



# NSW RURAL FIRE SERVICE

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## Brigade Constitution (2018)

### 1 NAME

- 1.1 The name of the rural fire brigade is the **[insert name of brigade]** Rural Fire Brigade. It is referred to in this constitution as "the Brigade".

### 2 DEFINITIONS

- 2.1 The following words and expressions have the meanings set out below:
- a. **Act:** the *Rural Fires Act 1997*;
  - b. **AGM:** the annual general meeting of the Brigade held in accordance with clause 6.1;
  - c. **appropriate disciplinary authority:** the appropriate disciplinary authority defined by clause 3 of the *Rural Fire Regulation 2013*;
  - d. **bank:** any Authorised Deposit-taking Institution authorised under the *Banking Act 1959* (Cth);
  - e. **brigade account:** any account operated or maintained in the name of or on behalf of the Brigade;
  - f. **Brigade Management Handbook:** the Brigade Management Handbook referred to in [Service Standard 2.1.2 Brigade Constitution](#);
  - g. **brigade register:** the register of members of the Brigade kept in accordance with section 20(1) of the Act;
  - h. **brigade rule:** a brigade rule made in accordance with clause 12;
  - i. **brigade standing order:** an order relating to the day to day management and operation of a Brigade and made in accordance with clause 13;
  - j. **captain:** the member elected as captain in accordance with clause 7.14(a);
  - k. **Constitution:** the constitution prescribed in [Service Standard 2.1.2 Brigade Constitution](#);
  - l. **deductible gift recipient:** 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*;
  - m. **deputy captain(s):** the person or persons elected as deputy captains in accordance with clause 7.14(c);
  - n. **district manager:** the manager of the rural fire district, zone or team in which the Brigade is located;
  - o. **general meeting:** a meeting of the Brigade held in accordance with clauses 6.13 – 6.21;
  - p. **gift:** anything or monies voluntarily given to the Brigade without compensation;
  - q. **member:** a member of the Brigade;
  - r. **MyRFS:** the volunteer extranet;
  - s. **NSW RFS:** the NSW Rural Fire Service;

- t. **president:** the member elected as president in accordance with clause 7.21(a);
- u. **Public Fund:** a fund established and maintained in accordance with clause 10;
- v. **Regulation:** the Regulations made under the Act;
- w. **secretary:** the member elected as secretary in accordance with clause 7.21(b);
- x. **senior deputy captain:** the member elected as senior deputy captain in accordance with clause 7.14 (b);
- y. **Service Standards:** the Service Standards issued by the Commissioner pursuant to section 13 of the Act; and
- z. **treasurer:** the member elected as treasurer in accordance with clause 7.21(c).

### 3 COMMENCEMENT

- 3.1 This constitution replaces any previous constitution and takes effect on the date specified as the commencement date in [Service Standard 2.1.2 Brigade Constitution](#).

### 4 AIMS

- 4.1 The Brigade is a component of the NSW RFS and is established pursuant to section 15 of the Act.
- 4.2 The aims of the Brigade are to:
- a. exercise the functions conferred on the NSW RFS by section 9(1)(a) and 9(1)(b) of the Act in accordance with any directions of the Commissioner and the Service Standards;
  - b. exercise any other functions conferred on it by the Commissioner or the Service Standards; and
  - c. to do anything necessary for, or incidental to, the exercise of those functions.

### 5 MEMBERSHIP

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

#### Joining the Brigade

- 5.2 A person who wants to join the Brigade must follow the procedure set out in [Service Standard 2.1.6 Joining the NSW RFS as a Volunteer Member \(including Transfer Applications\)](#).

#### Member Classification

- 5.3 Members are classified as:
- a. probationary;
  - b. ordinary;
  - c. associate; or
  - d. junior.

#### Probationary members

- 5.4 A probationary member is a person:
- a. whose application for membership has been accepted by the NSW RFS for processing in accordance with [Service Standard 2.1.6 Joining the NSW RFS as a Volunteer Member \(including Transfer Applications\)](#); and
  - b. who has not yet been accepted as an ordinary or associate member by the Brigade.
- 5.5 A probationary member who has achieved the minimum level of competency set by [Service Standard 6.1.2 Qualifications for NSW RFS Members](#) and [Service Standard 1.2.1 NSW RFS](#)

[Ranking and Rank Insignia](#) may be appointed as a field officer.

