BUSH FIRES ACT 1954

Shire of Denmark

BUSH FIRE BRIGADES LOCAL LAW 2026

Under the powers conferred by the Bush.Fires.Act.1954 and under all other powers enabling it, the Council of the Shire of Denmark resolved on dd mm 2026 to make the following local law.

PART 1 — PRELIMINARY

1.1 Citation and application

This local law may be cited as the Shire of Denmark Bush Fire Brigades Local Law 2026.

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The Shire of Denmark Bush Fire Brigades Local Law 2001, published in the Government Gazette on 29 May 2001, is repealed.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 Brigade Member, or **Brigade Member**, in relation to a Brigade, means a member of the Bush Fire Brigade, who may be an Elected Officer of the Brigade, a Bush Fire Control Officer of the Brigade, or another member of the Brigade;

Bush Fire Brigade Officer, or **Elected Officer**, in relation to a Brigade, means each Captain, First Lieutenant, Second Lieutenant and additional Lieutenant appointed by the Local Government under clause 2.2(1)(c) or elected by the Brigade Members under clause 2.2(4);

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;

Local Government means the Shire of Denmark;

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 Captain, a First Lieutenant, a Second Lieutenant or 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) a First Lieutenant;

(iii) a Second Lieutenant;

(iv) additional Lieutenants if the Local Government considers it necessary; and

(v) any other position(s) deemed necessary for the effective management of brigade activities.

(2) A person appointed to a position under clause 2.2(1)(c) 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 at the completion of the first annual general meeting of the Bush Fire Brigade, when the person resigns from that position, or 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 vacant 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.7561.

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 Managerial role of Chief Bush Fire Control Officer

Subject to any directions by the Local Government, the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of Bush Fire Brigades.

4.3 Functions of Chief Bush Fire Control Officer

(1) The Chief Bush Fire Control Officer is to provide leadership to Bush Fire Brigades and advise the Local Government on their appointments, readiness, training, equipment and resourcing.

(2) The Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officer may attend as a non-voting representative of the Local Government at any meeting of a Bush Fire Brigade.

4.4 Equipment and maintenance of Bush Fire Brigades

The Local Government is responsible for the maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment and appliances, in consultation with the Chief Bush Fire Control Officer.

4.5 Functions of Captain

(1) The functions of the Captain of a Bush Fire Brigade are to provide leadership to the Bush Fire Brigade; monitor its resourcing, equipment and training levels; liaise with the Local Government on fire prevention and fire suppression matters; maintain a list of Brigade Members; report annually to the Chief Bush Fire Control Officer on the office bearers of the Brigade in accordance with the Regulations; and arrange for normal brigade activities as authorised by the Act or the Local Government.

4.6 Functions of Lieutenants

The functions of a Lieutenant of a Bush Fire Brigade are to assist the Captain in carrying out the Captain's functions, carry out any functions given to them by the Captain, and in order of seniority, act as Captain when the Captain is absent or unavailable.

PART 5 — ADMINISTRATION OF BUSH FIRE BRIGADES

5.1 Membership of a Bush Fire Brigade

(1) A person wishing to become a Brigade Member is to apply to the Captain of the Bush Fire Brigade.

(2) An application for membership of a Bush Fire Brigade is to be assessed by the Captain, who is to make a recommendation to the Chief Bush Fire Control Officer. The Chief Bush Fire Control Officer is to determine the application by accepting or rejecting it.

(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 ends on the earliest of the following: the date of the person's death; the date specified in a written notice of resignation given to the Captain, or the date the Captain receives the notice if no date is specified; or the date on which written notice of termination is given to the person by the Chief Bush Fire Control Officer.

(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, the

Chief Bush Fire Control Officer must refer the matter to the Chief Executive Officer, who is to consider and determine the matter under clause 5.2(5).

(8) At the end of a period of suspension imposed under clause 5.2(5), the Chief Bush Fire Control Officer, or the Chief Executive Officer where clause 5.2(7) applies, must extend the period of suspension, terminate the membership or confirm the continuation of the membership.

5.2 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 is to hold at least 4 ordinary meetings each year.

(3) A Brigade must hold an annual general meeting each year in the month of June.

(4) At the annual general meeting, the Brigade is to elect persons to vacant Elected Officer positions, receive the Captain's annual report and adopt the Brigade's annual financial statements.

(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 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.7[551].

6.2 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, Fire Weather Officers, and Bush Fire Control Officers, as per section 38 of the Act.

(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 if the appointment is for a fixed term, on the expiry of that term; if the person dies, on the date of their death; if a

person gives written notice of resignation, on the date specified in the written notice, or if no date is specified, on the date that the written notice is given to the Chief Executive Officer; or 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.

Dated this _____ day of _____ 2026.

