



Sawyers Valley Volunteer Bush Fire Brigade Inc.

By-Laws to the Rules of Association

for review

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BY-LAWS to the RULES OF ASSOCIATION of the SAWYERS VALLEY VOLUNTEER BUSH FIRE BRIGADE INC.

for review

Foreword

These by-laws are made by the Association under rule 64.

Refer to the rules for the status of by-laws. A by-law must be consistent with the Act, the regulations and the rules. The rules of the Association bind the Association and the members as an enforceable contract between them. By-laws may not have that status. By-laws are secondary rules that expand on the rules of association and cover non-administrative matters that do not need to be included in the rules of association. Therefore, the use of by-laws should be reserved for more procedural or administrative matters.

Note: apart from the clause that authorises them, the by-laws themselves are not intended to form a part of the rules of association that are subject to the Act. By-laws are separate from the rules and can be amended within the Association.

The by-laws do not require approval outside of the Association (and are not required to be sent to Department of Mines, Industry Regulation and Safety – Consumer Protection Division (Consumer Protection). By-laws that are submitted to Consumer Protection may become legally part of the rules that can only be amended by a special resolution of members and then lodged with Consumer Protection before they become effective.

Refer to the Amendments for the record of the adoption of by-laws.

Member's Statement

Sawyers Valley Volunteer Bush Fire Brigade is a very special organization. We are here primarily to support and protect our community by preventing and fighting fires, but in the performing of this essential service, we achieve so much more.

We find meaning, challenge and purpose in our day to day work for the Brigade, and we also find connections and friendships that last for decades. Our Brigade is like a family. We don't expect to always get on, but if we remember that we care about each other, we can move forward with good spirit.

Every one of our members is an essential part of our organisation. We need the enthusiasm of those new to the brigade, and we need to encourage them to move up the to become our leaders of the future. We also need and respect the experience and wisdom hard earned by our long serving members.

Whether out there fighting fires, at home handling administrative tasks, doing construction work, or any of the myriad other support roles done for the brigade, every member is needed. We value every single person and their role in our community.

Our membership is the life blood of our Brigade. Every member is cherished, respected and supported. Every member deserves to be listened to. Every member deserves a say in how the brigade is run. Thank you all for being volunteer members of this wonderful Brigade.

BRIGADE OFFICE-BEARER BY-LAWS

Note: Items within the Brigade Office-Bearer By-Laws section can only be amended by special resolution.

BO-1 Bush Fire Brigade Office-Bearers

- 1) The duties of Brigade office-bearers are in addition to and not in derogation of any provision of the Incorporated Associations Act and of Section 44 of the Bush Fires Act.
- 2) Brigade office-bearers shall be suitably qualified for the position as required by the Chief Bush Fire Control Officer (CBFCO) and the committee.
- 3) In compliance with the Local Law (Division 5, 3.11) the Brigade Captain may serve as a Fire Control Officer and represent the Brigade at the Bush Fire Advisory Committee (BFAC). The BFAC representative shall report to the Brigade, on meetings of the BFAC.
- 4) The Brigade Office-Bearers are:
 - a) **Fire Brigade Captain** –
 - i) shall be the senior most operational member of the Brigade; and:
 - ii) shall be appointed as the deputy chairperson of the Association.
 - b) **First Lieutenant** –
 - i) is the second most senior operational member of the Brigade and;
 - ii) shall assist the Captain.
 - c) **Lieutenants** –
 - i) operationally shall be ranked numerically according to seniority and are subordinate to the first lieutenant; and:
 - ii) shall assist the Captain and First Lieutenant.
 - d) **Crew Leaders** –
 - i) are operationally subordinate to the lieutenants; and:
 - ii) shall assist the Captain and lieutenants.
 - e) **Brigade Training Manager (BTM)** –
 - i) manages the training of Brigade members; and:
 - ii) maintains a record of all Brigade training.
 - f) **Equipment Manager (EM)** –
 - i) manages the fire appliances and operational equipment of the Brigade.

Guidance Note

Fire Control Officer (FCO) is an office defined in the Bush Fires Act. FCO's, including FCO's for the issuing of permits to set fire to the bush, are appointments of the Shire of Mundaring.

