

# **NORTHERN TERRITORY OF AUSTRALIA**

## **BUSHFIRES MANAGEMENT (VOLUNTEER BUSHFIRES BRIGADES) REGULATIONS**

As in force at 1 November 2016

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 November 2016

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## BUSHFIRES MANAGEMENT (VOLUNTEER BUSHFIRES BRIGADES) REGULATIONS

### Regulations under the *Bushfires Management Act*

#### Part 1 Preliminary matters

##### 1 Citation

These Regulations may be cited as the *Bushfires Management (Volunteer Bushfire Brigades) Regulations*.

##### 2 Definitions

In these Regulations:

**area of operation** of a brigade, means the area, specified in a notice under section 54(1) of the Act, in respect of which the brigade is to conduct its operations.

**brigade** means a volunteer bushfire brigade established under section 54(1) of the Act.

**first captain** of a brigade, means the person appointed under section 54(1) of the Act to be the first captain of the brigade.

#### Part 2 Incorporation of brigade and alteration of constitution

##### 3 Incorporation of brigade

- (1) As soon as practicable after a brigade is established, the first captain must:
  - (a) complete clauses 1 and 2 of the form of the constitution in the Schedule; and
  - (b) under section 8 of the *Associations Act*, apply for the incorporation of the brigade.

- (2) The application must include a copy of the *Gazette* notice under section 54(1) of the Act establishing the brigade.

#### **4           Alteration of constitution**

- (1) Clauses 1 and 2 of the constitution of a brigade may only be altered by a notice under section 54(1) of the Act.
- (2) The remainder of the constitution of a brigade may only be altered by amendment of the Schedule to these Regulations.

### **Part 2A           Reallocation of firefighting assets**

#### **4A           Compliance with direction of executive director**

The captain of a brigade must comply with a direction given by the executive director under section 14(4) of the Act to transfer Government funded firefighting assets held by the brigade to another brigade.

### **Part 3           Relationship with fire control officers and fire wardens**

#### **5           Compliance**

- (1) A member of a brigade must comply with a direction given by a fire control officer or fire warden for the prevention or suppression of fire or the mitigation of a fire hazard.
- (2) A member of a brigade must comply with, and maintain, the Chief Fire Control Officer's Fire Action Plan as in force from time to time.

#### **6           Reports to fire control officer**

- (1) A brigade must give a fire control officer for a fire management zone a report on all fires attended by the brigade in the zone.
- (2) The report must include the following:
  - (a) the date, location and, if known, the cause of the fire;
  - (b) a description or estimate of the damage caused;
  - (c) the names of members or other persons deployed to control the fire;
  - (d) a description of vehicles and equipment deployed to control the fire;

- (e) the name of any casualties and a description of each injury sustained;
- (f) any other details required by the fire control officer.

## **Part 4 Repeal and transitional matters**

### **7 Repeal**

The *Volunteer Bushfire Brigades Regulations* are repealed.

### **8 Incorporated brigades**

- (1) Subregulation (2) applies to a brigade that was incorporated under the *Associations Act* immediately before the commencement of these Regulations.
- (2) Within one month after the commencement, the public officer of the brigade must file a notice of the alteration to the constitution under section 23 of the *Associations Act*.

*Note for subregulation (2):*

*This requirement is subject to any exemption granted by the Commissioner under section 5 of the Associations Act.*

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## **Schedule            Volunteer Bushfire Brigade Constitution**

regulation 3

### **Part 1                    Preliminary matters**

#### **1                    Name**

The name of the brigade is:

*[name of brigade]*

#### **2                    Area of operation**

The area in respect of which the Brigade is to conduct its operations is the following area:

*[description/map of area]*

#### **3                    Objects**

(1) The Brigade has the following primary objects:

- (a) to provide a fire prevention and firefighting service to the community within its area of operation;
- (b) to assist and cooperate with:
  - (i) all other brigades within the fire management zone and neighbouring fire management zones; and
  - (ii) the Northern Territory Fire and Rescue Service and its volunteer fire brigades.

