

CONSOLIDATED LOCAL LAW

BUSH FIRES BRIGADES LOCAL LAW 2010

Gazette Number 43. 22 March 2011

BUSH FIRES BRIGADES AMENDMENT LOCAL LAW 2018

Gazette Number 17. 12 February 2019

LOCAL GOVERNMENT ACT 1995

BUSH FIRES ACT 1954

PLEASE NOTE:

This is the consolidated Bush Fires Brigades Local Law 2010, combining:

- Principle Local Law:
 - City of Mandurah Bush Fires Brigades Local Law 2010; and
- Amendment:
 - City of Mandurah Bush Fires Brigades Amendment Local Law 2018.

Local Government Act 1995
Bush Fires Act 1954
City of Mandurah
Bush Fires Brigades Local Law 2010

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

City of Mandurah

BUSH FIRE BRIGADES LOCAL LAW 2010

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 *City of Mandurah* resolved on 22 February 2011 and subsequently amended on 29 January 2019 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Mandurah Bush Fire Brigades Local Law 2010*.

1.2 Definitions

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

Act means the *Bush Fires Act 1954*;

active fighting member is defined in clause 4.2;

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

brigade member means a active fighting member, auxiliary member or a cadet 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 Advisory Committee means the persons appointed to a bush fire advisory committee under and in accordance with section 67 of the Act;

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

Bush Fire Operating Procedures means the Bush Fire Operating Procedures adopted by the Department as amended from time to time;

CEO means the Chief Executive Officer of the City of Mandurah;

Council means the Council of the local government;

Department means the Department of Fire and Emergency Services of Western Australia;

district means the district of the local government;

local government means the *City of Mandurah*;

Regulations means Regulations made under the Act; and

Rules means the Rules Governing the Operation of Bush Fire Brigades set out in Schedule 1 as varied from time to time under clause 2.5; and

station means a place to store the plant and equipment of the bush fire brigade.

(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;
- (e) an Equipment Officer;
- (f) a Secretary.
- (g) a Treasurer; or
- (h) a Secretary / Treasurer combined,

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

[Clause 1.2 amended by Government Gazette No. 17 of 2019]

1.3 Repeal

Part XVII of the City of Mandurah Consolidated Local Laws relating to Fire Prevention as published in the *Government Gazette* of 13 February 1998 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 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).

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;
 - (v) additional Lieutenants if the local government considers it necessary;
 - (vi) an Equipment Officer;
 - (vii) a Secretary; and
 - (viii) a Treasurer; or
 - (ix) a Secretary/Treasurer combined.
- (2) When considering the appointment of persons to the positions in subclause (1)(c), the brigade members are 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 brigade members are to appoint a person to fill the vacancy in accordance with subclause (2) for the remainder of the term.

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 bushfire 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 first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.

- (2) Where a bushfire 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 bushfire control officer has full control over all other persons fighting the fire and is to issue instructions as to the methods and tactics to be adopted by the fire fighters including any safety considerations.

Division 3 – Application of Rules to a bush fire brigade

2.4 Rules

- (1) The Rules govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each brigade member is to comply with the Rules.

Division 4 – Transitional

2.5 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 5 – Dissolution of bush fire brigade

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, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established.

2.7 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, the Bush Fire Operating Procedures, 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 thereto from time to time.

3.3 Delegation of Authority

The Council may delegate authority to the CEO to ensure that this local law is administered.

Division 2 – Chief Bush Fire Control Officer

3.4 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.

3.5 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.

3.6 Duties of Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer include –

- (a) to provide leadership to volunteer bush fire brigades;

- (b) to 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) to 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) to ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

3.7 Delegation of duties

The Chief Bush Fire Control Officer may delegate to the Deputy Chief Bush Fire Control Officer if the Chief Bush Fire Control Officer is unable or unwilling to perform his or her duties as a Chief Bush Fire Control Officer and may delegate all or some of the duties to the Deputy.

Division 3 – Annual general meetings of bush fire brigades

3.8 Holding of annual general meeting

A bush fire brigade is to hold its annual general meeting on a date during the months of March to May each year.

3.9 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.

3.10 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 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).

[Clause 3.10 amended by Government Gazette No. 17 of 2019]

Division 4 – Bush Fire Advisory Committee

3.11 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.

3.12 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.

3.13 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.

3.14 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.

PART 4 – TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

4.1 Types of membership of bush fire brigade

The membership of a bush fire brigade consists of the following –

- (a) active fighting members;
- (b) auxiliary members;
- (c) cadet members; and
- (d) honorary life members.

4.2 Active fighting members

Active fighting members are those persons being at least 16 years of age who undertake all normal bush fire brigade activities.

