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**SHIRE OF CAPEL**

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LOCAL GOVERNMENT ACT 1995

**SIGNS LOCAL LAW 2001**

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BUSH FIRES ACT 1954

**BUSH FIRE BRIGADES LOCAL LAW**



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF CAPEL

**SIGNS LOCAL LAW 2001**

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**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF CAPEL

**SIGNS LOCAL LAW 2001**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it the Council of the *Shire of Capel* resolved on the 11<sup>th</sup> April 2001 to make the following local law.

**PART 1—PRELIMINARY****1 Title**

This local law may be referred to as The Shire of Capel Signs Local Law 2001.

**2 Purpose and Effect**

- (1) The purpose of this local law is to provide for—
  - (a) the regulation, control and management of signs within the district;
  - (b) the preservation of public safety and the amenity of the district; and
  - (c) appropriate exposure of activities and services available in the district.
- (2) The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district, must comply and the means of enforcing those requirements.

**3 Application of Local Law**

This local law applies throughout the district except for road reserves under the control of the Commissioner for Main Roads.

**4 Definitions**

In this local law unless the context otherwise requires—

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

“**advertisement**” means the publication, display, or presentation of any sign or advertising device and the terms “advertise” and “advertising sign” have corresponding meanings;

“**advertising device**” means an object on which words, numbers or figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, undertaking, product, or thing and includes a vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising a business, function, operation, event, undertaking, product or thing;

“**application**” means the completed form lodged for the purpose of obtaining a sign licence or permit in accordance with this local law;

“**appointed place**” means a place appointed by the local government or the CEO, of the local government to which signs and hoardings, erected and maintained in breach of this local law, may be—

- (a) placed by the local government; and
- (b) recovered by the sign owner;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act;

“**bill posting**” means the attaching, sticking or posting of a bill, poster or placard, or painting, stencilling or affixing an advertisement on a building, structure, fence, wall, hoarding, sign post, pole, blind, or awning, whether erected on private property or a public place so as to be visible to a person in a street, public place, private property or other land; and to post a bill has a corresponding meaning;

“**CEO**” means the chief executive officer of the local government;

“**community information sign**” means a temporary sign relating to or giving directions to a charitable, cultural, educational, recreational, or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain;

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

“**direction sign**” means a sign erected in a street or public place by or with the approval of the local government, to indicate the direction to another place but does not include a sign erected or affixed by the local government or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the *Road Traffic Act 1974*;

- “**district**” means the district of the Shire of Capel;
- “**freestanding sign**” means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills can be added;
- “**illuminated sign**” means a sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided for that purpose, or being a projected image;
- “**hoarding**” means a detached or detachable structure including a wall panel or illuminated panel, other than a pylon sign, that is erected for the sole purpose of displaying one or more signs or advertising devices but excludes hoardings referred to in Section 377 of the *Local Government (Miscellaneous Provisions) Act 1960*;
- “**licence**” means a licence issued under this local law;
- “**licensee**” means the holder of a licence;
- “**local government**” means the Shire of Capel;
- “**owner**” means the owner of the land or building on which the sign is to be or is erected and includes the owner of the business conducted on the land or building, to which the sign relates, or other person, who in the opinion of the local government is responsible for the sign;
- “**permit holder**” means the person issued with a permit;
- “**planning approval**” means an approval given under a relevant town planning scheme;
- “**portable sign**” means a sign not permanently fixed to the ground, a building, wall, fence or structure and includes but is not limited to a sandwich board sign consisting of 2 sign boards attached to each other at the top by hinges or other means;
- “**property disposal sign**” means a sign indicating that the premises whereon it is affixed or erected, are for sale, for letting or to be auctioned;
- “**sign**” means any message, direction or representation whatsoever displayed on a building, structure, board, or clock, other than a clock built into a wall which does not project beyond the face of the wall, or flags and bunting whether they contain a written message or not and includes any display produced by way of video or electronic means and every other type or style of sign defined or referred to in this local law;
- “**special event permit**” means a permit issued by the local government, detailing the terms and conditions under which community information signs or special event signs may be temporarily erected;
- “**special event sign**” means any sign temporarily erected, in accordance with a sign permit or licence, to advertise and promote an event to be held within the district which is available for attendance by the general public and is conducted for the purpose of commercial gain;
- “**thoroughfare**” means any street, way or place that is designed and used for the passage of vehicles and includes the shoulders and embayments at the side or centre of the carriageway used for the parking of vehicles;
- “**town planning scheme**” means any town planning scheme for the time being applying zoning or classification to land within the district; and
- “**vehicle**” includes every conveyance, and every object capable of being propelled or drawn, on wheels or tracks, by any means, not being a train, vessel or aircraft while being used as such.

