

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

SHIRE OF PLANTAGENET

**BUSH FIRE BRIGADES LOCAL LAW 2020**

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

SHIRE OF PLANTAGENET

**BUSH FIRE BRIGADES LOCAL LAW 2020**

Under the powers conferred by the *Bush Fires Act 1954* the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Plantagenet resolved on 28 January 2020 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

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

**1.2 Commencement**

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

**1.3 Definitions and interpretations**

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

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

*Active Member* has the meaning given in clause 4.12 of the Rules;

*Auxiliary Member* has the meaning given in clause 4.3 of the Rules;

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

*brigade member* means a volunteer fire fighter of a bush fire brigade;

*brigade administration 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 brigade* is defined in section 7 of the Act;

*bush fire control officer* means a person appointed to that office by the local government in accordance with section 38 of the Act;

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

*cadet* means any adolescent member of the Brigade who has attained the age of 11 years but not the age of 16 years;

*Chief Bush Fire Control Officer* means the Chief Bush Fire Control Officer appointed by the local government in accordance with section 38 of the Act;

*CEO* means the Chief Executive Officer of the Shire of Plantagenet;

*Council* means the Council of the local government;

*Department* means the Department of Fire and Emergency Services Western Australia, established by section 3 of the *Fire and Emergency Services Act 1998*;

*district* means the district of the local government;

*fire fighting member* is defined in clause 4.2 of the Rules;

*grievance* has the meaning given in Schedule 1 clause 4.16 (2);

*local government* means the Shire of Plantagenet;

*normal brigade activities* means all normal brigade activities relating to a live bush fire which is active in the district, and includes burning off, creating fire breaks and other methods for the control of bush fires;

*Regulations* means Regulations made under the Act;

*Rules* means the rules governing the operation of Bush Fire Brigades as set out in Schedule 1; and

*volunteer fire brigade* has the meaning given in the *Fire Brigades Act 1942*.

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

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

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

#### **1.4 Repeal**

This local law repeals the *Shire of Plantagenet Bush Fire Brigades Local Law 2004* as published in the *Government Gazette* on 7 April 2004, and as amended in the *Government Gazette* on 17 March 2006 and 11 April 2008.

#### **1.5 Application**

This local law applies throughout the district.

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

### *Division 1—Establishment of bush fire brigades*

#### **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 Brigade name and confirmed 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; and
- (c) appoint—
  - (i) a Captain;
  - (ii) a Fire Control Officer;
  - (iii) a First Lieutenant;
  - (iv) a Second Lieutenant;
  - (v) additional Lieutenants if the local government considers it necessary;
  - (vi) an Equipment Officer;
  - (vii) a Secretary;
  - (viii) a Treasurer.

(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 which are defined in the Rules.

(3) A person appointed to a position in subclause (1)(c) is to be a registered 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 the 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 other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the fire fighters. In the absence of the Captain, the Fire Control Officer, in the order of seniority determined, is to exercise all the powers and duties of the Captain.

(2) Where a bush fire 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 bush fire control officer has full control over other persons fighting the fire and is to issue instructions as to the methods to be adopted by the fire fighters.

*Division 3—Transitional*

**2.4 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 4—Dissolution of bush fire brigade*

**2.5 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, the Rules, or is not achieving the objectives of the Bush Fire Operating Procedures.

**2.6 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, Rules 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 prepare and adopt a Bush Fire Operating Procedures.

(3) The local government may make other applicable rules, policies and procedures as determined necessary by the local government.

*Division 2—Rules operating procedures and policies*

**3.2 Application of the Rules, procedures, policies and local law**

(1) The Rules and Bush Fire Operating Procedures govern the operation of a bush fire brigade.

(2) A bush fire brigade and each brigade member is to comply with the Rules and the provisions of this Local Law.

**3.3 Variation of procedures, policies and constitution**

(1) The local government may vary the Bush Fire Operating Procedures and policies at any time.

(2) The local government is to notify a bush fire brigade of any variation to the Bush Fire Operating Procedures and Policies as soon as practicable after making a decision under subclause (1).

**3.4 Brigades and officers to be supplied with Act, Rules, procedures and policies**

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

*Division 3—Chief Bush Fire Control Officer*

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

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and administration of bush fire brigades.

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

The Chief Bush Fire Control Officer or her or his nominee (who is to be a bush fire control officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

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

The duties of the Chief Bush Fire Control Officer are to—

- (a) provide leadership to volunteer 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; and

- (c) liaise with the local government concerning fire prevention or fire 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.

## **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 shall be accordance with the definitions contained in the Rules.

#### **4.2 Brigade membership**

- (1) The appointment, determination, dismissal and management of bush fire brigade membership are governed by the Rules and the Bush Fire Operating Procedures.
- (2) Application for membership, including registration of bush fire brigade members, is to be in accordance with the Rules and Bush Fire Operating Procedures.
- (3) Membership of the bush fire brigade terminates in accordance with the Rules.
- (4) The local government may terminate the membership of a brigade member in accordance with the Rules and Bush Fire Operating Procedures.
- (5) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Executive Committee, circumstances warrant suspending the member. The period of suspension shall be at the discretion of the Executive Committee.
- (6) Upon the expiry of the period of suspension the Executive Committee may—
  - (a) extend the period of suspension;
  - (b) terminate the membership; or
  - (c) reinstate the membership.
- (7) The resignation or termination of a member under clause 4.17 of Schedule 1 or clause 4.2(3) of this local law, does not affect any liability of the brigade member arising prior to the date of resignation or termination.

