



Sawyers Valley Volunteer Bush Fire Brigade Inc.

By-Laws to the Rules of Association

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

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.

Mission

Our Brigade, as an incorporated association, actively protects and supports our community against bush fires.

Members

Our members are our most valuable asset, empowering us to extraordinary achievements. With loyalty and dedication, we contribute a vital part of the fire organisation in this state. We care for and respect each other, just like a big family. As in every family, disagreements may arise, but we find a solution to move forward.

Commitment

Our member's commitment is maintained through differing levels of service, whether at the fire front, in the station or when providing other support. Every member's contribution is valued, and we freely commit to the Brigade's rules and the code of conduct.

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 Associations Incorporations 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) the deputy chairperson of the Association shall be appointed as the Captain.
 - (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

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

BO-2 Election of Bush Fire Brigade Office-Bearers

- (1) Refer to the rules for election of committee members (Part 5 Division 3). The election and appointment of bush fire brigade office-bearers shall comply with the following by-laws:
 - (a) The Captain/deputy chairperson, 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 deputy chairperson shall also be the Captain – refer to BO-1 4) a).
 - (ii) Except for the position of First Lieutenant, committee members may hold a position of lieutenant or crew leader.
 - (f) If there are no prior written nominations, 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) 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.*
- (3) *Associate members cannot hold office.*

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 —
 - (g) the member has been authorised to do so at an Association or committee meeting; and
 - (h) the authority given to the member has been recorded in the minutes of the meeting at which it was given.
- (i) 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).*

SB-4 Code of Conduct

- (1) Brigade members are required to commit to the standards of the Code of Conduct Policy (refer to By-Law Appendix A Code of Conduct Policy) and to be bound by the Code.
- (2) The Brigade's Code of Conduct Policy and By-law SB-4 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

- (1) *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;

BRIGADE ACTIVITIES means Normal Brigade Activities as defined in the Western Australian Bush Fires Act 1954 or most recent version.

BL-2 Financial year

Guidance Note

- (1) *Refer to the Information Provided to the Commissioner under Rules section 29(5).*

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) It is a condition of membership that each member maintains at least the minimum level of involvement. The committee may revise a member's class of membership if the minimum criteria has not been met.
- (3) The Association has the following classes of membership:
- (4) Ordinary membership. Ordinary members -
 - (a) are those persons accepted by the committee as ordinary members, and
 - (b) are at least 16 years of age, and
 - (c) have been a member of the Association for a minimum period of 4 months, and
 - (d) Classes of ordinary membership: -
 - (i) Ordinary member.
 - (ii) Life member (Ordinary member). 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.
 - (iii) 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.
 - (iv) Nominations for Life membership shall be made to the committee for consideration at least 6 weeks before the AGM or Special General Meeting. Such nominations shall include a suitable citation of achievements and record of membership supporting the nomination.
 - (v) To be eligible for life membership the committee must be satisfied that the member has given outstanding service to the Brigade activities and has served as an active member of the Association for a minimum of 10 years.

- (vi) 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.
 - (vii) Life members are exempt from annual membership fees.
- (5) Associate membership. Associate members –
- (a) Are those persons accepted by the committee as associate members, and
 - (b) except for cadet members, are at least 16 years of age, and
 - (c) have been a member of the Association for a minimum period of 4 months.
 - (d) Classes of associate membership –
 - (i) Associate member.
 - (ii) Probationary members –
 - (1) are those persons accepted by the committee as probationary members, and
 - (2) Probationary members are classified as associate members, until they –
 - (3) have regularly participated in Brigade activities for a minimum period of 4 months, and
 - (4) have been accepted by the committee as suitable for ordinary or associate membership.
 - (iii) Cadet members –
 - (1) are those persons accepted by the committee as cadet members, and
 - (2) 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
 - (3) are to be admitted to membership only with the consent of their parent or guardian and
 - (4) are admitted for the purpose of training and
 - (5) are not to attend or be in attendance at an uncontrolled fire or any other emergency incident and
 - (6) are not to be assigned ranks under Brigade or DFES rank structure and
 - (7) are to be supervised by an adult member who formally accepts responsibility for that cadet.
 - (8) 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.
 - (iv) Honorary member –
 - (1) 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.
 - (2) Honorary members are associate members and are entitled to partake in the social activities of the Association.
 - (v) Life member (Associate Member) –
 - (1) An Associate member may hold life membership.
 - (2) Criteria for the granting of Life Member (Associate) is to be the same as for Life Member (Ordinary) (sub-rule BL8.3).

