



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Agenda

Bush Fire Advisory Committee

07 March 2023

NOTICE PAPER

Bush Fire Advisory Committee Meeting

07 March 2023

Committee Members

I inform you that a Bush Fire Advisory Committee meeting will be held in the Council Chambers, located at 395 Fitzgerald Street, Northam on 07 March 2023 at 5:30pm.

Yours faithfully



Jason Whiteaker
Chief Executive Officer

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This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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1. DECLARATION OF OPENING

2. ACKNOWLEDGEMENT TO COUNTRY

The Shire of Northam would like to acknowledge the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and pay our respects to Elders, past, present and emerging.

3. ATTENDANCE

Voting Committee:

Councillor – Shire of Northam	Maria Girak
Chief Bush Fire Control Officer	Chris Marris
Deputy Bush Fire Control Officer	Simon Peters
Inkpen Bush Fire Brigade	Nic Dewar
Clackline Muresk Bush Fire Brigade	Blair Wilding
Bakers Hill Bush Fire Brigade	Kris Brown
Grass Valley Bush Fire Brigade	Mark Littlefair
Irishtown Bush Fire Brigade	Rob Herzer
Jennapullin Bush Fire Brigade	Aaron Smith
Southern Brook Bush Fire Brigade	Paul Antonio
Wundowie Bush Fire Brigade	Mathew Macqueen
Northam Central Bush Fire Brigade	Kim Hampton
Wundowie Volunteer Fire and Rescue Service	Tristan Davey
Northam Volunteer Fire and Rescue Service	Greg Montgomery

Non-Voting:

Community Emergency Services Manager	Alex Espey
District Officer Northam	Drew Graham
Department of Parks and Wildlife (Wheatbelt)	Graeme Keals
Department of Parks and Wildlife (Perth Hills)	Michael Pasotti

Staff:

Chief Executive Officer	Jason Whiteaker
Acting Executive Manager Development Services	Jacky Jurmann
Acting Governance Coordinator	Alysha McCall

3.1 APOLOGIES

Nil.

3.2 APPROVED LEAVE OF ABSENCE

Nil.

3.3 ABSENT

Nil.

4. DISCLOSURE OF INTERESTS

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

As defined in section 5.60A of the Local Government Act 1995, a **financial interest** occurs where a Councillor / Committee Member, or a person with whom the Councillor / Committee Member is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

As defined in section 5.61 of the Local Government Act 1995, an **indirect financial interest** includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

As defined in section 5.60B of the Local Government Act 1995, a person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

As defined in 34C of the Local Government (Administration) Regulations 1996, an **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Item Name	Item No.	Name	Type of Interest	Nature of Interest

5. CONFIRMATION OF MINUTES

5.1 COMMITTEE MEETING HELD ON 06 DECEMBER 2022

RECOMMENDATION

That the minutes of the Bush Fire Advisory meeting held on 06 December 2022 be confirmed as a true and correct record of that meeting.

6. OFFICER REPORTS

6.1 COMMUNITY EMERGENCY SERVICES MANAGER REPORT

File Reference:	5.1.3.1
Reporting Officer:	Alex Espey, Community Emergency Services Manager
Responsible Officer:	Jacky Jurmann, Acting Executive Manager Development Services
Officer Declaration of Interest:	Nil.
Voting Requirement:	Simple Majority
Press release to be issued:	No

BRIEF

For the Committee to receive and note the update provided by the Community Emergency Services Manager.

ATTACHMENTS

- Attachment 1: Open BFAC Decisions
- Attachment 2: WHS / PPE Table
- Attachment 3: DFES General Circulars & Local Laws Information
- Attachment 4: DFES PAFTAC

A. BACKGROUND / DETAILS

This report is to provide the Committee an update on the current issues and actions of the Officer.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

- Performance Area: Planet
- Outcome: A resilient community
- Objective: Build community resilience to cope with natural disasters and emergencies, including pandemics, storms, flooding and fire.
- Priority Action: Provide up to date Local Emergency Management Arrangements, including directory of emergency services.

B.2 Financial / Resource Implications

Nil.

B.3 Legislative Compliance

Nil.

B.4 Policy Implications

Nil.

B.5 Stake Holder Engagement / Consultation

Nil.

B.6 Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service Interruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A

B.7 Natural Environment Considerations

N/A

C. OFFICER'S COMMENT

Appreciation is expressed to the brigades, specifically the senior personnel for the support he has received since coming into the role in late November.

While it has been a mild season thus far, BFAC are reminded that we are only speculatively halfway through the high threat period with current indications showing an extended hot and dry period to the region requiring ongoing vigilance.

The following is a summary of the main issues that are currently being addressing:

BART

Brigade Captains and Secretaries will have a greater level of control over their individual systems, giving them the ability to on and off board personnel as their discretion. This approach is consistent with most other BGU's in the state however is not mandatory. If a brigade would prefer that the CESM position



continue to maintain their BART lists, then this also available to them as is tuition and development. Action required: No action required.