#### **4.3 Notification of membership**

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

#### **4.4 Grievance**

- (1) Grievances shall be managed in accordance with the Rules, Bush Fire Operating Procedures and Policies.
- (2) In respect to grievance complaints or submissions, where the complaint relates to or is made against the Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer or a Brigade Captain, the matter may be referred to an independent investigator as determined by the local government.
- (3) The CEO of the local government shall be the final ‘decision making authority’ in regards to the administration of a grievance.

### *Division 2—Meetings of bush fire brigades*

#### **4.5 Conduct of brigade meetings**

- (1) All bush fire brigade meetings are to be conducted in accordance with the Rules and the Bush Fire Operating Procedures.
- (2) In this clause, a reference to a bush fire brigade meeting means an—
  - (a) Annual general meeting of a bush fire brigade to be held in May of each year;
  - (b) Ordinary meeting of a bush fire brigade; or
  - (c) Special meeting of a bush fire brigade.

#### **4.6 Nomination of bush fire control officers to local government**

At the annual general meeting of a bush fire brigade, the brigade may nominate preferred candidates for the position of bush fire control officer to the Chief Bush Fire Control Officer and to the local government for consideration and recommendation to the Council.

#### **4.7 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 local government within one month after the meeting.
- (2) The Brigade is to table the minutes of a bush fire brigade’s annual general meeting at the next meeting of the—
  - (a) Bush Fire Advisory Committee; or
  - (b) The Council, if there is no Bush Fire Advisory Committee.

*Division 3—Bush Fire Advisory Committee*

**4.8 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.

**4.9 Advisory Committee to consider bush fire brigade motions**

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

**PART 5—EQUIPMENT OF BUSH FIRE BRIGADES**

**5.1 Policies and bush fire operating procedures of local government**

The local government may make policies and bush fire operating procedures under which it—

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

**PART 6—FUNDING OF BUSH FIRE BRIGADES**

**6.1 Funding under the Local Government Grant Scheme or equivalent**

(a) Requests by the local government for funding under the Local Government Grant Scheme or its equivalent shall be in accordance with the Local Government Grant Scheme Manual and the Bush Fire Operating Procedures.

(b) Expenditure of funds under the Local Government Grant Scheme or its equivalent shall be managed by the local government in accordance with the Local Government Grant Scheme Manual and the Bush Fire Operating Procedures.

**6.2 Funding from local government budget**

(a) 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 may submit a request to the local government for funding from the local government budget.

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

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

**6.3 Management and expenditure of bush fire brigade**

The management and expenditure of bush fire brigade funds shall be in accordance with the Rules and the Bush Fire Operating Procedures.

—————  
**SCHEDULE 1**

**RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES**

**Part 1—Preliminary**

**1. Interpretation**

In these Rules, unless the context otherwise requires—

***absolute majority*** means more than half of the total votes of those eligible to vote (including those absent and those present but not voting);

***active member*** is defined under the requirements of clause 4.12 of the Rules;

***AGM*** means Annual General Meeting;

***BFAC*** means the Shire of Plantagenet Bush Fire Advisory Committee;

***brigade*** means a Volunteer Bush Fire Brigade including any Incident Support Brigade currently registered with the local government;

***CBFCO*** means the Chief Bush Fire Control Officer appointed by the local government according to the Act;

***committee*** consists of Office Bearers of the brigade as provided for under clause 6 of the Rules;

***Executive Committee*** (if appointed) consists of Office Bearers of the Brigade as provided for under clause 6 of the Rules;

***DFES*** means the Department of Fire and Emergency Services;

***FCO*** means a Fire Control Officer;

***financial year*** means the period commencing on 1 July each year and ending on 30 June in the following year;

***fire fighter*** means a male or female member of a Brigade with the competency and currency to carry out operational fire fighting duties and be a minimum of sixteen (16) years of age. The member will be entitled to one (1) vote at their Brigade meetings;

**fire season** means the period of the Restrictive and Prohibited burning periods or as extended or shortened by the CBFCO and endorsed by the local government;

**local laws** means the *Shire of Plantagenet Bush Fire Brigades Local Law 2020*;

**management support** means a male or female member of the Incident Support Brigade with the competency and currency to carry out operational support duties and be a minimum of sixteen (16) years of age;

**non-fire season** means the period not already defined as the fire season for that year;

**normal brigade activities** as defined in section 35A of the Act;

**office bearers** means those appointed in accordance with clause 3 of the Rules;

**proxy vote** means the written authority given to a member present to cast a vote for another member who is absent from the meeting.

