

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

BUSH FIRE BRIGADES LOCAL LAW 2017

Consolidated to 6 January 2022

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[Table of Contents amended by Government Gazette No.82 of 5 June 2018]

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SHIRE OF NARROGIN

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Consolidated to 6 January 2022

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 Narrogin resolved on 23 August 2017 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Narrogin Bush Fire Brigades Local Law 2017*.

1.2 Commencement

This local law will come into operation 14 days after its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Definitions

In this local law unless the context otherwise requires –

Act means the *Bush Fires Act 1954*;

bush fire brigade has the meaning given to it in section 7 of the Act;

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);

bush fire control officer means a person appointed by the local government to exercise the powers of a bush fire control officer or bush fire officer in accordance with the Act and this local law;

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

Captain means the person holding or acting in that position in a bush fire brigade;

CBFCO means the Chief Bush Fire Control Officer;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

Lieutenant means the person holding that position in a bush fire brigade;

local government means the Shire of Narrogin;

normal brigade activities has the meaning given to it in section 35A of the Act;

President means President of the Council;

Regulations means Regulations made under the Act; and

volunteer fire fighter has the meaning given to it in section 35A of the Act.

PART 2 - 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 Name and area of bush fire brigade

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; and
- (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities.

2.3 Objects of bush fire brigades

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 this local law.

2.4 Chain of command during normal brigade activities

(1) Subject to the Act, the chain of command to apply during normal brigade activities is –

- (a) bush fire control officers in order of seniority;
- (b) bush fire brigade officers in order of seniority; and
- (c) all other volunteer fire fighters.

(2) The person in command 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, and may exercise all the powers and duties provided for by the Act.

2.5 Existing bush fire brigades

A bush fire brigade established prior to the day on which this local law comes into operation –

- (a) 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 2.1; and
- (c) any rules governing the operation of the bush fire brigade are repealed and substituted with the provisions of this local law.

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, 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 OF BUSH FIRE BRIGADES

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 Appointment of bush fire control officers

- (1) The local government may appoint bush fire control officers in their absolute discretion, and apply conditions as considered appropriate.
- (2) Where only one person is appointed as a bush fire control officer, that person is the CBFCO for the purposes of this local law.
- (3) Where more than one person is appointed as a bush fire control officer, the local government shall

determine seniority as CBFCO, Deputy CBFCO, and further seniority as is considered appropriate.

- (4) When considering the appointment of a person as a bush fire control officer, the local government is to have regard to the qualifications, training and experience which may be advisable to fill the position.

3.3 Appointment of bush fire brigade officers

- (1) The local government shall appoint the following bush fire brigade officers in their absolute discretion –
- (a) a bush fire control officer from the bush fire brigade area to be Captain;
 - (b) where there are two or more bush fire control officer in a bush fire brigade area, a bush fire control officer from the bush fire brigade area as first lieutenant;
 - (c) where there is not more than one bush fire control officer in a bush fire brigade area, an appropriate person from the bush fire brigade area as first lieutenant, and
 - (d) an appropriate person as second lieutenant.
- (2) When considering the appointment of persons to the positions in subclause (1), the local government and bush fire brigade are to have regard to the qualifications, training and experience which may be advisable to fill each position.
- (3) The local government may remove any appointed person from any position.

[Clause 3.3 replaced by Government Gazette No. 82 of 5 June 2018]

3.4 Managerial role of CBFCO

Subject to any directions by the local government, the CBFCO –

- (a) has primary managerial responsibility for the organisation and maintenance of bush fire brigades;
- (b) is to support Captains and bush fire brigade officers in their roles; and
- (c) where a vacancy in the position of Captain appointed under clause 3.3(1)(a), or in order of seniority, other appointed bush fire brigade officer willing to act in that position, the CBFCO is to act as Captain until an appointment is made by the local government to the position.

