

7.1 PROPOSED BUSH FIRE BRIGADES LOCAL LAW AND BUSH FIRE BRIGADE PROCEDURES

Ward: (All Wards) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

KEY ISSUES

- Under the *Bush Fires Act 1954* (BF Act) a local government may establish and maintain one or more bush fire brigades for the purpose of carrying out normal brigade activities.
- The *BF Act* also prescribes that a local government may, and in another circumstance shall, operate its bush fire brigades in accordance with local laws.
- The City of Swan (the City) does not currently have a local law for its bush fire brigades. The proposed *Bush Fire Brigades Local Law 2023* is recommended to address the current absence of a local law for the City's bush fire brigades.
- The local law covers the key matters required to be dealt with, in accordance with the BF Act.

It is recommended that the Council propose to make the *City of Swan Bush Fire Brigades Local Law 2023* and advertise Council's intention for a period not less than six weeks.

BACKGROUND

Under the *Bush Fires Act 1954* (BF Act) a local government may establish and maintain one or more bush fire brigades for the purpose of carrying out normal brigade activities.

Section 43 of the *BF Act* provides that a local government which establishes a bush fire brigade shall by its local laws:

...provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

Sections of the *BF Act* where a local government may make local laws are:

- section 62(1):
 - the appointment, employment, payment, dismissal and duties of bush fire control officers; and
 - the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and

- any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.
- section 41:
 - the local government may, in accordance with its local law, establish and maintain one or more bush fire brigades and equip each bush fire brigade with appliances, equipment and apparatus.

The City has more than 250 volunteers across five bush fire brigades. The City does not have a local law for its bush fire brigades. However, the City has had a Volunteer Bush Fire Brigade Constitution (Constitution) and Brigade Operating Procedures (Operating Procedures) and bush fire brigades have been operating in accordance with these documents for many years.

DETAILS

The proposed *Bush Fire Brigades Local Law 2023* is recommended to address the current absence of a local law for the City's bush fire brigades.

The City's local law takes a contemporary approach, similar to that taken by a number of other local governments including the Cities of Cockburn (proposed), Greater Geraldton and Wanneroo (proposed), Town of Port Hedland and Shire of Serpentine Jarrahdale.

The objective of this approach is to not duplicate provisions that already exist in legislation and only address the matters that must be dealt with as prescribed in the *BF Act* i.e. section 43.

A number of existing older local laws include 'Rules' which cover procedural matters. These matters are not included in more recent local laws, rather are dealt with by alternative means as determined by individual local governments.

This approach was taken following a request from Councillors at a Council briefing session held in early 2022. A previous draft of the local law included a significant amount of detail in the local law. The draft has been repurposed into two parts – the draft local law and procedures.

The draft local law and procedures have been developed using the Constitution and Operating Procedures as a reference.

The proposed City of Swan Bush Fire Brigade Procedures includes procedures with regard to:

- Membership (types, application and approval process, commitment and training requirements, suspension and termination etc.).
- The Committee (structure, meetings, function and election etc.).
- Bush Fire Brigade meetings.

The City will advertise the proposed City of Swan Bush Fire Brigade Procedures for comment concurrently with the local law, prior to adopting a final version.

CONSULTATION

The Bush Fire Advisory Committee were advised of the City's intention to introduce a local law and have been provided with informal opportunities to comments.

Versions of draft local laws were circulated to all brigade Captains for their comment in July 2021. Two meetings were conducted by the Chief Bush Fire Control Officer (CBFCO) with Deputy Bush Fire Control Officers (DBFCOs) and brigade Captains (and/or their representatives) and detailed feedback was received. This feedback was considered and the majority of amendments requested were incorporated into the previous draft local law. This draft has now been separated into two parts – the draft local law and the Rules. No further comment has been sought at this stage as the information the documents contain are substantially the same.

A draft of this report and attachments have been circulated to DBFCOs for their information. Some comments have been received and these will be taken into consideration with all submission during the public consultation period.

Further direct engagement with the CBRCO, DCBFCOs and brigades is also envisaged as part of the submissions process.

The *Local Government Act 1995* requires local governments to give public notice of the proposed local law. A period of 'not less than six weeks after the notice is given' for submission is required.

It is proposed to advertise the local law for a two month period in early 2023. An extension to this period may be considered, if the City experiences an incident which impacts bush fire brigades' capacity to make a submission.