## Part 2—Objectives and Values

### 2.1 Objectives

- (1) The Brigade shall undertake the following objectives—
  - (a) provide timely, efficient and effective emergency services;
  - (b) minimise the impact of emergencies on the community;
  - (c) work with the community to increase bush fire awareness and fire prevention;
  - (d) ensure that active Members' training requirements are maintained and documented to meet DFES standards;
  - (e) ensure all operational equipment is serviceable and available for normal brigade activities;
  - (f) provide an environment where every individual is treated with respect, and which is free from discrimination or harassment; and
  - (g) service the needs of the community and work cohesively with other agencies.
- (2) Members are to adopt the Brigade values at all times when representing the Brigade.
- (3) The Brigade values include—
  - (a) Put the community first;
  - (b) Act with integrity and honesty;
  - (c) Work together as a committed team;
  - (d) Strive to keep ourselves and others safe;
  - (e) Respect and value the contribution of others;
  - (f) Have open and honest two way communication; and
  - (g) Continuously develop our skills to improve our service to the community.

## Part 3—Duties and Responsibilities of Brigade Office Bearers

### 3.1 General

- (1) The Office Bearers of the brigade should be able to demonstrate current competencies for the position of office they are nominated for, or give an undertaking to complete any training requirements prior to accepting the nomination or undertaking the duties and responsibilities of the said position.
- (2) Nominations are subject to the approval of the CBFCO. Such approval may be conditional on the nominee undertaking further training or other necessary arrangements to satisfy the competency requirements.
- (3) An Office Bearer is entitled to hold a maximum of one (1) additional administrative position within the brigade, however, the Captain cannot also be a Lieutenant and vice versa.

### 3.2 Captain

- (1) The Captain of the brigade shall be responsible for the leadership and management of brigade operations.
- (2) As a role model and mentor for members, the Captain should always act with integrity and consider each member equally. All decisions should be in the interest of the Brigade and its members.
- (3) The position reports to the CBFCO on brigade related matters.
- (4) Duties and responsibilities of the Captain include—
  - (a) Demonstrate positive leadership and mentor members;
  - (b) If the Captain is the senior officer at an incident—
    - (i) command, control and confidently manage activities at emergency incidents;
    - (ii) ensure incident control systems and management principles are implemented and maintained during all emergency incidents if required;
    - (iii) maintain some form of personal incident diary with a record of events and decisions that occur at an incident;
    - (iv) conduct Brigade briefings and post incident analysis of any incident involving fire fighting, incident support or management issues;

- (v) endeavour to ensure members deployed for operational duties have the competencies to complete the task or duty assigned and hold currency in training to carry out the functions required, in accordance with training recommendations;
  - (vi) undertake responsibility for the proper management and maintenance of Brigade property and equipment to the best of their ability; and
  - (vii) report any injuries of personnel or damage to fire fighting vehicles or equipment immediately to the CBFCO.
- (5) In the absence of the Captain, the next senior officer of the brigade has authority to exercise the powers of the Act delegated to the Captain (Part IV Section 44(1)).

(6) Qualifications—

<b>Qualifications</b>	<b>Experience</b>	<b>Competency Required</b>
Fire fighting and or support experience	Minimum 3 years	Competent
Induction and Introduction to Fire fighting		Competent
Bush Fire fighting Modules		Competent
Structural Fire fighting theory and/or practical		Competent
Sector Commander		Competent
AIIMS Awareness		Competent

### 3.3 Fire Control Officer

- (1) A FCO is a delegated representative of the local government responsible for the administration of provisions within the Act. The position is required to perform active operational duties in relation to both fire defence and fire prevention strategies within the local community.
- (2) A member of the Brigade may be nominated for this position at the Brigade AGM.
- (3) Fire Control Officers are nominated by the brigade to the Bush Fire Advisory Committee. The nomination is considered by BFAC and the CBFCO and if appropriate it is forwarded to the local government for its consideration and ratification.
- (4) Duties and responsibilities of the FCO include—
- (a) authorise permits for hazard reduction burns within the local government in accordance with the Act;
  - (b) identify and conduct risk assessments of fire hazards within the local government;
  - (c) perform duties prescribed by the Act and authorised by the local government;
  - (d) may take overall control of fire suppression activities or operational incidents where the local government is the Controlling Agency;
  - (e) maintain a personal incident diary to include a record of events and decisions during an incident;
  - (f) conduct brigade briefings and post incident analysis of any incident involving fire fighting or management issues.

(5) Qualifications—

<b>Qualifications</b>	<b>Experience</b>	<b>Competency Required</b>
Fire fighting and or support experience	Minimum 4 years	Competent
Induction and Introduction to Fire fighting		Competent
Bush Fire fighting Modules		Competent
Structural Fire fighting		Competent
Sector Commander		Competent
AIIMS Awareness		Competent
Fire Control Officer		Competent

