

# Undertaking to the Joint Standing Committee on Delegated Legislation

The Shire of Waroona has provided the following undertakings to the Joint Standing Committee on Delegated Legislation in relation to the Shire of Waroona Bush Fire Brigades Local Law 2024.

1. When the Shire of Waroona Bush Fire Brigades Local Law 2024 is next reviewed, the following amendments will be made:
  - a. Correct the reference to the part that deals directly with Bush Fire Advisory Committees to Part 7 within the definition of *Bush Fire Advisory Committees* in clause 1.2(1);
  - b. Remove the reference to clause 3.8 from the definition of *Bush Fire Operating Procedures* in clause 1.2(1);
  - c. Clause 1.2(1) – Ensure that:
    - (i) all defined terms listed under clause 1.2(1) of the gazetted version of the reviewed Bush Fire Brigades Local Law are in italics; and
    - (ii) the last definition ends with a full stop;
  - d. Italicise all defined terms listed in Rule 1.1(2) of the First Schedule; and
  - e. Correct the first word of subclause (1)(e) under Rule 2.7 to read ‘ceases’.
2. The Shire will not enforce the local law to the contrary before it is amended in accordance with undertaking 1.
3. The Shire will ensure all consequential amendments arising from the undertakings are made.
4. Where the Shire of Waroona Bush Fire Brigades Local Law 2024 is made publicly available by the Shire, whether in hard copy or electronic form, will ensure that it is accompanied by a copy of the undertaking.

**BUSH FIRES ACT 1954**

**SHIRE OF WAROONA**

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**BUSH FIRE BRIGADES LOCAL  
LAW 2024**

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# BUSH FIRES ACT 1954

## SHIRE OF WAROONA

### 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 Waroona resolved on 23 July 2024 to make the following local law.

#### PART 1 - PRELIMINARY

##### 1.1 Citation

This local law may be cited as the *Shire of Waroona 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*;

**brigade** has the same meaning as “bush fire brigade”;

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

**brigade member** means a fire fighting member, associate member, cadet member or an honorary life member of a bush fire brigade;

**brigade officer** means a person appointed by the local government to hold a position referred to in subclause (2);

**bush fire** is defined in section 35A of the Act;

**Bush Fire Advisory Committee** means the body having the functions and role provided for in Divisions 3 and 4 of Part 3 of this local law;

**bush fire brigade** is defined in section 7 of the Act;

**bush fire control officer** means a person appointed by the local government or the FES Commissioner with the powers and roles of the bush fire control officer in the Act, the Regulations and this local law;

**Bush Fire Operating Procedures** means the Bush Fire Operating Procedures determined by the local government or the PCBU Officer as varied from time to time under clauses 3.7 and 3.8;

**CEO** means the chief executive officer of the local government;

**chief bush fire control officer** means a person appointed by the local government or the FES Commissioner with the powers and roles of the chief bush fire control officer in the Act, the Regulations and this local law;

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

**Department** means the Department of Fire and Emergency Services of Western Australia;

**deputy** means a person appointed by the local government or the FES Commissioner with the powers and roles of the position to which the role deputises, in the Act, the Regulations and this local law;

**district** means the district of the local government;

**FES Commissioner** has the meaning given in the *Fire and Emergency Services Act 1998* section 3;

**fire fighting member** is defined in clause 5.3;

**fire weather officer** means a person appointed by the local government under section 38(8) of the Act with the powers and roles of the senior bush fire control officer in the Act, the Regulations and this local law;

**local government** means the Shire of Waroona;

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

**PCBU Officer** means an officer of the local government appointed to perform the functions and duties in relation to bush fire brigades of a PCBU officer under the *Work Health and Safety Act 2020*;

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

**Rules** means the rules set out in the First Schedule intended with this local law and the Bush Fire Operating Procedures to govern the operation of bush fire brigades;

**senior bush fire control officer** means a person appointed by the local government or the FES Commissioner with the powers and duties of the senior bush fire control officer in the Act, the Regulations, and this local law; and

(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 Training Officer;
- (g) a Secretary;
- (h) a Treasurer; or
- (i) a Secretary / Treasurer combined; or
- (j) Any other position(s) deemed necessary for the effective management of brigade activities,

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



### **1.3 Repeal**

The Local Laws of the Shire of Waroona relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades, are repealed.

