

What I Need to Know

- All brigades must have a constitution and all members are to be aware of and be provided with access to the constitution and approved brigade rules.
- A constitution regulates the proceedings of rural fire brigades and provides for their internal governance and each brigade is required to adopt this constitution unaltered. Section 80 of the *Act* allows a brigade to make rules for the purpose of further regulating the proceedings and operations of the brigade. A rule has no effect until approved by the Assistant Commissioner, Rural Operations by submission to the Area Director, Rural Operations.
- Where a brigade currently has approved rules, those rules need to be resubmitted to the Area Director, Rural Operations for ratification.
- This constitution will be considered as the official constitution of the brigade during any dispute resolution process or other matter affecting the brigade. All prior versions of brigade constitutions adopted before July 2007 are ineffective.
- The Assistant Commissioner Rural Operations may determine that brigades are to adopt rules for the purpose of management of the brigade or any category of brigades.

Key Role/s

- The Secretary must present this constitution to an Annual General Meeting for adoption.

How I do it

- On formation, a Rural Fire Brigade must adopt this constitution.
- Each brigade is required to forward to the Commissioner through the Area Director, Rural Operations, a copy of any existing rules for consideration and ratification.
- Following the general meeting when this constitution is adopted by the brigade, advice to this effect must be made to the Area Director, Rural Operations.
- All brigade members are to be either presented with a copy of the constitution or a copy must be made available at all times.
- Awareness of the brigade constitution should be made during brigade inductions.

Reference Materials

- The Fire and Rescue Service Act 1990
- The Brigade constitution
- A sample approved brigade rule

BRIGADE CONSTITUTION

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1. Definitions

“fit and proper person”	a person who is suitable, appropriate, and legally eligible to undertake a particular activity.
“physically fit”	as well as being physically fit, the term also means willing and capable in the function and role that the person is expected to undertake. This means: <ul style="list-style-type: none">i. All members have a workplace health and safety obligation to consider their fitness for engagement in emergency activities and must therefore not endanger any other member or themselves; andii. In the case of Firefighter members, “physically fit” has the additional requirement that persons who have certain medical conditions may be required to undertake a medical assessment prior to acceptance as a member in accordance with the policies and procedures of QFRS. The QFRS may also request that a member undertake a medical assessment if there is reason to believe that the member is not physically fit.
“Office Bearer”	the bearer of any office created by the brigade in accordance with clauses 7 and 8 of this constitution, but does not include an Officer
“Officer”	a First Officer or other Officer authorised by s81 of the <i>Fire and Rescue Service Act 1990</i> including officers elected in accordance with clauses 7 and 8
“levy”	a levy authorised to be made by a local government under s128A of the <i>Fire and Rescue Service Act 1990</i>
“other public monies”	any money received by the brigade (except a levy) for which the brigade issues an approved receipt; or any money received as the result of any fund raising activity; or any money received which is declared by the QFRS Rural Operations to be public monies.
“deliberative vote”	vote that expresses an individual's opinion on a matter being deliberated. <i>(Example: when presiding at a meeting, the Chair has a deliberative vote on any question and, on any question where the deliberative votes for and against are equal, the Chair also has a casting vote)</i>
“casting vote”	given to the presiding officer of a council or legislative body in order to resolve a deadlock and which can be exercised <i>only</i> when such a deadlock exists. <i>(See Example above)</i>
“imprest system”	a system using loans as control against fraud and theft. The most common imprest system known is the petty cash system. In an imprest system the amount requested is documented. The documentation being the petty cash dockets and their associated receipts or invoices. So at all times you can check how much should be left in the petty cash float by deducting the amount spent from the opening petty cash float.

2. Objective and Functions

The objective of the brigade is to fulfil the functions of a rural fire brigade; a brigade is not a general community organisation. Its activities are confined to fulfilling the functions of a rural fire brigade, as defined in the *Fire and Rescue Service Act*.

The *Fire and Rescue Service Act 1990* (The *Act*) lists the functions of a rural fire brigade as: fire prevention, fire fighting and such other functions as the Commissioner may direct.

