



Bush Fire Brigade Local Law 2023

City of Cockburn

DRAFT

XX XXX 2023

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BUSH FIRES ACT 1954

BUSH FIRE BRIGADE LOCAL LAW 2023

Pursuant to the powers under the Bush Fires Act 1954 and all other powers enabling it, the Council of the City of Cockburn hereby records having resolved on the XX XXXX 20XX to make the following local law.

PART 1 – PRELIMINARY

1.1 Short Title

This is the *City of Cockburn Bush Fire Brigade Local Law 2023*.

1.2 Commencement

This local law comes into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law shall apply to the whole of the district.

1.4 Content and Intent

The purpose and effect of this local law is to provide for the regulation, control and management of Bush Fire Brigades within the district.

1.5 Repeal

The Bush Fire Brigade Local Law 2000 adopted by Council on the 21 November 2000 and published in the *Government Gazette* on 2 February 2001 is repealed.

1.6 Interpretation

In this local law, unless the context otherwise requires:

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

“**brigade area**” is defined in clause 8 (1) (b);

“**brigade member**” means a fire-fighting member, auxiliary member or an honorary life member of a bush fire brigade;

“**brigade officer**” means a person holding a position referred to in clause 8 (2), 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 Reference Group” means a reference group established by the local government;

“bush fire brigade” has the same meaning as given to it by the Act;

“Bush Fire Control Officer” means a person appointed under section 38 of the Act;

“Chief Bush Fire Control Officer” means a person appointed under section 38 or 38A. of the Act;

“Council” means the Council of the City of Cockburn;

“Deputy Chief Fire Control Officer” means a person appointed under section 38 of the Act;

“fire-fighting member” is defined in clause 23;

“local government” means the City of Cockburn;

“normal brigade activities” has the same meaning given to it in the Act;

“Regulations” means Regulations made under the Act; and

“Rules” means the Rules Governing the Operation of Bush Fire Brigades as adopted by resolution of Council.

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 by resolution establish, maintain and equip 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 decision of the local government in accordance with sub-clause (1).

2.2 Name and Officers of Bush Fire Brigade

- (1) On establishing a bush fire brigade in accordance with clause 7 the local government is to:
 - (a) name 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) The local government is to appoint the following officers;
 - ii. a Captain;
 - iii. a First Lieutenant; and
 - iv. a Second Lieutenant.
- (3) When considering the appointment of persons to the positions in sub-clause (2), the local government is to have regard to the qualifications and experience, which may be required to fill each position.
- (4) A person appointed to a position mentioned in sub-clause (2) is to be taken to be a brigade member.
- (5) The appointments referred to in sub-clause (2) expire at the completion of the annual general meeting of the bush fire brigade.
- (6) If a position referred to in sub-clause (2) 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 sub-clause (3).

Division 2 – Command at a Fire

2.3 Seniority of Personnel

- (1) Where in accordance with the Act and the Rules, the most senior members of the bush fire brigade has command of a bush fire, unless a Bush Fire Control Officer is in attendance at the fire.

- (2) 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 Lieutenant, the Second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.
- (3) Where a Bush Fire Control Officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Rules, the most senior Bush Fire Control Officer 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.
- (4) The Bush Fire Control Officer seniority, is based on the Chief Bush Fire Control Officer being of most senior and in the absence of the Chief Bush Fire Control Officer, a Deputy Chief Bushfire Control Officer and in the absence of a Deputy Chief Bushfire Control Officer a Bush Fire Control Officer.
- (5) Where in accordance with the Act and Rules, a bush fire brigade is in command of fire, the local government must be informed as soon as possible by the most senior member of the bush fire brigade or the most senior Bush Fire Control Officer in attendance at the fire.

Division 3 – Application of Rules to a Bush Fire Brigade

2.4 Rules

- (1) The Rules made under this local law by the Council govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each brigade member is to comply with the Rules.

2.5 Variation of Rules

- (1) The Council may vary the Rules in their application to all bush fire brigades.
- (2) The Rules, as varied, have effect on and from the date of a decision under sub-clause (1).
- (3) The local government is to notify a bush fire brigade of any variation to the Rules as soon as practicable after making a decision under sub-clause (1).

Division 4 – Transitional

2.6 Existing Bush Fire Brigades

- (1) Where the local government has established a bush fire brigade prior to the commencement date of this local law, 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 bush fire brigade save for clause 8; 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.

