

LOCAL GOVERNMENT ACT 1995  
BUSH FIRES ACT 1954

*Shire of Exmouth*

*Bushfire Brigade Amendment Local Law 2020*

Under the powers conferred by the *Local Government Act 1995*, the *Bush Fires Act 1954* and by all other powers, the Shire of Exmouth resolved on 24 September 2020 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Exmouth Bushfire Brigade Amendment Local Law 2020*.

2. Commencement

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

3. *Bushfire Brigade Local Law 2020* amended

This local law amends the *Shire of Exmouth Bushfire Brigade Local Law 2020*, as published in the *Government Gazette* on 5 February 2020.

4. Clause 2.10(1)(b) amended

In clause 2.10(1)(b) after 'clauses 2.7(1)(c)(iv)' insert ', clause 2.7(1)(c)(i)'.

5. Clause 5.5(3) amended

In clause 5.5(3) delete 'CBFCO' and replace with 'Chief Bush Fire Control Officer'.

Dated 16<sup>th</sup> October 2020

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

Shire President

Chief Executive Officer





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BUSH FIRES ACT 1954

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**SHIRE OF EXMOUTH**

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**BUSH FIRE BRIGADES  
LOCAL LAW 2020**



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

SHIRE OF EXMOUTH

**BUSH FIRE BRIGADES LOCAL LAW 2020**

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

SHIRE OF EXMOUTH

**BUSH FIRE BRIGADES LOCAL LAW 2020**

Under the powers conferred by the *Local Government Act 1995*, *Bush Fires Act 1954*, and all other powers enabling it, the Council of the Shire of Exmouth resolved on 19 December 2019 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Exmouth Bush Fire Brigades Local Law 2020*.

**1.2 Definitions**

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

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

*brigade area* is defined in clause 2.2(1)(b);

*brigade member* means any member as defined in Part 4—Brigade Membership, clause 4.1;

*brigade officer* means a person holding a position referred to in clause 2.2 (1)(c), whether or not he or she was appointed by the local government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

*Bush Fire Advisory Committee* means the persons appointed to a bush fire advisory committee under and in accordance with section 67 of the Act;

*Bush Fire Brigade* means a “bush fire brigade” as defined in section 7 of the Act;

*Bush Fire Control Officer* means a Bush Fire Control Officer appointed under the Act;

*Bush Fire Operating Procedures* means the Bush Fire Operating Procedures adopted by the local government as amended from time to time;

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

*Chief Bush Fire Control Officer* means the Chief Bush Fire Control Officer appointed under the Act;

*Council* means the Council of the local government;

*Department* means the department of the public service principally assisting in the administration of the *Fire and Emergency Services Act 1998*;

*district* means the area within the boundary of the Shire of Exmouth;

*Firefighting member* means a registered member of a brigade and is defined in clause 4.2;

*local government* means the Shire of Exmouth;

*Regulations* means Regulations made under the Act; and

*Rules* means the Rules Governing the Operation of Bush Fire Brigades set out in the First Schedule to this local law.

(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) a Training Officer;
- (f) an Equipment Officer;
- (g) a Secretary; or
- (h) a Treasurer,

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

### 1.3 Repeal

The *Shire of Exmouth Bush Fire Brigades Local Law 2018* adopted by the Shire of Exmouth and published in the *Government Gazette* on 14 January 2019 is repealed.

### 1.4 Application

This local law applies throughout the district.

## PART 2—ESTABLISHMENT AND CANCELLATION 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 area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the “**brigade area**”); 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;
  - (vii) a Treasurer; and
  - (ix) any other position(s) deemed necessary for the effective management of brigade activities (e.g. Training Officer).

(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) expire at the completion of the first 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 first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with subclause (2).

### *Division 2—Command at a fire*

#### 2.3 Ranks within the bush fire brigade

(1) Where under the Act and Bush Fire Operating Procedures members of a bush fire brigade have command of a fire, unless a bush fire control officer is in attendance at the fire, the Captain has full control over all other persons fighting the fire, and is to issue instructions as to the methods and tactics to be adopted by the fire fighters.