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) *A member's class of membership may change as their involvement in the brigade changes.*
- (4) *Active interest in the brigade would be demonstrated by attending brigade activities during the brigade year.*
- (5) *Refer to Rule 8 regarding the holding of office and voting rights of ordinary and associate members.*
- (6) *Refer to Division 2- Membership Fees*
- (7) *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*
- (8) *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 Officer.
 - (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.

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 deputy chairperson of the Association to also hold the bush fire brigade office-bearer position of Captain.

BL-28 Chairperson

BL-29 Secretary

BL-30 Treasurer

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 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) must abide by the Rules and By-laws of the Association, including the Code of Conduct Policy; and;

- (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 and By-laws of the Association, including the Code of Conduct Policy; and
 - (b) 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 two 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 and By-laws of the Association, including the Code of Conduct Policy; and;
 - (b) 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.
- (2) Electronic banking shall comply with the financial institution's regulations and the local government auditing requirements.
- (3) All electronic bank withdrawals, payments and transfers shall require two signatories.
- (4) 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.
- (5) The committee must convene and determine the signatories for the new financial year.

- (6) Signatories for the new financial year must apply for acceptance with the financial institution.
- (7) 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 of the Associations Incorporation Act, 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.*

RECORD OF AMENDMENTS TO BYLAWS

DATE	REFERENCE	AMENDMENT	AUTHORITY
28/10/2018	V2.0	Issued to Association for comment	VL

DRAFT



Sawyers Valley Volunteer Bush Fire Brigade Inc.

CODE OF CONDUCT POLICY

CoC Version Log:

Version	Approved	Date
One (1)	Provisional, Issued to Brigade	August 2018

DRAFT

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CoC - POLICY STATEMENT.

CoC - Foreword

The Sawyers Valley Volunteer Bushfire Brigade Incorporated expects its members to display high standards of conduct, accountability and ethical behaviour. This policy establishes core values that underpin membership of, and the operations of the Brigade.

CoC - General

This policy is the initial Code of Conduct policy for the Sawyers Valley Volunteer Bushfire Brigade Incorporated. It has been developed following requests by brigade members and the Shire of Mundaring and to comply with relevant legislation.

The absence of a policy specifically relating to member's conduct potentially provides the opportunity for unacceptable behaviour or conduct by members or non-members to take place with minimal consequences. Such behaviour may be detrimental to other members, the Brigade, Local Government, the community and the delivery of the services for which the Brigade exists. This policy has been developed to ensure all members are aware of the required standards and the procedures and the consequences that will ensue following breaches of this policy.

The Rules of Association of the Sawyers Valley Volunteer Bushfire Brigade Incorporated take precedence over the Code of Conduct - a code of conduct policy clause is of no effect to the extent that it is inconsistent with the Associations Incorporation Act, regulations or the Rules of Association.

CoC - Aim

The Sawyers Valley Volunteer Bush Fire Brigade Incorporated (SVVBFB) Code of Conduct explains the required standards of behavior, conduct and integrity of its members in the performance of their duties and as members of the Brigade. The procedures section of the policy describes the procedures for reporting, processing and concluding breaches of the policy.

CoC - Scope

This policy applies to all members of the Sawyers Valley Volunteer Bush Fire Brigade Incorporated, and to external personnel working with or in contact with Brigade members.

