



# Numeralla Countegany Volunteer Bush Fire Brigade Constitution

## NAME

- 1.1 The name of the Brigade is the 'Numeralla Countegany Volunteer Bush Fire Brigade' hereafter referred to as "the Brigade" in this document

## DEFINITIONS

- 2.1 In this New Brigade Constitution, the following words and expressions have the meanings set out below:

- **"Act"** means the Rural Fires Act 1997 (NSW);
- **"appropriate disciplinary authority"** means the appropriate disciplinary authority defined by Regulation 3 of the Regulations;
- **"bank"** means all financial institutions, including banks, credit unions, etc;
- **"brigade account"** means all brigade bank accounts, which also includes any other bank account established for the support of volunteer brigades;
- **"brigade register"** means the register of members of the Brigade kept in accordance with section 20(1) of the Act;
- **"brigade rule"** means a brigade rule made under clause 12 of this Constitution;
- **"Constitution"** means The New Brigade Constitution;
- **"deductible gift recipient"** means a fund, authority or institution to which gifts are income tax deductible under applicable Commonwealth income tax law, including Division 30 of the Income Tax Assessment Act 1997;
- **"designated area" as determined by the district manager and being the area of primary Brigade responsibility**
- **"gift"** means any thing or monies voluntarily given to the Brigade without compensation;
- **"district manager"** means the manager of the rural fire district, zone or team in which the Brigade is located;

- **"member"** means a member of the Brigade;
- **"Public Fund"** means the fund established and maintained pursuant to clause 15;
- **"Regulations"** means the regulations made under the Act;
- **"the RFS"** means the NSW Rural Fire Service;
- **"Service Standards"** means the Service Standards issued by the Commissioner pursuant to section 13 of the Act;
- **"subscription"** means a membership fee paid to the Brigade for a specified period of time.
- **"Area"** The territory of the brigade is that area determined by the responsible authority.

## COMMENCEMENT

- 1.1 This Brigade Constitution was adopted by the Brigade at the 2012 AGM on Friday 20 April 2012.

## AIMS

- 1.2 The aims of the Brigade are to:
- (a) assist the RFS and its members in carrying out the functions conferred on them by the Rural Fires Act, 1997; and any superseding Act
  - (b) to do anything necessary for or incidental to that aim.
  - (c) to voluntarily contribute to the protection of its community from bush fires and other incidents

## MEMBERSHIP

- 5.1 The persons who are listed on the brigade register are the members of the Brigade.

### 5.2 Joining the Brigade

A person who wants to join the Brigade must follow the procedure set out in [Service Standard 2.1.6 Service Membership](#).

### 5.3 Associate and Member Classification

**5.3.0** An Associate is a person who is at least 18 years of age, and is either or both resident, or landholder, within the designated area unless suspended or removed from the Brigade register as outlined below. A person may also nominate to be an Associate, even though they do not fulfil the above criteria.

**5.3.1** Members are classified as:

- (a)** Probationary Members
- (b)** Ordinary Members.
- (c)** Junior Members
- (d)** Life Members

**5.3.2** A probationary member is a person:

- (a)** whose application for probationary membership has been accepted by the Brigade executive; and
- (b)** who has not yet been accepted as an ordinary member by the Brigade.

**5.3.3** A probationary member who has achieved the minimum level of competency set by the Service Standards or the district manager may take part in all brigade activities, including attending incidents.

**5.3.4** A probationary member who has achieved the minimum level of competency set by the Service Standards or the district manager may be elected as a field officer.

**5.3.5** A probationary member may be elected as an administrative officer.

**5.3.6** An ordinary member is a person who has:

- (a)** satisfactorily completed a probationary period of at least six months; and
- (b)** either:
  - (i)** achieved the minimum level of competency set by the Service Standards or the district manager; or
  - (ii)** been accepted by the Brigade as a member who will undertake a support role; and
- (c)** been subsequently accepted as an ordinary member by the Brigade executive

**5.3.7** A Junior Member is a person who is less than 18 years of age. To participate, the junior must provide written consent from their parent or

guardian and be subject to the constitution of the brigade.

