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CITY OF ALBANY

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

BUSH FIRE BRIGADES LOCAL LAW 2020

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LOCAL GOVERNMENT ACT 1995**

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BUSH FIRE BRIGADES LOCAL LAW 2020

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 City of Albany resolved on 28 July 2020 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Albany Bush Fire Brigades Local Law 2020*.

1.2 Commencement

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

1.3 Definitions

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

Act means the *Bush Fires Act 1954*;

brigade area is defined in clause 2.1(3)(b);

brigade member means any member referred to in clause 4.1;

brigade officer means a person holding a position referred to in clause 2.2 (3), 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;

Bush Fire Control Officer means a Bush Fire Control Officer appointed by the local government under section 38 the Act;

bush fire operating procedures means the operating procedures adopted by the local government as amended from time to time;

CEO means the chief executive officer of the local government;

Chief Bush Fire Control Officer means the Chief Bush Fire Control Officer appointed under the Act;

Committee means the Committee of the bush fire brigade;

Council means the Council of the City of Albany;

DFES means the Department of Fire and Emergency Services;

Direct Communications is the act of transferring information from one place, person or group to another with confirmation of understanding and acknowledgement of receipt. Direct communications may be conveyed using electronic communication devices and applications approved by DFES or the local government, for example: UHF and VHF radio, internet voice and video applications.

District means the area within the boundary of the City of Albany;

firefighting member means a registered operational member of a bush fire brigade;

local government means the City of Albany;

local law means the *City of Albany Bush Fire Brigades Local Law 2020*;

Normal Brigade Activities are defined by section 35A of the Act;

Regulations means Regulations made under the Act;

Rules means the Rules Governing the Operation of bush fire brigades; and

Schedule means a schedule to this local law.

(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) a Training Officer;
- (f) an Equipment Officer;
- (g) a President;
- (h) a Secretary; or
- (i) a Treasurer;

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

1.4 Application

This local law applies throughout the district.

PART 2—ESTABLISHMENT AND CANCELLATION OF BUSH FIRE BRIGADES

Division 1—Establishment of a Bush Fire Brigade

2.1 Establishment and naming 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) 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; and
 - (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the "brigade area").
- (4) The local government must register the brigade in a register kept pursuant to section 41(2) of the Act.

2.2 Appointment of brigade officers

- (1) On establishing a bush fire brigade under clause 2.1(1) the local government is to appoint or provide for the election of brigade officers as defined in the Rules Governing the Operation of Bush Fire Brigades (Schedule 1 of this local law).
- (2) When considering the appointment or election of brigade officers the local government is to consider the qualifications, experience and skills required to fill each position.
- (3) A person appointed or elected to a brigade is taken to be a brigade member of that brigade.
- (4) The appointments expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) If a position becomes vacant prior to the completion of the first annual general meeting, then the local government may appoint a person to fill the vacancy.

Division 2—Transitional

2.3 Existing bush fire brigades

Where a local government has established a bush fire brigade prior to the commencement date of this Local Law, from the commencement date—

- (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
- (b) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules.

Division 3—Cancellation of a Bush Fire Brigade

2.4 Cancellation of a bush fire brigade registration

The local government may cancel the registration of a bush fire brigade, in accordance with section 41(3) of the Act, 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.

2.5 New arrangement after cancellation of registration

If a local government cancels the registration of a bush fire brigade, the local government is to make alternative fire control arrangements for that brigade area.

PART 3—OBJECTIVE, ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

Division 1—Objectives of Bush Fire Brigades

3.1 Objectives

The objectives of the bush fire brigade are to carry out—

- (a) Normal Brigade Activities; and
- (b) the functions of the bush fire brigade as specified in the Act, the Regulations and this local law.

*Division 2—Local Government Responsibility***3.2 Local government responsible for structure**

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

3.3 Bush fire brigade to be supplied with Act

The local government is to supply each bush fire brigade with two copies of the Act, the Regulations, the bush fire brigade operating procedures, relevant local government policies, 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.

*Division 3—Bush Fire Advisory Committee***3.4 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 may be determined by the local government from time to time.

3.5 Advisory Committee to consider brigade motions

The Bush Fire Advisory Committee shall consider any motion received from a bush fire brigade and may make recommendations to the local government in relation to any motion supported by the Bush Fire Advisory Committee.