(2) In the absence of the Captain, the first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.

(3) Where a bush fire control officer is in attendance at a fire which the members of a bush fire brigade have command of, under the Act and the Bush Fire Operating Procedures, the most senior bush fire control officer has full control over all other persons fighting the fire and is to issue instructions as to the methods and tactics to be adopted by the firefighters.

### *Division 3—Application of Rules to a brigade*

#### 2.4 Rules

(1) The Rules govern the operation of a bush fire brigade.

(2) A bush fire brigade and each brigade member is to comply with the Rules.

### *Division 4—Transitional*

#### 2.5 Existing bush fire brigades

(1) Where a local government has established a bush fire brigade prior to the commencement date of this local law, 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) the provisions of this local law apply to the bush fire brigade save for clause 2.2; and
  - (c) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules on the commencement day.
- (2) In this clause **commencement day** means the day on which this local law comes into operation.

*Division 5—Cancellation of a bushfire brigade*

**2.6 Cancellation of a bush fire brigade registration**

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 Bush Fire Operating Procedures or the Rules.

**2.7 New arrangement after cancellation of registration**

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

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

*Division 1—Local government responsibility*

**3.1 Local government responsible for structure**

The local government is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

**3.2 Bush fire brigade to be supplied with Act**

The local government is to supply each Bush Fire Control Officer and each bush fire brigade with a copy of the Act, the Regulations, the Bush Fire Operating Procedures, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments which are made thereto from time to time.

*Division 2—Chief Bush Fire Control Officer*

**3.3 Managerial role of Chief Bush Fire Control Officer**

Subject to any directions of the CEO, the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

**3.4 Chief Bush Fire Control Officer may attend meetings**

The Chief Bush Fire Control Officer or his/her nominated representative may attend as a non-voting representative of the local government and/or the Department, at any meeting of a bush fire brigade.

**3.5 Duties of Chief Bush Fire Control Officer**

The duties of the Chief Bush Fire Control Officer include—

- (a) provide leadership to bush fire brigades;
- (b) monitor bush fire brigades' resourcing, equipment, protective clothing and training levels;
- (c) 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
- (d) ensure that bush fire brigades are registered with the local government and the Department, and that lists of brigade members are maintained.

*Division 3—Bush Fire Advisory Committee*

**3.6 Functions of Advisory Committee**

If a Bush Fire Advisory Committee has been appointed, it is to have the functions set out in section 67 of the Act and is to include such number of nominees of the bush fire brigades as may be appointed by the local government from time to time.

**3.7 Advisory Committee to consider brigade motions**

The Bush Fire Advisory Committee shall consider any motion received from a bush fire brigade and may make a recommendation to the local government in relation to any motion supported by the Bush Fire Advisory Committee.

*Division 4—Appointment of Bush Fire Control Officers*

**3.8 Local Government to have regard to nominees for Bush Fire Control Officers**

When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by any bush fire brigade pursuant to clause 3.11 but is not bound to appoint the persons so nominated.

**3.9 Local government to advise Bush Fire Advisory Committee of appointments**

Within one month of the local government being advised of persons nominated by bush fire brigades pursuant to clause 3.11 to serve as bush fire control officers, the local government is to advise the Bush Fire Advisory Committee of the persons appointed by the local government as bush fire control officers.



*Division 5—Annual general meetings of bush fire brigades***3.10 Holding of annual general meeting**

A bush fire brigade is to hold its annual general meeting during the month of June each year.

**3.11 Nomination of Bush Fire Control Officer to Bush Fire Advisory Committee**

Subject to clause 3.6, at the annual general meeting of a bush fire brigade, one brigade member is to be nominated to the Bush Fire Advisory Committee to serve as the Bush Fire Control Officer for the brigade area until the next annual general meeting.

**3.12 Nomination of bush fire control officer to the Local Government**

If the local government has not established a Bush Fire Advisory Committee, then at the annual general meeting of a bush fire brigade, the bush fire brigade is to nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area until the next annual general meeting.

**3.13 Notification of elected office bearers**

The Secretary is to forward a list of elected office bearers and contact details from the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month of the annual general meeting.

