

BUSH FIRES ACT 1954

LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

BUSH FIRE BRIGADES LOCAL LAW 2023

DRAFT

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Bush Fire Brigades Local Law 2023

Under the powers conferred by the *Bush Fires Act 1954* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Swan resolved on **dd month yyyy** to make the following local law.

Part 1—Preliminary

1.1 Citation

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

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

1.3 Interpretation

(1) In this local law, unless the contrary intention appears —

Act means the *Bush Fires Act 1954*;

brigade area is defined in clause 2.2(1)(b);

brigade member means a 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 brigade is defined in section 7 of the Act;

Bush Fire Control Officer means a Bush Fire Control Officer appointed by the local government in accordance with section 38 of the Act;

CEO means the Chief Executive Officer of the local government;

Chief Bush Fire Control Officer means the Chief Bush Fire Control Officer appointed in accordance with the Act;

Council means the Council of the local government;

Deputy Chief Bush Fire Control Officer means the Deputy Chief Bush Fire Control Officer/s appointed in accordance with section 38 of the Act;

district means the district of the local government;

local government means the City of Swan;

normal brigade activities is defined by 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
- (c) any additional Lieutenants;

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

(3) Unless otherwise provided in this local law, the terms and expressions used in this local law have the meaning given to them in the Act.

1.4 Application

This local law applies throughout the district.

Part 2—Bush fire brigades

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 resolution under subclause (1).

2.2 Name, area 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; and
 - (c) appoint —

- (i) a Captain;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant; and
 - (iv) additional Lieutenants if the local government considers it necessary;
- (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.
- (3) A person appointed to a position in subclause (1)(c) is to taken to be a brigade member.
- (4) The appointments referred to in subclause (1)(c) expire at the first annual general meeting of the bush fire brigade.
- (5) An election is to be held at the first annual general meeting by members of the bush fire brigade for appointments to the positions referred to in subclause (1)(c) and every subsequent annual general meeting.
- (6) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the annual general meeting, then the brigade members are to vote for a person to fill the vacancy in accordance with subclause (2).
- (7) The brigade members are to elect a brigade member to fill the position of training officer, equipment officer, treasurer and secretary, and may combine those positions.

2.3 Duties of Captain and bush fire brigade officers

- (1) The duties of the Captain are to —
 - (a) Provide leadership to bush fire brigades;
 - (b) Monitor bush fire brigades' resourcing, equipment and training levels;
 - (c) Liaise with the local government concerning —
 - (i) fire prevention or fire suppression matters generally;
 - (ii) direction to be issued by the local government to bush fire control offices, including those who issue permits to burn; and
 - (iii) bush fire brigade officers;
 - (d) Ensure that a list of bush fire brigade members is maintained;
 - (e) Report annually to the local government the office bearers of the bushfire brigade in accordance with the Regulations;

- (f) Arrange for normal brigade activities as authorised by the Act or by the local government; and
 - (g) Where a vacancy occurs in a position appointed under clause 2.2(1)(c) to —
 - (i) advise the Chief Bush Fire Control Officer of the vacancy as soon as practicable; and
 - (ii) make alternate suitable arrangements for the position until an appointment is made.
- (2) The duties of other bush fire brigade officers are to support the Captain in their role.

2.4 Existing bush fire brigades

A bush fire brigade established by the local government prior to the day on which this local law comes into operation —

- (a) is to be taken to be a bush fire brigade established under and in accordance with this local law; and
- (b) the provisions of this local law apply to the bush fire brigade with the exception of clause 2.2.

Part 3—Bush fire control officers

3.1 Appointment, employment, payment, dismissal and duties of bush fire control officers

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

3.2 Chief Bush Fire Control Officer may act as Captain

In the absence of a person elected as the Captain of a bush fire brigade, or in order of seniority, willing to act in that position until a meeting of the bush fire brigade is held, the Chief Bush Fire Control Officer may act as Captain until a meeting of the bush fire brigade is held and a person is elected to the position.

3.3 Chief Bush Fire Control Officer may attend meetings

Chief Bush Fire Control Officer or their 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 Deputy Chief Bush Fire Control Officer

- (1) The duties of the Deputy Chief Bush Fire Control Officer/s are to assist the Chief Bush Fire Control Officer in the exercise of their duties.
- (2) In the absence of the Chief Bush Fire Control Officer, a Deputy Chief Bush Fire Control Officer, in order of seniority and availability, shall assume the duties of the Chief Bush Fire Control Officer.

Part 4—Administration 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 Bush Fire Brigade Procedures

- (1) The local government is to prepare and adopt Bush Fire Brigade Procedures for the good governance of bush fire brigades.
- (2) The local government may vary the Bush Fire Brigade Procedures at any time.

Part 5—Maintenance and equipment with appliances and apparatus of bush fire brigades

5.1 Equipment in bush fire brigade area

A bush fire brigade is to report to the local government the quantity and quality of all appliances, apparatus and equipment of the bush fire brigade when directed to do so.

5.2 Funding under local government budget

- (1) A request to the local government from a bush fire brigade for funding shall be submitted to the local government by a date advised by the CEO or delegate of the CEO, for consideration in the next following local government budget.
- (2) The local government may approve or decline an application for funding depending upon its assessment of budget priorities for the year in question.

Dated

The COMMON SEAL of the CITY OF
SWAN was affixed in the
presence of:

MAYOR

(Please print name)

CHIEF EXECUTIVE OFFICER

(Please print name)

DRAFT