*Division 4—Bush Fire Control Officers***3.6 Local government to have regard to nominees for Bush Fire Control Officers**

When considering the appointment of persons for the position of a Bush Fire Control Officer under section 38 of the Act, the local government is to have regard to persons nominated by any bush fire brigade but is not bound to appoint the nominated person(s).

3.7 Functions of a Bush Fire Control Officer

- (1) The statutory powers and duties of bush fire control offices shall be those contained in the Act.
- (2) Under the provision of section 38 of the Act, the local government may appoint bush fire control officers generally or classes of Bush Fire Control Officers in order to carry out some or all the functions of the Act.
- (3) The functions of a Bush Fire Control Officer, or classes of Bush Fire Control Officers, are to be as described in the Bush Fire Control Officer position description contained in the City of Albany Strategic Bush Fire Plan (or other City of Albany plans) as adopted by Council and amended from time to time.
- (4) The local government may limit the area in which a bush fire control officer can carry out his functions to one or more specified bush fire brigade area.

3.8 Local government to advise Bush Fire Advisory Committee of appointments

Within one month of the local government receiving a bush fire brigade's nominations for persons to serve as bush fire control officers, the local government is to advise the Bush Fire Advisory Committee of the persons appointed by the local government as bush fire control officers.

*Division 5—Chief Bush Fire Control Officer***3.9 Role and duties of Chief Bush Fire Control Officer**

- (1) Subject to any directions of the CEO, the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.
- (2) The Chief Bush Fire Control Officer or his Deputy may attend as a non-voting representative of the local government, at any meeting of a bush fire brigade.
- (3) The duties of the Chief Bush Fire Control Officer are to be as described in the Chief Bush Fire Control Officer position description contained in the City of Albany Strategic Bush Fire Plan as adopted by Council and amended from time to time.

PART 4—BRIGADE MEMBERSHIP*Division 1—Types of Membership***4.1 Membership of a bush fire brigade**

- (1) The membership of a bush fire brigade consists of the following—
 - (a) operational members;
 - (b) trainee members;
 - (c) support members;
 - (d) cadet members;
 - (e) life members; and
 - (f) honorary life members.

(2) A person shall only have membership of one bush fire brigade within the local government district at any given time.

4.2 Operational members

Operational members are those persons aged being at least 16 years of age who undertake all normal brigade activities, and have completed the required training qualification as determined by the local government.

4.3 Trainee members

Members joining a bush fire brigade shall be classified as trainee members until they completed the basic training qualification as determined by the local government from time to time.

4.4 Cadet members

(1) 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 an uncontrolled fire or other emergency incident;
- (d) to be supervised by an operational member when undertaking normal brigade activities as defined by paragraphs (c), (d), (e), (f) and (g) of section 35A of the Act; and
- (e) ineligible to vote at brigade meetings.

4.5 Support members

Support members are brigade members who are not otherwise classified as an operational member, trainee member or cadet member.

4.6 Life member

(1) The brigade may by a simple majority resolution appoint a person as a life member in recognition of services by that person to the bush fire brigade.

(2) Only an Operational member can be appointed as a life member.

4.7 Honorary life member

(1) The 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.

(2) Honorary life members are ineligible to vote at brigade meetings.

Division 2—Command at a Fire

4.8 Interpretation

In this Division “in attendance” includes attendance—

- (a) in person; or
- (b) via direct communications.

4.9 Ranks within the bush fire brigade

Where, under the Act, members of a bush fire brigade have command of a fire—

- (a) where a Bush Fire Control Officer is in attendance at the fire the most Bush Fire 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, in accordance with sections 39(1)(f) and 44(3) of the Act; and
- (b) in the absence of a Bush Fire Control Officer, the Captain 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; and
- (c) 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.

PART 5—EQUIPMENT OF BUSH FIRE BRIGADES

5.1 Policies of local government

The local government may make policies to—

- (a) provision funding to bush fire brigades for the purchase of protective clothing, equipment and training; and
- (b) keep bush fire brigades informed of funding opportunities from other bodies.

5.2 Equipment in bush fire brigade area

The bush fire brigade is to report to the local government the quantity and quality of all protective clothing, equipment and appliances of the brigade when directed to do so.

5.3 Funding from local government budget

A request to the local government from a bush fire brigade for funding of protective clothing, equipment, training or appliance needs shall be submitted to the local government by a date advised by the CEO or delegate of the CEO, for consideration in the next following local government budget.