- 5.6 A probationary member may be elected as an administrative officer.
- 5.7 A probationary member must not vote at any meeting or vote in any election unless they have been appointed as a field officer or elected as an administrative officer in which case they must also be counted in determining quorum if they are present at any AGM, general or executive meeting.
- 5.8 In calculating a person's period of probationary service, any period of junior membership in the Brigade must be counted as part of the probationary period.

### **Ordinary members**

- 5.9 An ordinary member is a person who has:
  - a. satisfactorily completed a probationary period of at least six months;
  - b. complied with any conditions of membership imposed by the NSW RFS;
  - c. achieved the minimum level of competency set by [Service Standard 6.1.2 Qualifications for NSW RFS Members](#); and
  - d. been accepted as an ordinary member at the AGM or a general meeting.
- 5.10 An associate member of the Brigade who wishes to convert their membership classification to ordinary member may do so provided they have:
  - a. achieved the minimum level of competency set by [Service Standard 6.1.2 Qualifications for NSW RFS Members](#); and
  - b. been accepted as an ordinary member at the AGM or a general meeting.

### **Associate members**

- 5.11 An associate member is a person who has:
  - a. satisfactorily completed a probationary period of at least six months;
  - b. complied with any conditions of membership imposed by the NSW RFS;
  - c. achieved the appropriate minimum level of competency set by [Service Standard 6.1.2 Qualifications for NSW RFS Members](#); and
  - d. been accepted as an associate member at an AGM or a general meeting.
- 5.12 An ordinary member of the Brigade who wishes to convert their membership classification to associate member may do so provided they have:
  - a. achieved the minimum level of competency set by [Service Standard 6.1.2 Qualifications for NSW RFS Members](#) for the role which they will undertake; and
  - b. been accepted as an associate member at an AGM or a general meeting.
- 5.13 The categories of associate members are established in accordance with the provisions of the Brigade Management Handbook.
- 5.14 An associate member may attend and speak at any AGM and any general meeting.
- 5.15 An associate member must not:
  - a. be elected as a field or administrative officer; or
  - b. vote at any meeting or in any election.

## Junior members

- 5.16** A junior member is a person:
- who is aged not less than 12 and not more than 18 years;
  - who is not an ordinary or associate member of the Brigade;
  - whose application for membership of the Brigade has been accepted in accordance with the provisions of [Service Standard 2.1.6 Joining the NSW RFS as a Volunteer Member \(including Transfer Applications\)](#); and
  - whose application has been accepted by the Brigade.
- 5.17** A junior member who has achieved the minimum level of competency set by [Service Standard 6.1.2 Qualifications for NSW RFS Members](#) may take part in brigade activities in accordance with [Service Standard 2.1.5 Child and Youth Participation in NSW RFS Activities](#).
- 5.18** A junior member may attend and speak at the AGM and any general meeting.
- 5.19** A junior member must not:
- be appointed as a field officer;
  - be elected as an administrative officer other than as a junior leader;
  - vote at any meeting or in any election other than an election for a junior leader position; or
  - be counted for the purpose of any quorum.

## Acceptance of new member if Brigade fails to meet

- 5.20** If, at the end of a period of 12 months from the date on which a person completed his or her probationary period of six months, the Brigade has not held an AGM or general meeting the captain and district manager may agree to accept the person as an ordinary or associate member of the Brigade.

## Life membership of the Brigade

- 5.21** The Brigade may appoint a member, who has given meritorious service to the Brigade, as a life member of the Brigade provided that not less than 75% of the ordinary members who are at the meeting vote in favour of the motion.
- 5.22** The Brigade may make a brigade rule specifying the criteria for the appointment of a member as a life member.
- 5.23** A person who has been appointed as a life member may attend and speak at the AGM and any general meeting.
- 5.24** Unless the person who has been appointed as a life member is also an ordinary member of the Brigade that member must not:
- vote in any election or at any meeting;
  - be counted for the purpose of determining a quorum; or
  - be elected as a field or administrative officer.
- 5.25** The granting of life membership to a member of the Brigade is in recognition of that person's meritorious service and does not, in itself, constitute membership of the NSW RFS.
- 5.26** Where the Brigade has been created as a result of a merger of two or more rural fire brigades, the Brigade may make a brigade rule transferring any previous life memberships to the Brigade.
- 5.27** A person's life membership may be revoked by the Brigade if:
- each member is sent a notice by a method specified in clause 11.1 at least 21 days before the meeting stating:
    - that a motion to revoke the person's life membership will be considered at the meeting; and

- (ii) the date, time and place of the meeting;
- b. the person is allowed to attend and address the meeting if they wish to do so; and
- c. not less than 75% of the ordinary members who are at the meeting vote in favour of the motion.

