



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

1171



PERTH, THURSDAY, 9 APRIL 2009 No. 58 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

© STATE OF WESTERN AUSTRALIA

CITY OF WANNEROO

LOCAL GOVERNMENT ACT 1995

SIGNS AMENDMENT LOCAL LAW 2008

EXTRACTIVE INDUSTRIES AMENDMENT LOCAL LAW 2008

TRADING IN PUBLIC PLACES AMENDMENT LOCAL LAW 2008

PRIVATE PROPERTY AMENDMENT LOCAL LAW 2008

PARKING AND PARKING FACILITIES AMENDMENT
LOCAL LAW 2008

LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT
LOCAL LAW 2008

DOG ACT 1976

ANIMALS AMENDMENT LOCAL LAW 2008

BUSH FIRES ACT 1954

BUSH FIRE BRIGADES AMENDMENT LOCAL LAW 2008

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

SIGNS AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the "*City of Wanneroo Signs Amendment Local Law 2008*".

1. Citation

This local law may be cited as the *City of Wanneroo Signs Amendment Local Law 2008*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Wanneroo Signs Local Law 1999* as published in the *Government Gazette* on 27 August 1999 is referred to as the principal local law. The principal local law is amended as follows.

4. Clause 15 amended

- (a) In subclause 1(b) delete "1.2 m²" and insert—"2 m²";
- (b) In subclause 1(f) after "on therein" insert—"provided that the total area of the advertisement does not exceed 50% of the glazed area of any one window or 10 m² in aggregate per tenancy"; and
- (c) In subclause 1(l) after "it is erected" insert—"provided the sign does not exceed 3 m in height or 3 m² in area".

5. Clause 16 amended

In subclause (j) after "glass;" delete "or".

6. Clause 25 amended

In subclause (2)(b) delete "5 kms" and insert—"5 km".

7. Clause 36 deleted

Clause 36 and its heading "Limit on Liability" are deleted.

8. Renumbering of clauses

Clause numbers "37" through to "44" are redesignated as "36" to "43" consecutively.

9. First Schedule amended

- (a) In Item no 30 in the nature of offence column delete "5kms" and insert—"5 km".
- (b) In Item no 43 delete reference to clause number "39(2)" and insert—"38(2)".

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

EXTRACTIVE INDUSTRIES AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the following local law.

1. Citation

This local law may be cited as the *City of Wanneroo Extractive Industries Amendment Local Law 2008*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Wanneroo Extractive Industries Local Law 1998* as published in the *Government Gazette* on 8 March 1999 is referred to as the principal local law. The principal local law is amended as follows.

4. Entire document

Delete the word “Shire” and insert the word “City” wherever it appears throughout the document.

5. Clause 5 amended

(a) Insert in alphabetical order—

“administration fee” means a fee applicable under this local law as determined by the local government from time to time in accordance with section 6.16 of the Act;

“person” means any person, company, employer and includes the owner, licensee and previous licensee;”.

(b) In the definition “local government” delete “ “person” means any person, company, employer and includes the owner, licensee and previous licensee”.

6. Clause 6 amended

In subclause (e)(i) after “subdivision” insert—

“or development approval”.

7. Clause 8 amended

(a) In subclause (1)(b)(ix) after “buildings,” insert—

“water supply,”;

(b) In subclause (1)(b)(xi) after “minimise” insert—

“sand drift,”;

(c) In subclause (1)(f) delete “clause 9(a) and (b)” and insert—

“clause 9(1)(a) and clause 9(1)(b)”;

(d) In subclause (1)(j) delete “1992.” and insert—

“1992;”.

(e) After subclause (j) insert—

“(k) copies of any environmental approval required under any environmental legislation;

(l) copies of any geotechnical information relating to the excavation site.”

8. Clause 9 amended

In subclause (1)(a)(ii) delete “every relevant statutory authority including, but not limited to, the Water & Rivers Commission, the Department of Environmental Protection, the Department of Minerals & Energy and person” and insert—

“every authority or person”.

9. First Schedule amended

Delete the First Schedule and insert—

“CITY OF WANNEROO
EXTRACTIVE INDUSTRIES LOCAL LAW 1998
FIRST SCHEDULE
OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	7(a)	Excavate without a licence	500
2	7(b)	Carry on an extractive industry not in accordance with conditions	500
3	11(2)	Failure to pay the administration fee	500
4	17(1)(a)	Excavate without approval within 20 metres of adjacent property boundary	500
5	17(1)(b)	Excavate without approval within 20 metres of any land affected by a registered grant of easement	500
6	17(1)(c)	Excavate without approval within 40 metres of any thoroughfare	500
7	17(1)(d)	Excavate without approval within 50 metres of any watercourse, wetland, swamp or other water reserve	500
8	17(1)(e)	Excavate without approval within 3 metres of the estimated maximum water table level	500
9	17(2)(a)	Removal of trees or shrubs within 40 metres of the boundary of any thoroughfare reserve	500
10	17(2)(b)	Failure to securely fence and/or keep gateways locked	500
11	17(2)(c)	Failure to erect and maintain warning signs	500
12	17(2)(d)	Failure to drain and keep drained any excavation to which the licence applies	500
13	17(2)(e)	Store or permit to store explosives or explosive devices without approval	500
14	17(2)(f)	Not fill or excavate contrary to the terms and conditions of the licence	500
15	17(2)(g)	Failure to restore and reinstate the excavation site in accordance with conditions of the licence	500
16	17(2)(h)	Failure to take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site	500
17	17(2)(i)	Failure to comply with conditions of the licence imposed by the local government	500
18	17(2)(j)	Failure to cease excavating and undertake restoration and reinstatement as required by notice issued by the local government	500
19	17(3)(a)	Carry out or permit to be carried out blasting without approval	500
20	17(3)(b)	Carry out or permit to be carried out blasting outside hours approved by the local government	500
21	17(3)(d)	Failure to comply with conditions imposed by the local government relating to blasting	500
22	17(4)	Carry out or permit to be carried out any blasting on a Saturday, Sunday or Public Holiday without approval	500
23		Other offences not specified	300”

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

TRADING IN PUBLIC PLACES AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the "*City of Wanneroo Trading in Public Places Amendment Local Law 2008*".

1. Citation

This local law may be cited as the *City of Wanneroo Trading in Public Places Amendment Local Law 2008*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Wanneroo Trading in Public Places Local Law 1999* as published in the *Government Gazette* on 27 August 1999 is referred to as the principal local law. The principal local law is amended as follows.

4. Clause 6 amended

- (a) Delete the text of the definition "eating house" and insert—
"has the meaning given to it in section 160 of the Health Act".
- (b) Delete the text of the definition for "Health Act" and insert—
"means the *Health Act 1911* and Regulations made under that Act".
- (c) In the definition "Liquor Act" delete "Liquor Licensing Act 1988" and insert—
"*Liquor Control Act 1988*".

5. Clause 14 amended

- (a) In paragraph (a) after "eating house" insert—
"or other food premises approved by the local government".
- (b) In paragraph (b) after "eating house" insert—
"or other food premises approved by the local government".

6. Clause 16 amended

In subclause (1)(a)—

- (i) after "eating house", in both instances where it appears, insert—
"or approved food premises licensed under the Liquor Act"; and
- (ii) delete "immediately adjacent" and insert—
"adjoining".

7. Clause 17 amended

- (a) In subclause (1)(c)(ii) after "eating house", in both instances where it appears, insert—
"or approved food premises licensed under the Liquor Act".
- (b) In subclause (1)(c)(iii) after "eating house" insert—
"or approved food premises licensed under the Liquor Act".
- (c) In subclause (1)(c)(iv) after "eating house" insert—
"or approved food premises licensed under the Liquor Act".

8. Clause 19 amended

- (a) In subclause (1)(b) after "eating house" insert—
"or approved food premises licensed under the Liquor Act".
- (b) In subclause (1)(d) delete "48" and insert—
"47".

9. Clause 21 amended

In subclause (1)(e) insert before the word “all” the words—
“ensure payment of”.

10. Clause 26 amended

In subclause (1)(c) delete “48” and insert—
“47”.

11. Clause 27 amended

- (a) In subclause 27(1)(b) delete “Fire and Rescue Service of WA” and insert—
“Fire and Emergency Services Authority of Western Australia”.
- (b) In subclause (1)(d) delete all the words after “including a” and insert—
“certificate of approval specifying the maximum number of persons that may be accommodated in the street market.”.

12. Clause 32 amended

In paragraph (c) delete “48” and insert—
“47”.

13. Clause 33 amended

- (a) Delete the text of subclause (1)(a) and insert—
“display a copy of the Street Trading License;”.
- (b) Delete subclause (2)(b).
- (c) Subclause numbers “2(c)” through to “2(l)” are redesignated “2(b)” to “2(k)” consecutively.

14. Clause 38 amended

In paragraph (b) delete “48” and insert—
“47”.

15. Clause 39 amended

- (a) In subclause 1(d) delete the text and insert—
“unless otherwise approved, does not have more than 4 people participating in any one performance;”.
- (b) In subclause 1(g) delete all the words after “licence”.
- (c) Delete subclause 2(e).
- (d) In subclause 4(a) before the word “may” insert—
“unless otherwise approved;”.
- (e) In subclause 4(b) after “shall” insert—
“, unless otherwise approved, only”.

16. Clause 46 amended

Clause 46 and its heading “Limit on Liability” are deleted.