5.4 Consideration in the local government budget

The local government—

- (a) may approve or decline an application for funding depending upon its assessment of budget priorities for the year in question; and
- (b) shall advise bush fire brigades of the final outcome of their individual requests for funding within a reasonable time frame.

PART 6—APPLICATION OF RULES TO A BUSH FIRE BRIGADE

6.1 Rules to govern

- (1) The Rules govern the operation of a bush fire brigade.
- (2) A bush fire brigade and each bush fire brigade member is to comply with the Rules.
- (3) The Rules governing the operation of bush fire brigades are detailed at Schedule 1.

Schedule 1

RULES GOVERNING THE OPERATION OF BUSH FIRE BRIGADES

(clause 6.1)

PART 1—PRELIMINARY

1.1 Interpretation

(1) 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 this local law, the Act or the Regulations, as the case may be.

(2) In these Rules, unless the context otherwise requires—

simple majority means a majority of more than 50% of members of—

- (a) brigade members of a bush fire brigade, present in person or by proxy; if the majority is required at a meeting of the bush fire brigade; or
- (b) brigade officers of the bush fire brigade, present in person or by proxy, if the majority is required at a meeting of the committee.
- (c) absolute majority means a majority of more than 50% of the number of—
 - (i) brigade members of a 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
 - (ii) 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.

PART 2—COMMITTEE

2.1 Management of a bush fire brigade

(1) The administration and management of the affairs of a bush fire brigade are vested in the Committee, subject to the provisions of these Rules.

(2) The Committee's functions include, but are not limited to—

- (a) recommending amendments to these rules to the local government;
- (b) approving the brigade's annual budget and presenting it at the brigade's annual general meeting;
- (c) proposing a motion for consideration at any bush fire brigade meeting;
- (d) recommending to the local government equipment which needs to be supplied by the local government to the bush fire brigade;
- (e) investing or placing on deposit any bush fire brigade funds not immediately required to perform normal brigade activities;
- (f) delegating to a person, any Committee functions (being less than the total functions of the Committee) as considered reasonable, on any conditions it thinks fit;
- (g) doing 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) dealing with membership applications, grievances, disputes and disciplinary matters.

2.2 Membership of Committee

(1) The brigade Committee is to consist of the Captain, First Lieutenant, President, Secretary, Treasurer, and any other brigade members as may be determined by the Committee from time to time.

(2) The Committee members are to—

- (a) be elected at the brigade's annual general meeting;
- (b) hold office until the next annual general meeting; and
- (c) be eligible for re-election at the next annual general meeting.

2.3 Termination of Committee Membership

(1) Any Committee member 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.

(2) If a position becomes vacant prior to the commencement of the annual general meeting, then the bush fire brigade is to elect a person to fill the vacancy at a bush fire brigade meeting.

(3) The local government is to be advised within 7 days of the removal of a committee member from office under subclause (1), or the election of a person to fill a vacancy under subclause (2).

2.4 Meetings of Committee

(1) The Committee is to meet for the despatch of business, adjourn and otherwise regulate its meeting as it thinks fit.

(2) The President or the Secretary, may convene a meeting of the Committee at any time.

2.5 Quorum

(1) The quorum for a Committee meeting is 50% of members of the Committee present, either in person or via direct communication.

(2) No business is to be transacted at a Committee meeting, without a quorum of Committee members.

(3) Subject to these Rules, a decision made by the Committee may be made by a resolution passed by a simple majority of Committee members who are present in person, via electronic communication, or by proxy at the meeting.

2.6 Voting

(1) Each committee member is to have one vote.

(2) In the case of an equality of votes, the President (or person presiding) may exercise an additional casting vote.

PART 3—FUNCTIONS OF BRIGADE OFFICERS

3.1 Captain

The Captain is the most senior operational member of the brigade.

3.2 Lieutenants

(1) Lieutenants shall be ranked numerically according to seniority.

(2) The first lieutenant is the second most senior operational member of the brigade, and so on.

3.3 President

(1) Subject to subclause (2) below, the President is to preside at all meetings.

(2) In the absence of the President, the meeting may elect another person to preside at the meeting.

(3) The President is responsible for the efficient administration of the brigade.

3.4 Secretary

The Secretary is to—

- (a) keep a correct minute and account of the proceedings of all meetings of the brigade and the Committee which shall be open for inspection by brigade members at any reasonable time;
- (b) answer all correspondence or direct it appropriately, and keep a record of the same;
- (c) prepare and send out all necessary notices of meetings; and
- (d) maintain a register of all current brigade members which includes each brigade member's contact details and type of membership.