Division 5 – Dissolution of a Bush Fire Brigade

2.7 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 the need arises due to the extension of the metropolitan fire district, or if Council is of the opinion that the bush fire brigade is not complying with the Act, this local law or the Rules, or is not achieving the objectives for which it was established.

2.8 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 Responsibility

The local government is to maintain and equip the bush fire brigade.

3.2 Officers to be Supplied with the Act

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

Division 2 – Chief Bush Fire Control Officer

3.3 Managerial Role of the 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 his or her 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 the Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer include:

- (a) providing leadership to volunteer bush fire brigades;
- (b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations to the local government;
- (c) liaising with the local government concerning fire prevention and 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; and
- (d) ensuring that bush fire brigade members 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

- (1) A bush fire brigade is to hold an annual general meeting during the month of July or August of each year.
- (2) A bush fire brigade, at its annual general meeting, is by a simple majority resolution (accessible to all members) nominate members for the roles outlined within clause (8) sub-clause 2.
- (3) The bush fire brigade is to provide details of the nominated members as soon as practical to the local government.

Division 4 – Bush Fire Advisory Reference Group

3.7 Functions of the Bush Fire Advisory Reference Group

- (1) The Bush Fire Advisory Reference Group is to have the functions as set out in the Terms of Reference adopted by the Council. From time to time the local government may elect to hold a Bush Fire Advisory Reference Group meeting.
- (2) Nothing within this Local Law prevents the Local Government from establishing a Bushfire Advisory Committee as defined by the Act.

PART 4 – TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

4.1 Types of Membership of Bush Fire Brigades

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

- (a) Fire-fighting member;
- (b) Auxiliary member; and
- (c) honorary life member.

4.2 Fire-Fighting Member

- (1) Fire-fighting members are those persons being at least 18 years of age who undertake all normal bush fire brigade activities, unless prior approval from the local government is obtained by the prospective member.
- (2) People under the age of 18 must have written parental consent prior to local government approval.
- (3) People under the age of 18 are admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or other emergency incident while under the direction of the bush fire brigade.

4.3 Auxiliary Member

Auxiliary members are those persons who are willing to render other support assistance required by the bush fire brigade.

4.4 Honorary Life Member

- (1) The bush fire brigade may appoint a person as an honorary life member after 15 years of effective services by that person to the bush fire brigade. The way an honorary life member is appointed may be governed by the Rules.
- (2) A life member membership will remain valid for the life of the appointed person, unless they undertake activities that bring disrepute to a Brigade or the Local Government. Revocation of a life membership may be authorised by the Chief Bushfire Control Officer or the local government.

4.5 Notification of Membership

No later than 30 September 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 Under Brigade Responsibility

No later than 30 September in 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

- (1) A request to the local government from the bush fire brigade for funding of protective clothing, equipment and appliances need is to be received by the local government by 1 January in order to be considered in the next following local government budget.
- (2) Subject to Council consideration, the local government may approve or refuse an application for funding.



Bush Fire Brigade Rules

City of Cockburn

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BUSH FIRE BRIGADE RULES

PART 1 – INTRODUCTION

1.1 Code of Conduct

Members of the City of Cockburn Bush Fire Brigade(s) are to adhere to the City of Cockburn Code of Conduct and Policies.

To avoid all doubt, any references to Employee(s) will be taken as reference to a volunteer Bush Fire Brigade member.

1.2 Use of State Doctrine and Procedures

Where there is an absence in City of Cockburn policy, rules or guidance, the Bush Fire Brigades must undertake actions in accordance with the *Department of Fire and Emergency Services (DFES) Operational Doctrine, State Operating Procedures (SOP) and Standard Administrative Procedures (SAP)*.

Where the City has developed its own Policy, Procedure, Formal Working Instruction or Instruction and there is duplication or inconsistency with the DFES protocols, the City directive shall be the overriding document.

PART 2 – BUSH FIRE BRIGADE STRUCTURE

2.1 Reporting Structure

The Captain of each Brigade is the primary point of contact for requests and issues for their members.

The Captain may delegate some functions throughout his/her leadership team. Delegation of these tasks shall not conflict with City of Cockburn's Bush Fire Brigade Local Law.

2.2 Office Bearers

Bush Fire Brigades will have the following mandatory office bearers:

- (a) Captain;
- (b) 1st Lieutenant; (Deputy Captain)
- (c) 2nd Lieutenant;
- (d) Additional Lieutenant(s) as required;
- (e) Equipment Officer;
- (f) Secretary;
- (g) Treasurer; and
- (h) Training Officer.