### **Termination of membership**

- 5.28** A member ceases to be a member of the Brigade if their name is removed from the brigade register in accordance with [Service Standard 1.1.21 Stand Down / Removal from Membership & Notification of Criminal Charge and Convictions](#).
- 5.29** The Brigade may pass a motion at a general meeting asking the district manager to remove a member's name from the brigade register in accordance with [Service Standard 1.1.21 Stand Down / Removal from Membership and Notification of Criminal Charge and Convictions](#) if:
- a. each member is sent a notice by a method specified in clause 11.1 at least 21 days before the meeting stating:
    - (i) that a motion to ask the district manager to remove the member's name from the brigade register will be considered at the meeting;
    - (ii) the date, time and place of the meeting; and
    - (iii) that, if the motion is carried by the required majority and the district manager subsequently agrees to remove the member's name from the brigade register, the person will cease to be a member of the Brigade;
  - b. the member is allowed to attend and address the meeting if they wish to do so; and
  - c. not less than 75% of the ordinary members who are at the meeting vote in favour of the motion.

### **Dual membership**

- 5.30** A member may be:
- a. a member; and
  - b. appointed as a field officer; and
  - c. appointed as an administrative officer
- of more than one rural fire brigade provided that they comply with the dual membership requirements specified in [Service Standard 2.1.6 Joining the NSW RFS as a Volunteer Member \(including Transfer Applications\)](#).

## **6 MEETINGS OF MEMBERS**

### **Annual general meeting of the Brigade**

- 6.1** The Brigade must hold an AGM each year.
- 6.2** The AGM must be held by the date set jointly by the captain or president and the district manager.
- 6.3** The secretary must advise each member of the:
- a. date;
  - b. time;
  - c. place; and
  - d. agenda
- of the AGM by a method specified in clause 11.1 at least 21 days before the meeting.
- 6.4** Provided notice has been given of the AGM in accordance with clauses 6.3 and 11.1, the failure

on the part of any member to receive such notice will not affect the validity of the AGM or the decisions made at that meeting.

- 6.5** The quorum for the AGM is 15% of the ordinary members calculated at the time of the meeting unless that percentage is increased by a brigade rule.
- 6.6** In calculating the quorum for the AGM, only ordinary members who are at the meeting can be counted unless clause 5.7 applies.
- 6.7** A member who attends a meeting by a method authorised by clause 6.26 is deemed to be at the meeting for the purposes of this constitution, including determining if there is a quorum present.
- 6.8** If a Brigade AGM fails to achieve a quorum:
- a. the meeting must be adjourned;
  - b. a new meeting date must be set by the captain or president and district manager; and
  - c. all members must then be notified of the new date by a method specified in clause 11.1 at least seven days before the meeting.
- 6.9** If the second meeting fails to achieve a quorum, the AGM must be adjourned and the matter referred to the district manager.
- 6.10** At the AGM the members must:
- a. be given a report of the Brigade's activities during the previous 12 months by the captain;
  - b. be given:
    - (i) a statement of the Brigade's accounts and report by the treasurer as specified in the Brigade Management Handbook; and
    - (ii) the auditor's reportfor the year;
  - c. be given a report by any other administrative officers who are required to provide a report to the AGM by a brigade rule;
  - d. if their term of office has expired, elect the field officers for the ensuing term as required by clause 7.14;
  - e. if their term of office has expired, elect the administrative officers for the ensuing term as required by clause 7.21;
  - f. appoint an auditor for the coming year;
  - g. decide whether to set an annual subscription from the members in accordance with clause 9.4; and
  - h. deal with any other business, which was included in the AGM notice given to the members.
- 6.11** The use of proxies is limited to the election of field and administrative officers in accordance with clause 7.6.