(2) The Brigade has the following further objects:

- (a) to provide a fire advisory service to the community within its field of operation;
- (b) to encourage and foster public awareness of dangers relating to bushfires;
- (c) to advise the Bushfires Council, through the regional bushfires committee for the fire management zone, on all matters relating to the management of the Brigade;
- (d) to undertake non-fire related activities designed to benefit the community within its field of operation.

(3) In this clause:

**fire management zone** means the fire management zone within which the Brigade's area of operation is entirely located or mostly located.

## **4 Definitions**

In this Constitution, unless the contrary intention appears:

**Committee** means the Management Committee of the Brigade.

**financial institution** means an authorised deposit-taking institution within the meaning of the *Banking Act 1959* (Cth).

**general meeting** means a general meeting of members convened in accordance with clause 44.

**member** means a member of the Brigade.

**Minister** means the minister administering the *Bushfires Act*.

**register of members** means the register of the Brigade's members established and maintained under section 34 of the *Associations Act*.

**special resolution** means a resolution notice of which is given under clause 48 and passed in accordance with section 37 of the *Associations Act*.

## **Part 2 Powers and Constitution of Brigade**

### **5 Powers of Brigade**

- (1) For achieving its objects, the Brigade has the powers conferred by sections 11 and 13 of the *Associations Act*.
- (2) Subject to the *Associations Act*, the Brigade may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may do the following:
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on the terms and in the manner it considers appropriate;

- (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract it considers necessary or desirable;
  - (h) construct, maintain or alter any building or carry out other work;
  - (i) receive any gift donated, whether by way of a trust or not;
  - (j) make gifts, subscriptions or donations to any of the funds, authorities or institutions to which deductible gifts can be made under Subdivision 30-B of the *Income Tax Assessment Act 1997* (Cth);
  - (k) print and publish any newspaper, periodical, book, leaflet or other document;
  - (l) help establish or support any other volunteer bushfire brigade.
- (3) Without limiting subclause (2), the Brigade may:
- (a) enter into agreements with landholders, including the Territory and public authorities, to maintain a fire protection service; and
  - (b) enter into agreements with outside contractors to carry out works for the Brigade; and
  - (c) 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.

## **6 Effect of Constitution**

This Constitution binds every member and the Brigade to the same extent as if every member and the Brigade had signed and sealed this Constitution and agreed to be bound by it.

## **7 Inconsistency between Constitution and *Associations Act***

If there is any inconsistency between this Constitution and the *Associations Act*, that Act prevails.



**8            Alteration of Constitution**

- (1) This Constitution may not be altered except as provided in this clause.
- (2) Clauses 1 and 2 may be altered by a notice under section 54(1) of the *Bushfires Management Act*.
- (3) The remainder of the constitution may be altered by amendment of the *Bushfires Management (Volunteer Bushfire Brigades) Regulations*.

**Part 3            Members****Division 1            Membership****9            Application for membership**

- (1) A person who has attained the age of 16 years may apply to become a member of the Brigade.
- (2) To apply, a person must:
  - (a) submit a written application for membership to the Committee:
    - (i) in a form approved by the Committee; and
    - (ii) signed by the person and both of the members referred to in paragraph (b); and
  - (b) be proposed by one member and seconded by another member.

**10            Approval of Committee**

- (1) The Committee must consider any application made under clause 9 at the next committee meeting and must accept or reject the application at that meeting or the next.
- (2) If an application is accepted, the applicant must be informed in writing that the Committee has accepted the application.
- (3) If an application is rejected, the applicant may appeal against the decision by giving notice to the Secretary within 14 days after being advised of the rejection.
- (4) If an applicant gives notice of an appeal against the rejection the application, the Committee must reconsider the application at the next committee meeting after receipt of the notice of appeal.