### 3.4 Lieutenant

- (1) The Lieutenant of a brigade is responsible for the operational management of members during brigade activities. The position is required to provide operational support to the Captain in managing the brigade. The position reports to the Captain on all matters relevant to the functioning of the Brigade and/or personnel they are supervising.
- (2) The Brigade should appoint a minimum of two (2) Lieutenants. Additional Lieutenants may be appointed according to the needs of the Brigade. If operational circumstances require the number of Lieutenants for a brigade to be more than four (4), as decided by the Committee, a request is to be submitted in writing to the CBFCO for endorsement.
- (3) The brigade must rank all Lieutenants numerically according to seniority including length of service and relevant skills.
- (4) Duties and Responsibilities of a Lieutenant include—
- (a) provide support to the Captain and assist with the operational management of the brigade;
  - (b) in the absence of the Captain administer all powers and responsibilities of the Act (Part IV Section 44(1));
  - (c) command and manage members during normal brigade activities and other brigade related incidents and activities;

- (d) maintain a personal incident diary with a record of events that occur during all incidents if assuming the role of the most Senior Officer;
- (e) in the absence of a more Senior Officer, conduct brigade briefings and post incident analysis of any incident involving fire fighting or management issues;
- (f) encourage positive interaction and teamwork between members;
- (g) ensure DFES standing operating procedures are adhered to at brigade activities;
- (h) endeavour to ensure active members engaged in brigade activities are allocated tasks relevant to their competencies;
- (i) work cohesively with the Brigade Training Officer to conduct training activities for active members; and
- (j) ensure the behaviour of members is in accordance with the *Code of Conduct Policy*.

(5) Qualifications—

Qualifications	Experience	Competency Required
Fire fighting and or support experience	Minimum 3 years	Competent
Induction and Introduction to Fire fighting		Competent
Bush Fire fighting Modules		Competent
Structural Fire fighting theory and/or practical		Competent
Sector Commander		Competent

### 3.5 President

- (1) The President presides over all brigade meetings. The position is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.
- (2) The position reports to the Captain on administrative matters pertinent to the brigade. In the absence of the President, the Captain or next most Senior Officer may preside over a meeting.
- (3) The President shall perform the following functions—
  - (a) preside over all brigade meetings;
  - (b) ensure meeting procedure and protocol is maintained;
  - (c) promote the aims and objectives of the brigade where possible;
  - (d) advise the brigade on administrative matters;
  - (e) report brigade matters to the Captain;
  - (f) promote open fair discussion during debate in relation to brigade matters; and
  - (g) ensure minutes of meetings are signed and dated by the President.
- (4) Qualifications must include—
  - (a) Understanding of meeting procedures; and
  - (b) Demonstrated ability to conduct and manage meetings.

### 3.6 Secretary

- (1) The Secretary is to record and manage administrative matters of the brigade. The position is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.
- (2) The position reports to the President on administrative matters relevant to the brigade. This position may be held in conjunction with the Treasurer position.
- (3) The Secretary shall perform the following functions—
  - (a) Ensure members receive notification of brigade meetings in accordance with Part 5—Meetings of the brigades;
  - (b) Where deemed appropriate, prepare an agenda for brigade meetings and distribute to members prior to meetings;
  - (c) Ensure minutes of brigade meetings are recorded and where ever possible, distributed to all members prior to next meeting;
  - (d) Document and record all brigade correspondence;
  - (e) Ensure brigade information is disseminated to all listed members;
  - (f) Make available circulars and other information to members; and
  - (g) Work cohesively with local government management and administration staff on matters relevant to brigade administration.
- (4) Qualifications must include—
  - (a) Demonstrated ability to take minutes;
  - (b) Demonstrated record keeping and filing skills;
  - (c) An understanding of meeting procedures; and
  - (d) Developing computer skills.

### 3.7 Treasurer

- (1) The role of the Treasurer is to manage and report on all financial matters relevant to the brigade. The position is not required to perform active operational duties and may be inclusive to an

operational position held within the brigade. The position reports to the President on financial matters relevant to the brigade. This position may be held in conjunction with the Secretary position.

(2) The Treasurer shall perform the following functions—

- (a) Manage financial affairs including budgets of the brigade;
- (b) Maintain brigade financial records and provide detailed reports of income and expenditure at meetings; and
- (c) Work cohesively with the local government management and administration staff on matters pertinent to brigade financial matters, including providing copies of financial statements if required.

(3) Qualifications must include—

- (a) Knowledge and understanding of accounting principles; and
- (b) Developing computer skills.

### **3.8 Brigade Training Officer**

(1) The Brigade Training Officer is responsible for the management and co-ordination of brigade training in conjunction with the Local Government Training Coordinator, including the documentation of these activities. The position is not required to perform active operational duties and may be inclusive to an operational position held within the brigade.

(2) Duties and Responsibilities of the Brigade Training Officer may include—

- (a) Endeavour to ensure brigade members maintain necessary skill levels equivalent to the competency standards required by the local government and as recommended by DFES;
- (b) Endeavour to ensure regular training sessions are conducted within the brigade to maintain currency of qualifications and skills;
- (c) Maintain accurate records of training undertaken by members and ensure that qualification and training updates are forwarded to the Local Government Training Coordinator as required;
- (d) Provide mentoring for members who express an interest in training to encourage future facilitators; and
- (e) Represent the brigade at Plantagenet Fire Services training committee meetings.

### **3.9 Assistant Training Officer (Optional)**

(1) The brigade may nominate an Assistant Training Officer to provide support to the substantive position. In the absence of the Brigade Training Officer the Assistant Training Officer assumes the responsibilities of that position and shall have a Proxy Vote at the training committee meetings.

