



UNCONFIRMED MINUTES

BUSH FIRE ADVISORY COMMITTEE MEETING

31 MAY 2022

I certify that the minutes of the meeting of the Bush Fire
Advisory Committee held on Tuesday, 31 May 2022 were
confirmed on .

Presiding Person

**UNCONFIRMED MINUTES
BUSH FIRE ADVISORY COMMITTEE MEETING
31 MAY 2022**

ATTENTION/DISCLAIMER

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the Shire of Mundaring unless specific delegation of authority has been granted by Council. No person should rely on or act on the basis of any advice or information provided by a Member or Employee, or on the content of any discussion occurring, during the course of the Committee Meeting.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Employee, or the content of any discussion occurring during the course of the Committee Meeting.

CONTENTS

1.0	OPENING PROCEDURES	4
1.1	ANNOUNCEMENT OF VISITORS	4
1.2	ATTENDANCE/APOLOGIES	4
2.0	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
3.0	DECLARATION OF INTEREST	5
3.1	DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS	5
3.2	DECLARATION OF INTEREST AFFECTING IMPARTIALITY	5
4.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
5.0	PRESENTATIONS	5
5.1	CESM MUNDARING/ CHIEF BUSH FIRE CONTROL OFFICER	5
6.0	REPORTS OF EMPLOYEES	8
7.0	URGENT BUSINESS (LATE REPORTS)	8
7.1	WALGA PROPOSED ADVOCACY POSITION ON ARRANGEMENTS FOR MANAGEMENT OF VOLUNTEER BUSHFIRE BRIGADES	8
8.0	CLOSING PROCEDURES	26
8.1	DATE, TIME AND PLACE OF THE NEXT MEETING	26
8.2	CLOSURE OF THE MEETING	26
	MEETING CLOSED AT 9:10PM.....	26

**BUSH FIRE ADVISORY COMMITTEE
CIVIC AREA, SHIRE OF MUNDARING ADMINISTRATION CENTRE – 7.00PM**

1.0 OPENING PROCEDURES

The Presiding Person declared the meeting open at 7:03pm.

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We wish to acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

1.1 Announcement of Visitors

BFAC Chair announced that Stevie Braun, a member of the community was attending tonight as a visitor.

1.2 Attendance/Apologies

Members	Ian Zlatnik John Daw George Watkins – Captain Gerry Starr – Captain Rod Reed – Captain Tom Belger – Captain Adrian Woodley – Captain Jeff Bromilow – Captain Lelsey Lynam – Captain Neil Hawkins – Chairperson Jamie O'Neill Gary Rowles Nigel Morgan Daniel Heptinstall Andrew Duncan	Chairperson/DCBFCO3 East Ward Chidlow VBFB Darlington VBFB Darling Range VBFB Glen Forrest VBFB Sawyers Valley VBFB Stoneville VBFB Wooroloo VBFB Mundaring Fire School CESM DCBFCO1 DCBFCO2 DCBFCO4 Mt Helena VBFB (Pres)
Staff	Adrian Dyson Craig Cuthbert C.Cuthbert/A.Dyson	Manager Community Safety & Emergency Management Coordinator Community Safety & Emergency Management Minute Secretary
Apologies	Mark Bush - Captain Aaron Thredgold – Captain Jordan Cartelo	Parkerville VBFB Mt Helena VBFB Parks & Wildlife
Absent	Mark Luzi Jenine Banks	Director Statutory Services Minute Secretary
Guests	Murray McBride Cat McCarthy Neil Inwood Robin Preston Alex Griffin Olivier Mallie Dave White	DFES DO North/East Chidlow 1 st LT Darlington 1 st LT Darling Range 1 st LT Glen Forrest 1 st LT Mt Helena Training Officer Sawyers Valley 1 st LT

**Members
of
the Public**

Stevie Braun

**Members
of
the Press**

Nil

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

3.0 DECLARATION OF INTEREST**3.1 Declaration of Financial Interest and Proximity Interests**

Elected Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

Nil

3.2 Declaration of Interest Affecting Impartiality

An Elected Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

Nil

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**RECOMMENDATION**

That the Minutes of the Bush Fire Advisory Committee Meeting held 31 August 2021 be confirmed.

CARRIED 16/0**5.0 PRESENTATIONS****5.1 CESM MUNDARING/ CHIEF BUSH FIRE CONTROL OFFICER****PREVENTION.**

UCL/UMR – burn plans have been planned for Chidlow, Helena Valley, Mt Helena, Glen Forrest and Sawyers Valley prioritising over 474ha, these burns will be conducted depending on conditions resourcing and weather.

PREPAREDNESS.