### **1.4 Application**

This local law applies throughout the district and applies generally to the operation of a bush fire brigade of the local government and its officers and members and other persons performing functions under this local law, the Regulations and the Act.

## **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 by resolution of the Council 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 area of bush fire brigade**

On establishing a bush fire brigade under subclause 2.1(1) the Council is to –

- (a) give a name to the bush fire brigade; and
- (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the “**brigade area**”).

### ***Division 2 – Transitional***

#### **2.3 Existing bush fire brigades**

- (1) Where the local government has established a bush fire brigade prior to the commencement date, then on and from the commencement date –
  - (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 this local law including the Rules.
- (2) In this clause “**commencement date**” means the day on which this local law comes into operation.

### ***Division 3 – Dissolution of bush fire brigade***

#### **2.4 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, or this local law including the Rules, or the Bush Fire Policies or Bush Fire Operating Procedures, or is not achieving the objectives for which it was established, or for any other reason as determined by the local government.

#### **2.5 New arrangement after dissolution**

If the 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 – RULES, BUSH FIRE POLICIES AND BUSH FIRE PROCEDURES**

### ***Division 1 – Provision of information to brigade officers***

#### **3.1 Officers to be supplied with relevant laws and information**

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

### ***Division 2 – Rules***

#### **3.2 Application of rules**

- (1) This local law including the Rules under the First Schedule govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each brigade member is to comply with the Rules.

### ***Division 3 – Bush fire policies***

#### **3.3 Bush fire policies**

- (1) The Bush Fire Policies provide Council intent and direction to the bush fire brigades and bush fire brigade members.
- (2) A bush fire brigade and each brigade member is to comply with the Bush Fire Policies.

#### **3.4 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;
- (b) keeps bush fire brigades informed of opportunities for funding from other bodies;
- (c) provides for conditions of membership of a bush fire brigade; and

- (d) other matters the local government deems appropriate to bush fire brigades or bush fire brigade members.

### **3.5 Making, varying, revoking or applying bush fire policies**

- (1) The local government may make, vary or revoke the Bush Fire Operating Policies.
- (2) The local government may vary the Bush Fire Operating Policies in their application to all bush fire brigades or in respect of a particular bush fire brigade or in respect of a bush fire brigade member.
- (3) The Bush Fire Operating Policies, as written, varied or applied, have effect on and from the date of a decision under subclauses (1) and (2).

## ***Division 4 – Bush fire operating procedures***

### **3.6 Bush fire operating procedures**

- (1) The Bush Fire Operating Procedures govern the actions of a bush fire brigade and a bush fire brigade member.
- (2) A bush fire brigade and each brigade member is to comply with the Bush Fire Operating Procedures.

### **3.7 Making, varying, revoking or applying bush fire operating procedures**

- (1) The local government or the PCBU Officer may make, vary or revoke the Bush Fire Operating Procedures.
- (2) The local government or the PCBU Officer may vary the Bush Fire Operating Procedures in their application to all bush fire brigades or in respect of a particular bush fire brigade or in respect of a bush fire brigade member.
- (3) The Bush Fire Operating Procedures, as written, varied or applied, have effect on and from the date of a decision under subclauses (1) and (2).
- (4) Any revoked Bush Fire Operating Procedure ceases to have effect on and from the date of a decision under subclause (1).
- (5) The local government or the PCBU Officer is to notify a bush fire brigade of any change to the Bush Fire Operating Procedures which affects that bush fire brigade or any of its members as soon as practicable after making a decision under subclause (1).

## **PART 4 - ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES**

### ***Division 1 – Local government responsibility***

#### **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.

## ***Division 2 – PCBU officer***

### **4.2 Role of the PCBU officer**

- (1) The PCBU Officer has primary work, health and safety responsibility for the bush fire brigade workplaces and bush fire brigade members and other persons attending the workplace as required under the *Work Health and Safety Act 2020*.
- (2) The PCBU Officer has overall duties for the governance, finance, audit, management and compliance responsibilities under the Act, the *Fire and Emergency Services Act 1998*, the *Local Government Act 1995* and their regulations for the bush fire brigades and the bush fire brigade members.

### **4.3 PCBU Officer may attend meetings**

The PCBU Officer or their nominee may attend as a non-voting representative of the local government at any meeting of a bush fire brigade or the Bush Fire Advisory Committee.

