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BUSH FIRES ACT 1954

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CITY OF GOSNELLS

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**BUSH FIRE BRIGADES  
LOCAL LAW 2000**



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**BUSH FIRE BRIGADES LOCAL LAW 2000**

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**BUSH FIRES ACT 1954**

## CITY OF GOSNELLS

**BUSH FIRE BRIGADES LOCAL LAW 2000**

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the City of Gosnells resolved on 14 November 2000 to make the following local law.

**PART 1—PRELIMINARY****1.1 Citation**

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

**1.2 Definitions**

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

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

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

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

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

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

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

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

“**CEO**” means the Chief Executive Officer of the City of Gosnells;

“**Council**” means the Council of the local government;

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

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

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

“**Rules**” means the Rules Governing the Operation of Bush Fire Brigades set out in the City of Gosnells Bush Fire Brigade Administration manual as varied from time to time under clause 2.5 .

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

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

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

**1.3 Repeal**

The City of Gosnells Local Law relating to Organisation, Establishment, Maintenance and Equipment of Bush Fire Brigades published in the Government Gazette of 16 November 1990, is repealed.

**1.4 Application**

This local law applies throughout the district.

**PART 2—ESTABLISHMENT OF BUSH FIRE BRIGADES***Division 1—Establishment of a bush fire brigade***2.1 Establishment of a bush fire brigade**

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

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

**2.2 Name and officers of bush fire brigade**

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

- (a) give a name to the bush fire brigade;
- (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the "**brigade area**"); and
- (c) appoint—
  - (i) a Captain;
  - (ii) a First Lieutenant;
  - (iii) a Second Lieutenant;
  - (iv) additional Lieutenants if the local government considers it necessary;
  - (v) a Training Officer;
  - (vi) an Equipment Officer;
  - (vii) a President;
  - (viii) a Secretary; and
  - (ix) a Treasurer; or
  - (x) a Secretary/Treasurer combined.

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

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

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

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

*Division 2—Command at a fire***2.3 Ranks within the bush fire brigade**

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

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

*Division 3—Application of Rules to a bush fire brigade***2.4 Rules**

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

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

**2.5 Variation of Rules**

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

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

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

*Division 4—Transitional***2.6 Existing Bush Fire Brigades**

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

- (a) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;

- (b) the provisions of this local law apply to the bush fire brigade save for clause 2.2; and
  - (c) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules.
- (2) In this clause—  
“**commencement day**” means the day on which this local law comes into operation.

*Division 5—Dissolution of bush fire brigade*

**2.7 Dissolution of bush fire brigade**

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

**2.8 New arrangement after dissolution**

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

**PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES**

*Division 1—Local government responsibility*

**3.1 Local government responsible for structure**

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

**3.2 Officers to be supplied with Act**

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

*Division 2—Chief Bush Fire Control Officer*

**3.3 Managerial role of Chief Bush Fire Control Officer**

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

**3.4 Chief Bush Fire Control Officer may attend meetings**

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

**3.5 Duties of Chief Bush Fire Control Officer**

The duties of the Chief Bush Fire Control Officer include—

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

*Division 3—Annual general meetings of bush fire brigades*

**3.6 Holding of annual general meeting**

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

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

Members of a Brigade shall appoint the Captain, Fire Control Officer, Two Lieutenants and the Training Officer annually to represent their respective Brigade on the City of Gosnells Bush Fire Advisory Committee and those members appointed shall be entitled to have voting rights on the Committee. Brigades shall appoint a proxy member for attendance should the elected representatives be unable to attend such meetings.

**3.8 Bush Fire Advisory Committee advisory members**

Department of Conservation and Land Management, Gosnells Police, Gosnells State Emergency Service and Fire and Emergency Services Authority of Western Australia officers shall be entitled to representation in an advisory capacity at meetings except that such representation shall not incur voting rights on the City of Gosnells Bush Fire Advisory Committee.

**3.9 Nomination of bush fire control officer to Bush Fire Advisory Committee**

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

**3.10 Nomination of bush fire control officer to the local government**

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

**3.11 Minutes to be tabled before the Bush Fire Advisory Committee**

(1) The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.

(2) The Chief Bush Fire Control Officer is to table the minutes of a bush fire brigade's annual general meeting at the next meeting of the—

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

following their receipt under subclause (1).

*Division 4—Bush Fire Advisory Committee*

**3.12 Functions of Advisory Committee**

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

**3.13 Advisory Committee to nominate bush fire control officers**

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

**3.14 Local government to have regard to nominees**

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

**3.15 Advisory Committee to consider bush fire brigade motions**

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

**PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP**

**4.1 Types of membership of bush fire brigade**

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

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

**4.2 Fire fighting members**

Fire fighting members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities in accordance with the City of Gosnells Bush Fire Brigade Administration Manual.

**4.3 Associate members**

An Associate Member—

- (a) is one who, for personal or medical reasons, is unwilling or unable to become an active member, but still wishes to have an involvement with the Brigade;
- (b) shall attend the Brigade on at least one evening a month, and except under extenuating circumstances, are required to participate with non-operational activities, e.g. brigade administration, fund raising, fetes, publicity, open days, and public education programs; and
- (c) may serve on committees, including the Executive Committee if eligible.

**4.4 Cadet members**

Cadet members are—

- (a) to be aged 11 to 15 years;
- (b) to be admitted to membership only with the written consent of their parent or guardian;
- (c) admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or other emergency incident;



- (d) to be supervised by a fire fighting member when undertaking normal brigade activities as defined by paragraphs (c), (d), (e), (f) and (g) of section 35A of the Act;
- (e) ineligible to vote at bush fire brigade meetings;
- (f) not to be assigned ranks under the Authority's rank structure.

#### **4.5 Honorary life member**

(1) Honorary life membership may be bestowed on persons who have rendered outstanding service to the Brigade over a period as prescribed by the brigade administration manual. Nominations for life membership are to be made at an annual general meeting, and are to be approved by a simple majority vote.

(2) No membership fees are to be payable by an honorary life member.

#### **4.6 Notification of membership**

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

### **PART 5—APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS**

#### **5.1 Rules to govern**

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the City of Gosnells Bushfire Brigade Administration Manual.

### **PART 6—EQUIPMENT OF BUSH FIRES BRIGADES**

#### **6.1 Policies of local government**

The local government may make policies under which it—

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

#### **6.2 Equipment in brigade area**

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

#### **6.3 Funding from local government budget**

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

#### **6.4 Consideration in the local government budget**

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

Dated this 20th day of November 2000.

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

P. M. MORRIS, JP, Mayor.  
S. HOLTBY, Chief Executive Officer.

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