



Western
Australian
Government

Gazette

ISSN 2204-4264 (online)

4085

PERTH, TUESDAY, 19 DECEMBER 2023 No. 170 SPECIAL

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER

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LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954

SHIRE OF ASHBURTON

**BUSH FIRE BRIGADES
LOCAL LAW 2023**

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SHIRE OF ASHBURTON

BUSH FIRE BRIGADES LOCAL LAW 2023

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

SHIRE OF ASHBURTON

BUSH FIRE BRIGADES LOCAL LAW 2023

Under the powers conferred by the *Bush Fires Act 1954* and the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Ashburton resolved on the 12 December 2023 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

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

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Repeal

On the day that this local law comes into operation, the *Shire of West Pilbara By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades* published in the *Government Gazette* on 24 April 1981 is repealed.

1.4 Terms used

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

Act means the *Bush Fires Act 1954*;

Agreement means a Memorandum of Understanding or other legal instrument entered into by the local government and the FES Commissioner;

AIIMS means *Australasian Inter-Service Incident Management System*;

brigade has the same meaning as bush fire brigade;

brigade area means the area determined in accordance with clause 2.2(1)(b);

brigade member means a fire fighting member, auxiliary 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 clause 2.2(1)(c);

bush fire brigade has the meaning given to it by the Act;

bush fire control officer means a person appointed to that office by the local government with the powers and roles of the bush fire control officer in the Act, the Regulations and this local law;

CEO means the Chief Executive Officer of the local government;

Chief Bush Fire Control Officer means a person appointed to that office by the local government, or designated by the FES Commissioner with the powers and roles of the Chief Bush Fire Control Officer in the Act, the Regulations and this local law;

Department has the meaning given to it by the Act;

DFES means the Department;

Deputy Chief Bush Fire Control Officer means a person appointed to that office by the local government with the powers and roles of the Deputy Chief Bush Fire Control Officer 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;

Grievance means an allegation by a brigade member about another brigade member about unfair treatment, discrimination, harassment, victimisation, vilification and/or bullying;

local government means the Shire of Ashburton;

Local Government Grant Scheme means the arrangements to distribute Emergency Services Levy funds to local governments via capital and operating grants;

normal brigade activities means the activities prescribed in section 35A of the Act;

Operating Procedures means the Rules Governing the Operation of a Bush Fire Brigade set out in the Schedule 1, intended with this local law to govern the operation of bush fire brigades;

Regulations means Regulations made under the Act; and

Schedule means a Schedule to this local law.

Standard Operating Procedure means Standard Operating Procedure applied by the FES Commissioner as prescribed in clause 3.1(5)(a);

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

- (a) a Captain;
- (b) a Bush Fire Control Officer;
- (c) a First Lieutenant;
- (d) a Second Lieutenant;
- (e) any additional Lieutenants;
- (f) an Equipment Officer;
- (g) a Secretary; or
- (h) a Treasurer,

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

1.5 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 Brigade name and appointment of officers of 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 area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (known as the **brigade area**); and
- (c) appoint—
 - (i) a Captain that is to be the Bush Fire Control Officer for the bush fire brigade;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant;
 - (iv) any additional Lieutenants;
 - (v) an Equipment Officer;
 - (vi) a Secretary; and
 - (vii) a Treasurer.

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

(3) When considering the appointment of persons to the positions in subclause (1)(c), 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.

(4) A person appointed to a position in subclause (1)(c) is to be taken to be a brigade member and a person first appointed to a position is to be taken to be a brigade member from the establishment of the brigade.

(5) The appointments referred to in subclause (1)(c)—

- (a) become effective at the completion of the meeting of Council at which the appointments are made; and
- (b) expire at the completion of the meeting of Council at which new appointments are made following an annual general meeting of the bush fire brigade.

(6) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the next annual general meeting of the brigade, then the local government is to appoint a person to fill the vacancy in accordance with subclause (3).

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; and
 - (b) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with this local law, the Operating Procedures.
- (2) In this clause **commencement date** means the day on which this local law comes into operation.

Division 3—Cancellation of a bush fire brigade

2.4 Cancellation of a 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, this local law, the Operating Procedures or is not achieving the objectives for which it was established.

2.5 New arrangement after cancellation

If a local government cancels the registration of a bush fire brigade, alternative arrangements are to be made in respect of the brigade area.

PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

Division 1—Local government responsibility

3.1 Responsibilities for structure and operating procedures

- (1) The local government is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.
- (2) The local government is to establish, implement and maintain the Operating Procedures in Schedule 1 for the general administration and management of bush fire brigades.
- (3) The local government may make other applicable rules, policies and procedures as determined necessary by the local government to support the management and administration of bush fire brigades and effective and safe normal brigade activities.
- (4) The local government may enter into an Agreement with the FES Commissioner to manage a bush fire brigade on its behalf.
- (5) Where the local government has entered into an Agreement with the FES Commissioner, the FES Commissioner has the following functions in relation to the administration of this local law—
 - (a) To implement, maintain and apply all necessary Standard Operating Procedures for direct fire fighting incident response activities and normal brigade activities by bush fire brigades;
 - (b) Administration of bush fire brigades in accordance with Part 4 of this local law;
 - (c) The maintenance, replacement and upkeep of all bush fire brigade protective clothing, equipment and appliances in accordance with clause 5.1 of this local law;
 - (d) Designate a DFES staff member as the Chief Bush Fire Control Officer for the local government for the duration of the Agreement;
 - (e) To ensure that a DFES staff member designated as the Chief Bush Fire Control Officer will be trained to the competencies identified by DFES as being required to effectively manage incidents attended by bush fire brigade members;
 - (f) To ensure that the Chief Bush Fire Control Officer is aware of the need to exercise due care in all decisions and actions that may affect the safety and health of brigade members, including but not limited to decisions as to deployment into known hazardous areas; and
 - (g) To exercise due care in giving any mobilisation and management directions and in giving directions to the Chief Bush Fire Control Officer, taking into account the safety and health of brigade members.
- (6) When the FES Commissioner applies Standard Operating Procedures to any bush fire brigade, if there is any conflict between a provision of the Operating Procedures in Schedule 1 and the Standard Operating Procedures, then the provisions of the Standard Operating Procedures prevail.
- (7) The duties of a Chief Bush Fire Control Officer, designated by the FES Commissioner include to—
 - (a) provide leadership to bush fire brigades;
 - (b) actively promote the use of AIIMS structures during response, to bush fire control officers and brigade members;
 - (c) carry out all administration and management of bush fire brigades, in consultation with the bush fire brigade Captain;
 - (d) actively monitor bush fire brigade member training and skills collectively or individually to ensure bushfire brigade members are appropriately trained to the competencies necessary to safely undertake normal brigade activities;
 - (e) report on the status of bush fire brigade members, with recommendations at least once a year, to the local government or as otherwise directed by the CEO;
 - (f) monitor bush fire brigades' resourcing, equipment (including protective clothing) and report thereon with recommendations at least once a year, to the local government or as directed by the CEO;

- (g) prepare in consultation with the CEO or a nominee appointed by the CEO applications for funding under the Local Government Grant Scheme for both operating and capital requests, and prepare acquittals for Local Government Grants Scheme expenditure;
- (h) liaise with the CEO or a nominee appointed by the CEO 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;
- (i) ensure that bush fire brigades are registered and that lists of brigade members are maintained;
- (j) ensure bush fire brigade appliances, ancillary operational equipment are serviced and maintained in accordance with the manufacturers or other statutory requirements and are ready and available for operational response activities; and
- (k) participate in Bush Fire Advisory Committee and bush fire brigade meetings as a non voting representative.

Division 2—Operating procedures

3.2 Application of the operating procedures and local law

- (1) In this clause the term ‘Operating Procedures’ includes Standard Operating Procedures.
- (2) The Operating Procedures in conjunction with the local law govern the operation of a bush fire brigade.
- (3) A bush fire brigade and each brigade member is to comply with the Operating Procedures and the provisions of this local law and to have due regard to policies and any written directions of the CEO or the local government.

3.3 Variation of procedures

- (1) The CEO, in consultation with the Chief Bush Fire Control Officer may recommend to the Council variation of the Operating Procedures and their application to bush fire brigades.
- (2) The CEO is to notify all bush fire brigades of any variation to the Operating Procedures, as soon as practicable following formally amending this local law.

3.4 Brigades are to be supplied with Act, policies and procedures

- (1) The CEO is to supply each bush fire brigade with a copy of the Act, the Regulations, this local law, any relevant policy, written direction and any other procedure or matter which may be relevant to the performance of brigade functions, and any amendments, which are made thereto from time to time.
- (2) Where an Agreement is in place, the Chief Bush Fire Control Officer designated by the FES Commissioner is to provide all bush fire brigades and brigade members copies of the Standard Operating Procedures contemplated by clause 3.1(5)(a).