### **4.4 Duties of PCBU Officer**

The duties of the PCBU Officer include to –

- (1) provide and maintain a safe workplace for the bush fire brigades and the bush fire brigade members and other persons attending the workplace;
- (2) identify and mitigate hazards;
- (3) perform any delegated duties;
- (4) liaise on behalf of the local government with the Chief Bush Fire Control Officer in the performance of the Chief Bush Fire Control Officer's duties;
- (5) 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;
- (6) perform the overall governance, finance, audit, management and compliance roles.

## ***Division 3 – Chief Bush Fire Control Officer***

### **4.5 Appointment of the Chief Bush Fire Control Officer**

- (1) Pursuant to section 38 of the Act the local government will appoint a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer for nominally two (2) year terms.
- (2) The appointments referred to in subclause (1) –
  - (a) become effective at the completion of the meeting of Council at which the appointments are made; and
  - (b) despite being nominally for a two (2) year term, expire at the completion of the meeting of Council at which the new appointments are made.
- (3) Council may resolve to vary the length of terms of the Chief Bush Fire Control Officer and / or the Deputy Chief Bush Fire Control Officer.

#### **4.6 Managerial role of Chief Bush Fire Control Officer**

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

#### **4.7 Duties of Chief Bush Fire Control Officer**

The duties of the Chief Bush Fire Control Officer include to –

- (a) provide leadership to volunteer bush fire brigades;
- (b) perform any delegated duties;
- (c) monitor bush fire brigades' resourcing, equipment (including protective clothing) work health and safety compliance and training levels and report thereon with recommendations at least once a year to the local government;
- (d) meet their workplace health and safety obligations under the *Work Health and Safety Act 2020* and the *Work Health and Safety (General) Regulations 2022*;
- (e) liaise with the local government through the PCBU Officer 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; and
- (f) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained and provided to the PCBU Officer.

#### **4.8 Chief Bush Fire Control Officer may attend meetings**

The 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.

### ***Division 4 - Bush Fire Control Officers***

#### **4.9 Appointment of Bush Fire Control Officer**

- (1) Pursuant to section 38 of the Act the local government will appoint a Bush Fire Control Officer for each brigade area for nominally two (2) year terms.
- (2) The appointments referred to in subclause (1) –
  - (a) become effective at the completion of the meeting of Council at which the appointments are made; and
  - (b) despite being nominally for a two (2) year term, expire at the completion of the meeting of Council at which the new appointments are made.
- (3) Council may resolve to vary the length of terms of any Bush Fire Control Officer.

#### **4.10 Duties of a Bush Fire Control Officer**

The duties of a Bush Fire Control Officer include –

- (a) the duties of the bush fire control officer provided in the *Bush Fires Act 1954* and the *Bush Fires Regulations 1954* and the *Bush Fires (Infringements) Regulations*

- 1978; and
- (b) meeting their workplace health and safety obligations under the *Work Health and Safety Act 2020* and the *Work Health and Safety (General) Regulations 2022*.

#### **4.11 Local government to have regard to nominees**

When considering persons for the position of a bush fire control officer, the local government is to –

- (a) have regard to the qualifications, competence and experience of the persons nominated; and
- (b) have regard to those persons nominated by the Bush Fire Advisory Committee, or if no Bush Fire Advisory Committee has been appointed, have regard to those persons nominated by bush fire brigades, but is not bound to appoint the persons nominated.

### ***Division 5 – Bush Fire Brigade Officers and Command***

#### **4.12 Officers of bush fire brigade**

- (1) On establishing a bush fire brigade under subclause 2.1(1) the Council is to appoint for a nominally two (2) year term –
- (a) a Captain;
- (b) a First Lieutenant;
- (c) a Second Lieutenant;
- (d) additional Lieutenants if the local government considers it necessary;
- (e) an Equipment Officer;
- (f) a Secretary;
- (g) a Treasurer; or
- (h) a Secretary/Treasurer combined; and
- (i) any other position/s deemed necessary for the effective management of bush fire brigade activities (e.g. a Training Officer).
- (2) When considering the appointment of persons to the positions in subclause (1), the bush fire brigade and the local government are to have regard to the qualifications, competence and experience which may be required to fill each position.
- (3) A person appointed to a position in subclause (1) is to be taken on the establishment of the bush fire brigade to be a brigade member.
- (4) The appointments referred to in subclause (1) –
- (a) become effective at the completion of the meeting of Council at which the appointments are made; and
- (b) despite being nominally for a two (2) year term, expire at the completion of the meeting of Council at which the new appointments are made following every second annual general meeting of the bush fire brigade.
- (5) If a position referred to in subclause (1) becomes vacant prior to the completion of the second annual general meeting of a bush fire brigade, then the local government is to appoint a person to fill the vacancy in accordance with

subclause (2).

