Under the powers conferred by the Bush Fires Act 1954 and the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Victoria Plains resolved on 16 May 2018 to adopt the following local law.

1. Citation
This local law may be cited as the Shire of Victoria Plains Bush Fire Brigades Amendment Local Law 2018.

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

3. Principal local law amended
This local law amends the Shire of Victoria Plains Bush Fire Brigades Local Law 2017 as published in the Government Gazette on 29 August 2017.

4. Table of Contents amended
In the Contents, delete reference to clauses 3.3, 3.5 and 4.4 and insert in order—

3.3 Election and appointment of bush fire brigade officers
3.5 Duties of CBFCO and Captain
3.6 Training of officers
4.4 Right to object to or review of decision

5. Clause 1.5 amended
In clause 1.5, delete the definitions of Brigade area, brigade member, brigade officer and Regulations and insert the following definitions in alphabetical order—

bush fire brigade area has the meaning given to it in clause 2.2(b);
bush fire brigade member means a volunteer fire fighter having current membership of a bush fire brigade;
bush fire brigade officer means a person holding a position referred to in clause 3.3(1), irrespective of method of appointment to the position;
Regulations means Regulations made under the Act; and

6. Clause 2.4 amended
Delete subclause 2.4(1)(b) and insert—

(b) bush fire brigade officers in order of seniority; and

7. Clause 2.7 amended
Delete clause 2.7 and insert—

2.7 New arrangement after dissolution
If the local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the bush fire brigade area.

8. Clause 3.3 amended
Delete clause 3.3 and insert—

3.3 Election and appointment of bush fire brigade officers
(1) Subject to subclause (2), the members of a bush fire brigade shall elect—

(a) a Captain;
(b) a first lieutenant;
(c) a second lieutenant; and
(d) any additional lieutenants or officers considered appropriate for the effective management of normal brigade activities.

(2) If the members of a bush fire brigade have not elected a bush fire brigade member to a position, the local government may make an appointment to the position it sees fit and as considered appropriate.

(3) When considering the election or appointment of persons to the positions in subclause (1), the bush fire brigade members or the local government as the case may be, are to have regard to the qualifications, training and experience which may be advisable to fill each position.

(4) The local government may remove any person elected or appointed from any position.

9. Clause 3.5 amended
(a) Delete the title of clause 3.5 and insert—

3.5 Duties of CBFCO and Captain

(b) Delete subclauses 3.5(c) and (d) and insert—

(c) to liaise with the local government concerning fire prevention or fire suppression matters generally and directions issued by the local government to bush fire control officers (including those who issue permits to burn), bush fire brigades or bush fire brigade officers;

(d) to ensure that lists of bush fire brigade members are maintained in accordance with clause 4.3;

10. Clause 3.6 inserted
After clause 3.5 insert the following—

3.6 Training of officers

(1) The local government is to supply each bush fire control officer and Captain with a copy of the Act, the Regulations, any Bush Fire Operating Procedures adopted, this local law and any other written laws which may be relevant to the performance of the bush fire brigade officers’ functions, and any amendments made from time to time.

(2) Bush fire control officers are to complete a Bush Fire Control Officers course conducted by an organisation approved by the CEO, within 12 months of appointment, unless a course has been completed within the 4 years prior to appointment as a bush fire control officer.

(3) Bush fire control officers are required to complete a bush fire control officers course or a bush fire control officers refresher course at least once every 5 years.

11. Clause 4.3 amended
Delete subclause 4.3(1) and insert—

(1) The Captain is to review the membership and report to the CEO and CBFCO the name and contact details of each bush fire brigade member.

12. Clause 4.4 amended
Delete clause 4.4 and insert—

4.4 Right to object to or review of decision

(1) If an application for membership is refused under clause 4.2, the CEO is to notify the applicant in writing as soon as practicable after the decision is made, of—

(a) the reasons for the refusal; and

(b) the right to object to the local government within 14 days of the date of notice.

(2) If it is proposed that a bush fire brigade member is to be suspended under clause 4.3(2) or terminated under clause 4.3(3)(c) or (d), the CEO is to notify the bush fire brigade member in writing as soon as practicable after the decision is made, of—

(a) the reasons for the intention to suspend or terminate the bush fire brigade member;

(b) the opportunity to respond and answer any matters which might give grounds for suspension or dismissal—

(i) in person or in writing to the CEO; or

(ii) to meet with a minimum of any three of the Captain, CBFCO, CEO, or President; and

(c) the right to object to the local government within 14 days of the date of notice, or such other time as may be agreed.

(3) The decisions of any meeting in accordance with subclause (2)(b)(ii), of a bush fire brigade member with a minimum of any three of the Captain, CBFCO, CEO, or President—

(a) are to be made by simple majority; and

(b) may revoke, vary or confirm the original decision to suspend or terminate the bush fire brigade member.

(4) The bush fire brigade member is to be notified in writing as soon as practical after a decision under subclause (3) is made, of—

(a) the decision and the reasons for the decision; and

(b) the right to object to the local government within 14 days of the date of notice.
(5) The local government may dispose of an 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 a minimum
            of any three of the Captain, CBFCO, CEO, or President.

(6) The local government shall give written advice of the decision made under subclause (5) to the
     person.

13. Clause 4.5 amended
Delete clause 4.5 and insert—

   4.5 Existing liabilities to continue
   The resignation, suspension or termination of a member under clause 4.3 does not affect any
   liability of the bush fire brigade member arising prior to the date of resignation, suspension or
   termination of membership.

14. Clause 4.6 amended
Delete subclause 4.6(1) and insert—

   (1) Any disagreement between bush fire brigade members regarding normal brigade activities
       may be referred to the Captain.

15. Clauses 5.1 and 5.2 amended
Delete clauses 5.1 and 5.2 and insert—

   5.1 Administration
   All administrative matters of a bush fire brigade are to be managed by the local government,
   other than bush fire brigade specific internal arrangements.

   5.2 Finances
   All financial matters of a bush fire brigade are to be managed by the local government, other than
   bush fire brigade specific internal arrangements.

Dated: 8 June 2018.

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

                          D. S. LOVELOCK, President.
                          G. M. TEEDE, Chief Executive Officer.
CORRECTION
BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

Shire of Victoria Plains

It is notified for information that the amendment local law published on pages 3121 to 3123 of the Government Gazette dated 4 September 2018 was incorrectly titled and is accordingly corrected to read Bush Fire Brigades Amendment Local Law 2018.

G. M. TEEDE, Chief Executive Officer.