Division 3—Chief bush fire control officer

3.5 Appointment and managerial role of chief bush fire control officer

- (1) The local government is to appoint a person as Chief Bush Fire Control Officer if at any time the FES Commissioner under an agreement has not designated a DFES staff member as the Chief Bush Fire Control Officer under clause 3.1(5).
- (2) The local government is not to appoint a Chief Bush Fire Control Officer if the FES Commissioner has designated a DFES staff member as Chief Bush Fire Control Officer as provided in clause 3.1(5), and if a Chief Bush Fire Control Officer has been appointed by the Shire at the time the DFES Commissioner designates a DFES staff member as Chief Bush Fire Control Officer, then the local government’s appointment terminates from that time.
- (3) Subject to any direction of the local government, or of the FES Commissioner, the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.6 Duties of chief bush fire control officer

- (1) The duties of the Chief Bush Fire Control Officer appointed by the local government include to—
 - (a) provide leadership to bush fire brigades and brigade members;
 - (b) actively promote the use of AIIMS structures during response, to bush fire control officers and brigade members;
 - (c) monitor bush fire brigades’ resourcing, equipment (including protective clothing) and report thereon with recommendations at least once a year, to the local government or as otherwise directed by the CEO;
 - (d) actively monitor bush fire brigade member training and skills collectively or individually to ensure safe normal brigade activities and report thereon with recommendations at least once a year, to the local government or as directed by the CEO;
 - (e) 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; and
 - (f) ensure that bush fire brigades are registered and that lists of brigade members are maintained.
- (2) In this clause **Chief Bush Fire Control Officer** includes the Deputy Chief Bush Fire Control Officer/s appointed by the local government.

3.7 Chief bush fire control officer may attend meetings

If the Chief Bush Fire Control Officer is designated by the FES Commissioner attendance at any meeting of a bush fire brigade, or the Committee is on a non voting basis to provide guidance and advice.

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 are defined in the Operating Procedures.

4.2 Brigade membership

Applications for membership, including registration of bush fire brigade members, is to be in accordance with the Operating Procedures.

4.3 Termination of membership

The termination of the membership of a brigade member is dealt with in the Operating Procedures.

4.4 Suspension of membership

The suspension of membership of a brigade member is dealt with in the Operating Procedures.

4.5 Grievances and disputes

Grievances must be managed in accordance with the Operating Procedures.

*Division 2—Administration***4.6 Record keeping and reporting—auditing**

(1) The local government must maintain records containing brigade member's details, brigade assets, vehicles and equipment and information and records of all matters relating to the operations, management, training of the brigade members, and the authorisation of the brigade officers, members and of the bush fire brigade.

(2) No later than 30 May in each year, the bush fire brigade is to provide to the CEO the following reports for the preceding financial year—

- (a) a list of current bush fire brigade member's details including commencement dates;
- (b) a list of training successfully completed by bush fire brigade members;
- (c) an equipment/asset register detailing the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade provided under the Local Government Grant Scheme;
- (d) an equipment/asset register detailing the nature and quantity of all equipment of the bush fire brigade procured with bush fire brigade funds;
- (e) an independently audited statement of brigade finances; and
- (f) a gift/donations register.

(3) Any other record keeping and reporting requirements for bush fire brigades must be in accordance with the Operating Procedures.

*Division 3—Meetings of bush fire brigades***4.7 Conduct of brigade and committee meetings**

(1) All bush fire brigade and committee meetings are to be conducted in accordance with the Operating Procedures.

(2) A bush fire brigade meeting means—

- (a) an annual general meeting of a bush fire brigade to be held in May of each year;
- (b) a general meeting of a bush fire brigade; or
- (c) a special meeting of a bush fire brigade.

PART 5—EQUIPMENT OF BUSH FIRE BRIGADES**5.1 Maintenance of equipment**

(1) The maintenance, replacement and upkeep of all bush fire brigade protective clothing, equipment and appliances is to be to a standard that ensures operational readiness for normal brigade activities.

(2) The CEO and Chief Bush Fire Control Officer designated by the FES Commissioner where an Agreement is in effect must document maintenance standards.