Public notices shall be given as follows:

- Published on the City's website,
- Notices placed in the City Administration Centre and all libraries,
- Published in The West Australian,
- Published in The Echo,
- Direct notification to all City of Swan bush fire brigades, and
- Other – includes social media and eNewsletters.

A copy of the local law will be available to inspect on the City's website and the Administration Centre and each City library. Copies will also be provided to any person requesting it.

A copy of the proposed local law will also be provided to the Minister for Local Government and Minister for Emergency Services.

ATTACHMENTS

Draft *City of Swan Bush Fire Brigades Local Law 2023*

Draft City of Swan Bush Fire Brigades Procedures

STRATEGIC IMPLICATIONS

Strategic Community Plan 2021-2031

G1: Aligned leadership and direction

- Provide accountable and transparent leadership
- Engage, communicate and consult with our community and stakeholders

STATUTORY IMPLICATIONS

Bush Fires Act 1954 - sections 41, 43 and 62

Local Government Act 1995 - section 3.12 - Procedure for making local laws

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.
- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Councillors and members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.
- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the City will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

FINANCIAL IMPLICATIONS

Approximately \$10,000 (review and advice from McLeods, statewide public notice of proposed local law, publication of adopted local law in the *Government Gazette* and local public notice of publication). The majority of this cost was expended in a previous financial year for a review by McLeods Lawyers.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Council resolve to:

- 1) Propose to make the attached *City of Swan Bush Fire Brigades Local Law 2023* and advertise Council's intention for a period not less than six weeks, in accordance with section 3.12 of the *Local Government Act 1995*.

The Presiding Member to give notice to the meeting of the purpose and effect of the

Bush Fire Brigades Local Law 2023 as follows:

Purpose:	The purpose of this local law is to provide for the establishment, organisation and maintenance, administration and funding of bush fire brigades.
Effect:	The effect of this local law is that bush fire brigades will be organised and managed to comply with this local law.

CORRECTION

A number of required edits have been identified in the proposed Bush Fire Brigades Local Law 2023 to be advertised. These are insignificant in nature and do not impact the intent of the local law. As this is the advertising of a proposed local law, Council should adopt the correct document. Attached is an updated version for advertising and a document for your information which tracks the changes we have made.

RESOLVED UNANIMOUSLY

- 1) Propose to make the attached *City of Swan Bush Fire Brigades Local Law 2023* and advertise Council's intention for a period not less than six weeks, in accordance with section 3.12 of the *Local Government Act 1995*.

The Presiding Member read the following:

Purpose:	The purpose of this local law is to provide for the establishment, organisation and maintenance, administration and funding of bush fire brigades.
Effect:	The effect of this local law is that bush fire brigades will be organised and managed to comply with this local law.

(Cr Congerton – Cr Parry)

BUSH FIRES ACT 1954

LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

BUSH FIRE BRIGADES LOCAL LAW 2023

CITY OF SWAN
BUSH FIRE BRIGADES LOCAL LAW 2023

CONTENTS

Part 1—Preliminary

- 1.1 Citation
- 1.2 Commencement
- 1.3 Interpretation
- 1.4 Application

Part 2—Bush fire brigades

- 2.1 Establishment of a bush fire brigade
- 2.2 Name, area and officers of bush fire brigade
- 2.3 Duties of Captain and bush fire brigade officers
- 2.4 Existing bush fire brigades

Part 3—Bush fire control officers

- 3.1 Appointment, employment, payment, dismissal and duties of bush fire control officers
- 3.2 Chief Bush Fire Control Officer may act as Captain
- 3.3 Chief Bush Fire Control Officer may attend meetings
- 3.5 Duties of Deputy Chief Bush Fire Control Officer

Part 4—Administration of bush fire brigades

- 4.1 Local government responsible for structure
- 4.2 Bush Fire Brigade Procedures

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

- 5.1 Equipment in bush fire brigade area
- 5.2 Funding under local government budget

Local Government Act 1995

CITY OF SWAN

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;

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
 - (iii) 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 of by the local Government;
 - (g) Where a vacancy occurs in a position appointed under clause 2.2(1)(c) to —
 - (i) advice 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;
- (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)

