



CONFIRMED MINUTES

BUSH FIRE ADVISORY COMMITTEE

4 OCTOBER 2017

I certify that the minutes of the meeting of the Bush Fire Advisory Committee held 23 August 2017 Folios BFAC1-17 including Attachment 1-10 were confirmed on 22 November 2017.

Presiding Member



CONFIRMED MINUTES

BUSH FIRE ADVISORY COMMITTEE MEETING

4 OCTOBER 2017

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.

LEGEND

To assist the reader, the following explains the method of referencing used in this document:

Item	Example	Description
Page Numbers	BFAC1 NOVEMBER 16 (BFAC2, BFAC3 etc)	Sequential page numbering of BFAC Agenda or Minutes for November 2016.
Item Numbers	8.1 (8.2, 8.3 etc)	Sequential numbering of reports under the heading "8.0 Reports of Officers"
Committee Recommendation Reference	BFAC11.11.16	Committee Recommendation number 11 from BFAC meeting November 2016.
Committee Decision Reference	DBFAC7.11.16	Committee Decision number 7 from BFAC meeting November 2016.

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**BUSH FIRE ADVISORY COMMITTEE MEETING
CIVIC AREA – 7.30PM**

1.0 OPENING PROCEDURES

The Deputy Presiding Person opened the meeting at 7.33pm, welcoming all in attendance

1.1 Announcement of Visitors

1.2 Record of Attendance and Apologies

Members	Ian Zlatnik	Deputy Presiding Person/Deputy Chief
	Jamie O'Neill	CESM/CBFCO
	Mark Luzi	Acting Chief Executive Officer
	Cr Patrick Bertola	East Ward
	Cr Stephen Fox	East Ward
	Eric Baldock	Captain Darlington VBFB
	Rod Teale	Captain Darling Range VBFB
	Sefton Pitcher	1st Lieutenant Glen Forrest VBFB
	Greg Walsh	Captain Parkerville VBFB
	Adrian Woodley	Captain Sawyers Valley VBFB
	Greg Jones	1st Lieutenant Stoneville VBFB
	Neil Hawkins	Mundaring Fire School
Staff	Jenine Banks	Minute Secretary
	Craig Cuthbert	A/Manager Community Safety & Emergency Management
Apologies	Nigel Morgan	Deputy Chief Bush Fire Control Officer
	Gary Rowles	Deputy Chief Bush Fire Control Officer
	Jeff Bromilow	Captain Stoneville VBFB
	Greg Jones	1 st Lieutenant Stoneville VBFB
	Brenden Scott	Captain Mt Helena VBFB
	Daniel Carapina	1 st Lieutenant Mt Helena VBFB
	Micheal Logan	Captain Wooroloo VBFB
	Mark Jeans	Captain Glen Forrest VBFB
	Brett Davies	Captain Chidlow VBFB
Guests	James Neylon	1 st Lieutenant Chidlow VBFB
	Rod Reed	1st Lieutenant Darling Range VBFB
	Ricky Harvey	1st Lieutenant Darlington VBFB
	Craig Garrett	DFES District Officer Metro North East
	Elton Van Den Dungen	Sawyers Valley VBFB

2.0 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

3.0 DECLARATION OF INTEREST

3.1 Disclosure of Financial Interest and Proximity Interests

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).

3.2 Disclosure of Interest Affecting Impartiality

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice. (Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C).

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the minutes of the meeting of the Bush Fire Advisory Committee held Wednesday 23 August 2017 be confirmed.

COMMITTEE DECISION		DBFAC1.10.17	
Moved by:	Rod Teale	Seconded by:	Neil Hawkins

CARRIED 12/0

For: Ian Zlatnik, Jamie O'Neill, Mark Luzi, Cr Patrick Bertola, Cr Stephen Fox, Eric Baldock, Rod Teale, Sefton Pitcher, Greg Walsh, Adrian Woodley, Greg Jones, Neil Hawkins

Against : Nil.

5.0 PRESENTATIONS

Nil.

