

**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette
ISSN 1448-949X

1149



PERTH, WEDNESDAY, 7 APRIL 2004 No. 60 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

BUSH FIRES ACT 1954

SHIRE OF PLANTAGENET

**BUSH FIRE BRIGADES
LOCAL LAW**

BUSH FIRES ACT 1954

SHIRE OF PLANTAGENET

BUSH FIRE BRIGADES LOCAL LAW**ARRANGEMENT****PART 1—PRELIMINARY***Division 1—Interpretation*

- 1.1 Citation
- 1.2 Definitions

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 Rules
- 2.5 Variation of Rules

Division 4—Transitional

- 2.6 Existing Bush Fire Brigades

Division 5—Dissolution of bush fire brigade

- 2.7 Dissolution of 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 Rules
- 3.3 Delegation of Authority

Division 2—Chief Bush Fire Control Officer

- 3.4 Managerial role of Chief Bush Fire Control Officer
- 3.5 Chief Bush Fire Control Officer may attend meetings
- 3.6 Duties of Chief Bush Fire Control Officer

Division 3—Annual general meetings of bush fire brigades

- 3.7 Holding of annual general meeting
- 3.8 Nomination of bush fire control officers to Bush Fire Advisory Committee
- 3.9 Minutes to be tabled before the Bush Fire Advisory Committee

Division 4—Bush Fire Advisory Committee

- 3.10 Functions of Advisory Committee
- 3.11 Advisory Committee to nominate bush fire control officers
- 3.12 Local government to have regard to nominees
- 3.13 Advisory Committee to consider bush fire brigade motions
- 3.14 Advisory Committee to prepare equipment replacement strategies

PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

- 4.1 Types of membership of bush fire brigade
- 4.2 Fire fighting members
- 4.3 Associate members
- 4.4 Cadet members
- 4.5 Honorary life member
- 4.6 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

BUSH FIRES ACT 1954

SHIRE OF PLANTAGENET

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 Plantagenet resolved on 10 February 2004 to make the following local law.

PART 1—PRELIMINARY*Division 1—Interpretation***1.1 Citation**

This local law may be cited as the *Shire of Plantagenet 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 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;

“**Chief Bush Fire Control Officer (CBFCO)**” means the chief bush fire control officer appointed by the local government from time to time in accordance with the provisions of the Act;

“**Deputy Chief Bush Fire Control Officer (DCBFCO)**” means the deputy chief bush fire control officer appointed by the local government from time to time in accordance with the provisions of the Act;

“**Bush Fire Control Officer (BFCO)**” means a bush fire control officer appointed by the local government from time to time in accordance with the provisions of the Act;

“**CEO**” means the chief executive officer of the Shire of Plantagenet;

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

“**financial year**” means the period 1 July to 30 June annually;

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

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

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

“**Rules**” means the Rules Governing the Operation of Bush Fire Brigades adopted by the local government from time to time.

(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 Fire Weather officer

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

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 Secretary;
 - (vii) a Fire Weather Officer.
- (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. Any person appointed to the position of Captain or First Lieutenant shall be a Bush Fire Control Officer.
- (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) run for the following financial year after the brigade's annual general meeting.
- (5) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with subclause (2).

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

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

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

- (1) The Rules developed and approved by the local government 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 local government 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 rules

The local government is to supply each brigade officer with a copy of this local law, the rules governing Brigades 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.

3.3 Delegation of Authority

The local government delegates authority to the chief executive officer of the council at the time to ensure that this local law is upheld.

Division 2—Chief Bush Fire Control Officer

3.4 Managerial role of Chief Bush Fire Control Officer

Subject to any directions by the local government the Chief Bush Fire Control Officer, or the Deputy at the Chief Bush Fire Control Officer's delegation, has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.5 Chief Bush Fire Control Officer may attend meetings

The Chief Bush Fire Control Officer or the Deputy at the Chief Bush Fire Control Officer's delegation, may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

3.6 Duties of Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer or the Deputy at the Chief Bush Fire Control Officer's delegation, 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 Chief Executive Officer of 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.

3.7 Delegation of Duties

The Chief Bush Fire Control Officer may delegate to the Deputy Chief Bush Fire Control Officer if the Chief Bush Fire Control Officer is unable or unwilling to perform his duties as a Bush Fire Control Officer and may delegate all or some of these duties to the Deputy.

Division 3—Annual general meetings of bush fire brigades

3.8 Holding of annual general meeting

A bush fire brigade is to hold its annual general meeting by 30th April each year.

3.9 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) is/are to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer(s) for the brigade area for the following financial year.

3.10 Minutes to be tabled before the Bush Fire Advisory Committee

(1) The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer by 1 May annually.

(2) The Chief Bush Fire Control Officer is to table the minutes of a bush fire brigade's annual general meeting at the next annual meeting of the Bush Fire Advisory Committee following their receipt under sub clause (1).

*Division 4—Bush Fire Advisory Committee***3.11 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.

3.12 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 or persons for the position of a bush fire control officer for the brigade area.

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.

3.14 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.

3.15 Advisory Committee to prepare equipment replacement strategies

The Bush Fire Advisory Committee is to make recommendation to the local government on the five-year plant and equipment replacement strategy prior to 28 February annually.

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 May in each year, the bush fire brigade is to report to the Chief Fire Control Officer the name, contact details and type of membership of each brigade member.

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

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

PART 6—EQUIPMENT OF BUSH FIRES BRIGADES**6.1 Policies of local government**

The local government may make policies under which it—

- (a) provides 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 28 February 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, plant, equipment or appliance needs is to be received by the local government by 28 February 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.

Dated this 10th day of February 2004.

The Common Seal of the Shire of Plantagenet was here to affixed by authority of the Council in the presence of—

Cr K. M. FORBES JP, Shire President.
Mr R. J. STEWART, Chief Executive Officer.