PART 6—FUNDING OF BUSH FIRE BRIGADES**6.1 Funding under the local government grant scheme or equivalent**

(1) Requests by the local government for funding under the Local Government Grant Scheme or its equivalent must be in accordance with the Local Government Grant Scheme Manual.

(2) Expenditure of funds under the Local Government Grant Scheme or its equivalent must be managed by the local government in accordance with the Local Government Grant Scheme Manual and the financial responsibilities of the local government.

6.2 Funding under local government budget

(1) Where an item is not eligible or is not otherwise able to be funded through the Local Government Grant Scheme or its equivalent a bush fire brigade through a resolution of the bush fire brigade committee, may submit a request to the local government for funding from the local government budget.

(2) A request for funding under clause (1) must be received in writing no later than 31 January for consideration in the forthcoming local government budget for the following financial year.

(3) The local government may approve or refuse an application for funding made under clause (1) depending upon the assessment of budget priorities for the financial year in question.

6.3 Management and expenditure of bush fire brigade funds

A bush fire brigade must not expend its own funds on any protective clothing, equipment, appliances or land or property occupied, whether eligible or not under the Local Government Grant Scheme or its equivalent, unless the written consent of the CEO is obtained.

SCHEDULE 1—OPERATING PROCEDURES

(Clause 3.1)

The Operating Procedures are comprised of the following Rules.

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. In the case of conflict, the order of priority should be the Act, the Regulations and the Local Law.

(2) In these Rules, unless the context otherwise requires—

simple majority means a majority of more than 50% of—

- (a) brigade members of a bush fire brigade, present in person; if the majority is required at a meeting of the bush fire brigade; or
- (b) brigade officers of the bush fire brigade, present in person, if the majority is required at a meeting of the committee.

absolute majority means a majority of more than 50% of the number of—

- (a) brigade members of the bush fire brigade, whether in attendance or not, if the absolute majority is required at a meeting of the 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.

(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 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 at the meeting.

1.2 Types of membership of bush fire brigade

The membership of a bush fire brigade consists of the following—

- (a) fire fighting members;
- (b) auxiliary members;
- (c) cadet members; and
- (d) honorary life members.

1.3 Fire fighting members

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

1.4 Auxiliary members

Auxiliary members are persons 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.

1.5 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 (operational response incidents);
- (d) to be supervised by a fire fighting member (with at least 3 years continuous bush fire brigade service), 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 meetings;
- (f) not to be assigned a rank.

1.6 Honorary life member

- (1) The bush fire brigade may by a simple majority resolution appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade.
- (2) Membership fees if levied by the bush fire brigade are not payable by an honorary life member.

PART 2—OBJECTIVES AND MEMBERSHIP OF A BUSH FIRE BRIGADE

2.1 Objectives of a brigade

The objectives of the bush fire brigade are to carry out—

- (a) normal brigade activities; and
- (b) the functions of the bush fire brigade as specified in the Act, the Regulations, and this local law.

2.2 Applications for membership

- (1) Applications for membership of a bush fire brigade must—
 - (a) be made in the form as determined by the local government from time to time;
 - (b) be submitted to the Secretary of the relevant bush fire brigade, who must forward a copy of the application to the Captain within one week of the application being submitted; and
 - (c) be determined by the Committee of the bush fire brigade, having regard to any advice received from the Captain or the Chief Bush Fire Control Officer in relation to the application.

2.3 Conditions of membership

- (1) Bush fire brigade members must comply with the Act, Regulations, the Operating Procedures and the Department's Standard Operating Procedures in conducting normal brigade or response activities.
- (2) In relation to any type of membership, as described in Part 4 of these Rules, a bush fire brigade may establish internal policies or procedures to—
 - (a) the qualifications required;
 - (b) a requirement to serve a probationary period; and
 - (c) procedures to be employed by the Committee, in assessing an application for membership, and the Committee is to determine applications for membership in accordance with any such policy.

2.4 Decision on application for membership

- (1) Subject to clause 2.2, the Committee may—
 - (a) approve an application for membership unconditionally or subject to any conditions; 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 notice of the refusal, as soon as practicable after the decision is made, to the applicant and advise the applicant that he or she has the right to object to the local government.

