

# **SHIRE OF BRUCE ROCK**

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## **BUSH FIRE BRIGADES LOCAL LAW**

**BUSH FIRES ACT 1954**

**LOCAL GOVERNMENT ACT 1995**

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

*SHIRE OF BRUCE ROCK*

**BUSH FIRE BRIGADES LOCAL LAW 2024**

Under the powers conferred by the *Local Government Act 1995*, the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Bruce Rock resolved on [insert date] to make the following local law.

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Bruce Rock Bush Fire Brigades Local Law 2024*.

**1.2 Definitions**

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

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

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

*brigade officer* means a person holding a position referred to in clause 2.2 (1)(c);

*bush fire brigade* is defined in section 7 of the Act;

*CEO* means the chief executive officer of the Shire of Bruce Rock;

*Commencement day* means the day on which this local law comes into operation.

*Council* means the Council of the local government;

*district* means the district of the local government;

*local government* means the Shire of Bruce Rock; and

*Regulations* means Regulations made under the Act.

- (2) In this local law, unless the context otherwise requires, a reference to –
- (i) a Captain;
  - (ii) a First Lieutenant;
  - (iii) a Second Lieutenant;
  - (iv) any additional Lieutenants;

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

### **1.3 Application**

This local law applies throughout the district.

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

### ***Division 1 – Establishment of a bush fire brigade***

#### **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 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 (the “**brigade area**”); and
  - (c) appoint –
    - (i) a Captain;
    - (ii) a First Lieutenant;
    - (iii) a Second Lieutenant; and
    - (iv) additional Lieutenants if the local government considers it necessary.
- (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.
- (3) A person appointed to a position in subclause (1)(c) is to be taken to be a 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)

#### **2.3 Duties of Captain and Lieutenant**

- (1) The duties of the Captain are to:
  - (a) provide leadership to bush fire brigades;
  - (b) monitor and report to the local government the bush fire brigades' resourcing, equipment and training levels;
  - (c) ensure that a list of bush fire brigade members is maintained;
  - (d) report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations;
  - (e) report to the local government annually, for consideration and for appropriate provision to be 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;
  - (f) nominate persons to the CEO for appointment as bush fire control officers by the local government; and
  - (g) arrange for normal brigade activities as authorised by the Act or by the local government.
- (2) The duties of Lieutenants are to –
  - (a) provide support to the Captain;
  - (b) command and manage members during emergencies and other brigade related activities;
  - (c) demonstrate positive leadership and mentor members;
  - (d) maintain open lines of communication and encourage positive interaction and teamwork between members;
  - (e) ensure members engaged in firefighting activities hold competencies relevant to the task;
  - (f) facilitate training activities for members;
  - (g) ensure the behaviour of members is in accordance with the local government's code of conduct; and
  - (h) in the absence of the brigade Captain, the most senior Lieutenant present assumes the responsibilities and duties of that office and takes ultimate responsibility for the performance of all brigade activities.

### ***Division 2 – Transitional***

#### **2.4 Existing Bush Fire Brigades**

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; and
- (i) the provisions of this local law apply to the bush fire brigade save for clause 2.2.

### ***Division 3 – 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 or this local law, or is not achieving the objectives for which it was established.

#### **2.6 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 brigade area.

## **PART 3 - ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES**

### ***Division 1 – Local government responsibility***

#### **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 Officers to be supplied with Act**

The local government is to supply each brigade officer with a copy of the Act, the Regulations, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments which are made from time to time.

#### ***Division 2 – Chief Bush Fire Control Officer***

### **3.3 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.

### **3.4 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.

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

The duties of the Chief Bush Fire Control Officer include –

- (a) provide leadership to volunteer bush 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;
- (c) 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 (including those who issue permits to burn) bush fire brigades or brigade officers;
- (d) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

#### ***Division 3 – Annual general meetings of bush fire brigades***

### **3.6 Holding of annual general meeting**

A bush fire brigade is to hold its annual general meeting during the month of March each year.

### **3.7 Nomination of bush fire control officers to Bush Fire Advisory Committee**

At the annual general meeting of a bush fire brigade, one brigade member is to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area until the next general meeting.

### **3.8 Nomination of bush fire control officer to the local government**

If the local government has not established a Bush Fire Advisory Committee, then at the annual general meeting of a bush fire brigade, the bush fire brigade is to nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area until the next annual general meeting.

### **3.9 Minutes to be tabled before the Bush Fire Advisory Committee**

- (1) The Captain is to forward a copy of the minutes of the annual general meeting of a bush fire brigade to the Chief Bush Fire Control Officer within one month after the meeting.
- (2) The Chief Bush Fire Control Officer 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) Council, if there is no Bush Fire Advisory Committee, following their receipt under subclause (1).

## ***Division 4 – Bush Fire Advisory Committee***

### **3.10 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.

### **3.11 Advisory Committee to nominate bush fire control officers**

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to nominate to the local government from the persons nominated by each bush fire brigade a person for the position of a bush fire control officer for the brigade area.

### **3.12 Local government to have regard to nominees**

When considering persons for the position of a bush fire control officer, the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

### **3.13 Advisory Committee to consider bush fire brigade motions**

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