1. *Brigade Office-Bearer By-Laws can only be amended by special resolution; refer to by-law BL-58 (1).*
2. *Officer is a defined term in the Incorporated Associations Act, the rules and the Bush Fires Act. The term manager for Brigade Training and Equipment avoids misinterpretation.*
3. *The BTM formally was known as the Brigade Training Officer (BTO)*
4. *The EM formally was known as the Equipment Officer (EO).*

BO-2 Election of Bush Fire Brigade Office-Bearers

for review

- 1) Refer to the rules for election of committee members (Division 3). The election and appointment of bush fire brigade office-bearers shall comply with the following by-laws:
 - a. The Captain, The First Lieutenant, the Brigade Training Manager and The Equipment Manager shall be nominated and elected at the Annual General Meeting (AGM). They shall hold office from the conclusion thereof until the conclusion of the AGM next held after their election.
 - b. At least 42 days before an AGM, the secretary shall send written notice to all the members —
 - i. calling for nominations for election to the Brigade; and
 - ii. stating the date by which nominations must be received by the secretary to comply with sub by-law 1) c.
 - c. A member who wishes to be considered for election to the Brigade at the AGM must nominate for election by sending written notice of the nomination to the secretary at least 28 days before the AGM.
 - d. The written notice must include a statement stating their qualifications and abilities for the position together with the statement by another member in support of the nomination. The nominations including the statements shall be distributed to all members by the secretary.
 - e. Eligible members may nominate for more than one position, however may only hold one position in the Association / Brigade, apart from the following:
 - i. The Captain shall hold the position of deputy chairperson – refer to BO-1 4) a).
 - ii. Except for the position of First Lieutenant, committee members may also hold a position of lieutenant or crew leader.
 - f. A member whose nomination does not comply with the foregoing sub-rules is not eligible for election to the Brigade unless there is no nomination for a position in which case the chairperson of the meeting may call for nominations from the suitably qualified and eligible members at the meeting.
 - g. The following positions shall not be elected at the AGM but are to be filled by the committee at a committee meeting subsequent to the AGM and as recommended by the Captain:
 - i. second lieutenant, third lieutenant, etc; and
 - ii. crew leaders
 - h. The Captain, after consultation with the First Lieutenant and having regard for suitability of candidates under by-law BO-1 2), shall recommend to the committee eligible members for the lieutenant and crew leader positions.
 - i. Associate members do not have voting rights and shall not hold office.
 - j. In the event of a vacancy in the Brigade office-bearer positions, or an unfilled position occurring at the AGM, the committee shall have the power to appoint a member to fill the vacancy for the unexpired period of the term. The committee may defer the filling of the vacancy to a general meeting and if required a poll conducted.

Guidance Note

1. *Brigade Office-Bearer By-Laws can only be amended by special resolution; refer to by-law BL-58 (1).*
2. *Refer to rules (and by-laws) 50 - 59 election rules.*

BRIGADE STANDARD BY-LAWS

Guidance Note

1. *This section contains by-laws concerning standard Association/Brigade matters including training and equipment requisites and duty statements.*
2. *This section should be regularly updated as necessary .*

SB-1 Brigade Training

- 1) A record of the subject, instructor and attendees of each Brigade training session shall be kept by the BTM.

SB-2 Appliance Maintenance

- 1) A record of faults, repairs and maintenance of fire appliances shall be kept by the EM.

SB-3 Publication by members of statements about Association business prohibited

- 1) A member must not publish, or cause to be published, any statement about the business conducted by the Association unless —
 - a. the member has been authorised to do so at an Association or committee meeting; and
 - b. the authority given to the member has been recorded in the minutes of the meeting at which it was given.
- 2) By-law SB-3 can only be amended by special resolution.

Guidance Note

1. *This by-law can only be amended by special resolution; refer to by-law BL-58 (1).*

RULES RELATED BY-LAWS

Note: some of the by-laws within this section can only be amended by special resolution.

Guidance Note

This section contains by-laws that align with various sections of the rules. The by-laws are an adjunct to those rules. The headings and numbering used in this section are duplicated from the rules to assist in navigation and to maintain consistent sequencing.