3.5 Treasurer

The Treasurer is to—

- (a) receive donations and monies on behalf of the brigade and deposit all monies to the credit of the brigade's bank account;
- (b) pay accounts as authorised by the committee;
- (c) keep a record of all monies received and payments made, maintain the accounts and prepare the balance sheet for each financial year;
- (d) be the custodian of all monies of the brigade; and
- (e) report on the financial position at meetings of the brigade or Committee;
- (f) prepare requests for funding for submission to the local government;
- (g) prepare for submission to local government an annual statement of acquittal providing detail of expenditure of funding monies received; and
- (h) make available the financial statements of the brigade for review by the local government on request.

3.6 Equipment Officer

(1) The Equipment Officer is—

- (a) responsible for the inspection and maintenance of all equipment and appliances as directed by the brigade Captain;

- (b) to report to the local government any damage incurred to brigade equipment as soon as practicable; and
 - (c) to report to the local government any maintenance required to brigade equipment as soon as practicable.
- (2) In consultation with the CBFCA an Equipment Officer may temporarily locate equipment at an alternative location from time to time for operational purposes.

3.7 Training Officer

The Training Officer is responsible for the coordination of brigade training under the direction of the Captain and the local government.

PART 4—MEMBERSHIP OF A BUSH FIRE BRIGADE

4.1 Conditions of membership

- (1) Members of a bush fire brigade shall comply with the bush fire brigade operating procedures in carrying out normal brigade activities.
- (2) In relation to any type of membership, as described in Part 4 of the local law, the local government may establish policies regarding—
- (a) the qualifications required;
 - (b) fitness for duty;
 - (c) a requirement to serve a probationary period; and
 - (d) the Committee's assessment of an application for membership.

4.2 Applications for membership

- (1) Applications for membership of a bush fire brigade shall—
- (a) be submitted to the Captain or Secretary of the relevant bush fire brigade, who shall forward a copy of the application to the Chief Bush Fire Control Officer within 1 week of the application being submitted; and
 - (b) shall be determined by the brigade's Committee, who shall consider any advice received from the Chief Bush Fire Control Officer in relation to the application.

4.3 Decision on application for membership

- (1) Subject to clause 2.1, the Committee may—approve an application for membership unconditionally or subject to any conditions; or decline an application for membership.
- (2) If the Committee declines an application for membership, it is to give written notice to the applicant as soon as practicable after the decision is made, and advise the applicant that he or she has the right to object to the local government.
- (3) The local government is to be advised of approved applications within 14 days of approval of membership.

4.4 Notification of membership

- (1) All approved applications for membership forms are to be submitted to the local government within 1 week of the application being made in accordance with clause 4.2 of the Rules.
- (2) As soon as practicable after the bush fire brigade annual general meeting, the local government will supply all bush fire brigades with a list of current membership.
- (3) Within 1 month of being provided a list under subclause (2), the bush fire brigade must review the list and report any anomalies to the local government.
- (4) The local government will supply the Chief Bush Fire Control Officer a list of current membership of any or all brigades upon request.

4.5 DFES to be notified of registrations

The local government is to supply details of any approved membership applications to DFES within 14 days of a person being admitted to membership in the form required by the DFES from time to time.

PART 5—SUSPENSION AND TERMINATION OF MEMBERSHIP OF A BUSH FIRE BRIGADE

5.1 Suspension of membership

- (1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Committee, and/or the Chief Bush Fire Control Officer, circumstances warrant suspending the member.
- (2) Without limiting the generality of sub-clause (2), a member of a bush fire brigade may be suspended in the event the member—
- (a) contravenes the Act, the Regulations, the brigade operating procedures, this local law or the local government's bush fire brigade policies;
 - (b) has performed an unsafe act that jeopardizes the safety of the member or others;
 - (c) has been charged with a criminal offence relevant to the member's role within the brigade and is awaiting court proceedings;

- (d) is unfit (physically, emotionally and/or mentally), or unable to perform the inherent requirements that could reasonably be expected of the role; or
 - (e) has acted in a manner contrary to the local government's code of conduct policy.
- (3) The suspended member may be excluded immediately from all or any specified bush fire brigade activities.
- (4) The period of suspension shall be determined by the Committee and/or the Chief Bush Fire Control Officer, and a review of the suspension shall take place within three months of the date of suspension.
- (5) Upon the expiry of the period of suspension the Committee and/or the Chief Bush Fire Control Officer may—
- (a) extend the period of suspension;
 - (b) terminate the membership; or
 - (c) reinstate the membership.