## PART 2—LICENCES AND EXEMPTIONS

### 5 Licence Required

- (1) A person shall not erect, maintain or display or permit to be erected maintained or displayed any sign on or above any land, building, road reserve or Crown reserve, except pursuant to a licence issued under this local law and in accordance with any conditions imposed on the licence.
- (2) A licence issued under this local law remains valid until an alteration is made to the sign in respect of which it is issued and in that event the licensee shall apply for a new licence.
- (3) A licence shall be in the form used from time to time by the local government for that purpose.
- (4) A licence referred to in these local laws may be issued subject to such conditions as are specified in it and any other condition determined by the local government including any condition limiting the time within which the licence is valid and any requirement to hold and maintain current any public liability insurance policy in favour of the local government.
- (5) Nothing in this local law shall remove any prior requirement to obtain a Planning Consent pursuant to the Shire of Capel District Town Planning Scheme and the need to comply with any Town Planning Policy adopted by the Council pursuant to that Scheme.

### 6 Applications for Licences

- (1) An application for a licence under this local law shall be made in the form provided by the local government for the purpose.
- (2) An application for a licence in respect of a sign shall be accompanied by 2 copies of a plan drawn to a scale of not less than 1:50 showing the position, design, method of construction, colours to be used in painting and the method of illumination, if any, of the sign for which the licence is sought.
- (3) An applicant for a licence shall furnish, in writing and on plans, any further particulars required by the authorised person and this may include a certificate from a Structural Engineer certifying that the structure proposed to support the sign is sufficient.

### 7 Licence Fees

The fees payable for the issue of a licence or permit required under this local law shall be as determined by Council from time to time and payable at time of application.

### 8 Licence Exemptions

The following signs are exempt from the requirements of clause 5—

- (a) a sign erected or maintained in accordance with an Act;
- (b) a property disposal sign not exceeding 2m<sup>2</sup> erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
- (c) a plate not exceeding 0.2m<sup>2</sup> in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (d) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 2m<sup>2</sup>;
- (e) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (f) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed 2m<sup>2</sup> in area;
- (g) a sign within a building;
- (h) a building name sign on any building, where it is of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- (i) newspaper or magazine posters, provided they are displayed against the outside wall of the business premises from which the newspapers or magazines are sold;
- (j) a rural producer's sign which is the only sign on the lot on which it is erected;
- (k) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the local government and the company responsible for those signs;
- (l) an election sign which is—
  - (i) erected not more than 28 days prior to the date of the election to which it relates;
  - (ii) erected in accordance with the restriction provisions of clause 9;
  - (iii) removed within 7 days of the date of the election; and
- (m) a sign permanently affixed or painted on a vehicle used in the course of conducting business to identify a company, business, service or product supplied or sold by that company.

## PART 3—STANDARDS

### 9 Restrictions

- (1) A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain on any land, building, road reserve or Crown reserve—
  - (a) so as to obstruct the view from a street or public place of traffic in a street or public place;
  - (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the Road Traffic Act 1974 or the Regulations made under that Act;
  - (c) so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
  - (d) except with the approval of the local government on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building;
  - (e) where the stability of the building is, in the opinion of an authorised person, likely to be affected by the sign;
  - (f) on any light or power pole;
  - (g) on any tree, shrub or plant;
  - (h) which is temporarily or permanently fixed to any vehicle which is parked in one location on private or public property or in a public place or roadway, so as to advertise or display a message to the public;
  - (i) which contains glass other than an electric light globe or tube or toughened glass; or
  - (j) which contains or has attached to it any paper, cardboard, cloth or other readily combustible material, except posters securely fixed to a signboard, flags, banners or canvas awnings;
  - (k) on any street, thoroughfare or other public place, if the sign is an election sign; and
  - (l) so as to protrude above the highest part of the roof of a building to which it is fixed.
- (2) A person shall not erect or maintain a hoarding.
- (3) Subject to clause 8, a person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, sign post, blind or awning so as to be visible to a person in a street, public place, reserve or other land.
- (4) A person shall not fly post at any place or location within the district.

**10 Fixing of Signs**

The owner or licensee of a sign must—

- (a) cause it to be securely fixed to the structure by which it is supported, to the satisfaction of an authorised person;
- (b) maintain the sign in a safe condition; and
- (c) ensure that the structure on which a sign is fixed is sound and capable of withstanding any forces that it would be reasonably subjected to without collapsing, deforming or moving from the position on which it is erected.

**11 Headroom**

The owner or licensee of a sign erected or fixed over walkways, access-ways or other public land, shall cause it to be fixed to provide a clear headway under the sign of not less than 2.75m unless otherwise permitted by an authorised person.

**12 Signs to be Kept Clean**

The owner or licensee of a sign shall keep it clean and free from unsightly matter and shall maintain it in good order and condition.

