

**NORTHERN TERRITORY OF AUSTRALIA**

**VOLUNTEER BUSHFIRE BRIGADES REGULATIONS**

As in force at 31 May 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 31 May 2005

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## VOLUNTEER BUSHFIRE BRIGADES REGULATIONS

### Regulations under the *Bushfires Act*

#### 1 Citation

These Regulations may be cited as the *Volunteer Bushfire Brigades Regulations*.

#### 2 Interpretation

In these Regulations, unless the contrary intention appears:

***brigade*** means a volunteer bushfire brigade established under section 56 of the Act.

#### 3 Incorporation of brigade

- (1) The Public Officer of a brigade shall apply for certification of the brigade as an association under section 4(1) of the *Associations Incorporation Act*, and if the brigade is so certified the Public Officer shall apply for incorporation under that Act.
- (2) Upon the incorporation of a brigade as an association the rules of the brigade required to be filed under section 15 of the *Associations Incorporation Act* shall be in accordance with the Rules in Schedule 1 to these Regulations.

#### 4 Control by fire control officer or warden

A member of a brigade shall comply with any direction given by a fire control officer or fire warden for the prevention or suppression of fire, or for the mitigation of a fire hazard.

#### 5 Reporting fires

A brigade shall provide to the fire control officer for a fire control region a report on all fires attended by the brigade in that region, and the report shall include:

- (a) the date, location and cause of the fire, if known;

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- (b) a description or estimate of the damage caused;
  - (c) the names of any member or other persons, and a description of any vehicles or equipment deployed to control the fire;
  - (d) the names of any casualties and a description of the injuries sustained; and
  - (e) any other details required by the fire control officer.

## **Schedule 1 Volunteer Bushfire Brigade Constitution**

### **1. Name and area**

- (1) The name of the association is the [name] Volunteer Bushfire Brigade (called ***the Brigade***), established by the Minister under section 56 of the *Bushfires Act* (called ***the Act***).
- (2) The area of operation of the Brigade is that area specified by the Minister in Government *Gazette* [No.] of [date] as amended from time to time.

### **2. Objects and purposes**

The objects of the Brigade are:

- (a) to maintain a fire prevention, fire fighting and fire advisory service to the community within the Brigade area;
- (b) to encourage and foster public awareness of dangers relating to bushfires;
- (c) to advise the Bushfires Council of the Northern Territory (called ***the Council***) through the [name] Regional Committee on all matters relating to the management of the Brigade;
- (d) to assist and co-operate with all other brigades within the [name of region] and neighbouring regions, and also the Northern Territory Fire Service and its volunteer fire brigades.

### **3. Powers**

In order to achieve its objects the Brigade may exercise the following powers:

- (a) to purchase, take on lease or in exchange, hire or otherwise acquire any real or personal property necessary or convenient to achieve the objects of the Brigade;
- (b) to buy, sell, supply and deal in, goods of all kinds;
- (c) to enter into agreements with landholders, including Government departments and public authorities, to maintain a fire protection service on their behalf and to enter into agreements with outside contractors to carry out works for the Brigade;

- (d) to construct, maintain and alter any building or carry out any work necessary or convenient for any of the objects of the Brigade;
- (e) to receive any gift donated, whether by way of a trust or not, for any of the objects of the Brigade;
- (f) to take such steps from time to time as the Committee of the Brigade (called ***the Committee***) considers expedient for the purposes of procuring contributions to the funds of the Brigade, whether by way of donation, subscriptions, or otherwise;
- (g) to print and publish any newspaper, periodical, book, leaflet or other document for the promotion of the Brigade's objects;
- (h) to borrow and raise money and to secure the repayment of money raised or borrowed or the payment of a debt or liability of the Brigade in such manner and on such terms as the Committee thinks fit, by granting mortgages, charges or securities over any of the real or personal property of the Brigade;
- (j) subject to the provisions of the *Trustee Act*, to invest in securities or otherwise deal with any money of the Brigade not immediately required for any of its objects;
- (k) to make gifts, subscriptions or donations to any of the funds, authorities or institutions to which section 78(1)(a) of the *Income Tax Assessment Act* of the Commonwealth refers;
- (m) to establish and support, or help establish and support, any association, institution, fund, trust or scheme for the benefit of current or past members of the Brigade or their dependants, and to grant pensions, allowances or other benefits to such persons, and to obtain insurance in relation to any of those purposes;
- (n) to establish and support, or help establish or support, any other volunteer bushfire brigade; and
- (p) to take any other action incidental or conducive to:
  - (i) the attainment of the objects of the Brigade; or
  - (ii) the exercise of any of the powers specified in this rule.