2.5 Department to be notified of registrations

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

2.6 Suspension of membership

- (1) Membership of a bush fire brigade may be suspended at any time if, in the opinion of the CEO, or the Committee, following consultation with the Chief Bush Fire Control Officer, the circumstances warrant suspending the member.
- (2) Without limiting the generality of subclause (1), a member of a bush fire brigade may be suspended in the event the member—
 - (a) contravenes the Act, the Regulations, the Operating Procedures, this local law, bush fire brigade policies or the Standard Operating Procedures;
 - (b) displays conduct detrimental to the best interests of the bush fire brigade, the local government or the Department;
 - (c) has performed an unsafe act that jeopardises the safety of the member or others;
 - (d) has been charged by the Police for a criminal offence and is awaiting court proceedings;
 - (e) has acted in such a manner as to cause harm or distress to other brigade members;
 - (f) has failed to attend 3 or more consecutive meetings of the bush fire brigade within a period of 12 months, without providing prior notice of non attendance; or

- (g) has failed to attend 3 or more structured local training events facilitated by the bush fire brigade.
- (3) The suspended member may be excluded immediately from all normal brigade activities or any specified bush fire brigade duties and activities.
- (4) The brigade Captain or Chief Bush Fire Control Officer must notify the member in writing, advising of the suspension period and reasons for suspension.
- (5) The period of suspension may be up to a maximum of 3 consecutive months and must be determined by the Committee, in consultation with the Chief Bush Fire Control Officer.
- (6) Upon the expiry of the period of suspension the Committee, following consultation with the Chief Bush Fire Control Officer, may—
 - (a) extend the period of suspension;
 - (b) terminate the membership; or
 - (c) reinstate the membership.

2.7 Termination of membership

- (1) Membership of the brigade terminates if the member—
 - (a) dies;
 - (b) gives written notice of resignation to the Secretary;
 - (c) is dismissed by a decision of the Committee, following consultation with the Chief Bush Fire Control Officer, by reason of—
 - (i) failing to comply with the aims and objectives of the bush fire brigade;
 - (ii) failing to comply with the Act, the Regulations, the Operating Procedures, this local law, or any the bush fire brigade or local government policies or local government written directions relating to bush fire brigades;
 - (iii) displaying conduct detrimental to the general interests of the bush fire brigade, the local government or the Department;
 - (iv) being convicted of a criminal offence that in the opinion of the Committee in consultation with the Chief Bush Fire Control Officer would reasonably ordinarily exclude the member from joining a brigade;
 - (v) acting in such a manner as to cause harm or distress to other brigade members by their activities or actions; or
 - (d) ceases to be a member or is taken to have resigned under subclause (2).
- (2) A brigade member who, in the opinion of the Committee or the Chief Bush Fire Control Officer, has not adequately fulfilled his or her role within the bush fire brigade, and has not responded to any written correspondence requesting that he or she state their intentions, within 21 days, will be deemed to have resigned from the bush fire brigade.
- (3) Where a membership is terminated, all property owned by the bush fire brigade; the local government or the Department that is held by or in the possession of the person whose membership has been terminated, must be returned to the bush fire brigade.

2.8 Member has right of defence

A bush fire brigade member is not to be dismissed under clause 2.7(1)(c) or have his or her membership terminated under clauses 2.6(6)(b), without being given the opportunity to meet with the Committee and the Chief Bush Fire Control Officer and respond to any allegations which might give grounds for dismissal or termination of membership, and unless the response has been duly considered.

2.9 Existing liabilities to continue

The resignation, or dismissal of a member under clause 2.7 or the suspension or termination of a member under clause 2.6, does not affect any liability of the bush fire brigade member arising prior to the date of resignation, dismissal, suspension or termination as the case may be.

2.10 Objection rights

- (1) A person whose—
 - (a) application for membership is refused under clause 2.4(1)(b);
 - (b) membership is terminated under clauses 2.7(1)(c)(iv) or clause 2.6(6)(b); or
 - (c) membership is suspended under clause 2.6(1) or clause 2.6(2);has a right of objection to the CEO.
- (2) Where a person lodges an objection to the CEO pursuant to subclause (1), the CEO, or another person nominated in writing by the CEO, may dispose of the objection by—
 - (a) dismissing the objection;
 - (b) varying the decision objected to; or
 - (c) revoking the decision objected to, with or without substituting for it another decision; or
 - (d) referring the matter, with or without directions, for another decision by the Committee.
- (3) No further right of review is available under this local law in respect of a decision made by CEO pursuant to subclause (2).

