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**BUSH FIRES ACT 1954**

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**SHIRE OF MURRAY**

**BUSH FIRE BRIGADES LOCAL LAW**



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SHIRE OF MURRAY

**BUSH FIRE BRIGADES LOCAL LAW**

## TABLE OF CONTENTS

**PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Definitions
- 1.3 Application
- 1.4 Commencement

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

- 2.1 Establishment of a Bush Fire brigade
- 2.2 Name and officers of Bush Fire Brigade

*Division 2—Command at a Fire*

- 2.3 Ranks within the Bush Fire Brigade

*Division 3—Application of Rules to a Bush Fire Brigade*

- 2.4 Bush Fire Brigade Rules
- 2.5 Variation of Bush Fire Brigade Rules

*Division 4—Transitional*

- 2.6 Existing Bush Fire Brigades

*Division 5—Dissolution of a Bush Fire Brigade*

- 2.7 Dissolution of a Bush Fire Brigade
- 2.8 New Arrangement after dissolution

**PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES***Division 1—Local Government responsibility*

- 3.1 Local Government responsible for structure
- 3.2 Officers to be supplied with Act

*Division 2—Chief Bush Fire Control Officer*

- 3.3 Role of Chief Bush Fire Control Officer
- 3.4 Chief Bush Fire Control Officer may attend meetings
- 3.5 Duties of Chief Bush Fire Control Officer

*Division 3—Annual general meetings of Bush Fire Brigades*

- 3.6 Holding of annual general meeting
- 3.7 Nomination of Bush Fire Control Officer to Bush Fire Advisory Committee
- 3.8 Minutes to be tabled before the Bush Fire Advisory Committee

*Division 4—Bush Fire Advisory Committee*

- 3.9 Functions of Advisory Committee
- 3.10 Advisory Committee to nominate Bush Fire Control Officers
- 3.11 Additional nominations to the Bush Fire Advisory Committee
- 3.12 Perpetual nominations to the Bush Fire Advisory Committee
- 3.13 Local Government to have regard to nominees
- 3.14 Advisory Committee to consider Bush Fire Brigade motions
- 3.15 Bush Fire Advisory Committee Rules
- 3.16 Variation of the Bush Fire Advisory Committee Rules
- 3.17 Formation of Sub Committees of the Bush Fire Advisory Committee

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

- 4.1 Fire fighting members
- 4.2 Associate/Auxiliary members
- 4.3 Cadet members
- 4.4 Honorary life member
- 4.5 Notification of membership

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

- 5.1 Rules to Govern

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

- 6.1 Policies of Local Government
- 6.2 Equipment in Brigade area
- 6.3 Funding from Local Government budget
- 6.4 Consideration in the Local Government budget

***First schedule*—RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES*****Second schedule*—RULES GOVERNING THE OPERATION OF THE BUSH FIRE ADVISORY COMMITTEE*****Appendix 1*—MEMBERSHIP APPLICATION—FIRE FIGHTING MEMBERS, ASSOCIATE/AUXILIARY MEMBERS, CADET MEMBERS**

**BUSH FIRES ACT 1954****SHIRE OF MURRAY****BUSH FIRE BRIGADES LOCAL LAW**

In accordance with the provisions of the Bush Fires Act 1954 and under all other powers enabling it, the Council of the Shire of Murray resolved on May 31, 2001 to adopt the following local law.

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

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

**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 advisory committee**” means the persons appointed to a bush fire advisory committee under and in accordance with section 67 of the Act;

“**bush fire advisory committee rules**” means the rules governing the operation of the bush fire advisory committee set out in the Second Schedule of this local law;

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

“**bush fire brigade 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;

“**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, and includes in the absence of the Chief Executive Officer, the Deputy or Acting Chief Executive Officer of the Shire;

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

“**district**” means the whole of the Shire of Murray;

“**fire fighting member**” is defined in clause 4.1;

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

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

“**sub-committee**” means a sub-committee appointed by the Bush Fire Advisory Committee to perform a specific role and function.

(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 Secretary;
- (g) a Treasurer; or
- (h) a Secretary / Treasurer combined; and
- (i) a Training and Safety Officer

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

**1.3 Application**

This local law applies throughout the district.

### 1.4 Commencement

This Local Law comes into effect fourteen (14) days after the date it is published in the Government Gazette.

