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

Shire of Gnowangerup

BUSH FIRE BRIGADES LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995*, *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Gnowangerup resolved on 22 August 2019 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Gnowangerup Bush Fire Brigades Local Law 2019*.

2. Repeal

The *Shire of Gnowangerup Bush Fire Brigades Local Law 2016* published in the *Government Gazette* on 15 November 2016 is repealed.

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 6(1)(b);

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

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the Shire of Gnowangerup;

normal brigade activities is defined by section 35A of the Act; and

Regulations means Regulations made under the Act.

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

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant; and

(d) any additional Lieutenants;

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

4. Application

This local law applies throughout the district.

5. Establishment of a bush fire brigade

(1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.

(2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

(3) A bush fire brigade established under subclause (1) is to hold a meeting at least once every financial year to appoint persons to the positions in clause 6(4), and where applicable clause 6(6).

6. Name and officers of bush fire brigade

(1) On establishing a bush fire brigade under clause 5(1) the local government is to—

(a) Give a name to the bush fire brigade;

(b) Specify the brigade area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; and

(c) Appoint—

(i) a Captain;

(ii) a First Lieutenant;

(iii) a Second Lieutenant; and

(iv) additional Lieutenants if the local government considers it necessary.

(2) A person appointed to a position pursuant to subclause (1)(c) is to be taken to be a brigade member.

(3) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.

(4) An election is to be held at the first annual general meeting by the members of the brigade for appointments to the positions referred to in subclause 1(c) or established under subclause (6) and every subsequent annual general meeting.

(5) If a position referred to in subclause (1)(c) or established under subclause (6) becomes vacant prior to the completion of the first annual general meeting or at any time, then the Brigade members are to vote for a replacement member to fill the position.

(6) The Brigade members may elect, set the term of office, describe the duties of, and dismiss, any person to any other position including secretary, treasurer, equipment officer, training officer or other positions, and may combine those positions; and

(7) The Brigade members may establish types of brigade membership including fire fighting members, auxiliary members, cadet members, and honorary life members.

7. Duties of Captain and bush fire brigade officers

(1) The duties of the Captain are to—

- (a) Provide leadership to bush fire brigades;
- (b) Monitor bush fire brigades' resourcing, equipment and training levels;
- (c) Liaise with the local government concerning—
 - (i) Fire prevention or fire suppression matters generally;
 - (ii) Directions to be issued by the local government to bush fire control officers, including those who issue permits to burn; and
 - (iii) Bush fire brigade officers;
- (d) Ensure that a list of bush fire brigade members is maintained;
- (e) Report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations;
- (f) Report to the local government not later than 30 April each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's—
 - (i) Training and readiness;
 - (ii) Protective clothing;
 - (iii) Equipment; and
 - (iv) Vehicles and appliances;
- (g) Nominate persons to the CEO for appointment as bush fire control officers by the local government;
- (h) Arrange for normal brigade activities as authorised by the Act or by the local government; and
- (i) Where a vacancy occurs in a position appointed under clause 6(1)(c), to—
 - (i) Advise the CEO of the vacancy as soon as practicable; and
 - (ii) Make alternate suitable arrangements for that position until an appointment is made.

(2) The duties of other bush fire brigade officers are to support the Captain in his/her role.

8. Appointment, employment, payment, dismissal and duties of bush fire control officers

The appointment, employment, payment, dismissal and duties of bush fire control officers is dealt with by the Act.

9. Maintenance and equipment with appliances and apparatus of bush fire brigades

The local government may provide funds for the maintenance and equipment with appliances and apparatus of bush fire brigades in accordance with Part 6 of the *Local Government Act 1995*.

Dated: 11 September 2019.

The Common Seal of the Shire of Gnowangerup was affixed by authority of a resolution of the Council in the presence of—

Cr KEITH HOUSE JP, President.
VINCENT FORDHAM LAMONT, Chief Executive Officer.