



Agenda

**Bush Fire Advisory
Committee Meeting**

Wednesday 25 May 2022

Bush Fire Advisory Committee – 25 May 2022
Table of Contents

1.	ATTENDANCES.....	1
2.	ABSENT	1
3.	CONFIRMATION OF MINUTES OF MEETING.....	1
3.1	Confirmation of Minutes of the Bush Fire Advisory Committee meeting – 26 May 2021 - Appendix 1	1
4.	BUSINESS ARISING FROM THE PREVIOUS MEETING	1
5.	BUSINESS ARISING	2
5.1	Election of Presiding Member	2
5.2	Election of Officers for the 2022/2023 Fire Season – Appendix 2 and 3	4
5.3	2022/2023 Firebreak Notice and Other <i>Bush Fire Act 1954</i> Notices – Appendix 4, 5 and 6	9
6.	REPORTS – EXTERNAL AGENCIES	12
6.1	Chief Bush Fire Control Officer’s Report.....	12
6.2	Shire Training Officers Report.....	12
6.3	Community Emergency Services Coordinator Report – Appendix 7	12
6.4	DFES Representative Report.....	12
6.5	DBCA Representative Report	12
6.6	Volunteer Brigade Reports	12
6.6.1	Coolup VBFB	12
6.6.2	Dwellingup VBFB	12
6.6.3	North Dandalup VBFB	12
6.6.4	South Yunderup/Ravenswood VBFB.....	12
6.6.5	West Murray VBFB	12
6.7	Manager Governance Report – Appendix 8	12
7	MOTIONS WITHOUT NOTICE FOR DISCUSSION AT THE NEXT MEETING	12
8	NEXT MEETING	12
9	CLOSE.....	12



Notice of Meeting

Notice is hereby given that the Bush Fire Advisory Committee meeting will be held in Council Chambers at the Shire of Murray Administration Office, 1915 Pinjarra Road, Pinjarra on Wednesday 25 May 2022, commencing at 6.00pm.

A blue ink signature of Dean Unsworth.

Dean Unsworth
Chief Executive Officer

Important Notes

It should be noted that decisions of this Committee are only recommendations to and not decisions of Council. Committee recommendations should therefore not be acted on or otherwise relied upon until Council has formally considered and decided on the Committee recommendations.

1. ATTENDANCES

2. ABSENT

3. CONFIRMATION OF MINUTES OF MEETING

- 3.1 Confirmation of Minutes of the Bush Fire Advisory Committee meeting – 26 May 2021 - **Appendix 1**

COMMITTEE RECOMMENDATION:

That the minutes of the Bush Fire Advisory Committee meeting held on 26 May 2021 be confirmed as a true and correct record.

4. BUSINESS ARISING FROM THE PREVIOUS MEETING

Nil

5. BUSINESS ARISING

5.1 Election of Presiding Member

File Ref: 1804-10
Previous Items: Nil
Author and Title: Robert Marlborough, Manager Governance
Voting Requirements: Simple Majority

Recommendation/Committee Decision BFAC22/001

The Bush Fire Advisory Committee recommend to Council to endorse as the Chairperson of the Shire of Murray Bush Fire Advisory Committee (BFAC) expiring on 21 October 2023 to coincide with the Local Government Elections.

In Brief

The Shire of Murray Bush Fire Advisory Committee (BFAC) is required to elect a Presiding Member.

Background

Council Committees elect their own Presiding Member from the relevant committee membership. A Presiding Member's term of appointment is until the next Council election or the incumbent resigns.

In 2012 the Bush Fire Advisory Committee formed the view that Fire Control Officers appointments only ran for one year and new Committee members should have the right to elect an alternative Presiding Member, therefore the term of the BFAC Chairperson was amended to reflect this position.

At the Ordinary Council Meeting on 28 October 2021 (Item 12.1), Council endorsed the following;

That Cr Ange Rogers with Cr Stuart Kirkham (proxy) be appointed to the Bush Fire Advisory Committee for a term expiring on 21 October 2023.

