

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

**SHIRE OF MANJIMUP**

**BUSH FIRE BRIGADE AMENDMENT LOCAL LAW 2024**

**PART 1—PRELIMINARY**

Under the power conferred by the *Local Government Act 1995*, the *Bush Fire Act 1954* and all other powers enabling it, the Shire of Manjimup resolved on 11 April 2024 to make the following local law.

**1.1 Citation**

This local law may be cited as the *Shire of Manjimup Bush Fire Brigade Amendment Local Law 2024*.

**1.2 Commencement**

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

**PART 2—AMENDMENTS**

**2.1 Shire of Manjimup Bush Fire Brigade Local Law 2023 amended**

This Part of the local law amends the *Shire of Manjimup Bush Fire Brigade Local Law 2023* as published in the *Government Gazette* on 1 September 2023.

**2.2 Clause 5 amended**

Clause 5(1) be amended to include the following definition-

“**Operational procedures** means the Bush Fire Brigade Operating Procedures adopted by the local government as adopted from time to time.”

**2.3 Clause 8 amended**

Clause 8 be deleted and replaced as follows-

“**8. Managerial role of 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.”

**2.4 Clause 9 amended**

Clause 9 be deleted and replaced as follows-

“**9. Chief Bush Fire Control Officer may attend meetings**

The Chief Bush Fire Control Officer or her or his 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.”

**2.5 Clause 10 amended**

Clause 10 be deleted and replaced as follows-

“**10. Duties of Chief Bush Fire Control Officer**

- a) provide leadership to volunteer bush fire brigades;

- b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government;
- c) liaise with the local government concerning fire prevention / 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) ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained."

In this clause –

**Chief Bush Fire Control Officer** includes the Deputy Chief Bush Fire Control Officer appointed by the Local Government.

## 2.6 **Clause 11 included**

Clause 11 inserted as follows-

### **"11. Local Government to have regards to nominees for Bush Fire Control Officer**

- a) At its annual general meeting a bush fire brigade is to nominate 1 or more members to the local government to serve as the Bush Fire Control Officer for the brigade area until the next annual general meeting.
- b) 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).
- c) The appointment of a Bush Fire Control Officer is in accordance with Section 38 of the *Bush Fires Act 1954*.
- a) 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)."

## 2.7 **Clause 12 included**

Clause 12 inserted as follows-

### **"12. Functions of a Bush Fire Control Officer**

- a) The statutory powers and duties of Bush Fire Control Officers shall be those contained in the Act.
- b) Under the provisions 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.
- c) 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 local government operating procedures as adopted by Council and amended from time to time.
- d) The local government may limit the area in which a Bush Fire Control Officer can carry out his/her functions to one or more specified bush fire brigade areas."

## 2.8 **Clause 13 included**

Clause 13 inserted as follows-

### **"13. Suspension of Membership**

- 1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the local government, and/or the Chief Bush Fire Control Officer, circumstances warrant suspending the member.
- 2) A member of a bush fire brigade may be suspended in the event the member –
  - a) Contravenes the Act, the Regulations, operating procedures, this local law or the local governments bush fire brigade policies;
  - b) Has performed an unsafe act that jeopardizes the safety of member or others;
  - c) Has been charged with 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 local government and/or the Chief Bush Fire Control Officer, and 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 local government and/or the Chief Bush Fire Control Officer may-
  - a) Extend the period of suspension;
  - b) Terminate the membership; or
  - c) Reinstate the membership.”

2.9 **Clause 14 included**

Clause 14 inserted as follows-

**“14. Termination of membership**

- 1) Membership of the brigade terminates if the member –
  - a) dies;
  - b) gives written notice of resignation to the local government;
  - c) is dismissed by the local government and/or the Chief Bush Fire Control Officer, by reason of –
    - (i) failing to comply with the Act, Regulations, the operating procedures, the local law or relevant local government policies;
    - (ii) displaying conduct detrimental to the interests and reputation of the bush fire brigade;
    - (iii) being convicted of a criminal offence that in the opinion of the local government and/or the Chief Bush Fire Control Officer would ordinarily exclude the member from joining a brigade; or
    - (iv) 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 13(1)(c) is ineligible to join another bush fire brigade within the local government district for 12 months.
- 3) A bush fire brigade member who, in the opinion of the local government or the Chief Bush Fire Control Officer, has not adequately fulfilled his or her role within the bush fire brigade, and not responded to any written correspondence requesting that he or she state their intentions, within 21 days, shall to 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 Chief Bush Fire Control Officer requesting the Chief Bush Fire Control Officer to investigate the matter.
- 5) Where a membership is terminated, all property owned by the bush fire brigade or 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.”

2.10 **Clause 15 included**

Clause 15 inserted as follows-

**“15. Member has the right of defence**

A bush fire brigade member dismissed under clause 13 or has his or her membership terminated under clause 14, will be afforded the principle of natural justice through the right of reply to the local government or Chief Bush Fire Control Officer. “

2.11 **Clause 16 included**

Clause 16 inserted as follows-

**“16. Existing liabilities to continue**

The resignation, or dismissal of a member under 13 or the suspension or termination of a member under clause 14 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.”

2.12 **Clause 17 included**

Clause 17 inserted as follows-

**“17. 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 XX \*insert month\* 2024

The Common Seal of the Shire of Manjimup was affixed by authority of a resolution of the Council in the presence of-

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D. BUEGGE, Shire President

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B. ROSE, Chief Executive Officer