**13 Size and Location of Signs**

- (1) The area of a sign or the total area of more than one sign fixed to or painted on any surface of a building shall not exceed the equivalent of 10% of the area of the elevation of the building. The area of any sign under a verandah shall be included in the total area of signs fixed to or painted on a building.
- (2) The area of a freestanding sign on each face shall not exceed the equivalent of 1m<sup>2</sup> for every 3m of street frontage of the lot on which the sign is located up to a maximum area of 8m<sup>2</sup>.
- (3) A maximum of one freestanding sign is permitted per road frontage of a lot.
- (4) A freestanding sign shall be located a minimum of 2m from any lot boundary.
- (5) A freestanding sign, including structure to which it is fixed, shall not be higher than the highest building on the lot on which it is located. Where there are no buildings on the lot a freestanding sign shall have a maximum height of 3m.

**14 Information on Signs**

Any advertising sign erected and maintained in accordance with this local law shall—

- (a) be simple and provide for instant recognition; and
- (b) except where otherwise permitted under this local law only advertise the name of the occupier, the goods or services which are produced, or offered for sale on or which are otherwise relevant to the land or a use or activity being carried out on the land where the sign is erected, attached or otherwise displayed.

**15 Portable Signs**

If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—

- (1) The portable sign shall—
  - (a) not exceed 1m in height;
  - (b) not exceed an area of 1m<sup>2</sup> on any side;
  - (c) relate only to the business activity described on the permits;
  - (d) contain letters not less than 200mm in height;
  - (e) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
  - (f) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
  - (g) be secured in position in accordance with any requirements of the local government;
  - (h) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
  - (i) be maintained in good condition.
- (2) No more than one portable sign shall be erected in relation to the one building or business.

**16 Property Disposal Sign**

- (1) A property disposal sign other than one exempted by clause 8 of this local law shall comply with the Standards set out in this Part but shall be removed by the licensee immediately after the sale of the land or buildings to which it refers is complete.
- (2) Notwithstanding the Standards set out in this Part the local government may at its discretion approve more than one property disposal sign after having regard to the area or size of the land or building to be offered for sale.

**17 Community Event or Information Signs**

- (1) A person shall not erect or maintain or display or permit to be erected maintained or displayed, a community information sign or special event sign—
  - (a) without first having obtained a sign permit; or
  - (b) otherwise than in accordance with the conditions of the special event permit issued in respect of the sign.
- (2) Notwithstanding anything contained in this local law, the local government may upon receipt of a written application, issue a special event permit for the temporary erection in or on a street, thoroughfare, way or public place, community information signs or special event signs, subject to the terms and conditions stipulated in the permit and compliance with clause 9.

**PART 4—MISCELLANEOUS****18 Existing Signs**

Subject to clause 22 a licence issued under any previous local law operating in the district, is deemed to have been issued in accordance with this local law.

**19 Signs in Road Reserves and Open Space Reserves Under the Care and Control of the Local Government**

- (1) The local government may grant a license for the erection of an advertisement sign on a road or open space reserve under its care and control.
- (2) In assessing a request for approval of a advertisement sign the local government shall have due regard to the preservation of public safety and the visual amenity of the locality.
- (3) The local government may impose such conditions or enter into any contract or agreement with the owner or licensee of the advertisement sign as it sees fit to ensure the proper control and maintenance of any such sign. In addition to any other conditions the local government may require the owner or licensee to provide public liability insurance and an indemnity in respect to the placement of an advertisement sign in a road or open space reserve.
- (4) The local government may grant a license for a directional sign that refers to a place of business provided that—
  - (a) the sign has a maximum depth of 200mm and a maximum length of 1200mm;
  - (b) the business referred to has been approved by the local government; and
  - (c) the applicant shall pay to the local government in addition to any license fee the costs associated with the provision, installation and maintenance of the sign.

**20 Preservation of Amenity**

- (1) Notwithstanding that a proposed sign complies with the particular standards set out in this local law the local government may refuse to grant a license if it determines that due to the design, colour or location it is not sympathetic and harmonious with the surrounding street, way, footpath, public place or private property or amenity of the locality.
- (2) Prior to consideration of an application for a sign license the local government may, in the interest of preserving the amenity of a locality, require the preparation of a sign strategy showing the proposed location and size of all advertisement signs for the site.

**21 Power**

Notwithstanding that a sign does not conform with the standards in Part 3 of this local law, provided the local government has determined that the purpose set out in clause 2 of Part 1 will be achieved it may by an absolute majority decision resolve to vary a standard and approve a sign. An application for variation of a standard shall include a sign strategy that shows the proposed location and size of all advertisement signs for the whole of the subject site.

**PART 5—REMEDY FOR BREACH****22 Revocation of Licence**

Where anything purporting to be done pursuant to a licence issued under this local law is not done in conformity with this local law or where the licensee is guilty of an offence under this local law, the Council may, without derogating from any penalty to which that person may be liable, by notice in writing, revoke the licence.