4.3 Auxiliary members

Auxiliary members are those persons who are willing to supply free vehicular transport for active 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 to 15 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 active 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;
- (f) not to be assigned ranks under the Department's rank structure.

[Clause 4.4 amended by Government Gazette No. 17 of 2019]

4.5 Honorary life member

- (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.

[Clause 4.5 amended by Government Gazette No. 17 of 2019]

4.6 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.

PART 5 – APPOINTMENT, DISMISSAL AND MANAGEMENT OF MEMBERS

5.1 Rules to govern

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules.

PART 6 – EQUIPMENT OF BUSH FIRE BRIGADES

6.1 Policies of local government

The local government may make policies 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.

6.2 Equipment in brigade area

Not later than the first week in December each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

6.3 Funding from local government budget

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by 31 March annually in order to be considered in the next following local government budget, and for inclusion in the local government Emergency Service Levy Capital and operating budget submission to the Department.

[Clause 6.3 amended by Government Gazette No. 17 of 2019]

6.4 Consideration in the local government budget

The local government may approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question.

City of Mandurah

SCHEDULE 1

Rules Governing the Operation of Bush Fire Brigades

PART 1 - PRELIMINARY

1.1 Interpretation

- (1) In these Rules, unless the context otherwise requires, where a term is used in these Rules and is defined in the local law, the Act or the Regulations, then the term is to be taken to have the meaning assigned to it in the local law, the Act or the Regulations, as the case may be.
- (2) In these Rules, unless the context otherwise requires –
 - absolute majority** means a majority of more than 50% of the number of:
 - (a) brigade members of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the bush fire brigade;
 - or
 - (b) brigade officers of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the Committee;
 - Committee** means the Committee of the bush fire brigade;
 - local law** means the *City of Mandurah Bush Fire Brigades Local Law 2010*; and
 - normal brigade activities** is defined by section 35A of the Act.
- (3) Subject to these Rules, where a decision is to be made by the bush fire brigade, then the decision may be made by a resolution passed by a simple majority of the brigade members who are present in person or by proxy at the meeting.
- (4) Subject to these Rules, where a decision is to be made by the Committee, then the decision may be made by a resolution passed by a simple majority of the brigade officers who are present in person or by proxy at the meeting.

PART 2 – OBJECTS AND MEMBERSHIP OF BUSH FIRE BRIGADE

2.1 Objects of bush fire brigade

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 the local law.

2.2 Committee to determine applications

Applications for membership are to be determined by the Committee and are to be consistent with equal employment opportunity principles and in accordance with the local government policies current at the time of determination.

2.3 Conditions of membership

In relation to any type of membership, as described in Part 4 of the local law, the bush fire brigade may establish policies pertaining to –

- (a) the qualifications required;
- (b) a requirement to serve a probationary period;
- (c) procedures to be employed by the Committee prior to approval of an application for membership;

and the Committee is to act within the parameters of any such policy in determining applications for membership.

2.4 Applications for membership

An application for membership is to be in writing and is to be submitted to the Secretary in the form approved by the Brigade.;

[Schedule 1 Clause 2.4 amended by Government Gazette No. 17 of 2019]

2.5 Decision on application for membership

- (1) The Committee may –
 - (a) approve an application for membership unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for membership.
- (2) If the Committee refuses to approve an application for membership, it is to give written reasons for the refusal, as soon as practicable after the decision is made, to the applicant and the advice that the applicant has the right to object to the local government.

2.6 Authority to be notified of registrations

If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the Department within 14 days of a person being admitted to membership in the form required by the Department from time to time.

[Schedule 1 Clause 2.6 amended by Government Gazette No. 17 of 2019]

2.7 Termination of membership

Membership of the bush fire brigade terminates if the member –

- (a) dies;
- (b) gives written notice of resignation to the Secretary;
- (c) is, in the opinion of the Committee, permanently incapacitated by mental or physical ill-health; or
- (d) is dismissed by the Committee.

2.8 Suspension of membership

- (1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee, circumstances warrant suspending the member.
- (2) The period of suspension shall be at the discretion of the Committee.
- (3) Upon the expiry of the period of suspension the Committee may:
 - (a) extend the period of suspension;
 - (b) terminate the membership; or
 - (c) reinstate the membership.

2.9 Existing liabilities to continue

The resignation, or dismissal of a member under clause 2.7 does not affect any liability of the brigade member arising prior to the date of resignation or dismissal.

2.10 Member has right of defence

A brigade member is not to be dismissed under clause 2.7(d) without being given the opportunity to meet with the Committee and answer any allegations which might give grounds for dismissal.