CITY OF SWAN

BUSH FIRE BRIGADE PROCEDURES

DRAFT

CONTENTS

1.	INTRODUCTION.....	3
1.1	Interpretation.....	3
1.2	Review	4
2.	OBJECTIVES OF BUSH FIRE BRIGADES.....	5
3.	MEMBERSHIP	6
3.1	Membership of a bush fire brigade	6
3.2	Types of membership	6
3.3	Conditions of membership.....	7
3.4	Applications for membership	7
3.5	Decision on application for membership	7
3.6	Notification of membership	7
3.6	Department to be notified of registrations	8
3.7	Minimum membership commitment and training requirements	8
3.8	Suspension of membership	8
3.9	Termination of membership	9
3.10	Member has right of defence	10
3.11	Objection Rights	10
3.12	Leave of absence	10
4.	BUSH FIRE BRIGADE COMMITTEE	11
4.1	Functions of the Committee	11
4.2	Membership	11
4.3	Terms of office on the Committee	11
4.4	Termination of Committee membership	12
4.5	Meetings of Committee.....	12
4.6	Quorum	12
4.7	Voting	12
5.	BUSH FIRE BRIGADE COMMITTEE ELECTIONS.....	13
5.1	Ordinary election	13
5.2	Extraordinary election	13
5.3	Returning Officer	13
5.4	Nomination of candidates for elections.....	13
5.5	Voting	13
6.	MEETINGS OF THE BUSH FIRE BRIGADE.....	14
6.1	General meetings.....	14
6.2	Special meetings	14
6.3	Annual general meeting.....	14
6.4	Notification of elected office bearers	15
6.5	Who presides at meetings.....	15
6.6	Quorum	15
6.7	Voting	15
6.8	Minutes	16
7.	GENERAL ADMINISTRATION MATTERS.....	17
7.1	Funds.....	17
7.2	Financial year.....	17
7.3	Banking	17
7.4	Auditing.....	17
7.5	Disclosure of interests	17
7.6	Dispute Resolution	17
7.7	Notices	18

1. INTRODUCTION

The City of Swan Bush Fire Brigade Procedures (Procedures) are approved by the City of Swan (the City) for the good governance of bush fire brigades in the district.

1.1 Interpretation

In these Procedures, unless the context otherwise requires:

Term	Definition
absolute majority	A majority of more than 50% of the number of — (a) brigade members of a bush fire brigade, whether in attendance at a 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.
Act	<i>Bush Fires Act 1954</i>
authorised deposit-taking institution	A financial institution licensed by the Australian Prudential Regulatory Authority to carry on banking business, including accepting deposits from the public.
Chief Bush Fire Control Officer	The Chief Bush Fire Control Officer appointed in accordance with the Act.
CEO	Chief Executive Officer of the local government
City	City of Swan
Committee	The Committee of the bush fire brigade
Council	The Council of the local government
Department	Defined in section 3 of the <i>Fire and Emergency Services Act 1998</i>
district	The district of the local government.
interest	means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having an interest;
local government	The City of Swan
local law	<i>The City of Swan Bush Fire Brigades Local Law 2023</i>
normal brigade activities	As defined in section 35A of the Act.

ordinary meeting	Any meeting of the Brigade other than an annual general meeting, operational meeting or a special meeting.
present at a meeting	means both physically present or present by virtual meeting technology;
Regulations	Bush Fires Regulations 1954
Procedures	City of Swan Bush Fire Brigade Procedures
simple majority	means a majority of more than 50% of — (a) brigade members of a bush fire brigade, present at a meeting; if the majority is required at a meeting of the bush fire brigade; or (b) brigade officers of the bush fire brigade, present at a meeting, if the majority is required at a meeting of the Committee.
virtual meeting technology	means any technology that allows a person to participate in a meeting without being physically present at the meeting;

1.2 Review

The Procedures will be reviewed biannually by the City. They may also be reviewed, if required, at any time between biannual reviews.

The Procedures will be reviewed by:

- (1) Seeking submissions via written notice to each bush fire brigade within the district.
- (2) Providing a minimum of 21 days after the notice is given for submissions to be made.
- (3) The City is to consider any submissions made and may make changes to the Procedures.

2. OBJECTIVES OF BUSH FIRE BRIGADES

The objectives of a bush fire brigade are to carry out —

- (a) normal brigade activities; and
- (b) the functions of the bush fire brigade as specified in the Act, the Regulations and the local law.

DRAFT

3. MEMBERSHIP

3.1 Membership of a bush fire brigade

- (1) Membership for each established brigade is not to exceed 60 fire fighting members, unless otherwise approved by the local government.
- (2) A person, other than a cadet, must be 16 years or older to be a member of a bush fire brigade.