**23 Removal of Signs from Public Property**

- (1) The local government may remove to an appointed place any sign, advertisement, or other advertising device, placed or erected on any thoroughfare, footpath or other public place under the care control and management of the local government, unless placed or erected in accordance with the provisions of this local law.
- (2) Where a sign, hoarding advertisement, or other advertising device is removed to an appointed place in accordance with sub clause (1) and where it is possible to identify the name of the owner of the sign or advertising device, a notice shall be served on the owner advising—
  - (a) the location of the appointed place to where the sign has been removed; and
  - (b) that the sign may be collected during such hours and on payment of such fees and charges as may be specified in the notice.

**24 Removal of Signs from Private Property**

Where a breach of any provision of this local law has occurred in relation to a sign or hoarding on private property, the local government may give notice in writing to the owner of that property—

- (a) advising details of the breach of the local law; and
- (b) requiring the owner to remedy the breach within the time specified in the notice.

**25 Limit on Liability**

A person, owner, or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government—

- (a) to carry out all or part of the works and do all things necessary that the owner, or licensee was required to do to comply with this local law; or
- (b) in respect of a sign removed and dealt with under the provisions of these clauses or against any person who purchases a sign sold by the local government.



**PART 6—PENALTIES****26 Offences and Penalty**

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

**27 Prescribed Offences**

(1) An offence against a clause specified in Schedule 1 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

**28 Form of notices**

For the purposes of this local law—

(a) the form of the infringement notice referred to in section 9.16 of the Act is form 2 in the Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

(b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**29 Prosecution for Offences**

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

**Schedule 1**

<b>Clause</b>	<b>Description</b>	<b>Modified Penalty \$</b>
5(1)	Erect or maintain or permit to be erected or maintained, a sign without a licence.	100
9(1)(a)	To obstruct the view of traffic in a street or public place.	100
9(1)(b)	To be confused or mistaken for official traffic lights or signs.	100
9(1)(c)	To obstruct access to or from a door, fire escape or window not designed for display of goods.	100
9(1)(d)	On an ornamental tower, spire, dome or other super structure over the main roof of a building.	100
9(1)(e)	On a building which the stability is likely to be affected by the sign.	100
9(1)(f)	On any light or power pole.	100
9(1)(g)	On any tree, shrub or plant.	100
9(1)(h)	Temporarily or permanently fixed to any vehicle on private or public property to advertise/display message	100
9(1)(i)	Contains glass, other than an electric light globe or tube, in a sign.	100
9(1)(j)	Form part of or attach, paper, cardboard, cloth or other readily combustible material to any sign.	100
9(1)(k)	On any street, thoroughfare or public place if an election sign.	100
9(1)(l)	To protrude above the highest part of a building	100
9(2)	Erect or maintain a hoarding	100
9(3)	Post a bill, fix advertisement visible from street, public place, reserve except a hoarding approved for purpose	100
9(4)	Fly post at any place or location in district	100
10(a)	Fail to securely fix a sign to a supporting structure.	100
10(b)	Fail to maintain a sign in a safe condition.	100
10(c)	Fail to provide a sound structure on which a sign is fixed	100
11	Fail to fix a sign over walkways, accessways or public land to provide clear headway of not less than 2.75m.	100
12	Fail to keep a sign clean and maintained in good order.	100
16	Fail to remove property disposal after sale completed	100
	Other offences not specified.	100

Dated 11 May 2001.

The Common Seal of the Shire of Capel was affixed by authority of a resolution of the Council in the presence of—

M. T. SCOTT, President.  
P. F. SHEEDY, Acting Chief Executive Officer.

**BUSH FIRES ACT 1954**

## SHIRE OF CAPEL

**BUSH FIRE BRIGADES LOCAL LAW**

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**BUSH FIRES ACT 1954**

## SHIRE OF CAPEL

**BUSH FIRE BRIGADES LOCAL LAW**

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Capel resolved on 11<sup>th</sup> April 2001 to make the following local law.

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

This local law may be cited as the Shire of Capel Bush Fire Brigades Local Law.

**1.2 Interpretations**

(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 Shire of Capel;

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

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

“**local government**” means the Shire of Capel;

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

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

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

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant;

(d) any additional Lieutenants;

(e) an Equipment Officer;

(f) a President;

(g) a Secretary;

(h) a Treasurer; or

(i) a Secretary/Treasurer combined,

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

**1.3 Repeal**

The Local Laws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades, published in the *Government Gazette* of 5 April 1940, as amended by publication in the *Government Gazette* of 16 December 1965, are 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) an Equipment Officer;
    - (vi) a President;
    - (vii) a Secretary; and
    - (viii) a Treasurer; or
    - (ix) 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 which 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 bush fire 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 bush fire 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 bush fire control officer with a copy of the Act, the Regulations, the Bush Fire Operating Procedures, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments which are made thereto from time to time.

*Division 2—Chief Bush Fire Control Officer*

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

Subject to any directions by the local government the Chief Bush Fire Control Officer 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 March each year.

