



AGENDA

Bush Fire Advisory Committee Meeting

22 May 2024 at 6.00pm



Notice of Meeting

Notice is hereby given that the Bush Fire Advisory Committee Meeting will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Wednesday, 22 May 2024 commencing at 6:00 PM.

A handwritten signature in black ink, appearing to read "D. Unsworth", is positioned above the name of the Chief Executive Officer.

**Dean Unsworth
Chief Executive Officer**

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- 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**
- 3 RECEIPT OF MINUTES OF MEETING**
- 3.1 Bush Fire Advisory Committee Meeting – 16 August 2023**

Recommendation

That the Minutes of the Bush Fire Advisory Committee Meeting held on Wednesday 16 August 2023 be recieved.

- 4 BUSINESS ARISING FROM THE PREVIOUS MEETING**

Nil.

5 BUSINESS ARISING

5.1 Nominations for Bush Fire Control Officers, Bush Fire Control Officers - Permit Issuing Only, Fire Weather Officers & Other Shire Officer Positions

File Ref:	D24/16147
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	John Kowal, Manager Ranger and Community Safety
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 5.1 Appendix 2a - Expression of Interest - CBFCO - Robert Wilson Item 5.1 Appendix 2b - Expression of Interest - CBFCO - Nicole Stevens Item 5.1 Appendix 3a - Expression of Interest - DCBFCO - Peter Thurkle Item 5.1 Appendix 3b - Expression of Interest - DCBCO - Justyn Bennett Item 5.1 Appendix 4a - Expression of Interest - Shire Training Coordinator - John Waite

Recommendation

That the Bush Fire Advisory Committee:

1. Invites all Voting Members to participate in an anonymous ballot, to recommend to Council either:
 - a) Mr. Robert Wilson: or
 - b) Ms. Nicole Stevensas the Shire of Murray Chief Bush Fire Control Officer.
2. Recommend to Council that Mr. Peter Thurkle and Ms. Justyn Bennett be appointed as joint Deputy Chief Bush Fire Control Officers.
3. Endorse the following persons be appointed to the position of Bush Fire Control Officer and to the position of Bush Fire Control Officers – Permit Issuing Only:

Bush Fire Control Officers

Douglas McLarty – Coolup VBFB

Anthony Cocivera – Dwellingup VBFB

Brendan Webster - North Dandalup VBFB

Jim Camplin – South Yunderup/Ravenswood VBFB

Justin Crotty – West Murray VBFB

Bush Fire Control Officers – Permit Issuing Only:

Chris Sattler – Coolup VBFB

Stuart Kirkham – Coolup VBFB

Lorraine Webster – North Dandalup VBFB

Graeme Baldwin – South Yunderup/Ravenswood VBFB

Andrew Taylor – West Murray VBFB

Kevin Jones – Pinjarra VFRS

Dave Turner – Dwellingup VBFB

4. Recommend that Mr John Waite be appointed as the Shire Training Coordinator.

5. Recommend the following positions be re-advertised amongst member brigades with nominations being referred to the CEO for consideration:

- **Fire Weather Officer**
- **Deputy Fire Weather Officer**

Process of voting for Chief Bush Fire Control Officer (CEO)

1. *Ballot papers will be provided to all persons that are eligible to vote at the meeting.*
2. *Both candidates will be provided up to ten (10) minutes to present and discuss their application in any format they wish.*
3. *Voting will be on a ballot paper that will then be placed anonymously in the box.*
4. *The Returning Officer will count the votes and declare the successful candidate.*
5. *In the event of a tie, another ballot will be undertaken.*
6. *If the second vote is still tied, the matter will be referred to Council for decision to select the Chief Bush Fire Control Officer at the June 2024 Council meeting.*

Bush Fire Advisory Committee Terms of Reference

Voting Members

External Representatives

- Pinjarra Volunteer Fire and Rescue - Captain

Shire Representatives

- Shire of Murray Councillor – (BFAC Chairperson)
- Shire of Murray – Manager Ranger and Community Safety
- Shire of Murray – Community Emergency Services Coordinator
- Shire of Murray – Chief Bush Fire Control Officer
- Bush Fire Control Officer – Coolup Volunteer Bush Fire Brigade
- Bush Fire Control Officer – West Murray Volunteer Bush Fire Brigade
- Bush Fire Control Officer – North Dandalup Volunteer Bush Fire Brigade
- Bush Fire Control Officer – South Yunderup Ravenswood Volunteer Bush Fire Brigade
- Bush Fire Control Officer – Dwellingup Volunteer Bush Fire Brigade

Ex-Officio Members (Non-Voting)

- Shire of Murray – Chief Executive Officer (or Delegate)
- Shire of Murray – Emergency Management Officer/Ranger Administration Officer
- Department of Fire and Emergency Services – District Officer
- Department of Parks and Wildlife Manager
- Shire of Murray – Deputy Chief Bush Fire Control Officer

In Brief

The Bush Fire Advisory Committee (BFAC) is to consider and recommend to Council the appointment of the following positions in accordance with the *Bush Fires Act 1954* (the Act):

- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer/s

- Bush Fire Control Officers
- Bush Fire Control Officers - Permit Issuing Only
- Fire Weather Officer and Deputy Fire Weather Officer; and
- Shire Training Coordinator.