Office Bearers will be appointed in the process outlined by the City's Bush Fire Brigade Local law. These Office Bearers will form the Management Team of the brigade.

2.3 Office Bearer Roles and Responsibilities

To assist the business continuity of the City of Cockburn Bush Fire Brigades and to enable them to efficiently undertake their duties in alignment with *Bush Fire Act 1954*, City's Local laws and relevant State emergency plans or documents.

Each Office Bearer's position has a unique position description developed by the City of Cockburn and each proposed incumbent must agree to the conditions prior to their appointment.

2.4 Non-Mandatory Positions

In consultation with the Brigade's membership, the Captain may at any time create non-mandatory positions with the purpose of assisting in the administration of the brigade. Non-mandatory positions are not part of the Brigade's Management Team.

PART 3 – MEMBERSHIP

3.1 Firefighter Classes

Membership categories are as defined by the City of Cockburn's Bush Fire Local law. To ensure the appropriate level of training is provided prior to a member advancing in their operational capacity, the following classes of Fire Fighting member have been developed.

Trainee Firefighter

- (a) A Trainee Firefighter is a member of the brigade who has yet to successfully complete the requisite training as stipulated by the brigade.
- (b) A Trainee Firefighter is not allowed to be unsupervised at any time whilst performing any brigade duties, and is prohibited in attending any fires or drive any operational appliances.
- (c) With the approval of the Chief Bush Fire Control Officer (CBFCO) or brigade officers, non-members may be included in the firefighter training course.

Probationary Firefighter

- (a) A Probationary Firefighter is a member who has completed the prerequisite initial training to the standard set by the CBFCO.
- (b) During the period as a Probationary Firefighter, the member may be periodically assessed as competent to perform other duties as their level of training and experience increases.

3.2 Application Process

The City Bush Fire Brigades are to comply with the Formal Work Instruction relevant to this process.

3.3 Member Detail Updates

Without contradiction to the City's Bush Fire Brigade Local Law. All brigade members are required to notify the Captain and Secretary of the following personal details within fourteen (14) days:

- (a) Change of next of Kin (NoK) contact details;
- (b) Change of name;
- (c) Change of address;
- (d) Change of contact number(s);
- (e) Change of email address(s);
- (f) Change of driver's license status (loss, upgrade, expiry);
- (g) Being charged with a crime and prosecuted; or
- (h) Resignation of membership.

3.4 Abandonment of Role

In the event a Brigade member becomes inactive as decided by the Captain the member will be provided fourteen (14) days to show cause.

If the Captain determines the nonoperational member does not show cause to continue as a member, they may cancel the member's registration with the Brigade. The Captain must report their decision to the CBFCO as soon as reasonably practical.

In addition to 3.5 (1), the City may at any time reserve the right to decide a member or a class of members have been inactive and cancel the members registration with any Bush Fire Brigade registered with the City.

PART 4 - ADMINISTRATION

Subject to the provisions set out in the *Bushfire Act 1954* and the City of Cockburn Bush Fire Brigade Local Law, the responsibilities for administration and management of the affairs of the Bush Fire Brigade is vested in the members appointed under the roles detailed in section 2.2 of these Rules.

4.1 Department Of Fire & Emergency Service (DFES) Circulars

Relevant DFES circulars shall be emailed to all brigade members by the Secretary, as the CBFCO makes them aware of them.

4.2 Licence Checks

The brigade will undertake Driver licence checks every year in accordance with the City's Bush Fire Brigade Local Law.

The Secretary will monitor the expiry dates of the licence and follow up directly with members to ensure that they have a valid driver licence when utilising brigade appliances.

If a member is unable to present a valid driver's licence, they are not permitted to drive any brigade appliance under any circumstances until a valid licence is provided.

4.3 Official Correspondence Out – Letters

Official letters are to be produced by the Secretary on the approved brigade letterhead. Letters shall be drafted by the Secretary and approved by the Captain prior to distribution.

Official letters out shall be given a unique correspondence number and recorded in the correspondence out register.

The Secretary at the next brigade meeting shall report relevant correspondence out.

Copies of official letters out are to be sent to the City of Cockburn for record management upon sending.

4.4 Official Correspondence In

All applicable correspondence in shall be reported by the Secretary at the next brigade meeting. Copies of this correspondence are to be sent to the City of Cockburn for record management.