### **General meetings of the Brigade**

- 6.12** The president or secretary may call a general meeting of the Brigade at any time.
- 6.13** The secretary must call a general meeting of the Brigade within 21 days after being asked to do so by at least five ordinary members.
- 6.14** The secretary or another member authorised by the president must advise each member of the:
- a. date;
  - b. time;
  - c. place; and

d. agenda

of any general meeting in writing by a method specified in clause 11.1 at least seven days before the meeting.

- 6.15** Provided notice has been given of a general meeting in accordance with clauses 6.15 and 11.1, the failure on the part of any member to receive such notice will not affect the validity of any meeting of members or the decisions made at that meeting.
- 6.16** The agenda for every general meeting must include, in addition to any other items of business, the items specified in the Brigade Management Handbook.
- 6.17** The quorum for a general meeting is 15% of the ordinary members calculated at the time of the meeting unless that percentage is increased by a brigade rule.
- 6.18** In calculating the quorum, only ordinary members who are at the meeting can be counted unless clause 5.7 applies.
- 6.19** A member who attends a meeting by a method authorised by clause 6.26 is deemed to be at the meeting for the purposes of this constitution, including determining if there is a quorum present.
- 6.20** If a Brigade general meeting fails to achieve a quorum:
- a. the meeting must be adjourned;
  - b. a new meeting date must be set by the president or secretary; and
  - c. all members must then be notified of the new date by a method specified in clause 11.1 at least seven days before the meeting.
- 6.21** If the second meeting fails to achieve a quorum the ordinary members who are present at the meeting may continue the meeting however any decision that is made at that meeting will have no effect unless and until confirmed by the district manager.

#### **Chairing a meeting of the Brigade or executive committee**

- 6.22** Unless he or she is absent or does not wish to chair the meeting, the president chairs all meetings of the Brigade and the executive committee.
- 6.23** If the president is not at the meeting or if he or she does not want to chair the meeting, the ordinary members who are at the meeting must elect a person who is at the meeting to chair the meeting.
- 6.24** 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 decide the tied vote,
- provided that, if the person who is chairing the meeting is not a member of the Brigade, they may only vote to decide tied vote and not on the motion.
- 6.25** Clause 6.24(b) does not apply if there is a tied vote in an election.

#### **Use of Technology**

- 6.26** A member may attend and participate in any meeting of the Brigade or the executive committee using:
- a. telephone;
  - b. video; or
  - c. any other technology or combination of technologies,
- provided that every person participating in the meeting can hear what is said by every other person participating in the meeting.



## **Minutes of meetings and other brigade records**

- 6.27** The minutes of the AGMs, general meetings and executive committee meetings must be kept in a manner specified in the Brigade Management Handbook.
- 6.28** The minutes of the meetings must include the items specified in the Brigade Management Handbook.
- 6.29** The minutes of the meetings, copies of correspondence and other brigade records must be stored in accordance with the provisions of the Brigade Management Handbook.
- 6.30** Any member of the Brigade and the district manager may inspect and take copies of the minutes of the AGM, general meetings or executive committee meetings or other brigade record upon reasonable notice to the secretary, president or treasurer.

## **7 OFFICE BEARERS**

### **Election of field and administrative officers**

#### ***General provisions in relation to the nomination and election of officers***

- 7.1** Field and administrative officers hold office for one year unless the Brigade has made a brigade rule increasing the term of office for a specified period not exceeding three years.
- 7.2** Nominations for the election of field and administrative officers:
  - a. may be made at the meeting at which the election will be held provided that, if the nominee is not at the meeting, he or she has agreed to accept the nomination; or
  - b. the Brigade may make a brigade rule specifying the procedure for nominations for the election of field and administrative officers.
- 7.3** A member who is qualified for election may be nominated and elected as both a field and administrative officer.
- 7.4** Voting in an election must be conducted using the 'first past the post' method unless a brigade rule is made to use one of the voting methods outlined in the Brigade Management Handbook.
- 7.5** Elections must be conducted by secret ballot unless the Brigade has made a brigade rule to allow the election to be conducted by an open ballot.
- 7.6** A member who is unable to attend the AGM may appoint another ordinary member to vote on their behalf by advising the secretary or returning officer of the name of that other member in writing before the meeting starts.
- 7.7** Clause 7.6 is limited to the election of field and administrative officers only.
- 7.8** A member may not vote on behalf of more than two other members.
- 7.9** If two or more candidates receive the same number of votes in an election there must be a second ballot in which only those persons who received the same number of votes are the only candidates.
- 7.10** The second ballot must be a secret ballot regardless of whether or not the Brigade has made a brigade rule to allow for elections to be conducted by open ballot.
- 7.11** 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 container and the name drawn first is the person elected.
- 7.12** 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 AGM or any other election.
- 7.13** If there is a dispute in relation to a member's eligibility to vote in an election the issue must be determined by the district manager.