CBFCO/DCBFCO visibility of BART

If desired visibility of all BART communications is available to the Chief and two deputies. This access should only be removed at their request or council. Action required: No action required.

Online PPE/PPC Ordering

A review was undertaken of the existing ordering systems in which bottlenecks and delays in service were apparent. To eliminate this and to provide a more streamlined and robust system, two online ordering systems have been developed exclusively to PPE and PPC. Action required: No action required.

Terms of Reference

Previous BFAC meetings have advised that the Terms of Reference would be provided to provide clarity. It is also worth noting that these are currently being reviewed to potentially include the calling of agenda items, and the distribution of the agenda prior to the meeting being held. Action required: No action required.

Fire Danger Rating Signs

After an extensive search the FDR signs have been located. The Shire received 6 analogue signs to replace the pre-existing signs that were in place. On discovery the Shire undertook investigations into

1. The most ideal location for installation of the existing signs.
2. The cost of replacing the signs with digital versions.
3. The process upgrading to digital signs.
4. Who will update the signs "consistently".
5. There has been a budget allocation of <20k for 1 x digital sign. Advice from manufacturers indicate a lead time of up 2 years for manufacture and delivery.

Action required: Decision made on:

1. Analogue Sign Locations.
2. Process for updating signs.

Community Messaging

Review has been undertaken to eliminate the single point of failure that exists in the broadcasting of messaging through the TIMS system. Two additional shire staff have been trained in the use of TIMS and a roster system developed for after hours and weekends to be executed for the next HTP. Action required: No action required.

Inkpen Shed Extensions

Significant delays in correspondence in relation to the Inkpen shed extensions due to a variety of issues surrounding the application, and a differential in

approved funding to required funding. Tentative approval has now been received and works ready to be undertaken. Action required: No action required.

Irishtown Shed Extensions

Meeting had with the Captain and the Shire in relation to needs/wants in relation to an extension.

A request for quote has now been sent out in preparation for this year's LGGs submission. Action required: No action required.

Turnout Messaging

It is critically important to the situational awareness of responding crews that brigades/FCO's notify COMCEN via Radio at the earliest opportunity. This is an important safety function to both arriving crews, but also turning out crews. Where possible refrain from communicating fireground information via mobile phone. At the earliest opportunity we can then transfer all responding personnel to the Northam COMMS Plan. Action required: No action required.

PAFTAC

The DFES regional office would like to remind and encourage all personnel of the importance of a timely PAFTAC ideally provided within 15 minutes of arrival. See attached AIDE MEMOIRE for guidance. Action required: No action required.

CESM/BRMC

To provide greater availability to both volunteers and community members and superior interpersonal service delivery the CESM and BRMC have relocated to the Northam Emergency Service Complex from the Shire Office. NB: The CESM operates out of the DFES Regional Office on Thursdays and the BRMC is shared among the Shires of Northam, Quairading and Kellerberrin. Action required: No action required.

Standpipes and Tanks

- Grass Valley: Grass Valley is currently still out of action. It was scheduled for concluded repair by 17 February.
- Tritty Road: Work order has been put in for repair since being damaged on the 18 February.
- Inkpen Station Tank: Work order put through to maintenance to carry out a review of the intertank plumbing. Work order put in with works to fill the tank. *Complete*
- Habgood Road Tank: Requires filling. - *Complete*

Action required: No action required.

FCO Pax Folders

The CESM has provided them to the meeting. If you take one, please tick off your name. Action required: No action required.

Online Dashboard

An online operations system has been developed for appliances with tablets which are an expansion on the PAX folders idea. This system has varying degrees of accessibility dependent on rank etc, however many systems are open to all members. This is a tablet specific system and while it does work on a phone it is not designed for phones. Action required: No action required.

Rural Fire Awareness

This course is now available online through the volunteer hub. See attached circular. Action required: No action required.

LGGS

Requests for minor and major capital requests were made of all brigades on the 10th of February. At the time of writing **NO** submissions have been made from any brigade. The application process has commenced with submission expected to be made mid-March so any requests should be made before this time. Action required: Captains to provide requirements to CESM by 28 February.

Streamlining of Systems

Work has commenced at providing a more streamlined approach to brigade support systems, specifically in relation to equipment and resupply, giving captains and FCO's greater levels of autonomy and internal control. Action required: No action required.

Bushfire Brigade Local Laws

Refer to attached correspondence from DFES in relation to the local governments requirement for established local laws. Early investigations appear that this does not relate to the Shire of Northam however this is subject to change. Action required: No action required.

Agenda Items

BFAC Members are reminded that all agenda items for this Committee are required to be submitted at least 2 weeks prior to the date of the upcoming meeting to ensure they are included in the agenda.

RECOMMENDATION

That Council note the Community Emergency Services Manager Report as provided.