(2) Duties and Responsibilities of the Assistant Training Officer are the same as those for the Brigade Training Officer.

### **3.10 Brigade Equipment Officer**

(1) The role of the Brigade Equipment Officer is to manage brigade property, fleet vehicles, general equipment and stock levels of personal protective equipment. The position is not required to perform active operational duties but may be able to demonstrate a degree of knowledge of brigade equipment. The position may be inclusive to an operational position held within the brigade.

(2) The equipment officer shall perform the following functions—

- (a) Manage brigade equipment and maintain a register of all assets;
- (b) Coordinate and record maintenance of brigade equipment;
- (c) Report all damage of brigade equipment or property to the Captain immediately;
- (d) Manage brigade requests for replacement items and equipment; and
- (e) Compile documentation of replacement items and submit to the CBFCO.

### **3.11 Assistant Equipment Officer (Optional)**

(1) The brigade may nominate an Assistant Equipment Officer to provide support to the substantive position. In the absence of the Brigade Equipment Officer the Assistant Equipment Officer assumes the responsibilities of that position and shall have a Proxy Vote at equipment committee meetings.

(2) Duties and Responsibilities of the Assistant Equipment Officer are the same as those for the Brigade Equipment Officer.

## **Part 4—Membership**

### **4.1 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.

### **4.2 Fire fighting members**

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

(2) Notwithstanding subclause (1), a fire fighting member between the age of 16 and 18 must not attend a fire or other normal brigade activities incident unless the member has the consent of their parent or guardian and is accompanied by an appropriately trained fire fighting member over the age of 18.

#### **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 11 but not yet 16 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; and
- (f) not to be assigned ranks under the Department's rank structure.

#### **4.5 Honorary life members**

(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 New Membership Application**

(1) A new member is to complete a DFES volunteer nomination form and accept the conditions for membership.

(2) A minimum of two (2) Committee members, including the Captain, should decide whether to recommend the application to the CBFCO.

(3) The CBFCO must endorse the application.

#### **4.7 Dual Membership**

(1) A member may be a member of another local government brigade.

(2) A member may not be a member of another brigade within the local government unless they have the written permission of the CBFCO. This permission may be conditional.

#### **4.8 Conditions of Membership**

(1) The conditions of membership shall refer to—

- (a) Fire Fighters;
- (b) Management Support;
- (c) Auxiliary Members; and
- (d) Cadets.

(2) A new member is required to complete the necessary Fire Fighter Training Courses as required by the local government prior to commencing active and unsupervised Fire Fighter duties.

(3) Competency in these Training Courses shall be the minimum acceptable standard required for a Fire Fighter to perform active and unsupervised fire fighting duties. Currently this includes Induction, Introduction to Fire Fighting and Bush Fire Fighting training Courses—

- (a) Members must comply with the legislative requirements of the—
  - (i) *Bush Fires Act 1954 (WA)*;
  - (ii) *Fire and Emergency Services Act 1998 (WA)*; and
  - (iii) *Equal Opportunity Act 1984 (WA)*.
- (b) Members must act within the—
  - (i) Local guidelines and policies of individual brigade;
  - (ii) Brigade's local policies;
  - (iii) Competency and commitment requirements for an active volunteer Fire Fighter or Operation and Management Support roles as required by the CBFCO; and
  - (iv) State Hazard Plan—Fire (Interim).
- (c) Members must maintain currency of the appropriate licences to be able to operate brigade vehicles. Any traffic offence that results in a suspension or loss of licence must be reported to the CBFCO and the member must comply with the terms of their suspension.

#### **4.9 Decision on Application for Membership**

(1) At the meeting of the Committee, the brigade Office Bearers may—

- (a) Accept the application;
- (b) Defer the application for further consideration; or
- (c) Refer the application to the CBFCO for consideration.

(2) The President must contact the applicant in writing within fourteen (14) days of a final decision by the brigade or the CBFCO.

(3) The applicant has the right to appeal the decision of the Committee. The appeal should be in writing addressed to the CBFCO.

#### **4.10 Notification of Membership**

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

#### **4.11 Induction**

All new members shall be—

- (a) introduced to brigade members and shown all brigade facilities during induction;
- (b) instructed about any safety requirements;
- (c) made aware of brigade duties and responsibilities;
- (d) provided with a mentor/s until such time as they are familiar with Normal Brigade Activities; and
- (e) made aware of local brigade guidelines and policies if any exist within that brigade.

#### **4.12 Membership Requirements (Brigade Commitments)**

(1) Members are required to maintain currency in brigade activities and training to be deemed as an Active Member and or be granted special considerations due to extenuating circumstances.

(2) Brigade Activities—

- (a) During the Fire Season members are required to attend a minimum of one (1) brigade ordinary meeting or other brigade activity or incident.
- (b) During the Non-Fire Season members are required to attend a minimum of one (1) brigade ordinary meeting or other brigade activity or incident.