The *Act* defines the function of fire prevention as: including taking measures in readiness for fire so as to reduce potential danger to persons, property or the environment.

3. First and Subsequent General Meetings

- a) The Area Director, Rural Operations is to call the first general meeting and act as the chairperson of the meeting until such time as the members elect a chairperson. The first general meeting is to be called not less than 1 month, or more than 3 months after the day of approval for the brigade's formation.
- b) The business to be transacted at the first general meeting the must include:
 - a. A determination by members to manage the business of the brigade with or without an elected management committee. Many brigades function adequately without the need for separate management committee and all the business of the brigade is conducted at a general meeting or an annual or biannual general meeting. In such a case there must be as a minimum, two elected office bearers including the First Officer. The requirements of clauses 12(b), 13(m), 20 and 28 are to be met by either of these elected office bearers;
 - b. When a decision is taken to conduct the business of the brigade *with* a management committee membership of the management committee is to be in accordance with clause 7(a) and 7(b) of this constitution;
 - c. A resolution by members as to the time and place of the subsequent general meeting; and
 - d. The appointment or election of an auditor as required in clause 30.
- c) Subsequent general meetings must be called by the management committee, or in the absence of an elected management committee, by the First Officer.

4. Notice of General Meeting

- (a) The Secretary shall convene all general meetings of the brigade by giving not less than 7 days notice of such meetings to the brigade members.
- (b) The management committee shall determine the manner by which such notice shall be given.
- (c) However, notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection or termination of the member's membership by the management committee shall be given in writing.
- (d) Notice of a general meeting shall clearly state the time, date and place of the meeting, and the nature of the business to be discussed.
- (e) Notice of the annual or biennial general meeting and any special general meetings must be given to the Area Director Rural Operations.

NOTE:

There is no desire to place an undue formal requirement upon any brigade. If the brigade is not in the habit of providing formal notification, it is acceptable to give notice by some other means e.g. production of a calendar clearly indicating the meeting dates, placement of a notice on a notice board etc. provided those "other means" were consistently followed.

It is also accepted practice for the last item of business at one meeting to be the advice of the date, time and place of the next meeting.

The "nature of the business" comprises the elements of a routine agenda, such as: welcome, apologies, minutes, reports, and general business, close.

5. Quorum at General Meeting

- (a) The quorum for any general meeting shall be equal to the number of members on the management committee plus one.
- (b) Where a brigade operates without an elected management committee a quorum is five members.
- (c) No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business.
- (d) Where a meeting has been called in response to a request from the management committee or the brigade, and half an hour after the time appointed for the start of the meeting there is not a quorum, the meeting shall be halted.
- (e) In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the management committee may determine.
- (f) The Chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting); adjourn the meeting from time to time and from place to place. However, no business shall be transacted at any adjourned meeting other than that left unfinished at the meeting from which the adjournment took place.
- (g) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- (h) Apart from above, it shall not be necessary to give any notice of an adjournment or of the business to be transacted at any adjourned meeting.

6. Procedure at General Meeting

Unless otherwise provided by these rules, at every general meeting:

- (a) The Chairperson shall:
 - i) Chair the meeting. If there is no Chairperson, or if the Chairperson is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the First Officer shall be the Chairperson. Where the First Officer is not present or is unwilling to act, then the members present shall elect one of their number to be Chairperson for that meeting;
 - ii) The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner;
 - iii) Every question, matter or resolution shall be decided by a majority of votes of the members present;
 - iv) Every member present shall be entitled to one vote and, where there is a tie, the Chairperson shall have a second or casting vote;
 - v) If the Chairperson fails to exercise the casting vote, the question shall be deemed to be decided in the negative.
 - vi) Voting shall be by show of hands or a division of members, unless not less than one fifth of the members present demand a ballot, in which event there shall be a secret ballot;
 - vii) The Chairperson shall appoint two members to conduct the secret ballot in such manner as the Chairperson shall determine and the result of the ballot as declared by the Chairperson shall be deemed to be the resolution at the meeting at which the ballot was demanded;
 - viii) Proxies are not permitted.
 - ix) Votes from non-members are not permitted.
- (b) The minutes of every general meeting shall be signed by the Chairperson and Secretary of that meeting or the Chairperson and Secretary of the subsequent general meeting to ensure their accuracy.