Report Detail

Nominations will be called at the meeting for the position of BFAC Chairperson.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community
Strategy	Facilitate safe neighborhoods and communities

Other Strategic Links

Nil

Statutory Environment

Section 67 *Bush Fires Act 1954*; and,
Shire of Murray Meeting Procedures Local Law 2012.

Sustainability & Risk Considerations

Economic - (Impact on the Economy of the Shire and Region)

Nil

Social - (Quality of life to community and/or affected landowners)

There is no impact on the quality of life of the community.

Environment – (Impact on environment's sustainability)

Not Applicable

Policy Implications

There are no policy implications.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Nil.

Consultation

- *Bush Fires Act 1954*,
- Council Records; and,
- Bush Fire Advisory Committee minutes.

Resource Implications

Financial

Nil

Workforce

Nil

Options

The Committee has the option of recommending to Council to:

1. Endorse the Presiding Member; or,
2. Reject the proposal.

Conclusion

It is recommended that the Committee endorse a Chairperson as elected, for a term expiring on 21 October 2023 to coincide with the Local Government Elections.

5.2 Election of Officers for the 2022/2023 Fire Season – Appendix 2 and 3

File Ref: 1809
 Previous Items: Nil
 Author and Title: Robert Marlborough, Manager Governance
 Voting Requirements: Simple Majority

Appendix 2 - VBFB - AGM Minutes 2022

Appendix 3 - Nomination for Shire Training Officer and Fire Weather Officer

Recommendation/Committee Decision BFAC22/002

The Bush Fire Advisory Committee recommend to Council to appoint the following persons by delegated authority for the 2022/2023 Fire Season:

Chief Bush Fire Control Officer:

Deputy Chief Bush Fire Control Officer:

Fire Control Officers: Douglas McLarty – Coolup VBFB
 Anthony Cocivera – Dwellingup VBFB
- North Dandalup VBFB
 James (Jim) Camplin –
 South Yunderup/Ravenswood VBFB
 Brian Bird – West Murray VBFB
 – Pinjarra VFRS

Fire Control Officers (Permit Issuing Only): Chris Sattler – Coolup VBFB
 Stuart Kirkham – Coolup VBFB
 - North Dandalup VBFB

Christine Thompson JP –
 West Murray VBFB
 Andrew Taylor – West Murray VBFB
 Michael (Mick) Gavranich –
 West Murray VBFB

Fire Weather Officer:

Deputy Fire Weather Officer:

Shire Training Coordinator/s:

In Brief

- For the Bush Fire Advisory Committee is to elect and recommend appointments required under the *Bush Fires Act 1954* and other appointments as deemed necessary.

Background

Brigade Fire Control Officer and Bush Fire Control Officer (Permit Issuing Only) appointments at brigade level are determined by each brigade at their respective Annual General Meetings (AGM) and this supports the Council BFAC membership structure.

Nominations will be called at the meeting for the following positions -

- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer
- Fire Weather Officer
- Deputy Fire Weather Officer
- Shire Training Coordinator

With the introduction of delegated authority in recent years the endorsement of Fire Control Officers appointments by Council is no longer required as the Chief Executive Officer has the delegated authority under Section 48 of the *Bush Fires Act 1954* to appoint Fire Control Officers, inclusive of a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers and Fire Weather Officers. The appointment of Fire Weather Officers requires additional DFES endorsement.

Report Detail

Accordingly, the proposal presented is for the Committee to support the appointment of the brigade nominated Fire Control Officers including Permit Issuing Officers from the Coolup Volunteer Bush Fire Brigade, Dwellingup Volunteer Bush Fire Brigade, North Dandalup Volunteer Bush Fire Brigade, South Yunderup/Ravenswood Volunteer Bush Fire Brigade and West Murray Volunteer Bush Fire Brigade, as Fire Control Officers in the district.

Attached at **Appendix 2** for information purposes are the Shire of Murray Volunteer Bush Fire Brigades 2022 AGM minutes that detail the appointments of Brigade Officers in each of the Volunteer Bush Fire Brigades, including Fire Control Officers and Fire control Officer (Permit Issuing only) for each Brigade area.

