

G WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

683



PERTH, FRIDAY, 2 FEBRUARY 2001 No. 25 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.15 PM

CITY OF COCKBURN

BUSH FIRES ACT 1954

**BUSH FIRE BRIGADES LOCAL
LAW 2000**

HEALTH ACT 1911

**HEALTH (EATING HOUSES) LOCAL
LAW 2000**

AGRICULTURE AND RELATED RESOURCES
PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

**LOCAL LAW RELATING TO PEST
PLANTS 2000**

BUSH FIRES ACT 1954

CITY OF COCKBURN

BUSH FIRE BRIGADES LOCAL LAW 2000

In pursuant to the powers under the Bush Fires Act 1954 and all other powers enabling it, the Council of the City of Cockburn hereby records having resolved on the 21 November 2000 to make the following local law.

PART 1—PRELIMINARY**Short Title**

1. This local law may be cited as the City of Cockburn Bush Fire Brigades Local Law 2000.

Commencement

2. This local law comes into operation on the fourteenth day after the day on which it is published in the Government Gazette.

Application

3. This local law shall apply to the whole of the district.

Content and Intent

4. The purpose and effect of this local law is to provide for the regulation, control and management of Bush Fire Brigades within the district.

Repeal

5. The By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades adopted by Council on the 13 July 1982 and published in the Government Gazette on 24 September 1982, are repealed.

Interpretation

6. In this local law, unless the context otherwise requires:

“**Act**” means the Bush Fire 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 section 8 (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 section 8 (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 Advisory Committee**” means the persons appointed to a bush fire advisory committee in accordance with section 67 of the Act;

“**bush fire brigade**” has the same meaning as given to it by the Act;

“**Bush Fire Operating Procedures**” means the Bush Fire Operating Procedures adopted by the local government;

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

“**fire fighting member**” is defined in section 30;

“**local government**” means the City of Cockburn;

“**normal brigade activities**” has the same meaning given to it in the Act;

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

“**Rules**” means the Rules Governing the Operation of Bush Fire Brigades as adopted by Council.

PART 2—ESTABLISHMENT OF BUSH FIRE BRIGADES*Division 1—Establishment of a Bush Fire Brigade***Establishment of a Bush Fire Brigade**

7. (1) The local government may by resolution establish, maintain and equip 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 decision of the local government in accordance with subsection (1).

Name and Officers of Bush Fire Brigade

8. (1) On establishing a bush fire brigade in accordance with section 7 (1) the local government is to:
- (a) name the bush fire brigade;
 - (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; and
 - (c) appoint the following officers to the brigade:
 - (i) a Captain;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant;
 - (iv) an Equipment /Logistics Officer;
 - (v) a Training Co-ordinator or Officer;
 - (vi) a Administrative Officer/Secretary;
 - (vii) a Treasurer;
- (2) When considering the appointment of persons to the positions in subsection (1) (c), the local government is to have regard to the qualifications and experience, which may be required to fill each position.
- (3) A person appointed to a position mentioned in subsection (1) (c) is to be taken to be a brigade member.
- (4) The appointments referred to subsection (1) (c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) If a position referred to in subsection (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 subsection (2).

*Division 2—Command at a Fire***Seniority of Personnel**

9. (1) Where in accordance with the Act and the 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 Lieutenant, 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***Rules**

10. (1) The Rules made under this local law by Council govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each brigade member is to comply with the Rules.

Variation of Rules

11. (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 subsection (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 subsection (1).

*Division 4—Transitional***Existing Bush Fire Brigades**

12. Where a local government has established a bush fire brigade prior to the commencement date of this local law, 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 a bush fire brigade save for section 8; 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.

*Division 5—Dissolution of a Bush Fire Brigade***Dissolution of a Bush Fire Brigade**

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

New Arrangement After Dissolution

14. 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***Local Government Responsibility**

15. The local government is to maintain and equip the bush fire brigade.

Officers to be Supplied with the Act

16. The local government is to supply each brigade Captain 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 brigades officers' functions, and any amendments which are made thereto from time to time.

*Division 2—Chief Bush Fire Control Officer***Managerial Role of Chief Bush Fire Control Officer**

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

Chief Bush Fire Control Officer may Attend Meetings

18. The Chief Bush Fire Control Officer or his or her 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.

Duties of Chief Fire Control Officer

19. The duties of the Chief Bush Fire Control Officer include:

- (a) providing 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) liaising with the local government concerning fire prevention and 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; and
- (d) ensuring that bush fire brigades members are registered with the local government and that lists of brigade members are maintained.

