

**LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
CITY OF BUNBURY BUSH FIRE BRIGADE LOCAL LAW 2023**

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and by all other powers enabling it, the Council of the *City of Bunbury* resolved on **[insert date]** to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation and Application

This local law may be cited as the *City of Bunbury Bush Fire Brigade Local Law 2023*.

1.2 Commencement

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Repeal Provisions

The *City of Bunbury Establishment, Maintenance and Equipment of Bush Fire Brigades Local Law 1992* published in the *Government Gazette*, Number B.2 dated 4 September 1992, is repealed.

1.4 Interpretation

(1) In this local law unless the context specifies otherwise –

Act means the *Bush Fires Act 1954*;

Brigade Rules means the operating instructions adopted by the Bush fire brigade in consultation with the local government and the Department of Fire and Emergency Services (DFES);

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

Chief Bush Fire Control Officer is as defined in the Act;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of Bunbury;

normal brigade activities is defined by section 35A of the Act;

Regulations means Regulations made under the Act;

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

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant; or

(d) any additional Lieutenants;

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

PART 2 - BUSH FIRE BRIGADES

2.1 Establishment of Bush Fire Brigades

(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 clause 2.1(1).

2.2 Chief and Deputy Chief Bush Fire Control Officers

(1) The duties of the bush fire control officer are defined in the Act.

(2) For the purposes of this local law the duties will include:-

- a) Where a vacancy occurs in a position appointed under clause 2.3(1)(c), to —
 - i) Advise the CEO of the vacancy as soon as practicable; and
 - ii) Make alternate suitable arrangements for that position until an appointment is made;
- b) Nominate suitably qualified persons to the CEO for appointment as bush fire control officers by the local government; and
- (c) Report to the CEO not later than 30 April each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's —
 - (i) Training and readiness;
 - (ii) Protective clothing;
 - (iii) Equipment; and
 - (iv) Vehicles and appliances.

2.3 Name and Officers of Bush Fire Brigades

(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 brigade area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; 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

(2) A person appointed to a position pursuant to clause 2.3(1)(c) is to be taken to be a brigade member.

(3) The appointments referred to in clause 2.3(1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.

(4) An election is to be held at the first annual general meeting by the members of the bush fire brigade for appointments to the positions referred to in clause 2.3(1)(c) and every subsequent annual general meeting.

(5) If a position referred to in sub clause 2.3(1)(c) becomes vacant prior to the completion of the first annual general meeting or at any time, then the bushfire brigade members are to vote for a replacement member to fill the position.

2.4 Duties of Appointed Members

(1) The duties of all appointed members listed in clause 2.3(1)(c) are defined in the Brigade Rules

2.5 Appointment, Employment, Payment, Dismissal and Duties of Bush Fire Control Officers

The appointment, employment, payment, dismissal and duties of bush fire control officers is dealt with by the Act.

2.6 Rules

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

(2) A bush fire brigade and each brigade member is to comply with the Brigade Rules and the City of Bunbury Code of Conduct for Employees.

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 Brigade Rules, or is not achieving the objectives for which it was established.

PART 3 ADMINISTRATION OF BUSH FIRE BRIGADE

3.1 Executive Management Committee

(1) The Brigade will establish an Executive Management Committee that shall consist of the following positions –

- (a) Captain;
- (b) Secretary
- (c) Treasurer;
- (d) Lieutenants;

The functions of the Executive Management Committee is defined in the Brigade Rules.

PART 4 GENERAL

4.1 Consideration in the local government budget

In addition to funding made available through emergency services grants, the local government may provide further funding depending upon the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995*.

Dated **DD MONTH 2023**

The Common Seal of the City of Bunbury was affixed by authority of a resolution of the Council in the presence of:

J MIGUEL, Mayor

M OSBORNE, Chief Executive Officer