2.11 Objection Rights

A person whose -

- (a) application for membership is refused under clause 2.5(1)(b);
- (b) membership is terminated under clause 2.7(c), clause 2.7(d) or clause 2.8(3)(b); or
- (c) membership is suspended under clause 2.8(1) or clause 2.8(3)(a),

“has the right of objection to the local government which may dispose of the objection by-

- (i) dismissing the objection;
- (ii) varying the decision objected to; or
- (iii) revoking the decision objected to, with or without –
 - (A) substituting for it another decision; or
 - (B) referring the matter, with or without directions, for another decision by the Committee.”

[Schedule 1 Clause 2.11 amended by Government Gazette No. 17 of 2019]

PART 3 – FUNCTIONS OF BRIGADE OFFICERS

3.1 Chain of command during fire fighting activities

Subject to the Act and the local law, the command procedures to apply during fire fighting activities are as detailed in the local government's Bush Fire Operating Procedures.

3.2 Bush Fire Control Officer

A Bush Fire Control Officer (BFCO) is appointed by local government, upon recommendation by the Chief Bush Fire Control Officer, under the Act, and has the following specific functions

–

- (a) to issue permits to burn as authorised under the Act within the district;
- (b) inspection of and reporting on fire hazards within the district;
- (c) carry out any duties prescribed under the Act and so authorised by the local government; and
- (d) may take overall charge of fire suppression activities, and/or ensure the principles of the Incident Management System are being adhered to.

3.3 Captain

The Captain is elected by the Brigade and has the following roles -

- (a) subject to paragraph (b) below, the Captain is to preside at all meetings unless the Captain is unable or chooses not to;
- (b) in the circumstances where the Captain is unable or chooses not to be the presiding officer or in the absence of the Captain, the meeting may elect another person to preside at the meeting;
- (c) ensure that the meeting procedures are being followed at all times;
- (d) promote the objectives of the Brigade when, and wherever, the possibility occurs;
- (e) acts as a spokesperson for the Brigade on public relations and other matters, in conjunction with the local government;
- (f) advise the brigade on administrative matters;
- (g) may direct the Brigade activities during wildfire suppression or during hazard reduction burning programs;
- (h) in the absence of the BFCO may take overall charge of fire suppression activities, and/or ensure the principles of the Incident Management System are being adhered to;
- (i) assists the BFCO to prepare reports;
- (j) ensures Brigade members are adequately trained to carry out their functions, in accordance with Standard Operating Procedures and Brigade standards;

- (k) undertakes responsibility for the proper management and maintenance of Brigade property and equipment;
- (l) ensure that an incident report is compiled and submitted, in the format agreed by the Department and local government, within 14 days following attendance at an incident by the Bush Fire Brigade; and
- (m) the roles of Captain and BFCO may be combined should the Chief Bush Fire Control Officer wish to have one person carry out both roles.

[Schedule 1 Clause 3.3 amended by Government Gazette No. 17 of 2019]

3.4 Brigade Lieutenants

Lieutenants are elected by the Brigade and have the following roles -

- (a) in the absence of the Captain the most senior Lieutenant present assumes the responsibilities and duties of that office and takes ultimate responsibility for the successful performance of all Brigade activities;
- (b) the Brigade may increase or decrease the number of Lieutenants to meet their specific operational requirements, up a maximum of four (4) Lieutenants; and
- (c) all Lieutenants must be ranked in seniority. The Captain and Lieutenants of the Brigade, in consultation with the Chief Bush Fire Control Officer, determine this seniority. In the event that a resolution cannot be found, the Chief Bush Fire Control officer shall have the final determination.

3.5 Equipment Officer

The Equipment Officer is responsible for the custody and maintenance of protective clothing, equipment and appliances of the bush fire brigade.”

[Schedule 1 Clause 3.5 inserted by Government Gazette No. 17 of 2019]

PART 4 – COMMITTEE

4.1 Management of bush fire brigade

- (1) Subject to the provisions of these Rules, the administration and management of the affairs of the bush fire brigade are vested in the Committee.
- (2) Without limiting the generality of subclause (1), the Committee is to have the following functions –
 - (a) to recommend to the local government amendments to these Rules;
 - (b) to draft the annual financial requirements for the bush fire brigade for the local governments consideration and present it at the annual general meeting of the bush fire brigade;

- (c) to propose a motion for consideration at any meeting of the bush fire brigade;
- (d) to recommend to the local government equipment which needs to be supplied by the local government to the bush fire brigade by the first week in December annually;
- (e) to delegate to a person, as from time to time thought fit, any functions (being less than the total functions of the Committee) on any conditions it thinks fit;
- (f) to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade functions;
- (g) to do all things necessary or convenient in order to perform any of its functions and to secure the performance of the normal brigade activities by the bush fire brigade; and
- (h) deal with membership applications, grievances, disputes and disciplinary matters.

