



**LOCAL GOVERNMENT ACT 1995**

**BUSH FIRES ACT 1954**

**Shire of Toodyay**

**Bush Fire Brigades Local Law 2025**

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## Declaration

Under the powers conferred by the *Local Government Act 1995* and the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on Thursday 28 August 2025 to make the following local law.

## Part 1 - Preliminary

### 1.1 Citation and Application

This local law may be cited as the *Shire of Toodyay Bush Fire Brigades Local Law 2025* and applies throughout the district.

It is made in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and Section 62 of Part V of the *Bush Fires Act 1954*.

### 1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

### 1.3 Repeal Provisions

This local law repeals the:

- (i) By-laws of the Toodyay Road Board relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Road District of Toodyay as published in the *Government Gazette* on 6 December 1946 (page 1499); and
- (ii) By-laws of the Toodyay Shire Council relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Shire or any part of the Shire of Toodyay as published in the *Government Gazette* on 15 July 1970 (page 2101).

### 1.4 Interpretation

- (1) In this local law, unless the context otherwise requires –

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

**Brigade area** means the area described in clause 2.2(1)(b);

**Bush Fire Advisory Committee** means the Shire of Toodyay Bush Fire Advisory Committee as formed under section 67 of the Act;

**Bush Fire Brigade** or **Brigade** means a bush fire brigade established by the Local Government under clause 2.1 and registered in a register kept pursuant to section 41 of the Act;

**Bush Fire Control Officer** means a bush fire control officer appointed by the Local Government under clause 5.1(1);

**Bush Fire Brigade Member** or **Brigade Member**, in relation to a Brigade, means a firefighting member, associate member or a cadet member of a bush fire brigade;

**Bush Fire Brigade Officer** or **Brigade Officer** in relation to a Brigade, means a person holding a position referred to in clause 2.2 (1)(c) or clause 2.2(5), 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 Operating Procedures** means the Bush Fire Operating Procedures adopted by the Local Government as amended from time to time;

**Chief Bush Fire Control Officer** means the Chief Bush Fire Control Officer appointed by the Local Government;

**Chief Executive Officer** means the Chief Executive Officer of the Local Government;

**Department** means the Department of Fire and Emergency Services of Western Australia;

**Deputy Chief Bush Fire Control Officer** means the Deputy Chief Bush Fire Control Officer appointed by the Local Government;

**district** means the district of the Local Government;

**Local Government** means the Shire of Toodyay;

**Normal brigade activities** as defined in 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;
- (d) any additional Lieutenant;

means a person holding that position in a Bush Fire Brigade.

## **Part 2 - Bush Fire Brigades**

### **2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades**

- (1) A bush fire brigade established by the Local Government 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; and
  - (b) the provisions of this local law apply to the bush fire brigade.
- (2) The Local Government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (3) A bush fire brigade is established on the date of the Local Government's decision under clause 2.1(2).

### **2.2 Name and Officers of Bush Fire Brigades**

- (1) 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 brigade area in which the Bush Fire Brigade is primarily responsible for carrying out the normal brigade activities; and
  - (c) appoint, in relation to the Bush Fire Brigade –

- (i) a Captain;
  - (ii) a First Lieutenant;
  - (iii) a Second Lieutenant;
  - (iv) a Secretary; and
  - (v) a Treasurer.
- (2) A person appointed to a position under clause 2.2(1)(c), is taken to be a Brigade Member.
- (3) The term of office of a person appointed to a position under clause 2.2(1)(c) ends –
  - (a) at the completion of the first Annual General Meeting of the Bush Fire Brigade;
  - (b) when the person resigns from that position; or
  - (c) when the appointment, or the person's Bush Fire Brigade membership, is terminated under this local law;whichever occurs first.
- (4) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members are to elect, from among the Brigade Members, persons to fill each of the positions of the Brigade as per clause 2.2(1)(c).
- (5) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members may elect, from among the Brigade Members, persons to additional brigade officer positions including:
  - (i) additional Lieutenants if the membership considers it necessary;
  - (ii) an Equipment Officer;
  - (iii) a Training Officer; and
  - (iv) additional Officers if the membership considers it necessary.
- (6) If the position of a Brigade Officer of a Bush Fire Brigade becomes vacant at any time other than at the completion of an Annual General Meeting of the Brigade, then a Special Meeting of the Brigade may be held at which the Brigade Members may vote for a replacement Brigade Member to fill the position until the next Annual General Meeting of the Bush Fire Brigade.