17. Clause 48 amended

- (a) Delete subclause (1) and insert—
 - (1) Where, as a condition of a licence, a licensee is required to obtain and maintain a public liability insurance policy, the licensee shall—
 - (a) enter into an agreement with the local government to provide and maintain the required public liability insurance cover during the entire time that the licence is in place;
 - (b) take out a public liability insurance policy in the name of the licensee, covering the licensee’s legal liabilities in respect of the licensee’s usual business activities including the provision of an outdoor eating area (alfresco dining) on footpaths or other trading places which may or may not be under the ownership, care, custody and control of the local government;
 - (c) advise the local government should the licensee cancel or modify or fail to renew the public liability insurance cover during the period of the licence;
 - (d) provide the local government with a Certificate of Currency confirming that the public liability insurance cover is in place as per the requirements of this clause prior to issuing of the licence;
 - (e) ensure that, as a minimum, the licensee’s public liability insurance policy has a limit of indemnity of \$5 million (five million dollars), or such other amount as the local government considers appropriate to the risk and liability involved. At the discretion of local government, the limit of indemnity required may be increased at the policy renewal date;
 - (f) ensure that the public liability insurer of the licensee is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority.

(2) Subject to subclause (1), the local government, in certain situations may, at its own discretion, require the licensee to note the interest of the local government under the licensee's public liability insurance policy."

(b) Redesignate the existing subclause "(2)" to "(3)".

18. Renumbering of clauses

Clause numbers "47" through to "54" are redesignated as "46" to "53" consecutively.

19. First Schedule amended

Delete the First Schedule and insert—

"FIRST SCHEDULE
City of Wanneroo
Trading in Public Places Local Law 1999
OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
----------	------------	-------------------	---------------------

Part 3—Outdoor Dining

1	14(a)	Set up or conduct outdoor dining area in portion of street or public place not adjoining eating house or approved food premises licensed under the Liquor Act	150
2	14(b)	Set up or conduct outdoor dining area not by proprietor of adjoining eating house or approved food premises licensed under the Liquor Act	150
3	14(c)	Set up or conduct outdoor dining area without licence.	150
4	14(d)	Set up or conduct outdoor dining area contrary to licence plan or licence conditions	150
5	16(2)	Permit operation of outdoor dining area to extend beyond area approved as part of the licence	150
6	21(1)(a)(i)	Fail to manage outdoor dining area in accordance with conditions of licence	150
7	21(1)(a)(ii)	Fail to manage outdoor dining area in accordance with approved management plan	150
8	21(1)(b)	Fail to keep licenced area free of any obstacle or matter likely to cause injury to persons or property	150
9	21(1)(c)	Fail to ensure furniture or equipment remains in licenced area and not impede pedestrian flow	150
10	21(1)(d)	Fail to repair damage to surface area, fixtures, fittings or utility services caused by outdoor dining operation	150
11	21(1)(f)	Fail to ensure trading in outdoor dining area is limited to operating hours stated in licence	150
12	21(1)(g)	Fail to remove tables and chairs and non permanent fixtures and fittings at conclusion of operating hours	150
13	21(2)(a)	Fail to remove all equipment, structures and other things and reinstate area to satisfaction of local government on cessation of licence	150
14	21(2)(b)	Fail to pay all costs for complete reinstatement works	150

Part 4—Street Markets

15	22(a)	Set up or conduct street market without licence	150
16	22(b)(i)	Set up or conduct street market contrary to licence conditions	150
17	22(b)(ii)	Set up or conduct street market contrary to local law	150
18	23(2)	Permit operation of street market area to extend beyond area approved as part of the licence	150
19	27(1)(a)	Fail to obtain approval from local government and Police to close streets where markets held during market times	150
20	27(1)(b)	Fail to lodge copy of approved plans of street markets with Fire and Emergency Services Authority of Western Australia	150
21	27(1)(c)	Fail to make adequate refuse collection arrangements to satisfaction of local government	150

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
22	27(1)(d)(i)	Fail to obtain approval under Health (Public Buildings) Regulations 1992—Certificate of Approval, stating the maximum numbers	150
23	27(1)(e)	Fail to obtain approval in relation to any public entertainment aspects of the street markets	150
24	27(2)(a)	Fail to maintain pedestrian access through and beyond market area	150
25	27(2)(b)	Fail to maintain access to adjacent building entries	150
26	27(2)(c)	Fail to retain access to existing or approved outdoor dining areas with adjacent building entries	150
27	27(2)(d)	Fail to maintain adequate access for emergency vehicles through the streets of the licenced area	150
28	27(2)(e)	Fail to stabilise all structures and furniture used in operation of markets and remove same when not in use	150
29	27(2)(f)	Fail to maintain noise levels from music, announcements and the like so as not to cause a nuisance	150
30	27(2)(g)	Fail to maintain area of markets clean and free from rubbish	150
31	27(2)(h)	Fail to provide separate sanitary facilities for food stall staff	150
32	27(3)	Fail to remove all structures and equipment at conclusion of street market	150

Part 5—Street Trading

33	28(a)	Trading in a street or public place without a licence	150
34	28(b)(i)	Trading in a street or public place contrary to licence conditions	150
35	28(b)(ii)	Trading in a street or public place contrary to local law	150
36	29(2)	Permit trading to extend beyond area approved as part of the licence	150
37	33(1)(a)	Fail to display a copy of the Street Trading License	100
38	33(1)(b)	Fail to have licenced area attended when trading	100
39	33(1)(c)	Fail to keep any stall, stand, table, structure, or vehicle in clean, safe condition and good repair	150
40	33(1)(d)	Fail to keep location specified in licence free from refuse and rubbish	150
41	33(1)(e)	Fail to have licence available at all operation times and produce when requested by authorised person or police officer	100
42	33(1)(f)(i)	Fail to remove any stall, merchandise and signs and leave location clean and vacant at conclusion of operation hours	150
43	33(1)(f)(ii)	Fail to remove any stall, merchandise and signs and leave location clean and vacant whenever trading is not taking place	150
44	33(2)(a)	Trade in any goods, wares, merchandise or service not specified in the licence	150
45	33(2)(b)	Cause or permit any nuisance to exist, arise, or continue from the licence location	150
46	33(2)(c)	Deposit, place or store any goods, wares or merchandise on any street or public place other than the licence location	150
47	33(2)(d)	Obstruct free passage of pedestrians on footpath or accessway	150
48	33(2)(e)	Use, display or permit advertisement outside licence location, larger than approved size and for goods, merchandise or services not approved in the licence	150
49	33(2)(f)	Erect and maintain signs so as to obscure other signage on or adjacent to the licenced area	150

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
50	33(2)(g)	Cry out or shout about goods, merchandise or services in street or public place	150
51	33(2)(h)	Use or permit use of loud hailer, microphone amplifier or sound apparatus, outside licence location without approval	150
52	33(2)(i)	Use or permit use of any record, tape, radio or musical instrument to be heard outside licenced location without approval	150
53	33(2)(j)	Use or permit use of any flashing or intermittent lighting apparatus or device on or from licenced area	150
54	33(2)(k)	Use or permit use of any apparatus to increase dimensions of a stall beyond that specified in the licence	150

Part 6—Street Entertainment

55	34(a)	Engage in street entertainment without a licence	150
56	34(b)(i)	Engage in street entertainment contrary to licence conditions	150
57	34(b)(ii)	Engage in street entertainment contrary to local law	150
58	35(2)	Permit street entertainment to extend beyond area approved as part of the licence	150
59	39(1)(a)	Permit the performance to impede pedestrian flow or access to and along footpaths, entry or exit to shops or other buildings	150
60	39(1)(b)	Permit the performance to impede vehicular flow or access to and along any street, entry or exit to service delivery area	150
61	39(1)(c)	Permit the performance to cause a nuisance to any other street entertainment or activity approved by the local government	150
62	39(1)(d)	Have more people participating in any one performance than approved	150
63	39(1)(e)(i)	Permit the performance to include persons under 14 years of age, during school hours on a school day, without approval	150
64	39(1)(e)(ii)	Permit the performance to include persons under 14 year's of age on school days between 7.00pm and 6.00am, without approval	150
65	39(1)(f)(i)	Permit the performance to involve anything that is offensive or obscene	150
66	39(1)(f)(ii)	Permit the performance to involve the use of fire	150
67	39(1)(f)(iii)	Permit the performance to involve any weapon or object with sharp edges, including knives or swords	150
68	39(1)(f)(iv)	Permit the performance to involve any motorised machinery which emits a loud noise not suitable for the location	150
69	39(1)(f)(v)	Permit the performance to involve any matter whatsoever that endangers the safety of the public or performer	150
70	39(1)(f)(vi)	Permit the performance to involve cruelty to animals	150
71	39(1)(g)	Permit the performance to include amplification not approved on the licence	150
72	39(2)(a)	Fail to vacate the location if allocated space and location to perform is not used	150
73	39(2)(b)	Fail to produce the licence when requested by an authorised person	150
74	39(2)(c)	Fail to display valid licence number during each performance	150
75	39(2)(d)	Fail to comply with direction of an authorised person	150
76	39(3)(a)	Reserve or leave equipment at performance location unless immediately before, during or after a performance	150

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
77	39(3)(b)	Sell any goods or services without approval or licence for the purpose	150
78	39(3)(c)	Erect or permit to be erected or displayed a sign larger than that approved.	150
79	39(3)(d)	Perform in 1 location for more than 30 minutes without approval	150
80	39(4)(a)	Perform at the same site for a period contrary to the approval	150
81	39(4)(b)	Use materials contrary to the approval	250
82	39(4)(c)	Use of spray paint, crayons, textures or other indelible materials, by a pavement or visual artist	250
83	39(4)(d)	Failure of a pavement or visual artist, to return the location including pavement surface, to its former condition	250

Part 8—Miscellaneous

84	48(2)	Refusal to give date of birth, or give a false date on a demand being made	150
85		Other offences not specified	150"

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

PRIVATE PROPERTY AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the "*City of Wanneroo Private Property Amendment Local Law 2008*".

