

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

**SHIRE OF VICTORIA PLAINS**

**BUSH FIRE BRIGADES LOCAL LAW 2017**

CONTENTS

Part 1 - Preliminary

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Definitions

Part 2 - Establishment of bush fire brigades

- 2.1 Establishment of a bush fire brigade
- 2.2 Name and area of bush fire brigade
- 2.3 Objects of bush fire brigades
- 2.4 Chain of command during fire fighting activities
- 2.5 Existing bush fire brigades
- 2.6 Dissolution of bush fire brigade
- 2.7 New arrangement after dissolution

Part 3 - Organisation of bush fire brigades

- 3.1 Local government responsible for structure
- 3.2 Appointment of bush fire control officers
- 3.3 Training of officers
- 3.4 Managerial role of CBFCO
- 3.5 Duties of Captain and bush fire brigade officers

Part 4 - Membership

- 4.1 Types of membership of bush fire brigade
- 4.2 Membership applications
- 4.3 Membership – review, refusal, suspension or termination
- 4.4 Member has right to review
- 4.5 Existing liabilities to continue
- 4.6 Disagreements

Part 5 - General

- 5.1 Administration
- 5.2 Finances
- 5.3 Equipment
- 5.4 Consideration in the local government budget

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

**SHIRE OF VICTORIA PLAINS**

**BUSH FIRE BRIGADES LOCAL LAW 2017**

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 Shire of Victoria Plains resolved on 19 July 2017 to make the following local law.

**Part 1 - Preliminary**

**1.1 Citation**

This local law may be cited as the *Shire of Victoria Plains Bush Fire Brigades Local Law 2017*.

**1.2 Commencement**

This local law will come into operation 14 days after its publication in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

The *Shire of Victoria Plains Fire Control Local Law* as published in the *Government Gazette* on 9 June 1998 is repealed.

**1.5 Definitions**

In this local law unless the context otherwise requires –

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

**brigade area** has the meaning given to it in clause 2.2(b);

**brigade member** means a volunteer fire fighter having current membership of a bush fire brigade;

**brigade officer** means a person holding a position referred to in clause 5.5(1)(a), irrespective of method of appointment to the position;

**bush fire brigade** has the meaning given to it in section 7 of the Act;

**bush fire control officer** means a person appointed to that office by the local government;

**Bush Fire Operating Procedures** means the Bush Fire Operating Procedures as may be adopted by the local government and amended from time to time;

**Captain** means the person holding or acting in that position in a bush fire brigade;

**CBFCO** means the Chief Bush Fire Control Officer;

**CEO** means the Chief Executive Officer of the local government;

**Council** means the Council of the local government;

**district** means the district of the local government;

**fire fighting activities** means all normal brigade activities relating to a live bush fire which is active in the district, and includes burning off, creating fire breaks and other methods for the control of bush fires;

**Lieutenant** means the person holding that position in a bush fire brigade;

**local government** means the Shire of Victoria Plains;

**normal brigade activities** has the meaning given to it in section 35A of the Act;

**President** means President of the Council;

**Regulations** means *Bush Fires Regulations 1954* made under the Act; and

**volunteer fire fighter** has the meaning given to it in section 35A of the Act.

## **Part 2 - Establishment of bush fire brigades**

### **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 area of bush fire brigade**

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 within the district in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities.

### **2.3 Objects of bush fire brigades**

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.

### **2.4 Chain of command during fire fighting activities**

- (1) Subject to the Act, the chain of command to apply during fire fighting activities is –
  - (a) bush fire control officers in order of seniority;
  - (b) brigade officers in order of seniority; and
  - (c) all other volunteer fire fighters.
- (2) The person in command has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the volunteer fire fighters, and may exercise all the powers and duties provided for by the Act.

### **2.5 Existing bush fire brigades**

A bush fire brigade established prior to the day on which this local law comes into operation –

- (a) 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 2.1; and
- (c) any rules governing the operation of the bush fire brigade are repealed and substituted with the provisions of this local law.

### **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, or is not achieving the objectives for which it was established.

### **2.7 New arrangement after dissolution**

If a 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 of bush fire brigades**

### **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 Appointment of bush fire control officers**

- (1) The local government may appoint bush fire control officers in their absolute discretion, and apply conditions as considered appropriate.
- (2) Where only one person is appointed as a bush fire control officer, that person is the CBFCO for the purposes of this local law.
- (3) Where more than one person is appointed as a bush fire control officer, the local government shall

determine seniority as CBFCO, Deputy CBFCO, and further seniority as is considered appropriate.

- (4) When considering the appointment of a person as a bush fire control officer, the local government is to have regard to the qualifications, training and experience which may be advisable to fill the position.

### **3.3 Training of officers**

- (1) The local government is to supply each bush fire control officer and brigade captain with a copy of the Act, the Regulations, any Bush Fire Operating Procedures adopted, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments made from time to time.
- (2) Bush fire control officers are to complete a Bush Fire Control Officers course conducted by an organisation approved by the CEO, within 12 months of appointment, unless a course has been completed within the 4 years prior to appointment as a bush fire control officer.
- (3) Bush fire control officers are required to complete a bush fire control officers course or a bush fire control officers refresher course at least once every 5 years.