3.2 Types of membership

- (1) Fire fighting members

Fire fighting members are those persons who undertake all normal brigade activities.

- (2) 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 (d), (e), (f) and (g) of section 35A of the Act;
- (e) ineligible to vote at brigade meetings;
- (f) not to be assigned ranks under the Department's rank structure.

A bush fire brigade is required to receive the written approval of the local government prior to accepting cadet members.

- (3) Auxiliary members

Auxiliary members are those persons who are undertake bush fire brigade activities but do not undertake direct fire fighting activities.

- (4) Life membership

A brigade member who has achieved 20 years active service to a brigade within the City of Swan.

Life members are not eligible to vote unless they are also fire fighting or auxiliary members.

- (5) Honorary life members

A 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.

Honorary life members are not eligible to vote unless they are also fire fighting or auxiliary members.

3.3 Conditions of membership

In relation to any type of membership, the bush fire brigade may establish procedures pertaining to —

- (a) the qualifications required;
- (b) a requirement to serve a probationary period;
- (c) procedures to be employed by the Committee, in assessing an application for membership,

and the Committee is to determine applications for membership in accordance with any such procedure.

3.4 Applications for membership

An application for membership of a bush fire brigade shall —

- (a) be in writing and is to be submitted to the Committee of the relevant bush fire brigade and is to be in the form determined by the local government from time to time.
- (b) be determined by at least 3 members of the Committee, one of which must be the Captain, and be endorsed by the Chief Bush Fire Control Officer.

3.5 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 notice to the applicant as soon as practicable after the decision is made, and advise the applicant that he or she has the right to object to the local government.

3.6 Notification of membership

- (1) If any application for membership is approved, the Committee is to supply registration details to the local government within 14 days of a person being approved for membership in the form required by the local government from time to time.
- (2) Not more than 14 days after the annual general meeting, the bush fire brigade is to report to the local government the name, contact details and type of membership of each brigade member.

3.6 Department to be notified of registrations

The local government is to supply details of any approved membership application to the Department within 14 days of the person being approved for membership in the form required by the Department.

3.7 Minimum membership commitment and training requirements

- (1) Bush fire control officers are required to —
 - (a) complete training as required by the local government within 12 months of appointment, unless the necessary training has been completed within the 2 years prior to appointment as a bush fire control officer; and
 - (b) complete refresher training as required by the local government.
- (2) Fire fighting members are required to attend —
 - (a) a skills refresher;
 - (b) a minimum of 6 training sessions; and
 - (c) a minimum of 6 normal brigade activitieseach financial year.
- (3) Auxiliary members are required to attend a minimum of 12 normal brigade activities each financial year.

3.8 Suspension of membership

- (1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee, and/or the Chief Bush Fire Control Officer, circumstances warrant suspending the member.
- (2) Without limiting the generality of subclause (1), a brigade member of a may be suspended in the event the member —
 - (a) contravenes the Act, the Regulations, the Bush Fire Brigade Procedures, the local law or the bush fire brigade policies;
 - (b) has performed an unsafe act that jeopardizes the safety or wellbeing of the brigade member or others;
 - (c) has been charged with a criminal offence relevant to the brigade member's role and is awaiting court proceedings;
 - (d) is unfit (physically, emotionally and/or mentally), or unable to perform the inherent requirements reasonably expected of the role; or
 - (e) has acted in such a manner as to cause harm or distress to other brigade members.
- (3) The suspended brigade member may be excluded immediately from all or any specified bush fire brigade duties and activities.

- (4) The period of suspension shall be determined by the Committee and/or the Chief Bush Fire Control Officer.
- (5) The Captain or Chief Bush Fire Control Officer must notify the brigade member, in writing, advising of the suspension period and reasons for suspension.
- (6) Upon the expiry of the period of suspension the Committee or the Chief Bush Fire Control Officer may—
 - (a) extend the period of suspension;
 - (b) terminate the membership; or
 - (c) reinstate the membership.