Attachment 1 – Open BFAC Decisions

Decision Date	Motion No.	Item No	Subject	Motion	Action By	Comments
21/12/22	C.4624	12.3	BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON 06 DECEMBER 2022	<p>That Council:</p> <ol style="list-style-type: none"> 1. Accepts the minutes of the Bush Fire Advisory Committee meeting held on 13 September 2022 be confirmed as a true and correct record of that meeting. 2. Note the Community Emergency Services Manager Report as provided. 3. Appoint Greg Montgomery as a Fire Control Officer for the 2022/2023 season in accordance with the criteria in section 5 of the Shire of Northam Bush Fire Manual. 4. Note the Chief Bush Fire Control Officer Report as provided. 5. impose a Harvest, Vehicle Movement and Hot Works Ban for the following Public Holidays: <p>Saturday 24 December 2022 (Christmas Eve) From 12 noon to midnight. Sunday 25 December 2022 (Christmas) Full day Monday 26 December 2022 (Boxing Day) Full day Sunday 01 January 2023 (New Year's Day) Full day Thursday 26 January 2023 (Australia Day)</p>	Alex Espey	13/02/2023 3. OUTSTANDING 6 & 7. ROLLOVER TO NEXT BFAC 10. HAS NOT MET MINIMUM TRAINING REQUIREMENTS TO DATE. All other items complete.

				<p>Full day</p> <p>6. Request the Chief Executive Officer to provide a fire mitigation update through a standing agenda item to each Bush Fire Advisory Committee Meeting, and that brigades are consulted and engaged with on fire mitigation within their districts.</p> <p>7. Request the Chief Executive Officer to provide the Bush Fire Advisory Committee with a detailed update on the specific WHS action items identified in attachment 3 (PPE / PPC – Fire Fighters) and attachment 4 (training) as approved at the December 2021 BFAC.</p> <p>8. Reconfirms the pivotal importance of private firefighting response to the Shire's ability to respond to bush fire incidents within the Shire of Northam and take steps to continue to support this firefighting resource.</p> <p>9. Acknowledge the impact of decisions made around policies, training etc, in regard to these private response, particularly when made with limited lead time and during the fire season.</p> <p>10. Appoint Sim Kuiper as a Harvest Ban Weather Officer for the 2022/2023 bush fire season, subject to training or RCC being undertaken.</p>		
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Attachment 2 – WHS Actions

	Farmer Response					Comment	STATUS
	Identified Risk	Current mitigation acceptable	Future Actions Required	Timeframe			
1	Incorrect Uniform/PPE	Nil	Marketing to encourage farmers to have PPE in their vehicles in case of Fire emergency	Dec-21	Information provided when response stickers are provided to farm response	Published on social media 24/10/2022 & republished 26/10/2022	
					2- Educate via social media – apply for sticker, with information provided – August, weekly campaign	Published on social media 24/10/2022 & republished 26/10/2022	
2			Each Fire appliance to be provided with 1 spare sets of PPE.	Aug-22	(CESM) to request by Aug 1 st , Captains to inspect and report by end of August.	Completed	
3	Lack of Organisation / Education	Nil	Provide Rural Fire Safety course	Oct-22	2 courses for September – awaiting confirmation	1. no longer able to deliver to external recipients (DFES Advice), only registered volunteers, this course is obsolete for registered volunteers as BSA & FFS is minimum training required to attend fire ground. Potential for RFA for Jennapullin as farm response however not required at this stage due to high compliance level.	This is now available online to "registered" members.
4			Promote use of CB/UHF 5	Dec-21	Refer point 1 ,	Published on social media 24/10/2022 & republished 26/10/2022	
5	No effective coordination on the fireground		SC or IC actively record Private Units		Leadership team – refresher for SOP s part of pre season meeting prior Oct 31 st	Letter to FCO's sent 17/10, reinforced FCO meeting 20/10	This was reiterated at FCO Meeting held 21 February.
					Post reminder on intranet July-Oct	Not actioned as intranet not widely used	
6			Sectorise Fires Early		Post reminder on intranet Jul-Oct	Was discussed at FCO meeting 20/10/2022	
7	Poor quality of farmer units		Provide a preseason one-off event for free farmer unit checks	Oct-22	1. hold event Sep/Oct to provide operating private vehicles on fireground document with rural fire awareness course	NOT progressed - members to self certify against standards in "Operate Private Vehicles on Fire Ground" publication, as part of response sticker application. Social media published week fo 24/10/2022	Process to be reviewed pre 23HTP