## 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 sub clause (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 Secretary; and
    - (vii) a Treasurer; or
    - (viii) a Secretary/Treasurer combined; and
    - (ix) a Training and Safety Officer.
- (2) When considering the appointment of persons to the positions in sub clause (1)(c), of this division, 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 sub clause (1) (c) of this division is to be taken to be a brigade member.
- (4) The appointments referred to in sub clause (1) (c) of this division expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) If a position referred to in sub clause (1) (c) of this division 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 sub clause (2) of this division.

### *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 the area 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 fire fighters. 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, a 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 Bush fire brigade rules

- (1) The bush fire brigade rules govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each brigade member shall comply with the bush fire brigade rules prescribed in the first schedule of this local law.

#### 2.5 Variation of bush fire brigade rules

- (1) The local government may vary the bush fire brigade rules in their application to all bush fire brigades or in respect of a particular bush fire brigade.
- (2) The bush fire brigade rules, as varied, have effect on and from the date of a decision under subclause (1) of this clause.
- (3) The local government is to notify a bush fire brigade of any variation to the bush fire brigade rules as soon as practicable after making a decision under subclause (1) of this clause.

*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 date—

- (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 of division 1; 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 date**” means the date on which this local law comes into operation.

*Division 5—Dissolution of a bush fire brigade***2.7 Dissolution of a bush fire brigade**

(1) 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) Any funds held by a bush fire brigade when a decision is made to cancel the registration of a brigade shall be held by Council in trust for a period of three (3) years.

(3) If after this period of time, a brigade is not re-established in the cancelled brigade area, the funds held in trust will be distributed by Council equally among the remaining registered bush fire brigades.

**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 and the captain of each registered bush fire brigade 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 officer's functions, and any amendments which are made thereto from time to time.

*Division 2—Chief bush fire control officer***3.3 Role of Chief bush fire control officer**

Subject to any directions by the local government the chief bush fire control officer has the primary responsibility to manage, control and direct all bush fire fighting activities within the district.

**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) liaising with the local government concerning fire prevention/suppression matters generally and to provide directions issued by the local government to bush fire control officers (including those who only issue permits to burn) bush fire brigades or brigade officers.

*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 April 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 brigade member is to be nominated to the bush fire advisory committee to serve as the bush fire control officer for the brigade area until the next annual general meeting.

**3.8 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, inclusive of the bush fire brigades audited financial statement to the local government within fourteen (14) days after the meeting.

(2) The local government is to table the minutes of a bush fire brigade's annual general meeting at a special meeting of the bush fire advisory committee, following their receipt under subclause (1).

*Division 4—Bush Fire Advisory Committee***3.9 Functions of Bush Fire Advisory Committee**

The bush fire advisory committee is to have the functions set out in section 67 of the Act.

**3.10 Bush Fire 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 advise the local government of the brigade member from each brigade who has been nominated for the position of bush fire control officer.

**3.11 Additional nominations to the Bush Fire Advisory Committee**

(1) In addition to the persons mentioned in clause 3.10 the bush fire advisory committee shall consider nominations for one position each on the bush fire advisory committee from—

- (a) Alcoa Australia;
- (b) Pinjarra Fire and Rescue Services; and
- (c) the Department of Conservation and Land Management.

(2) The local government may from time to time consider a nomination from any person it thinks fit to be a member on the bush fire advisory committee, however prior to any appointment other than those mentioned in the Act the local government shall seek input from the bush fire advisory committee on that appointment.

**3.12 Perpetual nominations to the Bush Fire Advisory Committee**

On each occasion the local government considers nominations for members of the bush fire advisory committee the local government shall automatically accept the appointment of an officer of the Authority, a member of the Council in accordance with Section 67 (2) of the Act and the persons employed by the local government as Rangers.

**3.13 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, excepting the appointments required by clause 3.12 of this division.

**3.14 Bush Fire 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 and endorsed by the bush fire advisory committee from bush fire brigades.

**3.15 Bush Fire Advisory Committee rules**

- (1) The bush fire advisory committee rules govern the operation of the bush fire advisory committee.
- (2) Each member of the bush fire advisory committee shall comply with the bush fire advisory committee rules, as prescribed in the second schedule of this local law.
- (3) The bush fire advisory committee rules have effect on and from the commencement date of this local law.

