



# **Agenda**

**Bush Fire Advisory  
Committee Meeting**

**Wednesday 16 August 2023**



## Bush Fire Advisory Committee – 16 August 2023

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### **Notice of Meeting**

Notice is hereby given that the Bush Fire Advisory Committee meeting will be held in Council Lounge and Chambers at the Shire of Murray Administration Office, 1915 Pinjarra Road, Pinjarra on 16 August 2023, commencing at 6.00pm.

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 – 25 May 2022 - Appendix 1**

**COMMITTEE RECOMMENDATION:**

**That the minutes of the Bush Fire Advisory Committee meeting held on 25 May 2022 be confirmed as a true and correct record.**

**4. BUSINESS ARISING FROM THE PREVIOUS MEETING**

Nil

## 5. BUSINESS ARISING

### 5.1 Nominations for Bush Fire Control Officers

File Ref: 1809  
 Previous Items: Nil  
 Applicant: Nil  
 Author and Title: Nicole Stevens, Community Emergency Services Coordinator  
 Voting Requirements: Simple Majority

#### **Appendix 2 - Nominations for Shire Training Officer, Fire Weather Officer, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer**

#### **Recommendation**

The Bush Fire Advisory Committee recommend the appointment of the following persons by delegated authority:

Chief Bush Fire Control Officer: .....

Deputy Chief Bush Fire Control Officer: .....

#### **Bush Fire Control Officers:**

**Douglas McLarty – Coolup VBFB**

**Anthony Cocivera – Dwellingup VBFB**

**Peter Thurkle - North Dandalup VBFB**

**James (Jim) Camplin – South Yunderup/Ravenswood VBFB**

**Andrew Taylor – West Murray VBFB**

**Kevin Jones – Pinjarra VFRS**

#### **Fire Control Officers – Permit Issuing Only:**

**Chris Sattler – Coolup VBFB**

**Stuart Kirkham – Coolup VBFB**

**Lorraine Webster – North Dandalup VBFB**

**Christine Thompson JP – West Murray VBFB**

**Michael (Mick) Gavranich – West Murray VBFB**

**Fire Weather Officer: James (Jim) Camplin**

**Deputy Fire Weather Officer: .....**

**Shire Training Coordinator/s: James (Jim) Camplin**

## In Brief

The Bush Fire Advisory Committee is to select and recommend appointments required under the Act and other appointments as deemed necessary.

## Background

The nomination at brigade level of Bush Fire Control Officers (FCO) and Bush Fire Control Officer - Permit Issuing Officers are determined by each brigade at their respective Annual General Meetings (AGM) and this supports the Shire's BFAC membership structure.

Nominations will also be provided to the BFAC 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 FCO's appointments by Council is no longer required as the Chief Executive Officer has the delegated authority under Section 48 of the Act to appoint FCO's as well as a Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers and Fire Weather Officer/s. The appointment of Fire Weather Officer/s also requires DFES endorsement.

## Report Detail

Accordingly, the proposal presented to the Committee is to support the appointment of the nominated FCO's, including Permit Issuing Officers as provided by the brigades and to determine a recommendation to be provided to the Shire's CEO in relation to the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Officer, Deputy Fire Weather Officer and Shire Training Coordinator.

If required, a copy can be provided of each of the Volunteer Bush Fire Brigades 2023 AGM minutes that provide the details relating to the appointment of Brigade Officers and the nominations for each brigade for FCO's and Fire control Officer (Permit Issuing only) for each of their Brigade areas.

The following written nominations, as provided at **Appendix 2** have also been received.

- Mr. James (Jim) Camplin, for the position of Shire Training Coordinator and for Fire Weather Officer.
- Mr Robert Wilson, for the position of Chief Bush Fire Control Officer.
- Mr Peter Thurkle, for the position of Deputy Chief Bush Fire Control Officer.

## Council Plan

<b>Focus Area</b>	Planet
<b>Outcome</b>	A resilient community equipped to respond to natural disasters and other emergencies.
<b>Objectives</b>	Minimise risks and impacts from fires, floods and natural disasters.

## Other Strategic Links

Nil



## **Statutory Environment**

### **Bush Fire Control Officers**

Section 38(1) of the 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.

Section 38(2A) states –

The local government 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) of the Act.

#### **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. However, Council has traditionally recognised this position to assist the Shire and brigades with the management and the coordination of training.

#### **Sustainability & Risk Considerations**

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

Nil.

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

Nil

Environment – (Impact on environment's sustainability)

Nil

#### **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**

In accordance with previously established procedures, all brigades are cognizant of the process for each brigade to nominate an FCO, PIO and a Fire Weather Officer.