- (5) If after reconsidering an application the Committee reaffirms its decision to reject the application, the decision is final.

## **11       Joining fee**

- (1) The joining fee is the amount (if any) determined from time to time by resolution at a general meeting.
- (2) If an application for membership is approved by the Committee, the applicant becomes a member on payment of the joining fee.

## **12       Annual membership fees**

- (1) The annual membership fee is the amount (if any) determined from time to time by resolution at a general meeting.
- (2) Each member must pay the annual membership fee to the Treasurer by the first day of each financial year or another date determined by the Committee from time to time.

## **Division 2       Rights of members**

### **13       General**

- (1) Subject to clause 14(2), a member may exercise the rights of membership when his or her name is entered in the register of members.
- (2) A right of membership of the Brigade:
  - (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates on the cessation of membership whether by death, resignation or otherwise.

### **14       Voting**

- (1) Each member has one vote at general meetings of the Brigade.
- (2) However, a member is not eligible to vote until 10 working days after his or her application has been accepted.

### **15       Notice of meetings and special resolutions**

The Secretary must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

**16 Access to information on Brigade**

The following must be available for inspection by members:

- (a) a copy of this Constitution;
- (b) minutes of general meetings;
- (c) annual reports and annual financial reports.

**17 Raising grievances and complaints**

- (1) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Brigade.
- (2) The grievance or complaint must be dealt with by the procedures set out in Part 8.

**Division 3 Termination, death, suspension and expulsion****18 Termination of membership**

- (1) Membership of the Brigade may be terminated by:
  - (a) a notice of resignation addressed and posted to the Brigade or given personally to the Secretary or another committee member; or
  - (b) expulsion in accordance with this Division.
- (2) Membership of the Brigade lapses if the member fails to pay the annual membership fee within 3 months after the due date unless the Committee determines otherwise.
- (3) However, if no annual membership fee is payable, a person's membership of the Brigade lapses if the person has not submitted a new membership application before the date determined by the Committee from time to time.

**19 Death of member or whereabouts unknown**

If a member dies or the whereabouts of a member are unknown, the Committee must cancel the member's membership.

**20 Suspension or expulsion of members**

- (1) If the Committee considers a member should be suspended or expelled because the member's conduct is detrimental to the interests of the Brigade, the Committee must give notice of the proposed suspension or expulsion to the member.

- (2) The notice must:
  - (a) be in writing and include:
    - (i) the time, date and place of the committee meeting at which the question of that suspension or expulsion will be decided; and
    - (ii) the particulars of the conduct; and
  - (b) be given to the member at least 30 days before the date of the committee meeting referred to in paragraph (a)(i).
- (3) At the meeting, the Committee must give the member a reasonable opportunity to be heard or make representations in writing.
- (4) The Committee may suspend or expel or decline to suspend or expel the member from the Brigade.
- (5) The Committee must give written notice of the decision and the reason for it to the member.
- (6) Subject to clause 21, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.

## **21 Appeals against suspension or expulsion**

- (1) A member who is suspended or expelled under clause 20 may appeal against that suspension or expulsion by giving notice to the Secretary within 14 days after receipt of the Committee's decision.
- (2) The appeal must be considered at a general meeting of the Brigade and the member must be given a reasonable opportunity to be heard at the meeting or make representations in writing prior to the meeting for circulation at the meeting.
- (3) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Committee to suspend or expel the member.
- (4) The member is not suspended or does not cease to be a member until the decision of the Committee to suspend or expel is confirmed by a resolution of the members.

## **Part 4                    Management Committee**

### **Division 1            General**

#### **22                    Role and powers**

- (1) The business of the Brigade must be managed by or under the direction of a Management Committee.
- (2) The Committee may exercise all the powers of the Brigade except those matters that the Associations Act or this Constitution requires the Brigade to determine through a general meeting of members.
- (3) The Committee may appoint and remove staff.
- (4) The Committee may establish one or more subcommittees consisting of the members of the Brigade the Committee considers appropriate.