**3.16 Variation of the Bush Fire Advisory Committee rules**

- (1) The local government may vary the bush fire advisory committee rules in their application to the advisory committee.
- (2) The bush fire advisory committee rules, as amended, from time to time have effect on from the date the amendment was made pursuant to the Local Government Act 1995.
- (3) The local government is to notify the bush fire advisory committee of any variation to the bush fire advisory committee rules as soon as practicable varying the rules under sub clause (1) of this clause.

**3.17 Formation of sub committees of the Bush Fire Advisory Committee**

- (1) The bush fire advisory committee may at any time appoint sub committees for any purpose.
- (2) A sub committee appointed under sub clause (1) of this clause, shall report to the bush fire advisory committee.

**PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP****4.1 Fire fighting members**

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

**4.2 Associate/auxiliary members**

Associate members are those persons who are prepared to render any assistance required to a fire fighting member or a bush fire brigade.



**4.3 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.

**4.4 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.

**4.5 Notification of membership**

No later than 31 May in each year, each 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 set out in the first schedule of this local law.

**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 operational expenses or for the purchase of protective clothing, equipment and appliances; and
- (b) keeps the 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 March in order to be considered in the next following local government budget.

**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;

“**local law**” means the Shire of Murray 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 this 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 this schedule, 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 membership is to be in writing and is to be submitted to the Secretary and in the case of an application for fire fighting membership, an associate/auxiliary membership or a cadet membership is to be accompanied by a completed form in the form of that in Appendix I.

### 2.5 Decision on application for membership

(1) The Committee may—

- (a) approve an application for membership unconditionally or subject the application to any conditions it sees fit, including the requirement that the prospective member obtains a police clearance certificate; 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

If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the Authority within 14 days 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) of this clause.

(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**

(1) The resignation, or dismissal of a member under clause 2.8 of this schedule 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 2.8(1) of this schedule 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) of this schedule;
- (b) membership is terminated under clause 2.7(1)(c), clause 2.7(1)(d) or clause 2.8(3)(b) of this schedule; or
- (c) membership is suspended under clause 2.8(1) or clause 2.8(3)(a) of this schedule, has the right to object to the decision by appealing 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 this 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 captain**

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

**3.3 Secretary**

- (1) The Secretary or his or her delegate 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) liaise with the brigade fire control officer to complete and forward fire incident report forms (in addition to the fire incident reporting system method of reporting) that is required by the Authority to the local government and the authority within 21 days after attendance by the bush fire brigade at an incident;
  - (f) maintain a register of all current brigade members which includes each brigade member's contact details and type of membership;
  - (g) provide no later than 31 May in each year, a report to the local government detailing the name, contact details and type of membership of each brigade member.
- (2) Where a bush fire brigade attends an incident on more than one day, the incident report form is to be completed and forwarded under sub clause (1)(e) within 21 days after the last day of attendance.

**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 authorised 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 May 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).

## **PART 4—COMMITTEE**

### **4.1 Management of bush fire brigades**

(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 the above sub clause 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;
- (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, Captain, Secretary, Treasurer, Equipment Officer, Safety and Training Officer and the Lieutenants of the bush fire brigade and the appointed fire control officer of that brigade area.

(2) The brigade officers are to—

- (a) be elected at the annual general meeting of the bush fire brigade;
- (b) 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 sub clause (3) of this clause, 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, for the purpose of—

- (a) organising and checking equipment;
- (b) requisitioning new or replacement equipment;
- (c) organising the brigades training needs with the Safety and Training officer;
- (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 the above sub clause, 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 the above sub clause, 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) of this clause, 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 and nominate a bush fire control officer 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 sub clause (1) of this clause, 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 sub clause (1) of this clause, 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 officers (whether vacant or not) of members 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 other than the person presiding is to have one vote, however in the event of an equality of votes, the Captain (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 Captain 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 other than the person presiding is to have one vote, however in the case of an equality of votes, the Captain (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 sub clause (3) of this clause, 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 April 1 and is to end on March 31 of the following year.

### **7.4 Banking**

(1) The funds of a bush fire brigade are to be placed in a financial institution in the name of the bush fire brigade and are to be drawn on for brigade purposes by any two (2) of the designated brigade signatories.

