Wanneroo;

“**Council**” means the Council of the City of Wanneroo;

“**Fire fighting member**” is defined in clause 4.2;

“**Local government**” means the City of Wanneroo;

“**Regulations**” means Regulations made under the Act; and;

“**Rules**” means the Rules Governing the Operation of Bush Fire Brigades set out in the First Schedule as varied from time to time under clause 2.5.

(2) In this local law, unless the context otherwise requires, a reference to—

- (a) a Captain;
- (b) a First Lieutenant;
- (c) a Second Lieutenant;
- (d) any additional Lieutenants;
- (e) an Equipment Officer;
- (f) a Training Officer
- (g) a Secretary.
- (h) a Treasurer; or
- (i) a Secretary/Treasurer combined,

means a person holding that position in a bush fire brigade.

1.3 Repeal

The City of Wanneroo Local Law relating to Establishment, Maintenance and Equipment of Bush Fire Brigades published in the *Government Gazette* of 8th December 1998, is repealed.

1.4 Application

This local law applies throughout the City of Wanneroo fire district.

PART 2—ESTABLISHMENT OF BUSH FIRE BRIGADES

Division 1—Establishment of a Bush Fire Brigade

2.1 Establishment of a Bush Fire Brigade

(1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.

(2) A bush fire brigade is established on the date of the local government’s decision under subclause (1).

2.2 Name and officers of bush fire brigade

(1) On establishing a bush fire brigade under clause 2.1(1) the local government is to—

- (a) give a name to the bush fire brigade;
- (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the “**brigade area**”); and
- (c) elect—
 - (i) a Captain;
 - (ii) a First Lieutenant;

- (iii) a Second Lieutenant;
- (iv) additional Lieutenants if the local government considers it necessary;
- (v) an Equipment Officer;
- (vi) a Training Officer
- (vii) a Secretary; and
- (viii) a Treasurer; or
- (ix) a Secretary/Treasurer combined.

When considering the appointment of persons to the positions in subclause (1)(c), the local government is to have regard to the qualifications and experience, which may be required to fill each position.

A person appointed to a position in subclause (1)(c) is to be taken to be a brigade member.

The appointments referred to in subclause (1)(c) & expire at the completion of the first annual general meeting of the bush fire brigade.

If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with subclause (2)

The bush fire brigade will elect persons to the positions referred to in section 2.2 1(c) at a subsequent general meeting.

Division 2—Command at a fire

2.3 Ranks within the bush fire brigade

(1) Where under the Act and Bush Fire Operating Procedures members of the bush fire brigade have command of a fire, unless a bushfire control officer is in attendance at the fire, the Captain has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the firefighters. In the absence of the Captain, the first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.

(2) Where a bushfire control officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Bush Fire Operating Procedures, the most senior bushfire control officer has full control over other persons fighting the fire and is to issue instructions as to the methods to be adopted by the fire fighters.

Division 3—Application of Rules to a bush fire brigade

2.4 Rules

(1) The Rules govern the operation of a bush fire brigade.

(2) A bush fire brigade and each brigade member are to comply with the Rules.

2.5 Variation of Rules

(1) The local government may vary the Rules in their application to all bush fire brigades or in respect of a particular bush fire brigade.

(2) The Rules, as varied, have effect on and from the date of a decision under subclause (1).

(3) The local government is to notify a bush fire brigade of any variation to the Rules as soon as practicable after making a decision under subclause (1).

Division 4—Transitional

2.6 Existing Bush Fire Brigades

Where a local government has established a bush fire brigade prior to the commencement date, then on and from the commencement day—

- (a) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;
- (b) the provisions of this local law apply to the bush fire brigade save for clause 2.2; and
- (c) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules.

(1) In this clause—

“**commencement day**” means the day on which this local law comes into operation.

Division 5—Dissolution of bush fire brigade

2.7 Dissolution of bush fire brigade

In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Bush Fires Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established.

2.8 New arrangement after dissolution

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

Division 1—Local government responsibility

3.1 Local government responsible for structure

The Council is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

3.2 Officers to be supplied with Act

The local government is to supply each brigade Fire Control Officer with a copy of the Act, the Regulations, the Bush Fire Operating Procedures, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments which are made thereto from time to time.

Division 2—Chief Bush Fire Control Officer

3.3 Managerial role of Chief Bush Fire Control Officer

Subject to any directions by the local government the Chief Bush Fire Control Officer may assist with managerial responsibility for the organisation and maintenance of bush fire brigades.

3.4 Chief Bush Fire Control Officer may attend meetings

The Chief Bush Fire Control Officer or her or his nominee (who is to be a bush fire control officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

3.5 Duties of Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer include—

- (a) provide leadership to volunteer bush fire brigades;
- (b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government;
- (c) liaise with the local government concerning fire prevention/suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers;
- (d) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

Division 3—Annual general meetings of bush fire brigades

3.6 Holding of annual general meeting

A bush fire brigade is to hold its annual general meeting during the month of April/May each year.