6.0 REPORTS OF EMPLOYEES

6.1 Amended Terms of Reference – Bush Fire Advisory Committee

File Code	OR.MTG 7/1
Author	Craig Cuthbert, A/Manager Community Safety & Emergency Management
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil

SUMMARY

Amended Terms of Reference (ToR) for the Bush Fire Advisory Committee (BFAC) were considered by the committee at its meeting of 22 February 2017 and subsequently at its meeting of 24 May 2017. At the 24 May 2017 meeting the Committee decided that amended ToR presented within that report (**ATTACHMENT 1**) lay on the table to enable members to consider comments within correspondence received by the Shire from the Stoneville Volunteer Bush Fire Brigade (SVBFB) (**ATTACHMENT 2**) on this matter.

The matters raised within the SVBFB letter have been considered and are discussed within this report and have in part been adopted within the draft ToR referred to in the recommendation within this report.

This report recommends that BFAC endorses the attached (**ATTACHMENT 3**) further amended (from that considered at 24 May 2017 meeting) ToR.

BACKGROUND

BFAC is established in accordance with the provisions of the *Bush Fires Act 1954*, (the BF Act) and was first established within the Shire of Mundaring in May 1963.

The current BFAC ToR (the adopted ToR) was endorsed by BFAC on 25 May 2016 and adopted by Council on 12 July 2016.

It was subsequently revealed that the adopted ToR contained an error in the provisions relating to voting principally arising from the head of power under which the adopted ToR were made, that is the *Local Government Act 1995* (the LG Act).

Amended ToR that listed the BF Act as the head of power and removed other references to the LG Act were subsequently considered by BFAC at its meeting of 22 February 2017. At that meeting BFAC noted an error in the draft amended ToR in the membership listing and in general decided that the membership should have more time to consider the draft ToR and that they be reconsidered at the meeting to be held 24 May 2017.

At the 24 May 2017 BFAC considered this matter and the SVBFB letter (which had been received by the Shire after preparation of the agenda). The

Committee subsequently decided that the amended ToR lay on the table and be reconsidered at the 23 August 2017 meeting.

STATUTORY / LEGAL IMPLICATIONS

Bush Fires Act 1954:

67. Advisory Committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in its district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection*
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their member to be chairman thereof.*
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may-*
 - a) make rules for the guidance; and*
 - b) accept the resignation in writing of, or remove, any member of the committee; and*
 - c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy*
- (4) A committee appointed under this section –*
 - a) may from time to time meet and adjourn as the committee thinks fit;*
 - b) shall not transact business at a meeting unless the quorum fixed by the local government is present;*
 - c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1: Governance

Objective 1.2 Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.1 Increase transparency and responsiveness of Shire administrative processes

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

EXTERNAL CONSULTATION

This report is the means by which consultation with the Shire's volunteer bush fire brigade membership is conducted.

COMMENT

The key matters raised (not verbatim) within the SVBFB letter and responses to same are detailed as follows:

1) Council membership of the committee;

SVBFB are of the view that S67 of the BF Act specifically limits the number of Councillors that Council can appoint as a member of BFAC to one.

That point has been clarified with the Shire's legal advisers noting that in the wording of S 67 (2) the BF Act being *shall include a member of the council* that the requirement is for a minimum of one councillor to be a member of BFAC, not a maximum of one.

It is further noted that the appointment by Council of 2 Councillors to BFAC has existed within BFAC ToR for many years. .

2) Deputy Chief Bush Fire Control Officers;

SVBFB within its letter states, *To conform to the intent of Section 38 of the Bush Fires Act, the Deputy Chief Bush Fire Control Officers should be selected and ranked in order by the pool of all Bush Fire Control Officers so appointed by Local Government.*

That is an incorrect interpretation, S 38 (1) states:

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers (FCO) 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 (CBFCO) and the Deputy Chief Bush Fire Control Officer (DCBFCO) 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.

Section 38 (1) quite clearly provides for the Shire (a local government) to appoint a CBFCO and DCBFCO (being first and second in seniority) and other FCO's as it sees fit and for the Shire to determine the seniority of the other FCO's (*appointed by it*, "it" being the local government/the Shire).

In relation to the number of DCBFCO's appointed by the Shire being 5 (one position currently vacant) it is acknowledged that arrangement is not strictly within the provisions of S 38 (1). It should be noted however that the Shire has, as have a number of other local governments appointed multiple DCBFCO's to provide for adequate coverage and distribution of the DCBFCO role which is generally filled by suitably experienced and qualified volunteers. This is an arrangement acknowledged by DFES senior management.