COC - Brigade Objectives

The objectives of the Brigade are enshrined in the Association's Rules:

1. The Objects or Purposes of the Association

The objects or purposes of the Association are to support the Sawyers Valley Volunteer Bush Fire Brigade (the Brigade) to -

- (1) provide fire prevention, firefighting and fire advisory services and other emergency services to the community;
- (2) be an active body in the areas of fire suppression, fire prevention and any matters relating to fire safety;
- (3) encourage and foster public awareness of the dangers of fire;
- (4) advise the Local Government, through the Bush Fire Advisory Committee in accordance with the Bush Fires Act;
- (5) assist and co-operate with other fire brigades and emergency services;
- (6) encourage membership and interest in the Brigade by members of the community;
- (7) develop and manage resources and assets in support of the objects or purposes;
- (8) meet the objects or purposes specifically stated in the by-laws;
- (9) apply the property and income of the association solely towards the promotion of the objects or purposes – refer to Rule 3 Not for Profit.

Within the objectives the Brigade shall undertake the following:

- (1) Provide timely, quality and effective emergency service;
- (2) Minimise the impact of emergencies on the community;
- (3) Work with the community to increase both fire awareness and fire prevention;
- (4) Endeavour to ensure that Brigade members training requirements are provided, maintained and documented to the required standards;
- (5) Ensure that all operational equipment is serviceable and available for emergencies;
- (6) Provide an environment where every individual is treated with respect, and which is free from discrimination or harassment;
- (7) Service the local community;
- (8) Work cohesively with other agencies;
- (9) Uphold the Sawyers Valley Volunteer Bush Fire Brigade Incorporated Policy – Code of Conduct, Brigade Objectives and Values; and
- (10) Respond to Council on operational and administration matters referred to the Brigades by the Council directly to the Brigade, and/or through the Shire of Mundaring Bush Fire Advisory Committee.

CoC - Brigade Values

Members are to adopt the following principle:

- (1) Strive to keep ourselves and others **safe**;
- (2) Act with **honesty and integrity**;
- (3) Work together as a committed team **supporting fellow members**;
- (4) Put the **community first**;
- (5) **Respect, value and treat others with dignity**, and expect them to do the same;
- (6) Have **open** and honest **two-way communications**; and
- (7) Continuously develop our skills **to service the community**.

COC - Terms Used

Association means The Sawyers Valley Volunteer Bush Fire Brigade Incorporated.

Breach of policy means A breach of policy occurs when a member contravenes the Code of Conduct; Disobeys or disregards a lawful order (including policies, procedures, doctrine, standard operating procedures and standard administrative procedures); or Commits an act of misconduct as defined by Section 4 of the Corruption, Crime and Misconduct Act 2003.

Brigade means The Sawyers Valley Volunteer Bush Fire Brigade Incorporated.

Complaint means A complaint is an expression of dissatisfaction. It may be general in nature or relate to actions or the behaviour of another member of SVVBFB, a local government employee or elected member, a policy or a decision.

Complainant means A person making a complaint or allegation.

Member means A member of the Sawyers Valley Volunteer Bushfire Brigade Incorporated. All classes of membership are included in the scope of this policy.

Misconduct means Includes, but is not limited to, any actions, decisions or behaviours by members that breach the Sawyers Valley Volunteer Bushfire Brigade Incorporated Code of Conduct, policies, procedures or other acceptable standards of behaviour.

Observer means A person who observes a breach or suspected breach of the Code of Conduct.

Respondent means A person against whom a complaint or allegation is made.

SVVBFB means Sawyers Valley Volunteer Bush Fire Brigade Incorporated.