*Division 3—Annual General meetings of Bush Fire Brigades***Holding of Annual General Meeting**

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

Nomination of Bush Fire Brigade Delegates to Bush Fire Advisory Committee

21. Members of Brigades shall appoint two members annually to represent their respective Brigade on the City of Cockburn Bush Fire Advisory Committee and those members appointed shall be entitled to have voting rights on the Committee. Brigades shall appoint a proxy member for each member for attendance should one or both the elected representatives are unable to attend such meetings.

Bush Fire Advisory Committee Advisory Members

22. A nominated officer from the Department of Conservation and Land Management, the Fire and Emergency Services Authority and the Bush Fire Service shall be entitled to representation on the Bush Fire Advisory Committee in an advisory capacity and having no voting rights.

Nomination of Bush Fire Control Officer to the Local Government

23. 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 two brigade members, 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.

Minutes to be Tabled before the Bush Fire Advisory Committee

24. (1) The Administrative Officer/Secretary is to forward a copy of the minutes of all meetings of the bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.

(2) The Chief Bush Fire Control is to table the minutes of a bush fire brigade's meetings at the next meeting of the:

- (a) Bush Fire Advisory Committee; or
- (b) the local government if there is no Bush Fire Advisory Committee,

following their receipt under subsection (1).

*Division 4—Bush Fire Advisory Committee***Functions of Advisory Committee**

25. The Bush Fire Advisory Committee is to have the functions as 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.

Advisory Committee to Nominate Bush Fire Control Officers

26. As soon 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 for the position(s) of a bush fire control officer for the brigade area.

Local Government to Have Regard to Nominees

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

Advisory Committee to Consider Bush Fire Brigade Motions

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

PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP*Division 1—Membership***Types of Membership of Bush Fire Brigades**

29. 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.

Fire Fighting Members

30. Fire fighting members are those persons being at least 15 years of age who undertake all normal bush fire brigade activities.

Associate Member

31. 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.

Cadet Members

32. Cadet members are:

- (a) to be age 12 to 15 years;
- (b) to be admitted to membership only with the written 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 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.

Honorary Life Member

33. (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 paid by an honorary life member.

Notification of Membership

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

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

35. The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules.

PART 6—EQUIPMENT OF BUSH FIRE BRIGADES**Policies of Local Government**

36. The local government may make policies under which it:

- (a) provides funding to bush fire brigades for the purchase of protective clothing, equipment and appliances; and
- (b) keeps bush fire brigades informed of opportunities for funding from other bodies.

Equipment in Brigade Area

37. Not later than 31 May 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).

Funding from Local Government Budget

38. A request to the local government from the bush fire brigade for funding of protective clothing, equipment and appliances 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.

Consideration in the Local Government Budget

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

Dated this 28th day of November 2000.

The Common Seal of the City of Cockburn Was hereunto affixed in the presence of—

JULIAN DONALDSON, Commissioner.

R. W. BROWN, Chief Executive Officer.

HEALTH ACT 1911

CITY OF COCKBURN

HEALTH (EATING HOUSES) LOCAL LAW 2000

Made by the Council of the City of Cockburn under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995.

Short Title

1. This local law may be cited as the City of Cockburn Health (Eating Houses) Local Law 2000.

Content and Intent

2. The purpose and effect of this local law is to provide for the regulation, control and management of eating houses within the district.

Repeal

3. The *Health By-Laws-Eating Houses* made by Council on the 5 March 1996 and published in the Government Gazette on 17 May 1996, are repealed.

Interpretation

4. In this local law, unless the context otherwise requires:

“**Act**” means the *Health Act 1911*;

“**Approved**” means approved by an Environmental Health Officer or the Principal Environmental Health Officer;

“**Chief Executive Officer**” means the Chief Executive Officer of the City of Cockburn and includes the Acting Chief Executive Officer;

“**Classified**” means classified by an Environmental Health Officer;

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

“**Dining Room**” means an eating house, in which meals may be either consumed on the premises (by not more than 20 members of the public at any one time) or taken away, but does not include a restaurant or tea room;

“**Eating House**” has the same meaning as given in the Act;

“**Environmental Health Officer**” means a person appointed by Council to be an Environmental Health Officer pursuant to the provisions of the Act;

“**Food Regulations**” means the *Health (Food Hygiene) Regulations 1993*;

“**Licence**” means a licence to conduct an eating house issued pursuant to this local law;