Notwithstanding the general collegiate nature of decision making within BFAC and the fact that DCBFCO's are drawn from within the ranks of VBFB's SVBFB are of the opinion for all 5 DCBFCO's to have voting rights could be considered to be excessive.

This is not supported for the following reasons;

When appointed as a DCBFCO by the CBFCO and the Shire, it is an expectation that they fulfil that role with honesty, integrity and team spirit as would any other member of any other brigade in the Shire. Therefore all DCBFCO's should be able to vote as members of BFAC. By them taking on this position they are well aware they need to vote as DCBFCO not brigade members. If for any reason they are conflicting position then they will need to make a disclosure of interest and exempt themselves from voting. By allowing all five DCBFCO's to vote (given that all 5 are in attendance at BFAC) will give better diversity in the decisions being made due to the different experiences and knowledge in that group along with the other members of the BFAC. This has been the case for many years and has never posed problems in the rare event a vote is required. This is also the case within other local government BFAC memberships with additional DCBFCO's.

The draft ToR presented as per **(ATTACHMENT 3)** therefore provides for all DCBFCO (5) if present at the meeting to be a BFAC member and thus have voting rights.

- 3) Meetings of the Committee, specifically subclause 8.4 in relation to invitees:

SVBFB are of the opinion that subclause 8.4 should be deleted and such a provision contained under clause 9, Invitees.

This is not supported as subclause 8.4 sets the scene for the overarching ability of BFAC to invite Shire employees or others to attend and address meetings, while clause 9 covers standing invitees.

4) Invitees:

- Subclause 9.1 contains the word Wildfire, which is a typographical error and should be the word Wildlife.
- The comments in relation to proposed amendments to subclause 9.2 are not supported and have been addressed as per discussion of subclause 8.4 above.
- SVBFB are of the view that subclause 9.3 would be best contained within clause 12 – Voting.

That view is not supported as subclause 9.1 refers to the voting rights of invitees whereas clause 12 refers to voting procedures.

5) Voting

The overarching concept within the BFAC ToR to date and as per **(ATTACHMENT 3)** is that every BFAC member (as per the ToR) present at a meeting will have one vote.

- SVBFB are of the view that only one elected member or in absence a delegate may vote.

That view is not supported in accordance with the matters discussed in point 1) above.

- The SVBFB view that the Shire Chief Executive Officer or his nominee (delegate) may vote is supported as per long standing practice and as per **(ATTACHMENT 3)**.
- The SVBFB view that the CBFCO or in absence a delegate may vote is not entirely supported.

As per the long standing practice and as per **(ATTACHMENT 3)** the CBFCO is a member of the committee and has a vote. Note, the CBFCO voting right is not delegable to another person should the CBFCO be unable to attend a meeting for whatever reason.

- The SVBFB views in relation to the voting rights of the DCBFCO are supported in line with the matters discussed within point 2) above. Therefore the respective BFAC member will be designated as the most senior DCBFCO present at a/the meeting of the committee.

In conclusion the draft ToR as per **(ATTACHMENT 3)** while noting the concerns of Stoneville VBFB properly provide for the continued conduct of business of BFAC as per the BF Act.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That Council adopts the amended Terms of Reference of the Bush Fire Advisory Committee **(ATTACHMENT 3)**.

COMMITTEE RECOMMENDATION	BFAC2.10.17		
Moved by:	Eric Baldock	Seconded by:	Stephen Fox

CARRIED 9/1

For: Ian Zlatnik, Jamie O'Neill, Mark Luzi, Cr Patrick Bertola, Cr Stephen Fox, Eric Baldock, Rod Teale, Sefton Pitcher, Neil Hawkins

Against Greg Jones.

Noting that 9.1 of Attachment 3 be amended to *The Department of Biodiversity, Conservation and Attractions*

6.2 Establishment of Subcommittee to Draft Code of Conduct and Dispute Resolution Procedure

File Code	RS.FES 1/18
Author	Craig Cuthbert , Acting Manager Community Safety & Emergency Management
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil

SUMMARY

The Shire of Mundaring Bush Fire Service (the SOMBFS) consists of 9 brigades and around 480 registered volunteer members with a diverse range of skills and backgrounds.

To ensure a shared understanding of:

- SOMBFS values
- Standards in relation to how SOMBFS members respect and treat each other
- Standards in relation to how SOMBFS members respect and treat customers (Community, the Shire, DFES, others)

It is essential that a statement of behavioural principles, expectations and ideals exists and is observed.