SoM and Metro training calendar well underway – please remind members to get in early when applying for training courses.

Driver training – PUAVEH001A and Drive MR vehicle, will be conducted through Driver Risk Management as per last year Mundaring will be putting 30pax through the driver training this year

RESPONSE

01/03/2022 – 12/05/2022

BRIGADE INCIDENTS

BRIGADE	INCIDENTS
CHIDLOW	6
DARLING RANGE	0
DARLINTON	11
GLENFORREST	2
MT HELENA	10
PARKERVILLE	5
SAWYERS VALLEY	5
STONEVILLE	12
WOOROLOO	1

ALL SHIRE INCIDENTS

Incident Type	2021/2022
False Alarm - System Initiated	6
False Call - Good Intent	36
Fire - Bushfire (lge)	3
Fire - Bushfire (sml)	23
Fire - Other/Rubbish/Vehicle	9
Fire - Structure	3
Hazardous Situation	3
Natural Hazard	3
Not Reported	4
Rescue & Medical	2
Road Crash & Rescue	10
Search	1
Total	103

5.2 DEPARTMENT FIRE AND EMERGENCY SERVICES – DISTRICT OFFICER NORTH EAST

May 2022

- Maintenance has taken place on UCL breaks in Darlington and Glen Forest, damage gates will not be replaced.
- North East region will try to carry out mitigation burning in Darlington prior to spring.
- DFES Machinery insurance still unresolved.
- Any training that Volunteers attend that requires an appliance, could be asked to use one of the Brigade appliances due to the lack of availability of DFES appliances.
- AVL testing on some appliances is not taking place, please make sure this is done each month.
 - Stonville Captain raised that the AVL still shows appliances in erratic positions, Darling Range have been advising of these errors.
 - District Officer North East advised that there is now a local AVL team member who is available and not all over in the eastern states.
 - Chairperson raised the importance of this and the requirement that it be rectified by the upcoming summer.

District Officer North East also advised that some DFES courses run by Career Fire and Rescue staff have been canceled due to them assisting St John Ambulance with driving ambulances during the high COVID-19 case load

5.3 DEPARTMENT OF BIODIVERSITY ATTRACTIONS AND CONSERVATION (PARKS AND WILDLIFE)

Nil

5.4 MUNDARING FIRE SCHOOL/TRAINING OFFICERS COMMITTEE – MFS CHAIRPERSON

The start of the training year has commenced, albeit with some COVID impact, we have conducted four courses to date:

Bushfire Safety Awareness	8 Attendees – 2 no shows
Firefighting Skills	6 Attendees – 4 no shows
Advanced Bushfire	4 Attendees – 4 no shows
Crew Leader	7 Attendees – 3 no shows

The first two courses required students to undertake a Rapid Antigen Test in the carpark before attending the course, which resulted in one positive test. We have had one student test positive on the day following a course, and all students and instructors were notified and advised to monitor for symptoms for the next week.

It appears that the COVID precautions we put into place are working, as to my knowledge there has not been any further infections.

We are hoping that future courses will go ahead as planned with minimal interruption, but please keep an eye on emails as things have a habit of changing at short notice.

We are still planning a grand opening, in September at this stage, depending on various factors, including COVID. We will send out invites as and when details are confirmed.

Michael Logan has indicated that he is unable to continue as a trainer assessor so I would like to take this opportunity to thank him for his valuable contribution to the school over the many years that he has been involved.

Please don't hesitate to contact me if there are any fire training related questions or concerns.

- A special mention and thanks to Micheal Logan was announced by the MFS Coordinator recognising his commitment and efforts he has put in during his time with the MFS – This was acknowledge by all in the meeting.

6.0 REPORTS OF EMPLOYEES

Nil

7.0 URGENT BUSINESS (LATE REPORTS)

7.1 WALGA Proposed Advocacy Position on Arrangements for Management of Volunteer Bushfire Brigades

File Code	EM.VNT
Author	Adrian Dyson, Acting Director Statutory Services
Senior Employee	Jonathan Throssell, Chief Executive Officer
Disclosure of Any Interest	Nil
Attachments	1. 2022 WALGA Proposed Advocacy Position BFBs

SUMMARY

On 24 May 2022 Shire of Mundaring received from the WA Local Government Association (WALGA) the document entitled; "*Arrangements for Management of Volunteer Bush Fire Brigades; Proposed Advocacy Position May 2022*" (the WALGA advocacy proposal) (**Attachment 1**).

Notwithstanding the short timeframe available for the Shire's Volunteer Bushfire Brigades (VBFB's) to consider this matter this report recommends that the Bushfire Advisory Committee (BFAC) notes and discusses the contents of the WALGA advocacy proposal.