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8	Lack of young farmer members of brigades		Marketing campaign to promote young farmers/people join volunteer brigades	February 2022 – October 2022	<ol style="list-style-type: none"> Commenced April 22, Specific social media campaign, paid adverts Sep—Dec Tap into DFES regional campaign with local focus 	<p>Social media promotion of current members commenced second 1/4 2022</p> <p>Social media promotion of current members commenced second 1/4 2023</p>			
9			Investigate potential incentives for volunteers	Jun-22	Staff investigating viable opportunities, report Oct	No action to date			
Fire Stations, Appliances and Equipment									
	Mitigation Action	Current Status	Future Actions Required	Timeframe					
10	Undertake monthly workplace inspection	Nothing in Place	Brigades to undertake monthly workplace inspection during Fire Season.	Jan-22	<ol style="list-style-type: none"> All brigades provided with facility inspection form via intranet - Feb 22 - send again July 2022 Post message on intranet reminding to submit to records email for recording. Provide brigade reports to SON OSH committee and BFAC 	<ol style="list-style-type: none"> Complete, hard copies delivered to stations Not actioned as intranet not widely used Commencing November meeting 	Developing a smart phone version via		
11			Pre-season Safety inspection undertaken by Shire of Northam Safety Officer	Oct-22	<ol style="list-style-type: none"> Inspection undertake on all facilities in June by CESH OPS command meeting to discuss outcomes of inspection with remedial works 	Completed			
12	Improved manual handling	Nil	Provide manual handling training to volunteers	July – September 2022	<ol style="list-style-type: none"> Speak to LGGS team re funding Manual handling for firefighters – refresher on core skills, and safe handling – informal training package to training officers Requirement for attendance records to be provided by training officers 	Confirmed not eligible for LGGS funding			
13	Vehicle Maintenance		Brigades to undertake weekly inspections of vehicles		<ol style="list-style-type: none"> VPOWER form on intranet, DFES vol hub, and hard copies on station Post on intranet reminding of requirements - August 2022 Reiterate requirement for vpower to be sent to records email - August 2022 	<ol style="list-style-type: none"> Completed Not actioned as intranet not widely used 	Developing a smart phone version via		
14			Preseason check of all vehicles to be coordinated by CESH	July/August	<ol style="list-style-type: none"> PO request raised for contractor, tentatively booked end of August Appliance operational systems certification – annually - 3rd party contractor Vehicle service – annual – local provider, complete by end of Aug 22 	<ol style="list-style-type: none"> Complete, all remediation works completed Completed Completed 			

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15			Provide vehicle report forms to ensure any damage or maintenance requirements are identified and rectified	Jan-22	1. VFR books in appliances 2. Staff to investigate making intranet public – access by exception - volunteers. End of Aug	Completed Intranet available on station PC's & vehicle tablets only, seeking alternative options.		
16	Driver experience / competence		Provide annual on road/off road vehicle training	July – November 2022	1. Offered in May, Wundowie & Bakers Hill looking at dates for volunteers. 2. Resend info in July for EO! 3. Promote to all members requirements for formal training to allow emergency driving, covered by exemption (Reg 280 & 281)	Bakers Hill & Wundowie only brigade to opt for course, Oct 29th Course booked for 29th Oct Pre season training at Brigade level, also discussion point at BFCO meeting		
17			Require all drivers to observe the road rules and speed limits	Jan-22	1. intranet message 2. CEO position – road rules apply in all circumstances, unless exemption applies due to formal training.			
18	Provide adequate Personal Protective Equipment		Ensure equipment is fit for purpose and volunteers are aware of the respective manuals of each original equipment manufacturer	Jan-22	1. PPC/E must be purchased from DFES approved suppliers, and only for DFES approved PPC/E that have gone through R&D phase via DFES PAT team for operational endorsement - this is a requirement of funding body.	No action required	Ongoing	
19			Provide washing machines at all Fire Stations and encourage, recommending all PPE be washed on site	As soon as practicable	1. Complete for all stations, Wundowie & Inkpen outstanding due to facility issues	Completed	Query their use.	
20			Investigate costs and guidelines around providing volunteers with two sets of PPE	Aug-22	1. Active members offered additional sets of PPC with DFES approval since 2021, organic roll-out has occurred with requests approved based on incident attendance . 2. Invite active members to request additional ppc , speak to Captains/equipment officer, End August			
Training								
	Mitigation Action	Current Status	Future Actions Required	Timeframe				
21	Member training not as up to date as it could be	Minimum training requirements in place	Review minimum training requirements with Captains to present to BFAC	October 2022	1. Ops command meeting prior to end of August – agenda item	Completed, with Captains provided opportunity to query training records with feedback provided to Captains for dissemination.		

22			Training registers up to date/maintained	Oct-22	1. Provide training register to all brigade training officers, all records updated live and held by DFES.	Completed		
					2. Members to inform training officer, to liaise with CESH for clarification of discrepancies	Completed		
					3. Members have until Dec 31 22, to identify and rectify training records	In process		
23		SOP's in place		Immediate	1, all available via vol hub, via intranet	No action required		
					2. Critical SOP's on appliances in Red PAX Folder	Completed		
24			Advocate for additional training assessors to be approved through DFES	Ongoing	1. Completed June 22, 4 vol T/A's	Completed		
					2. Bryan Petersen	Completed		
					3. Kris Brown	Completed		
					4. Mal Carter	Completed		
					5. Justin Fox	Completed		
					6. Caitlin Gray (development)			
25			Promote flexible training arrangements, with a particular focus on weeknight training to suit volunteers	Ongoing	1. Training Officer meeting – August to determine training needs unmet	Completed (please specify outcomes)		
					2. Based on brigade feedback, timing of training guided to meet volunteer requirements	Completed (please specify outcomes)		
26	Minimum Training Requirements (Fireground and Positions)	Minimum training requirements in place	Settle on Minimum Training – minimum expectations for leadership team. Look at DFES requirements to ensure we align	Oct-22	Refer point 21	Currently under review via BFM review process		