1. Citation

This local law may be cited as the *City of Wanneroo Private Property Amendment Local Law 2008*.

2. Commencement

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Wanneroo Private Property Local Law 2001* as published in the *Government Gazette* on 30 April 2002 is referred to as the principal local law. The principal local law is amended as follows.

4. Clause 1.6 amended

- (a) In the definition of "dangerous"—
 - (i) in paragraph (c) after "or material," insert—"or";
 - (ii) in paragraph (d) delete "cause," and insert "cause."; and
 - (iii) delete paragraphs (e) and (f).
- (b) In the definition of "state of disrepair" after "not licensed" insert—"or cannot be legally used on the road by virtue of their condition,".

5. Clause 3.7 amended

After the words "good condition" delete "and".

6. Clause 3.8 amended

After the words "barbed wire" in the second line insert—"or an electrified fence".

7. Clause 7.1 amended

- (a) In subclause 1(a) delete "1 lux" and insert—"10 lux"; and
- (b) In subclause 1(b) delete all the words after "maximum angle" and insert—"of 20 degrees from vertically downward; or".

8. PART 8 amended

- (a) In the heading of **PART 8** after "**ELECTRIFIED**" insert—" , **BARBED**";
- (b) In subclause 8.1(1)(b) after "partly of" insert—"barbed or";
- (c) In subclause 8.1(4) after "partly of" in the first line insert—"barbed or"; and
- (d) In subclause 8.1(4)(b) after "where any" insert—"barbed or".

9. Part 10 amended

- (a) In the heading of **PART 10** after the word "**VEHICLE**" insert—" **STORAGE**,"; and

- (b) Before the heading “10.1 Commercial wrecking of vehicles” insert—
“10.1 Parking and storage of non-commercial vehicles generally
 (a) Only vehicles which are operational and registered for on-road use may be parked or stored in the front set-back of residential properties;
 (b) Any vehicle which is not operational and road registered may only be stored within a garage, or in the rear set-back, screened so as not to be visible from beyond the property boundaries. The use of vehicle covers within the front set-back does not qualify as screening under this clause; and
 (c) Any vehicle, whether road registered or not, which is longer than 10 metres, wider than 2.5 metres or higher than 3 metres, may not be stored at a residential lot.”;
- (c) In subclause 10.2(2)(a) delete “port” and insert—
 “part”; and
- (d) Subclause numbers “10.1” through to “10.4” are redesignated as “10.2” to “10.5” consequentially.

10. Clause 14.2 amended

Clause 14.2 and its heading “Limit on liability” are deleted.

11. PART 16 inserted

After clause 15.5 insert—

“PART 16—MISCELLANEOUS

16.1 Fees and charges

Fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the Act.”

12. First Schedule amended

In the section headed “**Open fence**” delete “on required by clause 15” in the first line and insert—
 “permitted”.

13. Third Schedule amended

After paragraph (c) insert the following—

“Permissible Alternative Fences

Permissible alternative fences apply to front fences only and are not intended for other boundary fences on a rural lot or special rural lot.

With approval from the local government, open front fences may be constructed of

- (a) an open picket timber fence;
- (b) brick, stone or concrete piers with an open infill of timber, wrought iron or tubular metal; or,
- (c) such other open fencing as approved by the local government.”

14. Fifth Schedule amended

Delete the Fifth Schedule and substitute the following—

“Fifth Schedule

CITY OF WANNEROO

Private Property Local Law 2001

OFFENCES AND MODIFIED PENALTIES

Clause No	Nature of Offence	Modified Penalty \$
Part 3—Fencing General		
3.1(a)	Erecting a fence which is not a sufficient or permissible fence	150
3.1(b)	Failure to maintain a fence to satisfy requirements of sufficient or permissible fence	150
3.3	Erecting without approval a fence higher than 1 m within the front setback which is not an open fence	150
3.4	Erecting without approval a fence which is not a permissible alternative fence on a secondary frontage	150
3.5	Erecting a fence adjacent to an access point without a truncation	150
3.7	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated, unsightly	150
3.8	Constructing a barbed wire or an electrified fence on rural property adjacent to a public place or reserve with barbed wire or an electrified fence not fixed to side of fence furthest from the public place or reserve	150
3.9	Using broken glass, barbed or razor wire, spiked or jagged projections in fence construction without approval	150

Clause No	Nature of Offence	Modified Penalty \$
3.10(a)	Erecting or maintaining a gate in a fence not opening into the property	150
3.10(b)	Erecting or maintaining a gate in a fence not opening by sliding parallel and on inside of fence	150
3.10(c)	Erecting or maintaining a gate in a fence without approval	150
3.11	Erecting or maintaining a fence/obstruction temporarily or permanently across right of way, pedestrian access way or road without consent	150
Part 5—Estate Fences		
5.1(2)	Failure to depict suburb name on estate boundary fence or estate entry statement	250
5.2(1)	Failure to repair/replace damaged estate boundary fence with same or similar materials as original fence	150
Part 6—Tennis Court Fencing		
6.1(2)(a)	Erecting or repairing a tennis court fence higher than 3.6m	150
6.1(2)(b)	Erecting tennis court fence less than 900mm from boundary of adjoining lot without submission from adjoining owner	150
6.1(2)(c)	Not erecting or repairing chain link mesh fence in accordance with manufacturer's specification	150
Part 7—Security and Flood Lighting		
7.1(1)(a)	Erecting or maintaining on private land a luminaire which spills 10 lux or more illumination into adjacent land/building	150
7.1(1)(b)	Erecting or maintaining security/floodlight higher than 3m or at greater angle than 20 degrees from the vertical down	150
7.1(1)(c)	Erecting or maintaining security/floodlight so glare affects amenity or is hazardous	150
7.4(a)	Permitting tennis court floodlights to remain lit after 10 pm	150
7.4(b)	Hiring tennis court for tennis or other activity for commercial gain	150
Part 8—Electrified, Barbed and Razor Wire Fences		
8.1(1)(a)	Having and using an electrified fence without a licence	150
8.1(1)(b)	Having and using a barbed or razor wire fence without a licence	150
Part 9—Street Numbering		
9.2(1)	Failure to paint/affix/maintain current street number in a conspicuous place on front of building, fence, letterbox or gate fronting street	150
9.3(1)	Placing street number so as to cause confusion or be misleading	150
Part 10—Vehicle Storage, Wrecking, Fibreglassing and Spray Painting		
10.1(b)	Parking a not operational and road registered vehicle on the front set-back without being properly screened	150
10.1(c)	Storing a vehicle longer than 10 metres, wider than 2.5 metres or higher than 3 metres on a residential lot	150
10.2	Undertaking or permitting commercial wrecking of vehicles without planning approval	150
10.3(1)	Storing, wrecking or allowing to remain on land any vehicle, part or body of vehicle or machinery in state of disrepair without it being screened from view	150
10.3(2)	Keeping on any residential or special rural lot more than one vehicle in state of disrepair	150
10.4(1)	Failure to dispose of vehicle, parts or body of vehicle or machinery at a place set aside or approved for that purpose	150
10.4(2)	Destroying portion of vehicle or machinery by fire so as to cause nuisance by smoke or odour	150
10.5	Using or manufacturing fibreglass or undertaking spray painting without approval	150
Part 11—Private Swimming Pools		
11.1(a)	Not allowing inspector to inspect swimming pool	150
11.1(b)	Failure to remove impediment to reasonable and safe access	150

Clause No	Nature of Offence	Modified Penalty \$
Part 12—Sand Drift and Litter Control		
12.1	Failure to prevent soil or dust from being released or escaping	150
12.2(1)	Allowing fill or excavation to affect adjoining land	150
12.2(3)	Failure to retain soil	150
12.3(1)	Failure to provide a suitable litter receptacle or enclosure on a building site	250
12.3(2)	Failure to keep wind blown building rubbish in receptacle or enclosure	150
Part 13—Driveways and Drainage		
13.1(1)	Constructing a vehicle crossing at a gradient exceeding maximum allowable	150
13.1(2)	Constructing a driveway at a gradient exceeding maximum allowable	150
13.2	Allowing storm water to discharge onto adjoining land or road reserve	150
	Other offences not specified	150 ^a

10. Schedule of Fees and Charges deleted

Delete the Schedule of Fees and Charges.

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

**PARKING AND PARKING FACILITIES AMENDMENT
LOCAL LAW 2008**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the "*City of Wanneroo Parking and Parking Facilities Amendment Local Law 2008*".