#### **4.13 Ranks within the bush fire brigade**

- (1) Where under the Act, this local law, the Bush Fire Policies and the 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 set out in clause 1.2(2), is to exercise all the powers and duties of the Captain.
- (2) Where a bushfire control officer is in attendance at a fire where the members of the bush fire brigade have command under the Act, this local law, the Bush Fire Policies 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.

### **PART 5 – TYPES OF BUSH FIRE BRIGADE MEMBERSHIP**

#### **5.1 Local law to govern**

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by this local law including the Rules in the First Schedule, the Bush Fire Policies and the Bush Fire Procedures.

#### **5.2 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.

#### **5.3 Fire fighting members**

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

#### **5.4 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.

#### **5.5 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 rank structure of the Act or this local law.

#### **5.6 Honorary life member**

- (1) The bush fire brigade may by a simple majority resolution nominate a person as an honorary life member in recognition of services by that person to the bush fire brigade and may present that nomination to the Bush Fire Advisory Committee;
- (2) No membership fees are to be payable by an honorary life member.

#### **5.7 Notification of membership**

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

### **PART 6 - ANNUAL GENERAL MEETINGS OF BUSH FIRE BRIGADES**

#### **6.1 Holding of annual general meeting**

A bush fire brigade is to hold its annual general meeting during the month of March each year. Should that not occur in any year, the bush fire brigade is to hold its annual meeting as soon as practicable after March in that year.

#### **6.2 Nomination of officers to Bush Fire Advisory Committee**

At every second annual general meeting of a bush fire brigade, one brigade member;

- (a) is to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area for a nominally two (2) year term;
- (b) may be nominated to the Bush Fire Advisory Committee to serve as the training officer for the brigade area for a nominally two (2) year term; and
- (c) may be nominated to the Bush Fire Advisory Committee to serve as the fire weather officer for the brigade area for a nominally two (2) year term.

#### **6.3 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;

- (a) is to nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area for a nominally two (2) year term;
- (b) may nominate one brigade member to the local government to serve as the training officer for the brigade area for a nominally two (2) year term; and
- (c) may nominate one brigade member to the local government to serve as the fire weather officer for the brigade area for a nominally two (2) year term.



#### **6.4 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).

### **PART 7 - BUSH FIRE ADVISORY COMMITTEE**

#### ***Division 1 – Bush Fire Advisory Committee***

#### **7.1 Appointment of Bush Fire Advisory Committee**

- (1) Pursuant to section 67 of the Act, the local government may at any time appoint such number of nominees of the bush fire brigades as the local government thinks fit as a Bush Fire Advisory Committee, including voting members –
  - (a) a member of Council;
  - (b) the Chief Bush Fire Control Officer;
  - (c) the Bush Fire Control Officer of each brigade area;
  - (d) a Shire officer nominated by the PCBU Officer;and non-voting members;
  - (e) any Department of Fire and Emergency Services representatives deemed appropriate to the local government; and
  - (f) any Department of Biodiversity, Conservation and Attractions representatives deemed appropriate to the local government; and
  - (g) any other persons the local government deems to have specialist capabilities in relation to bush fires.
- (2) The appointments referred to in subclause (1) –
  - (a) become effective at the completion of the meeting of Council at which the appointments are made; and
  - (b) despite being nominally for a two (2) year term, expire at the completion of the meeting of Council at which the new appointments are made.
- (3) If a position referred to in subclause (1) becomes vacant prior to the expiry of the nominal two (2) year term, then the local government may appoint a person to fill the vacancy.

