



Agenda

**Bush Fire Advisory
Committee Meeting**

Wednesday 26 May 2021

Bush Fire Advisory Committee – 26 May 2021
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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 26 May 2021, commencing at 6.30pm.

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 – 3 June 2020 - **Appendix 1**

COMMITTEE RECOMMENDATION:

That the minutes of the Bush Fire Advisory Committee meeting held on 3 June 2020 be confirmed as a true and correct record.

4. BUSINESS ARISING FROM THE PREVIOUS MEETING

Nil

5. BUSINESS ARISING

5.1 Election of Officers for the 2021/2022 Fire Season

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

Appendix 2 - VBFB - AGM Minutes 2021
Appendix 3 - Nomination for CBFCO

Recommendation

The Bush Fire Advisory Committee recommend to Council to appoint the following persons by delegated authority for the 2021/2022 Fire Season:

Chief Bush Fire Control Officer

Deputy Chief Bush Fire Control Officer

Fire Control Officers

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Fire Control Officers (Permit issuing only)

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Fire Weather Officer

Deputy Fire Weather Officer

Shire Training Coordinator/s

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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 Officers appointments at brigade level are determined by each brigade at their respective Annual General Meetings (AGM) and this supports the Council BFAC membership structure.

Each year at the BFAC meeting, nominations are received for appointment to the following positions.

- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer/s
- Fire Control Officers (Bush Fire Permit issuing only)
- 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 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 2021 AGM minutes that detail the appointments of Brigade Officers in each of the Volunteer Bush Fire Brigades, including Fire Control Officers and Permit Issuing Officers.

A written nomination, as detailed at **Appendix 3** has been received from Mr Robert Wilson for the position of Shire of Murray Chief Bush Fire Control Officer. At the time of preparing the report written nominations had not been received for the positions of Deputy Chief Bush Fire Control Officer, Shire Training Coordinator or Fire Weather Officer positions.

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 and any other brigade representative to be appointed as Fire Control Officer/s for permit issuing only.

All Shire Rangers, the Community Emergency Service Coordinator (CESC), the Bushfire Risk Planning Coordinator (BRPC), Manager Ranger and Emergency Services (MRES) 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. There is no need to appoint or amend the appointments of these officers.

Murray 2030 Strategic Community Plan

Focus Area	Places for People
Objective 1.1	Socially connected, safe and cohesive community
Strategy 1.1.6	Ensure the safety of our community.

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

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.

5.2 2021/2022 Firebreak Notice

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

Appendix 4

Recommendation

That Council

1. notes that the Shire of Murray Firebreak Notice adopted at the Ordinary Council Meeting on 25 June 2020 (OCM20/100) and published in the Government Gazette on 4 September 2020 remains in effect without amendment; and
2. supports the publication of the current firebreak notice, as necessary in accordance with the provisions of the *Bush Fires Act 1954*, before 30 September 2021.

In Brief

Acknowledge support for the current Shire of Murray Firebreak Notice, as already adopted ('Notice').

Background

The current Shire of Murray Firebreak Notice was significantly amended as part of a full review in 2020. The current document was supported by the Bush Fire Advisory Committee (**Committee**) at its meeting on 3 June 2020 and the Notice was subsequently adopted at the Ordinary Council Meeting on 25 June 2020.

The current Notice meets the immediate needs as it sets the minimum standards of fire prevention activities on land in the district to prevent the spread or extension of a bush fire. Capacity exist within the current Notice to deal with individual hazards or risk by the issue of Special Works Order, as considered necessary.

Report Detail

Given the recent comprehensive review, it is suggested that the Committee recommend to Council that current Shire of Murray Firebreak Notice continues without amendment.

Murray 2030 Strategic Community Plan

Focus Area	Places for People
Objective 1.1	Socially connected, safe and cohesive community
Strategy 1.1.6	Ensure the safety of our community.

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.

Sustainability Implications

Economic – (Financial impact to the community)

Nil

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

No amendments are suggested to the current Notice and this provides continuity and support landowner compliance.

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 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 varying land categories in the district to prevent the spread or extension of a bushfire, and the Notice prescribes additional abilities to manage greater risk by way of Special Works Orders. It is recommended that the Committee endorse the recommendation presented.

6. Reports – EXTERNAL AGENCIES

6.1 Chief Bush Fire Control Officer’s Report

6.2 Shire Training Officers Report

6.3 Community Emergency Services Co-ordinator Report

6.4 Bushfire Risk Planning Co-ordinators Report

6.5 DFES Representative Report

6.6 DBCA Representative Report

6.7 Volunteer Brigade Reports

6.7.1 Coolup VBFB

6.7.2 Dwellingup VBFB

A report was submitted, refer to **Appendix 5**.

6.7.3 North Dandalup VBFB

6.7.4 South Yunderup/Ravenswood VBFB

6.7.5 West Murray VBFB

7 MOTIONS WITHOUT NOTICE FOR DISCUSSION AT THE NEXT MEETING

8 NEXT MEETING

To be advised

9 CLOSE

There being no further business the Presiding Member declared the meeting closed the time being _____.