

SHIRE OF HARVEY

BUSH FIRE ADVISORY COMMITTEE MEETING

**MINUTES OF THE MEETING OF BUSH FIRE ADVISORY COMMITTEE HELD ON,
MONDAY, 4TH JULY 2016 IN THE COUNCIL CHAMBER, YOUNG STREET,
HARVEY, COMMENCING AT 7:00P.M.**

ATTENDANCE

Chairman/Chief Bush Fire Control Officer	Mr. P. Penny
Council Delegate	Cr. K. Wood
Deputy Chief Fire Control Officer (South)	Mr. M. Papalia
Delegates – Binningup	Mr. D. Pryce
Cookernup	Mr. D. Everington
Harvey Hills	Mr. G. Van Burger
Leschenault	Mr. M. Papalia
Myalup	Mr. D. Swadling
Yarloop	Mr. D. Wilson
Shire Training Coordinator	Vacant
Executive Manager of Corporate Services	Mr. S. Collie
Administrator Law & Safety Services	Mr. T. Francis
Community Emergency Services Coordinator	Mr. M. Carter
Department of Parks and Wildlife (DPAW)	Mr. D. Harvey

OBSERVER

Uduc Volunteer Bush Fire Brigade Mr. G. Morgan

Note: Only the eight (8) Brigade Delegates have the right to vote. The Chairperson has a casting vote should there be a tied vote only.

1. OPENING AND WELCOME

The Presiding Member opened the meeting at 7.00p.m.

2. APOLOGIES

Mr. V. Byrd	Deputy Chief Fire Control Officer (North)
Mr. W. Fenn	Roelands Delegate
Mr. T. Vass	Uduc Delegate
Mr. R. Bradshaw	Department of Fire and Emergency Services
Mr. K. Hulls	Department of Parks and Wildlife

3. PUBLIC QUESTION TIME

Nil.

4. DECLARATION OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

Nil.

SIGNED _____ DATED 19th September 2016

5. CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Bush Fire Advisory Committee meeting held on Monday, 23rd May 2016, are attached hereto.

ATTACHMENT

Recommendation

That the Minutes of the meeting held on Monday, 23rd May 2016, as attached, be confirmed.

BFA-16/040. **Papalia/Everington**

“That the Officer’s Recommendation be adopted.”

CARRIED 6-0

6. REPORTS**ITEM 6.1 – CHIEF BUSH FIRE CONTROL OFFICER**

Nil

ITEM 6.2 – SHIRE TRAINING COORDINATOR

Nil

ITEM 6.3 – DEPARTMENT OF FIRE AND EMERGENCY SERVICES

Nil

ITEM 6.4 – DEPARTMENT OF PARKS AND WILDLIFE

Mr. Harvey from the Department of Parks and Wildlife presented his verbal report to the Committee. The following was noted:

- Pine plantation burns are being done when possible (weather conditions) due to the January bush fire;
- Under pine burning is to commence in August. Minor work is to be done due to January bush fire; and
- Interim bush fire burning plans for the future are a work in progress.

BFA-16/041. **Swadling/Everington**

“That the Department of Parks and Wildlife’s verbal report be received and adopted.”

CARRIED 6-0

7. GENERAL BUSINESS**Item No. 7.1**

Subject:	Policy Manual Review – Bush Fires
Proponent:	Bush Fire Advisory Committee
Location:	Shire of Harvey
Reporting Officer:	Executive Manager Corporate Services
File No.:	PLO001

Summary

This report recommends the two policies not updated at the 23rd May 2016, Bush Fire Advisory Committee (BFAC) meeting, which were requested to be dealt with at the 4th July 2016, BFAC Meeting, being Policy 16.2 “Banning of Cooking and Campfire Within the Shire of Harvey” and Policy 16.7 “Bush Fire – Roadside Burning” be adopted by Council.

Background

As part of the ongoing review of Council Policies the Bush Fires section of the Policy Manual has been substantially updated as it is required to be from time to time. The detail of the two remaining policies and the reasons for their recommended updating is explained below.

Comment**Policy 16.2 Banning of Cooking and Campfires within the Shire of Harvey:**

The current policy is ***Attachment 1*** with the proposed new policy being ***Attachment 2***.

