

LG401

BUSH FIRES ACT 1954

City of Wanneroo

BUSH FIRE BRIGADES LOCAL LAW 2022

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the *City of Wanneroo* resolved on 8 November 2022 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation and Application

This local law may be cited as the *City of Wanneroo Bush Fire Brigades Local Law 2022* and shall apply throughout the district.

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 *City of Wanneroo Bush Fire Brigades Local Law* published in the *Government Gazette*, Number 36 dated 20 February 2001 as amended, is repealed.

1.4 Interpretation

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

Act means the *Bush Fires Act 1954*;

brigade area is defined in clause 2.3(1)(b);

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

Chief Bush Fire Control Officer as defined in the Act;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of Wanneroo;

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

Regulations means Regulations made under the Act;

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

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant; or

(d) any additional Lieutenants;

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 Chief Bush Fire Control Officer

(1) The duties of the bush fire control officer are defined in the Act.

(2) For the purposes of this local law the duties will include—

(a) Where a vacancy occurs in a position appointed under clause 2.3(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.

(b) Nominate suitably qualified persons to the CEO for appointment as bush fire control officers by the local government; and

(c) Report to the CEO 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.

2.3 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—
 - (i) a Captain;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant; and
 - (iv) additional Lieutenants if the local government considers it necessary.
- (2) A person appointed to a position pursuant to clause 2.3(1)(c) is to be taken to be a brigade member.
- (3) The appointments referred to in clause 2.3(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 bush fire brigade for appointments to the positions referred to in clause 2.3(1)(c) and every subsequent annual general meeting.
- (5) If a position referred to in sub clause 2.3(1)(c) becomes vacant prior to the completion of the first annual general meeting or at any time, then the bushfire brigade members are to vote for a replacement member to fill the position.

2.4 Duties of Captain

- (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; and
 - (f) Arrange for normal brigade activities as authorised by the Act or by the local government.
- (2) The duties of other bush fire brigade officers are to support the Captain in his/her role.

2.5 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.

PART 3—ADMINISTRATION OF BUSH FIRE BRIGADES

3.1 Executive Management Group

- (1) An Executive Management Group is to be established to ensure that there is an appropriate structure through which the organisation of the bush fire brigades is maintained.
- (2) The administration and management of the affairs of a bush fire brigade are vested in the Executive Management Group.
- (3) The Executive Management Group is to prepare and adopt Operating Procedures for the good governance of bush fire brigades.
- (4) The Executive Management Group must make the Operating Procedures available to all bush fire brigade members.
- (5) The Executive Management Group may vary the bush fire brigade Operating Procedures at any time but must notify the bush fire brigades of any variation as soon as practicable after making a variation.
- (6) The Executive Management Group functions include, but are not limited to—
 - (a) dealing with grievances, disputes and disciplinary matters;
 - (b) approving the bush fire brigade's annual budget and presenting it at the brigade's annual general meeting;
 - (c) recommending to the local government equipment which needs to be supplied by the local government to the bush fire brigade; and
 - (d) doing all things necessary or convenient in order to perform any of its functions and to secure the performance of the normal brigade activities by the bush fire brigade.

3.2 Membership of the Executive Management Group

The Executive Management Group will consist of the following officers from all the bush fire brigades—

- (a) Chief Bush Fire Control Officer and Deputies;
- (b) Brigade Captains;
- (c) 1st Lieutenants from each Brigade;
- (d) Minute Officer (no voting rights);
- (e) Local Government representative (non voting); and
- (f) Any other person that the Executive Management Group requests.

PART 4—GENERAL

4.1 Consideration in the local government budget

In addition to funding made available through emergency services grants, the local government may provide further funding depending upon the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995*.

Dated 15 November 2022.

The Common Seal of the City of Wanneroo was affixed in the presence of—

LINDA AITKEN, Mayor.
DANIEL SIMMS, Chief Executive Officer.