### **Field Officers**

- 7.14** At the AGM the members must elect the following field officers when the term of that officer has expired:
- a. captain;
  - b. senior deputy captain; and
  - c. as many deputy captains as the Brigade decides at the AGM or the most recent general meeting.
- 7.15** A member is not eligible for nomination or election as a field officer unless he or she has achieved the minimum level of competency and/or other criteria set by the district manager in accordance with [Service Standard 2.1.4 Appointment of Field and Group Officers](#).
- 7.16** Every ordinary member is entitled to vote in the election of field officers unless the Brigade has made a brigade rule establishing specific criteria for entitlement to vote in the election of field officers.
- 7.17** The order of seniority of the deputy captains will be determined by the order in which they are elected unless the Brigade has made a brigade rule to determine the order of seniority of the deputy captains.
- 7.18** If the Brigade does not determine the order of seniority of the deputy captains in accordance with clause 7.17 their seniority must be determined by the district manager in consultation with the captain.
- 7.19** Field officers elected by the Brigade take office when they are appointed by the district manager in accordance with the provisions of the Act.
- 7.20** The district manager may revoke or suspend the appointment of a person as a field officer in accordance with the provisions of [Service Standard 2.1.4 Appointment of Field and Group Officers](#).

### **Administrative officers**

- 7.21** At the AGM the members must elect the following administrative officers when the term of that officer has expired:
- a. president;
  - b. secretary;
  - c. treasurer;
  - d. any additional administrative officer positions established under clause 7.22; and
  - e. junior coordinator if the Brigade has any junior members.
- 7.22** The Brigade may make a brigade rule establishing additional administrative officer positions.
- 7.23** A member who is qualified for election may be nominated and elected as both secretary and treasurer.
- 7.24** Every ordinary member is entitled to vote in the election of administrative officers unless the Brigade has made a brigade rule establishing specific criteria for entitlement to vote in the election of administrative officers.
- 7.25** Administrative officers take office at the conclusion of the meeting at which they are elected.

## Vacant positions

- 7.26** A field or administrative officer position becomes vacant if:
- a. the person dies;
  - b. the person resigns from the position;
  - c. the person ceases to be a member of the NSW RFS;
  - d. the person ceases to be a member of the Brigade;
  - e. the appropriate disciplinary authority suspends the person from membership of the Brigade;
  - f. the person is stood down in accordance with [Service Standard 1.1.21 Stand Down/Removal from Membership and Notification of Criminal Charges and Convictions](#);
  - g. in the case of an administrative officer, the person is removed from that position in accordance with clause 7.27; or
  - h. in the case of a field officer:
    - (i) the regional manager:
      - A. demotes the person;
      - B. disqualifies the person from holding rank in the Brigade; or
      - C. revokes or suspends the person's appointment as an officer;following a recommendation from the appropriate disciplinary authority;
    - (ii) the district manager revokes or suspends the person's appointment as an officer in accordance with the [Service Standard 2.1.4 Appointment of Field and Group Officers](#); or
    - (iii) the person is removed from the position in accordance with clause 7.27.
- 7.27** A field or administrative officer may be removed from his or her position if:
- a. each member is sent a notice by a method specified in clause 11.1 at least 21 days before the meeting stating:
    - (i) that a motion to remove the person 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 meeting;
  - b. the person is allowed to attend and address the meeting if they wish to do so;
  - c. not less than 75% of the members who are at the meeting and are eligible to vote on the motion vote in favour of the motion; and
  - d. if the position is a field officer, the district manager subsequently revokes the person's appointment as a field officer.
- 7.28** Only members who are entitled to vote in an election for field or administrative officers may vote on a motion to remove a field or administrative officer respectively from office.
- 7.29** In the event of a vacancy, the Brigade must decide as soon as possible whether:
- a. an election will be held to fill the vacancy; or
  - b. the position should be left vacant until the next AGM.
- 7.30** If the Brigade decides that the position should be left vacant until the next AGM and:
- a. the vacancy is for a field officer, each of the remaining field officers will 'step up' to fill the vacant position; or
  - b. if the vacancy is for an administrative officer, the Brigade must decide who will carry out the duties of that position until it is filled.