[Schedule 1 Clause 4.1 amended by Government Gazette No. 17 of 2019]

4.2 Constitution of Committee

- (1) The Committee of the bush fire brigade is to consist of the brigade officers being the Captain, Secretary, Treasurer, Equipment Officer and the first Lieutenant of the bush fire brigade.
- (2) The brigade officers are to -
 - (a) be elected at the annual general meeting of the bush fire brigade;
 - (b) hold office until the next annual general meeting; and
 - (c) be eligible for re-election at the next annual general meeting.
- (3) Any brigade officer may be removed from office by an absolute majority decision of the brigade members present in person or by proxy at a special meeting called for such a purpose.
- (4) The Committee may appoint a brigade member to fill a vacancy in any office arising from a resolution under subclause (3) or which has arisen for any other reason.

PART 5 – MEETINGS OF BUSH FIRE BRIGADE

5.1 Ordinary meetings

- (1) Ordinary meetings may be called at any time by the Secretary by giving at least 7 days 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 or urgent business.
- (3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.
- (4) 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.

5.2 Special meetings

- (1) The Secretary is to call a special meeting when 5 or more brigade members request a meeting in writing.
- (2) At least 2 days notice of a special meeting is to be given by the Secretary, to all brigade members and to the Chief Bush Fire Control Officer.
- (3) In a notice given under subclause (2) the Secretary is to specify the business which is to be conducted at the meeting.
- (4) No business is to be conducted at a special meeting beyond that specified in a notice given under subclause (2) in relation to that meeting.

5.3 Annual general meeting

- (1) At least 7 days notice of the annual general meeting is to be given by the Secretary to all brigade members and to the Chief Bush Fire Control Officer.
- (2) At the annual general meeting the bush fire brigade is to –
- (a) elect the brigade officers from among the brigade members;
 - (b) consider the Captain's report on the year's activities;
 - (c) adopt the annual financial statements;
 - (d) appoint an Auditor for the ensuing financial year in accordance with clause 5.6
 - (e) deal with any general business; and
 - (f) make recommendations to the Bush Fire Advisory Committee on the appointment of a Bush Fire Control Officer for their brigade for the following year.
- (3) In a notice given under subclause (1), the Secretary is to specify the business which is to be conducted at the meeting.

- (4) Business may be conducted at an annual general meeting notwithstanding that it was not specified in a notice given under subclause (1) in relation to that meeting.

[Schedule 1 Clause 5.3 amended by Government Gazette No. 17 of 2019]

5.4 Quorum

- (1) The quorum for a meeting of the bush fire brigade will be at least 50% of the number of members of the bush fire brigade.
- (2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present in person or by proxy.

5.5 Voting

Each brigade member is to have 1 vote, however in the event of an equality of votes, the Captain (or person presiding) may exercise a casting vote.

5.6 Auditor

- (1) At the annual general meeting a person, not being a brigade member, is to be appointed as the Auditor of the bush fire brigade for the ensuing financial year.
- (2) The Auditor is to audit the accounts of the bush fire brigade not less than 7 days before the annual general meeting and is to certify to their correctness or otherwise and present a report at the annual general meeting, ”.

[Schedule 1 Clause 5.6 inserted by Government Gazette No. 17 of 2019]

PART 6 – MEETINGS OF COMMITTEE

6.1 Meetings Of Committee

- (1) The Committee is to meet for the purpose of dealing with business arising, adjourn and otherwise regulate its meeting as it thinks fit.
- (2) The Captain or Secretary may convene a meeting of the Committee at any time.

6.2 Quorum

No business is to be transacted at a meeting of the Committee unless a quorum of 3 Brigade Officers are present in person.

[Schedule 1 Clause 6.2 amended by Government Gazette No. 17 of 2019]

6.3 Voting

Each brigade officer is to have 1 vote, however in the case of an equality of votes, the Captain (or person presiding) may exercise a casting vote.

PART 7 – GENERAL ADMINISTRATIVE MATTERS

7.1 Funds

The funds of the bush fire brigade are to be used solely for the purpose of promoting the objects of the bush fire brigade.

[Schedule 1 Clause 7.1 amended by Government Gazette No. 17 of 2019]

7.2 Financial year

The financial year of the bush fire brigade is to commence on 1 July and is to end on 30 June of the following year.