#### **23                    Composition of Committee**

The Management Committee consists of the following committee members:

- (a) the Captain;
- (b) the Deputy Captain;
- (c) the Secretary;
- (d) the Treasurer;
- (e) the public officer;
- (f) 4 other office holders or such greater number of office holders as is specified in a special resolution passed at a general meeting.

#### **24                    Delegation**

- (1) The Committee may delegate to a subcommittee or staff any of its powers and functions other than:
  - (a) this power of delegation; or
  - (b) a duty imposed on the Committee by the *Associations Act* or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

- (3) The Committee may, in writing, revoke wholly or in part the delegation.

## **Division 2      Election of committee members**

### **25      Application of Division**

This Division does not apply to the first captain of the Brigade.

### **26      Appointment of committee members**

- (1) A committee member must be a member who is 18 years or over.
- (2) A committee member must be elected to the Committee at an annual general meeting or appointed under clause 33.

### **27      Nominations for election to committee**

- (1) A member is not eligible for election to the Committee unless the Secretary receives a written nomination for that member by another member at least 7 days before the date of the next annual general meeting.
- (2) The nomination must be signed by:
- (a) the nominator and a seconder; and
  - (b) the nominee to signify the nominee's willingness to stand for election.
- (3) A person who is eligible for election or re-election under this clause may:
- (a) propose or second himself or herself for election or re-election; and
  - (b) vote for himself or herself.

### **28      Retirement of committee members**

- (1) A committee member holds office until the next annual general meeting unless the member vacates the office under clause 31 or is removed under clause 32.
- (2) Subject to subclause (3), at an annual general meeting the office of each committee member becomes vacant and elections for a new Committee must be held.
- (3) Members may serve consecutive terms on the Committee.

**29 Election by default**

- (1) If the number of persons nominated for election to the Committee under clause 27 does not exceed the number of vacancies to be filled, the person presiding at the annual general meeting must declare the persons to be duly elected as members of the Committee.
- (2) If vacancies remain on the Committee after the declaration under subclause (1), additional nominations of committee members may be accepted from the floor of the annual general meeting.
- (3) If the nominations from the floor do not exceed the number of remaining vacancies, the person presiding must declare those persons to be duly elected as members of the Committee.
- (4) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Committee in accordance with clause 33.

**30 Election by ballot**

- (1) If the number of nominations exceeds the number of vacancies on the Committee, ballots for those positions must be conducted.
- (2) The ballot must be conducted in a manner determined from time to time by resolution at a general meeting.
- (3) The members chosen by ballot must be declared by the person presiding at the annual general meeting to be duly elected as members of the Committee.

**31 Vacating office**

The office of a committee member becomes vacant if:

- (a) the member:
  - (i) is disqualified from being a committee member under section 30 or 40 of the *Associations Act*; or
  - (ii) resigns by giving written notice to the Committee; or
  - (iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health; or
  - (iv) no longer resides in the Territory; or
  - (v) ceases to be a member of the Brigade; or

- (b) the member is absent from more than:
  - (i) 3 consecutive committee meetings; or
  - (ii) 3 committee meetings in the same financial year without tendering an apology to the Captain,of which meetings the member received notice and the Committee has resolved to declare the office vacant.

### **32 Removal of committee member**

- (1) The Brigade, through a special general meeting of members, may remove any committee member before the member's term of office ends.
- (2) If a vacancy arises through removal under subclause (1), an election must be held to fill the vacancy.

### **33 Filling casual vacancy on Committee**

- (1) If a vacancy remains on the Committee after the application of clause 29 or if the office of a committee member becomes vacant under clause 31, the Committee may appoint any member of the Brigade to fill that vacancy.
- (2) However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the *Associations Act* to fill the vacancy.
- (3) If no other member is available to be appointed to a vacancy on the Committee, a member of the Committee, other than the Captain or public officer, may be appointed to fill the vacancy.