Background

In accordance with the Shire of Murray Bush Fire Brigades Local Law 2024 (Local Law) and the Shire of Murray Bush Fire Brigades Standard Operating Procedures (SOP's), presented for decision is the appointment of the positions as stated above.

It should be noted that the nominations for Bush Fire Control Officers (FCO) and Bush Fire Control Officers - Permit Issuing Only are determined by each brigade at their respective Annual General Meetings (AGM) and this then also supports the Shire's BFAC membership structure.

Report Detail

In consideration of the role and the responsibilities of the CBFCO, there are several matters that need to be taken into consideration and these matters are further explained in the following sections.

Work Health & Safety Legislation

The *Work Health and Safety Act 2020* (WHS Act) came into effect on 31 March 2022 and with it came significant changes including the requirement that volunteers were considered as employees under the WHS Act. Due to these requirements the onus was placed on organisations such as local governments to ensure that volunteers were being provided the appropriate type and level of training and the Personal Protective Clothing and Equipment that was commensurate with their respective role and responsibilities. The introduction of these new requirements has changed the landscape when it comes to managing volunteers not only from the provision of the appropriate level of training, and provision of PPC/E, but also from the perspective that all organisations having the established structure, policies, procedures that also cover volunteers and the mechanisms for the reporting of any incidents, hazards or near misses. We are not saying that organisations who managed bushfire brigade volunteers did not have these things in place previously, however what can be said is that the introduction of the requirements via the WHS Act provided further emphasis for organisations to absolutely ensure that all requirements in accordance with the WHS Act had been established, all volunteers had been trained and had been made aware of WHS Act requirements as they pertain to bushfire brigade volunteers and these requirements are adhered to by all bushfire brigade volunteers.

The Changing Risk and Legislative Environment

Society is becoming more risk sensitive and litigious. In recent times, insurers who cover local government and other sectors have introduced a raft of changes including ensuring that local governments have undertaken a comprehensive and formal Risk Assessment process across all areas of their business and operations. Simply, this is done not only to identify what risks each local government may be exposed to, but also to provide solutions to mitigate risk based on the Risk Level i.e. Likelihood *verses* Consequence. There is also the requirement for each local government to continually review, update and report on their Corporate Risk Management Plans. This is seen as being a proactive management approach to reduce the risk exposure for local governments and is therefore seen as also reducing a local governments liability.

Bushfire poses significant exposure to associated risks for local governments, especially those local governments who are the Combat Agency for bushfires, meaning that they have the responsibility to prepare for, respond/manage and recover from bushfires within their local government districts.

From the information as provided in this report that summarises the vast array of responsibilities persons that are appointed by the Shire in accordance with the Act, the Shire has the ultimate

responsibility for bushfire brigades, bushfire volunteers and the management of bushfires and secondly these responsibilities lie with the CEO, the CBFCO and in the absence of the CBFCO, with the DCBFCO.

In recent times, local governments have appointed full-time staff to the roles of CBFCO with some local governments including the CBFCO's responsibility to the Community Emergency Services Manager. This move can be attributable to the significant responsibilities as summarised in this report that are additional to the traditional responsibilities in relation to just responding and managing bushfires. These include:

- Available to respond to fires 24/7/365;
- Available to be Incident Controller for up to Level 2 incidents and provide ongoing bushfire advice and support to organisation such as DFES and DBCA for incidents of Level 2 and above and on land under their jurisdiction;
- Delegate specific tasks to DCBFCO, BFCO or Brigades;
- Attend brigade training, meetings and other brigade events;
- Promote the AIIMS Incident Management system to BFCOs, Brigades and volunteer firefighters and ensure an Incident Controller is appointed for all Incident Levels (1-3);
- Encourage and ensure that bushfire brigade volunteers are undertaking the required level of formal and informal training at the brigade level commensurate with their role and responsibilities;
- Attend and contribute to local, district and state meetings, workshops and forums;
- Ensure compliance with the *Work Health and Safety Act 2020* and the Shire's Work Health and Safety Policy and Procedures including the reporting to the Shire's WSH Officer of any incidents, accidents, hazards and near misses. Promote hazard identification and risk management to minimise risk to volunteer fire fighters;
- Ensure the proper management and maintenance of brigade firefighting appliances, equipment and buildings, reporting any issues to the Shire;
- Ensure the proper recording by brigades of membership details and ensuring the provision of this information to the Shire;
- On an annual basis, ensure brigades provide the Shire with a list of all brigades' assets including all PPC/E;
- Ensure succession planning which is reflected within active recruitment efforts formally mentoring new Brigade members, ensuring a continuous interest is encouraged, with clear guidance on the training pathways available to ensure roles are filled with competent people, who are mentored into new roles;
- Promote community fire preparedness, prevention as a priority, to identify and reduce fire hazards;
- Demonstrate positive leadership and mentor DCBFCOs, BFCOs, Captains, Brigade Officers and Brigade members.