3.7 Nomination of bush fire brigade delegates to Bush Fire Advisory Committee

Members of Brigades shall appoint one member annually to represent their respective Brigade on the City of Wanneroo Bush Fire Advisory Committee and that member appointed shall be entitled to have voting rights on the Committee. Brigades shall appoint a proxy member for attendance should the elected representative be unable to attend such meetings.

3.8 Bush Fire Advisory Committee advisory members

Department of Conservation and Land Management, and FESA officers shall be entitled to representation in an advisory capacity at meetings except that such representation shall not incur voting rights on the City of Wanneroo Bush Fire Advisory Committee.

3.9 Nomination of bush fire control officers to Bush Fire Advisory Committee

At the annual general meeting of a bush fire brigade, one brigade member, with the minimum qualifications and experience required to perform the role as set by the local government, is to be recommended to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area until the next annual general meeting.

3.10 Nomination of bush fire control officer to the local government

If the local government has not established a Bush Fire Advisory Committee, then at the annual general meeting of a bush fire brigade, the bush fire brigade is to recommend one brigade member, with the minimum qualifications and experience required to perform the role as set by the local government, to the local government

to serve as the bush fire control officer for the brigade area until the next annual general meeting.

3.11 Minutes to be tabled before the Bush Fire Advisory Committee

1. The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.
2. The Chief Bush Fire Control Officer is to table the minutes of a bush fire brigade's annual general meeting at the next meeting of the—
 - (a) Bush Fire Advisory Committee; or
 - (b) Council, if there is no Bush Fire Advisory Committee,following their receipt under subclause (1).

Division 4—Bush Fire Advisory Committee

3.12 Functions of Advisory Committee

The Bush Fire Advisory Committee is to have the functions set out in section 67 of the Act and is to include such number of nominees of the bush fire brigades as is determined by the local government.

3.13 Advisory Committee to nominate bush fire control officers

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to recommend to the local government from the persons nominated by each bush fire brigade a person or persons for the position(s) of a bush fire control officer for the brigade area.

3.14 Local government to have regard to nominees

When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

3.15 Advisory Committee to consider bush fire brigade motions

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

4.1 Types of membership of bush fire brigade

The membership of a bush fire brigade consists of the following—

- (a) fire fighting members;
- (b) associate members;
- (c) cadet members; and
- (d) honorary life members.

4.2 Fire fighting members

Fire fighting members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities.

4.3 Associate members

Associate members are those persons who are willing to supply free vehicular transport for fire fighting members or fire fighting equipment, or who are prepared to render other assistance required by the bush fire brigade.

4.4 Cadet members

Cadet members are—

- (a) to be aged 11 to 15 years;
- (b) to be admitted to membership only with the consent of their parent or guardian;
- (c) admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or other emergency incident;
- (d) to be supervised by a fire fighting member when undertaking normal brigade activities as defined by paragraphs (c), (d), (e), (f) and (g) of section 35A of the Act;
- (e) ineligible to vote at bush fire brigade meetings;
- (f) not to be assigned ranks under the Authority's rank structure.

4.5 Honorary life member

- (1) The bush fire brigade may by a simple majority resolution appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade.
- (2) No membership fees are to be payable by an honorary life member.

4.6 Notification of membership

No later than 31 May in each year, the bush fire brigade is to report to the Chief Bush Fire Control Officer the name, contact details and type of membership of each brigade member.

PART 5—APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS**5.1 Rules to govern**

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules, as determined by the City of Wanneroo.

PART 6—EQUIPMENT OF BUSH FIRES BRIGADES**6.1 Policies of local government**

The local government may make policies under which it—

1. provides funding to bush fire brigades for the purchase of protective clothing, equipment and appliances; and
2. keeps bush fire brigades informed of opportunities for funding from other bodies.

6.2 Equipment in brigade area

Not later than 31 March in each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

6.3 Funding from local government budget

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by 31 March in order to be considered in the next following local government budget, and is to be accompanied by the last audited financial statement and a current statement of assets and liabilities of the bush fire brigade.

6.4 Consideration in the local government budget

The local government may approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question.

TREASURY

TY301*

State Trading Concerns Act 1916

**State Trading Concerns (Authorisation)
Amendment Regulations (No. 7) 2000**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *State Trading Concerns (Authorisation) Amendment Regulations (No. 7) 2000*.

2. The regulations amended

The amendments in these regulations are to the *State Trading Concerns (Authorization) Regulations 1998**.

[* Reprinted as at 15 September 2000.
For amendments to 17 November 2000 see Gazette
3 November 2000.]

3. Schedule 2 amended

- (1) Schedule 2 Part 1 is amended by inserting before the entry “The Western Australian Government Railways Commission” the following —

“ Small Business Development Corporation ”.

- (2) Schedule 2 Part 2 is amended by inserting before the entry “The Western Australian Government Railways Commission” the following —

“

Small Business Development Corporation

The provision by Small Business Development Corporation
of —

- (a) goods, information, or intellectual property developed by the Corporation;
- (b) scientific, technical, educational, training, management, or advisory services; or
- (c) advertising opportunities.