7. Management Committee Office-Bearers

- (a) The management committee of the brigade shall consist of the Chairperson, Secretary, Treasurer and First Officer. The management committee must have as a minimum three persons that includes the First Officer.

- (b) If there is a combination of any of the above, the brigade must elect an additional person or persons to the management committee as required in clause 7(a) and 7(c) to provide for fairness and accountability in decisions made by the management committee
- (c) The brigade may choose to have a fifth person on the management committee, the additional person need not hold any office however the decision to have a fifth person on the management committee is made by the brigade at a meeting or an annual general meeting.
- (d) Where the brigade receives a levy or other public monies, a management committee member may hold no more than two of the management committee offices.

NOTE:

A brigade should consider the requirements for a quorum or other related matters when determining the number of persons on the management committee, eg 13(d)(e), 21(a)(ii), and 22(a). Note that these clauses refer to the number of persons on the management committee, not the number of offices on the committee.

For example, the quorum for a general meeting (22(a)) for a brigade with three persons on the management committee is seven. For a brigade with five persons on the management committee the quorum is 11.

8. Other Office-Bearers and Officers

- (e) The brigade must elect a First Officer and a Second Officer.
- (f) The brigade may have up to eight Officers with the third to eighth Officer positions being optional.
- (g) The brigade may create any other office-bearer position the membership considers necessary.
- (h) In the case of a casual vacancy and in accordance with Clause 11, an officer or office-bearer may be appointed rather than elected. In the case of a brigade officer the appointment is to be made by the First Officer and officer bearer appointments may be made by the management committee or by the members at any meeting.

9. Election

- (i) The election of Office-Bearers and Officers shall take place at an annual or biennial general meeting unless a vacancy has occurred and an election is being held in accordance with clause 11 - Filling of Casual Vacancy.
- (j) An independent person, ideally one who is not nominating for any office-bearer position, should be asked to chair a meeting that is deciding office bearer positions up to the time that a chairperson is elected then the elected person can take the chair. At no time should a chairperson utilise a casting vote for the chairperson's position.
- (k) Office-bearers and Officers shall hold office for two years and are eligible for re-election.
- (l) The election of office-bearers and Officers shall proceed as follows:
 - i) Nominations, either orally or in writing, for the offices to be filled are to be made at the meeting at which the election shall take place.
 - ii) If a nomination is not seconded, then the nomination lapses and further nomination are to be called for.
 - iii) Voting for each office shall take place separately, in the following order: Chairperson, First Officer, Secretary, Treasurer, Second and subsequent Officers, other office-bearers and auditor.
- (m) If voting is by show of hands, then each member entitled to vote shall raise their hand for their preferred candidate.
- (n) Where there is only one candidate for an office, that candidate is to be declared elected, providing he/she accepts the nomination.
- (o) Where there is more than one candidate the "exhaustive ballot" system is to be used (see 9(h iv)).
- (p) Voting is to be by show of hands unless the Chairperson or any two members request a secret ballot.
- (q) The secret ballot sequence and including elements of the exhaustive ballot system is:

- i) The Chairperson shall appoint two members present to collect and count the votes (these two do not lose their right to vote).
 - ii) Each candidate for that office is entitled to appoint one scrutineer.
 - iii) Each member entitled to vote shall write the name of their preferred candidate on a sheet of paper which is then collected and counted.
 - iv) If any candidate achieves a clear majority (at least 50% plus one of the votes cast) then the candidate shall be declared elected. If no candidate has a clear majority, then the candidate with the fewest votes is eliminated. Balloting proceeds again for those candidates remaining and the cycle is continued until a clear winner is able to be declared.
- (r) Proxy votes are not permitted.
 - (s) Only votes from current members will be accepted.
 - (t) The Chairperson has a deliberative vote and, in the case of a tied vote, a casting vote except for the position of Chairperson.
 - (u) A candidate for an office is entitled to vote in the election for that office.