## **Division 3 Duties of committee members**

### **34 Collective responsibility of Committee**

- (1) As soon as practicable after being elected to the Committee, each committee member must become familiar with the *Associations Act* and the *Bushfires Management Act* and regulations made under the Acts.
- (2) The Committee is collectively responsible for ensuring the Brigade complies with the *Associations Act* and the *Bushfires Management Act* and regulations made under the Acts.



**36 Secretary**

The Secretary must:

- (a) coordinate the correspondence of the Brigade; and
- (b) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the *Associations Act*; and
- (c) maintain the register of members in accordance with section 34 of the *Associations Act*; and
- (d) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Brigade, other than those required by clause 37(5) to be in the custody of the Treasurer; and
- (e) perform any other duties imposed by this Constitution on the Secretary.

**37 Treasurer**

(1) The Treasurer must:

- (a) receive all moneys paid to, or received by, the Brigade and issue receipts for those moneys in the name of the Brigade; and
- (b) pay all moneys received into the account of the Brigade within 5 working days after receipt; and
- (c) make any payments authorised by the Committee or by a general meeting of the Brigade from the Brigade's funds; and
- (d) ensure cheques are issued in accordance with clause 54(3).

(2) The Treasurer must ensure the accounting records of the Brigade are kept in accordance with section 41 of the *Associations Act*.

(3) The Treasurer must coordinate the preparation of the Brigade's annual statement of accounts.

(4) At each committee meeting the Treasurer must submit a report, balance sheet or financial statement in a form approved by the Committee.

(5) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Brigade unless the members resolve otherwise at a general meeting.

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- (6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

**38 Public officer**

- (1) The public officer must ensure documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the *Associations Act*.

*Note for subclause (1):*

*This requirement is subject to any exemption granted by the Commissioner under section 5 of the Associations Act.*

- (2) The public officer must keep a current copy of the Constitution of the Brigade.
- (3) The public officer must perform any other duties imposed by this Constitution on the public officer.

**Part 5 Meetings of management Committee**

**39 Frequency and calling of meetings**

- (1) The Committee must meet together for the conduct of business at least 4 times in each financial year.
- (2) The Captain, or at least half the committee members, may at any time convene a special meeting of the Committee.
- (3) A special committee meeting may be convened to deal with an appeal under clause 21.

**39A Presiding at committee meeting**

- (1) The Captain is entitled to preside at committee meetings.
- (2) Subclause (3) applies to a committee meeting if:
- (a) the Captain is absent from the meeting; or
  - (b) the Captain is present at the meeting but wishes another person to preside at that meeting.
- (3) The members present at the meeting must elect one of their number to preside at that meeting.

**40 Voting and decision making**

- (1) Each committee member present at a committee meeting has a deliberative vote.

- (2) A question arising at the meeting must be decided by a majority of votes.
- (3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

#### **41 Quorum**

For a committee meeting, one-half plus one of the committee members constitutes a quorum.

#### **42 Procedure and order of business**

- (1) The procedure to be followed at a committee meeting must be determined from time to time by the Committee.
- (2) Unless otherwise determined by the Committee, the order of business at ordinary committee meetings must 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) proposals of candidates for election;
  - (g) consideration of applications for membership;
  - (h) motions of which proper notice has been given;
  - (i) general business.
- (3) A motion must be moved and seconded before being discussed and decided by a vote.
- (4) Only the business for which the meeting is convened may be considered at a special committee meeting.

#### **43 Disclosure of interest**

- (1) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Brigade must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the *Associations Act*.

- (2) The Secretary must record the disclosure in the minutes of the meeting.
- (3) The Committee must ensure a committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the *Associations Act*.