1. Citation

This local law may be cited as the *City of Wanneroo Parking and Parking Facilities Amendment Local Law 2008*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Wanneroo Parking and Parking Facilities Local Law 2003* as published in the *Government Gazette* on 13 January 2004 is referred to as the principal local law. The principal local law is amended as follows—

4. Clause 3 amended

Delete the whole of the text to clause 3 and insert—

“In this local law unless the context otherwise requires—

“**ACROD sticker**” has the meaning given to it by the Code;

“**Act**” means the *Local Government Act 1995*;

“**appointed place**” means a place appointed by the local government or Chief Executive Officer to which vehicles causing an obstruction may be removed;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law;

“**authorised vehicle**” means a vehicle authorised by the local government, Chief Executive Officer, authorised Person or by any written law to park on a thoroughfare or parking facility;

“**bicycle**” has the meaning given to it by the Code;

“**bus**” has the meaning given to it by the Code;

“**bus stop**” has the meaning given to it by the Code;

“**bus zone**” has the meaning given to it by the Code;

“**caravan**” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

“**carriageway**” means a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a thoroughfare has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“**centre**” in relation to a carriageway, means a line or a series of lines, marks or other indications—

(1) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(2) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

“**children’s crossing**” has the meaning given to it by the Code;

“**CEO**” means the Chief Executive Officer of the local government;

“**Code**” means the *Road Traffic Code 2000*;

- “**commercial vehicle**” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;
- “**district**” means the district of the local government;
- “**driver**” means any person driving or in control of a vehicle;
- “**edge line**” for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;
- “**emergency vehicle**” has the meaning given to it by the Code;
- “**expired meter indicator**” means a plate, digital display, indicator or device on a parking meter which appears on the face of the meter indicating that the time during which a vehicle may occupy the metered space to which the parking meter relates has expired;
- “**flush island**” means an area of road surrounded by a line or lines (whether marked or made of concrete flush kerbing or line of bricks), in which the interior of the island may be either sealed with an aggregate of contrasting colour or texture, brick paved, or consist of diagonal or chevron markings, or pavement bars;
- “**foreshore**” means all the land in the district of the local government which lies between the low water mark and the high water mark of the Indian Ocean;
- “**GVM**” (which stands for “gross vehicle mass”) has the meaning given to it by the Code;
- “**Loading Zone**” means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked “Loading Zone”;
- “**local government**” means the City of Wanneroo;
- “**mail zone**” has the meaning given to it by the Code;
- “**median strip**” has the meaning given to it by the Code;
- “**metered stall**” means a parking stall within a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;
- “**metered space**” means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;
- “**metered zone**” means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;
- “**motorcycle**” has the meaning given to it by the Code;
- “**motor vehicle**” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;
- “**nature strip**” means the portion of a road which lies between the boundary of a carriageway and the front boundary of adjacent land, but does not include a path;
- “**obstruct**” means to interfere with, impede or hinder the passage of any vehicle or person;
- “**occupier**” has the meaning given to it by the Act;
- “**owner**”—
- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;
 - (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
 - (c) where used in relation to land, has the meaning given to it by the Act;
- “**park**”, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—
- (a) avoiding conflict with other traffic; or
 - (b) complying with the provisions of any law; or
 - (c) taking up or setting down persons or goods (*maximum of 2 minutes*);
- “**parking area**” has the meaning given to it by the Code;
- “**parking facilities**” includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;
- “**parking meter**” includes the stand on which the meter is erected and a ticket issuing machine;
- “**parking region**” means the area described in the First Schedule;

“**parking stall**” means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

“**parking station**” means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

“**pedestrian crossing**” has the meaning given to it by the Code;

“**public place**” means any place to which the public has access whether or not that place is on private property;

“**reserve**” means any land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“**Road Traffic Act**” means the *Road Traffic Act 1974*;

“**Schedule**” means a Schedule to this local law;

“**shared zone**” has the meaning given to it by the Code;

“**sign**” includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

“**special event parking**” means parking requirements for any event or occurrence considered by the CEO to be special or likely to attract a substantial number of persons driving vehicles;

“**stop**” in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

“**symbol**” includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

“**taxi**” means a taxi within the meaning of the *Taxi Act 1994*;

“**taxi zone**” has the meaning given to it by the Code;

“**thoroughfare**” has the meaning given to it by the Act;

“**ticket issuing machine**” means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

“**ticket parking stall**” means a stall to which payment of a fee for parking is required by the purchase of a ticket;

“**ticket zone**” means any part of a road or reserve in which a ticket issuing machine is installed to regulate the parking of vehicles in that zone;

“**traffic island**” has the meaning given to it by the Code;

“**trailer**” means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car; and

“**vehicle**” has the meaning given to it by the Code.”

5. Clause 75 amended

After the word “reserve” insert—
“or foreshore”.

6. Clause 77 amended

After the word “road” in line 1 insert—
“or nature strip”.

7. First Schedule amended

Delete paragraph (c) and insert

- “(c) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.”.

8. Second Schedule amended

Delete the Second Schedule and insert—

“Second Schedule
PARKING AND PARKING FACILITIES LOCAL LAW
PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	17	Parking in a metered/ticketed zone outside a parking stall	100
2	19(1)(b)	Stopping or parking against an expired meter in a metered stall	100
3	20(1)	Stopping during a prohibited period in a metered or ticket parking stall	100
4	20(2)(a)	Parking during a prohibited period in a metered or ticket parking stall	100
5	20(2)(b)	Parking in a metered or ticket parking stall set apart for vehicles of a different class	100
6	20(3)	Parking longer than time allowed in a metered or ticket zone	100
7	21	Stopping or parking a vehicle with an expired ticket in a ticket zone	100
8	26	Parking a vehicle in a parking station not wholly contained within a parking stall	100
9	27(1)(a)	Obstruction of access to or from or within a parking station	100
10	27(1)(b)	Stopping or parking a vehicle in a parking station contrary to signs	100
11	27(1)(c)	Failure to remove vehicle in a parking station after being directed by an authorised person	100
12	27(1)(d)	Stopping or parking in an occupied parking stall	100
13	27(4)	Stopping during a prohibited period in a parking station	100
14	27(4)	Stopping on a road during a prohibited period	100
15	27(5)	Parking in area designated for Authorised Vehicles Only	100
16	29	Parking in a parking station without paying appropriate fee	100
17	30(1)(a)	Failing to display an unexpired parking ticket	100
18	32(1)	Failing to leave a parking station or facility	100
19	32(2)	Loitering in a parking station	100
20	32(3)	Driving in a parking station against the direction indicated by arrows	100
21	38(1)	Stopping or Parking contrary to signs	100
22	39(1)(a)	Parked not parallel to the kerb	100
23	39(1)(b)	Stopping in a parking stall not wholly within the stall in a road	100
24	39(1)(c)	Parked facing the wrong way	100
25	40(1)	Stopping vehicle in intersection	100
26	40(2)	Stopping vehicle within 20 metres of traffic control signals	100
27	40(3)	Stopping vehicle within 10 metres of nearest intersection	100
28	41(2)(a)	Stopping a vehicle within 20 metres of approach side of a children's crossing	100
29	41(2)(b)	Stopping a vehicle within 10 metres of departure side of a children's crossing	100
30	42(1)	Stopping too close to marked foot crossing	100
31	43(2)	Stopping too close to bicycle crossing lights	100
32	44(1)	Stopping on or near a level crossing	100
33	45(1)	Parking in a loading zone	100

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
34	46(1)	Stopping in a taxi zone	100
35	46(2)	Stopping in a bus zone	100
36	47	Stopping in a mail zone	100
37	49	Stopping in a shared zone	100
38	50	Stopping in a bus lane, truck lane, bicycle lane or transit lane	100
39	51(1)	Double parking	100
40	52	Stopping near an obstruction & further obstructing	100
41	53(1)	Stopping on a bridge or similar structure	100
42	53(2)	Stopping in a tunnel or underpass	100
43	54(1)	Stopping on a crest or curve	100
44	55(1)	Stopping or parking within one metre of a fire hydrant	100
45	56(1)	Stopping a vehicle within 20 metres of approach side or 10 metres of the departure side of a bus stop	100
46	57	Stopping on a path, median strip, flush island, painted island or traffic island	100
47	58(1)	Stopping on nature strip contrary to a sign	100
48	58(2)	Parking on nature strip without consent	100
49	59(1)	Obstructing access to and from a path	100
50	59(2)	Obstructing access to and from driveway or other access way	100
51	60	Stopping within three metres of a public post box	100
52	61(1)	Parking a heavy, commercial or other type of vehicle on road or nature strip	100
53	62	Stopping in bicycle parking zone	100
54	63	Stopping in a motor cycle parking zone	100
55	64(1)	Stopping in a disabled parking zone	100
56	66	Parking on a road for more than the maximum period	100
57	68(1)	Not parallel parking on a carriageway	100
58	69(1)	Not parallel parking in median strip parking area	100
59	70(2), (3), (4)	Stopping or parking contrary to angled parking sign	100
60	75	Drive, ride, park or stop a vehicle on a reserve or foreshore	100
61	77	Parking a vehicle for sale on a road or nature strip	100
62	78(2)	Stopping or parking a vehicle on private property	100
63	81	Vehicle causing an obstruction in a public place	100
64	95(2)	Parking in an area set aside for a special event contrary to a sign	100
65	98(2)	Failure to give name and address	100
66	99	Hindrance of authorised person	100
67	101	Failure to move vehicle on request	100
68	102(2)	Removing mark made by authorised person	100"

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT
LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the following local law.

1. Citation

This local law may be cited as the *City of Wanneroo Local Government and Public Property Amendment Local Law 2008*.

2. Commencement

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Wanneroo Local Government and Public Property Local Law 1999* as published in the *Government Gazette* on 18 January 2000 is referred to as the principal local law. The principal local law is amended as follows.

4. Clause 24 amended

Paragraph (a) delete "Liquor Licensing Act 1988" and insert—
"*Liquor Control Act 1988*".

5. Clause 25 amended

- (a) In paragraph (c) after the semicolon delete "or".
- (b) After paragraph (d) insert—
 - (e) fly a powered model aircraft;
 - (f) use a powered model boat; or
 - (g) use a powered model vehicle."