(2) The signatories mentioned in sub clause (1) of this clause shall be determined at the annual general meeting of a bush fire brigade.

#### **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) of this clause, 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 sub clause (2) of this clause, 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 Captain or to the committee.

(2) Where a disagreement in clause 7.6 (1) is considered by the Captain or the committee to be of importance to the interests of the bush fire brigade, then the Captain 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) of this clause.

### **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 may be given in writing in accordance with sub clause (1) of this clause 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) of this clause 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 ..... 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 this        day of                      20.....

***Second Schedule***

**RULES GOVERNING THE OPERATION OF THE BUSH FIRE ADVISORY COMMITTEE**

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 this 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.

PART 2—MEETINGS OF BUSH FIRE ADVISORY COMMITTEE

**2.1 Ordinary meetings**

(1) Ordinary meetings of the committee shall be held in agenda format at least every three months, or more frequently as determined by the committee from time to time, for the purpose of—

- (a) establishing new procedures or policies in respect of any of the normal brigade or bush fire advisory committees activities;
- (b) requisitioning new or replacement equipment;
- (c) organising hazard reduction programs, and the preparation of firebreak notices;
- (d) dealing with any general business.

(2) Business may be conducted at an ordinary meeting of the bush fire advisory committee notwithstanding that it was not specified in the agenda under sub clause (1) in relation to that ordinary meeting.

**2.2 Special meetings**

(1) A Special meeting of the bush fire advisory committee can be called by the local government at any time. At least 2 days notice of the special meeting is to be given by the local government to all members of the bush fire advisory committee and each bush fire brigade.

- (a) In a notice given under the above sub clause the local government is to specify the business which is to be conducted at the meeting in an agenda.
- (b) No business is to be conducted at a special meeting beyond that specified in notice given under sub clause (1) of this clause, in relation to that meeting.

**2.3 Special meeting of the Bush Fire Advisory Committee to elect office bearers**

(1) In May each year the bush fire advisory committee is to hold a special meeting to elect office bearers of the committee. Notice of at least 7 days is to be given by the local government to each member of the advisory committee and each brigade Secretary.

(2) The purpose of this meeting is to—

- (a) Conduct general business, if any, and;

- (b) Elect a Chairperson and the following officers, from the membership of the committee—
  - (i) Chief Bush Fire Control Officer;
  - (ii) Deputy Chief Bush Fire Control Officer;
  - (iii) Fire Weather Officer;
  - (iv) Deputy Fire Weather Officer;
  - (v) Firebreak Inspectors.
- (3) Elect any person whom the bush fire advisory committee feels is suitably qualified and capable of carrying out the duties of the following positions—
  - (a) Safety and Training Officer;
  - (b) Communications Officer.
- (4) If no nominations are made from the floor for the positions mentioned in clause 2.3 (3), a bush fire advisory committee member may nominate and be considered for those positions.
- (5) In the notice given under sub clause (1) of this clause, the local government is to specify the business which is to be conducted at the meeting in an agenda format.
- (6) No one person may hold at any one time, more than two (2) of the elected positions detailed in this clause of this local law.

#### **2.4 Annual general meeting of brigades**

- (1) The local government may hold an annual general meeting of brigades immediately after the special meeting of the bush fire advisory committee to elect office bearers. Notice of at least 7 days is to be given by the local government to each member of the bush fire advisory committee and each Secretary of a bush fire brigade.
- (2) The purpose of this meeting is to—
  - (a) Conduct general business;
  - (b) Advise the meeting of the following appointments—
    - (i) Chairperson of the Bush Fire Advisory Committee;
    - (ii) Chief Bush Fire Control Officer;
    - (iii) Deputy Chief Bush Fire Control Officer;
    - (iv) Fire Weather Officer;
    - (v) Deputy Fire Weather Officer;
    - (vi) Shire Communications Officer;
    - (vii) Safety and Training Officer; and
    - (viii) Firebreak Inspectors.
- (3) To consider reports from—
  - (a) Officers of the Authority;
  - (b) Members of the advisory committee and bush fire brigades; and
  - (c) Government Department Officers.
- (4) To present meritorious or service awards.

#### **2.5 Minutes of meetings**

The Minutes of all bush fire advisory committee meetings shall be submitted to the next available Council meeting so the recommendations of the committee may be adopted or be rejected by the Council, as the case may be.