#### **4. Membership**

- (1) Any able-bodied person who has attained the age of 16 years and who was not a member of the Brigade at the time of its incorporation may apply for membership of the Brigade in writing, in the form contained in the Appendix, directed to the Public Officer.
- (2) The Public Officer shall refer an application for membership to the Committee, which may approve or reject the application.
- (3) If an application is approved by the Committee, the Public Officer shall notify the applicant in writing that he has been approved for membership of the Brigade and shall enter the applicant's name in a register of members to be kept by the Public Officer, whereupon the applicant shall become a member of the Brigade.
- (4) A member of the Brigade may at any time resign from the Brigade by delivering or posting to the Public Officer a written notice of resignation.
- (5) Upon receipt of a notice of resignation, the Public Officer shall remove the name of the resigning member from the register of members, whereupon that person ceases to be a member of the Brigade.
- (6) A right, privilege or obligation which a person has by virtue of his membership of the Brigade:
  - (a) may not be transferred or assigned to another person; and
  - (b) terminates upon the cessation of his membership, whether by death, resignation or otherwise.

#### **5. Administration**

- (1) The Brigade shall have the following Officers:
  - (a) a Captain, who shall be appointed by the Minister for Conservation,and the following Officers elected by a meeting of the Brigade:
  - (b) a Deputy Captain;
  - (c) a First Lieutenant;
  - (d) a Secretary or Secretary/Treasurer;
  - (e) a Treasurer;
  - (f) any other Officers that the Brigade considers necessary.

- (2) Every Officer shall be a member of the Brigade.
- (3) The Brigade shall appoint one of its Officers to be the Public Officer.

## **6. Constitution of the Committee**

- (1) The Committee shall consist of:
  - (a) the Officers of the Brigade; and
  - (b) as many other members as the Brigade considers necessary for the efficient operation of the Brigade.
- (2) Each ordinary Committee member shall, subject to these rules, hold office until the next annual general meeting after his election, and may stand for re-election.
- (3) If a casual vacancy in the office of an ordinary Committee member occurs the Committee may appoint a member of the Brigade to fill the vacancy, and the member so appointed shall hold office, subject to these rules, until the conclusion of the next annual general meeting.

## **7. Affairs of Brigade to be managed by a Committee**

- (1) The Committee of the Brigade:
  - (a) shall control and manage the business and affairs of the Brigade;
  - (b) may, subject to these rules, exercise all powers and functions of the Brigade other than those that are required by these rules to be exercised by members of the Brigade in general meeting; and
  - (c) subject to the Act and these rules, has power to perform all acts and things that it considers necessary or convenient for the proper management of the business and affairs of the Brigade.

## **8. Income and property of Brigade**

- (1) The income and property of the Brigade, however derived, shall be used solely for the promotion of the objects and purposes of the Brigade and no part of it shall be paid or transferred, directly or indirectly, by dividend, bonus or otherwise, to any member of the Brigade.



- (2) The Brigade shall not appoint any member to a remunerated position or pay a member remuneration or other benefit in money or money's worth, except by way of payment in good faith of:
  - (a) remuneration in return for service rendered to the Brigade by the member or for goods supplied to the Brigade by the member in the ordinary course of business;
  - (b) interest, at current bank overdraft rate, on money lent by a member to the Brigade;
  - (c) a reasonable and proper sum by way of rent for premises let to the Brigade by the member; or
  - (d) out-of-pocket expenses incurred by a member and for which the Brigade would otherwise be liable.

**9. Accounts of receipts, expenditure, &c.**

- (1) The Treasurer shall keep accurate accounts:
  - (a) of all sums of money received and expended by the Brigade and the matters in respect of which the receipt or expenditure takes place; and
  - (b) of the property, credits, and liabilities of the Brigade,and these accounts shall be available for inspection at reasonable times by members of the Brigade.
- (2) The Treasurer shall also maintain all general records and such other records.
- (3) The accounts, books and records referred to in this rule shall be kept at the office of the Brigade or at such other place as the Committee decides.

**10. Banking and finance**

- (1) The Treasurer shall, on behalf of the Brigade, receive and issue receipts for all money paid to it.
- (2) The Brigade shall open an account in its name with the Territory Insurance Office or an ADI that the committee selects, into which all money received shall be paid by the Treasurer.
- (3) Except with the authority of the Committee, no payment exceeding 20 dollars, or such other amount as the Committee decides, shall be made from the funds of the Brigade otherwise than by cheque, but the Committee may provide the Treasurer with a greater sum in

cash to meet urgent expenditure.