CoC - Code of Conduct

- (1) Brigade members are required to commit to the standards of the Code of Conduct and to be bound by the Code.
- (2) Members of the Brigade are expected to conduct themselves in a manner that:
 - (a) Is consistent with the best interests of the Brigade;
 - (b) Follows the operational and administration chains of command for firefighting and all brigade activities; and
 - (c) Does not bring disrepute in any way to the Brigade, its members, the local government or the community.
- (3) Any member of the Brigade, when acting in the capacity of a member shall:
 - (a) Act with reasonable care and diligence;
 - (b) Act with honesty and integrity;
 - (c) Act lawfully;
 - (d) Avoid damage to the reputation of the Brigade or the local government;
 - (e) Be open and accountable;
 - (f) Treat others with respect and fairness;
 - (g) Bullying whether in person or online will not be tolerated and will be classed as a significant breach of this Code of Conduct, the proven respondent of such a breach being subject to the Code of Conduct procedures which may lead to improvement action being instigated;
 - (h) Fulfil their public and professional duties in a manner that is ethical, impartial, objective and responsible:
 - (i) Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
 - (j) Refrain from making allegations which are improper or derogatory;
 - (k) Refrain from any form of conduct in the performance of their Brigade duties which may cause any reasonable person unwarranted offence or embarrassment.

CoC - Identifying breaches of the Code of Conduct

- (1) All members, regardless of position or rank, are responsible for identifying breaches of the Code of Conduct and must follow the procedures described in the Code of Conduct – Procedures for dealing with such breaches.

CoC - Conflict of Interest

- (1) In the event of a breach of the Code of Conduct all persons coming within the scope of this policy shall declare any conflict of interest they have relating to the Brigade

and/or its members. If instructed by the Committee of Management or by the President, they will stand aside from the matter with which they have declared the conflict of interest.

CoC - Responsibilities

- (1) **All members** must not engage in bullying and report any instances of bullying.
- (2) **President** is responsible for:
 - (a) Adhering to and fulfilling the requirements of the Code of Conduct policy;
 - (b) Dealing with breaches of this policy in accordance with the policy procedures
 - (c) In consultation with the Brigade Committee of Management:
 - (i) Following the policy procedures for each case of policy breach and, if required, implementing the appropriate improvement action;
 - (ii) Reviewing and supervising the updating of the Code of Conduct policy at a maximum of three (3) yearly intervals;
 - (iii) Reviewing and supervising the updating of the Code of Conduct – Procedures (Appendix A) as required.
- (3) Committee of Management members are responsible for:
 - (a) Adhering to and fulfilling the requirements of the Code of Conduct policy;
 - (b) Under direction of the Brigade President:
 - (i) Following the policy procedures for each case of policy breach and, if required, implementing the appropriate improvement action;
 - (ii) Participating in the updating of the Code of Conduct policy at a maximum of three (3) yearly intervals;
 - (iii) Participating in the updating of the Code of Conduct – Procedures (Appendix A) as required.
- (4) **Captain** is responsible for:
 - (a) Adhering to and fulfilling the requirements of the Code of Conduct policy;
 - (b) Dealing with breaches of this policy in accordance with the policy procedures;
 - (c) If appropriate, consulting with the Brigade Committee of Management regarding breaches of this Code of Conduct policy.
- (5) **1st Lieutenant** is responsible for:
 - (a) Adhering to and fulfilling the requirements of the Code of Conduct policy;
 - (b) Dealing with breaches of this policy in accordance with the policy procedures;
 - (c) Ensuring that all Lieutenants and Crew Leaders adhere to the Code of Conduct policy;
- (6) **Lieutenants** are responsible for:
 - (a) Adhering to and fulfilling the requirements of the Code of Conduct policy;
 - (b) Ensuring that all Crew Leaders adhere to the Code of Conduct policy;
 - (c) Dealing with breaches of this policy in accordance with the policy procedures;
 - (d) Reporting breaches of this policy to their immediate senior officer in the operational chain of command.
- (7) **Crew Leaders** are responsible for:
 - (a) Adhering to and fulfilling the requirements of the Code of Conduct policy;
 - (b) Ensuring that all crew members under their leadership adhere to the Code of Conduct policy;
 - (c) Deal with breaches of this policy in accordance with the policy procedures.
- (8) **All Members** are responsible for:
 - (a) Adhering to and fulfilling the requirements of the Code of Conduct policy;
 - (b) Acknowledging breaches of this policy and following policy procedures; Reporting breaches of the policy if required to by the policy procedures.

CoC - Monitoring, evaluation and information

- (1) The Brigade President will:
- (2) Monitor the content of this policy to ensure its relevance and compliance with government initiatives and current legislation;
- (3) Review the policy every three years.