BACKGROUND

While some of these matters are covered in more depth in the WALGA advocacy proposal the following background information should be noted:

- 111 Local Governments in WA manage 563 VBFB's involving approximately 200 volunteers with Shire of Mundaring managing 9 VBFB's and 450 members.

When surveyed by WALGA in 2021, 92 local governments (of which 69 manage VBFB's) provided the following feedback:

- 93% were not wholly satisfied with the current arrangements for the management of VBFB's
- 51% expressed that their local government does not support the requirements for local governments to manage VBFB's

The principal statutory head of power providing for the establishment and management of VBFB's by local governments is the *Bush Fires Act 1954*;

- A statutory review of the *Bush Fires Act 1954*, the *Fire Brigades Act 1942* and the *Emergency Services Act 1998* is currently in progress with a *Consolidated Emergency Services Act* green bill expected to be released in February 2023. While it is currently not known whether or not the green bill will include new/amended provisions in relation to the establishment of VBFB's it is considered timely to consider such matters now;
- The Ferguson Report on the 2016 Waroona Bushfire recommended that the State Government establish a rural fire service to address issues including insufficient capacity and unsuitable governance to deliver rural fire services;
- The *Work Health and Safety Act 2020* which came into effect in March 2022 has heightened concerns in the local government sector regarding risk and liability inherent in the management of VBFB's; and
- WA is the only state in Australia in which local governments manage VBFB's.

It is noted that WALGA has requested that local governments/the Shire provide written feedback on the proposed advocacy position by 8 July 2022.

STATUTORY / LEGAL IMPLICATIONS

The *Bush Fires Act 1954* provides the head of power for local governments to establish and maintain VBFB's.

The impending *Consolidated Emergency Services Act*, for which a Green Bill is expected in February 2023, will result in the repeal of the *Bush Fires Act 1954*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 1 - Community

Objective 1.1 – Healthy, safe, sustainable and resilient community

Strategy 1.1.7 – Provide emergency management planning, disaster management and disaster recovery, and associated community liaison and education

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Reputational risk should within Volunteer Bushfire Brigade membership should BFAC not note and consider the information provided by WALGA within its advocacy proposal		
Likelihood	Consequence	Rating
Likely	Moderate	High
Action / Strategy		
BFAC noting and discussion of the information provided within the WALGA advocacy proposal		

EXTERNAL CONSULTATION

This report forms the initial consultation with VBFB's on the WALGA advocacy proposal.

COMMENT

The WALGA advocacy position states (in abbreviated form) that the State Government must provide for:

- A clear pathway for LG's to transfer responsibility for the management of VBFB's to the State Government/Department of Fire & Emergency Services (DFES) when ongoing management is beyond the capacity, capability and resources of the LG;
- The co-design of a suite of relevant guidelines and materials to assist those LG's that manage VBFB's;
- Mandatory and minimum training requirements for VBFB volunteers supported by a training program managed by DFES;
- The recognition of prior learning, experience and competency of VBFB volunteers;
- Establishment of a working group comprising WALGA and DFES to develop a process and timeline for transfer of responsibility of VBFB's (if such transfer is sought); and
- Where transfer of VBFB's to DFES is takes place, DFES should be resourced accordingly.

In considering the above points it should be noted that, relative to the matters within the "Background" section of this report, the points within the advocacy proposal may not be entirely relevant to the management (by Shire of Mundaring) of its VBFB's.

The advocacy position/proposal therefore is not based on facilitating the planned or programmed transfer of management of all LG managed VBFB's to DFES as a joint activity; rather, the provision of a pathway to enable such transfer to be effected on a case by case basis if deemed appropriate.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION

That the Committee recommend that Council:

- a) Support the WALGA Advocacy position as outlined on page nine of the document entitled – *Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position May 2022*

and;

- b) Be advised of the Committee's position that the Shire of Mundaring should retain management of its VBFB's

CARRIED 16/0

7.2 ACKNOWLEDGMENT OF OUT GOING DCBFCO/CURRENT MEMBERS AND STAFF

Prior to the closure of the meeting BFAC Chair also acknowledged Cameron Greaves input whilst a DCBFCO.

Darlington Captain informed the meeting he would not be Captain after the upcoming AGM. He wished to thank everyone for their assistance, and thank you to Jenine Banks for her assistance/support during his Captancy.



Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position

May 2022

em@walga.asn.au

www.walga.asn.au

08 9213 2000



Table of Contents

Table of Contents	1
Executive Summary	2
How to Comment on This Paper	2
Introduction	3
Background	4
Current Arrangements in WA	5
Considerations for Future Bush Fire Brigade Management Arrangements	5
<i>Local Government Views</i>	5
<i>Recommendations of Previous Reviews</i>	6
<i>Work Health and Safety Act 2020</i>	6
<i>Volunteer Insurance</i>	7
<i>Sector Capacity, Capability and Resourcing</i>	7
<i>Bush Fire Service and Volunteerism</i>	7
Options for future management of BFBs	8
Proposed Position	8
Management of Bush Fire Brigades	9
How to Provide a Response to this Paper and Proposed Position	10
APPENDIX ONE - Proposed Emergency Management Advocacy Position Statements	11

Acknowledgement

The WA Local Government Association (WALGA) acknowledges the Traditional Owners of the land and pays respects to Elder's past, and present. WALGA acknowledges the continuing knowledge and cultural practices that they bring to the Local Government and Emergency Management sectors to support resilient and sustainable land management on WA landscapes.

Executive Summary

Western Australian Local Governments have extensive roles and responsibilities prescribed in the State Emergency Management Framework (State Framework) across the emergency management activities of prevention, preparedness, response, and recovery. Relevantly, pursuant to the *Bush Fires Act 1954*, Local Governments have responsibility for bushfire and the management of volunteer Bush Fire Brigades (BFBs).

This Paper proposes a new Advocacy Position on the management of BFBs to guide the Association's emergency management advocacy on behalf of Local Government, and in particular its engagement with the State Government on the development of the *Consolidated Emergency Services Act* which is expected to be released for stakeholder consultation in early 2023.

How to Comment on This Paper

Local Governments are encouraged to provide a written response to this Paper or to complete the [survey](#). Formal Council resolutions will assist the Association understand the sentiment of the sector on this important issue.

The Paper outlines the proposed Advocacy Position, followed by the background and rationale for the new position.

Questions are provided at the end of the Paper to guide feedback.

For further information please contact WALGA's Resilient Communities Policy Manager, Susie Moir via 9213 2058 or smoir@walga.asn.au

Feedback should be provided in response to the questions via email to em@walga.asn.au by **5pm Friday 8 July 2022**.

Introduction

This Paper seeks Local Government's views on a new WALGA Advocacy Position on the management of volunteer bush fire brigades (BFBs).

WALGA Advocacy Positions guide WALGA's policy, advocacy and capacity building activities and support a consistent and whole-of-sector approach.

The introduction of the *Work Health and Safety Act 2020* has shone a spotlight on Local Government responsibilities for managing BFBs. In addition, the State Government is currently drafting the *Consolidated Emergency Services Act*, which consolidates the *Fire Brigades Act 1942*, *Bush Fires Act 1954* and *Fire and Emergency Services Act 1998* into a single piece of legislation, anticipated to be released as a Green Bill in early 2023. Therefore consultation on a new Advocacy Position with respect to management of BFBs is timely.

In 2012, 2019 and 2021, WALGA undertook comprehensive consultation with Local Government in relation to emergency management matters.

In 2021 WALGA undertook a comprehensive [Local Government Emergency Management Survey](#) to ascertain the sector's sentiment with respect to their emergency management responsibilities. 104 Local Governments responded to the Survey. Responses were provided by:

- 36 Chief Executive Officers
- 18 Community Emergency Services Managers
- 50 Local Government officers

As part of the survey Local Governments were asked about their level of satisfaction with current arrangements for managing BFBs. 92 Local Governments (69 of which manage BFBs) provided the following feedback:

- 93% were not wholly satisfied with the current arrangements for the management of BFBs; and
- 51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

These Survey responses reinforce that it is timely to engage with the sector on this issue.

WALGA has been undertaking a process to update our Advocacy Positions, and as a result has prepared eight new Advocacy Position Statements relating to Emergency Management, which will be considered at the July 2022 State Council meeting, as listed in Appendix 1. These new Advocacy Positions are based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.

A comprehensive Advocacy Position regarding the *Consolidated Emergency Services Act*, is outlined in Appendix 1, Advocacy Position 8.4.

Background

FESA (now the Department of Fire and Emergency Services (DFES)) was established in 1999 for the purpose of improving coordination of the State's emergency services, replacing the Fire Brigades and Bush Fires Boards¹. DFES provides strategic leadership for emergency services across WA. DFES manages the career fire and rescue service, as well as a number of volunteer emergency services: Volunteer Fire and Emergency Services (VFES); Volunteer Fire and Rescue Service (VFRS); State Emergency Services (SES); and Marine Rescue Western Australia.

