

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

**SHIRE OF CAPEL**

**BUSH FIRE BRIGADES AMENDMENT LOCAL LAW 2016**

Under the powers conferred on it by the *Bush Fires Act 1954*, the *Local Government Act 1995* and all other relevant powers, the Council of the Shire of Capel resolved on June 22nd 2016 to make this local law.

**1. Title**

This local law may be cited as the *Shire of Capel Bush Fire Brigades Amendment Local Law 2016*.

**2. Commencement**

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

**3. Principal local law**

This local law amends the *Shire of Capel Bush Fire Brigades Local Law* as published in the *Government Gazette* on 23 May 2001.

**4. Table of contents amended**

- (1) The title of the contents page is amended by inserting “*LOCAL GOVERNMENT ACT 1995*” above “*BUSH FIRES ACT 1954*”.
- (2) The number “2016” is added at the end of the title line “Bush Fire Brigades Local Law”.
- (3) Item 3.8 in the Table of Contents section is amended by—
  - (a) Replacing the capital “L” on “Local” with a lower case “l”; and
  - (b) replacing the word “Authority” with the word “government”.
- (4) Replace “Bush Fire Brigade” with “bush fire brigade” throughout the Table of Contents.
- (5) The following text is added at the end of the existing Table of Contents—

**“First Schedule—Rules governing the operation of bush fire brigades**

[2.4]

**PART 1—PRELIMINARY**

1.1 Interpretation

**PART 2—OBJECTS AND MEMBERSHIP OF THE BUSHFIRE BRIGADE**

- 2.1 Objects of bush fire brigade
- 2.2 Committee to determine applications
- 2.3 Conditions of membership
- 2.4 Applications for membership
- 2.5 Decision on application for membership
- 2.6 Department to be notified of registrations
- 2.7 Termination of membership
- 2.8 Suspension of membership
- 2.9 Existing liabilities to continue
- 2.10 Member has right of defence
- 2.11 Objection rights

**PART 3—FUNCTIONS OF BRIGADE OFFICERS**

- 3.1 Chain of command during fire fighting activities
- 3.2 President
- 3.3 Secretary
- 3.4 Treasurer
- 3.5 Equipment Officer
- 3.6 Storage of equipment
- 3.7 Equipment Officer to report
- 3.8 Incident Controller to report

#### PART 4—COMMITTEE

- 4.1 Management of bush fire brigade
- 4.2 Constitution of Committee

#### PART 5—MEETINGS OF BUSH FIRE BRIGADE

- 5.1 Ordinary meetings
- 5.2 Special meetings
- 5.3 Annual General Meeting
- 5.4 Quorum
- 5.5 Voting
- 5.6 Auditor

#### PART 6—MEETINGS OF COMMITTEE

- 6.1 Meetings of Committee
- 6.2 Quorum
- 6.3 Voting

#### PART 7—GENERAL ADMINISTRATION MATTERS

- 7.1 Fees
- 7.2 Funds
- 7.3 Financial year
- 7.4 Banking
- 7.5 Disclosure of interests
- 7.6 Disagreements

#### PART 8—NOTICES AND PROXIES

- 8.1 Notices
- 8.2 Proxies

#### 5. Title amended

- (1) The title of the local law is amended by inserting “*LOCAL GOVERNMENT ACT 1995*” above “*BUSH FIRES ACT 1954*”.
- (2) The number “2016” is added to the end of the title line “BUSH FIRE BRIGADES LOCAL LAW”.

#### 6. Enacting clause amended

In the enacting clause of the local law, after “*Bush Fires Act 1954*” insert “and the *Local Government Act 1995*”.

#### 7. Clause 1.2 amended

In clause 1.2(1)—

- (a) delete the definitions for “*Authority*” and “*Council*”; and
- (b) insert the following new definition after CEO—

“*Department* means the Department of Fire and Emergency Services, Western Australia.”.

#### 8. Clause 2.6 amended

Remove the capital letters from “Bush Fire Brigades” in the subject line and replace with lower case letters.

#### 9. Clause 3.1 amended

In clause 3.1, delete “Council” and replace with “local government”.

#### 10. Clause 3.5 amended

Insert the word “and” at the end of 3.5(c).

#### 11. Clause 3.6 amended

Delete the words “during the month of March” and replace with “prior to June 30”.

#### 12. Clause 4.4 amended

- (a) Insert the word “and” at the end of 4.4(e); and
- (b) in 4.4(f), delete “Authority’s” and replace with “Department’s”.

#### 13. Clause 4.6 amended

Delete “March” and replace with “January”.

#### 14. Clause 6.2 amended

Delete “31 March” and replace with “30 June”.

#### 15. Clause 6.3 amended

Delete “March” and replace with “January”.

#### 16. First Schedule amended

- (1) In clause 2.3, add the word “and” at the end of 2.3(c).
- (2) In clause 2.6—

- (a) delete FESA from the subject line and replace with “Department”;
  - (b) delete the number (1) indicating the first paragraph;
  - (c) delete “local government” and replace with “Department”;
  - (d) delete “seven” and replace with “fourteen”;
  - (e) delete “Authority” and replace with “Department”; and
  - (f) delete paragraph 2—
    - “(2) The local government is to notify the Authority within seven days of the receipt of a person being admitted to membership in the forms required by the Authority from time to time.”.
- (3) In clause 3.2, delete the words “Duties of” from the subject line.
- (4) In clause 3.3—
- (a) add the word “and” at the end of 3.3(e); and
  - (b) in 3.3(f) delete “31 May” and insert “30 June”.
- (5) In clause 3.7, replace “31 March” with “30 June”.
- (6) In clause 3.8, renumber the paragraphs by—
- (a) removing the “(a)” from “1(a)”;
  - (b) replacing “(b)” with “(2)”;
  - (c) replacing the original “(2)” with “(3)”.
- (7) In the newly renumbered clause 3.8—
- (a) replace “Authority” with “Department” in (1);
  - (b) in (2), delete the “(a)” from “(1)(a)”;
  - (c) in (3), delete the word “forward” and replace with the words “ensure the Department has”;
  - (d) in (3), delete the words “form to the Authority”; and
  - (e) in 3, capitalise “incident controller”.
- (8) In clause 7.4—
- (a) insert “(1)” at the beginning of the first paragraph;
  - (b) delete the words “members of the Bush Fire Brigade appointed to do so” and insert the words “of the President, Secretary or Treasurer.”; and
  - (c) add the following sub clause—
    - “(2) If the Secretary/Treasurer is a combined position, both the President and Secretary/Treasurer are to sign the cheques referred to in subclause (1).”.
- (9) In clause 8.1(4)(c)—
- (a) delete “or” at the end of paragraph (c)(ii);
  - (b) insert “or” at the end of paragraph (c)(iii); and
  - (c) after paragraph (c)(iii) insert—
    - “(iv) email.”.
- (10) In clause 8.1(4)(d)—
- (a) delete “or” at the end of paragraph (d)(ii);
  - (b) delete the full stop at the end of paragraph (d)(iii) and substitute “; or”; and
  - (c) after paragraph (d)(iii) insert—
    - “(iv) “if no notification is received by the sender to indicate that an email is undeliverable.”.
- (11) In the signatory section, delete the word “Acting” found between the words “Sheedy” and “Chief”.

---

Dated 22nd June 2016.

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

M. T. SCOTT, President.  
P. F. SHEEDY, Chief Executive Officer.

---