3.5 Duties of Captain and bush fire brigade officers

- (1) The duties of the Captain include –
- (a) to provide leadership to bush fire brigades;
 - (b) to monitor bush fire brigades' resourcing, equipment and training levels;
 - (c) to 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);
 - (iii) bush fire brigades; or
 - (iv) bush fire brigade officers;
 - (d) to ensure that lists of bush fire brigade members are maintained in accordance with clause 4.3(1);
 - (e) to report annually to the local government the office bearers of the bush fire brigade in the form of Form 12 of the Regulations;
 - (f) to report to the local government 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;
 - (g) to consider the nomination of persons to the local government for appointment as bush fire control officers by the local government;
 - (h) to arrange for normal brigade activities as authorised by the Act or by the local government;
 - (i) where a vacancy occurs in a position appointed under clause 3.3(1)(b) or (c), to –
 - (i) advise the CEO of the vacancy as soon as practicable ; and,
 - (ii) make alternate suitable arrangements for that position until an appointment is made by the local government; and
 - (j) to make recommendations to the local government for endorsement prior to implementation.

- (2) The duties of other bush fire brigade officers are to support the CBFCO and Captain in their roles.

3.6 Training of bush fire control officers

- (1) The local government is to supply each bush fire control officer and Captain with information and training materials 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 required to complete appropriate training as determined by the CEO, and which may include recognised prior learning, 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 appropriate training as determined by the CEO, and which may include recognition of prior learning, at least once every 5 years.

[Clause 3.6 amended by Government Gazette No. 1 of 6 January 2022]

PART 4 - MEMBERSHIP

4.1 Types of membership of bush fire brigades

- (1) The membership of a bush fire brigade consists of volunteer fire fighters.
- (2) Registration as a volunteer fire fighter does not commit the person to participating in all normal brigade activities.

4.2 Membership applications

The decision on admission of a bush fire brigade member, with or without conditions or restrictions, may be made by –

- (a) either the Captain or CBFCO; jointly with
- (b) either the CEO or President.

4.3 Membership – review, refusal, suspension or termination

- (1) At least once each year, 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.
- (2) If circumstances warrant, membership of the bush fire brigade may be refused or suspended at any time for a period considered appropriate in the opinion of –
 - (a) either the Captain or CBFCO; jointly with
 - (b) either the CEO or President.
- (3) Membership of the bush fire brigade terminates if the member –
 - (a) dies;
 - (b) gives written notice of resignation to the Captain or CEO;
 - (c) is permanently incapacitated by mental or physical ill-health; or
 - (d) is no longer a resident or a landowner or occupier in the district, or for other sufficient reason.
- (4) A decision to terminate membership under subclause (3)(c) or (d) is to be made by –
 - (a) either the Captain or CBFCO; jointly with
 - (b) either the CEO or President.
- (5) Where a decision under subclause (2), (3)(c) or (3)(d) is unable to be agreed, the matter is to be referred to the local government.
- (6) The decision of the local government shall be final.
- (7) Members are eligible to reapply where membership has ceased for any reason.

[Clause 4.3 amended by Government Gazette No. 1 of 6 January 2022]

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) If a person makes an objection under subclause (4)(b) the local government shall give written advice of any decision made under subclause (5) to the person.

[Clause 4.4 replaced by Government Gazette No.82 of 5 June 2018]

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.

4.6 Disagreements

- (1) Any disagreement between bush fire brigade members regarding normal brigade activities may be referred to the Captain.
- (2) Where a disagreement in subclause (1) is considered by the Captain to be of importance to the interests of the bush fire brigade, then the Captain may refer the disagreement to the CBFCO or to the local government.
- (3) Where a disagreement is referred to the CBFCO, the CBFCO may –
 - (a) determine the disagreement; or
 - (b) refer the matter to the local government.
- (4) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement referred to it.

PART 5 - GENERAL

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.

5.3 Equipment

All equipment purchased by the local government is the property of, and shall be insured by, the local government.

5.4 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.

Dated 24 August 2017

The Common Seal of the Shire of Narrogin was affixed by authority of a resolution of Council in the presence of –

L.N. BALLARD President

A.J. COOK, Chief Executive Officer.

Notes to this administrative compilation –

1. Original local law published in Government Gazette No.176 on 8 September 2017
2. Amended as published in Government Gazette No.82 of 5 June 2018 page 1801
3. Amended as published in Government Gazette No. 1 of 6 January 2022 page 1