All brigades were also contacted to ensure that they forwarded their AGM minutes to the Shire. This was to ensure that Shire had a record of each brigade's AGM minutes and also a copy of each brigade's respective nominations for FCO's.

## **Resource Implications**

### *Financial*

The cost of advertising the appointments in accordance with 38(2A) of the Act can be accommodated within the annual operating budget.

### *Workforce*

Nil

## **Options**

The Committee has the following options –

1. Support the recommendation, as proposed.
2. Support the recommendation, subject to any changes; or
3. Reject the recommendation and determine an alternate position.

## **Conclusion**

The Committee recommendations are to be considered by the Chief Executive Officer under delegated authority to formally appoint persons in accordance with the provisions of the Act 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.

## 5.2 2023/2024 Bushfire Compliance Notice

File Ref:	1804
Previous Items:	Nil
Author and Title:	John Kowal, Manager Ranger & Community Safety
Voting Requirements:	Simple Majority

### Appendix 3 – 2023/24 Shire of Murray Bushfire Compliance Notice

#### Recommendation

#### That Council

1. **Endorses the 2023/24 Shire of Murray Bushfire Compliance Notice, as attached at Appendix 3;**
2. **approves for the publication of the 2023/24 Shire of Murray Bushfire Compliance Notice in accordance with the provisions of the *Bush Fires Act 1954*.**

#### In Brief

To determine the Shire of Murray Bushfire Compliance Notice to manage bushfire 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. Further amendments have been undertaken again in 2023 in compliance with the recent WALGA Guidance Notes that were provided to support Local Governments to produce a standard, clear, concise and enforceable Notice that aligns with regulatory requirements.

#### Report Detail

The Notice is made in accordance with section 33 of the Act.

As stated, the new format for the Notice is to align with the new WALGA Guidance Notes that were developed in collaboration between WALGA, DFES and various local governments. The latest format is to be much clearer and more concise, especially with the specific size of land rather than the zoning of the land and the applicable bushfire preparedness works that are required to be carried out by property owners/occupiers.

The Notice still provides sufficient means to direct landowners to take actions to implement works to prevent the outbreak, spread or extension of a bushfire and it provides a mechanism for Special Work Orders to further reduce bushfire hazards, if required.

The proposed Notice will also be specifically formatted to be published within the Government Gazette and also within a newspaper circulating the district. All information contained in the Notice will also be advertised on the Shire's website and also on the Shire's social media.

### Council Plan

<b>Focus Area</b>	Planet
<b>Outcome</b>	A resilient community equipped to respond to natural disasters and other emergencies.
<b>Objectives</b>	Minimise risks and impacts from fires, floods and natural disasters.

### Other Strategic Links

Nil

### Statutory Environment

Section 33 of the Act 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 bushfire, or for preventing the spread or extension of a bushfire 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 Act 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 proposed.

*Environment – (Impact on environment's sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

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

## **Consultation**

The development of the Notice has taken place with consultation with Shire staff including Governance, Media and Communications, Rangers/FCO's and with the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer.

It is proposed that the Notice will be sent with the Shire's rate notices to every property owner. The Notice will also be publicly advertised in the local newspaper, Shire venues such as the Shire's Administration Centre, Libraries, Visitor Centres and also on the Shire's website and Social Media sites.

## **Resource Implications**

### *Financial*

Funds are provided in the annual budget for the development and publishing of the Notice.

### *Workforce*

Nil

## **Options**

The Committee has the following options:

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.

### **5.3 Shire of Murray Bush Fire Brigades Standard Operating Procedures**

File Ref: 1804  
Previous Items: Nil  
Author and Title: John Kowal, Manager Ranger & Community Safety  
Voting Requirements: Simple Majority

#### **Appendix 4 – Bush Fire Brigades Standard Operating Procedures**

#### **Appendix 5 – Bush Fire Brigades Standard Operating procedures Appendices Register**

#### **Recommendation**

#### **That Council**

- 1. Endorses the Bush Fire Brigades Standard Operating Procedures and Appendices.**

#### **In Brief**

The Shire of Murray Bush Fire Brigades Standard Operating Procedures and associated appendices (SOP's) have been developed to describe the management and operations of the Shire of Murray bush fire brigades.

#### **Background**

The current Shire of Murray Bush Fire Brigades Local Law 2023 (local law) will come into operation towards the end of August, dependent on advertising schedules and timing. The necessity for the Shire to have a local law was the advice as provided by DFES to ensure that bush fire brigades were properly constituted so that brigades and volunteers have direct authority and powers under the Act to undertake 'normal brigade activities', which includes the response to bushfires.