(3) Brigade Training—

- (a) During the Fire Season members are required to attend and participate at a minimum of one (1) brigade training activity or incident.
- (b) During the Non-Fire Season members are required to attend and participate at a minimum of one (1) brigade training activity or incident.

(4) If extenuating circumstances apply that a member is unable to meet brigade commitments, it shall be the responsibility of the member to notify the Committee, in writing to advise of the circumstance, and the Committee will acknowledge in writing any special considerations to the member.

(5) The Training Officer should endeavour to make alternative arrangements for the member to meet the requirements wherever possible.

#### **4.13 Failure to Comply with Commitments**

(1) Should an active member of a brigade fail to comply with clause 4.12 of the Rules, correspondence will be forwarded to the member requesting contact be made with the brigade to indicate the intentions of the member's status.

(2) The Brigade Member may—

- (a) respond to the correspondence providing a reasonable explanation and request for alternative arrangements to be made for training or meeting obligations;
- (b) request in writing for Leave of Absence from brigade commitments due to personal circumstances; or
- (c) terminate their membership.

(3) If a member fails to respond to the correspondence within fourteen (14) days a subsequent letter will be forwarded from the Committee putting the member on final notice. Should a member fail to acknowledge the final notice within fourteen (14) days, the membership shall be terminated, to take effect from the date of the final notice.

#### **4.14 Change of Members Details**

The local government and DFES are to be notified of any change of personal details of a member. The brigade will complete a DFES volunteer application form and forward it to the CBFCO within fourteen (14) days of the change.

#### **4.15 Leave of Absence**

(1) A member may at any time request a Leave of Absence from all brigade commitments for a period not to exceed twelve (12) consecutive months.

(2) The application should be made in writing and addressed to the Captain.

(3) On completion of the Leave of Absence period the member must complete a Membership Update Form if deemed necessary providing any change of details and forward to the Captain and CBFCO.

(4) On completion of the Leave of Absence period the member must undertake any refresher training required before resuming active fire fighting duties. If the request for Leave of Absence is for a medical condition the member must provide confirmation of fitness to the satisfaction of the CBFCO to be able to resume active duties.

#### **4.16 Grievance Process/Disciplinary Action**

(1) The brigade is committed to providing an environment in which all persons can expect to be treated equally and with respect.

(2) All members are to have an understanding of the *Shire of Plantagenet Policy and Procedures Grievance Staff and Volunteers* and any other brigade policies as applicable. These hard copy documents are to be made available at each fire station or can be obtained from the local government.

(3) A grievance is any serious allegation, dispute or claim, arising during any training or activity involving the brigade, in relation to an act committed by a member. Examples that may be considered a grievance include acts that—

- (a) constitute a breach of the Rules;
- (b) bring the brigade and or the Plantagenet Fire Service into disrepute;
- (c) contravene any reasonable direction given by the Captain or the delegated authority;
- (d) disregard brigade regulations and policies or procedures;
- (e) jeopardise the safety of the member or others; and/or
- (f) result in the member being convicted of, an offence for which an offender may be imprisoned.

(4) Where a grievance arises, an investigation must be conducted by the Committee (and the CBFCO if necessary) in accordance with the Grievance Process.

(5) During the investigation it may be determined that the member should be suspended from all or part of brigade activities, subject to the CBFCO's approval. If a member is to be suspended during the investigation the CBFCO should notify the member in writing of the terms of the suspension, including the reason for the suspension and the time period. The time period for suspension during an investigation, should not exceed three (3) consecutive months.

When an investigation is complete a report will be provided by the investigating officer to the CBFCO outlining the process of the investigation, the conclusions drawn and any recommended action.

(6) Disciplinary action in relation to the member may include—

- (a) suspension of membership;
- (b) termination of membership; or
- (c) any other reasonable disciplinary action as determined by the Committee in consultation with the CBFCO.

(7) If a disciplinary suspension is imposed, the CBFCO must notify the member in writing that they are suspended, including the suspension period and reason for suspension. Suspension may be from complete or specific brigade duties and activities.

(8) The period of disciplinary suspension shall be determined by the CBFCO in consultation with the President.

(9) On completion of the suspension period the member may be required to undertake refresher training before resuming active fire fighting duties which will be supervised and or acknowledged by the Captain.

(10) If a membership is to be terminated, the President with the approval of the CBFCO will notify the member in writing, and provide a reason for termination.

(11) Where a membership is terminated, all property owned by the local government should be returned to the local government within fourteen (14) days of giving notice. Failure to meet these conditions may require the local government to seek reimbursement of costs against the member.

#### **4.17 Termination by the Member**

(1) A member can decide to resign from brigade activities and terminate their membership by providing written notification to the Committee.

(2) Where a member resigns, all property owned by the local government should be returned to the local government within fourteen (14) days of giving notice. Failure to meet these conditions may require the local government to seek reimbursement of costs against the member.

#### **4.18 Rights of a Volunteer Member**

(1) A member shall not be suspended or dismissed from any brigade duty without an opportunity to defend the allegation.

(2) Any member may lodge a written objection to the CBFCO should they consider they have been unfairly dealt with by the Committee.