It is also recognised that from time to time disputes may arise between individual members or groups of members. It is important to ensure that clear procedure is developed and agreed upon to resolve such disputes.

This report recommends that BFAC establishes a subcommittee to develop a draft Shire of Mundaring Bush Fire Brigade Code of Conduct (CoC) and Dispute Resolution Procedures (DRP).

BACKGROUND

The development and adoption of CoC and DRP has been undertaken by many responsible volunteer organisations and paid enterprises and is a beneficial adjunct to the Shire of Mundaring Bush Fire Brigades Local Law.

STATUTORY / LEGAL IMPLICATIONS

Bush Fires Act 1954:

S 41. Bush Fire Brigades

Shire of Mundaring Bush Fire Brigades Local Law 2013

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Administrative costs associated with subcommittee meetings and document preparation

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

2.1 Objective one

A community that is prepared for bush fire and other natural disasters

2.1.2 Support local volunteer bush fire brigades to do their job effectively and efficiently

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Note; this report relates only to the formation of a subcommittee to develop a draft bushfire service code of conduct and dispute resolution procedures.

In general however, the Shire may be exposed to minor REPUTATIONAL risk from failing to develop and adopt a bushfire service code of conduct and dispute resolution procedures.

In addition the Shire may be exposed to a minor to moderate PEOPLE risk due to volunteers suffering harm as a result of inappropriate behaviours by a member or members.

EXTERNAL CONSULTATION

This report is the means by which consultation with the Shire's volunteer bush fire brigade membership is conducted.

COMMENT

The development of a draft CoC and DRP for the SOMBFS is a necessary body of work that would be best achieved by a subcommittee with appropriate senior bush fire service volunteers (Captains), Shire staff and the Chief Bushfire Control Officer/Community Emergency Services Manager.

To ensure that the subcommittee of an appropriate size while still consisting of sufficient brigade and Shire representation it is recommended that the subcommittee consist of:

- 4 brigade Captains (or Coordinator Mundaring Fire School + 3 Captains)
- Chief Bushfire Control Officer/Community Emergency Services Manager
- SOM Director Statutory Services or delegate.

Ideally the subcommittee would meet on a monthly basis and report to BFAC on its progress accordingly.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That the Committee:

1. Establish a Shire of Mundaring Code of Conduct and Dispute Resolution Procedure drafting subcommittee consisting of:
 - 4 Brigade Captains (or Coordinator Mundaring Fire School and 3 Captains)
 - Chief Bush Fire Control Officer/Community Emergency Services Manager
 - Shire of Mundaring Director Statutory Services or delegate, and
2. Determine the subcommittee meeting day and frequency

COMMITTEE DECISION		DBFAC3.10.17	
Moved by:	Neil Hawkins	Seconded by:	Eric Baldock

CARRIED 12/0

For: Ian Zlatnik, Jamie O'Neill, Mark Luzi, Cr Patrick Bertola, Cr Stephen Fox, Eric Baldock, Rod Teale, Sefton Pitcher, Greg Walsh, Adrian Woodley, Greg Jones, Neil Hawkins

Against : Nil.

7.0 STANDING REPORTS

7.1 CESM Mundaring/Chief Bush Fire Control Officer

Congratulated all brigades on the excellent work being done. Advised the committee that a meeting had recently been with Assistant Commissioner Brad Stringer in regards to driving qualifications/certificates not being added to eAcademy, the current driver training provider details have been sent to

the DFES academy to liaise with RTO's with the view of current external providers to be added to eAcademy in due course.

