

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

*Shire of Murray*

**BUSH FIRE BRIGADES LOCAL LAW 2023**

Under the powers conferred by the *Bush Fires Act 1954* and the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Murray resolved on 27 July 2023, to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Murray Bush Fire Brigades Local Law 2023*.

**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 Interpretations**

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

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

**Approved Area** means a bush fire brigade area as defined in accordance with Section 52 of the *Bush Fires Act 1954*;

**Brigade Member** means a volunteer fire fighter;

**Bush Fire Brigade** means a bush fire brigade established by the local government in accordance with Section 41 of the *Bush Fires Act 1954*;

**Bush Fire Brigade Area** means an approved area;

**Bush Fire Control Officer** means a person appointed under that office by the local government in accordance with Section 38 of the *Bush Fires Act 1954*;

**Bush Fire Brigade Rules** means the Bush Fire Brigade Rules adopted by the local government from time to time and so established to maintain bush fire brigades and manage normal brigade activities in accordance with the Act and this Local Law;

**Cadet** means any adolescent member of a bush fire brigade who is between 11 and 15 years of age inclusive.

**Chief Executive Officer** means the Chief Executive Officer of the Shire of Murray;

**Chief Bush Fire Control Officer** means a person appointed under that office by the local government as the Chief Bush Fire Control Officer in accordance with Section 38 of the Act;

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

**Deputy Chief Bush Fire Control Officer** means a person appointed under that office by the local government as the Deputy Chief Bush Fire Control Officer in accordance with Section 38 of the Act;

**Local Government** means the Shire of Murray;

**Local Government Grants Scheme** means the Local Government Grants Scheme as approved annually by the Fire and Emergency Services Commissioner under Section 36A of the *Fire and Emergency Services Act 1998*;

**Local Government Grants Scheme Manual for Capital and Operating Grants** means the Manual for Capital and Operating Grants that is established as the guidelines for participants in the Local Government Grants Scheme in accordance with Section 36Y of the *Fire and Emergency Services Act 1998*;

**Normal Brigade Activities** means the activities prescribed in Section 35A of the *Bush Fires Act 1954*; and

**Regulations** means the Regulations made under *Bush Fires Act 1954*.

**Volunteer fire fighter** means a bush fire control officer, a person who is a registered member of a bush fire brigade as defined in Section 35A of the Act.

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

- (i) a Captain;
- (ii) a Bush Fire Control Officer
- (iii) a First Lieutenant;
- (iv) a Second Lieutenant;
- (v) any additional Lieutenants;
- (vi) Training Coordinator
- (vii) an Equipment Officer;
- (viii) a Secretary; and
- (ix) a Treasurer;

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

#### **1.4 Repeal**

On the day that this local law comes into operation any other Bush Fire Brigades By-Law or Local Law is repealed.

#### **1.5 Application**

(1) This local law applies throughout the district of the Shire of Murray.

### **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 a 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 approved area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; and
- (c) appoint 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;
  - (v) an Equipment Officer;
  - (vi) a Secretary;
  - (vii) a Treasurer;
  - (viii) any other position(s) deemed necessary by the local government for the effective management of normal brigade activities.

(2) When considering the appointment of persons to the positions in subclause (1)(c), the local government is to have regard to the qualifications and experience which may be required to fill each position.

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

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

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

(6) When establishing a bush fire brigade, the local government shall register the bush fire brigade in accordance with the Act and Regulations.

##### **2.3 Objects of bush fire brigades**

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 this local law.

##### **2.4 Chain of command during firefighting operations**

(1) Subject to the Act, the chain of command to apply during firefighting activities is—

- (a) Bush Fire Control Officers in order of seniority;
- (b) Brigade Officers in order of seniority; and
- (c) All other volunteer fire fighters.

(2) The person in command 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, and may exercise all the powers and duties provided for by the Act.

#### *Division 2—Transitional*

##### **2.3 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; and
- (b) Any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Bush Fire Brigade Operating Procedures and Policies on the commencement day of the Local Law.

(2) In this clause—**commencement day** 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**

(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—

- (a) the bush fire brigade is not complying with the Act;
- (b) the bush fire brigade is not complying with this local law;
- (c) the bush fire brigade is not carrying out the normal brigade activities for which it was established; or
- (d) the bush fire brigade has no approved area.

**2.5 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 to the approved area that was being covered by the bush fire brigade subject to the dissolution.

**PART 3—ORGANISATION MANAGEMENT AND MAINTENANCE OF BUSH FIRE BRIGADES**

*Division 1—Local Government Responsibility*

**3.1 Local Government responsible for Structure and Bush Fire Brigade Rules**

- (1) The local government is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is managed and maintained.
- (2) The Chief Executive Officer is to establish and implement Bush Fire Brigade Rules for the management and maintenance of bush fire brigades.
- (3) The local government may make other applicable rules, policies and procedures as determined necessary by the local government for the organisation, management and maintenance of bush fire brigades.

*Division 2—Bush Fire Brigade Rules and Local Law*

**3.2 Application of the Bush Fire Brigade Rules and Local Law**

- (1) The Bush Fire Brigade Rules shall govern the operations of a bush fire brigade.
- (2) A bush fire brigade and each brigade member is to comply with the Bush Fire Brigade Rules and the provisions of this local law.

**3.3 Brigades to be provided copy of Act**

The Chief Executive Officer is to provide each bush fire brigade and each bush fire control officer with a copy of the Act and the Regulations.

*Division 3—Chief Bush Fire Control Officer*

**3.4 The Role and Duties of Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer**

The role and duties of the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer shall be as defined in the Act.

**PART 4—ADMINISTRATION OF BUSH FIRE BRIGADES**

*Division 1—Bush fire brigade membership*

**4.1 Types of Membership of Bush Fire Brigade**

The types of membership of a bush fire brigade shall be as defined in the Act.

**4.2 Brigade Membership**

- (1) The appointment, determination, registration, dismissal and management of bush fire brigade membership shall be as defined in the Act.

*Division 2—Administration*

**4.3 Record Keeping and Reporting**

- (1) The local government shall maintain records in accordance with Section 50 of the Act and the *State Records Act 2000*;

*Division 3—Meetings of bush fire brigades*

**4.4 Conduct of brigade meetings**

All bush fire brigade meetings shall be conducted as determined by the local government from time to time.

**PART 5—EQUIPMENT OF BUSH FIRE BRIGADES**

**5.1 Maintenance Replacement and Upkeep of equipment**

The maintenance, replacement and upkeep of all bush fire brigade protective clothing, protective equipment, equipment, appliances and apparatus is to be as determined by the local government from time to time.

**PART 6—FUNDING OF BUSH FIRE BRIGADES**

### **6.1 Operational and Capital Funding of Bush Fire Brigades under the Local Government Grants Scheme**

(1) Requests by the local government for funding under the Local Government Grants Scheme shall be in accordance with the Local Government Grants Scheme Manual.

(2) Expenditure of funds under the Local Government Grant Scheme shall be managed by the Local Government in accordance with the Local Government Grant Scheme Manual.

(3) Any other funding requirements for bush fire brigades shall be as determined by the local government from time to time in accordance with Section 36 of the Act, Part 6, Division 2 of the *Local Government Act 1995*, Part 3 of the *Local Government (Financial Management) Regulations 1996*.

Dated this 17th day of August 2023.

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

Cr DAVID BOLT, Shire President.  
DEAN UNSWORTH, Chief Executive Officer.

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