PART 1 — PRELIMINARY

BL-1 Terms used

In these rules, unless the contrary intention appears —

BFAC means Bush Fire Advisory Committee;

BRIGADE means the Sawyers Valley Volunteer Bush Fire Brigade Inc.;

CBFCO means Chief Bush Fire Control Officer appointed under the Bush Fires Act 1954;

CESM means Community Emergency Services Manager;

DCBFCO means Deputy Chief Bush Fire Control Officer;

DFES means Department Fire & Emergency Services;

FCO means Fire Control Officer.

DMIRS-CPD means Department of Mines, Industry Regulation and Safety (DMIRS) – Consumer Protection Division

BL-2 Financial year

PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY

BL-3 Not-for-profit body

- 1) Where a claim is made for out-of-pocket expenses the member shall provide suitable supportive evidence, tax invoice/receipt to the satisfaction of the committee; and
- 2) All payments for out-of-pocket expenses shall be presented for approval and payment by the committee or general meeting.

PART 3 — MEMBERS

Division 1 — Membership

BL-4 Eligibility for membership

BL-5 Applying for membership

- 1) A person applying for membership is required to do so in writing by completing and submitting the application form or forms required by the committee.
- 2) Applications for membership of the Association shall be submitted to the Captain or secretary, who shall forward a copy of the application to the Chief Bush Fire Control Officer within one week of the application being submitted.

BL-6 Dealing with membership applications

- 1) Acceptance of an application is subject to the applicant being accepted by the Shire and DFES.

BL-7 Becoming a member

BL-8 Classes of membership

- 1) This by-law can only be amended by special resolution; refer to by-law BL-58 (1).
- 2) The committee shall, for each class of membership, determine the minimum level of involvement required by members to retain that class of membership.
- 3) It is a condition of membership that each member maintains at least the minimum level of involvement set by the committee.
- 4) The Association has the following classes of membership:
- 5) Ordinary membership: -
 - a) Ordinary members -
 - i) are those persons accepted by the committee as ordinary members, and:
 - ii) are at least 16 years of age, and
 - iii) have been a member of the Association for a minimum period of 4 months. An ordinary member has full voting rights.
- 6) Associate membership: -
 - b) Probationary members -
 - i) are those persons accepted by the committee as probationary members, and:
 - (1) are at least 16 years of age.
 - ii) Probationary members are classified as associate members, until they –
 - (1) have regularly participated in Brigade activities for a minimum period of 4 months, and
 - (2) have been accepted by the committee as suitable for ordinary membership.
 - c) Cadet members –
 - i) are those persons accepted by the committee as cadet members, and:

- (1) are classified as associate members aged between 11 and 15 years of age (on reaching 16 years of age a cadet may be eligible for ordinary or probationary membership) and;
 - (2) are to be admitted to membership only with the consent of their parent or guardian and;
 - (3) are admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or any other emergency incident and;
 - (4) are not to be assigned ranks under Brigade or DFES rank structure; and
 - (5) are to be supervised by an adult member who formally accepts responsibility for that cadet.
 - (6) With respect to normal Brigade activities, as defined in the Bush Fires Act, cadets can only undertake the activities defined by section 35A paragraphs (c), (d), (e), (f) and (g) of the Act.
- d) Honorary members –
- i) Honorary membership of the Association may be granted to any person as an honour in recognition of outstanding service to the Brigade. The granting of Honorary Membership shall be by a majority vote of voting members present and voting at any general meeting. The period of the honorary membership shall be agreed by the meeting.
 - ii) Honorary members are associate members and are entitled to partake in the social activities of the Association.
- e) Honorary life members –
- i) Life membership of the Association may be granted by the Association to any person as an honour in recognition of outstanding service to the Brigade.
 - ii) Nominations for life membership shall be made, through the committee, to an AGM or Special General Meeting and the granting of life membership shall be by a majority vote of voting members present.
 - iii) Nominations for Life membership shall be made to the committee for consideration at least 8 weeks before the AGM or Special General Meeting. Such nominations shall include a suitable citation of achievements and record of membership supporting the nomination.
 - iv) To be eligible for life membership the committee must be satisfied that the member has given outstanding service across several office bearing positions and Brigade activities and has served as an active member of the Association for a minimum of 10 years. If not satisfied that life membership be granted the committee shall notify the nominator of the reasons for the decision and the application shall lapse.
 - v) A member that has been granted honorary life membership may be classified as also holding ordinary membership, in the case that the member satisfies the conditions set for ordinary membership, or as also holding associate membership.