**PART 4—BRIGADE MEMBERSHIP****4.1 Membership of a bush fire brigade**

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

- (a) Firefighting members;
- (b) trainee members;
- (c) associate members;
- (d) cadet members;
- (e) honorary life members; and
- (f) other membership categories that individual brigades may implement.

**4.2 Firefighting members**

Firefighting members are those persons being at least 16 years of age who undertake all normal brigade activities.

**4.3 Trainee members**

Non-qualified members joining a bush fire brigade shall be classified as trainee members until assessed as competent in bush firefighting.

**4.4 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;
- (d) to be supervised by a fire fighting member, who complies with the Department's Child Protection policy 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 brigade meetings;
- (f) not to be assigned ranks under the Department's rank structure;
- (g) to be administered in accordance with the Bush Fire Operating Procedures.

**4.5 Associate members**

Associate members are nonoperational members of a brigade who are not otherwise classified as a fire fighting member, trainee member or cadet member.

**4.6 Honorary life member**

The 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.

**4.7 Notification of membership**

- (1) All completed applications for membership forms are to be submitted to the Chief Bush Fire Control Officer within one week of the application being made in accordance with clause 2.2(b) of the Rules.
- (2) As soon as practicable after the bush fire brigade annual general meeting, the Chief Bush Fire Control Officer will supply all bush fire brigades with a list of current membership.
- (3) The bush fire brigades shall review those details and report any anomalies back to the Chief Bush Fire Control Officer within one month.

**PART 5—APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS****5.1 Rules to govern**

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules.

**PART 6—EQUIPMENT OF BRIGADES****6.1 Policies of local government**

The local government may make policies under which it—

- (a) provides funding to bush fire brigades for the purchase of protective clothing, equipment and training; and
- (b) keeps bush fire brigades informed of opportunities for funding from other bodies.

**6.2 Equipment in bush fire brigade area**

Not later than 31 January in each year, the bush fire brigade is to report to the local government the quantity and quality of all protective clothing, equipment and appliances of the brigade.

**6.3 Funding from Local Government**

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by 31 January in each year in order to be considered in the next following local government grant scheme.

**6.4 Consideration in the local government budget**

The local government—

- (a) may approve or refuse an application for funding depending upon its assessment of budget priorities for the year in question; and
- (b) shall advise bush fire brigades of the final outcome pertaining to their individual requests for funding.

**SCHEDULE 1—RULES GOVERNING THE OPERATION OF BRIGADES**

(Clauses 2.4, 5.1)

**PART 1—PRELIMINARY****1.1 Interpretation**

(1) 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 this local law, the Act or the Regulations, as the case may be.

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

“**simple majority**” means a majority of more than 50% of members of—

- (a) brigade members of a bush fire brigade, present in person or by proxy; 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 or by proxy, 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 a bush fire brigade, whether in attendance at the meeting or not; if the majority is required at a meeting of the bush fire 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;

“**local law**” means the Shire of Exmouth Bush Fire Brigades Local Law; and

“**normal brigade activities**” is defined by section 35A of the Act.

**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**

Applications for membership of a bush fire brigade shall—

- (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 shall forward a copy of the application to the Chief Bush Fire Control Officer within one week of the application being submitted; and

- (c) shall be determined by the Committee of the bush fire brigade, having regard to any advice received from the Chief Bush Fire Control Officer in relation to the application.

### **2.3 Conditions of membership**

(1) Members of a bush fire brigade shall comply with the Bush Fire Operating Procedures, the local government's Code of Conduct and the Department's Code of Conduct in carrying out normal brigade activities;

(2) In relation to any type of membership, as described in Part 4 of the local law, the bush fire brigade may establish policies pertaining 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 the bush fire brigade may be suspended at any time if, in the opinion of the CEO, the Committee, or the Chief Bush Fire Control Officer, 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 Bush Fire Operating Procedures, this local law or the bush fire brigade policies;
- (b) displaying conduct detrimental to the interests of the bush fire brigade and or local government;
- (c) has performed an unsafe act that jeopardizes the safety of the member or others;
- (d) has been charged by the Police for a criminal offence and is awaiting court proceedings; or
- (e) has acted in such a manner as to cause harm or distress to other brigade members.