Around Australia:

- WA is the only State in Australia in which Local Governments manage bushfire volunteers (pursuant to the *Bush Fire Act 1954*).
- In New South Wales, the NSW Rural Fire Service, which makes up the world's largest firefighting volunteer services, is managed by the NSW Government².
- Similarly, the Victorian Government manages the Country Fire Authority which manages regional fire services in Victoria³.
- In South Australia, the *Fire and Emergency Services Act 2005* (SA) provides for the South Australian Country Fire Service (SACFS) being established as a body corporate, currently managing 14,000 volunteers. The SACFS is responsible to the Minister for Emergency Services⁴.
- In Queensland, the *Fire and Emergency Services Act 1990* (Qld) provides for the establishment of rural fire brigades, with the Commissioner responsible for the efficiency of rural fire brigades⁵.
- The Tasmanian Fire Service sits under the State Fire Commission, established under the *Fire Service Act 1979*⁶, with more than 200 fire brigades across Tasmania, 350 career firefighters and 5000 volunteers.
- The ACT Rural Fire Service sits under the ACT Emergency Services Agency⁷ and is responsible for all bush and grass fires in rural ACT areas, through 450 volunteers in eight brigades.
- Bushfires NT is a division of the Department of Environment, Parks and Water Security, which is responsible for administration of the *Bushfires Management Act 2016*⁸. The Minister appoints members of the Bushfires Council and regional bushfires committees.

¹ <https://www.dfes.wa.gov.au/site/about-us/corporate-information/corporate-history/corporate-history.html>

² <https://www.rfs.nsw.gov.au/about-us/history>

³ <https://www.cfa.vic.gov.au/about-us/who-we-are>

⁴ [Part B 2015 South Australian Country Fire Service.pdf \(audit.sa.gov.au\)](#)

⁵ [Fire and Emergency Services Act 1990 \(legislation.qld.gov.au\)](#)

⁶ [TFSAnnualReport2021.pdf \(fire.tas.gov.au\)](#)

⁷ [Emergencies Act 2004 | Acts](#)

⁸ [Legislation Database \(nt.gov.au\)](#)

Current Arrangements in WA

In Western Australia 111 Local Governments manage 563 BFBs involving approximately 20,000 volunteers. The Bush Fire Service is the largest volunteer emergency service by a significant margin:

- Bush Fire Service: 19,639 volunteers
- Fire and Rescue Service: 2,486 volunteers
- State Emergency Services: 2001 volunteers
- Volunteer Fire and Emergency Services: 926 volunteers
- Emergency Services Cadet Corps: 2,261 volunteers
- Marine Rescue Service: 1,559 volunteers⁹.

The number of BFBs managed by Local Governments varies from one up to 20. For example, the Shire of Cranbrook, which has a population of 1000 people, annual revenue of \$8 million and 29 employees manages 11 BFBs. The City of Mandurah, population 88,000, annual revenue of \$116 million and 678 employees, manages one BFB.

DFES also manages some BFBs. This includes seven bushfire brigades within the Kimberley and seven bushfire brigades within the Pilbara regions, under Memorandums of Understanding (MOU) with relevant Local Governments which make DFES responsible for the day-to-day management of the BFB and all response activities, excluding in relation to land tenure managed by the Department of Biodiversity, Conservation and Attractions.

Under this arrangement, Local Governments maintain responsibility for administering the *Bushfires Act* and carry out activities such as inspecting fire breaks and issuing burning permits.

The Local Government Grants Scheme (LGGS) Manual ([Appendix 1](#)) outlines five different 'profiles' for Bush Fire Brigades, as follows:

- Farmer Response Rural Brigades
- Pastoral Emergency Management
- Rural Brigades
- Settlement Brigades (Rural/Semi Rural)
- Urban Brigades (Defensive/Structural/Breathing Apparatus).

Considerations for Future Bush Fire Brigade Management Arrangements

Local Government Views

As part of WALGA's 2021 Emergency Management Survey, Local Governments were asked about their level of satisfaction with current arrangements for managing BFBs. 92 Local Governments (69 of which manage BFBs) provided the following feedback:

- 93% were not wholly satisfied with the current arrangements for the management of BFBs; and
- 51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

⁹ DFES Volunteering, April 2022

Detailed comments provided in the WALGA survey indicated a strong preference for the State Government to be responsible for all emergency management matters in Western Australia, including the management of BFBs.

Recommendations of Previous Reviews

Over the years there have been many calls for transformational change to the State Emergency Management Framework, in particular rural fire management.