- (4) No cheque shall be drawn on the Brigade's account except for expenditure that has been authorized by the Committee.
- (5) All cheques, drafts, bills of exchange and other negotiable instruments shall be signed by the Treasurer or, in his absence, by such other member or members of the Committee as the Committee nominates for that purpose, and shall be countersigned by the Public Officer.

#### **11. Appointment of auditor**

- (1) At each annual general meeting of the Brigade, the members present shall appoint as the auditor of the Brigade a person who is -
  - (a) not a Brigade member; and
  - (b) appointed in accordance with Part 2M.4 of the Corporations Act 2001.
- (2) The Council shall ratify the Brigade's appointment of an auditor.
- (3) An auditor appointed under this rule shall hold office until the next annual general meeting after his appointment and is then eligible for re-appointment.
- (4) The first auditor of the Brigade may be appointed by the Committee before the first annual general meeting, and, if so appointed, shall hold office until the first annual general meeting, unless previously removed by a resolution of the Committee.
- (5) If an appointment is not made at an annual general meeting the Committee shall appoint an auditor of the Brigade for the financial year commencing at that meeting.
- (6) If a casual vacancy occurs in the office of auditor the Committee may appoint a person to be the auditor until the next annual general meeting.

#### **12. Audit of accounts**

- (1) At least once in each financial year of the Brigade the accounts of the Brigade shall be examined by the auditor.
- (2) The Public Officer shall cause to be delivered to the auditor a list of all the accounts, books and records of the Brigade.

- (3) The auditor:
  - (a) shall have a right of access to the accounts books, records, vouchers, and documents of the Brigade;
  - (b) may require from the member of the Brigade such information and explanations as may be necessary to carry out an audit;
  - (c) may employ persons to assist him in investigating the accounts of the Brigade; and
  - (d) may examine any member of the Brigade in relation to the accounts of the Brigade.
- (4) The auditor shall certify as to the accuracy of the accounts of the Brigade and report thereon to the members present at the annual general meeting following the audit.
- (5) In his report, the auditor shall state whether:
  - (a) whether he has obtained the information required by him;
  - (b) whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Brigade according to the information at his disposal and the explanations given to him and as shown by the books of the Brigade; and
  - (c) whether the rules relating to the administration of the funds of the Brigade have been observed.

### **13. Brigade meetings**

- (1) A meeting of the Brigade (called a **general meeting**) shall be held at least every 3 months and one such meeting in each year shall be the annual general meeting.
- (2) A Brigade meeting shall not be held unless a quorum of at least 6 members is present, of which at least 3 must be Officers of the Brigade.
- (3) Notice of a general meeting shall be given in writing to all members of the Brigade at least 14 days in advance.
- (4) A special meeting of the Brigade may be called provided 7 days written notice has been given to members.
- (5) Notice of a meeting shall include all notice of all motions proposed to be moved at that meeting.

- (6) The order of business at meetings shall be as follows:
- (a) apologies;
  - (b) reading and confirmation of minutes;
  - (c) inward and outward correspondence;
  - (d) passing accounts;
  - (e) consideration of written reports;
  - (f) proposal of candidates for election, if any;
  - (g) election, if any, of officers and members;
  - (h) motions of which proper notice has been given; and
  - (i) general business.
- (7) Each motion shall first be discussed, then stated, to the meeting by the Chairman and then moved and seconded, before it is passed by the meeting.
- (8) The Brigade may determine any other aspect of the conduct and procedure of its meetings not inconsistently with these rules.

**14. Committee meetings**

The quorum for a meeting of the Committee shall be all the Officers and any 2 other Committee members, and the meeting shall not be held unless a quorum is present.

**15. Adjournment of general meetings**

The chairman of a general meeting at which a quorum is present may, with the consent of a simple majority of those present at the meeting, adjourn the meeting to a later time for the purpose only of dealing with business left unfinished at that meeting, and if the second meeting is to take place within 14 days no notice of it need be given to members.

**16. Election of Officers**

- (1) Officers of the Brigade shall be nominated and elected at the annual general meeting of the Brigade to be held in the month of [state month] each year and the Officers elected shall hold office until the next annual general meeting.