(3) The CBFCO shall consider the objection and deal with it in consultation with the Committee. This may include either—

- (a) dismissing the objection;
- (b) variation to the decision; or
- (c) revoking the original decision; and
  - (i) imposing an independent decision; or
  - (ii) referring the matter back to the Committee to reconsider the decision.

### **Part 5—Meetings of the Brigade**

#### **5.1 Ordinary meetings**

(1) Ordinary meetings may be called at any time by the Secretary by giving 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.
- (4) The brigade shall hold a minimum of one (1) Ordinary Meeting between 1 July and 30 June each year.

### **5.2 Annual General Meeting (AGM)**

- (1) The brigade shall hold an AGM in the month of May each calendar year.
- (2) A report may be presented to the membership by each Committee Member.
- (3) At this meeting all Committee and Brigade Officer positions will be declared vacant.
- (4) All equipment and documentation relevant to each position is to be made available for auditing at the AGM.
- (5) The CBFCO or proxy will act as returning officer during the election of the new Committee and brigade officer positions.
- (6) The incoming Committee will assume the positions at the close of the AGM.
- (7) Any outgoing Committee Member is to conduct a handover to the new incumbent.
- (8) All minutes of the AGM including financial statements are to be lodged with the CBFCO for submission to the local government within a period no later than twenty-one (21) days of the AGM.

### **5.3 Special Meeting**

- (1) The President may at any time convene a special meeting of the brigade.
- (2) The Secretary of the brigade must convene a special meeting when a written request is made by not less than ten (10) or fifty (50) percent (whichever is least) active members of the brigade.
- (3) The names of the members requesting the special meeting are to be recorded in the minutes of the meeting.

### **5.4 Notice of a Meeting**

- (1) Notice of any special meeting of the brigade, must be given to all members of the brigade eligible to vote at least seventy two (72) hours before the commencement of the meeting.
- (2) Notice of the AGM of the brigade must be given to all members of the brigade eligible to vote, as well as the CBFCO, at least thirty (30) days before the commencement of the meeting.
- (3) Notice of any Ordinary Meeting of the brigade must be given to all members of the brigade eligible to vote, as well as the CBFCO, at least seven (7) days before the commencement of the meeting.
- (4) Notice of a special meeting or AGM—
  - (a) must be given by the Secretary;
  - (b) be given by written notice to each member—
    - (i) Personally, by post or electronic email; or
    - (ii) By a notice published in a newspaper circulating in the area of the brigade;
  - (c) must set out the date, time, and venue of the meeting;
  - (d) must be signed by the Secretary or, in the case of a special meeting, by the person convening the meeting; and
  - (e) must set out an agenda for the meeting.

### **5.5 Quorum**

A quorum for all brigade meetings—

- (a) shall consist of not less than six (6) Active Members who are eligible to vote or thirty (30) percent of Active members whichever is least. This shall include a minimum of two (2) Committee members.
- (b) No formal business is to be transacted at a meeting of the brigade unless a quorum of members is present.
- (c) A member is not deemed to be active and cannot be considered as a quorum number, unless special considerations due to extenuating circumstances as mentioned under clause 4.12 (4) of the Rules or Leave of Absence have been granted.

### **5.6 Voting**

- (1) Each Active Member shall be entitled to one (1) vote.
- (2) In the event of an equality of votes, the President may exercise the deciding vote.
- (3) Votes may be counted by either—
  - (a) secret ballot; or
  - (b) show of hands.

(4) A member is not deemed to be active and is unable to cast a vote at any meeting of the brigade, unless all requirements in regards to brigade training and activities as set out under clause 4.12 of the Rules have been satisfied.

(5) Each Auxiliary Member shall be entitled to one (1) vote at all brigade meetings.

### **5.7 Procedure at Meetings**

Meeting procedures and protocols are to be in accordance with the brigade's meeting procedures and protocol guidelines.

## **Part 6—Committee**

### **6.1 Meetings**

(1) Each brigade shall have a Committee.

(2) The Committee shall convene a meeting of all members each calendar month or as required.

(3) Any functions of the brigade may be delegated to the Committee provided that a motion approving of the delegation has been carried at either an Ordinary Meeting or AGM.

(4) The Committee shall consist of the following Office Bearers—

(a) President

(b) Secretary

(c) Treasurer

(d) Captain

(e) Additional members at the decision of the Committee.

(5) The Committee will be responsible for the management and administration of the brigade.

(6) The brigade officers are responsible for all operational requirements of the brigade.

(7) A motion carried by the vote of a majority of those present at a Committee meeting shall be accepted as the decision of the Committee.

(8) Each registered Committee Member present at a meeting of the Committee shall be entitled to one (1) vote. In the event of an equality of votes the President will be entitled to a second or casting vote.

(9) The Secretary must keep accurate minutes of the meeting.

(10) Minutes of these meetings shall be made available to members of the brigade.

(11) All elected positions are for a term of twelve (12) consecutive months.

## **Part 7—Brigade Elections**

### **7.1 Nomination of Candidates for Brigade Elections**

(1) Any person accepting a nomination for a Committee position must be competent and qualified to perform the duties and responsibilities of that position.

(2) The Secretary shall advise the President of the brigade at the general meeting prior to the AGM that nominations are required to be presented at the AGM.