10. Resignation, Removal or Vacation of Office by an Office-Bearer or Officer

- (a) An office becomes vacant:
 - i) If the office holder dies or resigns (see (b) and (c));
 - ii) If the office holder is absent from three consecutive general meetings of the brigade, without giving prior notice either verbally or preferably in writing;
 - iii) If the office holder is dismissed by the Commissioner in accordance with s81(5) of the *Act* which is deemed to cover both officers and office bearers; or
 - iv) If the office is declared vacant (see (d)).
- (b) Any office holder may resign from the office at any time by giving notice verbally or in writing to the Secretary or the Area Director Rural Operations. It is preferable that the notice of resignation is in writing and sits with the brigade Secretary for a period of 7 days. The Secretary can then notify the Area Office for changes to the membership data base.
- (c) Such a resignation shall take effect at the time this notice is received by the Secretary, unless a later date is specified in the notice.
- (d) A member may be removed from office by a motion to declare the office vacant. The motion may be moved at any general or special meeting of the brigade where the intention is stated on the Agenda, and that member is advised to attend, and where that member shall be given the opportunity to fully present their case.
 - i) The question of removal from office shall be determined by the vote of those members present at such a meeting. Note that this does not terminate membership, which is a separate process.
 - ii) There is no right of appeal against a member's removal from office under this section, where natural justice has been observed.

11. Filling of Casual Vacancy

11.1 Office-Bearers

- (a) Should an office-bearer position become vacant, then it may be filled by an election held at any general meeting. The brigade must hold an election for the purpose of filling that vacancy at the next general meeting after the date on which the vacancy arises.
- (b) If, in the opinion of the management committee, the period between when the vacancy arises and the next general meeting allows insufficient time for a fair election, then the filling of the vacancy may be deferred until the following general meeting.
- (c) The management committee may appoint a member to fill the vacancy until an election is held, unless the position vacant is that of the First Officer, in which case the requirements of Rule 10.2 must be followed.

- (d) A vacancy which occurs six months or less before the Annual or Biennial General Meeting at which elections are scheduled to be held may be filled by appointment by the management committee.
- (e) The member elected or appointed to fill the vacancy shall hold office only for the unexpired term of the vacating office bearer and is eligible for re-election.

11.2 Officers

- (a) Should an officer position become vacant, then it may be filled by an election held at any general meeting. The brigade must hold an election for the purpose of filling that vacancy at the next general meeting after the date on which the vacancy arises.
- (b) If, in the opinion of the First Officer, the period between when the vacancy arises and the next general meeting allows insufficient time for a fair election, then the filling of the vacancy may be deferred until the following general meeting.
- (c) The First Officer may appoint a member to fill the vacancy until an election is held.
- (d) A vacancy which occurs six months or less before the Annual or Biennial General Meeting at which elections are scheduled to be held may be filled by appointment by the First Officer.
- (e) The member elected or appointed to fill the vacancy shall hold office only for the unexpired term of the vacating officer and is eligible for re-election.

12. Management Committee Functions

- (a) Subject to the resolutions of the members of the brigade carried at any general meeting and except as otherwise provided by these rules, the management committee:
 - i) Shall have the general control and management of the administration of the affairs, property and funds of the brigade; and
 - ii) Shall have authority to interpret the meaning of these rules and any matter relating to the brigade on which these rules are silent.
- (b) The Management Committee shall keep and maintain a register of all assets, whether acquired by purchase or by other means. The register shall include but not be limited to: a description of the asset (including make, model, and serial number or identifying marks), the amount paid, the date of purchase or acquisition, from whom or where it was purchased or acquired, the location of the asset and the details of the disposal of the asset.
- (c) All management committee decisions are to be tabled at a general meeting and ratified. If the decision is not ratified, it is not to be implemented unless the situation required action immediately in an emergency.