The reasons for the proposal to update this policy are as follows:

- The current list of authorised places is out of date with some not being under Council jurisdiction. Additionally because a place is included on this list does not mean that it automatically is a place where open fires can be lit during the Restricted or Prohibited Burning period.
- There does not need to be a list of places in this policy at all. A place would be considered on its merit by way of an application.
- Without this policy in place the same outcome applies per Section 25 (1) of the Bush Fires Act 1954.
- The new Policy adopts the preferred Policy format.
- In the practical application of this Policy it is highly unlikely that any approval for an open fire would be given during the Prohibited Burning Period. As per paragraph 2 under the heading of “Objective” any approval given for an open fire during the Restricted Burning period is subject to the issue of a permit by the relevant Fire Control officer.
- Delegation 1.1.11 is in place relevant to this Policy.

Policy 16.7 Bush Fire – Roadside Burning:

The current policy is **Attachment 3** with the proposed new policy being **Attachment 4**.

The reasons for the proposal to update this policy are as follows:

- The current Policy has outdated terminology (Shire Engineer).
- The updated policy recognises that Road Reserves are the responsibility of the local government and the form of a “permit” would be an approval letter and have no reference to a Bushfire “permit” issued for burning under the Bush Fires Act 1954. The burning of Road verges would be primarily undertaken outside of the Restricted and Prohibited Burning period and would not be the subject of a normal Bushfire permit.
- The inclusion of an extra sentence in clause “d” which stipulates the Fire Control Officer for the area is to be advised before any burning is to occur.
- The new Policy adopts the preferred Policy format.

Statutory/Policy Environment

Bush Fires Act 1954.

The remaining two policies in the “*Bush Fires*” section of Council’s Policy Manual are recommended to be updated.

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 – 2023, Strategy 4.2.2 states:

“Maintain, review and ensure relevance of Council’s policies and local laws.”

Risk Management

The Risk Theme Profile identified as part of this report is **Document Management Processes** and the Consequences are Property and Environment. The controls in place have determined that the Risk Rating for this matter is “Moderate” and the likelihood “Rare” resulting in a LOW risk being present.

Budget Implications

Nil

Officer’s Recommendation

That Council updates the following Bush Fires Policies as per **Attachment 2** and **Attachment 4** of this report.

BFA-16/042. **Wilson/Everington**
“That the Officer’s Recommendation be adopted.”

CARRIED 6-0

SIGNED _____ DATED 19th September 2016

Item No. 7.2	
Subject:	Appointment of Shire of Harvey Training Coordinator
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Administrator Law and Safety Services
File No.:	PLO001

Summary

The Shire's Training Coordinator's position became vacant on the 30th June 2016.

Comment

At the Bush Fire Advisory Committee meeting held on the 23rd May 2016, a resolution was passed that the Bush Fire Brigades be contacted for any nominations for this position. Should there be no nominations then the position will be advertised via print media.

As at 24th June 2016, no nominations have been received.

Statutory/Policy Environment

Bush Fires Act 1954, Section 38(1) – Power to appoint officers and determine seniority.

Bush Fire Brigades Local Laws Clause 3.14 relates to the appointment of this position.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 4.2.2 states:

“Maintain, review and ensure relevance of Council's policies and local laws.”

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Safety and Security Practices***. The Consequences is assessed as “Health” with a rating of 4 Major, if Council was to accept an untrained or unqualified person for a responsible Bush Fire position. The likelihood of this is 1, Rare, resulting in a low risk being present.

Budget Implications

Nil

Officer's Recommendation

That Council note that no nominations for the position of Bush Fire Training Coordinator have been received and that consideration of applicants as a result of advertising occur at the conclusion of that process.

BFA-16/043. **Everington/Papalia**
“That the Officer's Recommendation be adopted.”

CARRIED 6-0

SIGNED _____ DATED 19th September 2016

Item No. 7.3	
Subject:	Appointment of Volunteer Bush Fire Brigade Fire Control Officers
Proponent:	Shire of Harvey
Location:	Various
Reporting Officer:	Administrator Law and Safety Services
File No:	RS1006

Summary

Council is required in accordance with the Bush Fires Act 1954, and its Bush Fire Brigades Local Law to appoint nominated Fire Control Officers (FCO).

Background

At the Bush Fire Advisory Committee meeting held on the 23rd May 2016, the following resolution was passed in respect of this matter –

“As there were no nominations received, this matter be referred back to the Brigades to submit their nominated person for the role of Fire Control Officer with the nominees being then considered at the next Bush Fire Advisory Committee Meeting to be held on 4th July 2016.”