CoC - Legislation and references

- (1) Members must comply with all legislative requirements, including but not restricted to current versions of the following:
 - (a) *Bush Fires Act 1954 and Bush Fires Regulations 1954*
 - (b) *Shire of Mundaring Bush Fire Brigades Local Law 2013*
 - (c) *FES Act 1998*
 - (d) *Occupational Health and Safety Act 1984*
 - (e) *Equal Opportunity Act 1984*
 - (f) *Standard Operating Procedures*
 - (g) *Standard Administrative Procedures*
 - (h) *Associations Incorporation Act 2015*
 - (i) *Associations Incorporation Regulations 2015*
 - (j) *Working with Children (Criminal Record Checking) Act 2004*

CoC -Previous policy

- (1) This is the initial Code of Conduct Policy and does not replace an existing policy.
- (2) Formal documentation including a Grievance Procedure and a Media / Communications Policy is currently in development and will be reviewed by the Brigade Committee of Management.

CoC - CODE of CONDUCT PROCEDURES

CoC-A-1 Procedure in the event of a breach of the code of conduct.

- (1) All members, regardless of position or rank, are responsible for identifying breaches of the Code of Conduct and for following the procedure to be taken in the event of a breach of the code.

CoC-A-2 Explanatory notes and examples.

- (1) The aim of the Brigade and of all members is, if possible, to resolve any breaches or perceived breaches of the Code of Conduct at the lowest level prior to escalating through the Brigade chain of command.
- (2) Note: In the following section the term “immediate senior officer in the appropriate chain of command” means the next senior officer above the complainant/observer.
- (3) Example: For an operational breach a firefighter member would report to their crew leader, a crew leader would report to the 1st Lieutenant, a 1st Lieutenant would report to the Captain. In the event of multiple Lieutenants, the report would be to the least senior Lieutenant above the rank of the complainant.
- (4) Note: In the event that the breach respondent is the Captain, the report and investigation of the breach shall be to and by the President. In the event that the breach respondent is the President, the report and investigation of the breach shall be to and by the Captain.
- (5) Example: For an administration breach the report would be to the Committee of Management member with direct responsibility for the area affected by the breach (e.g., a training related breach would be reported to the Training Officer, a Financial breach to the Treasurer), who would then either resolve the issue and report to the President or the member submits the breach report for the attention of the President and if necessary the full Committee of Management.
- (6) Note: Committee of Management members personally involved with a breach must declare any actual or perceived conflict of interest and withdraw from participation as a Committee of Management Member in matters relating to the breach.

CoC-A-3 Chain of command.

The Brigade operates a chain of command within a structure of operational ranks and positions, administrative positions, and the Committee of Management. The chain of command may extend to include Shire of Mundaring officers, and officers within other state and federal emergency organisations.

Situations such as inter-state deployments of members may lead to a revised chain of command being operated, and members are required to be aware of the chain of command in operation at any incident or occurrence that they are involved with. This ensures the most

efficient operation is in place and that all Standard Operating Procedures and Standard Administration Procedures (SOPs and SAPs) are followed.

CoC-A-3.1 Operational Chain of Command

- (1) Captain – the most senior operational rank and position within the Brigade
- (2) 1st Lieutenant
- (3) Lieutenant (in order of seniority)
- (4) Crew Leader
- (5) Other members

CoC-A-3.2 Administration Chain of Command

- (1) President
- (2) Committee of Management members holding specific responsibilities, e.g. treasurer, secretary
- (3) Other Committee of Management members

CoC-A-4 Breaches of conduct.

CoC-A-4.1 Reports and investigation

All reports and investigations regarding breaches of the Code of Conduct must be conducted initially within the Brigade, members shall not act outside of the arrangements within this Brigade Code of Conduct policy and procedures document until all internal procedures have been exhausted.