Junior Members are restricted to activities that do not involve them in direct fire fighting and their training and development activities must be supervised at all times by a suitably qualified member.

**5.3.9** Life Members are persons who:

- (i) in the opinion of the Brigade, have given meritorious service to their Brigade; and
- (ii) have been elected as a Life Member at a General Meeting by resolution of not less than three-quarters of the Members present and voting at the meeting.

A Life Member may not vote or hold office in the Brigade unless the Life Member is a person who would otherwise be classified as a Member of the Brigade

**5.4 Termination of Membership**

5.4.1 A member ceases to be a member if their name is taken off the brigade register for one of the reasons set out in [Service Standard 2.1.6 Service Membership](#).

5.4.2 A person ceases to be an Associate of a brigade when they resign their Association in writing. This resignation can be rescinded by similarly advising the Brigade in writing. On resignation of Association, any Brigade equipment, authority card, business papers, or the like which are held by or issued to the Associate must be returned to the Brigade

**5.5 Dual Membership**

5.5.1 A member may not be a member of another rural fire brigade in the same rural fire district or zone as the Brigade unless they have written permission from the district manager.

5.5.2 A member may be a member of another brigade in another rural fire district or zone.

5.5.3 A member may not hold office as a field officer in more than one brigade unless they have written permission from the district manager or district managers.

**MEETINGS OF MEMBERS**

**6.1 Brigade's Annual General Meeting**

6.1.1 The annual general meeting of the Brigade must be held by the date set

jointly by the captain and the district manager.

- 6.1.3** Notice is to be sent by the secretary to members and associates by either post, email, or other agreed form, at least fourteen (14) days prior to the meeting date. Note that 14 days is either postmarked by Australia Post, or an email sent date.
- 6.1.4** Provided notice has been given of the annual general meeting in accordance with the provisions of this Constitution, the failure on the part of any member to receive such notice will not affect the validity of any meeting of members or of the decisions made at that meeting.
- 6.1.5** A quorum for an Annual General Meeting must comprise at least the President and Captain, or their nominated proxies, and five (5) Members who are eligible to vote

OR

Four (4) elected office bearers and five (5) Members.

If at any time during any Annual General Meeting the number of members who are eligible to vote present falls below the figure necessary for a quorum, that meeting can only make recommendations on any remaining business to be transacted at that meeting. Such recommendations will be submitted at the next Annual General Meeting or General meeting.

If agreed by the meeting, the meeting can be adjourned to an agreed date/time for completion.

In calculating the quorum, only members who are eligible to vote who are present at the meeting can be counted.

- 6.1.6** At the annual general meeting the members must:
- (a)** be given a report of the Brigade's activities during the previous 12 months by the captain;
  - (b)** be given a statement of the Brigade's accounts by the treasurer and determine the need for an auditor's report for the year;
  - (c)** elect the field officers for the ensuing term, in accordance with clause 7.1.1;
  - (d)** elect the administrative officers for the coming year;
  - (e)** decide whether to set an annual subscription in accordance with clause 9.2;
  - (f)** review the Brigade 'Schedule of Rates'
  - (g)** deal with any other business which was included in the annual general meeting notice given to the members.

## **6.2 General Meetings of the Brigade**

- 6.2.1** The captain may call a general meeting of the Brigade at any time.
- 6.2.2** The secretary must call a general meeting of the Brigade within 14 days after being asked to do so by at least five members. Notice is to be sent by the secretary to members and associates by either post, email, or other agreed form, at least fourteen (14) days prior to the meeting date. Note that 14 days is either postmarked by Australia Post, or an email sent date.
- 6.2.3** Provided notice has been given of a general meeting in accordance with the provisions of this Constitution, the failure on the part of any member to receive such notice will not affect the validity of any meeting of members or of the decisions made at that meeting.
- 6.2.4** A quorum for a General Meeting must comprise at least the President and Captain, or their nominated proxies, and five (5) Members who are eligible to vote

OR

Four (4) elected office bearers and five (5) Members.

