

SHIRE OF NORTHAM
BUSH FIRE BRIGADES LOCAL LAW 2024

BUSH FIRES ACT 1954

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BUSH FIRES ACT 1954

SHIRE OF NORTHAM

BUSH FIRE BRIGADES LOCAL LAW 2024

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Northam resolved on [Date] to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation and application

This local law may be cited as the *Shire of Northam Bush Fire Brigades Local Law 2024* and applies throughout the district. It is made in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

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 *Shire of Northam Bush Fire By-Laws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades*, published in the *Government Gazette*, Number 35 dated 21 May 1982, is repealed.

1.4 Interpretation

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

Act means the *Bush Fires Act 1954*;

brigade area means the area described in clause 2.2(1)(b);

Bush Fire Brigade, or **Brigade**, means a bush fire brigade established by the Local Government under clause 2.1 and registered in a register kept pursuant to section 41 of the Act;

Bush Fire Control Officer, in relation to a Brigade, means a bush fire control officer appointed by the Local Government under clause 2.2(1)(c) or clause 5.1(1);

Bush Fire Brigade Member, or **Brigade Member**, in relation to a Brigade, means a member of the Bush Fire Brigade, who may be -

- (a) an Elected Officer of the Brigade;
- (b) a Bush Fire Control Officer of the Brigade; or
- (c) another member of the Brigade;

Chief Bush Fire Control Officer means the Chief Bush Fire Control Officer appointed by the Local Government;

Chief Executive Officer means the Chief Executive Officer of the Local Government;

Deputy Chief Bush Fire Control Officer means the Deputy Chief Bush Fire Control Officer appointed by the Local Government ;

district means the district of the Local Government;

Elected Officer, in relation to a Brigade, means each of the Captain, First Lieutenant, Second Lieutenant and any other Lieutenant –

- (a) appointed by the Local Government under clause 2.2(1)(c); or
- (b) elected by the Brigade Members under clause 2.2(4);

Local Government means the Shire of Northam;

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

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 Lieutenant;

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 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, in relation to the Bush Fire Brigade —
 - (i) a Captain;
 - (ii) Bush Fire Control Officers;

- (iii) a First Lieutenant;
 - (iv) a Second Lieutenant; and
 - (v) additional Lieutenants if the Local Government considers it necessary.
- (2) A person appointed to a position under clause 2.2(1)(c) (except to a position of Bush Fire Control Officer) is taken to be a Brigade Member.
- (3) The term of office of a person appointed to an Elected Officer position under clause 2.2(1)(c) ends –
- (a) at the completion of the first annual general meeting of the Bush Fire Brigade;
 - (b) when the person resigns from that position; or
 - (c) when the appointment, or the person's Bush Fire Brigade membership, is terminated under this local law,
- whichever occurs first.
- (4) At the first and each subsequent annual general meeting of a Brigade, the Brigade Members are to elect, from among the Brigade Members, persons to fill each of the Elected Officer positions of the Brigade.
- (5) If the position of an Elected Officer of a Bush Fire Brigade becomes vacant at any time other than at the completion of an annual general meeting of the Brigade, then a special meeting of the Brigade may be held at which the Brigade Members may vote for a replacement Brigade Member to fill the position until the next annual general meeting of the Bush Fire Brigade.

PART 3 - DISSOLUTION OF BUSH FIRE BRIGADES

3.1 Cancellation of registration

- (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 or this local law or is not achieving the objectives for which it was established.
- (2) Upon a Bush Fire Brigade's dissolution, the equipment, assets and funds of the Brigade must be placed under the control of the Local Government and dealt with in accordance with the *Local Government Act 1995*.

3.2 New arrangement after dissolution

If the Local Government cancels the registration of a Bush Fire Brigade, the Local Government is to make alternative arrangements in respect of the Brigade Area.

PART 4 - ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

4.1 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.

4.2 Equipment and maintenance of Bush Fire Brigades

The maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment

and appliances is to be the responsibility of the Local Government.

4.3 Functions of Captain and other Elected Officers

- (1) The functions of the Captain of a Bush Fire Brigade are to —
 - (a) provide leadership to the Bush Fire Brigade;
 - (b) monitor the Bush Fire Brigade's resourcing, equipment and training levels;
 - (c) liaise with the Local Government concerning —
 - (i) fire prevention or fire suppression matters generally;
 - (ii) directions to be issued by the Local Government to the Brigade's Bush Fire Control Officers, including those who issue permits to burn; and
 - (iii) the Brigade's Bush Fire Brigade Officers;
 - (d) ensure that a list of the Bush Fire Brigade's Members is maintained;
 - (e) report annually to the Chief Bush Fire Control Officer the office bearers of the Bush Fire Brigade in accordance with the Regulations; and
 - (f) arrange for normal brigade activities as authorised by the Act or by the Local Government.
- (2) The functions of other Bush Fire Brigade Officers of a Brigade are to support the Captain of the Brigade in their role.

