

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

**SHIRE OF PLANTAGENET**

**BUSH FIRE BRIGADES LOCAL LAW 2008**

# **BUSH FIRES ACT 1954**

## **SHIRE OF PLANTAGENET**

### **BUSH FIRE BRIGADES LOCAL LAW 2008**

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

SHIRE OF PLANTAGENET

**BUSH FIRE BRIGADES LOCAL LAW**

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers the Council of the Shire of Plantagenet resolved on 10 February 2004 to make the following local law.

**PART 1 - PRELIMINARY**

*Division 1 – Interpretation*

**1.1 Citation**

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

**1.2 Definitions**

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

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

“**Authority**” means the Fire and Emergency Services Authority of Western Australia established by section 4 of the Fire and Emergency Services Authority of Western Australia Act 1998;

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

“**brigade member**” means an active fire fighting member, auxiliary member or a cadet member of a bush fire brigade;

“**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**” is defined in section 7 of the Act;

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

“**Chief Bush Fire Control Officer (CBFCO)**” means the chief bush fire control officer appointed by the local government from time to time in accordance with the provisions of the Act

“**Deputy Chief Bush Fire Control Officer (DCBFCO)**” means the deputy chief bush fire control officer appointed by the local government from time to time in accordance with the provisions of the Act

“**Bush Fire Control Officer (BFCO)**” means a bush fire control officer appointed by the local government from time to time in accordance with the provisions of the Act.

“**CEO**” means the chief executive officer of the Shire of Plantagenet;

“**Council**” means the Council of the local government;

“**financial year**” means the period 1 July to 30 June annually;

“**active fire fighting member**” is defined in clause 4.2;

“**local government**” means the Shire of Plantagenet;

“**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,

(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) an Equipment Officer;
- (f) a Secretary;
- (g) a Fire Weather Reporting Officer

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

## **PART 2 – ESTABLISHMENT OF BUSH FIRE BRIGADES**

### *Division 1 – Establishment of a bush fire brigade*

#### **2.1 Establishment of a bush fire brigade**

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

#### **2.2 Name and officers of 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 Fire Weather Reporting 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. Any person appointed to the position of Captain or First Lieutenant shall be a Bush Fire Control Officer.
- (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) run for the following financial year after the brigade's annual general meeting.
- (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 the bush fire brigade have command of a 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, including any safety considerations. 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.

- (2) Where a bushfire control officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Bush Fire Operating Procedures, the most senior bushfire 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 fire fighters, including any safety considerations.

#### *Division 3 – Application of Rules to a bush fire 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, then on and from the commencement day –
  - (a) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;
  - (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.
- (2) In this clause “**commencement day**” means the day on which this local law comes into operation.

#### *Division 5 – Dissolution of bush fire brigade*

### **2.6 Dissolution of 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 Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established.

### **2.7 New arrangement after dissolution**

If a local government cancels the registration of a bush fire brigade, alternative fire control 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 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 Officers to be supplied with rules**

The local government is to supply each brigade officer with a copy of this local law, the rules governing Brigades 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.

### **3.3 Delegation of Authority**

The local government delegates authority to the chief executive officer of the local government at the time to ensure that this local law is upheld.

#### *Division 2 – Chief Bush Fire Control Officer*

### **3.4 Managerial role of Chief Bush Fire Control Officer**

Subject to any directions by the local government the Chief Bush Fire Control Officer, or the Deputy at the Chief Bush Fire Control Officer's delegation, has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

### **3.5 Chief Bush Fire Control Officer may attend meetings**

The Chief Bush Fire Control Officer or the Deputy at the Chief Bush Fire Control Officer's delegation may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

### **3.6 Duties of Chief Bush Fire Control Officer**

The duties of the Chief Bush Fire Control Officer or the Deputy at the Chief Bush Fire Control Officer's delegation, include –

- (a) provide leadership and direction to the volunteer bush fire brigades;
- (b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government;
- (c) liaise with the Chief Executive Officer of 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;
- (d) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained and that these details and any changes are notified to the Authority in terms of Section 41(2a) of the Act.

### **3.7 Delegation of Duties**

The Chief Bush Fire Control Officer may delegate to the Deputy Chief Bush Fire Control Officer if the Chief Bush Fire Control Officer is unable or unwilling to perform his duties as a Bush Fire Control Officer and may delegate all or some of these duties to the Deputy.