#### **3.0 Quorum**

- (1) The quorum for a meeting of the bush fire advisory committee is at least 50% of the voting members of the committee.
- (2) No business is to be transacted at a meeting of the bush fire advisory committee unless a quorum of members is present in person or by delegation.

#### **3.1 Voting rights**

- (1) At the bush fire advisory committee meetings detailed in clause 2.1, 2.2 and 2.4 of this schedule, the following voting rights apply—
  - (a) One vote per person, to each—
    - (i) Of the Fire Control Officers from each official brigade;
    - (ii) The representative of the Department of Conservation and Land Management;
    - (iii) The representative of the Pinjarra Fire and Rescue Services;
    - (iv) Council's Senior Ranger;
    - (v) Chairperson of the Bush Fire Advisory Committee; and
    - (vi) Council's representative on the Bush Fire Advisory Committee;

If a case arises of an equality of votes the Chairperson or the person acting as their delegate must use their vote as a casting vote.

- (2) At the bush fire advisory committee meeting detailed in clause 2.3 of this schedule, the following voting rights apply—
  - (a) One vote per person, to each—
    - (i) Of the Fire Control Officers from each official bush fire brigades, or their delegate;



- (ii) One (1) representative of the Pinjarra Fire and Rescue Services, or their delegate;
- (iii) One (1) Council Ranger or his/her delegate;
- (iv) Chairperson of the Bush Fire Advisory Committee or his/her delegate; and
- (v) Council's representative on the Bush Fire Advisory Committee or his/her delegate, and;

If a case arises of an equality of votes the Chairperson or the person acting as their delegate must use their vote as a casting vote.

### 3.2 Delegated voting

(1) Delegated voting is permissible at the bush fire advisory committee meeting detailed in clause 2.3 of this schedule, subject to the majority of the members agreeing that the person acting as a delegate, at a meeting has been authorised by the absent member to act on his/her behalf.

### 3.3 Resignation from the Bush Fire Advisory Committee

A member of the bush fire advisory committee may resign from the committee by giving notice in writing to the CEO.

### 3.4 Termination of membership of the Bush Fire Advisory Committee

(1) Membership of the bush fire advisory committee may be suspended at any time if a member of the bush fire advisory committee or their delegate fails to attend three (3) consecutive bush fire advisory committee meetings without the consent of the bush fire advisory committee.

(2) The period of suspension shall be at the discretion of the bush fire advisory committee.

(3) Upon the expiry of the period of suspension the bush fire advisory committee may—

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

(4) The Bush Fire Advisory Committee member is not to be suspended unless an absolute majority of members of the bush fire advisory committee vote to suspend the member.

### 3.5 Objection rights

A member of the bush fire advisory has the right to object to the decision by appealing 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 substituting for it another decision; or referring the matter, with or without directions, for another decision by the bush fire advisory committee.

## Appendix I

### MEMBERSHIP APPLICATION—FIRE FIGHTING MEMBER—ASSOCIATE/AUXILIARY MEMBERS—CADET MEMBER.

I make application to be a .....member of the.....Bush Fire Brigade.

Applicant's Name .....

My address is.....

.....

My business address is .....

.....

Usual Occupation .....

I can be contacted on:

Telephone No: (Home) ..... (Work) ..... Mobile .....

If needed, I can provide my own transport to the scene of any fire incident. (This line to be struck out if not applicable)

I hold a current driver's licence No .....Classes .....

I declare that I am at least 16 years of age and in good health with no known medical conditions which might limit my capacity to fight fires. (This line to be struck out if not applicable to cadet or associate/auxiliary members)

I give these undertakings—

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law and policies of the *Shire of Murray* relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to give assistance in fire fighting or in other roles when called upon and on such occasions to obey all orders and instructions issued by duly authorised officers of the bush fire brigade or the local government;
- (4) to comply with the rules of the bush fire brigade.

Date ..... Applicant's signature.....

## CADET MEMBERSHIP CONSENT

PARENT / GUARDIAN CONSENT:

I ..... being the parent/guardian of the above applicant, consent to him/her being a cadet member of the ..... Bush Fire Brigade, in accordance with the rules applicable to cadet membership.

Signed .....

**BUSH FIRE BRIGADE USE ONLY:**

APPROVED / DECLINED

Signed: ..... Brigade Captain

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