#### **7.2 Functions of Bush Fire Advisory Committee**

Pursuant to section 67 of the Act, the Bush Fire Advisory Committee will advise the local government in relation to:

- (a) all matters relating to the preventing, controlling and extinguishing of bush fires;

- (b) the planning of the layout of fire-breaks in the district;
- (c) prosecutions for breaches of the Act;
- (d) the formation of bush fire brigades and the grouping thereof under group brigade officers;
- (e) the ensuring of cooperating and coordination of bush fire brigades in their efforts and activities; and
- (f) any other matter relating to bush fire control whether of the same kind as, or a different kind from those specified in this clause, as the local government thinks fit.

### **7.3 Bush Fire 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 in which the bush fire brigade nominates a bush fire control officer for their brigade area, 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, having regard to the qualifications, competence and experience of the persons nominated to it.

### **7.4 Bush Fire 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 the bush fire brigades.

### **7.5 Bush Fire Advisory Committee quorum**

- (1) Pursuant to section 67 of the Act the quorum of the Bush Fire Advisory Committee is the number that is at least 50% of the number of non-vacant Bush Fire Advisory Committee member positions.
- (2) No business is to be transacted at a meeting of the Bush Fire Advisory Committee unless a quorum of Bush Fire Advisory Committee members is present in person or by proxy.

### **7.6 Bush Fire Advisory Committee Voting**

Each Bush Fire Advisory Committee voting member is to have one vote, however in the case of an equality of votes, the person presiding may exercise a casting vote.

### **7.7 Bush Fire Advisory Committee Rules**

Pursuant to section 67 of the Act the local government may make rules for the guidance of the Bush Fire Advisory Committee and the Bush Fire Advisory Committee is to comply with these rules.

## **PART 8 – EQUIPMENT OF BUSH FIRES BRIGADES**

### **8.1 Equipment in brigade area**

Not later than 31 May in each year, a bush fire brigade is to report to the local government where possible through the Bush Fire Advisory Committee 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).

## **8.2 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.

## **8.3 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, having regard to the needs of the bush fire brigades or of any particular brigade, and the risks to be faced.

## 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;

***Department*** has the meaning given in the *Fire and Emergency Services Act 1998* section 3;

***local law*** means the Shire of Waroona Bush Fire Brigades Local Law;

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

***simple majority*** means a majority of more than 50% of the number of brigade members eligible to vote in attendance or by proxy at a meeting.

(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 5 of the local law, the local government may establish policies and/or procedures pertaining to –

- (a) the qualifications and abilities 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 and/or procedure in determining applications for membership.

## **2.4 Applications for membership**

An application for membership is to be in writing and is to be submitted to the Secretary accompanied by a relevant completed form provided in Appendix I, II or III of these Rules.

## **2.5 Decision on application for membership**

- (1) The Committee may –
  - (a) approve an application for membership unconditionally or subject to any conditions, subject to the applicant meeting the requirements of any local government policy and the local law; 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 Department to be notified of registrations**

If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the Department within 14 days of a person being admitted to membership in the form required by the Department from time to time.

## **2.7 Termination of membership**

- (1) Membership of the bush fire brigade terminates if the member –
  - (a) dies;
  - (b) gives written notice of resignation to the Secretary;
  - (c) is, in the opinion of the Committee or the PCBU Officer, permanently incapacitated by mental or physical ill-health;

- (d) is dismissed by the Committee or the PCBU Officer; or
  - (e) ceases to be a member or is taken to have resigned under subclause (2).
- (2) A brigade member whose membership fees are more than one year in arrears is to be taken to have resigned from the bush fire brigade.

## **2.8 Suspension of membership**

- (1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee or the PCBU Officer, circumstances warrant suspending the member.
- (2) The period of suspension shall be at the discretion of the Committee or the PCBU Officer, as the case may be.
- (3) Upon the expiry of the period of suspension the Committee or PCBU Officer 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 or the PCBU Officer, whichever intends to dismiss the brigade member, 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) reversing 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 the PCBU Officer.

## **PART 3 – FUNCTIONS OF BRIGADE OFFICERS**

### **3.1 Functions of brigade officers**

The functions of brigade officers are as set out in section 44 of the Act and the local law, including these Rules.

### **3.2 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 this local law including these Rules and in local government's Bush Fire Operating Procedures.

