

G WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

3155



PERTH, TUESDAY, 9 JUNE 1998 No. 114

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

BUSH FIRES ACT 1954

SHIRE OF VICTORIA PLAINS

FIRE CONTROL LOCAL LAW

BUSH FIRES ACT 1954

SHIRE OF VICTORIA PLAINS

FIRE CONTROL LOCAL LAW

In pursuance of the power conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 28 day of April 1998 to make and submit for confirmation by the Governor the following local law.

PART 1—PRELIMINARY**Revocation**

1. The Bylaws relating to the establishment, maintenance and equipment of Bush Fire Brigades, as published in the *Government Gazette* of 3 October 1986, are revoked.

Definitions

2. "Act" means the Bush Fires Act 1954.

"CEO" means the Chief Executive Officer of the Shire of Victoria Plains

"Council" means the Council of the Shire of Victoria Plains

"Bush Fire Brigade" means Bush Fire Brigades for the time being registered in a register kept pursuant to s.41 of the Act.

"Excluded area" means an area of rural land not exceeding 10 hectares, where it is physically impossible to install firebreak, or where in the owner's or occupiers opinion, the installation of firebreaks would be detrimental to the conservation of remnant or natural vegetation or the establishment of re-afforested areas.

"Firebreak" means ground from which all inflammable material has been removed and on which no inflammable material is permitted during the firebreak.

"Firebreak Period" means the time between 15 October and 29 March in the following year.

"Fuel Dump" means any depot, tank or dump where in excess of 500 litres of a flammable liquid or 300 kilograms of a flammable gas is stored.

"Inflammable Material" means bush (as defined by the Bush Fires Act 1954), timber, boxes, cartons, paper and the like inflammable materials, rubbish and any combustible matter, but does not include buildings, standing trees or growing bushes or plants in gardens or lawns.

"Regulations" means Regulations made under the Bush Fires Act 1954.

"Rural Land" means all land within the Shire of Victoria Plains zoned "farming" under the Town Planning Scheme No 2.

"Townsite Land" means all land (1) within the townsites of Calingiri, Bolgart, Yerecoin, Piawaning and (2) in the locality of New Norcia not zoned as "Rural Residential" under the Town Planning Scheme No 2.

"Rural Residential Land" means land for rural smallholdings in accordance with Western Australian Planning Commission Rural Land Use Planning Policy.

PART 2—FIRE CONTROL**Requirement for Fire Control Measures**

3. All owners and occupiers of land within the Shire of Victoria Plains are hereby required to take, provide and maintain fire control measures during the firebreak period.

Rural Land

4. On land other than excluded areas, the owner or occupier shall:

(a) clear firebreaks not less than 2.5 metres wide:—

i) inside all external boundaries of the land, and within 20 metres of that boundary

ii) immediately surrounding all buildings and remove all inflammable material from within the two metres of all such buildings, and

iii) so as to divide land into areas not exceeding 400 hectares,

(b) remove all inflammable material for a continuous distance of 5 metres immediately surrounding every haystack, hayshed, stationary pump or engine, and

(c) remove all inflammable material for a continuous distance of 20 metres, or to the external boundary of the land whichever is nearer, from around

- i) fuel dumps, and
- ii) all bush has been bulldozed, chained or prepared in any similar manner for clearing (whether it is intended to burn the bush or not).

Excluded Areas

5. All excluded areas remain the owners or occupiers responsibility and any variation as permitted by clause 4 of this By-Law does not render null and void any duty otherwise required by law.

Townsite Land

6. On townsite land, where a property or adjoining properties having the same ownership or control and are used as a single holding, the owner or occupier, shall:

- a) provide and maintain firebreaks inside all external boundaries of the land not less than
 - (i) 1.0m in width where the land does not exceed 5000 m² in area, or
 - (ii) 2.5m in width where the land exceeds 5000 m² in area; or
- b) clear by burning, all inflammable material likely to be conducive to the outbreak, spread or extension of a fire from the whole of the land; or
- c) have all inflammable material likely to be conducive to the outbreak, spread or extension of fire removed, and the grass maintained to a height not greater than 10cms; and
- d) clear all inflammable material likely to be conducive to the outbreak, spread or extension of a fire from the whole of the land, where a fuel dump is situated on the land.

Rural Residential Land

7. On rural residential land, where a property or adjoining properties having the same ownership or control and are used as a single holding, the owner or occupier shall comply with the requirements of:

- a) farming land where the holding exceeds 10 ha in area; or
- b) townsite land, where the holding does not exceed 10 ha in area.

Fire Breaks on Road Reserves

8. Firebreaks are not permitted on a road reserve.

Fire Fighting Units

9. During any period when harvesting operations are being conducted there shall be provided in the same paddock or within 50 metres of that paddock, an operational independent mobile fire fighting unit having an engine driven pump and a water capacity of not less than 450 litres; the tank of the unit shall be kept full of water at all times during harvesting operations and the responsibility to supply the unit is that of the landholder.

