

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

SHIRE OF KENT

BUSH FIRE BRIGADES LOCAL LAW 2023

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kent resolved on 20 September 2023 to make the following local law.

1. Citation

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

2. Commencement

This local law will come into operation 14 days after publication in the *Government Gazette*.

3. Application

This local law applies throughout the district.

4. Repeal

The *By-laws of the Kent Shire Council Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades for the Shire or any part of the Shire of Kent* published in the *Government Gazette* on 6 May 1977, are repealed.

5. Definitions

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

Act means the *Bush Fires Act 1954*;

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

bush fire brigade member means a volunteer fire fighter having current membership of a bush fire brigade;

bush fire brigade officer means a person holding a position referred to in clause 7(1)(c);

bush fire control officer means a person appointed by the local government to exercise the powers of a bush fire control officer or bush fire officer in accordance with the Act and this local law;

captain means the person holding or acting in that position in a bush fire brigade;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

lieutenant means the person holding that position in a bush fire brigade;

local government means the Shire of Kent;

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

Regulations means Regulations made under the Act; and

volunteer fire fighter has the meaning given to it in section 35A of 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; and

(d) any additional lieutenants;

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

6. Establishment of a bush fire brigade

(1) The Council by resolution 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 in clause 7(1)(c).

7. Name and area of bush fire brigade

(1) On establishing a bush fire brigade under clause 6(1) the Council by resolution 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; 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 subclause (1)(c) is to be taken to be a bush fire 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) In accordance with section 43 of the Act, the local government may remove or appoint officers of a bush fire brigade as deemed necessary or appropriate.
- (5) Subject to subclause (4)—
 - (a) 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; and
 - (b) 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, set the term of office, describe the duties of, and dismiss, any person to any other position including secretary, treasurer, equipment officer, training 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.

8. 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 at least annually, 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 local government 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 7(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) The duties of lieutenants are to—
 - (a) provide support to the captain;
 - (b) command and manage members during emergencies and other bush fire brigade related activities;
 - (c) demonstrate positive leadership and mentor members;
 - (d) maintain open lines of communication and encourage positive interaction and teamwork between members;
 - (e) ensure members engaged in firefighting activities hold competencies relevant to the task;
 - (f) assist coordination and conduct of training activities for members; and
 - (g) in the absence of the captain or more senior lieutenant present assume the responsibilities and duties of that office and take responsibility for the performance of bush fire brigade activities.
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Dated this 20 September 2023

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

SCOTT CROSBY, President.
CHRISTIE SMITH, Chief Executive Officer.

11 October 2023.