### **3.3 Duties Of Captain**

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

### **3.4 Secretary**

- (1) The Secretary is to –
  - (a) be in attendance at all meetings and keep a correct minute and account of the proceedings of the bush fire brigade in a book which shall be open for inspection by brigade members at any reasonable time;
  - (b) answer all correspondence or direct it appropriately, and keep a record of the same;
  - (c) prepare and send out all necessary notices of meetings;
  - (d) receive membership fees, donations and other monies on behalf of the bush fire brigade, and remit them to the Treasurer upon receipt;
  - (e) complete and forward an incident report form in the form required by the Department to the Chief Bush Fire Control Officer and the Department within 14 days after attendance by the bush fire brigade at an incident.
  - (f) maintain a register of all current brigade members which includes each brigade member's contact details and type of membership.
  - (g) provide no later than 31 May in each year, a report to the Chief Bush Fire Control Officer detailing the name, contact details and type of membership of each brigade member.
- (2) Where a bush fire brigade attends an incident on more than one day, the incident report form is to be completed and forwarded under subclause (1)(e) within 14 days after the last day of attendance.

### **3.5 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 authorised by the Committee;
- (c) keep a record of all monies received and payments made, maintain the accounts and prepare the balance sheet for each financial year;

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

### **3.6 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).

### **3.7 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 may 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.

### **3.8 Equipment Officer to report**

The Equipment Officer is to provide, no later than 31 May of each year, a report to the local government and bush fire brigade captain describing the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the bush fire brigade area (or at a station of the bush fire brigade).

## ***PART 4 – COMMITTEE***

### **4.1 Management of bush fire brigade**

- (1) Subject to the provisions of these Rules, the administration and management of the affairs of the bush fire brigade are vested in the Committee.
- (2) Without limiting the generality of subclause (1), the Committee is to have the following functions –
  - (a) to recommend to the local government amendments to these Rules or to the Bush Fire Policies or to the Bush Fire Operating Procedures;
  - (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 and able, any functions (being less than the total functions of the Committee) of the Committee on any conditions it thinks fit, subject to that person being trained and competent to undertake the function;
  - (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, Training Officer (if any) and the Lieutenants of the brigade.
- (2) The brigade officers are to –
  - (a) be elected for nomination and recommendation to the Council at the annual general meeting of the bush fire brigade;
  - (b) hold office for a nominally two (2) year term as provided in subclause 4.12(1) of the local law –
    - (i) from the completion of the meeting of Council at which the appointments are made; and
    - (ii) to the completion of the Council meeting in two (2) annual general meetings time, of the bush fire brigade at which nominations for fresh appointment of officers are dealt with; and
    - (iii) shall be eligible for re-election in two (2) annual general meetings time.
- (3) Any brigade officer may be nominated to Council to 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) Any brigade officer may be removed from office by the Local Government or the PCBU Officer following consultation with the chief bush fire brigade officer in the event that the brigade officer fails to perform their requirements.
- (5) The Committee may nominate to Council a brigade member to fill a vacancy in any office arising from a resolution under subclause (3) or (4) 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 under instruction from the Captain, by giving at least seven (7) days notice to all brigade members and to the Chief Bush 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) considering new procedures in respect of any of the normal brigade activities; and
  - (e) dealing with any general business.

- (2) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (3) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting, subject to a simple majority vote of the fire brigade officers present at the meeting to accept conduct of an item of business not specified in a notice.

## **5.2 Special meetings**

- (1) The Secretary is to call a special meeting when 5 or more brigade members request one in writing.
- (2) At least 2 days notice of a special meeting is to be given by the Secretary, to all brigade members and to the Chief Bush Fire Control Officer.
- (3) In a notice given under subclause (2) the Secretary is to specify the business which is to be conducted at the meeting.
- (4) No business is to be conducted at a special meeting beyond that specified in a notice given under subclause (2) in relation to that meeting.

## **5.3 Annual general meeting**

- (1) At least seven (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) nominate and recommend the brigade officers from among the brigade members, where the nominal two (2) year terms are to expire;
  - (b) consider the Captain's report on the year's activities;
  - (c) adopt the annual financial statements;
  - (d) appoint an Auditor for the ensuing financial year in accordance with clause 5.6; and
  - (e) deal with any general business.
- (3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (4) Business may be conducted at an annual general meeting notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting, subject to a simple majority vote of the fire brigade officers present at the meeting to accept conduct of an item of business not specified in a notice.