**3.7 Nomination of bush fire control officers to Bush Fire Advisory Committee**

At the annual general meeting of a bush fire brigade, one or more brigade member/s are to be nominated to the Bush Fire Advisory Committee to serve as bush fire control officer/s for the brigade area until the next general meeting.

**3.8 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 nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area until the next annual general meeting.

**3.9 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 local government within one month after the meeting.

(2) The Chief Executive Officer is to place relevant items from the bush fire brigade annual general meeting minutes on the agenda of 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***3.10 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.

**3.11 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 nominate to the local government from the persons nominated by each bush fire brigade a person for the position of a bush fire control officer for the brigade area.

**3.12 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.

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

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

**PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP****4.1 Types of membership of bush fire brigade**

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

(a) fire fighting members;

(b) associate members;

(c) cadet members; and

(d) honorary life members.

**4.2 Fire fighting members**

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

**4.3 Associate members**

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

**4.4 Cadet members**

Cadet members are—

(a) to be aged 11 to 15 years;

(b) to be admitted to membership only with the consent of their parent or guardian;

(c) admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or other emergency incident;

(d) to be supervised by a fire fighting member when undertaking normal brigade activities as defined by paragraphs (c), (d), (e), (f) and (g) of section 35A of the Act;

(e) ineligible to vote at bush fire brigade meetings;

(f) not to be assigned ranks under the Authority's rank structure.

**4.5 Honorary life member**

(1) The bush fire brigade may by a simple majority resolution appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade.

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

**4.6 Notification of membership**

No later than 31 March in each year, the bush fire brigade is to report to the local government the name, contact details and type of membership of each brigade member.

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

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

**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 March in each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

**6.3 Funding from local government budget**

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

**6.4 Consideration in the local government budget**

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

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*First Schedule***RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES****PART 1—PRELIMINARY****1.1 Interpretation**

(1) In these Rules, unless the context otherwise requires, where a term is used in these Rules and is defined in the local law, the Act or the Regulations, then the term is to be taken to have the meaning assigned to it in the local law, the Act or the Regulations, as the case may be.

(2) In these Rules, unless the context otherwise requires—

“**absolute majority**” means a majority of more than 50% of the number of—

- (a) brigade members of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the bush fire brigade; or
- (b) brigade officers of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the Committee;

“**Committee**” means the Committee of the bush fire brigade;

“**Incident Controller**” means the Chief Bush Fire Control Officer, or the Deputy Chief Bush Fire Control Officer, or a Bush Fire Control Officer, or an officer or other member of a brigade for the time being in charge of a bush fire as defined by Section 35A of the Act;

“**local law**” means the Shire of Capel Bush Fire Brigades Local Law; and

“**normal brigade activities**” is defined by section 35A of the Act.

(3) Subject to these Rules, where a decision is to be made by the bush fire brigade, then the decision may be made by a resolution passed by a simple majority of the brigade members who are present in person or by proxy at the meeting.

(4) Subject to these Rules, where a decision is to be made by the Committee, then the decision may be made by a resolution passed by a simple majority of the brigade officers who are present in person or by proxy at the meeting.

**PART 2—OBJECTS AND MEMBERSHIP OF BUSH FIRE BRIGADE****2.1 Objects of bush fire brigade**

The objects of the bush fire brigade are to carry out—

- (a) the normal brigade activities; and
- (b) the functions of the bush fire brigade which are specified in the Act, the Regulations and the local law.

**2.2 Committee to determine applications**

Applications for membership are to be determined by the Committee.



### 2.3 Conditions of membership

In relation to any type of membership, as described in Part 4 of the local law, the bush fire brigade may establish policies pertaining to—

- (a) the qualifications required;
- (b) fees payable, if any;
- (c) a requirement to serve a probationary period;
- (d) procedures to be employed by the Committee prior to approval of an application for membership,

and the Committee is to act within the parameters of any such policy in determining applications for membership.

### 2.4 Applications for membership

An application for brigade membership is to be in writing and is to be submitted to the Secretary and is to be accompanied by a completed form in the form approved by the local government from time to time.

### 2.5 Decision on application for membership

(1) The Committee may—

- (a) approve an application for membership unconditionally or subject to any conditions; or
- (b) refuse to approve an application for membership.

(2) If the Committee refuses to approve an application for membership, it is to give written reasons for the refusal, as soon as practicable after the decision is made, to the applicant and the advice that the applicant has the right to object to the local government.

### 2.6 FESA to be notified of registrations

(1) If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the local government within seven days of a person being admitted to membership in the form required by the Authority from time to time.

(2) The local government is to notify the Authority within seven days of the receipt of a person being admitted to membership in the form required by the Authority from time to time.