#### *Division 3 – Annual general meetings of bush fire brigades*

### **3.8 Holding of annual general meeting**

A bush fire brigade is to hold its annual general meeting by 30 April each year.

### **3.9 Nomination of bush fire control officers to Bush Fire Advisory Committee**

At the annual general meeting of a bush fire brigade, one or more brigade member(s) is/are to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer(s) for the brigade area for the following financial year.

### **3.10 Minutes to be tabled before the Bush Fire Advisory Committee**

- (1) The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within 14 days of the meeting.
- (2) The Chief Bush Fire Control Officer is to table the minutes of a bush fire brigade's annual general meeting at the next annual meeting of the Bush Fire Advisory Committee following their receipt under sub clause (1).

#### *Division 4 – Bush Fire Advisory Committee*

### **3.11 Functions of Advisory Committee**

The Bush Fire Advisory Committee 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 is determined by the local government.

### **3.12 Advisory Committee to nominate bush fire control officers**

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person or persons for the position of a bush fire control officer for the brigade area.

### **3.13 Local Government to have regard to nominees**

When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

### **3.14 Advisory Committee to consider bush fire brigade motions**

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

### **3.15 Advisory Committee to prepare equipment replacement strategies**

The Bush Fire Advisory Committee is to make recommendation to the local government on the local government's capital, plant and equipment program prior to 31 December annually so that the requirements can be included in the ESL Capital Budget submission which is to be forwarded to the Authority prior to the 31 January each year. The local government capital, plant and equipment replacement program is to be developed over a five (5) year time frame.

## **PART 4 – TYPES OF BUSH FIRE BRIGADE MEMBERSHIP**

### **4.1 Types of membership of bush fire brigade**

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

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

#### **4.2 Active Fire fighting members**

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

#### **4.3 Auxiliary members**

Auxiliary members are those persons who are 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.

#### **4.4 Cadet members**

Cadet members are –

- (a) to be aged eleven (11) to fifteen (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 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 bush fire brigade meetings;
- (f) not to be assigned ranks under the Authority's rank structure.

#### **4.5 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) No membership fees are to be payable by an honorary life member.

#### **4.6 Notification of membership**

No later than 31 May in each year, the bush fire brigade is to report to the Chief Fire Control Officer the name, contact details and type of membership of each brigade member.

### **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 BUSH FIRES BRIGADES**

#### **6.1 Policies of local government**

The local government may make policies under which it –

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

#### **6.2 Equipment in Brigade Area**

Not later than 31 December in each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

### **6.3 Funding from local government budget**

A request to the local government from the bush fire brigade for funding of protective clothing, plant, equipment or appliance needs is to be received by the local government by 31 December annually in order to be considered in the next following local government budget and for inclusion in the local government's ESL Capital and Operating Budget submission to the Authority.

### **6.4 Consideration in the local government budget**

The local government may approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question.

## **FIRST SCHEDULE SHIRE OF PLANTAGENET RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES 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.
- (2) In these Rules, unless the context otherwise requires –  
“**Committee**” means the Committee of the bush fire brigade;  
“**local law**” means the Shire of Plantagenet's Bush Fire Brigades Local Law; and  
“**normal brigade activities**” is defined by section 35A of the Act
- (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 or by proxy 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 or by proxy at the meeting.

## **PART 2 – OBJECTS AND MEMBERSHIP OF BUSH FIRE BRIGADE**

### **2.1 Objects of bush fire brigade**

The objects of the bush fire brigade are to carry out –

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

### **2.2 Committee to determine applications**

Applications for membership are to be determined by the Committee and are to be consistent with equal opportunity principles and in accordance with the local government employment policies current at the time of determination.

### **2.3 Conditions of membership**

- (1) 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;
  - (c) procedures to be employed by the Committee prior to approval of an application for membership,

and the Committee is to act within the parameters of any such policy in determining applications for membership.

#### **2.4 Applications for membership**

- (1) An application for membership is to be in writing and is to be submitted to the Secretary and in the case of –
  - (a) an application for active fire fighting membership is to be accompanied by a completed form in the form determined by the local government from time to time.
  - (b) an application for auxiliary membership is to be accompanied by a completed form in the form determined by the local government from time to time.
  - (c) an application for cadet membership is to be accompanied by a completed form in the form determined by the local government from time to time.

#### **2.5 Decision on application for membership**

- (1) 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 reasons for the refusal, as soon as practicable after the decision is made, to the applicant and the advice that the applicant has the right to object to the local government.