Guidance Note

1. *This by-law can only be amended by special resolution; refer to by-law BL-58 (1).*
2. *Each ordinary member of the Association has one vote at a general meeting of the Association. Associate members are ineligible to hold office and do not have voting rights.*
3. *The maximum number of members in a class or an additional class of membership of the Association can only be set by special resolution –Rule 8 subrule 7*
4. *A DFES application form has 3 types of membership: Active, Auxiliary and Cadet. The by-laws require all applicants to join the Association as Associate members irrespective of the type of DFES membership held.*

BL-9 When membership ceases

- 1) Where a membership ceases all property owned by the Association, DFES or the local government that is held by or in the possession of the person whose membership has been terminated, or is in their estate, shall be returned to the Association or DFES or the local government.
- 2) Membership Notification
 - a) As soon as practicable after the Annual General Meeting, the secretary shall request a record of the Association membership held by the Chief Bush Control Office.
 - b) Within 1 month of being provided a list under Sub rule (a), the Association must review the list and report any anomalies back to the Chief Bush Fire Control Officer.

BL-10 Resignation**BL-11 Rights not transferable****Division 2 — Membership fees****BL-12 Membership fees**

- 1) Membership fees will be decided by a motion at the AGM.

Division 3 — Register of members**BL-13 Register of members**

- 1) The register of members is to contain the name of the member and email address. If the member does not have an email address, then the register is to contain the member's physical address

PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION**Division 1 — Term used****BL-14 Terms used****Division 2 — Disciplinary action****BL-15 Suspension or expulsion**

- 1) It is a condition of the Association that a member must —
 - a) adequately fulfil their role within the Association;
 - b) comply with the aims and objectives of the Association;
 - c) comply with the Bush Fires Act and Regulations, Bush Fire Operating Procedures, the local law and the bush fire brigade policies;
 - d) not be convicted of a criminal offence that in the opinion of the Chief Bush Fire Control Officer would ordinarily exclude the member from joining a brigade; and

- e) not act in such a manner as to cause harm or distress to other members by their activities.

for review

BL-16 Consequences of suspension

Division 3 — Resolving disputes

BL-17 Terms used

BL-18 Application of division

BL-19 Parties to attempt to resolve dispute

BL-20 How grievance procedure is started

BL-21 Determination of dispute by committee

Division 4 — Mediation

BL-22 Application of division

BL-23 Appointment of mediator

BL-24 Mediation process

BL-25 If mediation results in decision to suspend or expel being revoked

PART 5 — COMMITTEE

Division 1 — Powers of Committee

BL-26 Committee

Division 2 — Composition of Committee and duties of members

BL-27 Committee members

- 1) Brigade Office-Bearer By-Law BO-1 4) a) requires the Captain to be appointed as the deputy chairperson of the Association.

BL-28 Chairperson

Division 3 — Election of committee members and tenure of office

BL-31 How members become Committee members

BL-32 Nomination of committee members

BL-33 Election of office holders

- 1) A person must not hold a position on the committee and any of the following Brigade Office-Bearer positions:
 - (a) First Lieutenant,
 - (b) Brigade Training Manager, or
 - (c) Equipment Manager.
- 2) The Captain shall hold the position of deputy chairperson – refer to BO-1 4) a).
- 3) Committee members may also hold a position of lieutenant or crew leader.
- 4) This by-law can only be amended by special resolution.

Guidance Note

1. *The rules stipulate the make-up of the committee. The intension of BL-33 (1) is to retain a non-office-bearer status of ordinary committee members. Lieutenants below First Lieutenant have not been restricted.*
2. *This by-law can only be amended by special resolution; refer to by-law BL-58 (1).*

BL-34 Election of ordinary committee members

- 1) There shall be 4 ordinary committee members.
- 2) This by-law can only be amended by special resolution.

Guidance Note

1. *This by-law can only be amended by special resolution; refer to by-law BL-58 (1).*

BL-35 Term of office

BL-36 Resignation and removal from office

- 1) Where under rule 36 (3) a committee member is removed from office by resolution at a general meeting the resolution shall state the grounds for the removal.