If at any time during any General Meeting the number of members who are eligible to vote present falls below the figure necessary for a quorum, that meeting can only make recommendations on any remaining business to be transacted at that meeting. Such recommendations will be submitted at the next Annual General Meeting or General Meeting.

In calculating the quorum, only members who are present at the meeting can be counted.

## **6.3 Chairing a Meeting of the Brigade**

- 6.3.1** Normally, the president chairs all meetings of the Brigade.
- 6.3.2** If the president is not at the meeting or if he or she does not want to chair the meeting, the members who are at the meeting must elect a person who is at the meeting to chair the meeting.
- 6.3.3** The person who is chairing a meeting may:
- (a)** vote on any motion; and
  - (b)** if the vote is tied, vote a second time to break a deadlock,

provided that, if the person who is chairing the meeting is not a member, they may only vote to break a deadlock and not on the motion.

This provision does not apply if there is a tied vote in an election.

## **6.4 Brigade Meeting Records**

- 6.4.1** The minutes of all annual general meetings, general meetings and executive committee meetings must be kept in writing in either/or both hardcopy and electronic form.
- 6.4.2** Minutes of brigade meetings and executive committee meetings must be kept for all committee meetings.
- 6.4.3** Minutes of Brigade meetings and executive committee meetings must include:
- the type of meeting;
  - the time date and location of the meeting;
  - the members present, apologies and guests;
  - approval of all tabled correspondence, documents and reports; and
  - tasks delegated to individuals;
- 6.4.4** The minutes of Brigade and executive committee meetings, copies of correspondence and other brigade records are to be stored by the secretary or in the brigade station or some other place agreed to by the Brigade.

## **6.5 Members Voting**

- 6.5.1** Associate, probationary and junior members can not vote at any meeting or in any election.
- 6.5.2** Only members who are ordinary members who meet all the following criteria:
- (a)** regularly participate in the Brigade's activities; Note; 'regularly participate' means attend or contribute to at least two Brigade activities since the previous Brigade AGM, not including that previous AGM
  - (b)** are available to attend fire calls; and
  - (c)** if the Brigade has set an annual subscription, have paid that subscription
- 6.5.3** If there is a dispute as to whether a member is entitled to vote in the election of field officers, that dispute must be decided by the district manager or their nominated representative before the election.

## **OFFICE BEARERS**

### **7.1 Election of Field and Administrative Officers**

A general meeting of the Brigade is required to elect any, or all, of its officers.

At the Brigade AGM, the meeting Chair will declare all positions vacant.

**7.1.1** At the annual general meeting the members must elect the following field officers:

- (a)** captain;
- (b)** senior deputy captain; and
- (c)** as many deputy captains as the Brigade decides at the annual general meeting.

Brigade field officers will normally hold office until a subsequent election.

**7.1.2** The seniority of the deputy captains will be determined by the captain.

**7.1.3** At the annual general meeting the members must elect the following administrative officers:

- (a)** president
- (b)** secretary
- (c)** treasurer
- (d)** call out officers
- (e)** training officer
- (f)** equipment officer(s)

**7.1.4** A member may be elected as both a field and administrative officer.

**7.1.5** A member may be elected as both secretary and treasurer.

**7.1.6** A member is not eligible for nomination as a field officer unless they have achieved the minimum level of competency set by the Service Standards or the district manager.

**7.1.7** Nominations for the election of field and administrative officers must be seconded by at least one member and accepted by the nominee.

If the nominee is not present at the meeting, he or she must have agreed to accept a nomination prior to the meeting in writing, either by hardcopy or email.

**7.1.8** If two or more individuals are nominated for the same position, a secret ballot process determined by the meeting chair will be implemented with the successful nominee being determined by the 'first past the post'.

**7.1.9** A member who is unable to attend the annual general meeting may appoint another member to vote on his or her behalf by advising the secretary or returning officer of the name of that other member in writing before the meeting starts.