## **5.4 Quorum**

- (1) The quorum for a meeting of the bush fire brigade is the number of members that is at least 50% of the number of offices (whether vacant or not) 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 conduct of business, adjourn and otherwise regulate its meeting as it thinks fit within these rules.
- (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 local government.
- (2) Subject to subclause (3), a member is to pay the membership fees for her or his type of membership on or before 1 May.
- (3) The local government, on recommendation of 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 local government 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, or by dual approval electronically.
- (2) If the Secretary/Treasurer is a combined position, the Captain and Secretary/Treasurer are to sign the cheques or approve the expenditure electronically referred to in subclause (1).

### **7.5 Disclosure of interests**

- (1) A brigade member shall disclose to the bush fire brigade or Committee any financial interest (whether direct or indirect) they may have in any matter being considered by the bush fire brigade or Committee, as appropriate.
- (2) If a financial interest has been disclosed under subclause (1), then the bush fire brigade or Committee, as appropriate, is to decide, in the absence of the brigade member who disclosed that interest, whether or not the brigade member is to be permitted to vote on that matter.
- (3) Where the bush fire brigade or Committee, as appropriate, decides under subclause (2), that a brigade member is not to be permitted to vote on a matter, and the brigade member votes on the matter, then their vote is to be taken to have no effect and is not to be counted.

### **7.6 Disagreements**

- (1) Any disagreement between brigade members may be referred to either the Captain or to the Committee.
- (2) Where a disagreement in subclause (1) is considered by the Captain or the Committee to be of importance to the interests of the bush fire brigade, then the Captain or the Committee, as the case may be, is to refer the disagreement to the annual general meeting, an ordinary meeting or a special meeting of the bush fire brigade.
- (3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement which is not resolved under subclause (1) or (2).

## ***PART 8 – NOTICES AND PROXIES***

### **8.1 Notices**

- (1) Notices of meetings of the bush fire brigade are to be in writing and sent by ordinary post and by electronic means if available, to the registered address or to the electronic address of each brigade member.

- (2) Notices of meetings of the Committee may be given in writing in accordance with subclause (1) or by such other means as the Committee may decide (by an absolute majority) at a meeting of the Committee.
- (3) Any accidental omission to give notice of a meeting to, or non-receipt by a person entitled to receive such notice, is not to invalidate the meeting the subject of the notice or any resolutions passed at the meeting.
- (4) Where any notice other than a notice of meeting is to be given under these Rules, the notice is to be –
  - (a) in writing;
  - (b) unless otherwise specified, given to or by the Secretary;
  - (c) given by –
    - (i) personal delivery;
    - (ii) post; or
    - (iii) electronic 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 evidence of the sender's transmission report.

## **8.2 Proxies**

- (1) Where under these Rules a brigade member may vote by proxy, in order for the proxy to so vote, the brigade member or the proxy shall give a notice in the form of that appearing in this clause, to the Secretary or the person presiding at the meeting before the start of the meeting at which the proxy is to be used.
- (2) A proxy is to be valid for the meeting for which it is given and for any adjournments of that meeting.
- (3) A proxy shall be valid for the number of votes to which the brigade member is entitled.
- (4) If the donor of the proxy does not give any indication of the manner in which the proxy is to vote, the proxy shall be entitled to vote or not vote as he or she thinks fit.
- (5) A proxy shall be entitled to speak on behalf of the donor of the proxy.
- (6) All forms appointing proxies deposited under subclause (1) are to be retained by the Secretary for not less than 28 days after the conclusion of the meeting to which they relate but if there is any objection to the validity of any vote at the meeting, they are to be retained until the determination of that objection.
- (7) The form appointing a proxy shall be in writing and signed by the brigade member appointing the proxy and shall be in or substantially in the form set out below -



**APPENDIX I**

**APPLICATION FOR MEMBERSHIP - FIRE FIGHTING MEMBER**

I make application to be a fire fighting member of the ..... Bush Fire Brigade.

Applicant's Name .....

My private address is .....

.....

My business address is .....

.....

Usual Occupation .....

I can be contacted on:

Telephone No .....(Home) .....(Work)

Mobile..... Email Address: .....

UHF Radio: ..... Channel ..... Call Sign .....

If needed, I can provide my own transport to the scene of any outbreak. (This line to be struck out if not applicable)

I hold a current driver's licence No ..... Classes .....