5.2 Termination of membership

- (1) Membership of the brigade terminates if the member—
- (a) dies;
 - (b) gives written notice of resignation to the Committee;
 - (c) is dismissed by the Committee and/or the Chief Bush Fire Control Officer, by reason of—
 - (i) failing to comply with the objectives of the bush fire brigade under clause 3.1 of this local law;
 - (ii) failing to comply with the Act, the Regulations, the bush fire operating procedures, the local law or relevant local government policies;
 - (iii) displaying conduct detrimental to the interests and reputation of the bush fire brigade;
 - (iv) being convicted of a criminal offence that in the opinion of the Chief Bush Fire Control Officer would ordinarily exclude the member from joining a brigade; or
 - (v) has acted in a manner contrary to the local government's code of conduct policies.
- (2) A brigade member who has had their membership to a brigade terminated for any of the reasons contained in 5.2(1)(c) is ineligible to join another bush fire brigade within the local government district for 12 months.
- (3) A brigade member who, in the opinion of the Committee or the Chief Bush Fire Control Officer, has not adequately fulfilled his or her role within the bush fire brigade, and has not responded to any written correspondence requesting that he or she state their intentions, within 21 days, shall be deemed to have resigned from the bush fire brigade.
- (4) Where the local government reasonably considers that a member of a bush fire brigade has behaved in a manner that may lead to termination, the local government may give notice to the Committee and/or the Chief Bush Fire Control Officer requesting the Committee or Chief Bush Fire Control Officer to investigate the matter.
- (5) Where a membership is terminated, all property owned by the bush fire brigade or the local government that is held by or in the possession of the person whose membership has been terminated, shall be returned on demand to the bush fire brigade or the local government.

5.3 Member has right of defence

- (1) A bush fire brigade member dismissed under clause 5.2(1)(c), or has his or her membership terminated under clause 5.1(5)(b), will be afforded the principle of natural justice through the right of reply to the Committee or Chief Bush Fire Control Officer.

5.4 Existing liabilities to continue

- (1) The resignation, or dismissal of a member under clause 5.2 or the suspension or termination of a member under clause 5.1 does not affect any liability of the bush fire brigade member arising prior to the date of resignation, dismissal, suspension or termination as the case may be.

5.5 Objection rights

- (1) A person whose—
- (a) application for membership is refused under clause 4.3(1)(b);
 - (b) membership is terminated under clauses 5.2(1)(c)(v) or clause 5.1(5)(b); or
 - (c) membership is suspended under clause 5.1(1) or clause 5.1(2), has a right of objection to the local government.
- (2) Where a person lodges an objection to the local government under sub-clause (1), the local government may deal with the objection by—
- (a) dismissing the objection;
 - (b) varying the decision objected to; or
 - (c) revoking the decision objected to, with or without—
 - (i) substituting for it another decision; or
 - (ii) referring the matter, with or without directions, for another decision by the Committee or Chief Bush Fire Control Officer.
- (3) No further right of review is available under this local law in respect of a decision made by a local government pursuant to subclause (2).

PART 6—MEETINGS OF THE BUSH FIRE BRIGADE**6.1 Annual General Meeting**

- (1) A bush fire brigade is to hold its annual general meeting prior to the commencement of May each year.
- (2) The Secretary is to give at least 14 days' notice in writing of the annual general meeting to all brigade members.
- (3) At the annual general meeting the bush fire brigade is to—
 - (a) elect the brigade officers from among the brigade members;
 - (b) brigade's nominee for Fire Control Officer;
 - (c) consider the Captain's report on the year's activities;
 - (d) adopt the annual financial statements;
 - (e) deal with any general business arising from the previous annual general meeting; and
 - (f) deal with any business approved by the President.

6.2 Notification of elected office bearers

- (1) The Secretary is to forward a list of elected office bearers and contact details from the brigade's annual general meeting to the Chief Bush Fire Control Officer and the local government within 1 month of the annual general meeting.
- (2) Where an office bearer is elected at a meeting other than an annual general meeting, the Secretary shall forward a revised list of the elected office bearers and contact details to the Chief Bush Fire Control Officer and the local government within 1 month of the meeting at which the office bearer is elected.