### 2.7 Termination of membership

(1) Membership of the bush fire brigade terminates if the member—

- (a) dies;
- (b) gives written notice of resignation to the Secretary;
- (c) is, in the opinion of the Committee, permanently incapacitated by mental or physical ill-health;
- (d) is dismissed by the Committee; or
- (e) ceases to be a member or is taken to have resigned under subclause (2).

(2) A brigade member whose membership fees are more than one year in arrears is to be taken to have resigned from the bush fire brigade.

### 2.8 Suspension of membership

(1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee, circumstances warrant suspending the member.

(2) The period of suspension shall be at the discretion of the Committee.

(3) Upon the expiry of the period of suspension the Committee may—

- (a) extend the period of suspension;
- (b) terminate the membership; or
- (c) reinstate the membership.

### 2.9 Existing liabilities to continue

The resignation, or dismissal of a member under clause 2.7 does not affect any liability of the brigade member arising prior to the date of resignation or dismissal.

### 2.10 Member has right of defence

A brigade member is not to be dismissed under clause 2.7(1)(d) without being given the opportunity to meet with the Committee and answer any charges which might give grounds for dismissal.

### 2.11 Objection Rights

A person whose—

- (a) application for membership is refused under clause 2.5(1)(b);
- (b) membership is terminated under clause 2.7(1)(c), clause 2.7(1)(d) or clause 2.8(3)(b); or
- (c) membership is suspended under clause 2.8(1) or clause 2.8(3)(a)

has the right of objection to the local government which may dispose of the objection by—

- (a) dismissing the objection;
- (b) varying the decision objected to; or

- (c) revoking the decision objected to, with or without—
  - (i) substituting for it another decision; or
  - (ii) referring the matter, with or without directions, for another decision by the Committee.

### **PART 3—FUNCTIONS OF BRIGADE OFFICERS**

#### **3.1 Chain of command during fire fighting activities**

Subject to the Act and the local law, the command procedures to apply during fire fighting activities are as detailed in the local government's Bush Fire Operating Procedures.

#### **3.2 Duties Of President**

- (1) Subject to subclause (2) below, the President is to preside at all meetings.
- (2) In the absence of the President, the meeting may elect another person to preside at the meeting.

#### **3.3 Secretary**

The Secretary is to—

- (a) be in attendance at all meetings and keep a correct minute and account of the proceedings of the bush fire brigade in a book which shall be open for inspection by brigade members at any reasonable time;
- (b) answer all correspondence or direct it appropriately, and keep a record of the same;
- (c) prepare and send out all necessary notices of meetings;
- (d) receive membership fees, donations and other monies on behalf of the bush fire brigade, and remit them to the Treasurer upon receipt;
- (e) maintain a register of all current brigade members which includes each brigade member's contact details and type of membership;
- (f) provide no later than 31 May in each year, a report to the Chief Bush Fire Control Officer detailing the name, contact details and type of membership of each brigade member.

#### **3.4 Treasurer**

The Treasurer is to—

- (a) receive donations and deposits from the Secretary, and deposit all monies to the credit of the bush fire brigade's bank account;
- (b) pay accounts as authorized by the Committee;
- (c) keep a record of all monies received and payments made, maintain the accounts and prepare the balance sheet for each financial year;
- (d) be the custodian of all monies of the bush fire brigade;
- (e) regularly inform the Secretary of the names of those brigade members who have paid their membership fees; and
- (f) report on the financial position at meetings of the bush fire brigade or Committee.

#### **3.5 Equipment Officer**

The Equipment Officer is responsible for the custody and maintenance in good order and condition of all protective clothing, equipment and appliances provided by the local government to the bush fire brigade (or of the bush fire brigade).

#### **3.6 Storage of equipment**

- (1) The Equipment Officer may store all of the equipment of the bush fire brigade at a place approved by the Captain (the "station").
- (2) If there is to be more than one station in the brigade area, the Equipment Officer is to appoint in respect of each station a person who is responsible for the custody and maintenance in good order and condition of all equipment and appliances at the station, subject to any direction of the Equipment Officer.

#### **3.7 Equipment Officer to report**

The Equipment Officer is to provide, no later than 31 March of each year, a report to the local government and bush fire brigade captain describing the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the bush fire brigade area (or at a station of the bush fire brigade).

#### **3.8 Incident Controller to report**

- (1) (a) The incident Controller is to complete and forward an incident report form in the form required by the Authority to the local government within 7 days after attendance by the bush fire brigade at an incident.
- (b) Where a bush fire brigade attends an incident on more than one day, the incident report form is to be completed and forwarded under subclause (1)(a) within 7 days after the last day of attendance.
- (2) The local government is to forward a copy of the incident report form to the Authority within 7 days of its receipt from the incident controller.

**PART 4—COMMITTEE****4.1 Management of bush fire brigade**

(1) Subject to the provisions of these Rules, the administration and management of the affairs of the bush fire brigade are vested in the Committee.