(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 shall be up to a maximum of three (3) consecutive months and shall be determined by the Committee or the Chief Bush Fire Control Officer.

(6) Upon the expiry of the period of suspension the Committee or 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 the Committee or 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 Bush Fire Operating Procedures, the local law or the bush fire brigade policies whilst;
  - (iii) displaying conduct detrimental to the interests of the bush fire brigade, the local government and or the Department;
  - (iv) being convicted of a criminal offence that in the opinion of the Chief Bush Fire Control Officer would ordinarily exclude the member from joining a brigade; or
  - (v) acting in such a manner as to cause harm or distress to other brigade members by their activities; 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 twenty-one (21) days, shall 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, shall be returned to the bush fire brigade or Local Government Administration Centre.

### **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 or Chief Bush Fire Control Officer and respond to any allegations which might give grounds for dismissal or termination of membership.

### **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 local government Chief Executive Officer.

(2) Where a person lodges an objection to the local government Chief Executive Officer pursuant to subclause (1), the local government Chief Executive Officer 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—
  - (i) substituting for it another decision; or
  - (ii) referring the matter, with or without directions, for another decision by the Committee or Chief Bush Fire Control Officer.

(3) No further right of review is available under this local law in respect of a decision made by a local government Chief Executive Officer pursuant to subclause (2).

## **PART 3—FUNCTIONS OF BRIGADE OFFICERS**

### **3.1 Chain of command during firefighting activities**

Subject to the Act and the local law, the command procedures to apply during firefighting activities are as detailed in the local government's Bush Fire Operating Procedures.

### **3.2 Captain**

- (1) The Captain is the most senior operational 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 Secretary**

The Secretary is to—

- (a) be in attendance at all meetings and keep a correct minute and account of the proceedings of the brigade which shall 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; and
- (e) maintain a register of all current brigade members which includes each brigade member's contact details and type of membership.

### **3.4 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 brigade;
- (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.

### **3.5 Equipment Officer**

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

### **3.6 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.

## **PART 4—COMMITTEE**

### **4.1 Management of a bush fire brigade**

(1) Subject to the provisions of these Rules, 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 is to have the following functions—

- (a) to recommend to the local government amendments to these Rules;
- (b) to approve the annual budget for the brigade and present it at the annual general meeting of the bush fire brigade;
- (c) to propose a motion for consideration at any meeting of the bush fire brigade;
- (d) to recommend to the local government equipment which needs to be supplied by the local government to the bush fire brigade;
- (e) to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade activities;
- (f) 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;
- (g) 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
- (h) deal with membership applications, 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, 2 other brigade members and any other brigade members as may be determined by the Committee from time to time.

(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 an absolute majority decision of the brigade members present in person or by proxy at a special general 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 general 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 seven (7) days.

## **PART 5—MEETINGS OF THE BRIGADE**

### **5.1 General meetings**

(1) General meetings may be called at any time by the Secretary by giving at least 7 days' notice to all brigade members and the Chief Bush Fire Control Officer.

### **5.2 Special General meetings**

(1) The Secretary is to call a special general meeting when 5 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 general meeting is to be given by the Secretary to all brigade members and the 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 general 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.

- (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 shall—
- (a) Set out the date, time and place of the meeting;
  - (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) Notices of meetings of the Committee may be given in writing in accordance with subclause (1) or by such other means as the Committee may decide (by an absolute majority) at a meeting of the Committee.
- (4) 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.

#### **5.5 Quorum**

- (1) Except for meetings of the Committee, the quorum for a meeting of a bush fire brigade is—
- (a) Where membership is 3 or less—100% of members;
  - (b) Where membership is 4 or more, but less than 8—3 members;
  - (c) Where membership is 8 or more, but less than 12—4 members;
  - (d) Where membership is 12 or more, but less than 20—5 members; or
  - (e) Where membership is 20 or more—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 referred to the CBFCO for decision.
- (4) If a meeting ceases to have a quorum at any time, the presiding member is too 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) 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.