27			Require Minimum Training before a volunteer can be active on the Fireground – Utilise DFES Guidelines	Jan-22	1. September date TBC for AIIMS awareness online, regional laptops	Opportunity provided, no take up from volunteers	
					2. RCC process for basic courses by Oct 31 st	Completed	
					3. Already a pre requisite for new members.		
					4. RCC process approved by DFES in June, approved for brigade roll-out ASAP.	Complete, potential for additional course	
					5. Mons 22 nd August @ Bakers Hill	Cancelled - no interest	
					6. Thurs 1 st Sep @ Northam Co-location	Completed	
					7. Sat 10 th Sep @ Grass Valley	Completed	
					8. Identify volunteers (active) for RCC process	Completed	
	Min 14 days,prior lerners manual provided to volunteer	**Recommend that CEO draft letter standing down members who do not meet minimum training standards, this aligns with several neighbouring locsl government processes.					
	Assessment – open book, assessment conditions						
	Practical assessments to follow written						
28	Maintain Skills		Require pre-season competency-based training / annual induction prior to fire season commencement	December 2021?	1. Framework developed,	1 Framework developed, not implemented without approval of CEO, LGIS is supportive	Competency document has been reviewed by CESM
					2. Process developed, sent to EMDS		
					3. Captains/brigade leadership team to deliver		
					4. Requirement for active members prior to Oct 31 st , to be provided to shire.	This was delayed due to the commencement of the HTP, but has since been reviewed.	
					5. New members prior to active duty		

Attachment 3 - DFES General Circulars & Local Laws Information



Government of Western Australia
Department of Fire & Emergency Services



DFES General Circular No: 11/2023

File: D25922

31 January 2023

BUSH FIRE BRIGADES – LOCAL LAWS NOT ESTABLISHED

The following local governments (**LG**) currently have no local laws for the establishment of their bush fire brigades (**BFB**) as required by section 41 of the *Bush fires Act 1954 (WA)* (**BF Act**).

1. Shire of Shark Bay
2. Shire of Upper Gascoyne
3. Shire of Ngaanyatjaraku
4. Shire of Wyalkatchem (the Shire will soon publish its local law)
5. Shire of Waroona
6. Shire of Chapman Valley
7. Shire of Corrigin
8. Shire of Kojonup
9. Shire of Quairading
10. Shire of Murray

The Department of Fire and Emergency Services (**DFES**) and the Western Australia Local Government Association (**WALGA**) are working with the affected LGs to implement BFB local laws as a high priority. This is to ensure that these brigades are properly constituted so that the volunteers have direct authority and powers under the BF Act to undertake normal brigade activities and respond to bush fires, with liability and compensation protections under the *Fire and Emergency Services Act 1998 (WA)* (**FES Act**). The process to implement local laws will take approximately two to three months.

Until BFB local laws are implemented, please be assured that the affected volunteers may act under the direction of a LG or DFES appointed Bush Fire Control Officer (**BFCO**) to undertake brigade duties and respond to fires under the BF Act.

In circumstances where the nature of the incident requires DFES to take control, operational staff members of DFES may direct the affected volunteers (e.g., a Bush Fire Liaison Officer (**BFLO**), or DFES personnel authorised as an authorised person under section 13 of the BF Act (**authorised person**)).

Affected volunteers may continue to be deployed to incidents, whether within or outside their LG area, so long as they are acting under the direction of a BFCO, BFLO or authorised person.



Government of Western Australia
Department of Fire & Emergency Services



The affected volunteers can be further reassured that the liability and compensation protections under the FES Act will apply to actions taken in accordance with a direction of a BFCO, BFLO or authorised person.

All directions to affected volunteers must be clearly communicated and effectively captured in records:

- A direction to the affected volunteers should preferably be given directly to the volunteers.
- If a BFCO, BFLO or authorised person is not in the same location as the affected volunteers, the direction can be given via the chain of command from the BFCO, BFLO or authorised person to one or more of the volunteers, who then communicates the direction to the other volunteers.
- Any directions given by the BFCO, BFLO or authorised person should be documented for future reference after they have been given.
- Please note that a BFCO, BFLO or authorised person cannot draft a standing written direction to affected volunteers to undertake brigade activities for a particular period.

The FES Commissioner has written to all LGs in the State regarding this matter. The DFES Legal and Legislation Team is monitoring the situation to identify whether other brigades may be affected.

WALGA is available to provide advice and assist LGs to manage the above risks and update BFB local laws. James McGovern, Manager, Governance and Procurement can be contacted on 9213 2093 or JMcGovern@walga.asn.au.

Affected volunteers should raise any concerns via their command or contact their LG in the first instance.

For more information, please contact Leah Brown, Principal Legislation Officer, by phone: 0423 250 204, or email to legal.legislation@dfes.wa.gov.au.

