



Your Ref:

Our Ref:



Mr Geoff Baker MLA
Chair
Joint Standing Committee on Delegated Legislation
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Barker,

UNDERTAKING – SHIRE OF KONDININ BUSH FIRE BRIGADES LOCAL LAW 2022

I refer to your correspondence of 14 February 2024 regarding the *Shire of Kondinin Bush Fire Brigades Local Law 2022* and requesting an undertaking be given by the Council to amend the local law.

The matter was put before Council at their Ordinary Council Meeting of 20 March 2024, and I advise that the following undertaking has been resolved –

The Council of the Shire of Kondinin resolves to undertake to the Joint Standing Committee on Delegated Legislation that –

- 1. Within the next 6 months, the Bush Fire Brigades Local Law 2022 (as amended) will be repealed, and a new local law meeting the requirements of the Joint Standing Committee on Delegated Legislation adopted.*
- 2. That the Bush Fire Brigades Local Law 2022 (as amended) will not be enforced in a manner contrary to undertaking 1;*
- 3. Where the Bush Fire Brigades Local Law 2022 (as amended) is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.*

As required, a copy of the undertakings has been placed on the website, and will be made available to those requesting a copy of the local law or to read it.

Please contact the CEO Mr David Burton, Chief Executive Officer, if there are any queries.

Yours sincerely,

Cr Kent Mouritz
President

25 March 2024

All correspondence to be addressed to the Chief Executive Officer

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

SHIRE OF KONDININ

BUSH FIRE BRIGADES LOCAL LAW 2022

Consolidated to 13 October 2023

CONTENTS

1. Citation
2. Commencement
3. Application
4. Definitions
5. Establishment of a bush fire brigade
6. Name and officers of bush fire brigade
7. Duties of captain and bush fire brigade officers
8. *Deleted*
9. *Deleted*

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

SHIRE OF KONDININ

BUSH FIRE BRIGADES LOCAL LAW 2022

Consolidated to 13 October 2023

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 Kondinin resolved on 21 September 2022 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Kondinin Bush Fire Brigades Local Law 2022*.

2. Commencement

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

3. Application

This local law applies throughout the district.

4. 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 Kondinin;

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.

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(1)(c).

6. Name and officers of bush fire brigade

(1) On establishing a bush fire brigade under clause 4(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) In accordance with section 43 of the Act, the local government may remove or appoint officers of a bush fire brigade as deemed necessary or appropriate.
- (5) Subject to subclause (4) –
 - (a) 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) and every subsequent annual general meeting; and
 - (b) if a position referred to in subclause (1)(c) 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.
- (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 annually, 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 lieutenants are to –
 - (a) provide support to the Captain;
 - (b) command and manage members during emergencies and other Brigade related activities;
 - (c) demonstrate positive leadership and mentor members;
 - (d) maintain open lines of communication and encourage positive interaction and teamwork between members;
 - (e) *deleted*

- (f) ensure members engaged in firefighting activities hold competencies relevant to the task;
- (g) work cohesively with the brigade Training Officer and conduct training activities for members;
- (h) ensure the behaviour of members is in accordance with the Local Government's code of conduct;
and
- (i) in the absence of the brigade Captain the most senior Lieutenant present assumes the responsibilities and duties of that office and takes ultimate responsibility for the performance of all Brigade activities.

[Clause 7 amended by Government Gazette No. 137 of 13 October 2023]

8. Deleted

[Clause 8 deleted by Government Gazette No. 137 of 13 October 2023]

9. Deleted

[Clause 9 deleted by Government Gazette No. 137 of 13 October 2023]

Dated 19 October 2022

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

R.K. MOURITZ, President.

D.N. BURTON, Chief Executive Officer.

Administrative notes -

1. Original local law published in the *Government Gazette* on 10 November 2022
2. Amended as published in *Government Gazette* No. 137 on 13 October 2023