13. Management Committee Meetings and General Meetings

- (a) If the brigade receives a levy or other public monies, the management committee shall meet at least once every 3 and 6 months (i.e. 4 or 2 meetings a year) to exercise its functions either separately or in conjunction with a general meeting.
- (b) The management committee of a brigade that does not receive a levy or other public monies shall meet as determined by the management committee but not less than 2 meetings a year.
- (c) The management committee must decide how a meeting is to be called.
- (d) Any decisions made by the management committee must be tabled and ratified by members at a general meeting.
- (e) The management committee gives notice of a meeting in the way they have decided.
- (f) Special meetings of the management committee shall be convened by the Secretary in response to a written request signed by at least one-third of the management committee. This request shall clearly state the reasons why the special meeting is being convened.
- (g) The quorum for a management committee meeting shall be more than half the number of persons holding office positions.
- (h) Subject to the requirements of this constitution, the management committee may meet together and regulate its proceedings, as it thinks fit.

- (i) Questions arising at any meeting of the management committee shall be decided by a majority of votes and, where there is a tie, the question shall be deemed to be decided in the negative.
- (j) A member of the management committee shall not vote on any contract or proposed contract with the brigade where the member has a vested interest. If the member does vote, their vote shall not be counted.
- (k) The Secretary shall give the management committee a minimum of seven days notice of any special management committee meeting.
- (l) This notice shall clearly state the nature of the business to be discussed.
- (m) The Secretary shall keep full and accurate minutes of all resolutions and other proceedings of every meeting in a book to be open for inspection at all reasonable times by any member who makes previous application to the secretary for that inspection.
- (n) Management committee meeting minutes shall be signed by the Chairperson and Secretary of that meeting (or, where necessary, by the Chairperson and Secretary of the subsequent management committee) to ensure their accuracy.
- (o) The Chairperson shall chair each meeting of the management committee. If there is no Chairperson or if the Chairperson is not present within ten minutes after the time appointed for holding the meeting, the First Officer shall chair the meeting. Where the First Officer is not present, then the members may choose one of their numbers to be Chairperson for that meeting.
- (p) Where a management committee meeting has been called in response to a request by management committee members, and half an hour after the time appointed for the start of the meeting there is not a quorum present, then the meeting will be halted.
- (q) In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the management committee may determine. If at the adjourned meeting a quorum is not present half an hour from the time appointed for the meeting, the meeting shall be halted.

14. Delegation of Powers of the Management Committee

- (a) The management committee may delegate any of its powers to a sub-committee consisting of such members of the brigade as the management committee thinks fit.
- (b) Any sub-committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the management committee.
- (c) A sub-committee may elect a Chairperson of its meetings.
- (d) If no such Chairperson is elected, or if at any meeting the Chairperson is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their numbers to be Chairperson of the meeting.
- (e) A sub-committee may meet and adjourn as it thinks proper.
- (f) Questions arising at any sub-committee meeting shall be determined by a majority of votes of the members present and, where there is a tie, the question shall be deemed to be decided in the negative.

15. Resolutions of Management Committee without Meeting

- (a) A resolution in writing signed by a majority of the current members of a management committee shall be as valid and effectual as if it had been passed at a duly convened and held meeting of that management committee.
- (b) Any such resolution may consist of several documents in like form, each signed by one or more members of the management committee.

16. Membership

The membership of the brigade shall consist of three classes of member: Firefighter, Support and Community member.

A member must be at least 16 years of age and, in the opinion of the management committee, a fit and proper person.

- (a) An Firefighter member is one who:
 - i) Is physically fit and engages in fire prevention and fire-fighting activities, as is deemed appropriate by the brigade. Firefighter members may additionally perform any of the other roles described.
 - ii) Fire-fighting activities are: fire-fighting, any activity which involves attendance at a fire or fire training, attendance at a fire front or fire ground, field radio operation and first aid.
 - iii) Fire-fighting activities need competencies that are kept current by practice and training, and full use of issued PPE.
- (b) A Support member is one who:
 - i) Is able to offer the brigade other services that justify the granting of membership to that person. Such services may include non-operational roles, such as Secretary, Treasurer, Chairperson, base radio operator, caterer and a person who undertakes general roles such as deliveries to the fireground.
 - ii) A support member may need training for the particular roles, and need a lower level of PPE for protection in that role.
- (c) A Community member:
 - i) May include those who support the brigade but do not have an activity level at meetings, training sessions or fire prevention;
 - ii) May have prior skills in fire fighting, but the brigade cannot be certain of their current competence, fitness or familiarity with brigade operating rules;
 - iii) Is not supported by QFRS Rural Operations training and equipment budgets; and
 - iv) Has no rights at meetings unless brigades make rules that allow community members to have such rights.
- (d) Every applicant for membership shall be proposed by one member of the brigade and seconded by another followed by a vote to accept or reject the application. The application for membership shall be made using the official membership application form (*see Brigade Manual Section C4 – Application for Membership*).
- (e) Any applicant who receives a majority of the votes of the persons present at the management committee meeting or general meeting at which such application is being considered shall be accepted as a member to the class of membership applied for.
- (g) There shall be no compulsory fee as a condition of membership. A person's membership commences on the date of the meeting at which his/her membership is accepted.
- (h) A new member may not vote at the meeting in which their membership is ratified.