**7.31** If a field officer'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 NSW RFS to fill that position until the next AGM or for a shorter period.

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

- a. the election must take place at the AGM or a general meeting of the Brigade; and
- b. the president, secretary or other person authorised by the president must advise each member of the:
  - (i) date;
  - (ii) time;
  - (iii) place;

at which the meeting will be held and that an election will be held to fill the vacancy, by a method specified in clause 11.1 at least 21 days prior to the meeting.

### **Failure to elect officers**

**7.33** If the Brigade fails to hold an AGM or fails to elect any or sufficient field or administrative officers such that the Brigade is, in the opinion of the district manager, unable to function safely and efficiently, the district manager may appoint one or more suitably qualified members of the NSW RFS to the vacant positions to hold office until the Brigade elects a member to the position or their appointment is revoked by the district manager.

## **8 EXECUTIVE COMMITTEE**

### **Members of the executive committee**

**8.1** The members of the executive committee are:

- a. the administrative officers referred to in clauses 7.21(a) to 7.21(c);
- b. the captain; and
- c. any other members appointed or elected pursuant to clause 8.2.

**8.2** The Brigade may make a brigade rule increasing the membership of the executive committee to include other administrative officers, other field officers or other ordinary members who are not officers.

### **Function of the executive committee**

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

**8.4** The executive committee must manage the Brigade in accordance with any directions or conditions adopted by majority resolution at the AGM or a general meeting.

### **Executive committee meetings**

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

**8.6** The president or secretary may call an executive committee meeting at any time.

**8.7** The secretary or another member authorised by the president must advise each member of the executive committee of the:

- a. date;
- b. time;
- c. place; and
- d. agenda

of any executive meeting by a method specified in clause 11.1 at least seven days before the meeting.

- 8.8** The quorum for an executive committee meeting is three members or 25% of the executive committee, calculated at the time of the meeting, whichever is the greater unless that percentage is increased by a brigade rule.
- 8.9** In calculating the quorum, only members of the executive committee who are at the meeting can be counted.
- 8.10** A member who attends a meeting by a method authorised by clause 6.26 is deemed to be at the meeting for the purposes of this constitution, including determining if there is a quorum present.
- 8.11** Minutes of each executive committee meeting must be presented to the AGM or next general meeting whichever is held first after the executive committee meeting.
- 8.12** The executive committee may remove a reference to any confidential discussion or decision in the copy of its minutes that is presented to the AGM, a general meeting or published.

## **9 FINANCE**

### **Not for profit**

- 9.1** 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.

### **Social account**

- 9.2** Notwithstanding clause 9.1, the Brigade may maintain a separate social account for the deposit and expenditure of monies contributed for the sole purpose of:
- a. conducting social events for members, their families and friends; or
  - b. the welfare of members.
- 9.3** General brigade funds or monies donated to the Brigade to assist it in carrying out its aims must not be deposited to the social account or used for conducting social events.

### **Annual subscription**

- 9.4** The Brigade must decide at the AGM if it will collect an annual subscription from members and the amount of any annual subscription.
- 9.5** Any annual subscription is due 30 days after the AGM.
- 9.6** A life member is not required to pay any annual subscription that he or she would otherwise be required to pay to the Brigade.

### **Management of brigade funds**

- 9.7** All monies received by the Brigade must be deposited into an account in the Brigade's name, that has been established at a bank, as soon as practicable after their receipt.
- 9.8** All brigade expenditure must be authorised by a resolution of the AGM or a general meeting of the Brigade.
- 9.9** The Brigade may adopt a resolution at the AGM or a general meeting of the Brigade authorising the executive committee to approve Brigade expenditure subject to any conditions or limits set out in the resolution provided that all such expenditure is subsequently reported to a Brigade AGM or general meeting.
- 9.10** All cheques or other authorities to pay monies out of the Brigade's accounts, including any electronic payments or transfers, must be signed or otherwise authorised by:
- a. any two of the treasurer, president, captain and secretary; or
  - b. at least two administrative or field officers in accordance with a brigade rule.