3.9 Termination of membership

- (1) Membership of the bush fire brigade terminates if the brigade member—
 - (a) dies;
 - (b) gives written notice of resignation to the Captain or Secretary;
 - (c) is dismissed by the Committee and/or Chief Bush Fire Control Officer, by reason of—
 - (i) failing to comply with the Act, the Regulations, the Bush Fire Brigade Procedures, the local law or objectives of the bush fire brigade;
 - (ii) displaying conduct detrimental to the interests of the bush fire brigade;
 - (iii) being convicted of a criminal offence that in the opinion of the local government would ordinarily exclude the member from joining a bush fire brigade; or
 - (iv) acting in such a manner as to cause harm or distress to other brigade members by their activities.
 - (d) ceases to be a brigade member or is taken to have resigned under subclause (3).
- (2) A brigade member who has had their membership to a bush fire brigade terminated for any of the reasons contained in subclause (1)(c) is ineligible to join another bush fire brigade within the local government district for 12 months.
- (3) A brigade member who, in the opinion of the Committee or the local government, has not adequately fulfilled their role within the bush fire brigade, and has not responded to any written correspondence requesting that they state their intentions, within 21 days, shall be deemed to have resigned from the bush fire brigade.
- (4) Where the local government reasonably considers that a brigade member of a bush fire brigade has behaved in a manner that may lead to termination, the

local government may give notice to the Committee and/or the Chief Bush Fire Control Officer requesting the Committee or Chief Bush Fire Control Officer to investigate the matter.

- (5) Where a membership is terminated, all property owned by the bush fire brigade or the local government that is held by or in the possession of the person whose membership has been terminated, shall be returned to the bush fire brigade or the local government.

3.10 Member has right of defence

A brigade member is not to be dismissed under clause 3.9(1)(c), or have their membership terminated under clause 3.8(6)(b), without being given the opportunity to meet with the Committee or the Chief Bush Fire Control Officer and respond to any allegations which might give grounds for dismissal or termination of membership.

3.11 Objection Rights

- (1) A person whose—
 - (a) application for membership is refused under clause 3.5(1)(b);
 - (b) membership is terminated under clause 3.9(1)(c) or clause 3.8(6)(b); or
 - (c) membership is suspended under clause 3.8(1) or clause 3.8(2),has a right of objection to the local government.
- (2) Where a person lodges an objection to the local government pursuant to subclause (1), the local government may deal with 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 or Chief Bush Fire Control Officer.
- (3) No further right of review is available under these Procedures in respect of a decision made by a local government pursuant to subclause (2).

3.12 Leave of absence

- (1) A brigade member may, at any time, request a leave of absence from bush fire brigade commitments for a period not to exceed 12 months.
- (2) A request for leave of absence is to be in writing and is to be submitted to the Committee of the relevant bush fire brigade.
- (3) All voting rights will be suspended for the leave of absence period.

4. BUSH FIRE BRIGADE COMMITTEE

4.1 Functions of the Committee

The functions of the Committee include —

- (1) Recommending amendments to these Procedures to the local government;
- (2) Responsible financial management of the bush fire brigade's funds, including reporting of the bush fire brigade's financial position at the bush fire brigade's annual general meeting;
- (3) Proposing a motion for consideration at any bush fire brigade meeting;
- (4) Recommending to the local government equipment which needs to be supplied by the local government to the bush fire brigade;
- (5) Delegating to a person, any Committee functions (being less than the total functions of the Committee) as considered reasonable, on any conditions it thinks fit;
- (6) Doing 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
- (7) Dealing with membership applications, grievances, disputes and disciplinary matters.

4.2 Membership

The Committee of the bush fire brigade is to consist of:

- (a) the Captain;
- (b) all Lieutenants;
- (c) the Training Officer;
- (d) the Equipment Officer;
- (e) the Treasurer; and
- (f) the Secretary.

4.3 Terms of office on the Committee

- (1) The term of office of a Committee member, with the exception of the Captain where subclause (2) applies, begins on the day on which they are elected and ends on the day of the next annual general meeting of the bush fire brigade.
- (2) The term of a Captain of a bush fire brigade begins on the day on which they are elected and ends on—
 - (a) the day of the next annual general meeting; or
 - (b) the day of the subsequent annual general meeting.

- (3) A decision for the term of Captain to end in accordance with subclause (2)(b) is to be made by an absolute majority at a meeting of the bush fire brigade.

4.4 Termination of Committee membership

- (1) Any Committee member may be removed from office by an absolute majority decision of the brigade members at a special meeting called for such a purpose.
- (2) The Chief Bush Fire Control Officer is to be advised within 48 hours of the removal of a Committee member from office pursuant to subclause (1).
- (3) Within 48 hours of receiving the notice referred to in subclause (2) the Chief Bush Fire Control Officer is to notify the local government of the removal of a committee member from office.