**CRAIG WATERS AFSM
DEPUTY COMMISSIONER OPERATIONS**



Government of Western Australia
Department of Fire & Emergency Services



DFES General Circular No: 12/2023

File: D10631

25 January 2023

Release of online learning – Bushfire Fundamentals and Rural Fire Awareness

Following on from General Circular 177/2021, the Bushfire Centre of Excellence has developed online, self-paced versions of Bushfire Fundamentals and Rural Fire Awareness. DFES staff and volunteers can now apply for and access the training via eAcademy.

Rural Fire Awareness is targeted at farmer response brigades and seasonal workers and provides students with a basic awareness of fireground safety, suppression strategies and maintaining their safety when operating on a fireground.

Bushfire Fundamentals has been developed to support those who undertake duties in supporting Incident Management Teams. This course can be offered to external agencies who undertake a role within the Incident Support Group. This product covers basics in AIMS, IMT functions, basic fireground safety but excludes suppression techniques.

Each of these courses can be completed online in approximately 2-3 hours. Short assessments are conducted after each module throughout the course. Please note that these courses are not intended to replace the existing Bushfire Safety Awareness and Firefighting Skills training products, which will continue to be the recommended minimum standard for Bush Fire Brigades with an LGGs-funded appliance.

Bushfire Centre of Excellence staff are working on the ability for external stakeholders to access this training. A further circular will be released with the process to access these training products for external stakeholders once more detail is available.

For more information, please contact the Bushfire Centre of Excellence Training Delivery team on BCoEtraining@dfes.wa.gov.au

CRAIG GARRETT
A/CHIEF SUPERINTENDENT BUSHFIRE CENTRE OF EXCELLENCE



INFOPAGE

BUSH FIRE BRIGADE LOCAL LAWS, January 2023

WALGA was recently contacted by the Department of Fire and Emergency Services (DFES), who informed of State Solicitor's Office advice questioning the legality of Bush Fire Brigades established by Local Governments in the absence of an associated Bush Fire Brigades Local Law.

WALGA obtained its own separate, independent legal advice that confirmed the same; having established a Bush Fire Brigade, it is a requirement that the Local Government also adopt an associated Bush Fire Brigades Local Law.

The Issues

1. DFES and WALGA have received separate, independent legal advice on the establishment of Bush Fire Brigades (BFB) by Local Governments under s.41 of the Bush Fires Act 1954 (BF Act);
2. The consistent legal position is that a Local Government, having exercised discretion to establish a BFB, **must do so by making a Local Law** – ref s.41(1) of the BF Act;
3. The head of power to make a BFB Local Law is under s.62 of the BF Act.
4. The Parliamentary Joint Standing Committee on Delegated Legislation has reported a similar requirement: 'Where a local government elects to establish a bush fire brigade it must do so in accordance with local laws it has made for that purpose' (Ref: Report 16, June 2019 at 2.2)

Relevant Consequences

5. Where a BFBs has been established in the absence of a Local Law, WALGA's legal advice indicates that the registration of the Brigade and Brigade membership under s.41(2) is likely to be invalid;
6. In the absence of a Local Law, the election and duties of BFB officers under s.43 is likely to be invalid.
7. In the absence of a Local Law, the powers of BFB officers relevant to preventing, controlling and extinguishing a bush fire under s.44 is likely to be invalid.

WALGA's requested legal advice on other matters that we believe will provide some reassurances in the short term.

Although not having adopted a BFB Local Law will mean that Brigades are not properly constituted, we have been advised that the appointment of Bush Fire Control Officers will mean that Local Governments can effectively ensure the conduct of normal brigade activities, including responding to bush fires and directing firefighting assets and volunteers.

Our legal advice provides further reassurances that volunteers will be covered for compensation and protected from liability if conducting normal brigade activities under the direction of a BFCO.

Arrangements – Short Term

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1. In the short term, Local Governments should ensure that a sufficient number of bush fire control officers (BFCO) are appointed under s.38(1) of the BF Act:
'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 this 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';
2. BFCO's special powers are set out in s.39 of the BF Act and this appointment will also ensure the proper direction of Brigades in responding to a bush fire, as set out in s.44(4) of the BF Act:
'(4) Subject to the provisions of sections 13(6) and 45, where a bush fire control officer of a local government is present at a fire which is burning in the district of the local government, he has supreme control and charge of all operations, and the officers and members of all bush fire brigades present at the fire are subject to and shall act under his orders and directions.'
3. WALGA's legal advice notes that a BFCO could manage a BFB established without a Local Law however this is not recommended as a permanent solution as BFBs will not have direct authority and powers otherwise provided under the BF Act.

Protections

4. WALGA sought legal advice on the application of Part 6B And Part 7 of the Fire and Emergency Services Act 1998 (FES Act);
5. Part 6B applies to compensation entitlements for volunteers engaged in emergency response activities including firefighting;
6. Legal advice is that the compensation provisions will cover a person who engages in volunteer activities by participating in 'normal brigade activities' under the direction of a BFCO;
7. Part 7 applies to protection of persons acting in good faith when performing functions under emergency services Acts, including volunteer firefighters;
8. Similarly, legal advice confirms that a volunteer acting under the direction of a BFCO when carrying out 'normal brigade activities' will be able to rely upon the statutory protection under s.37 of the FES Act.