PART 3—FUNCTIONS OF BRIGADE OFFICERS**3.1 Chain of command during fire fighting activities**

Subject to the Act, the Regulations, the command hierarchy to apply during fire fighting response activities is—

- (a) Chief Bush Fire Control Officer;
- (b) Deputy Chief Bush Fire Control Officer;
- (c) Bush fire control officers, in accordance with seniority;
- (d) Captain;
- (e) Lieutenants, in accordance with seniority;
- (f) Fire fighter.

The most senior in attendance takes command and control operationally. Nothing precludes command and control being undertaken by a person of lesser rank by mutual agreement or by an employee of the Department, subject to any formal documented hand over requirements.

3.2 Captain

- (1) The Captain is the most senior operational brigade member of the brigade.
- (2) Subject to subclause (3) below, the Captain is to preside at all meetings.
- (3) In the absence of the Captain, the meeting is to be presided by the next senior operational person.
- (4) The Captain is responsible for the efficient administration of the brigade.

3.3 Lieutenant

- (1) A Lieutenants role is to—
 - (a) provide support to the Captain and assist with the management of the brigade;
 - (b) effectively guide, manage and mentor fire fighting members during direct fire fighting incident response activities and normal brigade activities;
 - (c) maintain a personal incident diary with a record of events that occur during all incidents attended;
 - (d) in the absence of the Captain or to support the Captain, assist with or conduct brigade briefings and post incident analysis of any incident involving direct fire fighting response activities; and
 - (e) actively support other appointed Lieutenants.

3.4 Secretary

The Secretary is to—

- (a) be in attendance at all meetings and keep accurate minutes of the proceedings of the brigade, which must 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 donations and monies on behalf of the brigade, and remit them to the Treasurer upon receipt;
- (e) maintain a register of all current brigade members which includes each brigade member's contact details and type of membership; and
- (f) provide the local government a copy of the minutes of all Committee meetings, within 14 days.

3.5 Treasurer

The Treasurer is to—

- (a) receive donations and monies from the Secretary and deposit all monies to the credit of the 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 brigade; and
- (e) report on the financial position at meetings of the brigade and or Committee.

3.6 Equipment Officer

The Equipment Officer is responsible for the inspection and maintenance of all equipment and appliances, as directed by the brigade Captain.

3.7 Storage of equipment

The Equipment Officer may store part or all of the equipment of the brigade at a place approved by the Chief Bush Fire Control Officer, following consultation with the local government.

PART 4—COMMITTEE**4.1 Management of a bush fire brigade**

- (1) Subject to the provisions of this local law, the administration and management of the affairs of a bush fire brigade are vested in the Committee.

(2) Without limiting the generality of subclause (1), the Committee of a bush brigade is to have the following functions—

- (a) to consider matters relating to the administration and affairs of the bush fire brigade;
- (b) to recommend to the local government amendments to this local law;
- (c) to approve the annual budget for the brigade and present it at the annual general meeting of the bush fire brigade;
- (d) to propose a motion for consideration at any meeting of the bush fire brigade;
- (e) to recommend to the local government equipment which needs to be supplied by the local government to the bush fire brigade;
- (f) to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade activities;
- (g) to delegate to a person, as from time to time thought fit, any functions (being less than the total functions of the Committee) on any conditions it thinks fit;
- (h) 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
- (i) deal with membership applications, terminations, suspensions, grievances, disputes and disciplinary matters.

4.2 Membership of committee

(1) The Committee of the bush fire brigade is to consist of the Captain, First Lieutenant, Secretary, Treasurer and 2 other brigade members. The Committee of a bush fire brigade must not exceed a total of 6 brigade members.

(2) The Committee members are to—

- (a) be elected at the annual general meeting of the bush fire brigade;
- (b) hold office until the next annual general meeting; and
- (c) be eligible for re-election at the next annual general meeting.

4.3 Termination of committee membership

(1) Any Committee member may be removed from office by a majority decision of the brigade members present in person at a special meeting called for such a purpose.

(2) If a position becomes vacant prior to the commencement of the annual general meeting, then the bush fire brigade is to elect a person to fill the vacancy at a special meeting within 4 weeks of the vacancy occurring.

(3) The local government is to be advised of the removal of a committee member from office pursuant to subclause (1), or the election of a person to fill a vacancy pursuant to subclause (2) within 7 days.

PART 5—MEETINGS OF THE BUSH FIRE BRIGADE

5.1 General meetings

(1) General meetings should be held at least quarterly. The Secretary must give at least 7 days' notice to all brigade members and the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

(2) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting by way of an agenda.