Clover Harvesting

10. Harvesting bans include the harvesting of clover.

Variation to Requirements

11. If it is considered impracticable to clear firebreaks or remove inflammable material from the land as required, application may be made in writing to the Council or its duly authorised officer for permission to put in place alternative fire hazard reduction measures, however, if permission is not granted, the requirements of this Part shall be complied with.

PART 3—FIRE CONTROL OFFICERS

Appointment

12. The Council shall appoint a Chief Bush Fire Control Officer, a Deputy Chief Bush Fire Control Officer and other Fire Control Officers as is deemed necessary, and may determine and restrict the powers of the Fire Control Officers, and may prescribe an area over which the Fire Control Officer shall have jurisdiction.

Training

13. Council shall not appoint or reappoint a person as a Fire Control Officer, or Dual Fire Control Officer, unless he/she has completed a Fire Control Officer's training course, certified by the Bush Fires Board, within the previous five years, and proof of satisfactory completion of the course is required.

Protective Clothing

14. Council may, either at cost price or at its own expense, supply its Bushfire Control Officers with such protective clothing and attire as it deems appropriate, for use in connection with the Fire Control Officer's duties under the Act.

Notification of Harvest Bans

15. The Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Chief Executive Officer and Deputy Chief Executive Officer are authorised to issue and advise, as required, any harvesting bans.

Variation to Burning Periods

16. Under section 17 (10) of the Bush Fires Act, the Shire President and Chief Bush Fire Control Officer, Jointly, are authorised to exercise Council's powers and duties of subsections (7) and (8).

PART 4—BRIGADES

Establishment of Brigades

17. (a) Council may by resolution organise, establish, name, maintain and equip a bush fire brigade in accordance with the provisions of the Act and Regulations, this local law, and policies of the Council.

(b) A bush fire brigade may be established for the whole of the Municipality or for a specified area.

Operation of Brigades

18. The operation of a Brigade shall be in accordance with the requirements of Council as resolved from time to time.

Appointment of Officers

19. The Council shall be notified annually of the names of officers appointed in the form of the First Schedule to these by-laws.

Membership of Brigades

20. (a) The membership of a Bush Fire Brigade shall consist of enrolled fire fighting members.

(b) Fire fighting members shall be those persons, aged fifteen (15) years of age and over who are willing to render service when possible at any bush fire and who sign an undertaking in the form contained in the Second Schedule to these by-laws.

(c) The enrolment of such persons as fire fighting members may be revoked by Council.

Finance

21. The expenditure incurred by the Council in the purchase of equipment, payment of service and generally for the purposes of this Act shall be a charge on the ordinary revenue of the Council, and the CEO shall direct that a record of expenditure incurred under the Act be kept.

PART 5—GENERAL

Chain of Command

22. The chain of command within a brigade area, is as follows:

Chief Bush Fire Control Officer

- Deputy Chief Bush Fire Control Officer
- Fire Control Officer
- Brigade Captain
- 1st Lieutenant
- 2nd Lieutenant, etc, if any
- Brigade members

PART 6—PENALTIES

Penalty

23. The penalty for failing to comply with Part 2 of these by-laws is a fine not exceeding \$1 000 and a person in default is also liable whether prosecuted or not to pay the costs of performing the work directed in this notice if it is not carried out by the owner and/or occupier by the date required by this notice.

First Schedule

Form 12

BUSH FIRES ACT 1954

Regulation 41

SHIRE OF VICTORIA PLAINS REGISTER OF BUSH FIRE BRIGADES

Bush Fire Brigade:

Registration Date:

Captain:

Lieutenants: 1

 2

 3

Secretary:

Treasurer:

Signature:..... CEO

Second Schedule

FORM OF ENROLMENT—FIRE FIGHTING MEMBERS

APPLICATION/DECLARATION

I hereby make application to be enrolled as a fire fighting member of a Bush Fire Brigade.

Name of Brigade:

Applicant's Name:

My private address is:

My business address is:

I can be contacted by: Home telephone No: Business:

Home Facsimile: Business Fax:

CB Radio: Channel Call sign:

I hold a current drivers licence No:

Classes:

I declare that I am over fifteen (15) years of age, and in good health.

On enrolment as a fire fighting member, I hereby undertake:

1. To promote the objects of the Brigade as far as shall be in my power.
2. To be governed by the provisions of the Act and Regulations, and by the Local laws and policies of the Shire, as may be made from time to time.
3. To use my best endeavour to give assistance in fire fighting measures when called upon on such occasions to obey all orders and instructions issued by duly authorised officers of the Brigade or Council.
4. To accept that my membership may be terminated at any time by the Brigade or Council, if my behaviour or actions are considered not to be in the best interest of the Brigade or Council.

Applicants signature: Date:

Please list here any fire fighting equipment owned by you.

1.
2.
3.

Dated this 28th day of April 1998.

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

T. FIELD, President.
D. H. TINDALE, CEO.