**9.11** All Brigade fundraising activities must comply with any relevant Service Standard including [Service Standard 1.1.16 Fundraising Activities \(Provisions of Goods and Services\)](#).

### **Brigade financial year**

**9.12** The Brigade's financial year is 1 April to the next 31 March.

### **Auditor**

**9.13** The Brigade must appoint an auditor at the AGM.

**9.14** The auditor must:

- a. not be a member of the Brigade; and
- b. have the qualifications specified in the Brigade Management Handbook.

**9.15** The auditor must conduct an audit of the Brigade's financial records at the end of each financial year as specified in the Brigade Management Handbook and provide a written report to the treasurer to be provided to the members at the AGM.

**9.16** A copy of the statement of the Brigade's accounts, report by the treasurer, and auditor's report presented to the AGM must be sent to the district manager within seven days of the AGM.

**9.17** In the event that the Brigade fails to provide an audited set of accounts, to the AGM as required by clause 9.15 or to the district manager as required by clause 9.16 the district manager must:

- a. appoint an auditor for the Brigade
- b. direct the Brigade to make available all records to that auditor so that they may conduct an audit;
- c. if appropriate charge the cost of that audit to the Brigade; and
- d. call a meeting of the Brigade to present the audited financial statements.

## **10 PUBLIC FUND**

**Note – these provisions only apply if the Brigade wishes to accept tax deductible donations in its own right.**

**10.1** Clause 10 only applies if the Brigade establishes a Public Fund for the purposes set out in clauses 10.3 and 10.4.

**10.2** The Brigade may establish a fund called "Brigade name" followed by the words "Volunteer Fire and Emergency Public Fund" which is to be governed by the rules set out in this clause 10.

**10.3** 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.

**10.4** The Brigade must maintain the Public 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 and contributions.
- d. The Public Fund shall not receive any other money or property.

**10.5** 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 must not receive any other money or property.

- 10.6** The Brigade may 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.
- 10.7** All receipts for gifts must:
- a. be issued in the name of the "Brigade name" "Volunteer Fire and Emergency Public Fund"; and
  - b. state that the receipt is for a gift; and
  - c. state the Australian Business Number (ABN) of the Brigade.
- 10.8** A management committee comprising the treasurer and no fewer than two other persons must be appointed by the Brigade to administer the Public Fund. A majority of the members of the management committee must be persons having a degree of responsibility to the general community by reason of their occupation or standing in the community.
- 10.9** The Public Fund must 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.
- 10.10** The Brigade must 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.
- 10.11** 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.

## **11 NOTICES**

- 11.1** Any notice of meeting, agenda or other document which must be provided to a member may be:
- a. delivered to the member personally;
  - b. posted by prepaid letter addressed to the last known place of residence, business or post office box of the member;
  - c. sent by email to an email address specified by the member, in correspondence or otherwise, as an address to which emails to the member may be sent; or
  - d. sent by facsimile transmission to a number specified by the member, in correspondence or otherwise, as a number to which facsimile transmissions to the member may be sent.
- 11.2** The notice will have been deemed to have been received immediately in the case of a notice sent pursuant to clauses 11.1 (a), (c) and (d) and after five clear business days in the case of a notice sent pursuant to clause 11.1 (b).
- 11.3** The Brigade may make a brigade rule that varies the method by which members may be given notice provided that any other method of giving notice gives not less than any required notice period specified in the constitution.

## **12 BRIGADE RULES**

- 12.1** The Brigade may make a brigade rule in relation to the specific clauses in this constitution that provide for the making of a brigade rule.
- 12.2** A brigade rule must be consistent with the provisions of:
- a. the Constitution;
  - b. the Brigade Management Handbook;
  - c. the Service Standards; and
  - d. any relevant district standard operating procedure.