Local governments have become increasingly aware of the significant and increasing responsibilities that may be placed on the CBFCO role as undertaken by volunteers and the impact that this may have on their working, family and private lives together with their mental and physical welfare. Whereas, the appointment of staff members such as a manager or coordinator to the role can provide support from an entire department to assist in their role, including administrative support. In major emergency incidents support for the role may come from several departments to provide support for the various facets relating to the management of the major emergency incident.

This information is provided purely with the intention of illustrating the increasing risks and responsibilities of local government and the risk facing it and its Chief Executive Officer, Shire officers the CBFCO and volunteers.

Chief Bush Fire Control Officer

As per the SOP's, an Expression of Interest (EOI) process was undertaken and circulated to members of all brigades on the 17 April 2024 with a closing time and date of 4pm Monday 6 May 2024. Two EOI's were received for the CBFCO role and 2 EOI submissions were received, being Mr Robert Wilson and Ms Nicole Stevens. A copy of the EOI submissions are attached at **Appendix 2a and 2b**.

Upon review, it was considered that both submissions for CBFCO satisfied the requirements of the position description criteria as stipulated in the SOP's.

Deputy Chief Bush Fire Control Officer

Two nominations were received, being Mr Peter Thurkle and Ms Justyn Bennett. While Ms Bennett did not satisfy all the requirements, the statement by the applicant to ensure that the required formal training would be undertaken within first 12 months of the appointment and the applicants relevant fire management experience with Department of Biodiversity Conservation and Attractions was also taken into consideration. These submissions are attached at **Appendix 3a and 3b**.

The recommendation to appointment two DCBFCO's is proposed to meet the Shire's succession planning goals and mirrors many other local government bushfire management structures. However, if the Committee wish to appoint only one DCBFCO, an anonymous vote will be conducted as per the process being used to select the CBFCO.

Bush Fire Control Officers & Bush Fire Control Officers – Permit Issuing Only

These nominations are direct from each member Brigade.

Fire Weather Officer, Deputy Fire Weather Officer & Shire Training Coordinator

One nomination was received via email from Mr John Waite the current brigade Training Officer with the West Murray brigade. A copy of the email is attached at **Appendix 4a**.

No nominations were received for the positions of Fire Weather Officer and Deputy Fire Weather Officer.; therefore, it is recommended that these positions be re-advertised and that a decision be made by the Chief Executive Officer as per delegated authority.

Council Plan

Focus Area	Planet
Outcome 6	A resilient community equipped to respond to natural disasters and other emergencies.
Objectives 6.1	Minimise risks and impacts from fires, floods and other natural disasters.

Other Strategic Links

Nil.

Statutory Environment

Bush Fire's Act (1954)

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 all positions 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) states that a 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 under 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 Act.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	As detailed within this report.

Consultation

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

All Brigades were 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.
3. Reject the recommendation and determine an alternate position.

Conclusion

The Committee recommendations are to be presented to Council to formally appoint the persons recommended by this Committee.

6 REPORTS – EXTERNAL AGENCIES

6.1 Chief Bush Fire Control Officer

File Ref: D24/16338
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The Chief Bush Fire Control Officer's report will be tabled at the meeting.

6.2 Shire Training Coordinator

File Ref: D24/16339
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The Shire Training Coordinator's report will be tabled at the meeting.

6.3 Community Emergency Services Coordinator

File Ref: D24/16340
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The Community Emergency Services Coordinator's report will be tabled at the meeting.

6.4 Manager Ranger and Community Safety

File Ref: D24/16343
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The Manager Ranger and Community Safety's report will be tabled at the meeting.

6.5 DFES Representative

File Ref: D24/16344
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The DFES Representative's report will be tabled at the meeting.

6.6 DBCA Representative

File Ref: D24/16345
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The DBCA Representative's report will be tabled at the meeting.

7 VOLUNTEER BRIGADE REPORTS

7.1 Coolup VBFB

File Ref: D24/16346
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The Coolup VBFB report will be tabled at the meeting.

7.2 Dwellingup VBFB

File Ref: D24/16347
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The Dwellingup VBFB report will be tabled at the meeting.

7.3 North Dandalup VBFB

File Ref: D24/16349
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The North Dandalup VBFB report will be tabled at the meeting.

7.4 South Yunderup / Ravenswood VBFB

File Ref: D24/16350
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The South Yunderup / Ravenswood VBFB report will be tabled at the meeting.

7.5 West Murray VBFB

File Ref: D24/16351
Author and Title: John Kowal, Manager Ranger and Community Safety
Appendices: Nil.

In Brief

The West Murray VBFB report will be tabled at the meeting.

- 8 MOTIONS WITHOUT NOTICE FOR DISCUSSION AT THE NEXT MEETING**
- 9 NEXT MEETING**
- 10 CLOSURE OF MEETING**