“**Local Government**” means the City of Cockburn;

“**Meals**” has the same meaning as given to it in the Act;

“**Principal Environmental Health Officer**” means the person appointed by Council to be the Principal Environmental Health Officer and includes any person acting in that capacity;

“**Proprietor**” has the same meaning as given to it in the Act;

“**Restaurant**” means an eating house in which meals may be either consumed on the premises by the public or taken away, but does not include a dining room or a tea room;

“**Take-Away Food Premises**” means an eating house, where meals are served or prepared for service only in a state in which they may be taken away from the eating house and consumed but does not include:

(a) an eating house in which meals are served or consumed at tables;

(b) a tea room; or

(c) an eating house where the only meals served are confectionery, or pre-packaged meals which require heating only.

“**Tea Room**” means an eating house, classified as a tea room where the only meals served or prepared for service are:

(a) tea, coffee and similar beverages; and

(b) food which does not require cooking on the premises.

Unless inconsistent with the context terms in this local law not defined in this local law have the meaning given to them in the Act.

Classification

5. For the purposes of this local law eating houses are classified as:

- (a) dining rooms;
- (b) restaurants;
- (c) take-away food premises; and
- (d) tea rooms.

Prescribed Date

6. For the purpose of section 163 of the Act, the 31st day of December each year is hereby prescribed as the date on or before which the application shall be made for registration of an eating house or application for the issue of a licence to the proprietor thereof.

Requirement for Registration and Licensing

7. A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premises as an eating house unless and until, in accordance with the provisions of this local law:

- (a) the premises are registered; and
- (b) each of the proprietors of the premises is licensed.

Registration of an Eating House

8. (1) Any person seeking the registration of or intending to establish or carry on the business of an eating house shall make application in the form approved by Council from time to time and shall forward the application to the Principal Environmental Health Officer together with:

- (a) the fee as fixed from time to time by resolution of Council under section 344C of the Act;
- (b) in relation to a eating house which is not currently registered, two complete sets of drawings including a floor plan and elevations (to scale of not less than 1-100) a site plan (to scale of not less than 1-200) showing the following details:
 - (i) the proposed use of every room;
 - (ii) the finished surface of every wall, floor and ceiling;
 - (iii) the position and type of every fitting and fixture;
 - (iv) all sanitary conveniences, changerooms, ventilating systems, rubbish storage areas, drains, grease traps and provision for waste disposal;
 - (v) use of any outside areas; and
 - (vi) the estimated number of persons, including the proprietor or proprietors, engaged in the preparation, manufacture, processing, cooking or serving of meals.
- (c) two copies of specifications describing materials to be used in the design and construction and, where not indicated on the drawings, the sizes thereof together with all other information not shown on the drawings, which is necessary to show that the premises will, if constructed in accordance with the specifications, comply with the provisions of the Food Regulations

(2) A certificate of registration for an eating house granted by Council under this local law shall be in the form approved by Council from time to time.

Licence to Conduct an Eating House

9. (1) Any person seeking the issue of a licence or intending to establish or carry on the business of an eating house shall make application in the form approved by Council from time to time and such application shall be accompanied by the fee as fixed from time to time by a resolution of Council.

(2) Where there are to be two or more proprietors of an eating house:

- (a) each person shall sign the application for a licence in the form approved by Council from time to time; and
- (b) the licence shall be issued in the joint names of the applicants.

(3) A licence shall be in the form approved by Council from time to time.

(4) Any person seeking the transfer of a licence shall make application in the form approved by Council from time to time and shall forward the application to the Principal Environmental Health Officer together with the fee as fixed from time to time by resolution of Council under section 344C of the Act. The application shall be signed by the proposed transferee of the licence and the holder of the licence.

Licence Conditions

10. (1) A licence shall be issued subject to the following conditions:

- (a) the holder of the licence shall display the licence and the certificate of registration of the eating house in a conspicuous place in the eating house and shall, upon the request of an Environmental Health Officer to do so, produce to him or her the licence and the certificate of registration;
- (b) if the holder of the licence changes his or her place of residence, he or she shall within 14 days thereafter give notice in writing to the Principal Environmental Health Officer specifying in such notice his or her new place of residence;
- (c) The holder of the licence shall not make or permit to be made any structural alteration in, or addition to the eating house without, the prior written approval of Council, nor make or permit to be made any other alterations in or addition to the eating house of any furniture, fixture, counters and food preparation equipment without prior written consent of the Principal Environmental Health Officer;

- (d) The holder of the licence shall notify the Principal Environmental Health Officer of any circumstances existing in the eating house which give rise on the possibility that food may be, or has been contaminated on any part of the eating house used for the storage, manufacture, preparation, processing, inspection, handling, packaging or sale of food, forthwith upon such circumstances arising.