### **Part 3 - Dissolution of Bush Fire Brigades**

#### **3.1 Cancellation of Registration**

- (1) 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 or this local law; or is not achieving the objectives for which it was established.
- (2) Upon a Bush Fire Brigade's dissolution, the equipment, assets and funds of the Brigade must be placed under the control of the Local Government and dealt with in accordance with the *Local Government Act 1995*.

### **3.2 New Arrangement After Dissolution**

If the Local Government cancels the registration of a Bush Fire Brigade, the Local Government is to make alternative arrangements in respect of the Brigade Area.

## **Part 4 - Organisation and Maintenance of Bush Fire Brigades**

### **4.1 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.

### **4.2 Managerial Role of the Local Government**

- (1) Subject to any direction by the Chief Executive Officer, the Local Government has primary managerial responsibility for the organisation and maintenance of Bush Fire Brigades.
- (2) Considering recommendations from the Bush Fire Advisory Committee, the Chief Executive Officer will appoint suitably qualified persons as Bush Fire Control Officers.
- (3) The Local Government will report to the Chief Executive Officer not later than 30 April each year for the 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.
- (4) The Local Government is to monitor Bush Fire Brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year or as directed by the Chief Executive Officer to the Chief Executive Office.
- (5) The Local Government is to ensure that Bush Fire Brigades are registered, that the list of Brigade Members is maintained, and the Department informed of relevant changes as per the Act.

### **4.3 Functions of Chief Bush Fire Control Officer**

- (1) The functions of the Chief Bush Fire Control Officer are –
  - (a) to provide leadership to Bush Fire Brigades;
  - (b) to 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; and
  - (c) responsibilities and powers as conferred in the *Bush Fires Act 1954* and *Bush Fire Regulations 1954*.
- (2) The Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officer may attend as a non-voting representative of the Local Government at any meeting of a Bush Fire Brigade.

#### **4.4 Equipment and Maintenance of Bush Fire Brigades**

- (1) A Bush Fire Brigade is to report to the Local Government the quantity and quality of all appliances, apparatus and equipment of the Bush Fire Brigade when directed to do so.
- (2) The maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment and appliances is to be the responsibility of Local Government.

#### **4.5 Functions of Captain and Other Brigade Officers**

- (1) The functions of the Captain of a Bush Fire Brigade are to –
  - (a) provide leadership to the Bush Fire Brigade;
  - (b) monitor the Bush Fire Brigade’s resourcing, equipment and training levels;
  - (c) liaise with the Local Government concerning –
    - (i) fire prevention or fire suppression matters generally; and
    - (ii) the Brigade’s Officers;
  - (d) ensure that a list of the Bush Fire Brigade’s Members is maintained;
  - (e) report annually to the Local Government the office bearers of the Bush Fire Brigade in accordance with the Regulations; and
  - (f) arrange for normal brigade activities as authorised by the Act or by the Local Government.
- (2) The functions of other Brigade Officers of a Brigade are to support the Captain of the Brigade in their role.

### **Part 5 - Administration of Bush Fire Brigades**

#### **5.1 Local Government Appointments**

- (1) The Local Government may appoint, and may suspend or terminate the appointment of, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.
- (2) A decision to suspend or terminate a person’s appointment to a position under clause 5.1(1) must be made in accordance with the principles of procedural fairness.
- (3) A person’s appointment to a position under clause 5.1(1) ends –
  - (a) if the appointment is for a fixed term (on the expiry of that term);
  - (b) if the person dies (on the date of their death);
  - (c) if a person gives written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Chief Executive Officer); or
  - (d) if the appointment is terminated by the Local Government (on the date that written notice of the termination is given to the person),

whichever occurs first.