The following is a schedule of current appointments:

- M. Papalia Leschenault
- P. Simpson Leschenault
- M. Adams Binningup
- D. Swadling Myalup
- P. Penny Yarloop West
- D. Wilson Yarloop
- K. Prowse Uduc
- R. George Roelands/Olive Hills
- V. Byrd Harvey Hills
- Council Rangers Harvey and Australind Town
- M. Hooper Cookernup
- V. Byrd Benger

Comment

The following nominations have been received from Brigades:

- Leschenault
- Leschenault
- M. Adams Binningup
- D. Swadling Myalup
- Yarloop West
- Yarloop
- K. Prowse Uduc
- R. George Roelands/Olive Hills
- V. Byrd Harvey Hills
- Council Rangers Harvey/Australind Townsites
- Cookernup
- V. Byrd Benger

It is again recommended that Council Rangers be appointed for both the Harvey and Australind towns.

Nominations can only be accepted if the nominee is suitably qualified and trained to hold that position per Council's Bush Fire Policy 16.17.

Statutory/Policy Environment

Bush Fires Act 1954, Section 38 (1) – power to appoint Fire Control Officers.

Bush Fire Brigades Local Laws, Clause 3.14 relates to the appointment of these positions.

Strategic Framework

Within the Shire's Strategic Community Plan 2013-2023, Strategy 4.3.4 states:

"Monitor and ensure compliance with the regulatory framework for local government business."

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Safety and Security Practices***. The Consequence is assessed as "Health" with a rating of 4, Major, if Council was to accept an untrained or unqualified person for a responsible Bush Fire position. The Likelihood of this is 1, Rare, resulting in a LOW risk being present.

Budget Implications

Nil

Officer's Recommendation

That Council appoints the following persons as Fire Control Officers for the 2016/2017 season:

- Leschenault
- Leschenault
- M. Adams Binningup
- D. Swadling Myalup
- Yarloop West
- Yarloop
- K. Prowse Uduc
- R. George Olive Hills
- V. Byrd Harvey Hills
- Council Rangers Harvey/Australind Towns
- Cookernup
- V. Byrd Benger

BFA-16/044. **Everington/Wilson**
“That Council appoints the following persons as Fire Control Officers for the 2016/2017 season:

- **P. Simpson** **Leschenault**
- **M. Papalia** **Leschenault**
- **M. Adams** **Binningup**
- **D. Swadling** **Myalup**
- **P. Penny** **Yarloop West**
- **D. Wilson** **Yarloop**
- **K. Prowse** **Uduc**
- **R. George** **Olive Hills**
- **V. Byrd** **Harvey Hills**
- **Council Rangers** **Harvey/Australind Towns**
- **M. Hooper** **Cookernup**
- **V. Byrd** **Benger.”**

CARRIED 6-0

Item No. 7.4	
Subject:	Local Law Review – Bush Fires
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Executive Manager Corporate Services
File No.:	PLO001

Summary

Council is presently undertaking a statutory eight (8) year review of all of its Local Laws. The Bush Fire Brigades Local Law 2001 is one of these Local Laws and comments were sought from brigades prior to 17th June 2016, if there were any suggested changes.

Comment

The Uduc Brigade has sought a change to the Bush Fires Brigades Local Law primarily to streamline their financial processes and have them more in keeping with modern financial activity. Refer ***Attachment 5***.

Essentially the brigade is seeking that the Local Law be altered to allow for electronic transfers in place of the current restrictive cheque only clause. This change if agreed to will only apply to funds that are held by brigades and not ESL payments which are dealt with through the Shire.

There appears no reason to object to this change and wording has been used from another local government which has already introduced a similar change.

The current wording is:

“7.4 Banking

- (1) The funds of the bush fire brigade are to be placed in a bank account and are to be drawn on only by cheques signed jointly by any 2 of the Captain, Secretary or Treasurer.*

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- (2) *If the Secretary/Treasurer is a combined position, the Captain and Secretary/Treasurer are to sign the cheques referred to in subclause (1)."*

The proposed wording would be changed to read similar to that below:

"7.4 Banking

- (1) *The brigade must have three (3) Committee Members to act as signatories for the brigade accounts each Financial Year.*
- (2) *A minimum of two (2) signatures is required on any brigade account cheque or bank transaction form."*

The specific wording does not need to be confirmed at this point as this will occur when Council formally amends the Local Law. The current review identifies the intent and the recommendation to this report reflects this.