Arrangements – Intermediate Term

1. The Local Government is required to adopt a BFB Local Law to ensure its Bush Fire Brigades are properly established and Brigade officers are properly registered and empowered.
2. WALGA has developed a template BFB Local Law addressing the BF Act local law-making requirements. This can be made freely available upon request.
3. WALGA can also provide general advice on the local law-making process and the development of a Council agenda item for this purpose;
4. Alternatively, the Local Government can obtain its own legal advice for the purpose of drafting a BFB Local Law.



Validity of Bush Fire Brigades Local Laws (Bylaws)

Introduction

WALGA is assisting the Department of Fire and Emergency Services with communications to Local Governments regarding Bush Fire Brigade Local Laws (BFB LL). WALGA has previously sought and distributed independent legal advice on the contemporary operation of Bush Fire Brigades and the role of appointed Bush Fire Control Officers, in the absence of a Bush Fire Brigades Local Law.

Questions have since been raised by Local Government that adopted, and have not repealed, a BFB LL prior to the commencement of the current Bush Fires Act 1954.

WALGA sought specific legal advice on the following question: "...whether local laws (bylaws) which validly established Bush Fire Brigades under Bush Fires Act 1937 (WA) validly survive the repeal of that Act and the commencement of the Bush Fires Act 1954 (WA) specifically via the operation of section 36 of the Interpretation Act 1984.

Summary of Legal Advice

- Section 6 of the *Bush Fires Act 1954* 'as passed' expressly declared that the "repealing and re-enacting of a provision" section of the *Interpretation Act* (s.15 of the *Interpretation Act 1918* (reprinted in 1953) and s.36 of the *Interpretation Act 1984* (WA)) applies to the *Bush Fires Act 1954*.
- Legal advice is that it is apparent at the time of passing the *Bush Fires Act 1954*, Parliament intended for local laws (formerly 'bylaws') establishing Bushfire Brigades under the *Bush Fires Act 1937*, to continue to have effect and therefore for those Brigades to continue. However, it is extremely unlikely that the Parliament would have intended those local laws to have continued in place for an extended period.
- Attention then turns to whether the other requirements of the *Bush Fires Act 1954* have been complied with, namely have there been any substantive changes to s.36(d) following the 'as passed' Act.
- Legal advice confirms that the clear and ordinary meaning of s.36(d) of the *Bush Fires Act 1954* has not changed in a manner relevant to the issue of establishment of Bush Fire Brigades between 1954 and 2023. Therefore, a local law made under the *Bush Fires Act 1937* which has not been repealed and where a Local Government does not have a local law to a similar effect made under the Bush Fires Act 1954, **is likely to still be in force**.
- Legal advice notes that a local law made under the *Bush Fires Act 1937*, whilst valid, may well not be fit for purpose now.

Note: For the purposes of the legal advice obtained, it was assumed that the local laws which established the Bush Fire Brigade under the *Bush Fires Act 1937*, did so validly at the time they came into effect.

Good Governance Considerations



From the perspective of the legal advice received, it might be said that a BFB LL made under the Bush Fires Act 1937 is technically valid but likely to be practically obsolete. In accordance with our previous legal advice, it is therefore recommended that Local Governments with a local law established under the Bush Fires Act 1937:

- a. ensure there are an adequate number of appointed Bush Fire Control Officer to conduct 'normal brigade activities' and manage fires in its district in the short term; and
- b. consider making a local law to establish the Bush Fire Brigade under the Bush Fires Act 1954 and to repeal the local law made under the Bush Fires Act 1937.

Bush Fire Brigade Local Laws – 1954 to 1996

Further investigation of the Government Gazette has identified that many Local Governments have adopted a BFB LL since the commencement of the *Bush Fires Act 1954* and there is no doubt as to the validity of these local laws.

However it is clear that many Local Governments were until recently, unaware of the existence of a BFB LL (for example, the local law is not published on the Local Government's website) and the *Local Government Act 1995* requirement to conduct an 8 year review of local laws has not been applied to BFB LLs. (Please note that the lack of an 8 year review does not invalidate any local law).

WALGA therefore suggests that Local Governments with BFB LLs adopted as bylaws prior to the commencement of the *Local Government Act* in 1996 give similar consideration as to whether this local law remains fit for purpose to the contemporary operation of Bush Fire Brigades within the district.

WALGA Local Laws Service

If you require assistance with any aspect of the local law-making process relating to Bush Fire Brigades, please contact WALGA's Governance & Procurement team at governance@walga.asn.au or call 9213 2514.

Attachment 4 – PAFTACS

OPERATIONAL CONSIDERATIONS (Checklist for first arriving Firefighters)

The checklist below is a list of operational **considerations** for the first arriving fire crew when giving the first SITREP to COMCEN or your normal reporting lines.