6. Clause 30 amended

- (a) In paragraph (j) delete "Liquor Licensing Act 1988" and insert—
"*Liquor Control Act 1988*".
- (b) In paragraph (l) delete "Gaming Act 1987" and insert—
"*Gaming and Wagering Commission Act 1987*".

7. Clause 31 amended

In paragraph (f) delete "Liquor Licensing Act 1988" and insert—
"*Liquor Control Act 1988*".

8. Clause 36 deleted

Clause 36 and its heading "Limit on liability" are deleted.

9. Clause 48 amended

- (a) In paragraph (a) after the semicolon delete "or".
- (b) In paragraph (b) delete "time." and insert—
"time; or";
- (c) After paragraph (b) insert—
"(c) lay gravel, crushed brick or loose stone."

10. Clause 50 amended

Paragraph (a) is deleted and paragraph numbers "(b)" through to "(f)" are redesignated as "(a)" to "(e)" consecutively.

11. Clause 53 amended

Delete “may” and insert—
“shall”.

12. Clause 65 deleted

Clause 65 and its heading “Limit on liability” are deleted.

13. Clause 73 amended

Delete “Court of Petty Sessions” and insert—
“Magistrates Court”.

14. Renumbering of clauses

- (a) Clause numbers “37” through to “64” are redesignated as “36” to “63” consecutively; and
- (b) Clause numbers “66” through to “74” are redesignated as “64” to “72” consecutively.

15. First Schedule amended

Delete the First Schedule and insert—

“First Schedule**CITY OF WANNEROO*****Local Government and Public Property Local Law 1999*****OFFENCES AND MODIFIED PENALTIES**

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	11(c)	Fail to comply with a notice	125
2	13	Fail to obtain a written approval	125
3	14(a)	Behaviour likely to interrupt, disturb or interfere with enjoyment of other persons	125
4	14(b)	Behaviour which interrupts, disturbs or interferes with enjoyment of other persons	125
5	15(1)(c)	Without consent of the occupier, enter or attempt to enter a dressing room already occupied	125
6	20(1)	Fail to comply with a lawful direction of an authorised person	125
7	22(a)	Kill, injure or interfere with any fauna	125
8	22(b)	Take on to, set or use any animal, bird or fish trap while on any local government property	125
9	22(c)	Take on to, or allow any animal to remain on any local government property unless permitted by other written law applying in the district	125
10	24(e)	Be under the influence of liquor or a prohibited drug	125
11	24(d)	Use any volatile, explosive or flammable matter	125
12	24(e)	Smoke inside a building where smoking is prohibited	125
13	24(g)	Enter any place that has been fenced off, obstructed or closed to the public	125
On any reserve or local government property not set aside for the purpose:			
14	25(a)	Play/practise golf, archery, pistol or rifle shooting	125
15	25(b)	Ride a skateboard or roller blades	125
16	25(c)	Ride a sandboard or similar device	125
17	25(d)	Launch a personal watercraft or boat	125
18	25(e)	Fly a powered model aircraft	125
19	25(f)	Use a powered model boat	125
20	25(g)	Use a powered model vehicle	125
21	26(a)	Enter or leave any local government property or building other than by the public entrance or exit ways	125
22	26(b)	Enter or remain on any local government property or building except during times access is available to the public	125
23	27	Enter local government property or building without first paying the applicable fee or charge	125
24	31	Fail to meet responsibilities of hirer of local government property or building	125

Item No	Clause No	Nature of Offence	Modified Penalty \$
25	31(h)	Fail to comply with conditions of hire of local government property or building	125
26	32(a)	Fail to observe the etiquette and rules of golf, varied local rules on scorecard or public notice board	125
27	32(b)	Fail to observe reasonable direction of controller	125
Without approval of the controller:			
28	33(a)	Be accompanied by a non playing spectator whilst playing golf	125
29	33(b)	Cross or trespass on any portion of the golf course prepared for play	125
30	33(c)	Offer himself for employment or be employed for a fee as a caddie	125
31	33(d)	Sell, offer or expose for sale or exchange any golf ball or any golf equipment or other goods or services	125
32	34	Fail to produce written authority to play golf for number of holes, day and time on the golf course	125
33	35(a)	Take a vehicle onto golf course without approval of controller	125
34	35(d)	Take any golf buggy with wheels less than 25mm wide on to any part of the golf course	125
35	35(g)	Leave on the golf course any vehicle, object or animal	125
36	36(3)	Fail to leave pool premises quietly and peaceably when requested to do so	125
37	38	Fail to meet responsibilities of swimming pool users	125
38	39(a)	Use a sandboard, other board or thing to slide down sand dunes	125
39	39(c)	Traverse sand dunes other than along designated paths	125
40	39(d)	Take a vehicle onto any beach or sand dunes	125
41	40(1)	Launch a boat into sea from area not approved or not permitted by signs	125
42	40(2)	Launch personal water craft into sea other than from a boat launching ramp	125
43	43(a)	Fail to comply with a sign erected on a beach	125
44	44(1)(a)	Fish in an area where fishing is prohibited and designated by signs	125
45	44(1)(b)	Fish in an area set aside as designated permitted bathing area	125
46	44(2)(a)	Clean fish or cut bait on any seat or hand rail	125
47	44(2)(b)	Leave or deposit fish offal on land or in sea within 200m of any beach	125
48	45	Ride a surfboard, drive a personal watercraft or boat in a designated permitted bathing area	125
49	47(b)	Cover or obstruct any manholes, gullies or inspection pits serviced from time to time	125
50	47(c)	Lay gravel, crushed brick or loose stone	125
51	49(a)	Fail to keep verge treatment in good or tidy condition and avoid obstruction of any sort	125
52	49(c)	Place any obstruction on or around any verge treatment	125
53	49(d)	Water or maintain a verge treatment to cause nuisance or hazard to person using footpath, accessway	125
54	52	Failure to install a permissible vehicle crossing treatment	125
55	53(a)	Failure to use permissible treatments in residential zone	125
56	53(b)	Failure to use permissible treatments in commercial/industrial zone	125
57	53(c)	Failure to use permissible treatments in rural zone	125

Item No	Clause No	Nature of Offence	Modified Penalty \$
58	55(1)(a)	Fail to take necessary precautions to ensure footpath is not damaged during works	125
59	55(1)(b)	Fail to notify local government of existing footpath damage prior to commencement of works	125
60	57	Leave a shopping trolley in a public place other than an area set aside for the storage of shopping trolleys	125
61	58	Failure of owner to remove shopping trolley within 24 hours of being advised by local government	125
62		Other offences not specified	125"

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995
DOG ACT 1976**

CITY OF WANNEROO

ANIMALS AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the following local law.

1. Citation

This local law may be cited as the *City of Wanneroo Animals Amendment Local Law 2008*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Wanneroo Animals Local Law 1999* as published in the *Government Gazette* on 27 August 1999 is referred to as the principal local law. The principal local law is amended as follows.

4. Clause 6 amended

- (a) Delete the definition “environmental health officer”; and
- (b) Delete “environmental health officer” and “environmental health surveyor” where they occur in the clauses listed below and insert “authorised person” instead—
 - Clause 38(b) and (c);
 - Clause 42(2)(b);
 - Clause 45(3)(c)(iv);
 - Clause 48(2)(b)(iii) and (x); and
 - First Schedule, Item No. 31, 32 and 52.

5. Clause 10 amended

Delete “and the areas specified in the Second and Fourth Schedule to this local law”.

6. Clause 11 amended

In subclause (1) after “specified in the” insert—
“Second and”.

7. Clause 13 amended

Delete clause 13(3).

8. Clause 14 amended

In paragraph (b) delete “within a rural area or comprise a lot in a special rural area” and insert—
“on a lot”.

9. Clause 24 amended

In subclause (2) delete all the words after “as specified as” and insert—

“a sufficient fence in the Third Schedule of the City of Wanneroo Private Property Local Law 2001, being—

- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, these to be generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases, and threaded through 12mm holes in posts to all fences;
- (b) posts shall be of indigenous timber or other suitable material including timber impregnated with a termite and fungicidal preservative cut not less than 1.8m long x 100mm diameter at small end of round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1.2m above the ground; and
- (c) strainer posts shall be not less than 2.25m long and 150mm diameter at the small end and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1m in the ground.”

10. Clause 34 amended

In subclause (2)(b) after “dwelling house,” insert—

“except the dwelling house on which the cage, enclosure or loft is situated, “.

11. Clause 36 amended

In subclause (2)(c) delete “34” and insert—

“35”.

12. Clause 53 amended

Clause 53 and its heading “Limit on Liability” are deleted.

13. Clause 58 amended

Delete “Court of Petty Sessions” and insert—

“Magistrates Court”.

14. Renumbering of clauses

Clause numbers “54” through to “59” are redesignated as “53” to “58” consecutively.

14. First Schedule amended

(a) Delete all of **Part 2—Dogs** in the First Schedule and insert the following instead—

				“Dangerous Dog Modified Penalty \$
Part 2 Dogs				
1	10	Permitting a dog to be in an area not designated as a Dog Exercise Area	100	200
2	11	Permitting a dog to be in or on any place specified in the Second and Fourth Schedule	100	200
3	12	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100	200
4	13(1)	Failing to install and maintain a fence capable of confining a dog to the premises confining a dog to the premises	100	200
5	13(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	100	200
6	14	Keeping more than permitted number of dogs without approval	100	200”

(b) In Item No. 76 delete Clause No. “54(2)” and insert “53(2)”; and

(c) Item No. “9” through to Item No. “77” are redesignated as Item No. “7” to Item No. “75” consecutively.