”.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

— PART 2 —

EDUCATION

ED401*

EDUCATION DEPARTMENT OF WESTERN AUSTRALIA
SCHEME FOR DEALING WITH DISPUTES AND COMPLAINTS

1. Who may complain

Students, parents, members of the community, and Education Department staff in their private capacity are entitled to have their disputes and complaints addressed by a principal or director or the Director-General.

2. What may be complained about

A complaint may be made about—

- (a) the provision of education;
- (b) the conduct of any member of the teaching staff; or
- (c) the conduct of any other member of staff.

Persons who are the subject of a complaint are to be informed of the substance of the complaint. The text of the complaint is not provided to them.

3. How the complaint will be handled

Every effort will be made to resolve disputes and complaints at the local level.

Complaints will be handled promptly, confidentially and in accordance with procedural fairness.

Persons who are the subject of a complaint, who make a complaint or provide information in the course of an investigation into a complaint are not to be subject to prejudice, intimidation, and harassment or be subject to any detriment because of their involvement.

Full details of the Education Department's processes for the management of disputes and complaints are published in *Disputes and Complaints Policy and Procedures* (EDWA, 2001) and are available on the Department's web site at: <http://www.eddept.wa.edu.au/regframe/index.cfm> or from any District Education Office.

4. Time Limit

The chief executive officer must reject a complaint about an incident which occurred more than 12 months before the complaint is made unless in the Director-General's opinion the person who made the complaint has shown good reason for the delay.

PLANNING

PD401*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT
NOTICE OF AMENDMENT OF PLANNING CONTROL AREA No. 46
PART LOT 53, DALGETY ROAD, RED HILL (BUSH FOREVER SITE NO. 42)
CITY OF SWAN

General Description

The Hon Minister for Planning has granted approval to amend Planning Control Area No. 46, previously declared over the whole of Lot 53 Dalgety Road, Red Hill, so that the amended Planning Control Area (PCA) only includes the northern part of the lot which is required for Parks and Recreation, as shown on Western Australian Planning Commission Plan No. 3.1390/1.

Purpose of The Planning Control Area

The purpose of this amended Planning Control Area is to protect land identified in Bush Forever for its considerable conservation value. Regionally, the vegetation is classified as the Forrestfield Complex, which is inadequately represented for conservation on the Swan Coastal Plain. The critically endangered floristic community type on this site is listed for national protection. The Commission considers that the amended Planning Control Area is required to ensure that no further development occurs on this land which might prejudice this purpose until it may be reserved for the purpose of Parks and Recreation in the Metropolitan Region Scheme.

Duration and Effects

The amended Planning Control Area has effect from the date of publication of this notice in the *Government Gazette* to the original declaration expiry of 16 January 2006, or until revoked by the Western Australian Planning Commission with the approval of the Minister.

A person shall not commence and carry out development in a Planning Control Area without the prior approval of the Western Australian Planning Commission. The penalty for failure to comply with this requirement is \$2,000, and in the case of a continuing offence, a further fine of \$200 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the Western Australian Planning Commission in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

Where the Amended Planning Control Area is available for public inspection

Ministry for Planning
1st floor, 469 Wellington Street
PERTH WA

Municipal office of the City of Swan
Midland Square
Cnr Morrison Road and Great Northern Hwy
MIDLAND WA

JS Battye Library
Alexander Library Building
NORTHBRIDGE WA

PETER MELBIN, Secretary, Western Australian
Planning Commission.

WATER

WA401***WATER AGENCIES POWER ACT 1984**

Native Title Act (Commonwealth)

Notification of Permissible Future Act

Hamersley 29A Wastewater Pumping Station

In accordance with the provisions of Section 29 of the Native Title Act, notice is hereby given that the Water Corporation intends to undertake the construction of a wastewater pumping station at the location as shown on the plan above.

Description of Land

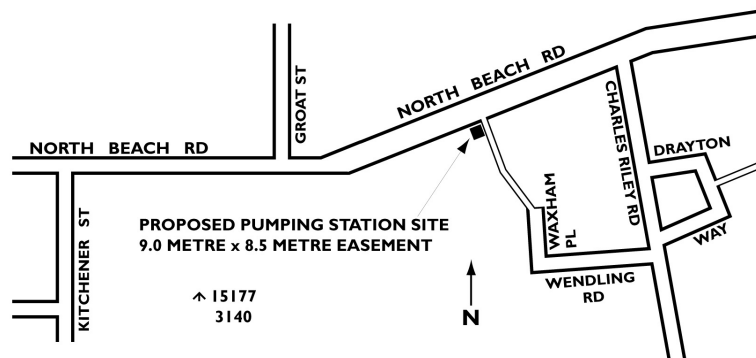
Pumping Station Site—"Recreation" Reserve 15177, Lot 3140 (bounded by North Beach Road, Charles Riley Road and Kitchener Street) vested in the City of Stirling.

Description of Works

Below ground wastewater pumping station approximately six metres deep to be open excavated and backfilled.

It is proposed to commence construction in May 2002 and complete construction within six months.

Any objection or comment on the proposal should be lodged in writing to the Project Manager, Mr Ian Michelmore, c/o Water Corporation, PO Box 100, Leederville, WA 6902, before the close of business on 21 March 2001.



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