



LOCAL GOVERNMENT ACT 1995

BUSH FIRE BRIGADE LOCAL LAW 2022

February 2022

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BUSH FIRES ACT 1954

BUSH FIRE BRIGADE LOCAL LAW 2022

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 _____ to make the following local law.

PART 1 – PRELIMINARY

1. Short Title

This is the *City of Cockburn Bush Fire Brigade Local Law 2022*.

2. Commencement

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

3. Application

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

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.

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Law 2000 adopted by Council on the 21 November 2000 and published in the *Government Gazette* on 2 February 2001 is repealed.

6. Interpretation

In this local law, unless the context otherwise requires:

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

“**brigade area**” is defined in clause 4 (14);

“**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;

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

“Bush Fire Control Officer” means a person appointed under section 38 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 Council.

PART 2 – ESTABLISHMENT OF BUSH FIRE BRIGADES

Division 1 – Establishment of a Bush Fire Brigade

7. 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).

8. 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;
 - (a) a Captain;
 - (b) a First Lieutenant; and
 - (c) 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

9. 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

10. 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.

11. 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

12. Existing Bush Fire Brigades

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:

- (1) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;
- (2) the provisions of this local law apply to bush fire brigade save for clause 8; and
- (3) 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

13. 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.

14. New Arrangement After Dissolution

- (1) 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

15. Local Government Responsibility

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

16. 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 and Brigade Officers

17. 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.

18. 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.

19. Duties of the Chief Bush Fire Control Officer and Brigade Officers

The duties of the Chief Bush Fire Control Officer and Brigade Officers include:

- (1) providing leadership to volunteer bush fire brigades;
- (2) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations to the local government;
- (3) 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
- (4) 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

20. 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; and
- (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

21. Functions of the Bush Fire Advisory Reference Group

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.

PART 4 – TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

22. Types of Membership of Bush Fire Brigades

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

- (1) Fire-fighting member;
- (2) Auxiliary member; and
- (3) honorary life member.

23. 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.

24. Auxiliary Member

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

25. Honorary Life Member

The bush fire brigade may appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade. The way an honorary life member is appointed may be governed by the Rules.

26. 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

27. 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

28. 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.

29. 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).

30. 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.

Dated this ____ day of _____ 20__.

The Common Seal of the City of Cockburn was affixed by authority of a resolution of Council in the presence of:

LOGAN HOWLETT, JP Mayor

ANTHONY BRUN, Chief Executive Officer