## **Part 6                      General meetings**

### **44                      Convening general meetings**

- (1) The Brigade must hold its first annual general meeting within 18 months after its incorporation.
- (2) The Brigade must hold all subsequent annual general meetings within 5 months after the end of the Brigade's financial year.
- (3) The Committee:
  - (a) may at any time convene a special general meeting; and
  - (b) must, within 30 days after the Secretary receives a notice under clause 21(1), convene a special general meeting to deal with the appeal to which the notice relates; and
  - (c) must, within 30 days after it receives a request under clause 46(1), convene a special general meeting for the purpose specified in that request.

### **44A                      Appointment of person to preside at general meeting**

The Committee must, at least 7 days before a general meeting, appoint a person to preside at that meeting.

### **45                      Appointment of person to conduct election at annual general meeting**

- (1) At least 7 days before an annual general meeting, the Committee must appoint a person to conduct the election of committee members for the meeting.
- (2) The person must:
  - (a) not be a member of the Brigade; and
  - (b) be a public sector employee.

**46 Special general meetings**

- (1) Half the number of members constituting a quorum for a general meeting may make a written request to the Committee for a special general meeting.
- (2) The request must:
  - (a) state the purpose of the special general meeting; and
  - (b) be signed by the members making the request.
- (3) If the Committee fails to convene a special general meeting within the time allowed:
  - (a) for clause 44(3)(b) – the appeal against the decision of the Committee is upheld; and
  - (b) for clause 44(3)(c) – the members who made the request may convene a special general meeting as if they were the Committee.
- (4) If a special general meeting is convened under subclause (3)(b), the Brigade must meet any reasonable expenses of convening and holding the special general meeting.
- (5) The Secretary must give to all members at least 21 days notice of a special general meeting.
- (6) The notice must specify:
  - (a) when and where the meeting is to be held; and
  - (b) the particulars of and the order in which business is to be transacted.

**47 Annual general meeting**

- (1) The Secretary must give to all members at least 30 days notice of an annual general meeting.
- (2) The notice must specify:
  - (a) when and where the meeting is to be held; and
  - (b) the particulars of and the order in which business is to be transacted.

(3) The order of business for each annual general meeting is as follows:

- (a) the consideration of the accounts and reports of the Committee;
- (b) the election of new committee members;
- (c) any other business requiring consideration by the Brigade at the meeting.

#### **48 Special resolutions**

- (1) A special resolution may be moved at any general meeting of the Brigade.
- (2) The Secretary must give all members at least 21 days notice of the meeting at which a special resolution is to be proposed.
- (3) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

#### **49 Notice of meetings**

- (1) The Secretary must give a notice under this Part by:
  - (a) serving it on a member personally; or
  - (b) sending it by post to a member at the address of the member appearing in the register of members.
- (2) If a notice is sent by post under subclause (1)(b), sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member by ordinary prepaid mail.

#### **50 Quorum at general meetings**

At a general meeting, 6 members, of whom 3 must be committee members, constitute a quorum.

#### **51 Lack of quorum**

- (1) If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present:
  - (a) for an annual general meeting or special general meeting convened under clause 44(3)(a) – the meeting stands adjourned to the same time on the same day in the following week and to the same place; or

- (b) for a meeting convened under clause 44(3)(b) – the members who are present may proceed with hearing the appeal for which the meeting is convened; or
  - (c) for a meeting convened under clause 44(3)(c) – the meeting lapses.
- (2) If within 30 minutes after the time appointed by subclause (1)(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are present may proceed with the business of that general meeting as if a quorum were present.
- (3) The person presiding may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.
- (4) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (5) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

## **52 Voting**

- (1) Subject to clause 14(2), each member present at a general meeting is entitled to a deliberative vote.
- (2) At a general meeting:
  - (a) an ordinary resolution put to the vote is decided by a majority of votes; and
  - (b) a special resolution put to the vote is passed if three-quarters of the members who are present vote in favour of the resolution.
- (3) A poll may be demanded by the person presiding at a general meeting or by 3 or more members.
- (4) If demanded, a poll must be taken immediately and in the manner the person presiding directs.