Statutory/Policy Environment

The Local Government Act 1995 Section 3.16 (2) sets out the Statutory Local Laws review process. The Bush Fires Act 1954 is a key reference point in the application of the Local Law. The Local Law relating to Bush Fire Brigades 2001 is the principal statutory document being reviewed.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 4.2.2 states:

"Maintain, review and ensure relevance of Council's policies and local laws."

Risk Management

The Risk Theme Profile identified as part of this report is **Document Management Processes** and the Consequences are Property and Environment. The controls in place have determined that the Risk Rating for this matter is "Moderate" and the Likelihood "Rare" resulting in a LOW risk being present.

Budget Implications

Nil

Officer's Recommendation

That Council notes the request from the Uduc Brigade seeking to streamline and modernise the Bush Fire Brigades Local Law 2001 in respect of financial processes and that this request be included when the Local Law is reviewed by Council.

BFA-16/045. **Papalia/Wilson**
"That the Officer's Recommendation be adopted."

CARRIED 6-0

Item No. 7.5	
Subject:	Community Emergency Services Coordinator - Appointment as Fire Control Officer
Proponent:	Shire of Harvey
Location:	Various
Reporting Officer:	Administrator Law and Safety Services
File No:	RS1006

Summary

The Community Emergency Management Coordinator Mr. Michael (Mike) Carter commenced with the Shire in October 2015. This report recommends that Mr. Carter be appointed as a Fire Control Officer for the Shire of Harvey in accordance with the Memorandum of Understanding in place between DFES and the Shire of Harvey.

Background

This position is jointly funded by Council and the Department Fire and Emergency Services (DFES) and Mr. Carter is suitably trained to hold the position of a Fire Control Officer. At the 24th May 2016, Bush Fire Advisory Committee Meeting the following resolution was passed in relation to this matter-

*"BFA-16/038. Papalia/Pryce
"That Mr. Ross Bradshaw, Department of Fire and Emergency Services, investigate further the requirement for Mr. Michael Carter to be appointed as a Fire Control Officer as part of his role as a Community Emergency Services Coordinator.""*

The Committee wanted to ensure the separation of duties between the Community Emergency Services Coordinator and Fire Control Officers. This clarification was subsequently sought from the Department of Fire and Emergency Services and the following tasks have been specifically identified where the Community Emergency Services Coordinator would be required to perform functions that require a Fire Control Officer appointment –

- Enter a property post fire to investigate and determine fire cause or make recommendations on follow up actions.
- As an authorised person take control of a fire during the authorised period (as occurred with the Myalup fire in February).
- To enter land, pull down, cut or remove fences on Private Property, other land or building, to examine land being lit, firebreaks, hazards and causes of a fire.
- Ask person to extinguish fire lit unlawfully, or accidentally.

Comment

It is stressed that there is no intention to have the Community Emergency Services Coordinator undertake activities such as the issuing of permits to burn or any other functions that would be normally undertaken by area Fire Control Officers.

The Memorandum of Understanding (MOU) in place between DFES and the Shire of Harvey states that *"The Shire will appoint the officer as a Fire Control Officer in accordance with Section 38 of the Bush Fires Act"*

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Statutory/Policy Environment

Bush Fires Act 1954, Section 38(1), states that a Local Government may from time to time appoint such persons as it thinks necessary to be its Bush Fire Control Officers.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 4.3.4 states:

“Monitor and ensure compliance with regulatory for Local Government business.”

Risk Management

The Risk Theme Profile identified as part of this report is ***Ineffective Employment Practices*** and the Consequences are Property and Environment. The Risk Rating for this matter is considered “Moderate” and the Likelihood “Unlikely” resulting in a LOW risk being present.

Budget Implication

Nil

Officer's Recommendation

That Council appoints Mr. Michael Carter as a Fire Control Officer for the Shire of Harvey.

BFA-16/046. **Everington/Wilson**

“That Council appoints Mr. M. Carter as a Fire Control Officer for the Shire of Harvey with the understanding that Fire Permits are not to be issued unless made in consultation with the Local Fire Control Officer.”

CARRIED 6-0

The reason for this change in Officer's Recommendation was that Local Fire Control Officers need to be aware of what is occurring in their respective areas within the Shire.

8. NEXT MEETING

The next meeting of the Bush Fire Advisory Committee is to be held on Monday, 19th September 2016, commencing at 7.00 p.m.

9. CLOSURE

There being no further business to discuss, the meeting was declared closed at 7.35p.m.