6.3 Ordinary/General meetings

Ordinary meetings may be called at any time by the Secretary by giving at least 7 days' notice to all brigade members.

6.4 Special General meetings

- (1) The Secretary is to call a special general meeting when 5 or more brigade members request one in writing.
- (2) The Secretary is to give at least 14 days' notice of a special general meeting to all brigade members.
- (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 general meeting beyond that specified in the notice given under subclause (3) in relation to that meeting.

6.5 Notice of a meeting

- (1) Notices of meetings of the bush fire brigade are to be in writing.
- (2) The notice of a meeting shall—
 - (a) set out the date, time and place of the meeting;
 - (b) set out particulars of motions of which notice has been given; and
 - (c) in the case of special meetings, set out particulars of the business to be transacted.
- (3) Notices of Committee meetings 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 Committee meeting.
- (4) 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 notice or any resolutions passed at the meeting.

6.6 Quorum

- (1) Except for Committee Meetings, the quorum for a meeting of the brigade is at least 50% of committee members (whether present at the meeting or not) and a total of not less than 7 members.
- (2) Notwithstanding the provision of (1) the CBFCO may vary these requirements to with the approval of the local government.
- (3) 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.

6.7 Voting

- (1) Each eligible brigade member is to have 1 vote.
- (2) In the event of an equality of votes, the President (or person presiding) may exercise a casting vote.
- (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's members.

PART 7—GENERAL ADMINISTRATION MATTERS**7.1 Funds**

The funds of a bush fire brigade are to be used solely for the purpose of fulfilling the objectives of the bush fire brigade.

7.2 Financial year

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

7.3 Banking

(1) The funds of a bush fire brigade are to be placed in the bush fire brigade's bank account and are to be drawn on only by—

- (a) cheques signed jointly by any 2, of the President, Captain, Secretary or Treasurer; or
- (b) authorised use of electronic banking by the Secretary or Treasurer in accordance with subclause (2).

(2) For the purposes of subclause (1)(b), any 2 of the President, Captain, Secretary or Treasurer may authorise in writing the use of electronic banking to draw on the brigade's funds.

7.4 Auditing

(1) The bush fire brigade shall supply on request to the local government the brigade's full financial records for the financial year.

(2) The local government may request the brigade's financial and accounting records for a review at any time.

7.5 Disclosure of interests

(1) A brigade member shall disclose to the bush fire brigade or the Committee any financial or personal interest (whether direct, indirect or perceived) he or she may have in any matter being considered by the bush fire brigade or the Committee, as appropriate.

(2) If an 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 permitted to vote on the matter, then her or his vote is to be taken to have no effect and is not to be counted.

7.6 Dispute Resolution

(1) Any dispute between brigade members may be referred to the Captain, President or to the Committee for resolution.

(2) Where a dispute referred under subclause (1) is considered by the Captain, President or the Committee to concern the general interests of the bush fire brigade, then the Captain, President or the Committee, is to refer the dispute to the annual general meeting, an ordinary meeting or a special general 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 dispute which is not resolved under subclause (1) or (2).

PART 8—NOTICES AND PROXIES

8.1 Notices

Where any notice other than a notice of meeting is to be given under these Rules, the notice may be given by—

- (a) Personal delivery;
- (b) Post;
- (c) Email;
- (d) Short Message Service (SMS) or the like; or
- (e) Facsimile transmission,

or any other method approved by the local government.

8.2 Proxies

(1) Where under these Rules a brigade member may vote by proxy, in order for the proxy to so vote, the brigade member or the proxy shall give a notice in the form of that appearing in this clause, 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 non-attending member 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 non-attending member 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.

(7) The form appointing a proxy shall be in writing and signed by the brigade member appointing the proxy and shall be in or substantially in the form set out in Schedule 2.

Schedule 2
FORM TO APPOINT A PROXY

(Schedule 1, clause 8.2)

[INSERT NAME] BUSH FIRE BRIGADE

[Annual] [Extraordinary] [Special] 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.
3.
4.

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 his discretion as to the way he casts the vote or whether it is cast at all.

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.

Date: Time:

Signed:

Dated this 12th day of August, 2020.

The Common Seal of the City of Albany was affixed by the authority of the resolution of Council in the presence of—

DENNIS WELLINGTON, Mayor.
ANDREW SHARPE, Chief Executive Officer.