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## **Part 7                      Financial management**

### **53                      Financial year**

The financial year of the Brigade is the period of 12 months ending on 30 September.

### **54                      Funds and accounts**

- (1) The Brigade must open an account with a financial institution from which all expenditure of the Brigade is made and into which all of the Brigade's revenue is deposited.
- (2) Subject to any restrictions imposed by the Brigade at a general meeting, the Committee may approve expenditure on behalf of the Brigade within the limits of the budget.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members at least one of whom must be the Treasurer or the public officer.
- (4) All funds of the Brigade must be deposited into the financial account of the Brigade no later than 5 working days after receipt or as soon as practicable after that day.
- (5) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

### **55                      Accounts and audits**

The responsibility of the Committee under clause 34(2) for ensuring compliance with the *Associations Act* includes meeting the requirements of Part 5 of the *Associations Act* and regulations made for that Part relating to:

- (a) the keeping of accounting records; and
- (b) the preparation and presentation of the Brigade's annual statement of accounts; and
- (c) the auditing of the Brigade's accounts.

## **Part 8                      Grievance and disputes**

### **56                      Grievance and disputes procedures**

- (1) This clause applies to disputes between:
  - (a) a member and another member; or



- (b) a member and the Committee.
- (2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.
- (4) The mediator must be:
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement:
    - (i) for a dispute between a member and another member – a person appointed by the Committee; or
    - (ii) for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the *Associations Act*.
- (5) A member of the Brigade can be a mediator.
- (6) The mediator cannot be a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
  - (a) give the parties to the mediation process every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the *Associations Act* or otherwise at law.

## **Part 9                      Miscellaneous matters**

### **57                      Common seal**

- (1) The common seal of the Brigade must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary.
- (2) The affixing of the common seal of the Brigade must be witnessed by the public officer and one other member of the committee appointed by the Committee for that purpose.
- (3) The common seal of the Brigade must be kept in the custody of the public officer.

### **58                      Distribution of surplus assets on winding up**

- (1) The public officer must not apply to the Commissioner for dissolution of the Brigade pursuant to section 65(2) of the *Associations Act* without the approval of the Minister.
- (2) If on the winding up or dissolution of the Brigade, and after satisfaction of all its debts and liabilities, there remains any assets, the assets:
  - (a) vest in the Territory; and
  - (b) must not be distributed to the members or former members.

## **Part 10                      Transitional matters**

### **59                      Management of Brigade prior to election of Committee**

From the issue of a certificate of incorporation to the Brigade under section 9 of the *Associations Act* until a Committee has been elected pursuant to Part 4, Division 2 of this Constitution, the Committee comprises:

- (a) the first captain of the brigade; and
- (b) the other persons who were officers of the Brigade immediately prior to incorporation.

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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

***Bushfires (Volunteer Bushfires Brigades) Regulations (SL No. 10, 2006)***

Notified	26 April 2006
Commenced	26 April 2006

***Bushfires (Volunteer Bushfires Brigades) Amendment Regulations 2006 (SL No. 37, 2006)***

Notified	8 November 2006
Commenced	8 November 2006

***Bushfires Management Act 2016 (Act No. 14, 2016)***

Assent date	7 June 2016
Commenced	1 November 2016 ( <i>Gaz</i> S111, 27 October 2016)

### 3 LIST OF AMENDMENTS

r 1	amd Act No. 14, 2016, s 113
r 2	amd Act No. 14, 2016, s 114
r 3	amd Act No. 14, 2016, s 115
r 4	amd Act No. 14, 2016, s 116
pt 2A hdg	ins Act No. 14, 2016, s 117
r 4A	ins Act No. 14, 2016, s 117
r 6	amd Act No. 14, 2016, s 118
sch	amd No. 37, 2006, r 3; Act No. 14, 2016, s 119