## **5.2 Membership of a Bush Fire Brigade**

- (1) The type of membership of a Bush Fire Brigade consists of the following –
  - (a) Fire Fighter – being those persons being at least 16 years of age who undertake all normal Bush Fire Brigade activities; and
  - (b) Auxiliary – being those persons being at least 16 years of age who are prepared to render other assistance required by the Bush Fire Brigade.
- (2) A person wishing to be a Bush Fire Brigade Member may make an application for membership to the Captain of the Bush Fire Brigade.
- (3) An application for membership of a Bush Fire Brigade –
  - (a) is to be assessed by the Captain of the Bush Fire Brigade who is to make a recommendation to the Local Government; and
  - (b) is to be determined by the Local Government who is to accept or reject the application.
- (4) A person whose membership application is accepted is to be appointed as a Brigade Member of a Bush Fire Brigade.
- (5) A person's membership of a Bush Fire Brigade under this clause 5.2 ends –
  - (a) if the person dies (on the date of their death);
  - (b) if a person gives the Captain of the Bush Fire Brigade written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Captain); or
  - (c) if the appointment is terminated by the Chief Executive Officer (on the date that the written notice of the termination is given to the person);whichever occurs first.
- (6) Subject to clause 5.2(8), the Chief Executive Officer may suspend or terminate the membership of a Brigade Member appointed under clause 5.2(4) if, in the opinion of the Chief Executive Officer, the Brigade Member is unfit to serve as a member of the Bush Fire Brigade.
- (7) A decision to suspend or terminate a person's membership of a Bush Fire Brigade under clause 5.2(5) must be made in accordance with the principles of procedural fairness.
- (8) If the Chief Executive Officer has a conflict of interest in considering and determining whether a person's membership should be suspended or terminated –
  - (a) the Chief Executive Officer must refer the matter to the Chief Bush Fire Control Officer; and
  - (b) the Chief Bush Fire Control Officer is to consider and determine the matter.
- (9) At the end of the period of suspension imposed under clause 5.2(6) or 5.2(8), the Chief Executive Officer (or if clause 5.2(8) applies, the Chief Bush Fire Control Officer) must –
  - (a) extend the period of suspension;
  - (b) terminate the membership; or
  - (c) confirm the continuation of the membership.



### **5.3 Meetings of Bush Fire Brigades**

- (1) A Brigade may hold Ordinary Meetings on such days and at such times and places, as the Brigade considers appropriate.
- (2) A Brigade should hold at least two Ordinary Meetings each year.
- (3) A Brigade must hold an Annual General Meeting each year by the month of June.
- (4) At the Annual General Meeting, the Brigade is to –
  - (a) elect Bush Fire Brigade Officers;
  - (b) receive the Captain's annual report;
  - (c) receive the Brigade Officers' annual report; and
  - (d) adopt the annual financial statements of the Brigade.
- (5) Notice of the Annual General Meeting and any ordinary meeting must be given to all Brigade Members at least fourteen days before the commencement of the meeting.
- (6) A Brigade may hold a Special Meeting to allow the membership to deal with a specific motion or business.
- (7) A notice of a Special Meeting must be given at least 72 hours before the commencement of the meeting.
- (8) The purpose of the Special Meeting must be included in the notice of meeting.
- (9) Meetings are to be conducted in accordance with the requirements of the Bush Fire Operating Procedures.

## **Part 6 - General**

### **6.1 Consideration in the Local Government Budget**

In addition to funding made available through emergency services grants, the Local Government may provide further funding depending on the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995*.

AUTHORISATION

Dated this 28<sup>th</sup> day of August 2025

The Common Seal of the )  
Shire of Toodyay was )  
affixed by authority of a )  
resolution of the Council )  
in the presence of )



MV McKeown  
Cr Michael McKeown  
Shire President

10/9/2025  
Date

AB  
Aaron Bowman JP  
Chief Executive Officer  
10/9/25  
Date