

**LOCAL GOVERNMENT ACT 1995  
BUSH FIRES ACT 1954**

SHIRE OF DUMBLEYUNG

**BUSH FIRE BRIGADES LOCAL LAW 2022**

Under the powers conferred by the *Local Government Act 1995*, *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on 15 September 2022 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Dumbleyung Bush Fire Brigades Local Law 2022*.

**2. Application**

This local law applies throughout the district.

**3. Repeal**

This local law repeals *the Shire of Dumbleyung Bush Fire Brigades Local Law 2002* as published in the *Government Gazette* on 21 March 2003.

**4. Definitions**

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

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

*brigade area* has the meaning given in clause 6(1)(b);

*brigade officer* means a person holding a position referred to in clause 6.1(c), whether or not he or she was appointed by the local government or elected at an annual meeting of a bush fire brigade or otherwise appointed to the position;

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

*CEO* means the Chief Executive Officer of the local government;

*district* means the district of the local government;

*local government* means the Shire of Dumbleyung;

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

*Regulations* means Regulations made under the Act.

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

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

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

**5. 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).

(3) A bush fire brigade established under subclause (1) is to hold a meeting at least once every financial year to appoint persons to the positions specified in clause 6(1)(c).

**6. Name and officers of bush fire brigade**

(1) On establishing a bush fire brigade under clause 5(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—
  - (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) Treasurer; or
- (viii) A Secretary/Treasurer combined.

(2) A person appointed to a position pursuant to subclause (1)(c) is to be taken to be a brigade member.

(3) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.

(4) An election is to be held at the first annual general meeting by the members of the brigade for appointments to the positions referred to in subclause (1)(c) and every subsequent annual general meeting.

(5) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting or at any time, then the Brigade members are to vote for a replacement member to fill the position.

(6) The Brigade members may elect, describe the duties of, and dismiss, any person to any other position including Secretary, Treasurer, Equipment Officer or other positions, and may combine those positions.

(7) The Brigade members may establish types of brigade membership including fire fighting members, auxiliary members, cadet members, and honorary life members.

### **7. Duties of Captain and bush fire brigade officers**

(1) The duties of the Captain are to—

- (a) Provide leadership to bush fire brigades;
- (b) Monitor bush fire brigades' resourcing, equipment and training levels;
- (c) Liaise with the local government concerning—
  - (i) Fire prevention or fire suppression matters generally;
  - (ii) Directions to be issued by the local government to bush fire control officers, including those who issue permits to burn; and
  - (iii) Bush fire brigade officers;
- (d) Ensure that a list of bush fire brigade members is maintained;
- (e) Report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations;
- (f) Report to the local government not later than 30 April each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's—
  - (i) Training and readiness;
  - (ii) Protective clothing;
  - (iii) Equipment; and
  - (iv) Vehicles and appliances.
- (g) Nominate persons to the CEO for appointment as bush fire control officers by the local government;
- (h) Arrange for normal brigade activities as authorised by the Act or by the local government; and
- (i) Where a vacancy occurs in a position appointed under clause 6(1)(c), to—
  - (i) Advise the CEO of the vacancy as soon as practicable; and
  - (ii) Make alternate suitable arrangements for that position until an appointment is made.

(2) It is the duty of other bush fire brigade officers to support the Captain in his/her role.

### **8. Appointment, employment, payment, dismissal and duties of bush fire control officers**

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

### **9. Maintenance and equipment with appliances and apparatus of bush fire brigades**

The local government may provide funds for the maintenance and equipment with appliances and apparatus of bush fire brigades in accordance with Part 6 of the *Local Government Act 1995*.

---

Dated 15 September 2022

The Common Seal of the Shire of Dumbleyung was affixed by authority of a resolution of Council in the presence of—

JULIE RAMM, Shire President.  
GAVIN TREASURE, Chief Executive Officer.

---