### **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**

- (1) The quorum for a Committee meeting is five 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.

(3) 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 Committee members who are present in person or by proxy at the meeting.

### **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 shall disclose to the bush fire brigade or the Committee any financial interest (whether direct or indirect) he or she may have in any matter being considered by the bush fire brigade or the Committee, as appropriate.

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

### **7.5 Dispute Resolution**

(1) Any dispute between brigade members shall be referred to either the Captain or to the Committee for resolution.

(2) Where a dispute referred under subclause (1) is considered by the Captain or the Committee to concern the general interests of the bush fire brigade, then the Captain or the Committee, as the case may be, is to refer the dispute to a general meeting, a special general meeting or to an annual general meeting of the bush fire brigade.

(3) Where a dispute referred under subclause (2) is not resolved, the Captain or the Committee shall refer the dispute to the Chief Bush Fire Control Officer for resolution.

(4) Where a dispute referred under subclause (3) is not resolved, the Chief Bush Fire Control Officer shall refer the dispute to the CEO and the Department.

(5) The CEO is the final authority on matters affecting the bush fire brigade, and may resolve any dispute which is not resolved under subclause (1), (2) or (3). A determination of a dispute by the CEO is final.

### **7.6 Auditing**

(1) The bush fire brigade shall supply to the local government the full financial records of the bush fire brigade for the financial year not more than 7 days after the end of that financial year.

(2) The local government appointed auditor is to audit the financial records of the bush fire brigade and is to certify to their correctness or otherwise and provide a report to the Committee.

## **PART 8—NOTICES AND PROXIES**

### **8.1 Notices**

Where any notice other than a notice of meeting is to be given under these Rules, the notice is to be given by—

- (a) personal delivery;
- (b) post; or
- (c) email.

### **8.2 Proxies**

(1) Where under these Rules a brigade member may vote by proxy, in order for the proxy to so vote, the brigade member or the proxy shall give a notice, in the form of that appearing in this clause, to the person presiding at the meeting before the start of the meeting at which the proxy is to be used.

(2) A proxy is to be valid for the meeting for which it is given and for any adjournments of that meeting.

(3) A proxy shall be valid for the number of votes to which the brigade member is entitled.

- (4) If the non-attending member of the proxy does not give any indication of the manner in which the proxy is to vote, the proxy shall be entitled to vote or not vote as he or she thinks fit.
- (5) A proxy shall be entitled to speak on behalf of the non-attending member of the proxy.
- (6) All forms appointing proxies deposited under subclause (1) are to be retained by the Secretary for not less than 28 days after the conclusion of the meeting to which they relate, but if there is any objection to the validity of any vote at the meeting, they are to be retained until the determination of that objection.
- (7) The form appointing a proxy shall be in writing and signed by the brigade member appointing the proxy and shall be in or substantially in the form found in Schedule 2

**SCHEDULE 2—FORMS**

**PROXY**

[INSERT NAME] BUSH FIRE BRIGADE

[ANNUAL] [EXTRAORDINARY] [SPECIAL] GENERAL MEETING  
TO BE HELD ON [DATE]

I, .....

Being a brigade member appoint ..... to be my proxy and vote on my behalf at the meeting of the bush fire brigade to be held on [insert date] and at any adjournment of it. The proxy shall vote as follows—

MOTION	FOR	AGAINST	ABSTAIN
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1. ....

2. ....

If there is no instruction to the proxy as to the way to vote, the proxy shall exercise her or his discretion as to how to vote or whether to vote at all. In respect of any vote taken at the meeting on a matter which does not appear on the agenda, the proxy shall exercise her or his discretion as to the way he or she casts the vote or whether it is cast at all.

Date: .....

Signed: .....

NOTE: To be valid this proxy must be completed and returned to the Secretary of the bush fire brigade (or the presiding member) prior to the commencement of the meeting for which the proxy is valid.

Dated: 23 January 2020.

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

Cr M. NIIKKULA, Shire President.  
C. WOODS, Chief Executive Officer.