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954**

CITY OF WANNEROO

BUSH FIRE BRIGADES AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the following local law.

1. Citation

This local law may be cited as the *City of Wanneroo Bush Fire Brigades Amendment Local Law 2008*.

2. Commencement

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

3. Principal Local Law

In this local law, the *City of Wanneroo Bush Fire Brigades Local Law* as published in the *Government Gazette* on 20 February 2001 is referred to as the principal local law. The principal local law is amended as follows.

4. Clause 1.2 amended

In subclause (1)—

- (a) delete the definition “**Authority**”;
- (b) delete the definition “**Bush Fire Operating Procedures**”;
- (c) after the definition “**CEO**” insert—
““**Constitution**” means the Bush Fire Brigades Constitution set out in the First Schedule;”;
- (d) delete the definition “**Fire fighting member**”;
- (e) delete the text of the definition “**Rules**” and insert—
“means the Rules Governing the Operation of the Bush Fire Brigades as set out in the Bush Fire Brigades Constitution.”

5. Clause 2.2 amended

In subclause (1)(c) delete “elect” and insert—
“appoint”.

6. Clause 2.3 amended

- (a) In subclause (1) delete “Bush Fire Operating Procedures” and insert—
“the Constitution”.
- (b) In subclause (2) delete “Bush Fire Operating Procedures” and insert—
“Constitution”.

7. Clause 2.5 amended

Clause 2.5 and its heading “Variation of Rules” are deleted and clause numbers “2.6” through to “2.8” are redesignated as “2.5” to 2.7” consecutively.

8. Clause 2.7 amended

Delete “the Bush Fire Operating Procedures or the Rules” and insert—
“the Constitution”.

9. Clause 3.2 amended

Delete “Bush Fire Operating Procedures,” and insert—
“Constitution,”.

10. Clause 3.7 to clause 3.15 amended

Delete clause 3.7 to clause 3.15 and insert—

“3.7 Nomination of Bush Fire Control Officer to the local government

The Chief Bush Fire Control Officer shall nominate a suitably qualified person to be appointed as a Bush Fire Control Officer by the Council.

3.8 Minutes to be tabled to the Chief Bush Fire Control Officer

The Brigade Secretary is to forward a copy of the minutes from all meetings including the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.”

11. Clause 4.1 to clause 4.6 amended

Delete clause 4.1 to clause 4.6 and insert—

“4.1 Types of membership of bush fire brigade

The membership of a bush fire brigade consists of those persons outlined in clause 3 of the First Schedule.

4.2 Notification of membership

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

12. Clause 5.1 amended

Delete “Rules, as determined by the City of Wanneroo.” and insert—

“Constitution.”

13. PART 6 heading amended

In the heading to PART 6 delete “FIRES” and insert—

“FIRE”.

14. First Schedule inserted

After Clause 6.4 of the principal local law insert the following First Schedule—

“FIRST SCHEDULE

City of Wanneroo

BUSH FIRE BRIGADES CONSTITUTION**RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES****1. INTERPRETATION**

In this Constitution, unless the context otherwise requires, where a term is used in this Constitution and is defined in the Act or the Regulations, then the term is to be taken to have the meaning assigned to it in the Act or the Regulations, as the case may be.

2. DEFINITIONS

In this Constitution, unless the context otherwise requires—

- “**Act**” means the *Bush Fires Act 1954*.
- “**Brigade**” means any bush fire brigade or brigades formed under the Act within the City of Wanneroo.
- “**Council**” means the Council of the City of Wanneroo.
- “**FESA**” means Fire and Emergency Services Authority of WA.
- “**normal brigade activities**” is defined by section 35A of the Act.
- “**ordinary meeting**” means any meeting of a brigade other than an annual general meeting or a special meeting.
- “**Regulations**” means the declarations made under sections 41 and 61 of the Act.
- “**Wanneroo Fire Services**” and “**City of Wanneroo Fire Service**” means the total combined assets and resources of the City of Wanneroo, allocated to fire control and suppression under the Act.

3. BRIGADE MEMBERSHIP

Shall consist of the following—

- “**active member**” means any Brigade member, who has met the membership and training requirements of their Brigade for an operational role, and is available for and participates in Brigade activities.
- “**associate member**” means any non-combat Brigade member with no voting rights.
- “**Cadet**” means any person between the ages of 11 and 15 years who is a member of a cadet program attached to a Brigade. They are non-combat members and have no voting rights.
- “**Honorary Life Member**” means any person elected to this position by a Brigade in recognition of outstanding service to that Brigade, and has no voting rights.
- “**Life Member**” means a member with more than 15 years active service to any Brigade within the City of Wanneroo Fire Service. Life members have no voting rights unless they are also active members.

4. SCOPE OF DOCUMENT

This document is the Constitution of the Wanneroo Fire Services.

This Constitution, together with the Act, prescribes the general structure and arrangement of Bush Fire Brigades within the City of Wanneroo. Specific operational and administrative details are defined by Brigade policy, standard operating procedures (SOPS) and standard administrative procedures (SAPS) as adopted from time to time.

5. DECISIONS

5.1 Brigade Meetings

Subject to this Constitution, where a decision is to be made by a Bush Fire Brigade, the decision shall be made by a resolution passed by a simple majority of the Brigade members who are present in person at the meeting.

5.2 Executive Management Committee

Subject to this Constitution, where a decision is to be made by the Executive Management Committee, the decision shall be made by a resolution passed by a simple majority of the Brigade officers who are present in person at the meeting.

6. OBJECTIVES

The Brigades have the following objectives—

- To undertake bush fire brigade operations.
- To prevent, control and suppress fires in the local government area/region.
- To protect life, property and the environment in emergencies occurring in the local government area/region.
- To provide a means by which persons may participate in the activities of the Brigade at a local level.
- To ensure that Brigade members are properly trained for bush fire brigade operations.
- To perform any other function assigned to the Brigade by the Chief Bush Fire Control Officer under the Act, or the Regulations.
- To assist and co-operate with all state and local emergency services.
- To encourage and foster public awareness of the dangers of bush fires, and actively promote bush fire prevention measures to the public and landowners of the district.

7. FUNCTIONS OF BRIGADE OFFICERS

7.1 Officers of a Volunteer Bush Fire Brigade

7.1.1 Bush Fire Control Officer

A Bush Fire Control Officer (BFCO) is appointed by Council, upon recommendation by the Chief Bush Fire Control Officer, under the Act, and has the following specific functions—

- To issue permits to burn as authorised under the Act within their area of the district.
- Inspection of and reporting on fire hazards within the district of Wanneroo.
- Carry out any duties prescribed under the Act and so authorised by the City of Wanneroo.
- May take overall charge of fire suppression activities, and/or ensures the principles of the Incident Management System are being adhered to.

7.1.2 Brigade Captain

The Captain is elected by the Brigade and has the following roles—

- Presides over all Brigade meetings and will ensure meeting procedures are followed at all times.
- Promote the objectives of the Brigade when, and wherever, the possibility occurs.
- Act as spokesperson for the Brigade on public relations and other matters, in conjunction with the City of Wanneroo.
- Advise the Brigade on administrative matters.
- May direct the Brigade activities during wildfire suppression or during hazard reduction burning programs.
- In the absence of a BFCO may take overall charge of fire suppression activities, and/or ensures the principles of the Incident Management System are being adhered to.
- Assists the BFCO to prepare reports.
- Ensures Brigade members are adequately trained to carry out their functions, in accordance with SOPS and Brigade standards.
- Undertakes responsibility for the proper management and maintenance of Brigade property and equipment.
- The roles of Captain and BFCO may be combined should the Chief Bush Fire Control Officer wish to have one person carry out both roles.

7.1.3 Brigade Lieutenants

Lieutenants are elected by the Brigade and have the following roles—

- In the absence of the Brigade Captain the most senior Lieutenant present assumes the responsibilities and duties of that officer and takes ultimate responsibility for the successful performance of all Brigade activities.
- The Brigade may increase or decrease the number of Lieutenants to meet their specific operational requirements, up to a maximum of four Lieutenants.
- All Lieutenants must be ranked in seniority. The Captain and Lieutenants of the Brigade, in consultation with the Chief Bush Fire Control Officer, determine this seniority. In the event that a resolution cannot be found, the Chief Bush Fire Control Officer shall have the final say.

7.1.4 Secretary

The Secretary is elected by the Brigade and has the following specific functions—

- To organise meetings of the Brigade.
- To give notice of meetings of the Brigade in accordance with the meeting guidelines of the Brigade.
- To prepare an agenda for any meeting of the Brigade.
- To keep Brigade records and to send and receive Brigade correspondence.
- To disseminate information to Brigade members.
- To undertake any other functions assigned by the Brigade Captain, BFCO, or Chief Bush Fire Control Officer.

7.1.5 Treasurer

The Treasurer is elected by the Brigade and has the following specific functions—

- To manage the Brigade's finances.
- To keep records of all financial transactions, including all payments and monies received.
- To prepare financial reports, and report on the financial affairs to the Brigade.
- To undertake any other functions assigned by the Brigade Captain, BFCO or Chief Bush Fire Control Officer.

7.1.6 Local Government Fire Training Coordinator

The Local Government Fire Training Coordinator (LGFTC) is appointed by and responsible to the Chief Bush Fire Control Officer and has the following specific functions—

- To ensure that members of the Brigades receive training that is consistent with the Act and the policies of the City of Wanneroo and FESA.
- To encourage and facilitate Brigade members to undertake training.
- To encourage suitably experienced members of the Brigades to become Trainers.
- To chair meetings of the Training Committee.
- To represent the Brigades on any training committee requested.
- To undertake any other function assigned by the Chief Bush Fire Control Officer.