7.3 Banking

- (1) The funds of the bush fire brigade are to be placed in a bank account and are to be drawn on only by cheques signed jointly by any 2 of the Captain, Secretary or Treasurer.
- (2) If the Secretary/Treasurer is a combined position, the Captain and Secretary/Treasurer are to sign the cheques referred to in subclause (1).

7.4 Disclosure of interests

- (1) A brigade member shall disclose to the bush fire brigade or Committee any financial interest (whether direct or indirect) he or she may have in any matter being considered by the bush fire brigade or Committee, as appropriate.
- (2) If a financial interest has been disclosed under subclause (1), then the bush fire brigade or Committee, as appropriate, is to decide, in the absence of the brigade member who disclosed that interest, whether or not the brigade member is to be permitted to vote on that matter.
- (3) Where the bush fire brigade or Committee, as appropriate, decides under subclause (2), that a brigade member is not to be permitted to vote on a matter, that brigade member must leave the meeting room prior to that matter being discussed.

7.5 Disagreements

- (1) Any disagreement between brigade members may be referred to either the Captain or to the Committee.
- (2) Where a disagreement in subclause (1) is considered by the Captain or the Committee to be of importance to the interests of the bush fire brigade, then the Captain or the Committee, as the case may be, is to refer the disagreement to the annual general meeting, an ordinary meeting or a special meeting of the bush fire brigade.

- (3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement which is not resolved under subclause (1) or (2).

PART 8 – NOTICES AND PROXIES

8.1 Notices

- (1) Notices of meetings of the bush fire brigade are to be in writing and sent by ordinary post to the registered address of each brigade member.
- (2) Notices of meetings of the Committee may be given in writing in accordance with subclause (1) or by such other means as the Committee may decide (by an absolute majority) at a meeting of the Committee.
- (3) Any accidental omission to give notice of a meeting to, or non-receipt by a person entitled to receive such notice, is not to invalidate the meeting the subject of the notice or any resolutions passed at that meeting.
- (4) Where any notice other than a notice of meeting is to be given under these Rules, the notice is to be –
 - (a) in writing;
 - (b) unless otherwise specified, given to or by the Secretary;
 - (c) by –
 - (i) personal delivery;
 - (ii) post; or
 - (iii) facsimile transmission;
 - (d) taken to have been received, as the case may be –
 - (i) at the time of personal delivery;
 - (ii) 2 business days after posting; or
 - (iii) on the printing of the sender's transmission report.

8.2 Proxies

- (1) Where under these Rules a brigade member may vote by proxy, in order for the proxy to vote, the brigade member or the proxy shall give a notice in the form of that appearing at Appendix I, to the Secretary or the person presiding at the meeting before the start of the meeting at which the proxy is to be used.
- (2) A proxy is to be valid for the meeting for which it is given and for any adjournments of that meeting.
- (3) A proxy shall be valid for the number of votes to which the brigade member is entitled.

- (4) If the donor of the proxy does not give any indication of the manner in which the proxy is to vote, the proxy shall be entitled to vote or not vote as he or she thinks fit.
 - (5) A proxy shall be entitled to speak on behalf of the donor of the proxy.
 - (6) All forms appointing proxies deposited under subclause (1) are to be retained by the Secretary for not less than 28 days after the conclusion of the meeting to which they relate but if there is any objection to the validity of any vote at the meeting, they are to be retained until the determination of that objection.
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APPENDIX I

PROXY VOTE

Southern Districts Volunteer Bush Fire Brigade

**[ANNUAL] [EXTRAORDINARY] GENERAL MEETING
TO BE HELD ON [DATE]**

I, _____, being a brigade member appoint _____ to be my proxy and vote on my behalf at the meeting of the bush fire brigade to be held on [insert date] and at any adjournment of it. The proxy shall vote as follows:

| MOTION | FOR | AGAINST | ABSTAIN |
|---------|-----|---------|---------|
| 1. | | | |
| 2. | | | |

If there is no instruction to the proxy as to the way to vote, the proxy shall exercise her or his discretion as to how to vote or whether to vote at all. In respect of any vote taken at the meeting on a matter which does not appear on the agenda, the proxy shall exercise her or his discretion as to the way he or she casts the vote or whether it is cast at all.

Date: _____

Signed: _____

NOTE: To be valid, this proxy must be completed and returned to the Secretary of the bush fire brigade (or the presiding member) prior to the commencement of the meeting for which the proxy is valid.

Dated 20...

Dated this 1st day of March 2011

The Common Seal of the City of Mandurah was affixed by authority of a resolution of the Council in the presence of -

PATRICIA M CREEVEY, OAM, Mayor

MARK ROBERT NEWMAN, Chief Executive Officer.