P	POSITION AND PROPERTY THREATENED <ul style="list-style-type: none">• Assess the situation• Exposures/assets at risk/critical infrastructure
A	AREA <ul style="list-style-type: none">• Size of fire
F	FUEL DENSITY AND TYPE <ul style="list-style-type: none">• Estimate rate of spread (ROS)
T	TIME TO CONTROL <ul style="list-style-type: none">• Establish IMT• Decide on objectives, strategies and tactics• Consider delegating key functions
A	ASSISTANCE REQUIRED <ul style="list-style-type: none">• Traffic Management• Road closures• Additional resources
C	COMMUNICATIONS AND CONTROL POINT <ul style="list-style-type: none">• Radio frequencies/Communications plan• Location of control point• Consider media and public advice/warnings
S	SURFACE WIND STRENGTH AND DIRECTION <ul style="list-style-type: none">• Send SITREP• Safety is first priority

NOTE: The above checklist should only be utilized for the first arriving Incident Controller. For additional and more detailed checklists, refer to the “DFES Operational Checklists” booklet.

6.2 BUSHFIRE RISK MITIGATION OFFICER REPORT

File Reference:	5.1.3.1
Reporting Officer:	Brian Humfrey, Bushfire Risk Mitigation Coordinator
Responsible Officer:	Jacky Jurmann, Acting Executive Manager Development Services
Officer Declaration of Interest:	Nil.
Voting Requirement:	Simple Majority
Press release to be issued:	No

BRIEF

For the Committee to receive and note the update provided by the BRMC.

ATTACHMENTS

Nil.

A. BACKGROUND / DETAILS

The BRMC role is to coordinate bushfire mitigation works on Shire land and reserves funded through the DFES's Mitigation Activity Fund.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Performance Area: Planet
 Outcome: A resilient community
 Objective: Build community resilience to cope with natural disasters and emergencies, including pandemics, storms, flooding and fire.
 Priority Action: Provide up to date Local Emergency Management Arrangements, including directory of emergency services.

B.2 Financial / Resource Implications

Nil.

B.3 Legislative Compliance

Nil.

B.4 Policy Implications

Nil.

B.5 Stake Holder Engagement / Consultation

Nil.

B.6 Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service Interruption	N/A	N/A	N/A
Compliance	N/A	N/A	N/A
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A

B.7 Natural Environment Considerations

N/A

C. OFFICER'S COMMENT

The following is an update on the works being carried out under the current MAF round:

1. Completed & Invoiced

- 2989 Bakers Hill Townsite (Mulching completed on the 30/01/2023)
- 4904 Doys Road Wundowie (Mulched firebreak completed on the 20/01/2023)
- 5040 Northam Toodyay Rd X Katrine Rd Concrete Bridge (Mulched area completed on the 23/01/2023)

2. Underway

- 2990 Great Eastern Highway X Chitty Rd Bakers Hill (Mulching along firebreaks to wide)
- 2991 Great Eastern Highway X Chitty Rd Bakers Hill (Mulching along firebreaks to wide)

3. Future planned works & start date

- 5013 Gooch Road (Mulching both side of the firebreak track) – 23/02 to 24/02/23
- 5980 Trimmer Road including Extension (Mulching both sides of the road reserve) – 27/02 to 10/03/23
- 5983,5977 Spencers Brook (Mulching both sides of the road reserve) – 13/03 to 17/03/23



- 5962 Wariin Road (Mulching both sides of the road reserve from Great Eastern Hwy to Great Southern Hwy) – 20/03 to 31/03/23
 - 5956 Inkpen Rd (Mulching both sides of the road reserve from Great Eastern Hwy to Oyston Rd – 03/04 to 14/04/23
 - 5998 Clydesdale Rd (Mulching both sides of the road reserve from Great Eastern Hwy) – 17/04 to 28/04/23
 - 6000 Muluckine Rd (Mulching both sides of the road reserve from Northam–York Rd to Carter St) – 01/05 to 10/05/23
 - 5048,5049 Jennapullin Rd (Nature reserve fire break maintenance including mulching a 3m buffer both sides of tracks) - 11/05 to 26/05/23
4. Chemical treatments (to be done at the optimum time before the completion of funding in June) are:
- 5761 Waterfall Ave (Spray the area of unplanned event in January 2022)
 - 5799 Muluckine Rd (Spray the area Cnr Hunter Rd and Muluckine Rd approx. 9.5HA)
 - 25062 Clackline Town Hall (Spray the area from Dyer St to Kimberley Rd)

Officers are currently identifying projects for the next round of MAF and will be consulting with the brigades, where relevant.

RECOMMENDATION

That Council note the Bushfire Risk Mitigation Coordinator Report as provided.

7. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

8. URGENT BUSINESS APPROVED BY DECISION

9. GENERAL BUSINESS

10. DATE OF NEXT MEETING

13 June 2023
12 September 2023
31 October 2023

11. DECLARATION OF CLOSURE