- 12.3** In the case of any inconsistency the provisions of the documents in clause 12.2(a)-12.2(d) shall prevail.
- 12.4** A copy of any motion to make, amend or repeal a brigade rule must be sent to each member by a method specified in clause 11.1 at least 21 days before the meeting at which the motion will be considered.
- 12.5** A brigade rule may be made, repealed or amended provided that not less than 75% of the ordinary members who are at the meeting vote in favour of the motion.
- 12.6** A copy of the new or amended brigade rule must be sent to the district manager within seven days of the motion being passed.
- 12.7** A brigade rule does not come into effect until it is:
- a. approved by the district manager; and
  - b. posted on MyRFS by the district manager or a person authorised by the district manager.
- 12.8** Any resolution amending or repealing a brigade rule does not come into effect until the change has been:
- a. approved by the district manager; and
  - b. posted on MyRFS by the district manager or a person authorised by the district manager.
- 12.9** A brigade rule that appears on MyRFS is deemed to have been properly made in accordance with this constitution and not to have been amended or repealed.

### **13 BRIGADE STANDING ORDERS**

- 13.1** The Brigade may make brigade standing orders relating to the day-to-day management and operation of the Brigade.
- 13.2** A brigade standing order must not amend or otherwise alter the operation of this constitution or a brigade rule.
- 13.3** A brigade standing order must be consistent with the provisions of:
- a. the Constitution;
  - b. the Brigade Management Handbook;
  - c. the Service Standards; and
  - d. any relevant district standard operating procedure.
- 13.4** In the case of any inconsistency, the provisions of the documents in clause 13.3 (a) -13.3 (d) shall prevail.
- 13.5** A copy of any motion to make, amend or repeal a brigade standing order must be sent to each member by a method specified in clause 11.1 of this Constitution at least 21 days before the meeting at which the motion will be considered.
- 13.6** A brigade standing order may be made, repealed or amended provided that not less than 50% of the ordinary members who are at the meeting vote in favour of the motion.
- 13.7** If in the opinion of the district manager a brigade standing order contravenes clauses 13.2 or 13.3 he or she may direct the Brigade to amend, alter or rescind that brigade standing order.

### **14 DISCIPLINE**

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



## 15 INTERPRETATION AND REVIEW OF CONSTITUTION

### Interpretation of Constitution and brigade rules

- 15.1** Issues relating to the interpretation of this constitution or a brigade rule which arise at the AGM, a general meeting or a meeting of the executive committee must be decided in the first instance by the chairperson of the meeting.
- 15.2** If a motion of a dissent in the ruling of the chairperson is carried, the matter must be adjourned and the question referred to the district manager for determination.

### Review of Constitution

- 15.3** The Brigade must review the provisions of the Constitution in accordance with requirements of the Brigade Management Handbook.

## 16 DISBANDMENT

### 16.1 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.

- 16.2** In deciding which rural fire brigade 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 [Service Standard 2.1.1 Formation and Disbandment of Brigades and Groups of Brigades](#) and [Service Standard 2.1.14 Management of Deductible Gift Recipient Status for NSW RFS Brigades](#).
- 16.3** 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.
- 16.4** No payment or transfer may be made by the Brigade in the circumstances mentioned in clause 16.1 or 16.3 above, otherwise than in accordance with clause 16.5.
- 16.5** If the Brigade is disbanded or merged with another rural fire brigade any monies or other property held by the Brigade other than in the Public Fund (assets), must:
- a. if the Brigade is merged with another rural fire brigade, be transferred to the merged entity; or
  - b. if the Brigade is disbanded, transferred to another rural fire brigade selected by the members of the Brigade provided that, if no such selection is made before the Brigade is disbanded, the assets must be transferred to a rural fire brigade nominated by the district manager.

## 17 SUPPORT BRIGADE GROUPS

**Note - these provisions only apply if the Brigade is a district support brigade as that expression is used in the Brigade Management Handbook.**

- 17.1** The district manager may, after consulting with the members of the Brigade, determine that the Brigade will operate:
- a. as a single entity in which case the district manager may establish one or more sections within the Brigade to carry out specific functions and administrative officer positions for each section (in addition to the field and administrative officers specified in clause 7 of this constitution) who will be elected by the members in accordance with the provisions of this

constitution; or

- b. as separate support groups within the Brigade that will carry out specific functions as individual entities in which case:
  - (i) the provisions of the constitution with the exception of clause 7.14 (a) will apply to each group as if it were a rural fire brigade; and
  - (ii) each support group will elect a senior deputy captain and deputy captains as if it were a rural fire brigade

in accordance with the provisions of the Brigade Management Handbook.