



**BUSH FIRE BRIGADES LOCAL LAW 2024**

Adopted:  
Gazetted:

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

**SHIRE OF DALWALLINU**  
**BUSH FIRE BRIGADES LOCAL LAW 2024**

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

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Dalwallinu 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 Member**” means a fire fighting member or associate member of a bush fire brigade;

“**Brigade 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;

“**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;

“**Local Government**” means the Shire of Dalwallinu;

“**Normal brigade activities**” is defined by section 35A of the Act;

“**Regulations**” means regulations under the Act; and

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

- (a) a Captain
- (b) a First Lieutenant;
- (c) a Second Lieutenant;
- (d) any additional Lieutenants;

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

### **1.3 Application**

This local law applies throughout the district.

### **1.4 Commencement**

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

## **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).
- (3) A bush fire brigade established under subclause (1) is to hold a meeting at least once every financial year to appoint persons to the positions in clause 2.2.(1)(c).

#### **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 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) a First Lieutenant
    - (iii) a Second Lieutenant;
    - (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 pursuant to 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) An election is to be held at the first annual general meeting by the members of the brigade for appointments to the positions referred to in subclause (1)(c) and every subsequent annual general meeting.
- (6) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting or at any time, then the brigade members is to appoint a person to fill the vacancy in accordance with subclause (2).
- (7) In accordance with section 43 of the Act, the local government may remove or appoint officers of a bush fire brigade as deemed necessary or appropriate.
- (8) The brigade members may elect, set the term of office, describe the duties of, and dismiss, any person to any other position including secretary, treasurer, equipment officer, training officer or other positions and may combine those positions.
- (9) The brigade members may establish types of brigade membership including firefighting members, auxiliary members, cadet members and honorary life members.

## **Division 2 – Transitional**

### **2.2 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 3 – Dissolution of a bush fire brigade**

### **2.3 Dissolution of a 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 or the Rules, or is not achieving the objectives for which it was established.

## **2.4 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**

The Council is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

## **Division 2 – Annual General Meetings of Bush Fire Brigades**

### **3.2 Holding of annual general meeting**

A bush fire brigade is to hold its annual general meeting before 31 August each year.

# **PART 4 – FUNCTIONS OF BRIGADE OFFICERS**

## **3.1 Duties of Captain**

- (1) Subject to subclause (2) below, the Captain is to preside at all meetings and ensure meeting procedures are followed at all times.
- (2) In the absence of the Captain, the meeting may elect another person to preside at the meeting.
- (3) Demonstrate positive leadership and mentor members.
- (4) Attend meetings as requested by the local government.
- (5) In the absence of a Bush Fire Control Officer take overall charge of fire suppression activities.
- (6) 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.
- (7) Ensure Brigade members are adequately trained to carry out their functions, in accordance with Bush Fire Operating Procedures.
- (8) Ensure that a list of bush fire brigade members is maintained.

- (9) Report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations.
- (10) Report the local government annually, before 31 March, 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.
- (11) nominate persons to the CEO for appointment as a bush fire control officers by the local government;
- (12) arrange for normal brigade activities as authorised under clause 6(1)(c), to –
  - (i) advise the CEO of the vacancy as soon as practicable; and
  - (ii) make alternate suitable arrangements for that position until and appointment is made.

### **3.5 Lieutenants**

- (1) The Brigade may increase or decrease the number of Lieutenants to meet their specific operational requirements, up to a maximum of four Lieutenants.
- (2) All Lieutenants must be ranked in seniority as follows –
  - (a) the Captain and Lieutenants of the brigade, in consultation with the Chief Bush Fire Control Officer, determine this seniority; and
  - (b) in the event that a resolution cannot be found, the Chief Bush Fire Control Officer shall have the final say.
- (3) 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.
- (4) The duties of Lieutenant 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) Ensure Bush Fire Operating Procedures are adhered to during brigade activities;
  - (e) Ensure members engaged in the fire fighting activities hold competencies relevant to the task;
  - (f) Conduct training activities for members as required.

Dated:

The Common Seal of the Shire of Dalwallinu  
was affixed by resolution of Council in the  
presence of:

Keith L Carter

**SHIRE PRESIDENT**

Jean M Knight

**CHIEF EXECUTIVE OFFICER**

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