5.2 Special meetings

(1) The Secretary after consultation with the Captain is to call a special meeting when 3 or more brigade members request one in writing or where this local law requires such a meeting.

(2) At least 14 days' notice of a special meeting is to be given by the Secretary to all brigade members and the Chief Bush Fire Control Officer and Deputy 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 the notice given under subclause (3) in relation to that meeting.

5.3 Annual general meeting

(1) At least 14 days' notice of the annual general meeting is to be given by the Secretary to all brigade members and the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

(2) At the annual general meeting, the bush fire brigade is to—

- (a) elect the brigade officers from among the brigade members;
- (b) consider the Captain's report on the year's activities;
- (c) adopt the annual financial statements;
- (d) deal with any general business arising from the previous annual general meeting; and
- (e) deal with any business approved by the Captain.

5.4 Notice of a meeting

- (1) Notices of meetings of the bush fire brigade are to be in writing and may be—
 - (a) sent by ordinary post to the registered address of each brigade member;
 - (b) given in person to each brigade member;
 - (c) by email; or
 - (d) by notice published in a newspaper circulating in the area of the bush fire brigade.
- (2) The notice of a meeting must—
 - (a) set out the date, time, and place of the meeting; and
 - (b) set out particulars of motions of which notice has been given; and in the case of special meetings, set out particulars of the business to be transacted.
- (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 notice or any resolutions passed at the meeting.
- (4) If a meeting under clauses 5.1, 5.2 or 5.3 of these Rules ceases to have a quorum at any time, the presiding member is to immediately—
 - (a) close the meeting; or
 - (b) adjourn the meeting for not more than 30 minutes after which the meeting is to be closed if a quorum is not achieved within that time.

5.5 Quorum

- (1) Except for meetings of the Committee, the quorum for a meeting of a bush fire brigade is—
 - (a) Where the brigade membership is 3 persons or less, 100% of members.
 - (b) Where brigade membership is 4 or more persons, but less than 8 persons, 3 members.
 - (c) Where brigade membership is 8 persons or more, but less than 12 persons, 4 members.
 - (d) Where brigade membership is 12 persons or more, but less than 20 persons, 5 members.
 - (e) Where membership is 20 or more persons, 25% of members.
- (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.
- (3) Should a quorum not be present, all matters requiring urgent decision are to be dealt with at a special meeting of the bush fire brigade.
- (4) If a meeting ceases to have a quorum at any time, the presiding member is to immediately—
 - (a) close the meeting; or
 - (b) adjourn the meeting for not more than 30 minutes after which the meeting is to be closed if a quorum is not achieved within that time.

5.6 Voting

- (1) 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.
- (2) Unless otherwise stated in 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 majority of the brigade members present in person at the meeting.

PART 6—MEETINGS OF COMMITTEE**6.1 Meetings of Committee**

- (1) The Committee is to meet for the despatch of business, adjourn and otherwise regulate its meeting as it thinks fit.
- (2) The Captain or the Secretary, may convene a meeting of the Committee at any time.
- (3) Where a Committee member cannot be contacted, a notice of meeting of the Committee is to be in writing and may be—
 - (a) sent by ordinary post to the registered address of the Committee member; or
 - (b) sent by email,7 days prior to the meeting.
- (4) Where the business is of an urgent nature and subclause (3) is not reasonable, upon request from the Captain or Secretary, the Chief Bush Fire Control Officer will determine if the meeting of the Committee is to be held or not.

6.2 Quorum of the Committee

- (1) The quorum for a Committee meeting is 5 members of the Committee, present in person.
- (2) No business is to be transacted at a meeting of the Committee without a quorum of Committee members. Subject to these Rules, where a decision is to be made by the Committee, then the decision is to be made by a resolution passed by a simple majority of Committee members present, in person.
- (3) The minutes of any meeting of the Committee must be presented to the next general meeting of the bush fire brigade.

6.3 Voting

Each committee member is to have one vote, however in the case of an equality of votes, the Captain (or person presiding) may exercise an additional casting vote.

PART 7—GENERAL ADMINISTRATION MATTERS

7.1 Funds

The funds of a bush fire brigade are to be used solely for the purpose of promoting the objectives of the bush fire brigade.

7.2 Financial year

The financial year of a bush fire brigade is to commence on 1 May and is to end on 30 April of the following year.