PART 5 - ADMINISTRATION OF BUSH FIRE BRIGADES

5.1 Local Government appointments

- (1) The Local Government may appoint, and may suspend or terminate the appointment of, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.
- (2) A decision to suspend or terminate a person's appointment to a position under clause 5.1(1) must be made in accordance with the principles of procedural fairness.
- (3) A person's appointment to a position under clause 5.1(1) ends -
 - (a) if the appointment is for a fixed term – on the expiry of that term;
 - (b) if the person dies – on the date of their death;
 - (c) if a person gives written notice of resignation – on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Chief Executive Officer; or
 - (d) if the appointment is terminated by the Local Government – on the date that written notice of the termination is given to the person,whichever occurs first.

5.2 Membership of a Bush Fire Brigade

- (1) A person wishing to be a Bush Fire Brigade Member may make an application for

membership to the Captain of the Bush Fire Brigade.

- (2) An application for membership of a Bush Fire Brigade –
 - (a) is to be assessed by the Captain of the Bush Fire Brigade.
 - (b) if the Captain of the Bush Fire Brigade approves the appointment, the application should be provided to the CESM for registration within 14 days.
 - (c) if the appointment is refused, the Captain is to provide written reason for the refusal as soon as practicable.
- (3) A person whose membership application is accepted is to be appointed as a Brigade Member of a Bush Fire Brigade.
- (4) A person's membership of a Bush Fire Brigade under this clause 5.2 ends –
 - (a) if the person dies – on the date of their death;
 - (b) if a person gives the Captain of the Bush Fire Brigade written notice of resignation – on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Captain; or
 - (c) if the appointment is terminated by the Chief Bush Fire Control Officer - on the date that the written notice of the termination is given to the person,whichever occurs first.
- (5) Subject to clause 5.2(7), the Chief Bush Fire Control Officer may suspend or terminate the membership of a Brigade Member appointed under clause 5.2(3) (other than a Brigade Member appointed by the Local Government to a position described in clause 5.1(1)) if, in the opinion of the Chief Bush Fire Control Officer, the Brigade Member is unfit to serve as a member of the Bush Fire Brigade.
- (6) A decision to suspend or terminate a person's membership of a Bush Fire Brigade under clause 5.2(5) must be made in accordance with the principles of procedural fairness.
- (7) If the Chief Bush Fire Control Officer has a conflict of interest in considering and determining whether a person's membership should be suspended or terminated –
 - (a) the Chief Bush Fire Control Officer must refer the matter to the Chief Executive Officer; and
 - (b) the Chief Executive Officer is to consider and determine the matter.
- (8) At the end of the period of suspension imposed under clause 5.2(5) or 5.2(7), the Chief Bush Fire Control Officer (or, if clause 5.2(7) applies, the Chief Executive Officer) must –
 - (a) extend the period of suspension;
 - (b) terminate the membership; or
 - (c) confirm the continuation of the membership.
- (9) The ending of a person's membership under clause 5.2(4) does not affect any liability that the Brigade Member may have had before their membership ended.

5.3 Meetings of Bush Fire Brigades

- (1) A Brigade may hold ordinary meetings on such days and at such times and places, as the Brigade considers appropriate.
- (2) A Brigade should hold at least 3 ordinary meetings each year.
- (3) A Brigade must hold one annual general meeting each financial year.
- (4) At the annual general meeting, the Brigade is to -
 - (a) elect Bush Fire Brigade Officers;
 - (b) receive the Captain's annual report;
 - (c) receive the Elected Officers' annual report; and
 - (d) adopt the annual financial statements of the Brigade.
- (5) Notice of the annual general meeting and any ordinary meeting must be given to all Brigade Members at least 7 days before the commencement of the meeting.
- (6) A Brigade may hold a special meeting to allow the membership to deal with a specific motion or business.
- (7) A notice of a special meeting must be given at least 48 hours before the commencement of the meeting.
- (8) The purpose of the special meeting must be included in the notice of the meeting.

PART 6 - GENERAL

6.1 Consideration in the Local Government budget

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

Dated _____

THE COMMON SEAL OF The Shire of Northam was hereto affixed in the presence of:

Christopher Antonio
Shire President

Deborah Terelinck
Chief Executive Officer