(3) A person can only be nominated by an Active Member.

(4) A nomination must be endorsed by a second Active Member filling out a Nomination Form in the form of Schedule 2.

(5) Each member is only entitled to nominate one (1) person per position.

(6) A nomination may be made—

(a) in writing to be received by the Committee before the official close of nominations; or

(b) verbally at a general meeting prior to the AGM.

(7) Nominees must sign or indicate acceptance of nomination.

(8) Nominees for operational Brigade Officer positions must meet the minimum requirements for training as set out under Part 3 of the Rules.

(9) Nominees for Brigade Officer positions must accept all requirements imposed by the brigade or legislation.

(10) The Committee will assist and mentor new Brigade Officers in their new roles.

(11) The CBFCO or a proxy may act in the position as returning officer during the election of office bearers at the AGM if requested by the brigade.

### **7.2 Conduct of Elections**

(1) Positions should be determined by vote in the ascending order of preference—

<b>Order</b>	<b>Officer</b>	<b>Term</b>
1	President	1 year
2	Secretary	1 year
3	Treasurer	1 year
4	Brigade Captain	1 year
5	Lieutenants	1 year

Order	Officer	Term
6	Training Officer	1 year
7	Equipment Officer	1 year
8	FCO Nominations Only	2 year
9	Other	1 year

(2) Any additional positions to the Committee or the Brigade Officers must be authorised by the CBFCO prior to the appointment of the position.

(3) All positions are to be elected in accordance with clause 7.1 of the Rules.

(4) The BFAC will consider all nominations for the position of the Fire Control Officers based on the delegates nominated by the brigades and refer those nominations to the local government for approval.

### 7.3 Supplementary Elections

Where a supplementary election must be held due to a vacancy in a position as a result of an early resignation or other reason, the Committee, by majority vote, will appoint a temporary office to an agreeable consenting Active Member for the remaining term of the vacant position.

## Part 8—General Accounting Matters

### 8.1 Accounts at Financial Institutions

(1) The brigade must disclose where brigade account(s) are to be held for the ensuing Financial Year at each AGM and record this information within the minutes of the AGM.

(2) The brigade must have three (3) Committee Members to act as signatories for the brigade accounts each Financial Year.

(3) A minimum of two (2) signatures is required on any brigade account cheque or bank transaction form.

(4) All brigade purchases are to be approved by the Committee.

(5) All accounts raised, works undertaken or goods to be purchased by the brigade must be authorised in advance by the President or, if the President is not available, then the next senior committee person.

(6) All accounts raised, works undertaken or goods to be purchased need to be ratified by the brigade at the next Ordinary Meeting.

(7) All funds raised by the brigade are to be used for the purpose of improving the profile and operation of the brigade and its members.

(8) All cheques issued must be accompanied by the appropriate documentation (invoice or monthly account).

(9) All money received by the brigade or by a member on behalf of the brigade must be recorded in the brigade financial records.

### 8.2 Financial Reports

(1) The brigade must, at each AGM, present an independently audited financial report for the previous 12-month period or since the last AGM.

(2) The financial report must include—

- (a) a Statement of Receipts and Payments;
- (b) a Bank Reconciliation Statement;
- (c) notes detailing any outstanding receipts or payments; and
- (d) a Balance Sheet and Inventory of Assets held by the brigade.

(3) The brigade, in conjunction with the local government will appoint an auditor not being a brigade member for the ensuing financial year.

(4) If an auditor resigns during the financial year, the brigade in conjunction with the local government must appoint a replacement at its next Ordinary Meeting.

(5) The Treasurer must present the auditor's report to the AGM.

(6) The audited report will be forwarded to the CBFCO for the information of the local government.

## SCHEDULE 2 NOMINATION FORM

(Clause 7.1(4) of Schedule 1)

Shire of Plantagenet ..... Volunteer Bush Fire Brigade  
(Name of Brigade)

I ..... as an active member of  
..... Volunteer Bush Fire Brigade hereby nominate for the position of—

Captain		Lieutenant	
Fire Control Officer		President	

Secretary		Treasurer	
Training Officer		Equipment/Comms Officer	
First Aid Officer		Station/Callout Attendant	

*(If nominating for more than one position, separate forms are required)*

I ..... as an active member of ..... Volunteer Bush Fire Brigade hereby endorse the above nomination.

Full name of Nominee: .....

Address: .....

Contact Details—

Home: .....

Mobile: .....

E-mail: .....

DFES Identification Number: .....

I certify that I have read and understand the duties and responsibilities for the position I have been nominated as specified under the Volunteer Bush Fire Brigade Rules and that I have currency in all the competencies required. I understand that if I do not have currency in all the competencies required I can still be nominated subject to the approval of the CBFCA. Such approval may be conditional on further training or other arrangements as deemed necessary.

.....  
Signature Date

Received by Secretary/Returning Officer—

.....  
Signature Date

Received by Secretary/Returning Officer—

.....  
Signature Date

Dated: 28 January 2020.

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

CHRIS PAVLOVICH, Shire President.  
ROB STEWART, Chief Executive Officer.

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