7.3 Banking

(1) The funds of a bush fire brigade are to be placed in the bush fire brigade's bank account and are to be drawn on only by—

- (a) cheques signed jointly by any 2, of the Captain, Secretary or Treasurer; or
- (b) authorised use of electronic banking by the Secretary or Treasurer in accordance with subclause (2).

(2) For the purposes of subclause (1)(b), any 2 of the Captain, Secretary or Treasurer may authorise in writing the use of electronic banking to draw on the funds of a bush fire brigade.

7.4 Disclosure of interests

(1) A brigade member must disclose any financial interest (whether direct or indirect) he or she may have in any matter being considered at a Committee or other bush fire brigade meeting.

(2) If a financial interest has been disclosed under subclause (1), then the brigade member must not vote on that matter.

PART 8—GRIEVANCE AND DISPUTES RESOLUTION

8.1 Grievance and dispute resolution process

(1) Any grievance or dispute between bush fire brigade members must be reported to the Captain in writing in the first instance. Where the Captain is directly involved in the subject of a particular grievance or dispute, the report on the matter must be in writing to the Chief Bush Fire Control Officer.

(2) The Captain in consultation with the Chief Bush Fire Control Officer will arrange to formally interview the parties involved to gather the facts and investigate. If the Captain or the Chief Bush Fire Control Officer are parties associated with a particular grievance or dispute they will together, identify two other independent brigade officers to carry out the investigation.

(3) Following investigation, the Captain in consultation with the Chief Bush Fire Control Officer or the two other brigade officers undertaking the investigation as the case may be, are to prepare and present a written report to the Committee.

(4) The Committee is to make a determination on the allegation made using the principles of natural justice and either substantiate the claim or reject the claim.

(5) If the claim is substantiated the Committee may at its absolute discretion decide the appropriate course of action, which may include termination, suspension, mediation or further training.

(6) Where a bush fire brigade membership is suspended or termination the objection rights in clause 2.10 apply.

(7) All outcomes from any grievance or disputes lodged are to be in writing.

PART 9—CONDUCT

9.1 Personal behaviour

(1) Bush fire brigade members must—

- (a) act, and be seen to act, properly and professionally at all times, and in accordance with the requirements of the Act, Regulations, this local law and the Departments Standard Operating Procedures.
- (b) undertake their duties and functions impartially and in the best interests of the bush fire brigade and the local government, uninfluenced by fear or favour.
- (c) always act in good faith and observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards.
- (d) spread no rumours, participate in gossip, or make allegations which are improper, false, or derogatory.
- (e) never use information obtained in the course of their brigade membership to the detriment of a bush fire brigade or the local government.
- (f) actively support the broad principles of diversity and inclusion and refrain from any form of conduct or behaviour that could be deemed to be bullying or harassment.

- (g) not use social media for any bush fire brigade purposes that could be considered negative and not in the best interests of the bush fire brigade.
- (h) follow lawfully directions and instructions.

9.2 Health and safety

Work health and safety is important. Brigade members must actively support their own safety and the safety of others when undertaking normal brigade activities.

Always wear protective clothing, if and where required, and never put yourself or anyone else in harm's way. Ensure you are trained in the use appliances and equipment and never undertake tasks you are assigned, operationally or otherwise, unless you hold the appropriate recognised training accreditation. All work place hazards, and any incident are to be reported through the chain of command immediately.

9.3 Shire resources

(1) All equipment and appliances of bush fire brigades, including land and building occupied, (Shire resources) are owned by the local government.

(2) Bush fire brigade members will—

- (a) be honest in their use of Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use Shire resources entrusted to them effectively, economically, and only in the course of their duties;
- (c) ensure all checks are undertaken of appliance prior to use to ensure safe operability; and
- (d) not use any Shire resource for any private purpose.

9.4 Working with children

Where a bush fire brigade has cadet members or any other member under the age of 18 years, all brigade members must hold a valid Working with Children check.

9.5 Reporting suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour

Bush fire brigade members must report suspected unethical, fraudulent, dishonest, illegal, or corrupt behaviour within the bush fire brigade structure to the nominated local government public information disclosure (PID) officer. A contact list of PID officer can be found on the Public Sector Commissions website.

Dated 13 December 2023.

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

AUDRA R SMITH, Shire President.
KENN DONOHUE, Chief Executive Officer.