The [Ferguson Report](#) on the 2016 Waroona Bushfire recommended that the State Government establish a rural fire service to address perceived issues in rural fire management, including insufficient capacity and unsuitable governance to deliver rural fire services. In 2017 the State Government hosted a bushfire mitigation summit at which a number of options were considered by stakeholders: a rural fire service operated within DFES; a rural fire service operated within DFES with autonomy; and a dedicated rural fire service that operated independently. Options to transfer the management of all BFBs under one umbrella – DFES or other – were also explored.

The 2017 [Economic Regulation Authority Review of the Emergency Services Levy \(ESL\)](#) considered the extent to which the ESL should be available to fund the administrative and/ or operational costs of a rural fire service, although it was outside the terms of reference for the ERA to examine the merits of a rural fire service or form a view on the best model of a rural fire service¹⁰. A number of Local Governments provided submissions to the ERA Review that supported the creation of a rural fire service¹¹.

Work Health and Safety Act 2020

The requirements of the *Work Health and Safety Act 2020*, enacted in March 2022, have heightened concerns in the sector regarding risk and liability in the management of BFBs, resourcing requirements and training and competency.

The shared responsibility for the health and safety of BFB volunteers adds further complexity to the management of BFBs and responsibilities. Local Governments, DFES, and in some cases the Department of Biodiversity, Conservation and Attractions (DBCA), have a shared duty of care to BFB volunteers due to Controlling Agency activities at incidents, and funding mechanisms (LGGS) for BFB operations and capital equipment.

DFES has a role as the lead fire and emergency services agency in WA for preparing training resources and standard operating procedures. DFES is currently developing additional resources suited to each of the above BFB 'profiles', specifically the management and training of BFBs. These additional resources will be discussed further with the sector in the coming months.

Whether the management structure for BFBs could be aligned to reflect the current operations of different brigade 'profiles', as provided in the LGGS Manual and outlined on Page 5 of this Paper, would require further discussion between DFES and the Local Government sector. This could allow for scalability of BFBs depending on location, resources and capabilities.

¹⁰ [ERA Review of the ESL, 2017, pg 185](#)

¹¹ [ERA ESL Review – summary of submissions to issues paper and draft report](#)

Volunteer Insurance

Local Governments are responsible for providing compensation for injury caused to present and former BFB volunteers as a result of their duties. The commercial insurance market ceased writing injury insurance for volunteers in 2012, therefore a self-insurance mutual scheme was implemented to ensure that Local Governments continue to meet this obligation.

Since 2012, due to the high cost of claims, the aggregate limit of liability has increased from \$250,000 to \$750,000. In addition, the annual cost of insurance has nearly doubled (92%) from \$47.50 to \$91.20 per volunteer, and it is expected that this trend will continue¹².

Sector Capacity, Capability and Resourcing

Local Governments vary in their capability, capacity, and resources to manage BFBs, as well as their other extensive legislative responsibilities and requirements¹³.

By way of overview, Local Governments in Western Australia:

- vary in size from less than 1.5 to over 370,000 square kilometres;
- have populations of just over 100 to more than 220,000 people;
- employ fewer than 10 to over 1000 staff; and
- have revenue (2019-20) ranging from just over \$2 million to just over \$225 million¹⁴.

Bush Fire Service and Volunteerism

The localised culture and history of BFBs in WA has had a large influence on the way that Local Governments engage with and manage BFBs. Many BFBs operate in an independent and self-sufficient way, which Local Governments encourage and support, as this contributes to expansion of the volunteer network in the local community, while also building community networks and resilience.

Communities, and therefore many Local Governments, have a significant interest in volunteering and BFBs, with some Local Governments very involved in the establishment, management and operation of their local BFBs. Therefore it is essential that any future management arrangements, including the transfer of responsibility for management of BFBs to the State Government, should be a voluntary process available to Local Governments that do not have the capacity, capability or resources to manage BFBs. It is also essential that the integrity of the Bush Fire Service is maintained, whatever the arrangements for the management of BFBs.

¹² Data provided by LGIS, 17 May 2022

¹³ 2021 Local Government Emergency Management Capability report - SEMC

¹⁴ [Department of Local Government, Sport and Cultural Industries](#)

Options for future management of BFBs

Four options are identified for the future management of BFBs:

1. Status quo - continue with the current arrangements for management of BFBs whereby the majority are managed by Local Government and transfer arrangements are negotiated on an ad hoc basis between DFES and Local Governments (or their BFBs).
2. Improvements - continue with the current arrangements for Local Government management of BFBs with additional support provided by the State Government with respect to increased funding and better access to training resources and other support.
3. Hybrid Model - Local Government continues to manage BFBs where they have the capacity, capability and resources to do so; however where they do not have the capacity, capability and resources, responsibility for management of BFBs is transferred to DFES.
4. Transfer - Responsibility for management of all BFBs is transferred to the State Government, consistent with the arrangements in other States and Territories.