4.5 Meetings of Committee

- (1) The Captain or the Secretary, may convene a meeting of the Committee at any time.
- (2) The Committee is to meet at least once every 3 months.
- (3) The Committee is to regulate its meetings as it determines.

4.6 Quorum

- (1) The quorum for a Committee meeting is at least 50% of members of the Committee present at a meeting.
- (2) No business is to be transacted at a meeting of the Committee, without a quorum of Committee members.
- (3) Subject to these Procedures, where a decision is to be made by the Committee, then the decision may be made by a resolution passed by a simple majority.

4.7 Voting

- (1) Each committee member is to have one vote.
- (2) In the case of an equality of votes, the person presiding is to exercise an additional casting vote.
- (3) Proxy voting is not permitted.

5. BUSH FIRE BRIGADE COMMITTEE ELECTIONS

5.1 Ordinary election

When the term of office of a Committee member is going to end at an annual general meeting of the bush fire brigade the election for that office is to take place at the same annual general meeting of the bush fire brigade.

5.2 Extraordinary election

When the term of office of a Committee member ends as a result of a resignation or other reason the election is to take place at the next practicable ordinary meeting of the bush fire brigade or a special meeting of the bush fire brigade called for this purpose.

5.3 Returning Officer

The Chief Bush Fire Control Officer, or a person nominated by them, is to act as the returning officer for any vacancy of a Committee member.

5.4 Nomination of candidates for elections

- (1) Prior to the election of a Committee member by a bush fire brigade —
 - (a) any nominations received are to be submitted to the local government at least 28 days prior to the election; and
 - (b) the local government may approve or reject any nomination.
- (2) The local government may establish procedures to assist it determine whether to approve or reject any nomination.
- (3) When considering nominations submitted in accordance with subclause (1)(a) the local government is to have regard to —
 - (a) the qualifications and experience which may be necessary to fill each position; and
 - (b) any procedures it has established in accordance with subclause (2).
- (4) Approved nominations are to be circulated to brigade members at least 14 days prior to the election.

5.5 Voting

- (1) Voting for any election of a brigade officer is to be conducted by secret ballot.
- (2) Each brigade member who has met the minimum membership commitment and training requirements described in clause 3.7 of these Procedures is entitled to one vote.
- (3) An absentee vote may be lodged if a voting member is unable to attend a meeting at which an election is conducted.
- (4) An absentee vote shall be lodged with the returning officer at least 24 hours prior to an election.

6. MEETINGS OF THE BUSH FIRE BRIGADE

6.1 General meetings

- (1) General meetings may be called at any time by the Secretary at the request of the Committee, by giving at least 7 days' notice of the meeting to all brigade members.
- (2) A bush fire brigade is to hold a general meeting at least once every 3 months.
- (3) Business may be conducted at a general meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under clause 7.7 in relation to that meeting.

6.2 Special meetings

- (1) The Secretary is to call a special meeting when requested in writing by —
 - (a) the Captain;
 - (b) the local government;
 - (c) at least 25% of fire fighting members who have met the minimum membership commitment and training requirements described in clause 3.7 of these Procedures.
- (2) At the time of requesting the meeting, the purpose of the meeting is to be specified.
- (3) The Secretary is to give at least 7 days' notice of the special meeting to all brigade members.
- (4) No business is to be conducted at a special meeting beyond that specified in a notice given under clause 7.7 in relation to that meeting.

6.3 Annual general meeting

- (1) A bush fire brigade is to hold an annual general meeting within 6 weeks of the conclusion of a financial year.
- (2) The Secretary is to give at least 14 days' notice of the annual general meeting to all brigade members and the local government.
- (3) The business of an annual general meeting of the bush fire brigade is to —
 - (a) elect brigade officers from among the brigade members;
 - (b) consider the Officer Bearer reports on the year's activities;
 - (c) adopt the annual financial reports;
 - (d) deal with any general business arising from the previous annual general meeting; and
 - (e) deal with any business approved by the Captain.

- (4) Business may be conducted at an annual general meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under clause 7.7 in relation to that meeting.

