

BUSH FIRES ACT 1954  
CITY OF WANNEROO  
BUSH FIRE BRIGADES LOCAL LAW 2023  
PART 1 - PRELIMINARY

- 1.1 Citation and Application
- 1.2 Commencement
- 1.3 Repeal Provisions
- 1.4 Interpretation

PART 2 - BUSH FIRE BRIGADES

- 2.1 Establishment of Bush Fire Brigades
- 2.2 Name and Officers of Bush Fire Brigades

PART 3 - DISSOLUTION OF BUSH FIRE BRIGADES

- 3.1 Cancellation of Registration
- 3.2 New arrangement after dissolution

PART 4 ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

- 4.1 Local Government responsible for Structure
- 4.2 Variation of Procedures and Policies
- 4.3 Brigades to be supplied with Act, Procedures and Policies
- 4.4 Managerial Role of Chief Bush Fire Control Officer
- 4.5 Duties of Chief Bush Fire Control Officer
- 4.6 Captain and bush fire brigade officers

PART 5 ADMINISTRATION OF BUSH FIRE BRIGADES

- 5.1 Types of Membership of Bush Fire Brigade
- 5.2 Brigade Membership
- 5.3 Grievance
- 5.4 Meetings of Bush Fire Brigades
- 5.5 Equipment and Maintenance of bush fire brigades

PART 6 GENERAL

- 6.1 Consideration in the local government budget

## BUSH FIRES ACT 1954

## CITY OF WANNEROO

### BUSH FIRE BRIGADES LOCAL LAW 2023

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the *City of Wanneroo* resolved on [Date] to make the following local law.

#### PART 1 - PRELIMINARY

##### 1.1 Citation and Application

- (1) This local law may be cited as the *City of Wanneroo Bush Fire Brigades Local Law 2023* and shall apply throughout the district and is made in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.
- (2) The Chief Executive Officer shall prepare, adopt and implement Bush Fire Brigade Operating Procedures.

##### 1.2 Commencement

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

##### 1.3 Repeal Provisions

The *City of Wanneroo Bush Fire Brigades Local Law* published in the *Government Gazette*, Number [Insert] dated [insert date] as amended, is repealed.

##### 1.4 Interpretation

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

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

**Brigade Area** is defined in clause 2.3(1)(b);

**Bush Fire Brigade** means a Bush Fire Brigade for the time being registered in a register kept pursuant to *Section 41 of the Bush Fires Act 1954*;

**Bush Fire Control Officer/s** means the duly appointed Bush Fire Control Officer/s of the City of Wanneroo Bush Fire Brigades by the Local Government.

**Bush Fire Brigade Member** means members of the Bush Fire Brigade, which may include the Bush Fire Control Officer/s.

**Chief Bush Fire Control Officer** means the duly appointed Chief Bush Fire Control Officer of the City of Wanneroo;

**Chief Executive Officer** means the Chief Executive Officer of the City of Wanneroo;

**Deputy Chief Bush Fire Control Officer/s** means the duly appointed Deputy Chief Bush Fire Control Officer/s of the City of Wanneroo;

**District** means the district of the Local Government;

**Local Government** means the City of Wanneroo;

**Normal Brigade Activities** is defined by section 35A of the Act;

**Procedures** means the Bush Fire Brigade Operating Procedures prepared, adopted and implemented by the Chief Executive Officer as amended from time to time;

**Regulations** means Regulations made under the Act;

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

- (a) a Captain;
- (b) a Bush Fire Control Officer;
- (c) a First Lieutenant;
- (d) a Second Lieutenant; and
- (e) any additional Lieutenants;

means a person holding that position in a Bush Fire Brigade.

## **PART 2 - BUSH FIRE BRIGADES**

### **2.1 Establishment of Bush Fire Brigades**

- (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 clause 2.1(1).