The local law includes the requirement for SOP's to be established to describe and provide information and guidance relating to normal business of brigades relating to the management and operations of brigades.

#### **Report Detail**

As stated, the local law requires the establishment of SOP's to provide information to brigade relating to all facets of brigade management and operations. The establishment of SOP's for the Shire of Murray brigades is similar to the establishment of SOP's by numerous other local governments throughout Western Australia. Previously, the information relating to the management and operations of brigades would be contained in local laws. However, this requirement has since changed mainly due to the fact the process for making amendments to a local law is rather complex and can take a considerable amount of time whereas amendments to SOP's can be completed at any time and is therefore far less complex and takes far less time.

Brigades were initially involved with the development of SOP's and it was informed that this had been done over a long period of time with a considerable amount of work and time contributed by Shire staff and brigade members. Feedback from brigades was that the initial SOP's had taken a long time to develop, were somewhat confusing, had gone through several iterations and were complex. These were some of the reasons as to why it was decided to develop SOP's specifically for the management and operations of brigades rather than for the management and response to bushfires that included information about the management and operation of brigades.

The engagement with brigades has been ongoing from the initial presentation that was provided to brigades on 22<sup>nd</sup> March 2023 and the distribution to all brigades of the draft copy of the SOP's to gain any feedback, queries and changes to the SOP's from brigades.

Several reminder emails were also sent to brigades requesting their feedback, queries and changes. There were two brigades that responded and the information provided was very thorough and very constructive and resulted in several amendments to the draft SOP's. Meetings with the CBFCO, DCBFCO and other brigades also yielded good discussion and feedback and also resulted in further changes to the SOP's.

As stated previously, the SOP's can be amended at any time which will allow the inclusion of any changes that Shire and/or the brigades may require in the future and therefore the SOP's should not be seen as "set in stone". This is because such documents need to be flexible enough so that the SOP's remain contemporary to enable changes that maybe required in the future including any changes to legislation or operations.

### Council Plan

<b>Focus Area</b>	Planet
<b>Outcome</b>	A resilient community equipped to respond to natural disasters and other emergencies.
<b>Objectives</b>	Minimise risks and impacts from fires, floods and natural disasters.

### Other Strategic Links

Nil

### Statutory Environment

Local law has been made by the Shire in accordance with section 41 of the Act and the Shire has undertaken the process for the making and for the adoption of the local law in accordance with the Local Government Act 1995.

As stated, the establishment of SOP's is a requirement of the local law instead of the local law containing all the information relating to the management and operations of brigades.

### Sustainability Implications

*Economic – (Financial impact to the community)*

Nil

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

Nil

*Environment – (Impact on environment's sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

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

## **Consultation**

During the development of the SOP's, there has been ongoing consultation with the Shire CEO, Director Corporate Services, CESC, DFES, Chief and Deputy Bush Fire Control Officers and other local governments.

There have also been presentations of the SOP's provided to brigades together with email and phone communications plus direct engagement with some brigades via meetings with brigade Executive Committee members.

## **Resource Implications**

### *Financial*

Funds are provided in the annual budget for the development and publishing of the Notice.

### *Workforce*

Nil

## **Options**

The Committee has the following options:

1. Support the recommendation, as proposed.
2. Support the recommendation, subject to any changes; or
3. Reject the recommendation and determine an alternate position.

## **Conclusion**

Shire staff and brigade representatives had initially developed SOP's for the overall management and response to bushfires. The feedback from brigades was that the initial SOP's had taken an inordinate amount of time to develop, were somewhat confusing, had gone through several iterations, which the brigades had lost track of and were complex in nature.

The SOP's will finally provide brigades with relevant information to enable a standard and consistent approach to the management and operations of the brigade with the benefit of having the opportunity in the future to easily make amendments to the SOP's unlike the complex and time consuming process of amending local laws.

## **6. Reports**

- 6.1 **Chief Bush Fire Control Officer**
- 6.2 **Shire Training Officer**
- 6.3 **Community Emergency Services Coordinator**
- 6.1 **Manager Ranger & Community Safety**
- 6.2 **DFES Representative**
- 6.3 **DFES Representative**
- 6.4 **Volunteer Brigade Reports**
  - 6.4.1 Coolup VBFB
  - 6.4.2 Dwellingup VBFB
  - 6.4.3 North Dandalup VBFB
  - 6.4.4 South Yunderup/Ravenswood VBFB

6.4.5 West Murray VBFB

**7 MOTIONS WITHOUT NOTICE FOR DISCUSSION AT THE NEXT MEETING**

**8 NEXT MEETING**

**9 CLOSE**