7.2 Department Fire and Emergency Services

- The State Bush Fire Exercise will be held on 17 October 2017.
- DFES staff attended a live fire drill at Acacia Prison, also involving Wooroloo staff and fire appliances. A visit of the site will be organised shortly to familiarise on-call DFES staff, prior to the fire season.
- DFES have launched a new community engagement initiative, Fire Chat which replaces the Prepare Act Survive program. The Fire Chat will still be supported by the Are You Ready campaign, but will provide a series of short questions to guide the public into planning for fires and a range of tools to assist. Details are available on the DFES website. The Are You Ready campaign will be launched this Sunday, 1 October 2017.
- The Pre-season Bush Fire forum for volunteers to be held by DFES at Joondalup on 4 November 2017.
- The UCL/UMR mitigation works to commence shortly on crown land, in the NE Region. Prescribed burns are planned and Brigade assistance is appreciated.
- An ICV exercise was conducted on 26 August involving all metro ICV's at the DFES Academy, including the Mundaring Darling Range BFB.
- A Rural Urban Interface (RUI) exercise will be conducted in Mundaring Shire on the 21 October, involving BFB's and DFES VFRS volunteers.
- A DFES Metro "Exercise Kaala" will be held on 11 October 2017 involving fire agencies, invited LG's and other lifeline stakeholders, focussing on recovery following a major incident.
- The Volunteer Bush Fire Games was held on 23 September 2017 involving a number of BFB's including Parkerville BFB, from Shire of Mundaring.
- Please ask that Brigade members are viewing Safety Circulars and seasonal information on the Volunteer Portal.

7.3 Department Parks and Wildlife

Nil.

7.4 Mundaring Fire School/Training Officers Committee

It seems like only a few weeks since the last BFAC meeting, and as the BFAC has been scheduled early, the NRTAC, MFS and TOC meetings all fall in the week preceding the BFAC, so there is little to report now, but I may have a verbal update at the meeting.

The DFES Volunteer Fire Pathways meeting in September was cancelled pending a review of the training consultation process. This is as a result of concerns raised by volunteer associations related to a lack of input into actual training related matters since Pathways became the focus.

Mundaring Firefighters School

The Mundaring Firefighters School is working to try and schedule an additional Introduction to Firefighting Course and Bushfire Firefighting Course prior to the fire season.

Shire Training Officers Committee

As reported at the last meeting the committee has completed the firefighter skills refresher document which has been submitted to BFAC for endorsement, in addition we have tabled two additional skills refreshers, one for the ICV crew, the other for the Collar Tank/Fire Support Crew. These are attached for review. The Shire of Mundaring Training Officers Committee asks BFAC to endorse the Skills Refresher process and forms tabled (Attachments 4,5 & 6) for use by Brigades during 2017 and 2018.

The TOC is asking Brigades to complete another Training Needs Analysis this year to help us determine priorities for next year. Whilst the process was well received last year it does appear that in many instances we did not get the take up of training places that we expected. To improve the information we receive, the TOC has reviewed the TNA Form and are seeking not only information related to skills gaps, but also what courses members intend to apply for in the next 12 months. It is hoped that this will more accurately reflect potential course nominations. Please don't hesitate to contact me if there are any fire training related questions or concerns.

The Committee held a discussion around Skills Refresher and Attachments 4,5,and 6, which are appendixes to Directive 10.1 Training Members Skills Refresher, with it being agreed to move a motion that BFAC endorse the Skills Refresher process Attachments 4,5 and 6.

The Motion was moved by Neil Hawkins and seconded by Jamie O'Neill

CARRIED 12/0

7.5 Brigade Fire Reports

A discussion was held with it being agreed that the "Origin of Call" column from the Brigade Fire Reports spreadsheet should be removed.

7.6 Community Engagement

Ian Zlatnik reminded all brigades to submit their Community Engagement activities into the Shire for reporting to BFAC.

7.7 Infringements/Prosecutions

Nil Discussion

7.8 Schedule of Pending Items

Craig Cuthbert said he had recently met with some members from the Stoneville VBFB, and advised that Rotary Mundaring have expressed interest in being part of the complex.

8.0 URGENT BUSINESS (LATE REPORTS)

Nil.

9.0 CLOSING PROCEDURES

9.1 Date, Time and Place of the Next Meeting

The next Bush Fire Advisory Committee meeting will be held on **Wednesday 22 November 2017** at 7.30pm in the Civic Area.

9.2 Closure of the Meeting

The Deputy Presiding Person closed meeting 8.30pm

10.0 ATTACHMENTS

Attachment No.	Item No.	Subject
1	6.1	Amended ToR (24 May 2017)
2	6.1	Comments/Correspondence (SVBFB)
3	6.1	Further Amended ToR
4	7.4	Member Skills Refresher 2017/2018
5	7.4	Member Skills Refresher (ICV Crew) 2017/2018
6	7.4	Darlington Support/CollarTank Skills Refresher
7	7.5	Brigade Fire Reports
8	7.6	Community Engagement
9	7.7	Infringements/Prosecutions
10	7.8	Schedule of Pending Items