The Common Seal of the Shire of Denmark was affixed by authority of a resolution of the Council in the presence of:

_____	_____
Signature of President	Full name of President
_____	_____
Signature of Chief Executive Officer	Full name of Chief Executive Officer

Bush Fires Act 1954

Shire of Denmark

BUSH FIRE BRIGADES LOCAL LAW

Gazetted 29 May 2001
Reviewed by Council on Tuesday 22 April 2008

Shire of Denmark

BUSH FIRE BRIGADES LOCAL LAW

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BUSH FIRES ACT 1954

Shire of Denmark

BUSH FIRE BRIGADES LOCAL LAW

Under the powers conferred by the Bush Fires Act 1954 and under all other powers enabling it, the Council of the Shire of Denmark resolved on 23rd day of January 2001 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Denmark Bush Fire Brigades Local Law.

1.2 Definitions

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

"**Act**" means the Bush Fires Act 1954;

"**Authority**" means the Fire and Emergency Services Authority of Western Australia established by section 4 of the Fire and Emergency Services Authority of Western Australia Act 1998;

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

"**brigade member**" means a fire fighting member, associate member or a cadet 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 Operating Procedures**" means the Bush Fire Operating Procedures adopted by the local government as amended from time to time;

"**CEO**" means the chief executive officer of the Shire of Denmark;

"**Council**" means the Council of the local government;

"**fire fighting member**" is defined in clause 4.2;

"**local government**" means the Shire of Denmark;

"**Regulations**" means Regulations made under the Act; and

"**Rules**" means the Rules Governing the Operation of Bush Fire Brigades set out in the First Schedule as varied from time to time under clause 2.5.

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

(a) a Captain;
(b) a First Lieutenant;
(c) a Second Lieutenant;
(d) any additional Lieutenants;
(e) an Equipment Officer;
(f) a Secretary;
(g) a Treasurer; or
(h) a Secretary / Treasurer combined,

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

1.3 Repeal

All previous Local Laws of the Shire of Denmark relating to the Organisation, Establishment, Maintenance and Equipment of Bush Fire Brigades, are repealed.

1.4 Application

This local law applies throughout the district.

PART 2 — ESTABLISHMENT OF BUSH FIRE BRIGADES

Division 1—Establishment of a Bush Fire Brigade

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 local government's decision under subclause (1).

2.2 Name 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 (the "brigade area"); 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; or
(viii) a Secretary/Treasurer combined;
(ix) Any other position(s) deemed necessary for the effective management of brigade activities.

(2) When considering the appointment of persons to the positions in sub-clause (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 sub-clause (1)(c) is to be taken to be a brigade member.

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

(5) If a position referred to in sub-clause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with subclause (2).

Division 2—Command at a fire

2.3 Ranks within the bush fire brigade

(1) Where under the Act and Bush Fire Operating Procedures members of the bush fire brigade have command of a fire, unless a bushfire control officer is in attendance at the fire, the Captain has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the firefighters. In the absence of the Captain, the first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.

(2) Where a bushfire control officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Bush Fire Operating Procedures, the most senior bushfire control officer has full control over other persons fighting the fire and is to issue instructions as to the methods to be adopted by the fire fighters.

Division 3—Application of Rules to a bush fire brigade

2.4 Rules

(1) The Rules govern the operation of a bush fire brigade.
(2) A bush fire brigade and each brigade member is to comply with the Rules.

2.5 Variation of Rules

(1) The local government may vary the Rules in their application to all bush fire brigades or in respect of a particular bush fire brigade.

(2) The Rules, as varied, have effect on and from the date of a decision under subclause (1).

(3) The local government is to notify a bush fire brigade of any variation to the Rules as soon as practicable after making a decision under subclause (1).

Division 4—Transitional

2.6 Existing Bush Fire Brigades

(1) Where a local government has established a bush fire brigade prior to the commencement date, then on and from the commencement day—

(a) the bush fire brigade 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 save for clause 2.2; and

(c) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules.

(2) In this clause—

"**commencement day**" means the day on which this local law comes into operation.

Division 5—Dissolution of bush fire brigade

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

2.8 New arrangement after dissolution

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

Division 1—Local government responsibility

3.1 Local government responsible for structure

The Council is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

3.2 Officers to be supplied with Act

The local government is to supply each brigade officer with a copy of the Act, the Regulations, the Bush Fire Operating Procedures, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments which are made thereto from time to time.

Division 2—Chief Bush Fire Control Officer

3.3 Managerial role of Chief Bush Fire Control Officer

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.4 Chief Bush Fire Control Officer may attend meetings

The Chief Bush Fire Control Officer or his/her 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 Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer include—

(a) provide leadership to volunteer bush fire brigades;

(b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government;

(c) liaise with the local government concerning fire prevention/suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers;

(d) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

Division 3—Annual general meetings of bush fire brigades

3.6 Holding of annual general meeting

A bush fire brigade is to hold its annual general meeting during the month of March each year.

3.7 Nomination of bush fire control officers to Bush Fire Advisory Committee

At the annual general meeting of a bush fire brigade, one brigade member is to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area until the next general meeting.

3.8 Nomination of bush fire control officer to the local government

If the local government has not established a Bush Fire Advisory Committee, then at the annual general meeting of a bush fire brigade, the bush fire brigade is to nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area until the next annual general meeting.