Proposed Position

Based on the feedback received from Local Governments in the WALGA Emergency Management Survey and the other considerations outlined above, it is considered appropriate for the Association to **support a hybrid model** for the management of BFBs.

A hybrid model would enable the continued management of BFBs by those Local Governments with capacity, capability and resources to do so, while providing a framework for the transfer of the management of BFBs to the State Government where a Local Government does not.

Whatever the arrangements for future management of BFBs, it is apparent that Local Governments with responsibility for management of BFBs require **additional support and resourcing** which should be provided by the State Government, including:

- development of a suite of guidelines and resources to assist Local Governments in their management of BFBs, particularly with respect to the discharge of obligations under the *Work Health and Safety Act 2021*;
- expansion of the Community Emergency Services Manager Program (CESM) so that every Local Government with responsibility for managing BFBs has access to the Program if they wish to participate;
- universal access to DFES training for BFBs; and
- development of mandatory and minimum training requirements including recognition of competency for volunteers.

Based on the previous commentary, the following Advocacy Position is proposed:

Management of Bush Fire Brigades

1. The Association advocates that the State Government must provide for:
 - a) A clear pathway for Local Governments to transfer responsibility for the management of Bush Fire Brigades to the State Government when ongoing management is beyond the capacity, capability and resources of the Local Government;
 - b) The co-design of a suite of relevant guidelines and materials to assist those Local Governments that manage Bush Fire Brigades;
 - c) Mandatory and minimum training requirements for Bush Fire Brigade volunteers supported by a universally accessible training program managed by the Department of Fire and Emergency Services (DFES); and
 - d) The recognition of prior learning, experience and competency of Bush Fire Brigade volunteers.
2. That a Working Group comprising representatives of WALGA and DFES be established to develop a process and timeline for the transfer of responsibility for Bush Fire Brigades in accordance with 1(a).
3. Where management of Bush Fire Brigades is transferred to DFES in accordance with 1(a), DFES should be resourced to undertake the additional responsibility.

How to Provide a Response to this Paper and Proposed Position

WALGA strongly encourages all Local Governments, and particularly those with responsibility for managing Bush Fire Brigades to provide a response to this Paper and the proposed Advocacy Position. Council endorsed responses are preferred but not essential.

The following questions are provided for Local Governments to consider:

1. Does your Local Government manage BFBs?
2. Does your Local Government support the proposed Advocacy Position on arrangements for the management of Bush Fire Brigades? Why or why not?
3. Does your Local Government have any further suggestions or changes to the proposed Advocacy Position?
4. For Local Governments that manage BFBs, is your Local Government's preference to continue to manage BFBs or to transfer responsibility to the State Government?
5. Is your response endorsed by Council? If so, please include the Council paper and resolution.
6. Do you have any further comments to make?

Responses can be provided by way of written submission or by completion of the online [survey](#).

Please provide written submissions by **5pm Friday 8 July 2022** to em@walga.asn.au (Subject line: Bush Fire Brigade Advocacy Position).

WALGA will review the feedback received and prepare a report for consideration by WALGA Zones and State Council in September 2022.

APPENDIX ONE - Proposed Emergency Management Advocacy Position Statements

(Positions to be considered at July 2022 State Council Meeting)

8 Emergency Management

Local Governments in Western Australia play a significant role in emergency management. Both Commonwealth and State Government policy identify Local Government as a key player in community disaster resilience, preparedness and response. Local Governments however face a few challenges in addressing their emergency management responsibilities, and these challenges differ greatly across the State.

8.1 Emergency Management Principles

1. The State Government bears fundamental responsibility for emergency management and has the role of providing strategic guidance, support and services for emergency management activities in Western Australia.
2. The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.
3. The Local Government Sector should be engaged as a partner in policy and legislative reviews that impact Local Government emergency management roles and responsibilities.

8.2 State Emergency Management Framework

Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework with the primary objectives of:

1. Protecting people, the economy, and the natural environment from disasters;
2. Supporting communities in preventing, preparing for, responding to and recovering from emergencies;
3. Clearly outlining roles, responsibilities and accountabilities for Local Government and other emergency management stakeholders;
4. Scalability and adaptability that supports Local Governments of varied capacity and capability; and
5. Supporting agency interoperability through common systems and approaches to key activities including data management, communications, and hazard management.