BL-37 When membership of committee ceases

BL-38 Filling casual vacancies

BL-39 Validity of acts

BL-40 Payments to committee members

Division 4 — Committee meetings

BL-41 Committee meetings

BL-42 Notice of committee meetings

- 1) Urgent business may be considered by the committee without complying with the 48 hour notice requirement in sub-rule (1), however all resolutions and decisions made under such circumstances are deemed to be uncertain and are not be binding on the Brigade or the committee.

Guidance Note –

1. *The intent of this by-law is to enable the committee to act with urgency should the need arise. The rules prevail and as all resolutions are uncertain a subsequent meeting may be required to reconsider the urgent business. Rule 44 allows for attendance not in person.*

BL-43 Procedure and order of business

- 1) All attendees at the meeting:
 - a) are required to sign acceptance of the Members Statement of Conduct prior to the commencement of each meeting.
 - b) must declare their material personal interest (eg financial, non-financial, personal) in any matter discussed.

BL-44 Use of technology to be present at committee meetings

- 1) The committee shall set rules for the minimum quality of communication technology. All communications must be clearly visible or audible to all present at the meeting.

BL-45 Quorum for committee meetings

- 1) Under sub-rule (3) at least one office holder of the Association must be present at the meeting.
- 2) This by-law can only be amended by special resolution.

BL-46 Voting at committee meetings

- 1) If any member of the committee requests that a secret ballot is needed, the committee must accede to the request.

Guidance Note –

- 1) *Voting at general meetings is rule 57.*
- 2) **Secret poll:** *Rule 46.5 directs that the chairperson decides how a secret ballot is to be conducted.*

BL-47 Minutes of committee meetings

- 1) A copy of the minutes shall be distributed to all committee members.

Division 5 — Subcommittees and subsidiary offices**BL-48 Subcommittees and subsidiary offices**

- 1) All persons holding a subsidiary office and attendees of a subcommittee meeting: -
 - a) must abide by the Rules of the Association;
 - b) are required to sign acceptance of the Members Statement of Conduct prior to the commencement of each meeting; and
 - c) must declare their material personal interest (eg financial, non-financial, personal) in any matter discussed.

BL-49 Delegation to subcommittees and holders of subsidiary offices**PART 6 — GENERAL MEETINGS OF ASSOCIATION****BL-50 Annual general meeting**

- 1) The Minutes of the AGM shall be confirmed at a subsequent General Meeting.

BL-51 Special general meetings**BL-52 Notice of general meetings****BL-53 Proxies**

- 1) Under rule 53 sub-rule (2) where a member is appointed to hold more than one proxy that member shall not hold proxies for more than 5% of the total number of ordinary members in the Association.
- 2) This by-law can only be amended by special resolution.

Guidance Note

- 1) *This by-law can only be amended by special resolution; refer to by-law BL-58 (1).*

BL-54 Use of technology to be present at general meetings

- 1) The committee shall set rules for the minimum quality of communication technology. All communications must be clearly visible or audible to all present at the meeting.

BL-55 Presiding member and quorum for general meetings

- 1) In the event of a reconvened meeting an officer-holder is to make a reasonable effort to contact all ordinary members and advise them of the date, time and location of the reconvened meeting.
- 2) The Chairperson must ensure that all attendees: -

- (a) must abide by the Rules of the Association;
- (b) are required to sign acceptance of the Members Statement of Conduct prior to the commencement of each meeting; and:
- (c) must declare their material personal interest (eg financial, non-financial, personal) in any matter discussed

BL-56 Adjournment of general meeting

- 1) In the event of a reconvened meeting an officer-holder is to give members notice of any adjournment including date, time and location of the rescheduled meeting.

BL-57 Voting at general meeting

Guidance Note

- 1) **Rules for polls** - refer to rule 59 / BL-59.
- 2) *Voting at committee meetings is rule 46.*

BL-58 When special resolutions are required

- 1) Each by-law that can only be amended by special resolution is subject to the requirements of rule 58.
- 2) This by-law can only be amended by special resolution.

Guidance Note

- 1) *This by-law can only be amended by special resolution; refer to by-law BL-58 (1).*

BL-59 Determining whether resolution carried.