(2) Without limiting the generality of subclause (1), the Committee is to have the following functions—

- (a) to recommend to the local government amendments to these Rules;
- (b) to draft the annual budget for the bush fire brigade and present it at the annual general meeting of the bush fire brigade;
- (c) to propose a motion for consideration at any meeting of the bush fire brigade;
- (d) to recommend to the local government equipment which needs to be supplied by the local government to the bush fire brigade;
- (e) to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade activities;
- (f) to delegate to a person, as from time to time thought fit, any functions (being less than the total functions of the Committee) on any conditions it thinks fit;
- (g) to do all things necessary or convenient in order to perform any of its functions and to secure the performance of the normal brigade activities by the bush fire brigade; and
- (h) deal with membership applications, grievances, disputes and disciplinary matters.

**4.2 Constitution of Committee**

(1) The Committee of the bush fire brigade is to consist of the brigade officers being the President, Fire Control Officer/s, Captain, Secretary, Treasurer, Equipment Officer and the Lieutenants of the bush fire brigade.

(2) The brigade officers are—

- (a) to be elected at the annual general meeting of the bush fire brigade;
- (b) to hold office until the next annual general meeting; and
- (c) be eligible for re-election at the next annual general meeting.

(3) Any brigade officer may be removed from office by an absolute majority decision of the brigade members present in person or by proxy at a special meeting called for such a purpose.

(4) The Committee may appoint a brigade member to fill a vacancy in any office arising from a resolution under subclause (3) or which has arisen for any other reason.

**PART 5—MEETINGS OF BUSH FIRE BRIGADE****5.1 Ordinary meetings**

(1) Ordinary meetings may be called at any time by the Secretary by giving at least 7 days notice to all brigade members and to the Chief Bush Fire Control Officer, for the purpose of—

- (a) organising and checking equipment;
- (b) requisitioning new or replacement equipment;
- (c) organising field excursions, training sessions, hazard reduction programs, and the preparation of fire-breaks;
- (d) establishing new procedures in respect of any of the normal brigade activities; and
- (e) dealing with any general business.

(2) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.

(3) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

**5.2 Special meetings**

(1) The Secretary is to call a special meeting when 5 or more brigade members request one in writing.

(2) At least 2 days notice of a special meeting is to be given by the Secretary, to all brigade members and to the Chief Bush Fire Control Officer.

(3) In a notice given under subclause (2) the Secretary is to specify the business which is to be conducted at the meeting.

(4) No business is to be conducted at a special meeting beyond that specified in a notice given under subclause (2) in relation to that meeting.

**5.3 Annual general meeting**

(1) At least 7 days notice of the annual general meeting is to be given by the Secretary to all brigade members and to the Chief Bush Fire Control Officer.

(2) At the annual general meeting the bush fire brigade is to—

- (a) elect the brigade officers from among the brigade members;
- (b) consider the Captain's report on the year's activities;
- (c) adopt the annual financial statements;

- (d) appoint an Auditor for the ensuing financial year in accordance with clause 5.6; and
- (e) deal with any general business.

(3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.

(4) Business may be conducted at an annual general meeting notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

#### **5.4 Quorum**

(1) The quorum for a meeting of the bush fire brigade is at least 50% of the number of offices (whether vacant or not) of member of the bush fire brigade.

(2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present in person or by proxy.

#### **5.5 Voting**

Each brigade member is to have one vote, however in the event of an equality of votes, the President (or person presiding) may exercise a casting vote.

#### **5.6 Auditor**

(1) At the annual general meeting a person, not being a brigade member, is to be appointed as the Auditor of the bush fire brigade for the ensuing financial year.

(2) The Auditor is to audit the accounts of the bush fire brigade not less than 7 days before the annual general meeting and is to certify to their correctness or otherwise and present a report at the annual general meeting.

### **PART 6—MEETINGS OF COMMITTEE**

#### **6.1 Meetings Of Committee**

(1) The Committee is to meet for the despatch of business, adjourn and otherwise regulate its meeting as it thinks fit.

(2) The President or Secretary may convene a meeting of the Committee at any time.

#### **6.2 Quorum**

No business is to be transacted at a meeting of the Committee unless a quorum of 3 brigade officers are present in person.

#### **6.3 Voting**

Each brigade officer is to have one vote, however in the case of an equality of votes, the President (or person presiding) may exercise a casting vote.

### **PART 7—GENERAL ADMINISTRATION MATTERS**

#### **7.1 Fees**

(1) The membership fees, if any, for each type of member for the ensuing 12 months are to be determined by the bush fire brigade at the annual general meeting.

(2) Subject to subclause (3), a member is to pay the membership fees for her or his type of membership on or before 1 May.

(3) The bush fire brigade may exempt a brigade member, or a class of membership, from the payment of membership fees, for such period and on such conditions as the bush fire brigade may determine.