7.1.7 Local Government Fire Training Administration Officer

The Local Government Fire Training Administration Officer (LGFTAO) is appointed by and responsible to the Chief Bush Fire Control Officer and has the following specific functions—

- To keep proper records relating to training undertaken by members of the Brigades.
- In the absence of the LGFTC, the LGFTAO is to carry out the duties of the LGFTC.
- To organise meetings of the Training Committee and to perform the above stated functions of Secretary in respect of that Committee.

7.1.8 Brigade Training Officer

The Brigade Training Officer is elected by the Brigade and is responsible to the Local Government Fire Training Coordinator and the Training Committee, and has the following specific functions—

- To organise regular training sessions within the Brigade.
- To provide liaison between Brigade members and the LGFTC/Training Committee.
- To forward any training related records to the LGFTAO.

7.1.9 Trainer

A Trainer is any suitably qualified and experienced Brigade member who has accepted and been appointed by the Brigade to the role. They are responsible to the Brigade Training Officer and Local Government Fire Training Coordinator, and have the following specific functions—

- To deliver training to new and existing members.
- To attend meetings of the Training Committee.
- To assist the Brigade Training Officer to conduct regular Brigade training sessions and drills.

7.1.10 Brigade Equipment Officer

The Brigade Equipment Officer is elected by the Brigade and is responsible to the Brigade Captain for the proper management and maintenance of all Brigade property and equipment.

The Brigade Equipment Officer has the following specific functions—

- Arrange and carry out monthly checks and maintenance on all Council's fire fighting equipment vested in their respective Brigade.
- Report any missing or faulty equipment as required by Brigade policy.
- Maintain and keep the equipment storage area neat and tidy.
- Undertake any other function assigned by the Brigade Captain or Chief Bush Fire Control Officer.

7.2 Teamwork

Teamwork is essential to the safe and efficient operation of the Brigades. All officers are expected to operate on this premise and to lead by example. Whilst section 7 of this Constitution clearly defines each of the roles and responsibilities, a team approach is to be adopted. Each of these functions are essential activities of the Brigades.

8. MEMBERSHIP

8.1 Applications for Membership

A person applying to join a Brigade must attend a minimum of 3 meetings of that Brigade. The applicant must then obtain a medical clearance from one of Council's nominated doctors at Council's cost. The applicant will then be eligible for basic training.

The Executive Management Committee, at their meeting may vary this requirement at their discretion.

8.2 Conditions of Membership

In relation to any type of membership, the Brigade may establish policies pertaining to qualifications required. Such qualifications may include—

- The requirement to serve a probationary period and determine its length, being not more than 12 months.
- Any additional procedures that may be employed by the Brigade prior to approval of an application for membership. Such procedures may include, but are not limited to, a Police clearance.
- The Brigade is to act within the parameters of any such policy in determining applications for membership.

8.3 Age Limits

The minimum age for any member, other than a Cadet, is 16 years. There is no maximum age limit; however the Chief Bush Fire Control Officer may require any member to obtain a new medical clearance if he or she has genuine concerns about the member's general fitness for duty.

8.4 Induction

The prospective members are to be given a tour of the Brigade's facilities and have the Brigade's duties, purpose and responsibilities explained to them.

8.5 Basic Training

Brigade members are required to successfully complete the minimum training and probationary program as specified in current Brigade policy. No-one may undertake any fire combat role before successfully completing this training.

8.6 Advanced Training

Brigade members may nominate for further training courses as they become available. These nominations will be considered by the Executive Management Committee, which may approve or reject such nominations. All approved nominations will be prioritised before being forwarded to FESA, as per current FESA requirements. In any case, the Chief Bush Fire Control Officer may exercise the right of final say.

Approval and priority will be based on the following—

- Any prerequisites in terms of training, experience or length of service. Any such prerequisites may be imposed by FESA, the City of Wanneroo or current Brigade policy.
- The requirements and responsibilities of the Brigade.
- Suitability of the nominee for the course in question and/or the role(s) the nominee may be qualified to fill subsequent to the course.

8.7 Skills Maintenance

To remain an active member, Brigade members must maintain proficiency and currency of skills relevant to their role. To ensure this outcome this Constitution empowers the Brigade to establish policies in support of clauses 8.2 to 8.12 of this Constitution.

8.8 Brigade Commitments

Brigade members are required to maintain currency in brigade activities and training.

8.9 Brigade Meetings

Brigade members shall attend a minimum of one ordinary meeting of their Brigade every three months.

8.10 Brigade Training

Brigade members shall participate in ongoing training as specified by current brigade policy.

8.11 Brigade Activities

Brigades conduct activities of many types. These may include—

- Emergency response.
- Hazard reduction.
- Public relations and education.
- Fundraising.
- Brigade maintenance.
- Public service.

All of these activities are important parts of the functioning of the Brigade, as such all Brigade members are expected to participate.

8.12 Failure to Meet Commitments

Should an Active Member of a Brigade fail to comply with clauses 8.7 to 8.11 of this Constitution, correspondence will be forwarded to the Active Member requesting contact be made with the Brigade to indicate the intentions of the Active Member's status.

Should an Associate Member of a Brigade fail to comply with clause 8.9 and/or clause 8.11 of this Constitution, correspondence will be forwarded to the Associate Member requesting contact be made with the Brigade to indicate the intentions of the Associate Member's status.

The Brigade member may—

- Respond to the correspondence providing a reasonable explanation and request for alternative arrangements to be made for training or meeting obligations;
- Request leave of absence from Brigade commitments due to personal circumstances; or
- Terminate their membership.

If a Brigade member fails to respond to the correspondence within 14 days a subsequent letter will be forwarded from the Brigade putting the Brigade member on final notice. Should a Brigade member fail to acknowledge the final notice within 14 days, the membership shall be terminated, to take effect from the date of the final notice.

8.13 Local Government and FESA to be notified of Registrations

A registration form must be completed for every new member, change of member information or termination of member, with the duplicate provided to FESA within 14 days of a decision.

8.14 Leave of Absence

A Brigade member may apply in writing to their Brigade for a leave of absence for a maximum period of 12 months.

8.15 Suspension of Membership

Membership of a Brigade may be suspended at any time if, in the opinion of the Brigade Officers, the Executive Management Committee or the City of Wanneroo, circumstances warrant suspending the member.

The period of suspension shall be at the discretion of the Brigade Officers, the Executive Management Committee or the City of Wanneroo.

The suspension may be from all or part of the member's responsibilities and privileges.

Upon expiry of the period of suspension the Brigade Officers, the Executive Management Committee or the City of Wanneroo may—

- Extend the period of suspension;
- Terminate the membership; or
- Reinstatement the member.

8.16 Termination of Membership

Membership of a Brigade terminates if the member—

- Gives written notice of resignation to the Brigade;
- Is, on medical advice, permanently incapacitated by mental or physical ill health, to such a degree that they cannot perform their duties;
- Is dismissed by the Brigade;
- Fails to meet commitments subject to clause 8.12; or
- Is deceased.

All Brigade property is to be returned to the Brigade within two weeks of termination or an invoice may be sent to the terminated member to recover cost for all equipment issued.

The Brigade Officers, the Executive Management Committee or the City of Wanneroo may terminate a person's membership if that member has been found to have committed—

- A serious breach of Brigade discipline or policy;
- Theft of Brigade materials or equipment;
- Any action with intent to harm the Brigade; or
- Any action that has harmed the public standing and good name of the Brigade or the City of Wanneroo.

8.17 Member Has Right of Defence

A Brigade member is not to be dismissed without being given the opportunity to meet with the Brigade Officers, the Executive Management Committee or the City of Wanneroo and answer any allegations which might give grounds for dismissal.

The member has the right to be accompanied or represented by a support person of their choice.

8.18 Objection Rights

A person whose application for membership is refused, membership is terminated or membership is suspended has the right of objection to the Council, which may dispose of the objection by—

- Dismissing the objection;
- Varying the decision objected to;
- Revoking the decision objected to, with or without substituting for it another decision; or
- Referring the matter, with or without directions, for another decision by the Brigade.

8.19 Grievance Process

Brigades should refer to the local government's current grievance procedure to ensure fairness and equity in any grievance, dispute, or discrimination resolution process. Any Brigade member who has a grievance will have recourse to this process.

9. MEETINGS OF THE BUSH FIRE BRIGADE

9.1 Meetings

9.1.1 Ordinary Meetings

Subject to this clause, a Brigade may hold meetings on such days and at such times and places, as the Brigade thinks fit.

A Brigade should hold at least six ordinary meetings per year on a regular basis.

9.1.2 Annual General Meeting

A Brigade shall hold an annual general meeting each year.

At the annual general meeting the Brigade is to—

- Elect the Brigade Officers from amongst the Brigade members.
- Consider the Captain's report on the year's activities.
- Adopt the annual financial statements of the Brigade.
- Deal with any general business.

9.1.3 Special Meetings

The Secretary or the Brigade Captain may convene a special meeting of a Brigade.

The Secretary must convene a special meeting of a Brigade if requested to do so by at least seven Active Members of the Brigade.

9.1.4 Notice of a Meeting

Notice of the annual general meeting and of any ordinary meeting of a Brigade must be given to all members of the Brigade (other than Cadet members) at least seven days before the commencement of the meeting.