**7.1.10** A member may not vote on behalf of more than two (2) other members.

**7.1.11** If two or more candidates receive the same number of votes in an election



there must be a second ballot. If two or more candidates receive the same number of votes in the second ballot the election must be decided by placing the names of those candidates who received the same number of votes in a hat and drawing the name of the person to be elected.

**7.1.12** The secretary must inform the district manager in writing of the names of the members elected as field and administrative officers within seven days of the annual general meeting.

**7.1.13** Field officers elected by the Brigade are provisional until they are appointed by the district manager in accordance with the provisions of the Act.

Administrative officers take office at the conclusion of the meeting at which they have been elected.

**7.1.14** The district manager may revoke or suspend the appointment of a person as a field officer in accordance with the provisions of the Service Standards.

Refer to [Service Standard 2.1.4 Appointment of Brigade and Group Officers](#).

## **7.2 Vacant Positions**

**7.2.1** A field or administrative officer position becomes vacant if:

- (a) the person resigns from the position;
- (b) the person ceases to be a member of the Brigade;
- (c) the appropriate disciplinary authority suspends the person from membership of the Brigade;

Refer to definition of appropriate disciplinary authority in [Service Standard 1.1.2 Discipline](#).

- (d) the person is stood down in accordance with the Service Standards;

Refer to [Service Standard 2.1.6 Service Membership](#).

- (e) in the case of a field officer, the regional manager :

- A. (i) demotes the person;
- (ii) disqualifies the person from holding rank in the Brigade; or
- (iii) revokes or suspends the persons appointment as an officer;

following a recommendation from the appropriate disciplinary authority; or

- B.** the district manager revokes or suspends the person's appointment as an officer in accordance with the Service Standards.

Refer to [Service Standard 2.1.6 Service Membership](#) and [Service Standard 2.1.4 Appointment of Brigade and Group Officers](#).

- C.** The person is removed from the position in accordance with clause 7.2.2 of this Constitution.

**7.2.2** A field or administrative officer may be removed from his or her position if:

- (a)** each member is sent a notice stating:
  - (i)** that a motion to remove the member from the position will be considered at a general meeting;
  - (ii)** the wording of the motion; and
  - (iii)** the date, time and place of that meetingat least 14 days before the meeting;
- (b)** the person is allowed to address the meeting;
- (c)** not less than two-thirds of the members who are present at the meeting and are eligible to vote on the motion vote in favour of removing the member from the office; and
- (d)** if the position is a field officer position, the district manager revokes the member's appointment as a field officer.

**7.2.3** Only members who are entitled to vote in an election for field officers may vote on a motion to remove a field officer from office.

**7.2.4** In the event of a casual vacancy, the Brigade must decide as soon as possible whether:

- (a)** an election is to be held to fill the casual vacancy; or
- (b)** the position should be left vacant until the next annual general meeting.

**7.2.5** If the Brigade decides that the position should be left vacant until the next annual general meeting and:

- (a)** the casual vacancy is for a field officer, each of the remaining field officers will 'step up' to fill the vacant position; or
- (b)** if the casual vacancy is for an administrative officer, the Brigade must decide who will carry out the duties of that position until it is filled.

**7.2.6** If the captain's position becomes vacant and the Brigade is unwilling or unable to elect another person to that position, the district manager may appoint a suitably qualified member of the RFS to that position until the next annual general meeting or for a shorter period.

**7.2.7** If the Brigade decides to hold an election to fill a casual vacancy:

- (a)** the election must take place at a general meeting of the Brigade; and
- (b)** the president or secretary must notify members at least 14 days prior to a general meeting, of the date, time and place and that the election will be held at that meeting.

## **EXECUTIVE COMMITTEE**

### **8.1 Members of the Executive Committee**

The members of the executive committee are the:

- (a)** president
- (b)** secretary
- (c)** treasurer
- (d)** captain
- (e)** senior deputy

### **8.2 Duties of the Executive Committee**

**8.2.1** The executive committee manages the Brigade other than in relation to operational activities.

**8.2.2** The executive committee must manage the Brigade in accordance with any directions of general meetings of the Brigade.