17. Members' Duties

A member shall:

- (a) Pursue the objectives and functions of the brigade;
- (b) Obey the lawful instructions of the First Officer or other person having charge of the brigade's operations;
- (c) Behave in a manner which does not endanger him/herself or any other member of the brigade;
- (d) Comply with the *Act* and with the DES Code of Conduct, and any policies and procedures that are issued by the Queensland Fire and Rescue Service;
- (e) Comply with this constitution and approved rules and operating procedures of the brigade;
- (f) Acquire the skills and knowledge applicable to the members role in the brigade;
- (g) Wear and maintain all issued personal protective equipment supplied; and
- (h) Use and maintain appliances and equipment within its original design and capability.

18. Termination of Membership

- (a) Membership may be terminated through, death, voluntarily or as the result of an executive decision.

- (b) A member may resign from the brigade at any time by giving notice verbally or in writing to the Secretary or Area Director, Rural Operations.
- (c) Resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice, when it shall take effect on that later date.
- (d) If a member –
 - i) Fails to comply with any of the provisions of these rules; or
 - ii) Conducts himself or herself in a manner considered to be injurious or prejudicial to the character or interests of the brigade:

The management committee shall consider whether the member's membership should be terminated.
- (e) Before the management committee makes a decision, it will afford any existing member natural justice, by allowing him/her to show cause why their membership should not be terminated. If the management committee resolves to terminate the membership, it shall instruct the Secretary to advise the member in writing accordingly.
- (f) Where members become inactive and contact with the brigade is not made for more than twelve months, their membership may be terminated or commuted to community membership by the vote of the majority of members at a general meeting, and advice of this decision sent by the Secretary to their last known address.
- (g) Care should be taken where members may be deceased so as not to cause distress to family and loved ones.
- (h) Any member who subsequently contacts the brigade after membership termination may reapply for membership in the normal manner.

19. Appeal against Rejection or Termination of Membership

- (a) A person whose application for membership has been rejected or whose membership has been terminated or commuted to community membership may, within one month of receiving written notification thereof, lodge with the Secretary written notice of their intention to appeal against the decision.
- (b) On receipt of a notification of intention to appeal against rejection or termination of membership the Secretary shall convene, within three months of the date of receipt of such notice, a special general meeting of the brigade to determine the appeal.
- (c) At any such meeting the applicant shall be given the opportunity to fully present their case, and the management committee or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting its or their case.
- (d) The appeal shall be determined by the vote of the members present at such meeting, and is not subject to further appeal rights.

20. Register of Members

- (b) The management committee shall keep a register of the names, residential addresses, telephone numbers and emergency contact details of all persons admitted to membership of the brigade, together with their admission dates, membership classification, birth dates and a copy of the membership application.
- (c) This list shall constitute the official brigade's membership register.
- (d) Details of deaths, resignations, terminations, change of membership classification and reinstatements of membership and any further particulars as the management committee, the members at any general meeting or the QFRS Rural Operations, may require from time to time, shall also be entered into the register.
- (e) The management committee is to notify the Area Director Rural Operations in writing within three months of an amendment being recorded in the official register.
- (f) During the period between an amendment being entered in the official register and being recorded in the data base of members maintained by the QFRS Rural Operations, the list of members maintained by the brigade shall be deemed to be the true and correct register.