- (2) Ballots for elections to all offices at an annual general meeting shall be conducted by an independent returning officer who is not a Brigade member, but any other ballot for an election may be conducted by a returning officer who is a brigade member.
- (3) A candidate elected to any position or office in the Brigade shall be the candidate who receives the most votes and where there is an equality of votes between leading candidates:
  - (a) the returning officer shall declare the retiring member elected; or
  - (b) if none of the leading candidates are retiring members, the returning officer shall decide the ballot by the drawing of lots.

## **17. Duties of Officers**

- (1) The Captain:
  - (a) shall preside as Chairman at all meetings and shall have a casting vote in addition to a deliberative vote;
  - (b) shall be responsible for administering the Brigade within the objects set out in rule 2; and
  - (c) shall be responsible for the direction of the Officers and members of the Brigade as to their duties and ensuring that the duties are carried out efficiently.
- (2) The Deputy Captain shall act as Captain in the absence of the elected Captain.
- (3) The First Lieutenant, in the absence of the Captain and Deputy Captain, shall be the acting Captain, but if those 3 officers are absent, the acting Captain shall be a person nominated by the Brigade for that purpose.
- (4) The Secretary shall:
  - (a) attend all meetings of the Brigade and keep the minutes of those meetings;
  - (b) keep such other records as the Brigade shall direct;
  - (c) maintain a register of equipment for insurance purposes and of all inwards and outwards correspondence; and
  - (d) ensure the security of all documents of the Brigade.

(5) The Treasurer shall:

- (a) receive and issue receipts for all money paid to the Brigade;
- (b) pay by cheque or cash all accounts payable by the Brigade;
- (c) present at each meeting of the Brigade a financial statement showing all money received and disbursements made since the previous Brigade meeting, along with the Brigade's banking statement and cheque books; and
- (d) present at each annual general meeting, an annual budget and a duly audited statement of receipts and disbursements for the financial year ended 30th September of that year and a balance sheet showing assets and liabilities of the Brigade as at 30th September of that year.

- (6) If a vacancy occurs in the office of a Committee member (other than the Captain), the Committee may appoint a member of the Brigade to fill the vacancy, and the member so appointed shall hold office, subject to these rules, until the conclusion of the next annual general meeting.

**18. Vacation of office**

For the purposes of these rules, the office of a Committee member becomes vacant if the Committee member:

- (a) dies;
- (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors;
- (c) becomes of unsound mind;
- (d) resigns his office by writing to the committee;
- (e) ceases to be resident in the Territory;
- (f) fails, without leave of the committee, to attend three consecutive meetings of the committee; or
- (g) ceases to be a member of the Brigade.

**19. Disclosure of interest in contracts, &c.**

- (1) A member of the Committee who has an interest in any contract or agreement made or proposed to be made by the Brigade shall disclose his interest at the meeting of the Committee when the

contract or agreement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of his interest.

- (2) No member of the Brigade shall vote in respect of any contract or agreement in which he has an interest and if he does his vote shall not be counted.

## **20. Expulsion of members**

- (1) Subject to this rule, the Committee may expel a member from the Brigade if, in the opinion of the Committee, the member has been guilty of conduct detrimental to the interests of the Brigade.
- (2) The expulsion of a member pursuant to subrule (1) does not take effect:
  - (a) until the expiration of 14 days after the service on the member of a notice under subrule (3); or
  - (b) if the member exercises his right of appeal under this rule, unless the members at a special general meeting convened to hear the appeal vote to rectify the expulsion,whichever is the later date.
- (3) If the Committee expels a member from the Brigade the Public Officer shall cause to be served on the member a notice in writing:
  - (a) stating that the Committee has expelled the member;
  - (b) specifying the grounds for the expulsion; and
  - (c) informing the member that he may, within 14 days after the service of the notice on him, appeal against the expulsion as provided in this rule.
- (4) A member served with a notice under subrule (3) who wishes to appeal against the expulsion may deliver or post to the Public Officer, within 14 days after the service of that notice, a request in writing for the convening of a special general meeting to hear his appeal.
- (5) Upon receipt of a request under subrule (4) the Public Officer shall forthwith notify the Committee, which shall cause a special general meeting of members to be held within 21 days after the date on which the request is received by the Public Officer.

- (6) At a special general meeting convened under this rule:
- (a) no business other than the question of the expulsion shall be transacted;
  - (b) the Committee shall place before the meeting details of the Committee's grounds of the expulsion;
  - (c) the member subject to expulsion shall be given an opportunity to be heard;
  - (d) the members present shall vote by secret ballot to decide whether or not the expulsion should be ratified and the issue shall be decided by a majority of the votes cast; and
  - (e) the Committee's decision to expel the member takes effect only if a majority of the members present vote to ratify the expulsion.