### **8.3 Executive Committee Meetings**

**8.3.1** The executive committee must meet as often as needed.

**8.3.2** The quorum for an executive committee meeting is at least two individual members of the executive committee.

In calculating the quorum, only members of the executive who are present at the meeting can be counted. Each role on the executive is assigned one vote, ie if any individual occupies more than one role, they are only entitled to one vote.

## **FINANCE**

### **9.1 Not for profit**

The assets and income of the Brigade may only be used to carry out its aims and no part may be distributed directly or indirectly to the members except as bona fide compensation for:

- (a)** expenses incurred on behalf of the Brigade; or
- (b)** services rendered to the Brigade.

### **9.2 Brigade's Annual Subscription**

**9.2.1** The Brigade must decide at each annual general meeting if it will collect an annual subscription and, the amount of that annual subscription.

**9.2.2** Any annual subscription is due on the day following the annual general meeting.

### **9.3 Management of Brigade Funds**

**9.3.1** All money received by the Brigade must be deposited into the Brigade's account, subject to clause 15.

**9.3.2** All cheques issued by the Brigade must be signed by two (2) members of the executive previously identified by the Brigade to the Brigade's financial institution as eligible to sign cheques.

**9.3.3** All Brigade fund raising activities must comply with any guidelines for fundraising by charitable organisations issued by the New South Wales Department of Gaming and Racing and any relevant Service Standard.

Refer to [Service Standard 1.1.16 Fundraising Activities](#).

### **9.4 Brigades Financial Year**

**9.4.1** The Brigade's financial year will be from 1 April to 31 March.

### **9.5 Brigade's Auditor**

**9.5.1** The treasurer must move a motion at the AGM that the Brigade books are audited. If there is no second, or the motion is voted down, no audit is required.

**9.5.2** The auditor may be a member or associate of the Brigade other than the treasurer.

**9.5.3** If an auditor conducts an audit of the Brigade's financial records the auditor

must supply a written report to the treasurer to be provided to the members at a subsequent general meeting.

- 9.5.4** A copy of the treasurer's statement and any auditors' report presented to the annual general meeting must be sent to the district manager within seven days of the annual general meeting.

## **NOTICES**

- 10.1** Any notice, agenda or other document which must be sent to a member, the secretary or the district manager may be sent by e-mail, facsimile, post or may be delivered by hand.

## **INTERPRETATION AND AMENDMENT OF THIS CONSTITUTION**

### **1.3 Interpretation of Constitution**

- (a)** Issues relating to the interpretation of this Constitution which arise at a meeting of the Brigade must be decided in the first instance by a ruling of the chairperson of the meeting.
- (b)** If a motion of a dissent is carried to the ruling of the chairperson, the matter must be adjourned and the question referred to the district manager for determination.

### **1.4 Review and amendment of Constitution**

- (a)** The Constitution must be available for review at the annual general meeting.
- (b)** In determining whether the Constitution should be amended the members must take into account any relevant Service Standard.
- (c)** Any proposal to amend this Constitution must be consistent with the provisions of the Act, the Regulations and the Service Standards.
- (d)** A motion for the amendment of this Constitution must not be considered unless each member is given at least 14 days' notice in writing that the amendment will be considered at the annual general meeting or a general meeting.
- (e)** A motion amending this Constitution must be carried by no less than two-thirds of the members who are present at the meeting and who vote on the motion.
- (f)** No amendment to this Constitution will take effect until it is approved by the district manager.

## **BRIGADE RULES**

**12.1** The Brigade may make brigade rules provided that they are consistent with:

- (a)** this Constitution;
- (b)** the Service Standards; and
- (c)** any district standard operating procedure.

**12.2** The brigade rules do not form part of this Constitution.

**12.3** A copy of any motion to make or amend a brigade rule must be sent to each member at least 14 days before the meeting at which the motion will be considered.

**12.4** A motion to make or amend a brigade rule must be passed by at least two thirds of the members who are present at the meeting and who vote on the motion.

A copy of the any new or amended brigade rule must be sent to the district manager within 21 days of the motion being passed.