### **2.2 Name and Officers of Bush Fire Brigades**

- (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 Brigade Area in which the Bush Fire Brigade is primarily responsible for carrying out the Normal Brigade Activities; and
  - (c) Appoint:
    - (i) a Captain;
    - (ii) Bush Fire Control Officers;
    - (iii) a First Lieutenant;
    - (iv) a Second Lieutenant; and

- (v) any additional Lieutenants.
- (2) A person appointed to a position pursuant to clause 2.2(1)(c) is to be taken to be a brigade member.
- (3) The appointments referred to in clause 2.2(1)(c) expire at the completion of the first annual general meeting of the Bush Fire Brigade.
- (4) An election is to be held in accordance with the Procedures at the first annual general meeting by the members of the Bush Fire Brigade for appointments to the positions referred to in clause 2.2(1)(c) and every subsequent annual general meeting with the exception of Bush Fire Control Officer(s) who are appointed by the Local Government.
- (5) If a position referred to in clause 2.2(1)(c) (with the exception of Bush Fire Control Officer(s)) becomes vacant prior to the completion of the first annual general meeting of the Bush Fire Brigade or at any time, then the Bush Fire Brigade members are to vote for a replacement member to be appointed in the position in accordance with the Procedures.
- (6) Any other Bush Fire Brigade members not listed in clause 2.2(1)(c) will be elected in accordance with the Procedures.

### **PART 3 - DISSOLUTION OF BUSH FIRE BRIGADES**

#### **3.1 Cancellation of Registration**

- (1) In accordance with Section 41(3) of the *Bush Fire Act 1954*, 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 Procedures or is not achieving the objectives for which it was established.
- (2) Upon a Bush Fire Brigade's dissolution, the equipment, assets and funds of the brigade shall be placed under the control of the Local Government and dealt with in accordance with the Local Government Act 1995.

#### **3.2 New arrangement after dissolution**

If a Local Government cancels the registration of a Bush Fire Brigade, alternative arrangements are to be made in respect of the Brigade Area.

### **PART 4 ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES**

#### **4.1 Local Government responsible for Structure**

- (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 Chief Executive Officer is to prepare, adopt and implement Procedures to govern the operation of a Bush Fire Brigade.

- (3) The Local Government may make other applicable rules, policies and procedures as determined necessary by the Local Government.

#### **4.2 Variation of Procedures**

- (1) The Chief Executive Officer, in consultation with the Chief Bush Fire Control Officer may vary the Procedures and their application to all Bush Fire Brigades.
- (2) The Chief Executive Officer is to notify all Bush Fire Brigades of any variation to the Procedures as soon as practicable.

#### **4.3 Bush Fire Brigades to be supplied with Act, Procedures and Policies**

The Chief Executive Officer is to supply each Bush Fire Brigade with a copy of the Act, the Regulations, this local law, the Procedures and any other policies which may be applicable and relevant to the performance of the Bush Fire Brigade's functions, and any amendments, which are made thereto from time to time.

#### **4.4 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 maintenance of Bush Fire Brigades.

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

The duties will include -

- (1) Where a vacancy occurs in a position appointed under clause 2.2(1)(c), to —
  - (i) Advise the Chief Executive Officer of the vacancy as soon as practicable; and
  - (ii) Make alternate suitable arrangements for that position until an appointment is made.
- (2) Nominate suitably qualified persons to the Chief Executive Officer for appointment as Bush Fire Control Officers by the Local Government;
- (3) Report to the Chief Executive Officer not later than 30 April each year, for consideration and appropriate provision being made in the next Local Government budget, the status of a Bush Fire Brigade's —
  - (i) Training and readiness;
  - (ii) Protective clothing;
  - (iii) Equipment; and
  - (iv) Vehicles and appliances.
- (4) Provide leadership to volunteer Bush Fire Brigades;
- (5) 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 or as directed by the Chief Executive Officer;
- (6) Liaise with the Local Government concerning fire prevention/suppression matters generally and directions to be issued by the Local Government to Bush Fire Control Officers;

- (7) Ensure that Bush Fire Brigades are registered and that the lists of brigade members are maintained in accordance with the Procedures; and
- (8) The Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officer/s may attend as a non-voting representatives of the Local Government at any meeting of the Bush Fire Brigade.

In this clause –

**Chief Bush Fire Control Officer** includes the Deputy Chief Bush Fire Control Officer/s appointed by the Local Government, who may be acting in this position from time to time.