3.9 Minutes to be tabled before the Bush Fire Advisory Committee

(1) The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.

(2) The Chief Bush Fire Control Officer is to table the minutes of a bush fire brigade's annual general meeting at the next meeting of the—

(a) Bush Fire Advisory Committee; or

(b) Council, if there is no Bush Fire Advisory Committee,

following their receipt under subclause (1).

Division 4—Bush Fire Advisory Committee

3.10 Functions of Advisory Committee

The Bush Fire Advisory Committee is to have the functions set out in section 67 of the Act and is to include such number of nominees of the bush fire brigades as is determined by the local government.

3.11 Advisory Committee to nominate bush fire control officers

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person for the position of a bush fire control officer for the brigade area.

3.12 Local government to have regard to nominees

When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

3.13 Advisory Committee to consider bush fire brigade motions

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

4.1 Types of membership of bush fire brigade

The membership of a bush fire brigade consists of the following—

(a) fire fighting members;
(b) associate members;
(c) cadet members; and
(d) honorary life members.

4.2 Fire fighting members

Fire fighting members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities.

4.3 Associate members

Associate members are those persons who are willing to supply free vehicular transport for fire fighting members or fire fighting equipment, or who are prepared to render other assistance required by the bush fire brigade.

4.4 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 (c), (d), (e), (f) and (g) of section 35A of the Act;

(e) ineligible to vote at bush fire brigade meetings;
(f) not to be assigned ranks under the Authority's rank structure.

4.5 Honorary life member

(1) The 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.
(2) No membership fees are to be payable by an honorary life member.

4.6 Notification of membership

No later than 31 May in each year, the bush fire brigade is to report to the Chief Fire Control Officer he name, contact details and type of membership of each brigade member.

PART 5—APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS

5.1 Rules to govern

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules.

PART 6—EQUIPMENT OF BUSH FIRES BRIGADES

6.1 Policies of local government

The local government may make policies under which it—
(a) provides funding to bush fire brigades for the purchase of protective clothing, equipment and appliances; and
(b) keeps bush fire brigades informed of opportunities for funding from other bodies.

6.2 Equipment in brigade area

Not later than 31 May in each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

6.3 Funding from local government budget

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by 31 March in order to be considered in the next following local government budget, and is to be accompanied by the last audited financial statement and a current statement of assets and liabilities of the bush fire brigade.

6.4 Consideration in the local government budget

The local government may approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question.

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 Shire of Denmark Bush Fire Brigades 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
Applications for membership are to be in the form/s approved from time to time by Council.

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 FESA 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 Authority within 14 days of a person being admitted to membership in the form required by the Authority 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 sub-clause (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
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 Chain of Command during Fire Fighting Activities

Subject to the Act and the local law, the command procedures to apply during fire fighting activities are as detailed in the local government's Bush Fire Operating Procedures.

3.2 Duties of Captain

(1) Subject to sub-clause (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.

3.3 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 Authority to the Chief Bush Fire Control Officer and the Authority 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 sub-clause (1)(e) within 14 days after the last day of attendance.

3.4 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;

(e) regularly inform the Secretary of the names of those brigade members who have paid their membership fees; and

(f) report on the financial position at meetings of the bush fire brigade or Committee.

3.5 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).

3.6 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.

3.7 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 sub-clause (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 sub-clause (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 sub-clause (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 sub-clause (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 sub-clause (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 sub-clause (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;
(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 sub-clause (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 sub-clause (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 dispatch 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 sub-clause (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 sub-clause (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 sub-clause (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 sub-clause (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 sub-clause (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 sub-clause (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 sub-clause (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 sub-clause (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 and shall be in or substantially in the form set out below—

APPENDIX I

Removed 29 May 2001 – Government Gazette p.2746

APPENDIX II

Removed 29 May 2001 – Government Gazette p.2746

APPENDIX III

Removed 29 May 2001 – Government Gazette p.2746

APPENDIX IV

"PROXY

[INSERT NAME] BUSH FIRE BRIGADE

[ANNUAL] [EXTRAORDINARY] GENERAL MEETING
TO BE HELD ON [DATE]

I, ...

being a brigade, member appoint ..... to be my proxy and vote on my behalf at the meeting of the bush fire brigade to be held on .....[insert date] and at any adjournment of it. The proxy shall vote as follows—

MOTION FOR / AGAINST / ABSTAIN
1. .....
2. .....

If there is no instruction to the proxy as to the way to vote, the proxy shall exercise her or his discretion as to how to vote or whether to vote at all.
In respect of any vote taken at the meeting on a matter which does not appear on the agenda, the proxy shall exercise her or his discretion as to the way he or she casts the vote or whether it is cast at all.

Date: .....

Signed: .....

NOTE: To be valid this proxy must be completed and returned to the Secretary of the bush fire brigade (or the presiding member) prior to the commencement of the meeting for which the proxy is valid.