I declare that I am at least 16 years of age and in good health with no known medical conditions which might limit my capacity to fight fires.

I give these undertakings –

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by and comply with the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law including the Rules, bush fire policies and bush fire operating procedures of the Shire of Waroona relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to give assistance in fire fighting measures when called upon and on such occasions to obey all orders and instructions issued by duly authorized officers of the bush fire brigade or the local government;
- (4) to comply with my duty of care obligations under the *Work Health and Safety Act 2020* and the Regulations made under that Act, and Work, Health and Safety policies and operating procedures of the Shire of Waroona relevant to me as a volunteer and fire brigade member.

Date ..... Applicant's signature

Applicant's signature

Please list here any fire fighting equipment owned by you.

- 1. ....
- 2. ....
- 3. ....

<p><b>BUSH FIRE BRIGADE USE ONLY:</b></p> <p style="text-align: center;">APPROVED / DECLINED</p> <p>Signed: ..... Brigade Captain</p>
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**APPENDIX II**

**APPLICATION FOR MEMBERSHIP - ASSOCIATE MEMBER**

I make application to be an associate member of the ..... Bush Fire Brigade.

(a) I am prepared to offer to transport fire fighting members and/or equipment to the scene of any outbreak when called upon. I have a motor vehicle of the following type ..... available for such purpose.

MDL No: ..... Classes: .....

(b) I am prepared to offer my services in the following capacity:-

.....

.....

(paragraph (a) or (b) above may be struck out if not applicable)

Applicant's Name .....

My private address is

.....

.....

My business address is

.....

I can be contacted on:

Telephone No: ..... (Home)..... (Work)

Mobile ..... Email: .....

UHF Radio: ..... Channel ..... Call Sign.....

I give these undertakings –

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by and comply with the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law including the Rules, bush fire policies and bush fire operating procedures of the Shire of Waroona relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to assist in normal bush fire brigade activities as an associate member when called upon and on such occasions to obey all orders and instructions issued by duly authorized officers of the bush fire brigade or the local government;
- (4) to comply with my duty of care obligations under the *Work Health and Safety Act 2020* and the Regulations made under that Act, and Work, Health and Safety policies and operating procedures of the Shire of Waroona relevant to me as a volunteer and fire brigade member.

Date .....

.....

Applicant's signature

**BUSH FIRE BRIGADE USE ONLY:**

APPROVED / DECLINED

Signed: .....

Brigade Captain



## APPLICATION FOR MEMBERSHIP - CADET MEMBER

I make application to be a cadet member of the ..... Bush Fire Brigade.

Applicant's Name .....

My private address is  
.....  
.....

I can be contacted on: Telephone No: .....(Home) .....(Work)

Mobile: ..... Email Address: .....

UHF Radio: ..... Channel ..... Call Sign .....

I declare that I am ..... years of age and in good health.

Date of Birth: .....

I give these undertakings –

- (1) to promote the objects of the bush fire brigade as far as is in my power;
- (2) to be governed by and comply with the provisions of the *Bush Fires Act 1954* and the Regulations made under that Act, and the local law including the Rules, bush fire policies and bush fire operating procedures of the Shire of Waroona relevant to fire control and bush fire brigades;
- (3) to use my best endeavours to assist in normal bush fire brigade activities as an associate member when called upon and on such occasions to obey all orders and instructions issued by duly authorized officers of the bush fire brigade or the local government;
- (4) to comply with my duty of care obligations under the *Work Health and Safety Act 2020* and the Regulations made under that Act, and Work, Health and Safety policies and operating procedures of the Shire of Waroona relevant to me as a volunteer and fire brigade member.

Date .....  
.....  
Applicant's signature

### PARENT / GUARDIAN CONSENT:

I ....., being the parent/guardian of the above applicant, consent to ..... being a cadet member of the..... Bush Fire Brigade, in accordance with the rules applicable to cadet membership.

Date ..... Signed .....

### BUSH FIRE BRIGADE USE ONLY:

APPROVED / DECLINED

Signed: .....  
Brigade Captain

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Dated the 26<sup>th</sup> day of July 2024.

The Common Seal of the Shire of Waroona was affixed by the authority of a resolution of council in the presence of -

CR JOHN MICHAEL SCOTT WALMSLEY, Shire President

MARK ANDREW GOODLET, Chief Executive Officer