CoC-A-4.2 Action taken

In the event of a breach or perceived breach of the Brigade Code of Conduct the member observing the breach or against whom the breach has been committed shall take appropriate action according to the severity of the breach:

CoC-A-4.3 Minor breach

- (1) If the complainant/observing member feels able to deal with the respondent:
 - (a) discuss and resolve the issue between those involved
- (2) If the complainant/observing member feels unable to deal with the respondent:
 - (a) discuss the issue with their immediate senior officer in the appropriate chain of command
 - (b) report in writing the details of the breach to their immediate senior officer in the appropriate chain of command
 - (c) the immediate senior officer is to investigate the breach, resolve the breach and report in writing to their immediate senior officer or to the Committee of Management if appropriate or if it is a non-operational breach

CoC-A-4.4 Safety breach

- (1) If the complainant/observing member feels able to deal with the respondent:
 - (a) discuss the breach with the respondent(s)
 - (b) request that the process or action be ceased or modified to meet safe practice

- (2) If the complainant/observing member feels unable to deal with the respondent:
 - (a) discuss the issue with their immediate senior officer in the appropriate chain of command
 - (b) all safety related breaches must be reported verbally and in writing to their immediate senior officer in the appropriate chain of command
 - (c) the senior officer is to investigate the breach and resolve the issue to maintain safety
 - (d) report the breach and actions taken to the 1st Lieutenant (or Captain where circumstances warrant) who will investigate the breach and implement further action or improvement action as appropriate
 - (e) depending on the severity of the breach the Captain may elect to involve the CBFCO/CESM or higher officer in the process
 - (f) any member observing a safety breach may withdraw from participation in the activity causing the safety breach but must immediately inform their senior officer of that action

CoC-A-4.5 Significant breach

- (1) If the complainant/observing member feels able to deal with the respondent:
 - (a) discuss the breach with the respondent, requesting them to cease their action
 - (b) report the breach verbally and in writing to the next senior member in the appropriate Operational or Administration Brigade chain of command
 - (c) the senior member then reviews the report, discusses the report with the respondent and resolves the breach if possible
 - (d) the senior member forwards the complainant/observer's original report and their own written report to the 1st Lieutenant who will investigate the breach and implement further action or improvement action as appropriate
- (2) If the complainant/observer feels unable to discuss the breach with the respondent, they should:
 - (a) report the matter verbally and in writing directly to their next level senior officer
 - (b) the senior officer is to investigate the breach and if possible resolve the issue
 - (c) the senior officer is to report the breach and actions taken to the 1st Lieutenant (or Captain where circumstances warrant) who will investigate the breach and implement further action or improvement action as appropriate
 - (d) 1st Lieutenant is to report the breach and actions taken to either the Captain (operational breach) or the Committee of Management (administration breach)
 - (e) depending on the severity of the breach the Captain may elect to involve the CBFCO/CESM or higher officer in the process

CoC-A-5 Appearance before the Committee of Management.

CoC-A-5.1 Investigation by Committee of Management.

Any member who is involved with a breach of the Code of Conduct including as complainant, respondent, observer or in any other capacity may be required to appear before the Brigade Committee of Management in connection with the investigation and/or resolution of the breach. Failure to appear before the Committee of Management when required would be a breach of the Code of Conduct.

CoC-A-6 Improvement Action.

CoC-A-6.1 Following the Investigation by Committee of Management.

Following the investigation of a breach of the Code of Conduct, for the purpose of improving the performance or conduct of a member, any one or more of the following actions may be used:

- (1) Counselling;
- (2) Training and development;
- (3) Issuing a warning to the member that certain conduct is unacceptable or that the member's performance is not satisfactory;
- (4) Suspension of membership; or
- (5) Revocation of membership of the Brigade

CoC-A-7 Non-compliance with the chain of command.

CoC-A-7.1 Failure to follow the chain of command.

Failure to follow the Brigade Chain of Command when reporting, investigating or resolving a breach of the Code of Conduct would itself be a breach of the Code of Conduct and subject to investigation.

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RECORD OF AMENDMENTS TO CODE OF CONDUCT

DATE	REFERENCE	AMENDMENT	AUTHORITY

DRAFT