#### **2.6 FESA to be notified of registrations**

If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the Authority within fourteen (14) days of a person being admitted to membership in the form required by the Authority from time to time.

#### **2.7 Termination of membership**

- (1) Membership of the bush fire brigade terminates if the member –
  - (a) dies;
  - (b) gives written notice of resignation to the Secretary;
  - (c) is, in the opinion of the Committee, permanently incapacitated by mental or physical ill-health; or
  - (d) is dismissed by the Committee.

#### **2.8 Suspension of membership**

- (1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee, circumstances warrant suspending the member.
- (2) The period of suspension shall be at the discretion of the Committee.
- (3) Upon the expiry of the period of suspension the Committee may:
  - (a) terminate the membership; or
  - (b) reinstate the membership.

#### **2.9 Existing liabilities to continue**

- (1) The resignation or dismissal of a member under clause 2.7 does not affect any liability of the brigade member arising prior to the date of resignation or dismissal.

## **2.10 Member has right of defence**

A brigade member is not to be dismissed under clause 2.8(1) without being given the opportunity to meet with the Committee and answer any charges which might give grounds for dismissal.

## **2.11 Objection Rights**

- (1) A person whose -
  - (a) application for membership is refused under clause 2.5(1)(b);
  - (b) membership is terminated under clause 2.8(1)(c); clause 2.5(1)(b) ; or clause 2.7(1)(c); or
  - (c) membership is suspended under clause 2.7(1)(d),has the right of objection to the local government.
- (2) The local government may dispose of the objection referred to in clause 2.11 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.

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

### **3.1 Chain of command during fire fighting activities**

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

### **3.2 Duties of Captain**

- (1) Subject to subclause (2) below, the Captain is to preside at all meetings, unless the Captain chooses not to.
- (2) In the circumstances where the Captain chooses not to be the Presiding Officer or in the absence of the Captain, the meeting may elect another person to preside at the meeting.
- (3) Unless delegated to another Fire Control Officer, to ensure that the incident report form, in the form required by the Authority is completed and forwarded to the Chief Bush Fire Control Officer and the local government within 14 days after attendance by the bush fire brigade at an incident.
- (4) Unless delegated to another Fire Control Officer, where a bush fire brigade attends an incident on more than one day, the incident report form is to be completed and forwarded under clause 3.2.(3) within fourteen (14) days after the last day of attendance.

### **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 bush fire brigade in a book 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) maintain a register of all current brigade members, which includes each brigade member's contact details and type of membership;

- (e) provide no later than 31 May in each year, a report to the Chief Bush Fire Control Officer detailing the name, contact details and type of membership of each brigade member.

### **3.4 Equipment Officer**

The Equipment Officer is responsible for the custody and maintenance in good order and condition of all protective clothing, equipment and appliances provided by the local government to the bush fire brigade (or of the bush fire brigade).

### **3.5 Storage of equipment**

- (1) The Equipment Officer may store all of the equipment of the bush fire brigade at a place approved by the Captain (the "station").
- (2) If there is to be more than one station in the brigade area, the Equipment Officer is to appoint in respect of each station a person who is responsible for the custody and maintenance in good order and condition of all equipment and appliances at the station, subject to any direction of the Equipment Officer.

### **3.6 Equipment Officer to report**

The Equipment Officer is to provide, no later than 31 December of each year, a report to the local government and bush fire brigade captain describing the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the bush fire brigade area (or at a station of the bush fire brigade).

## **PART 4 – COMMITTEE**

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

- (1) Subject to the provisions of these Rules, the administration and management of the affairs of the 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 draft the annual financial requirements for the bush fire brigade for the local government's consideration 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 by 31 December each year;
  - (e) 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;
  - (f) 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
  - (g) deal with membership applications, grievances, disputes and disciplinary matters.

### **4.2 Constitution of Committee**

- (1) The Committee of the bush fire brigade is to consist of the brigade officers being the Captain, Secretary, Equipment Officer, Fire Weather Reporting Officer, Fire Chief Officer and the Lieutenants of the bush fire brigade.
- (2) The brigade officers are to -
  - (a) be elected at the annual general meeting of the bush fire brigade;
  - (b) hold office from 1 July to 30 June annually; and

- (c) be eligible for re-election at the next annual general meeting.
- (3) Any brigade officer 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.
- (4) The Committee may appoint a brigade member to fill a vacancy in any office arising from a resolution under subclause (3) or which has arisen for any other reason.