(2) The holder of the licence shall comply with and observe the conditions of the licence imposed under this local law.

Duties of Licence Holders

11. The licence holder shall:

- (a) ensure that persons undertaking or supervising food handling operations have:
- (i) skills in food safety and food hygiene matters; and
 - (ii) knowledge of food safety and food hygiene matters, commensurate with their work activities;
- (b) inform all food handlers working for the eating house of their health and hygiene obligations under Part 4 of the Food Regulations;
- (c) ensure that a copy of the Food Regulations is available in the eating house at all times.

Penalties

12. A person committing any breach of this local law or failing to comply with any of the requirements of this local law or any conditions imposed on the granting of the licence commits an offence and shall be liable to:

- (a) a penalty which is not more than \$2,500 and not less than:
- (i) in the case of the first such offence, \$250;
 - (ii) in the case of the second such offence, \$500; and
 - (iii) in the case of a third or subsequent such offence, \$1,250; and
- (b) if that offence is a continuing offence, to a daily penalty which is not more than \$250 and not less than \$125.

Passed by a resolution at a meeting of the Council of the City of Cockburn held on the 21 November 2000.

The Common Seal of the City of Cockburn Was hereunto affixed in the presence of—

JULIAN DONALDSON, Commissioner.

R. W. BROWN, Chief Executive Officer.

Dated this 28th day of November 2000.

Consented to—

Dr VIRGINIA McLAUGHLIN, Executive Director, Public Health.

Dated this 25th day of January, 2001.

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

LOCAL LAW RELATING TO PEST PLANTS 2000

In pursuance of the powers conferred upon it by the abovementioned Acts and all other powers enabling it, the Council of the abovementioned Local Government hereby records having resolved on the 21 November 2000 to make the following Local Law.

Short Title

1. This local law may be cited as the City of Cockburn Local Law Relating to Pest Plants 2000.

Commencement

2. This local law comes into operation on the fourteenth day after the day on which the local law is published in the Government Gazette.

Application

3. This local law shall apply to the whole of the district.

Content and Intention

4. The purpose and effect of this local law is to provide for the regulation, control and management of noxious weeds within the district.

Repeal

5. The By-laws Relating to Pest Plants as published in the Government Gazette of 31 December 1981, are revoked.

Interpretation

6. In this local law, unless the context otherwise requires:

“**Council**” means the council of the City of Cockburn;

“**district**” means the district of the City of Cockburn;

“**pest plant**” means a plant described as a pest plant in the First Schedule.

Notice to Control Noxious Weeds

7. (1) The Council may serve on the owner or occupier of private land within the district, a notice in the form of the Second schedule to this local law requiring him or her to destroy, eradicate or otherwise control any pest plant on that land.

(2) A person served with a notice under subsection (1) shall comply with that notice within the time and in the manner specified therein.

Compliance with Notice

8. Where a person fails to comply with a notice served under section 7 the Council may:

(a) without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be any pest plant the destruction, eradication or control of which was required by the notice; and

(b) recover in a court of competent jurisdiction from the person to whom the notice is served the amount of the expense of such destruction, eradication or control.

First Schedule**PEST PLANTS**

Common Name

Caltrop

Scientific Name

Tribulus Terrestris

Second Schedule

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

City of Cockburn Local Law Relating to Pest Plants 2000

PEST PLANT NOTICE

No:.....

To:
(Full Name)

of:
(Address)

You are hereby given notice under the above local law that you are required to

.....
(Specify whether required to destroy, eradicate, or otherwise control)

The pest plant

.....
(common name) (scientific name)

On:

.....
(specify the land)

of which you are the
(owner or occupier)

The notice may be complied with by
(specify either destruction, eradication or control)

Such measures shall be commenced not later than
(date)

and shall be completed by
(date)

Upon failure to comply with this notice within the times specified, the council may destroy, eradicate or control, as the case may be, any specified plant at your expense, and if necessary recover the expenditure in a court of competent jurisdiction.

.....
Signature of Authorised Person

Date: / /

Dated this 28th day of November 2000.

The Common Seal of the City of Cockburn was hereunto affixed in the presence of—

JULIAN DONALDSON, Commissioner.
R. W. BROWN, Chief Executive Officer.

