

**BUSH FIRES ACT 1954  
LOCAL GOVERNMENT ACT 1995  
CITY OF BUNBURY  
BUSH FIRE BRIGADES AMENDMENT LOCAL LAW**

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

**1. Citation and Application**

- (1) This local law may be cited as the *City of Bunbury Bush Fire Brigades Amendment Local Law 2024*.
- (2) This amendment local law applies throughout the district.

**2. Commencement**

This amendment local law comes into operation 14 days after the day of its publication in the *Government Gazette*.

**3. Principal Local Law amended**

This local law amends the *City of Bunbury Bush Fire Brigades Local Law 2024* as published in the *Government Gazette* on 29 August 2024.

**4. Clause 1.1 amended**

In clause 1.1 delete the words “(This local law may be cited as the City of Bunbury Bush Fire Brigades Local Law 2024” and replace with “This local law may be cited as the *City of Bunbury Bush Fire Brigades Amendment Local Law 2024*”.

**5. Clause 1.4 amended**

1. In clause 1.4(1) in the definition of Brigade, delete the words “Brigade” and replace with “*brigade*”.
2. In clause 1.4(2)(h), delete the word “a Secretary/Treasurer combined.” and replace with “a Secretary/Treasurer combined”.
3. In clause 1.4(2) delete the word “Means” and replace with “means”.

**6. Clause 3.2 amended**

In clause 3.2 delete the word “Regulations” replace with “Regulations,”.

**7. Clause 3.3, 3.5, 3.5, 3.5, 3.12, 6.1, 6.1 amended**

In clauses 3.3, 3.5(a), 3.5(c), 3.5(d), 3.12, 6.1(1), 6.1(2), delete the word “bush fire Brigade” and replace with “bush fire brigades”.

**8. Clause 3.5 amended**

In clause 3.5(b) delete the word “bridges” and replace with “brigades”.

**9. Clause 4.2 amended**

In clause 4.2 delete the text “A,” at the end of the clause.

**10. Clause 4.3 amended**

1. In clause 4.3(a) replace “Are to” with “are to”.
2. In clause 4.3(b) replace “Required” with “required”.
3. In clause 4.3(c) replace “Expected” with “expected”.

4. In clause 4.3(d) replace "Can" with "can".
5. In clause 4.3(e) replace "Required" with "required".
6. In clause 4.3 (f) replace "Responsible" with "responsible".
7. In clause 4.3(d) delete the full stop "." and replace with a semi colon ";".
8. In clause 4.3 Replace the word "Brigade" and replace with "brigade".

**11. Clause 4.4 amended**

In clause 4.4 delete the word "Brigade" and replace with "brigade".

**12 Clause 4.5 amended**

1. In clause 4.5(1)(a) replace "To" with "to".
2. In clause 4.5(1)(a) replace "Has" with "has".
3. In clause 4.5(1)(c) replace "The Brigade's" with "the brigade's".
4. In clause 4.5(2)(a) replace "The" with "the".
5. In clause 4.5(2)(b) replace "Has" with "has".
6. In clause 4.5(2)(c) replace "The Brigade's" with "the brigade's".
7. In clause 4.5(1) Replace the word "Cade" with "Cadet".
8. In clause 4.5(2) Replace the word "Brigade" with the word "brigade".

**13 Amend Parts 7, 8, 9**

Delete Parts 7, 8 & 9.

#### **14. Amend the First Schedule Rules Governing the Operation of the Bush Fire Brigade**

Delete "First Schedule - Rules Governing the Operation of Bush Fire Brigade" and replace with

### **"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 City of Bunbury Bush Fire Brigades Amendment 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 membership is to be in writing and is to be submitted to the Secretary or Brigade Officer.

## **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 DFES 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 Department within 14 days of a person being admitted to membership in the form required by the Department 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**

- (1) 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 Duties Of Captain**

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

#### **3.2 Secretary**

- (1) 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) complete and forward an incident report form in the form required by the Department to the Chief Bush Fire Control Officer and the Department within 14 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 Chief Bush Fire Control Officer 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 subclause (1)(e) within 14 days after the last day of attendance.

#### **3.3 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; and
- (e) regularly inform the Secretary of the names of those brigade members who have paid their membership fees.
- (f) report on the financial position at meetings of the bush fire brigade or Committee.

#### **3.4 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).

### **3.5 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.

### **3.6 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 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 Captain, Secretary, Treasurer, Equipment Officer and the Lieutenants of the bush fire brigade.
- (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 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 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
    - i) a nomination for Brigade Officer & Office Bearer position is to be accompanied by a completed nomination form in the form in Appendix 1;
  - (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 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 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 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**

- (1) 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 of the Captain, Secretary or Treasurer.
- (2) If the Secretary/Treasurer is a combined position, the Captain and Secretary/Treasurer are to sign the cheques referred to in subclause (1).

### **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 Captain or to the Committee.
- (2) Where a disagreement in subclause (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).

### **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.”

Dated:[DATE]

The Common Seal of the City of Bunbury was affixed under the authority of a resolution of Council in the presence of–

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JAYSEN MIGUEL, Mayor.

\_\_\_\_\_

ALAN FERRIS, Chief Executive Officer.