8.3 Sustainable Grant Funding Model for Emergency Management

Local Government should be empowered to discharge its emergency management responsibilities through sustainable grant funding models that support a shared responsibility and all hazards approach to prevention, preparedness, response and recovery from natural disasters. A sustainable grant funding model for Local Government emergency management:

1. empowers Local Governments to undertake proactive approaches to preparedness, prevention, response and recovery;

2. supports the resilience of local communities through capacity-building activities and programs;
3. is responsive to the variations in Local Government resourcing and context
4. develops the skills, capacity and capability of the emergency management workforce; and
5. is consistent, flexible, timely, accessible, scalable, strategic and the guidance provided is comprehensive.

8.4 Consolidated Emergency Services Act

1. The Association advocates for the development of a Consolidated Emergency Services Act to provide a comprehensive and contemporary legislative framework to support the effective delivery of emergency services in Western Australia. The Legislation should clearly define the roles and responsibilities of all emergency management stakeholders including Local Government.
2. The Local Government sector seeks ongoing engagement in the scoping and co-design of the Act and associated Regulations and supporting materials such as Guidelines and fact sheets.
3. The Association advocates for DFES to undertake a full costing analysis of the new Act and to provide to Local Government details of the cost implications prior to the release of any Exposure Draft Bill.
4. Any new or increased responsibilities placed on Local Government by the Consolidated Emergency Services Act must be accompanied by funding and resource support to enable Local Governments to adequately discharge those responsibilities.
5. The Association recognises that in addition to the Consolidated Emergency Services Act, the Regulations and other supporting materials that are developed to support it provide a key resource for Local Governments in understanding and discharging their legislative obligations.
6. The Association advocates for the Act to provide clear guidelines for the process for transferring responsibility for bushfire incident response from Local Government to DFES.

8.5 Resource Sharing

Local Governments and the Association support resource sharing across the Local Government Sector for the purpose of emergency management, to support Local Governments to undertake effective and timely response and recovery to emergencies as well as conduct business as usual. The Association will endeavour to facilitate support to the sector in undertaking resource sharing arrangements.

8.6 Lessons Learnt Management

The Association advocates for the implementation of a transparent and contemporary assurance framework for emergency management lessons management overseen by the State Emergency Management Committee. Findings from inquiries and reviews, and progress on implementation of recommendations, should be publicly reported regularly and consistently.

8.7 Emergency Services Levy

Local Government requests the implementation of the recommendations from the 2017 Economic Regulation Authority (ERA) Review of the Emergency Services Levy, which supported increased transparency and accountability in the administration and distribution of the ESL through:

1. Expansion of the ESL to fund Local Government emergency management activities across prevention, preparedness and response.
2. Administration of the ESL by an independent organisation that is funded through consolidated revenue, with regular independent reviews of expenditure and assessment of the effectiveness of ESL funding expenditure to support prevention, preparedness and response activities.
3. The ESL administration fee should recompense Local Governments for the complete cost of administering the ESL.
4. Public disclosure of the allocation and expenditure of the ESL.
5. Public disclosure by the State Government on the progress of implementation of each of the ERA Review recommendations.
6. A review of the role, responsibilities and reporting arrangements of the Community Emergency Services Manager (CESM) Program.

8.8 Local Government Grants Scheme (LGGS)

Local Government supports:

1. A full, independent review of the LGGS to investigate and analyse how ESL funds are allocated to Local Government via the LGGS;
2. A redesign of the LGGS to remove the ineligible and eligible list and create a sustainable, modern, equitable grants program that funds Local Government emergency management activities across prevention, preparedness and response
3. An audit of existing buildings, facilities, appliances, vehicles, and major items of equipment for both Local Government Volunteer Bushfire Brigades (BFB) and State Emergency Services (SES) to inform the preparation of a Comprehensive Asset Management Plan and to guide future funding requests;
4. in the interim, an immediately increase in the quantum of State Government funding to enable the provision of funding of operating and capital grant applications in full, to provide all resources necessary for the safe and efficient operation of Local Government Bushfire Brigades, in accordance with obligations of the Work Health and Safety 2020 legislation.

8.9 Expansion of the Community Emergency Services Manager (CESM) Program

That the Association advocates for an expansion of the Community Emergency Service Manager (CESM) Program, as follows:

1. All Local Governments should have the option of participating in the CESM Program.
2. The full cost of the CESM Program should be funded through the Emergency Services Levy.

8.10 Management of Bush Fire Brigades

To be developed.

8.0 CLOSING PROCEDURES

8.1 Date, Time and Place of the Next Meeting

The next Bush Fire Advisory Committee will be held on Tuesday 30 August 2022 at 7.00pm in the Civic Area, Shire of Mundaring Administration Centre.

8.2 Closure of the Meeting

Meeting Closed at 9:10pm