**21. Seal of the Brigade**

- (1) The seal of the Brigade shall be a rubber stamp, inscribed with the name of the Brigade encircling the word "Seal".
- (2) The seal of the Brigade shall not be affixed to any instrument except with the authority of the committee and the affixing shall be attested by the signatures of the Public Officer and one other member of the committee appointed by the Committee for that purpose, and if a document is so attested the seal shall be deemed to have been duly affixed with the authority of the Committee.
- (3) The seal shall remain in the custody of the Public Officer.

**22. Interpretation**

If any doubt arises as to the proper construction or meaning of any clause or term of these rules, the decision of the Council shall be final and conclusive unless the decision is excluded by or is repugnant to the context of the subject matter.

**23. Dissolution**

- (1) Unless otherwise dissolved under the Act, the Brigade may only be dissolved by a general ballot of members, called for that purpose, held at least 40 days after the date that a notice in writing has been given to each member.
- (2) The motion to dissolve the Brigade shall only be carried on the affirmative vote of at least 60% of those entitled to vote or at least two-thirds of votes cast, whichever is the lesser.



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- (3) Upon dissolution of the Brigade, the nett proceeds of the funds of the Brigade and any remaining property shall be transferred to the Council to be held by it and applied to any volunteer bushfire brigade in the Northern Territory or other body or associations having similar objects to those of the Brigade.
- (4) If within 2 years after the date of dissolution of the Association effect has not or can not be given wholly to the provisions of subrule (3), then to the extent that effect has not been given, payment or distribution shall be made as directed by a Judge of the Supreme Court.

## APPENDIX

(rule 4)

### FORM OF ENROLMENT

I, .....  
apply for membership of the .....  
..... Volunteer Bushfire  
Brigade.

I declare that I am not less than 16 years of age and in good health.

If accepted as a member, I undertake:

- (1) to promote the objects of the Brigade to the best of my ability;
- (2) to abide by the provisions of the *Bushfires Act*, the Regulations thereunder and the Rules of the Brigade;
- (3) to use my best endeavour to give assistance in firefighting measures when called upon and on such occasions to obey all orders and instructions issued by authorized officers of the Brigade.

Private address:.....

.....  
Business address:.....

.....

Telephone (B/H).....(A/H).....

Applicant's Signature .....

Date: .....

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Volunteer Bushfire Brigades Regulations (SL No. 21, 1988)***

Notified	11 May 1988
Commenced	11 May 1988

***Bushfires Amendment Act 1992 (Act No. 13, 1992)***

Assent date	23 April 1992
Commenced	23 April 1992

**Amending Legislation**

***Statute Law Revision Act 1993 (Act No. 6, 1993)***

Assent date	18 March 1993
Commenced	18 March 1993 (s 4(3))

***Financial Institutions (Miscellaneous Amendments) Act 1997 (Act No. 23, 1997)***

Assent date	2 June 1997
Commenced	2 June 1997

***Territory Insurance Office (Miscellaneous Amendments) Act 1998 (Act No. 37, 1998)***

Assent date	27 May 1998
Commenced	27 May 1998

***Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)***

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 <i>Corporations Act 2001</i> (Cth Act No. 50, 2001) and Cth Gaz S285, 13 July 2001)

***Statute Law Revision Act (No. 2) 2001 (Act No. 63, 2001)***

Assent date	11 December 2001
Commenced	s 6: 15 July 2001 (s 2(1)); s 8: 1 July 2001 (s 2(2)); s 9(2): 29 July 2001 (s 2(3)); rem: 11 December 2001 (s 2(4))

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***Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)***

Assent date 13 September 2002  
Commenced 30 October 2002 (*Gaz G43*, 30 October 2002, p 3)

***Volunteer Bushfire Brigades Amendment Regulations (SL No. 16, 2005)***

Notified 31 May 2005  
Commenced 31 May 2005

**3 LIST OF AMENDMENTS**

r 2 amd No. 16, 2005, r 3  
rr 6 – 11 rep No. 16, 2005, r 4  
sch 1 amd Act No. 13, 1992, s 3 as amd by Act No. 6, 1993, s 4; Act No. 23, 1997, s 6(2); No. 37, 1998, s 5(1); Act No. 17, 2001, s 22; Act No. 63, 2001, s 17; Act No. 38, 2002, s 7  
sch 2 rep No. 16, 2005, r 5