- 1) If a poll is demanded, subject to sub-rule 4 (a), the right of secret ballot voting must be observed if so called upon by any member present.
- 2) Where a poll is demanded for an election at an AGM it shall be supervised by a Returning Officer. An independent Returning Officer may be appointed by a majority of members voting at a general meeting preceding the AGM. If one has not been appointed, then the members present shall appoint a person present at the meeting as Returning Officer.
- 3) This by-law can only be amended by special resolution.

Guidance Note

- 1) *This by-law can only be amended by special resolution; refer to by-law BL-58 (1).*

Guidance Note – Secret Polls

1. Refer to Rule 59 for polling requirements.
2. By-law BL-59 requires the poll to be a secret ballot if called upon by any member.
3. There is a somewhat tricky situation when some members are present electronically and a secret ballot is required.
4. A solution may be that any member electronically present at a meeting openly declares their vote or abstains after all members in attendance have lodged their vote and before the counting commences.

BL-60 Minutes of general meeting

- 1) A copy of the Minutes shall be distributed to all members.

PART 7 — FINANCIAL MATTERS**BL-61 Source of funds****BL-62 Control of funds**

- 1) The committee may authorise the treasurer to conduct electronic banking on behalf of the Association. Electronic banking shall comply with the financial institution's regulations and the local government auditing requirements. All electronic bank withdrawals, payments and transfers shall require two signatories. Signatories for electronic banking shall comprise the treasurer and up to two committee members who shall be elected by the committee and approved by the financial institution.
- 2) The committee must convene and determine the signatories for the new financial year. Signatories for the new financial year must apply for acceptance with the financial institution. Signatories from the proceeding financial year, where no longer appointed shall be removed.

BL-63 Financial statements and financial reports

- 1) Completed financial documents for the financial year shall be forwarded to the Mundaring Shire Office as requested.

PART 8 — GENERAL MATTERS**BL-64 By-Laws**

- 1) By-laws can only be made, amended or revoked by a poll at a general meeting.
- 2) The committee is not to dispose of any asset of a historic interest to the Brigade or of an asset having a value exceeding \$100 without referring the matter to a general meeting.
- 3) Members are to receive at least 21 days' notice of a proposed change to the by-laws.
- 4) By-laws that require a special resolution can only be made, amended or revoked at a meeting called where a special resolution is proposed, as rule 52.
- 5) This by-law can only be amended by special resolution.

Guidance Note

1. This by-law can only be amended by special resolution; refer to by-law BL-58 (1).

2. *Assets held at the Brigade may not be Association/Brigade assets (eg "On Loan" from individual members or other organisations).*
3. *Status of by-laws : A by-law must be consistent with the Act, the regulations and these rules. The rules of an association bind the association and the members as an enforceable contract between them. By-laws may not have that status. Therefore, the use of by-laws should be reserved for more procedural or administrative matters.*

BL-65 Executing documents and common seal

Guidance Note

- 1) *Any document to be executed must first be approved by the Association Members at a general or special meeting*

BL-66 Giving notices to members

BL-67 Custody of books and securities

Guidance Note – The Books – Defined by the Act as including –

- 1) *A register*
- 2) *financial records, financial statements or financial reports, as each of those terms is defined in section 62, however compiled, recorded or stored;*
- 3) *a document*
- 4) *any other record of information*

BL-68 Record of office holders

BL-69 Inspection of records and documents

BL-70 Publication by committee members of statements about Association business prohibited

BL-71 Distribution of surplus property on cancellation of incorporation or winding up.

BL-72 Alteration of Rules

Guidance Note - Adopting Model Rules as Published by the Department of Mines, Industry Regulation and Safety

- 1) *The Model Rules are a standard set of rules prescribed by the regulations and contain provisions for all*

of the Act's schedule 1 items.

- 2) By opting to use the Model Rules the Association can only alter the name of the association; the objects of the association; the quorums for general meetings and committee meetings; and the association's financial year.*
- 3) If the Association wishes to change the model rules (other than the items above), no matter how minor, the Association is considered to be using its own rules.*

for review

RECORD OF AMENDMENTS

DATE	REFERENCE	AMENDMENT	AUTHORITY