- (g) The list of members shall be open for inspection at all reasonable times to any member who previously applies to the Secretary for such inspection.

21. First Annual General Meeting

The first annual general meeting must be held within 18 months after the day of approval for the brigade's formation.

22. Subsequent Annual or Biennial General Meetings

- (a) If the brigade receives a levy or other public monies, each subsequent annual general meeting must be held annually.
- (b) If the brigade does not receive a levy or other public monies, each subsequent annual general meeting may be held either annually or biennially.
- (c) An annual or biennial general meeting must be held within 3 months after the end of the brigade's previous financial year.

23. Business to be Transacted at Annual or Biennial General Meeting

- (a) The following business must be transacted at annual or biennial general meetings:
 - i) Receiving the statement of income and expenditure, assets and liabilities and charges affecting the property of the brigade for the last financial year;
 - ii) Receiving the auditor's report on the financial affairs of the brigade for the last financial year;
 - iii) Presenting the audited statement to the meeting for adoption;
 - iv) Election of office bearers (biennially);
 - v) Appointment or election of an auditor(s);
 - vi) Confirmation of the minutes of previous AGM or BGM, if not done at a previous general meeting.
 - vii) Brigade priority turnout list.
 - viii) For brigades receiving a levy, the three-year plan, twelve-month operational plan and associated budget.
- (b) The minutes of any annual or biennial general meeting shall be signed by the Chairperson and Secretary of that meeting or, where necessary, the Chairperson and Secretary of the subsequent general or annual/biennial general meeting.

24. Forwarding Information to the Area Director Rural Operations

The management committee shall forward a copy of the following documents to the Area Director Rural Operations within two weeks after the annual or biennial general meeting.

- (a) Statement of income and expenditure, assets and liabilities and charges affecting the brigade's previous financial year and auditor's report.
- (b) A copy of the assets register;
- (c) The results of the election of office bearers including the appointed auditor.
- (d) The brigade turnout priority list with no more than four names of members who have been appointed as the response first contact members.
- (e) For brigades receiving a levy, the three-year plan, twelve-month operational plan and associated budget including information on community consultation processes utilised.

25. Special General Meeting

- (a) The secretary shall convene a special general meeting by sending out notice of the meeting within 14 days of:
 - i) Being directed to do so by the management committee; or

- ii) Being directed to do so by the Area Director Rural Operations to correct previous improper actions by the management committee or brigade, or
 - iii) Being given a request in writing signed by:
 - not less than one third of the persons presently on the management committee; or
 - not less than the combined number of firefighter and support members of the brigade which equals double the number of persons presently on the management committee plus one; or
- (b) A request as mentioned in (a)(iii) above shall clearly state the reasons why the special general meeting is being convened.
- (c) The notice of the meeting shall state:
- The reasons why the meeting is being convened;
 - The nature of the business to be transacted thereat; and
 - The time, date and place of the meeting.
- (d) Special general meetings convened to hear appeals against rejections of membership applications or termination of membership shall be convened in accordance with Section 5.
- (e) The quorum for any special general meeting shall be double the number of persons presently on the management committee plus one, except that for class 1 brigades with a scarcity of members the quorum may be taken as 5 persons.

26. Making of Rules Under the Constitution

- (h) The management committee may from time to time make, amend or repeal rules, consistent with this constitution and the procedures and directives of the Queensland Fire and Rescue Service for the internal management of the brigade, but a general meeting of members may set aside any rule so made.
- (i) Rules and/or an amendments to rules made by the management committee must be forwarded to the Area Director Rural Operations for consideration and are of no effect until approved by the Assistant Commissioner, Rural Operations.
- (j) The Assistant Commissioner, Rural Operations may from time to time make, amend or repeal rules, consistent with this constitution and any policy or procedure of the Queensland Fire and Rescue Service, for the purpose of management of the brigade or any category of brigades.