**12.5** The district manager may disallow a brigade rule if it is inconsistent with:

- (a)** this Constitution;
- (b)** the Service Standards; or
- (c)** any district Standard Operating Procedure

provided that any decision to disallow the rule is made within 14 days of it being received by the district manager.

## **DISBANDMENT**

**13.1** If:

- (a)** the Brigade is disbanded and/or the Public Fund is wound up; or
- (b)** the Public Fund has been endorsed as a deductible gift recipient for the operation of the fund and the Public Fund ceases to be so endorsed;

any property remaining after the payment of all expenses and liabilities and/or any surplus assets of the Public Fund must be transferred to one or more rural fire brigades or funds, authorities or institutions with similar aims and purposes to those of the Brigade, that are deductible gift recipients.

**13.2** In deciding which rural fire brigade or brigades or funds, authorities or institutions with similar aims and purposes that are deductible gift recipients to which the remaining property should be transferred the Brigade must take into account the requirements of the Service Standards.

**13.3** If at the time of disbandment, no rural fire brigade is endorsed by the Commissioner of Taxation as a deductible gift recipient, any property remaining must be transferred to another fund, authority or institution that is endorsed as a deductible

gift recipient.

- 13.4** No payment or transfer may be made by the Brigade in the circumstances mentioned in clause 13.1 or 13.3 otherwise than in accordance with this clause.

## **DISCIPLINARY ACTION**

- 1.5** Disciplinary action may be taken against an officer or member of the Brigade by a district disciplinary panel established in accordance with the provisions of [Service Standard 1.1.2 Discipline](#) or another appropriate disciplinary authority.

## **15 PUBLIC FUND**

- 15.1** The Brigade shall establish a fund called the "Numeralla Countegany Volunteer Bush Fire Brigade Fire and Emergency Public Fund" ("Public Fund") which is to be governed by the rules set out in this clause 15.
- 15.2** The object of the Public Fund is to solicit and receive gifts from the public solely for the purpose of supporting the volunteer-based fire and emergency service activities of the Brigade.
- 15.3** The Brigade must maintain the Public Fund as a "gift fund" for the sole purpose of supporting the volunteer-based fire and emergency service activities of the Brigade and to receive and record all of the following:
- (a) gifts of money or property for that purpose;
  - (b) deductible contributions described in item 7 and 8 of the table in section 30-15 of the Income Tax Assessment Act 1997 in relation to a fund-raising event held for that purpose; and
  - (c) money received because of such gifts or contributions. The Public Fund shall not receive any other money or property.
- 15.4** The Brigade must establish and maintain a separate bank account into which all gifts, or deductible contributions, of money or sale of gifted property for the sole purpose of supporting the volunteer-based fire and emergency service activities of the Brigade must be paid. This bank account shall not receive any other money or property.
- 15.5** The Brigade shall invite the public to make gifts of money or property to the Public Fund for the volunteer-based fire and emergency service activities of the Brigade.
- 15.6** All receipts for gifts must do all of the following:
- (a) be issued in the name of the "Numeralla Countegany Volunteer Bush Fire Brigade Fire and Emergency Public Fund";
  - (b) state that the receipt is for a gift; and
  - (c) state the Australian Business Number of the Brigade.
- 15.7** A committee of management of no fewer than three persons will be appointed by the Brigade to administer the Public Fund. A majority of the members of the committee of management are required to be persons having a degree of

responsibility to the general community by reason of their occupation or standing in the community.

- 15.8 The Public Fund shall operate on a non-profit basis. No portion of the assets or income of the Public Fund will be distributed directly or indirectly to members of the Brigade or the Public Fund's management committee apart from bona fide compensation for services rendered or expenses incurred on behalf of the Public Fund.
- 15.9 The Brigade must only use the Public Fund for the sole purpose of supporting the volunteer-based fire and emergency service activities of the Brigade. The Public Fund must be used only in accordance with this Constitution and any relevant Service Standard.
- 15.10 The Brigade must notify the Australian Taxation Office in writing if it is no longer entitled to be endorsed for the operation of the Public Fund, or of any changes that would affect its entitlement to endorsement.