#### **4.6 Captain and Bush Fire Brigade officers**

- (1) The duties of the Captain are to —
  - (a) Provide leadership to Bush Fire Brigades;
  - (b) Monitor Bush Fire Brigades' resourcing, equipment and training levels;
  - (c) Liaise with the Local Government concerning —
    - (i) fire prevention or fire suppression matters generally;
    - (ii) directions to be issued by the Local Government to Bush Fire Control Officers, including those who issue permits to burn; and
    - (iii) Bush Fire Brigade officers;
  - (d) Ensure that a list of Bush Fire Brigade members is maintained;
  - (e) Report annually to the local government the office bearers of the Bush Fire Brigade in accordance with the Regulations; and
  - (f) Arrange for Normal Brigade Activities as authorised by the Act or by the Local Government.
- (2) The duties of other Bush Fire Brigade Officers are to support the Captain in their role.

### **PART 5 ADMINISTRATION OF BUSH FIRE BRIGADES**

#### **5.1 Types of Membership of Bush Fire Brigade**

The types of membership of a Bush Fire Brigade shall be in accordance with the definitions contained in the Procedures.

#### **5.2 Brigade Membership**

- (1) The appointment, determination, dismissal and management of Bush Fire Brigade membership is governed by the Procedures.
- (2) Applications for membership, including registration of Bush Fire Brigade members, is to be in accordance with the Procedures.

- (3) Membership of the Bush Fire Brigade terminates if the member –
- (i) dies
  - (ii) gives written notice of resignation;
  - (iii) does not maintain brigade training currency in line with the Procedures;
  - (iv) becomes permanently incapacitated. or
  - (v) is dismissed by the relevant decision maker in accordance with the Procedures.
- (4) The Chief Bush Fire Control Officer may terminate the membership of any brigade member who is determined to be, or considered to be, unfit to serve as a member of a Bush Fire Brigade. A member being considered unfit to serve is to be determined and defined in accordance with the Procedures and must follow processes of natural justice and procedural fairness as set out in the Procedures.
- (5) Membership of a Bush Fire Brigade member may be suspended at any time if, in the opinion of the Chief Bush Fire Control Officer, circumstances warrant suspending the member. A decision made to suspend must be in accordance with the Procedures and must follow processes of natural justice and procedural fairness as set out in the Procedures.
- (6) Where the Chief Bushfire Control Officer is involved in an incident or has a conflict of interest in the particular termination under clause (4) or suspension under clause (5), then the Chief Executive Officer should make the determination as they think fit.
- (7) Upon the expiry of the period of suspension under either clause 5 or 6, the relevant decision maker may –
- (i) extend the period of suspension;
  - (ii) terminate the membership; or
  - (iii) reinstate the membership.
- (8) The resignation or dismissal of a member under clause 5.2(3) does not affect any liability of the brigade member arising prior to the date of resignation or dismissal.

### **5.3 Grievance**

- (1) Grievances shall be managed in accordance with the Procedures and applicable policies.
- (2) In respect to grievance complaints or submissions, where the complaint relates to or is made against the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer/s or Bush Fire Control Officers the matter will be determined by the Local Government.
- (3) The Local Government shall be the final decision making authority in regards to the grievances associated with membership and conduct of brigade members.

### **5.4 Meetings of Bush Fire Brigades**

- (1) All Bush Fire Brigade meetings are to be conducted in accordance with the Procedures.
- (2) In this clause, a reference to a Bush Fire Brigade meeting means an –
- (i) Annual general meeting of a Bush Fire Brigade to be held in May of each year;
  - (ii) Ordinary meeting of a Bush Fire Brigade; or

- (iii) Special meeting of a Bush Fire Brigade.

## **5.5 Equipment and Maintenance of Bush Fire Brigades**

The maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment and appliances is to be in accordance with the Procedures.

## **PART 6 GENERAL**

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

In addition to funding made available through emergency services grants, the Local Government may provide further funding depending upon the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995*.

Dated [-----].

The Common Seal of the City of Wanneroo was affixed in the presence of —  
Mayor and CEO