### **3.4 Managerial role of CBFCO**

Subject to any directions by the local government the CBFCO has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

### **3.5 Duties of Captain and bush fire brigade officers**

The duties of the CBFCO and Captain include –

- (a) to provide leadership to bush fire brigades;
- (b) to monitor bush fire brigades' resourcing, equipment and training levels;
- (c) to liaise with the local government concerning fire prevention or fire 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 lists of brigade members are maintained in accordance with clause 4.3;
- (e) to report annually to the local government the office bearers of the bush fire brigade in the form of Form 12 of the Regulations; and
- (f) to report to the local government prior to the local government's annual budget each year, for consideration and appropriate provision being made in the next budget, the status of a bush fire brigade's –
  - (i) training and readiness;
  - (ii) protective clothing;
  - (iii) equipment; and
  - (iv) vehicles and appliances.

## **Part 4 - Membership**

### **4.1 Types of membership of bush fire brigade**

- (1) The membership of a bush fire brigade consists of volunteer fire fighters.
- (2) Registration as a volunteer fire fighter does not commit the person to participating in all normal brigade activities.

### **4.2 Membership applications**

The decision on an application for admission of member, with or without conditions or restrictions, may be made by –

- (a) either the Captain or CBFCO; jointly with
- (b) either the CEO or President.

### **4.3 Membership – review, refusal, suspension or termination**

- (1) The Captain is to review the membership and report to the CEO and CBFCO the name and contact details of each brigade member.
- (2) If circumstances warrant, membership of the bush fire brigade may be refused or suspended at any time for a period considered appropriate in the opinion of –

- (a) either the Captain or CBFCO; jointly with
  - (b) either the CEO or President.
- (3) Membership of the bush fire brigade terminates if the member –
- (a) dies;
  - (b) gives written notice of resignation to the Captain or CEO;
  - (c) is permanently incapacitated by mental or physical ill-health in the opinion of –
    - (i) either the Captain or CBFCO; jointly with
    - (ii) either the CEO or President; or
  - (d) has been removed from the membership list for other sufficient reason in the opinion of –
    - (i) either the Captain or CBFCO; jointly with
    - (ii) either the CEO or President.
- (4) Where a decision under subclause (2), (3)(c) or (3)(d) is unable to be agreed, the matter is to be referred to Council, whose decision shall be final.
- (5) Members are eligible to reapply where membership has ceased for any reason.

#### **4.4 Member has right to review**

A brigade member may appeal to the Council, whose decision shall be final, any –

- (a) refusal of membership;
- (b) suspension of membership; or
- (c) termination of membership.

#### **4.5 Existing liabilities to continue**

The resignation, suspension or termination of a member under clause 4.3 does not affect any liability of the brigade member arising prior to the date of resignation, suspension or termination of membership.

#### **4.6 Disagreements**

- (1) Any disagreement between brigade members regarding normal brigade activities may be referred to the Captain.
- (2) Where a disagreement in subclause (1) is considered by the Captain to be of importance to the interests of the bush fire brigade, then the Captain is to refer the disagreement to the CEO.
- (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 5 - General**

### **5.1 Administration**

All administrative matters of a bush fire brigade are to be managed by the local government, other than brigade specific internal arrangements.

### **5.2 Finances**

All financial matters of a bush fire brigade are to be managed by the local government, other than brigade specific internal arrangements.

### **5.3 Equipment**

All equipment purchased by the local government is the property of, and shall be insured by, the local government.

### **5.4 Consideration in the local government budget**

In addition to funding made available through emergency services grants, the local government may provide further funding depending upon the assessment of budget priorities for the year in question.

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Dated 19 July 2017

The Common Seal of the Shire of Victoria Plains was affixed by authority of a resolution of Council in the presence of –



A handwritten signature in black ink, appearing to read "D.S. Lovelock", written in a cursive style.

D.S. LOVELOCK President

A handwritten signature in black ink, appearing to read "G.M. Teede", written in a cursive style.

G.M. TEEDE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF VICTORIA PLAINS

**REPEAL LOCAL LAW 2017**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Victoria Plains resolved on 19 July 2017 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Victoria Plains Repeal Local Law 2017*.

**2. Commencement**

This local law will come into operation 14 days after publication in the *Government Gazette*.

**3. Repeal**

The following local laws are repealed –

- (a) *By-laws Governing Long Service Leave to be Granted to Employees of the Victoria Plains Road Board*, published in the *Government Gazette* on 20 July 1951;
- (b) *By-laws for Regulating the Construction, Establishment, Operation and Maintenance of Motels*, published in the *Government Gazette* on 6 October 1960;
- (c) *By-laws Relating to the Keeping of Bees*, published in the *Government Gazette* on 8 May 1962; and
- (d) *By-law relating to Speed of Vehicles Driven on Land which is Vested in or Under the Care, Control or Management of the Shire of Victoria Plain*, published in the *Government Gazette* on 12 November 1968.

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Dated 19 July 2017

The Common Seal of the Shire of Victoria Plains was affixed by authority of a resolution of Council in the presence of –



A handwritten signature in black ink, appearing to read "D.S. Lovelock".

D.S. LOVELOCK, President

G.M. TEEDE, Chief Executive Officer.

A handwritten signature in black ink, appearing to read "G.M. Teede".