Notice of any special meeting of the Brigade must be given to all members of a Brigade (other than Cadet members) at least 48 hours before the commencement of the meeting.

Notice of a meeting must be given, or caused to be given, by the Secretary.

Notice may be given by written notice to each Brigade member by any or all of the following methods—

- Personally.
- By post.
- By e-mail.
- By SMS or text message.
- By a notice published in a newspaper circulating in the area of the Brigade.

The notice of a meeting must—

- Set out the date, time, and place of the meeting;
- Set out particulars of motions of which notice has been given; and
- In the case of special meetings, set out particulars of the business to be transacted.

9.1.5 Quorum

The quorum for a meeting of a Brigade is at least 30% of the number of voting members of that Brigade. No business is to be transacted at a meeting of a Brigade unless a quorum of Brigade members is present in person or by authorised proxy.

9.1.6 Voting

Each voting member is allowed one vote at a meeting of his or her Brigade. However in the event of an equality of votes, the Brigade Captain or person presiding may exercise a second vote.

10. PROCEDURE AT MEETINGS

The Brigade Captain will, if present at a meeting of the Brigade, preside at that meeting. In his/her absence the most senior Lieutenant present at the meeting will preside. In the absence of the Captain and all the Lieutenants, the meeting will be cancelled or deferred.

The Secretary must cause an accurate record to be kept of the proceedings of a meeting of the Brigade.

Subject to this clause, the Act and the Regulations, and any direction of the Council, a meeting of a Brigade will be conducted in such manner as the Brigade may determine. However, at all times the meeting must be conducted in an orderly manner with only one member speaking at any one time.

11. COMMITTEES

11.1 Executive Management Committee

The Executive Management Committee will meet on a regular basis, and should hold not less than six meetings a year.

The Executive Management Committee will consist of the following officers from all Brigades of the Wanneroo Fire Services—

- Chief Bush Fire Control Officer and Deputies.
- Executive Management Committee Secretary (no voting rights).
- Brigade Captains.
- 1st Lieutenant from each Brigade.
- Local Government Fire Training Coordinator.
- Any other person that the Executive Management Committee requests.

In the absence of the Captain or 1st Lieutenant, the next available senior Lieutenant may attend in their place.

The Executive Management Committee will be responsible for the general management, administrative and policy affairs of the City of Wanneroo Fire Service.

Any of the functions of a Brigade may be delegated to the Executive Management Committee provided a motion authorising the delegation is carried at an ordinary or annual general meeting of the Brigade.

The Chief Bush Fire Control Officer will preside at a meeting of the Executive Management Committee. In the absence of the Chief Bush Fire Control Officer a Deputy Chief Bush Fire Control Officer will preside. If none of these are present the meeting shall be cancelled or deferred.

Five members shall constitute a quorum of the Executive Management Committee.

A decision carried by the votes of a majority present at a meeting of the Executive Management Committee is a decision of the Executive Management Committee.

Each voting member present at a meeting of the Executive Management Committee is entitled to one vote on a matter arising for decision. The person presiding at the meeting will have, in the event of an equality of votes, a second vote.

11.1.1. Committee Membership

The Executive Management Secretary will be appointed by the Chief Bush Fire Control Officer.

Membership for all other Committee positions will be by virtue of a relevant officer's position. If an Executive Management Committee member ceases to hold a position as listed under clause 11.1 of this Constitution their membership as an Executive Management Committee member terminates.

Subject to this clause, and any direction of the Brigades or the Council, a meeting of the Executive Management Committee will be conducted in such a manner as the Executive Management Committee may determine.

The Executive Management Committee is closed to Brigade members and the public. This is to ensure that an effective and efficient meeting is conducted in regard to the management of the Brigades and that sensitive and confidential matters can be discussed and resolved without fear or favour.

The Executive Management Committee will keep minutes of its proceedings. Relevant portions of these minutes may be made available for viewing by a Brigade member upon request to the Chief Bush Fire Control Officer.

11.2 Training Committee

The Training Committee is responsible for—

- Coordinating training delivery to the Brigades.
- Advising the Executive Management Committee on matters of policy relating to training.

The Training Committee will meet as often as required.

11.2.1 Training Committee Membership

The Training Committee will consist of the following officers from the Wanneroo Fire Services—

- The Local Government Fire Training Coordinator.
- The Local Government Fire Training Administration Officer.
- The Brigade Training Officer of each Brigade.
- All active Trainers.
- Any other person that the committee requests.

11.3 Brigade Officers Committee

The Captain and Lieutenants of a Brigade may form an Officers Committee of that Brigade.

This Committee will not exercise any of the roles or responsibilities of the Executive Management Committee, but may be used to streamline Brigade management and facilitate Brigade communication.

A Brigade may delegate any decision of the Brigade to the Brigade Officers Committee by passing a motion to that effect.

The Brigade Officers Committee will consist of the following—

- The Brigade Captain.
- All Lieutenants of the Brigade.
- Any other Brigade Members appointed by the Committee.

12. BRIGADE ELECTIONS

Nominations for all elected positions will be called for at the meeting prior to the annual general meeting.

Any voting member may nominate one person for each position. To be valid, another voting member must second that nomination. Each member may only make one nomination and one second for each elected position. For the purposes of this clause multiple positions for the same rank (such as Lieutenant) will count as one position.

A nomination may be made—

- By written nomination lodged with the Chief Bush Fire Control Officer before nomination day.
- By verbal nomination made at the meeting prior to the annual general meeting.
- If a withdrawal of nomination is received prior to the election and the number of nominations for that position is then less than the number of positions open, a verbal nomination may be made immediately before the commencement of the relevant election.

Nominees must sign or indicate acceptance of nomination. A member may be nominated and seconded in their absence, but must indicate their acceptance before the election or the nomination will lapse.

Nominees for Brigade Officer positions must meet the requirements for training and experience as adopted by the Brigades.

13. CONDUCT OF ELECTIONS

13.1 Order of Voting

Voting will occur for positions in the following order—

- Brigade Captain; Term 1 year.
- Brigade Lieutenants; Term 1 year (up to 4 Lieutenants).
- Secretary; Term 1 year.
- Treasurer; Term 1 year.
- Brigade Equipment Officer; Term 1 year.
- Brigade Training Officer; Term 1 year.
- Any other positions that, according to a determination of the Brigade or the Council should be filled by election; Term 1 year.

13.2 Secret Ballot

Elections will be conducted by secret ballot. The returning officer will be the Chief Bush Fire Control Officer or his/her proxy.

13.3 Absentee Votes

If a voting member is unable to attend an election they may lodge an absentee vote. The vote must be sealed in an envelope with the voter's name printed and signed on the outside.

If the Returning Officer is willing to accept electronic lodgement, an absentee vote may be e-mailed to the Returning Officer. The absentee voter must be aware of the reduced confidentiality of this method and accept the risks associated with it.

13.4 Supplementary Elections

Where a supplementary election is required due to a vacancy in the position as a result of an early resignation or other reason—

- The Brigade Captain or Secretary shall appoint a meeting of the Brigade at which the election will be held.
- The Secretary shall give notice of the election and open nominations for candidates.
- Such notice to be given in accordance with clause 9.1.4 of this Constitution.
- Nominations to be made in accordance with clause 12 of this Constitution except as varied hereunder.

A nomination may be made—

- By written nomination lodged with the Chief Bush Fire Control Officer before the election meeting.
- By verbal nomination made immediately before the commencement of the relevant election.

14. GENERAL ADMINISTRATION MATTERS**14.1 Accounts at Financial Institutions**

The funds of a Brigade must be kept in an account in the name of the Brigade in a financial institution determined by the Brigade.

A Brigade must appoint at least two signatories on its accounts and at least two signatories must sign any cheque, withdrawal form or other negotiable instrument.

14.2 Authorisation for works or goods

All accounts raised, works undertaken or goods purchased by a Brigade must be authorised in advance by the Captain, failing which such actions must be ratified by the Brigade at its next ordinary meeting. The Captain may, in the event that he/she will not be available, delegate authority to give the authorisation to the next senior officer of the Brigade.

The funds of a Brigade are to be used solely for the purpose of promoting the objects of the Brigade.

All cheques issued must be supported by appropriate source documents (invoice or monthly account or similar).

14.3 Receipt of monies

All monies received must be recorded in a Brigade receipt book and deposited in the Brigade's account as soon as practicable.

15. FINANCIAL REPORTS

The Treasurer must, at each annual general meeting present a financial report for the last financial year. This must include a Statement of Receipts and Payments, a Bank Reconciliation Statement and notes detailing any outstanding receipts or payments. This may include a Balance Sheet and List of Assets held by the Brigade.

A Brigade may appoint an auditor. The auditor may be any suitably experienced person other than an Officer or member of the Brigade.

The Treasurer must present the auditor's report to the annual general meeting.

A Brigade may choose its own financial year. Once fixed, a Brigade may only change its financial year with the approval of the Executive Management Committee. Other than for transitional periods to accommodate a change, all financial years are to be for a period of 12 months.

A Brigade's annual general meeting must be held within 5 months after the end of the Brigade's financial year.

16. BRIGADE POLICIES, STANDARD OPERATING PROCEDURES AND STANDARD ADMINISTRATIVE PROCEDURES

A Brigade may adopt policies and procedures including SOPS and SAPS not inconsistent with—

- The Act;
- The Regulations;
- Councils Local-Laws and Policy;
- Councils Fire Break Order;
- The Constitution; or
- Any other relevant Act or Regulation.

to assist the Brigade to manage its affairs effectively and efficiently.”

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.