27. Funds and Accounts

- (a) The funds of the brigade shall be kept in the name of the brigade in a financial institution decided by the management committee.
- (b) Proper books and accounts shall be kept and maintained in the English language either in written or printed form, showing correctly the financial affairs of the brigade.
- (c) All moneys are to be deposited as soon as practicable.
- (d) Any two persons being comprised of the Chairperson, Secretary, Treasurer, First Officer or other member authorised from time to time by the management committee, shall approve all payments of \$100 or over.
- (e) Cheques shall be crossed "not negotiable" except those in payment of allowances of petty cash recoupment, which may be open.
- (f) The management committee shall determine the amount of petty cash, which shall be kept, on the imprest system.
- (g) All expenditure shall be ratified at a general meeting.
- (h) As soon as practicable after the end of each financial year, the Treasurer shall have a statement prepared containing particulars of:
- i) The income and expenditure for the financial year just ended; and

- ii) The assets and liabilities and of all mortgages, charges and securities affecting the property of the brigade at the close of that year.
- (i) If a brigade is approved for formation within 3 months of the end of its financial year, (h) does not apply for the financial year in which it is formed.
- (j) The auditor(s) must examine the statement prepared under (h) and present a report on it to the Secretary before the annual general meeting following the financial year for which the audit was made.
- (k) The income and property of the brigade must be used solely in promoting the brigade's objective and exercising the brigade's powers and not for the benefit of individual members.
- (l) All gifts and donations made to the brigade, including gifts that are made under a will, proceeds from the sale of gifted property, investment returns that result from gifts (such as interest, dividends and rent) and distributions from other charities are to be separately accounted for in accordance with ATO directives. This does not include:
 - i) Income from sponsorships;
 - ii) Income from commercial activities; and
 - iii) Proceeds from raffles, auctions or fundraising events.
- (m) Brigades are subject to financial management rules which preclude the use of funds for investments that could be considered "at risk", such as speculative share holdings. Regard is to be made as to the risk of holding any shares or other property investments gifted or bequeathed to a brigade.
- (n) Public Accounts Committee require that all rural fire brigades in receipt of rural fire levy funding shall:
 - i) In consultation with their local shire council, make their audited financial statements and the audit opinion of those statements available for public inspection after presentation at the annual general meeting.
 - ii) Notify their community, via local media outlets, recognized community notice boards and brigade newsletters, of the location and availability of the audited financial statements and the audit opinion of those statements.
 - iii) Identify, and provide contact details for the officers who are available to assist ratepayers with enquiries concerning the brigade's application of rural fire levy funds.

28. Documents

The management committee shall provide for the safe custody of the brigade's books, documents, records and instruments of title for a period of not less than seven years.

29. Financial Year

- (a) The brigade's financial year shall close on 30 June of each year.
- (b) The brigade's members may resolve at any general meeting that the financial year will close on another date.
- (c) The brigade must receive written approval from the Area Director Rural Operations before any change of date of end of financial year becomes effective.

30. Auditor

- (a) Where the brigade receives a levy, the brigade shall appoint an auditor who is not a member of the brigade and is either:
 - i) A qualified accountant; or
 - ii) A person satisfactory to the Local Government;
- (b) Where the brigade does not receive a levy, but receives other public monies, the brigade shall appoint an auditor who is:
 - i) A person who has demonstrated adequate bookkeeping skills to the satisfaction of the Area Director Rural Operations; and
 - ii) Not a member of the brigade.

- (c) Where the brigade does not receive a levy or other public monies, it may elect two members who are not office bearers to be auditors.

31. Dissolution

- (a) The brigade must be dissolved if:
- i) A resolution to dissolve is passed by a two-thirds majority of members present at any special meeting convened to consider that resolution; or
 - ii) The registration of the brigade is cancelled.
- (b) On dissolution:
- i) All equipment provided by, or whose purchase was subsidised by the QFRS, must be disposed of in accordance with QFRS's instructions;
 - ii) Any other property and funds, after payment of all expenses and liabilities, are to be given to another Rural Fire Brigade in consultation with the local Area Director Rural Operations.
 - iii) The Area Director Rural Operations, may retain the assets in a re-created temporary brigade, where:
 - A brigade management committee is appointed from within the community;
 - An operational response capability is maintained until the dysfunction that caused the original brigade to be deregistered is overcome.
- (c) The Area Director Rural Operations will ensure that the temporary brigade functions in an open manner within the spirit of this constitution.

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