A written nomination, as detailed at **Appendix 3** has been received from Mr. James (Jim) Camplin for the position of Shire Training Coordinator and for Fire Weather Officer. The Committee is also required to identify a suitable member from the Pinjarra Fire and Rescue Services Brigade to be appointed as a Fire Control Officer for the Pinjarra town area.

All Shire Rangers, the Coordinator Ranger and Emergency Management (when appointed) and the Manager Governance are appointed as Fire Control Officers and prosecutors, as required, under the provisions of the *Bush Fire Act 1954* at the time of their employment. The Community Emergency Services Coordinator (when appointed) is also a Fire Control Officer. There is no need to appoint or amend the appointments of these officers.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community
Strategy	Facilitate safe neighborhoods and communities

Other Strategic Links

Nil

Statutory Environment

Fire Control Officers, Fire Control Officers (Permit Issuing Only) & Chief & Deputy Chief Fire Control Officers.

Section 38 (1) of the *Bush Fires Act 1954* ('Act') states that a local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of the Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it. The appointment of Fire Control Officers may be delegated to the Chief Executive Officer under Section 48 of the Act.

A local government or a person delegated the authority shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Fire Weather & Deputy Fire Weather Officers

Section 38 (6) (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary. The appointment of Fire Weather officers may also be delegated to the Chief Executive Officer under Section 48 of the Act.

- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.

- (i) This subsection does not authorise the burning of bush during the prohibited burning times.

Note: Fire Weather Officers must be appointed as Fire Control Officers pursuant to clause (6) (c).

Section 48 Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to sub-delegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

The Shire Training Coordinator position is not an appointment specified within the Act. Council has traditionally recognised this position to assist the Shire in certain functions.

Sustainability & Risk Considerations

Economic - (Impact on the Economy of the Shire and Region)

There are no economic impacts on the community.

Social - (Quality of life to community and/or affected landowners)

The appointments support the community and there is no negative impact on the quality of life.

Environment – (Impact on environment's sustainability)

There is no negative impact on the natural or built environment.

Policy implications

There are no policy implications and the level of risk is considered to be low if the recommendation is endorsed. The proposed appointments under delegated authority are in accordance with the provisions of the *Bush Fires Act 1954*.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Nil.

Consultation

- Council Records,
- Bush Fire Advisory Committee minutes.

Resource Implications

Financial

The cost of advertising the appointments is provided in the annual Shire of Murray budget.

Workforce

Nil

Options

The Committee has the option of recommending to Council to:

1. endorse the Officer appointments; or,
2. reject the proposal.

Conclusion

The Committee recommendations are to be used by the Chief Executive Officer under delegated authority to formally appoint persons in accordance with the provisions of the *Bush Fires Act 1954* to the following positions;

- Chief Bush Fire Control Officer;
- Deputy Chief Bush Fire Control Officer;
- Fire Control Officers;
- Fire Control Officers (Bush Fire Permit issuing only);
- Fire Weather Officer;
- Deputy Fire Weather Officer; and,
- Shire Training Coordinator/s.

5.3 2022/2023 Firebreak Notice and Other *Bush Fire Act 1954* Notices – Appendix 4, 5 and 6

File Ref: 1804
Previous Items: Nil
Author and Title: Robert Marlborough, Manager Governance
Voting Requirements: Simple Majority

Appendix 4, 5 and 6

Recommendation/Committee Decision BFAC22/003

That Council

1. adopts the Shire of Murray Firebreak Notice, as attached at Appendix 4;
2. adopts the limitations relating to Camp and Cooking Fires within the district during the prohibited burning time, as attached at Appendix 5;
3. adopts the limitations relating to the Burning of Garden Refuse and Rubbish within the district, as attached at Appendix 6; and,
4. approves the publication of the Firebreak Notice, Camp and Cooking Fire Notice and Burning of Garden Refuse and Rubbish Notices in accordance with the provisions of the *Bush Fires Act 1954*, before 30 September 2022.

In Brief

To determine the Shire of Murray Firebreak Notice and other notices to manage bush fire related matters within the district.

Background

The current Shire of Murray Firebreak Notice (Notice) was significantly amended as part of a full review in 2020.