4.5 Reimbursements and Invoicing

Invoices for all payments by the brigade shall be provided to the Treasurer via an approved form. This shall be provided prior to the receipt of monies.

Where a formal itemised receipt cannot be provided, the person requesting the reimbursement is to complete a statutory declaration.

Where reimbursements for expenses from the City of Cockburn are required, the Treasurer shall submit a request at the end of each month to the City of Cockburn with receipts or statutory declaration for expenses to be claimed.

PART 5 - VEHICLE USAGE

5.1 Provisions of Driving

All drivers must have an appropriate class of driving license for the type of vehicle being used. The license must be current and not suspended.

Authorisation must be obtained before using any brigade vehicle.

Members are to be “endorsed” by an authorised member for each appliance following the DFES Drive Operate Appliance (DOA) process.

Members are not permitted to drive any brigade vehicle when they have consumed alcohol.

Drivers must have a blood alcohol content of zero (0).

Members holding Red ‘P’ plates are not authorised to drive brigade vehicles under any circumstances.

Nothing within these Rules limit the City or its delegates from using any of City’s Fire-fighting appliances.

5.2 Vehicle Use

Any person driving a brigade vehicle must observe all traffic and parking laws whilst not engaged in operations.

Payment of fines levied under any traffic and or parking regulations is the personal responsibility of the driver of the vehicle.

Brigade vehicles and associated equipment shall only be used for brigade business.

Only brigade members should be carried in brigade vehicles unless authorised by the captain.

5.3 Ensuring Vehicles Remain Operational

Drivers (with assistance from crew members) are responsible for the completion of vehicle checks and ensuring the vehicle is left in a safe, clean and operational state prior to those members departing station for other duties.

On return to station all fuels, water and general checks are to be completed and any defects are to be reported to the Officer in-Charge (OIC) who will then report it to the Equipment Officer, in addition to completing a Vehicle Fault Report form.

All vehicles are the property of the City of Cockburn and any faults and or breakdowns are to be reported to the Captain, or delegate immediately.

Regardless of the damages, when a vehicle is involved in an accident the City of Cockburn procedure must be followed.

5.4 Vehicle Administration

Drivers and crew are responsible for reasonable cleanliness of the interior and exterior of the vehicle whilst it is in their control.

As a minimum, 'VPOWER' or equivalent checks are to be completed once a month. Records of these checks are to be stored in the nominated file, with defects to be reported to the Captain or delegate and inscribed in the Vehicle Fault Report Book.

PART 6 – OPERATIONS

6.1 Deployments

From time to time there may be requests via the CBFCO to provide qualified, current and competent members to be in a pool of personnel suitable for deployment intrastate, interstate and international for fire or emergency response.

6.2 Completing Incident Reports

The OIC is required to complete a post incident fire report on return to the station.

Only trained and endorsed members are to input reports into the DFES online Incident Report System.

Reports shall be entered within a period no more than 28 days after the incident has been closed or unless approved by the CBFCO.

PART 7 - MEETINGS

7.1 General Meetings

The brigade Captain shall preside over the general meetings of the brigade. In the absence of the Captain, the 1st Lieutenant shall preside over the meeting.

Each brigade member shall be treated in accordance with the Code of Conduct.

Members should not consider the outcomes of a meeting as stated until the minutes of the meeting are published.

The Management Team will provide a report of their portfolio to the brigade membership.

Agenda items shall be sent to the secretary in writing no less than seven (7) days before the next general meeting unless agreed to by the Management Team.

All apologies shall be directed to the Captain or Secretary prior to the meeting. Brigade members shall provide an apology on behalf of other brigade members during the meeting if requested.

7.2 Brigade Management Team Meetings

The brigade management team shall meet to discuss strategic level management issues concerning the brigade. In particular:

- (a) Overview of upcoming training sessions;
- (b) Overview of equipment conditions, station condition and upcoming developments;
- (c) Overview of the brigade financial status;
- (d) Review issues identified from brigade debriefs;
- (e) Review any issues adversely affecting the operations of the brigade;
- (f) Review any required changes to the operating policy; and
- (g) Any other business submitted.

The Captain shall preside over these meetings. In the absence of the Captain, the 1st Lieutenant shall preside over the meeting.

Dated this _____ day of _____ 20__.

The Common Seal of the City of Cockburn was hereunto affixed in the presence of:

Mayor

Chief Executive Officer