#### **7.2 Funds**

The funds of the bush fire brigade are to be used solely for the purpose of promoting the objects of the bush fire brigade.

#### **7.3 Financial year**

The financial year of the bush fire brigade is to commence on 1 July and is to end on 30 June of the following year.

#### **7.4 Banking**

The funds of the bush fire brigade are to be placed in a bank account and are to be drawn on only by cheques signed jointly by any 2 members of the Bush Fire Brigade appointed to do so.

#### **7.5 Disclosure of interests**

(1) A brigade member shall disclose to the bush fire brigade or Committee any financial interest (whether direct or indirect) he or she may have in any matter being considered by the bush fire brigade or Committee, as appropriate.

(2) If a financial interest has been disclosed under subclause (1), then the bush fire brigade or Committee, as appropriate, is to decide, in the absence of the brigade member who disclosed that interest, whether or not the brigade member is to be permitted to vote on that matter.

(3) Where the bush fire brigade or Committee, as appropriate, decides under subclause (2), that a brigade member is not to be permitted to vote on a matter, and the brigade member votes on the matter, then her or his vote is to be taken to have no effect and is not to be counted.

**7.6 Disagreements**

- (1) Any disagreement between brigade members may be referred to either the President or to the Committee.
- (2) Where a disagreement in subclause (1) is considered by the President or the Committee to be of importance to the interests of the bush fire brigade, then the President or the Committee, as the case may be, is to refer the disagreement to the annual general meeting, an ordinary meeting or a special meeting of the bush fire brigade.
- (3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement which is not resolved under subclause (1) or (2).

**PART 8—NOTICES AND PROXIES****8.1 Notices**

- (1) Notices of meetings of the bush fire brigade are to be in writing and sent by ordinary post to the registered address of each brigade member.
- (2) Notices of meetings of the Committee may be given in writing in accordance with subclause (1) or by such other means as the Committee may decide (by an absolute majority) at a meeting of the Committee.
- (3) Any accidental omission to give notice of a meeting to, or non-receipt by a person entitled to receive such notice, is not to invalidate the meeting the subject of the notice or any resolutions passed at the meeting.
- (4) Where any notice other than a notice of meeting is to be given under these Rules, the notice is to be—
- (a) in writing;
  - (b) unless otherwise specified, given to or by the Secretary;
  - (c) given by—
    - (i) personal delivery;
    - (ii) post; or
    - (iii) facsimile transmission;
  - (d) taken to have been received, as the case may be—
    - (i) at the time of personal delivery;
    - (ii) 2 business days after posting; or
    - (iii) on the printing of the sender's transmission report.

**8.2 Proxies**

- (1) Where under these Rules a brigade member may vote by proxy, in order for the proxy to so vote, the brigade member or the proxy shall give a notice in the form of that appearing in this clause, to the Secretary or the person presiding at the meeting before the start of the meeting at which the proxy is to be used.
- (2) A proxy is to be valid for the meeting for which it is given and for any adjournments of that meeting.
- (3) A proxy shall be valid for the number of votes to which the brigade member is entitled.
- (4) If the donor of the proxy does not give any indication of the manner in which the proxy is to vote, the proxy shall be entitled to vote or not vote as he or she thinks fit.
- (5) A proxy shall be entitled to speak on behalf of the donor of the proxy.
- (6) All forms appointing proxies deposited under subclause (1) are to be retained by the Secretary for not less than 28 days after the conclusion of the meeting to which they relate but if there is any objection to the validity of any vote at the meeting, they are to be retained until the determination of that objection.
- (7) The form appointing a proxy shall be in writing and signed by the brigade member appointing the proxy and shall be in or substantially in the form set out below—

**PROXY****[INSERT NAME] BUSH FIRE BRIGADE****[ANNUAL] [EXTRAORDINARY] GENERAL MEETING****TO BE HELD ON [DATE]**

I, \_\_\_\_\_,

Being a brigade member appoint \_\_\_\_\_ to be my proxy and vote on my behalf at the meeting of the bush fire brigade to be held on [insert date] and at any adjournment of it. The proxy shall vote as follows—

MOTION            FOR AGAINST ABSTAIN

1. ....

2. ....

If there is no instruction to the proxy as to the way to vote, the proxy shall exercise her or his discretion as to how to vote or whether to vote at all. In respect of any vote taken at the meeting on a

matter which does not appear on the agenda, the proxy shall exercise her or his discretion as to the way he or she casts the vote or whether it is cast at all.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

NOTE: To be valid this proxy must be completed and returned to the Secretary of the bush fire brigade (or the presiding member) prior to the commencement of the meeting for which the proxy is valid.

Dated \_\_\_\_\_ 20 \_\_\_\_\_

Dated 11 May 2001.

The Common Seal of the Shire of Capel was affixed by authority of a resolution of the Council in the presence of—

M. T. SCOTT, President.  
P. F. SHEEDY, Acting Chief Executive Officer.