## **PART 5 – MEETINGS OF BUSH FIRE BRIGADE**

### **5.1 Ordinary meetings**

- (1) Ordinary meetings may be called at any time by the Secretary by giving at least seven (7) days notice to all brigade members and to the Chief Bush Fire Control Officer, for the purpose of –
  - (a) organising and checking equipment;
  - (b) requisitioning new or replacement equipment;
  - (c) organising field excursions, training sessions, hazard reduction programs, and the preparation of fire-breaks;
  - (d) establishing new procedures in respect of any of the normal brigade activities; and
  - (e) dealing with any general business.
- (2) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (3) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

### **5.2 Special meetings**

- (1) The Secretary is to call a special meeting when 5 or more brigade members request one in writing.
- (2) At least two (2) days notice of a special meeting is to be given by the Secretary, to all brigade members and to 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 meeting beyond that specified in a notice given under subclause (2) in relation to that meeting.

### **5.3 Annual general meeting**

- (1) At least seven (7) days notice of the annual general meeting is to be given by the Secretary to all brigade members and to the Chief Bush Fire Control Officer.
- (2) At the annual general meeting the bush fire brigade is to –
  - (a) make recommendation to the Bush Fire Advisory Committee on the appointment of bush fire control officers from their brigade for the following financial year;
  - (b) elect the brigade officers from among the brigade members;
  - (c) consider the Captain's report on the year's activities;
  - (d) deal with any general business.
- (3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (4) Business may be conducted at an annual general meeting notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

#### **5.4 Quorum**

- (1) The quorum for a meeting of the bush fire brigade is 50% of the number of elected officers of the bush fire brigade at that time whether the positions are vacant or not as defined in Clause 6.2
- (2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum is present.

#### **5.5 Voting**

Each brigade member is to have one (1) vote, however in the event of an equality of votes, the person presiding may exercise a casting vote.

### **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 Secretary may convene a meeting of the Committee at any time.

#### **6.2 Quorum**

No business is to be transacted at a meeting of the Committee unless a quorum of 50% of committee members is present in person.

#### **6.3 Voting**

Each committee member is to have one vote, however in the case of an equality of votes, the person presiding may exercise a casting vote.

### **PART 7 – GENERAL ADMINISTRATION MATTERS**

#### **7.1 Disclosure of interests**

- (1) A brigade member shall disclose to the bush fire brigade or Committee any financial interest (whether direct or indirect) he or she may have in any matter being considered by the bush fire brigade or Committee, as appropriate.
- (2) If a financial interest has been disclosed under subclause (1), then the bush fire brigade or Committee, as appropriate, is to decide, in the absence of the brigade member who disclosed that interest, whether or not the brigade member is to be permitted to vote on that matter.
- (3) Where the bush fire brigade or Committee, as appropriate, decides under subclause (2), that a brigade member is not to be permitted to vote on a matter, and the brigade member votes on the matter, then her or his vote is to be taken to have no effect and is not to be counted.

#### **7.2 Disagreements**

- (1) Any disagreement between brigade members may be referred to either the Captain or to the Committee.
- (2) Where a disagreement in subclause (1) is considered by the Captain or the Committee to be of importance to the interests of the bush fire brigade, then the Captain or the Committee, as the case may be, is to refer the disagreement to the annual general meeting, an ordinary meeting or a special meeting of the bush fire brigade.
- (3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement which is not resolved under subclause (1) or (2).

## PART 8 – NOTICES

### 8.1 Notices

- (1) Notices of meetings of the bush fire brigade are to be in writing and sent by ordinary post to the registered address of each brigade member.
- (2) 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.
- (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 the notice or any resolutions passed at the meeting.
- (4) Where any notice other than a notice of meeting is to be given under these Rules, the notice is to be –
  - (a) in writing;
  - (b) unless otherwise specified, given to or by the Secretary;
  - (c) given by –
    - (i) personal delivery;
    - (ii) post; or
    - (iii) facsimile transmission;
  - (d) taken to have been received, as the case may be –
    - (i) at the time of personal delivery;
    - (ii) Two (2) business days after posting; or
    - (iii) on the printing of the sender's transmission report.

Dated this 10<sup>th</sup> day of February 2004

The Common Seal of the Shire of Plantagenet was hereto affixed by authority of the Council in the presence of:

Cr K.M FORBES JP, Shire President  
Mr R J STEWART, Chief Executive Officer