Report Detail

The Shire of Murray Firebreak Notice is made pursuant to the powers conferred in s.33 of the *Bush Fires Act 1954* (the Act).

In its current form is reasonably functional and provides sufficient means to direct landowners to take actions to implement works to prevent the outbreak or spread or extension of a bush fire within the district and it provides a mechanism for Special Works Orders to further reduce hazards, if required.

Within the previously adopted Notice there were provisions relating to limitations on Camp and Cooking Fires and the Burning of Garden Refuse and Rubbish in the district.

Recent advice, via another Local Government, after consultation with the Department of Fire and Emergency Services suggested that these two notices made respectively under S24G(2) and 25(1a) of the Act should not be included within the Firebreak Notice, they should be standalone notices published separately.

The proposed Shire of Murray Firebreak Notice with the Camp and Cooking Fires and the Burning of Garden Refuse and Rubbish provisions removed, is detailed at **Appendix 4** for consideration and recommendation to Council

The proposed standalone Camp and Cooking Fires and the Burning of Garden Refuse and Rubbish notices, are detailed at **Appendix 5** and **Appendix 6** for consideration.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community
Strategy	Facilitate safe neighborhoods and communities

Other Strategic Links

Nil

Statutory Environment

Section 33 of the *Bush Fires Act 1954* provides a local government the ability to make a Notice requiring all owners or occupiers of land within the district to take measures for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur.

Section 24G (2) of the *Bush Fires Act 1954* provides a local government the ability, by notice published in the Gazette and a newspaper circulating in its district, to prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F of the Act.

Section 25 (1) (1a) of the *Bush Fires Act 1954* provides a local government the ability, by notice published in the Gazette and a newspaper circulating in its district, to prohibit or prohibit the lighting of fires in the open air in its district for the purpose of camping or cooking for such period during the prohibited burning times as is specified in the notice.

Sustainability Implications

Economic – (Financial impact to the community)

Nil

Social – (Quality of life to community and/or affected landowners)

Technically no amendments to the general fire prevention preparedness requirements are suggested. The proposal is to remove the Camp and Cooking Fires and the Burning of Garden Refuse and Rubbish provisions from the current Notice as this provides continuity and supports landowner compliance.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Low	The level of negative community feedback will likely be low as no change to the current Notice is proposed.

Consultation

- *Bush Fires Act 1954*
- Council Records
- Council Staff – enforcement officers

Resource Implications*Financial*

Funds are provided in the Shire of Murray Annual Budget to publish the Notice annually.

Workforce

Nil

Options

The Committee has the option of recommending to Council to:

1. support the recommendation presented; or,
2. reject the recommendation and commence making a new Notice or amend the current Notice to present to Council for consideration.

Conclusion

The current Shire of Murray Firebreak Notice is effective and applies a reasonable minimum standard of fire prevention requirements across land categories in the district to prevent the spread or extension of a bushfire, and the Notice prescribes additional abilities to manage higher risk land by way of Special Works Orders

Removing the two notices relating to limitations on Camp and Cooking Fires and the Burning of Garden Refuse in the district from the Firebreak Notice and publishing these as sperate notices supports recent advice.

6. Reports – EXTERNAL AGENCIES

6.1 Chief Bush Fire Control Officer's Report

6.2 Shire Training Officers Report

6.3 Community Emergency Services Coordinator Report – Appendix 7

A report has been submitted from the G Stevens and is attached in **Appendix 7**.

6.4 DFES Representative Report

6.5 DBCA Representative Report

6.6 Volunteer Brigade Reports

6.6.1 Coolup VBFB

6.6.2 Dwellingup VBFB

6.6.3 North Dandalup VBFB

6.6.4 South Yunderup/Ravenswood VBFB

6.6.5 West Murray VBFB

6.7 Manager Governance Report – Appendix 8

The DFES State Capability Team circulated a Annual and Preparedness Supplement Report for Shire of Murray that detailed the districts emergency management capacity for the previous year (2021). A copy is attached in **Appendix 8**.

7 MOTIONS WITHOUT NOTICE FOR DISCUSSION AT THE NEXT MEETING

8 NEXT MEETING

9 CLOSE