6.4 Notification of elected office bearers

- (1) The Secretary is to forward a list of elected office bearers and contact details from the bush fire brigade's annual general meeting to the Chief Bush Fire Control Officer and the local government within 1 month of the annual general meeting.
- (2) Where an office bearer is elected at a meeting other than an annual general meeting, the Secretary shall forward a revised list of the elected office bearers and contact details to the Chief Bush Fire Control Officer and the local government within 1 month of the meeting at which the office bearer is elected.

6.5 Who presides at meetings

- (1) The bush fire brigade Captain is to preside at all meetings of the bush fire brigade.
- (2) In the instance that the Captain is absent the most senior Lieutenant present at a meeting may preside at a meeting of the bush fire brigade.
- (2) In the instance that the Captain is present at a meeting and declines to preside:
 - (a) the most senior Lieutenant present at a meeting may preside at a meeting of the bush fire brigade, or
 - (b) In the absence of a Lieutenant, members present at a meeting shall, by absolute majority, appoint a brigade member present at a meeting as presiding member.

6.6 Quorum

- (1) The quorum for a meeting of the bush fire brigade is at least 25% of committee members (whether present at a meeting or not), one of whom is the Captain or a Lieutenant of the bush fire brigade, and a total of not less than 25% of the members.
- (2) The local government may vary the requirement of subclause (1).
- (3) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present at a meeting.

6.7 Voting

- (1) Each eligible brigade member who has met the minimum membership commitment and training requirements described in clause 3.7 of these Procedures and is present at a meeting is to have one vote.
- (2) All decisions of the meeting are to be made by simple majority of the members present at a meeting, unless otherwise specified by these Procedures.

- (3) If the votes of members present at a meeting are equally divided, the presiding person is to cast a second vote.
- (4) Proxy voting is not permitted.

6.8 Minutes

- (1) Minutes are to be kept of a meeting's proceedings.
- (2) Within 14 days after a meeting is held, unconfirmed minutes are to be —
 - (a) available on request to brigade members; and
 - (b) provided to the local government.

DRAFT

7. GENERAL ADMINISTRATION MATTERS

7.1 Funds

The funds of a bush fire brigade are to be used solely for the purpose of promoting the objectives of the bush fire brigade.

7.2 Financial year

The financial year of a bush fire brigade is to commence on 1 July and is to end on 30 June of the following year.

7.3 Banking

- (1) The funds of a bush fire brigade are to be placed in an authorised deposit-taking institution.
- (2) The committee shall designate at least 3 committee members to approve transactions.
- (3) Each transaction of the bush fire brigade is to be approved by at least 2 of the persons identified in subclause (2).

7.4 Auditing

- (1) The bush fire brigade shall supply to the local government the full financial records of the bush fire brigade for the financial year not more than 14 days after the annual general meeting has been held.
- (2) The local government appointed auditor may audit the financial records of the bush fire brigade and is to certify to their correctness or otherwise and provide a report to the Committee.

7.5 Disclosure of interests

- (1) A brigade member shall disclose to the bush fire brigade or the Committee any interest he or she may have in any matter being considered by the bush fire brigade or the Committee, as appropriate.
- (2) If an 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 permitted to vote on that matter.

7.6 Dispute Resolution

- (1) Any dispute between brigade members may be referred to either the Captain or to the Committee for resolution.
- (2) Where a dispute referred under subclause (1) is considered by the Captain or the Committee to concern the general interests of the bush fire brigade, then the Captain or the Committee, as the case may be, is to refer the dispute to the Chief Bush Fire Control Officer.
- (3) Where a dispute arises between a brigade member and the Captain and/or Committee, the brigade member may refer the dispute to the Chief Bush Fire Control Officer.

- (4) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any dispute which is not resolved under subclause (1), (2) or (3).

7.7 Notices

- (1) Notices of meetings of the bush fire brigade are to be in writing and sent to the postal or electronic address of each brigade member, as nominated by the brigade member.
- (2) The notice of a meeting of the bush fire brigade shall —
- (a) set out the date, time and place of the meeting;
 - (b) set out particulars of motions of which notice has been given; and
 - (c) in the case of special meetings, set out particulars of the business to be transacted.
- (4) 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.
- (5) Where any notice other than a notice of meeting is to be given under these Procedures, 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) electronic communication;
 - (d) taken to have been received, as the case may be —
 - (i) at the time of personal delivery;
 - (ii) 5 business days after posting; or
 - (iii) on the date the sender sends the notice as verified on their electronic device.