



## MINUTES

### BUSH FIRE ADVISORY COMMITTEE (BFAC) MEETING HELD IN THE TOWN HALL, ABEL STREET BOYUP BROOK ON THURSDAY 10<sup>th</sup> September 2020 AT 7.00pm

#### 1. **RECORD OF ATTENDANCE**

Cr Richard Walker - Shire President  
Mr Aaron Bowman – A/CEO  
Mr Daly Winter - CERM  
Cr Helen O’Connell – Deputy Shire President  
Wayne Girando  
David Fortune  
Brad Fairbrass  
Brian Cailles  
Nick Bagshaw  
Charles Caldwell  
Tristan Mead  
Ben Thompson  
Brad Skraha  
Ron Bingham  
David Inglis  
John Ritson  
Grant Robertson  
Chris Coole  
Jim Johnston  
Colin Connop  
Marcus Gifford  
Darren Guazzelli  
Darren Chapman  
Michael Giles

#### **Apologies**

Ben Creek  
Ross Parker  
Hayden Bock

**2. CONFIRMATION OF MINUTES**

Nil

**3. INFORMATION UPDATE - FOLLOWING THIS YEAR'S BFAC AGM**

**3.1 Appointment of David Fortune and Ron Bingham as Dual Fire Control Officer (FCO) for the Shire of West Arthur.**

Written confirmation received from the Shire of West Arthur regarding the appointment of David Fortune and Ron Bingham as FCO's for West Arthur.

**3.2 Replacement of the McAlinden 2.4 Fire Appliance.**

The Shire contacted the Department of Fire and Emergency Services regarding the replacement of the McAlinden unit. As construction of appliances was delayed due to COVID-19 in consultation with the Chief Bush Fire Control Officer and the McAlinden Fire Control Officer we were able to change the chassis configuration for McAlindens' replacement unit from an Isuzu 4.4 Crew Cab Chassis to a Tatra 4.4 Single Cab Chassis.

**3.3 Funding of Slip on Units**

Council approved the request from the BFAC and authorised a letter be sent to the DFES Commissioner seeking the reinstatement of Slip on Units as an eligible item under the Local Government Grants Scheme funding. At the time of writing this agenda item, the Shire had not received a response to the letter.

**3.4 Burn Management with the Department of Biodiversity Conservation and Attractions (DBCA) and Water Corporation.**

Emails have been sent to DBCA and the Water Corporation seeking feedback from them in relation to any planned activities on the reserves identified by our local brigades. DBCA and Water Corporation have acknowledged receipt of our emails.

## 4. REPORTS

### 4.1 Appointment of CERM and Shire Ranger as Bush Fire Control Officers

<b>Applicant:</b>	N/A
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	TBC 2020
<b>Author:</b>	Daly Winter - Community Emergency and Regulation Manager
<b>Authorizing Officer:</b>	Aaron Bowman – Acting CEO
<b>Attachments:</b>	Nil

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#### SUMMARY

This report is for the BFAC to recommend the appointment of the Community Emergency and Regulation Manager and the Shire Ranger as Fire Control Officers (FCO's) for the Shire of Boyup Brook.

#### BACKGROUND

Bush Fire Control Officer - Extracts taken from the Bush Fires Act 1954

"38. *Local government may appoint bush fire control officer*

(1) *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.*

(2A) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

(4) *A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*

(a) *carrying out normal brigade activities;*

*[(b), (c) deleted]*

(d) *exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*

(e) *procuring the due observance by all persons of the provisions of Part III.*

(5A) *A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade*

*registered by the local government to burn, subject to the provisions of this Act, burn on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.*

Bush Fire Control Officer - Extract taken from the Bush Fires Regulations 1954 "15A. *Bush fire control officer issuing permits to burn to comply with directions of local government*

*Where a local government issues directions to a bush fire control officer as to the manner in which or the conditions under which permits to burn shall be issued by that officer, he shall comply with those directions.*

*[Regulation 15A inserted: Gazette 21 Jan 1957 p. 88; amended: Gazette 22 Dec 1998 p. 6858.]*

Pursuant to the following Acts and Regulations, a local government shall, in writing appoint persons to exercise on behalf of the local government the powers conferred on a Chief Fire Control Officer / Deputy Chief Fire Control Officer/Fire Control Officer by the Act, Regulations and Local Law:

*Bush Fires Act 1954*

*Bush Fires Regulations 1954*

*Shire of Boyup Brook - Bush Fire Brigades Local Law*

#### **COMMENT**

The Community Emergency Regulation Manager and the Shire Ranger require appointment as Fire Control Officers to exercise an authority or carry out various duties in relation to bush fire mitigation and fire control activities within the shire.

#### **CONSULTATION**

Peter Dittrich – Former Acting Chief Executive Officer and Roslyn Edwards – Ranger were consulted.

#### **STATUTORY OBLIGATIONS**

*Authorisation for Fire Control Officers is required under:  
Bush Fires Act 1954*

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Shire of Boyup Brook Strategic Community Plan states:

Outcome: Growing Our Community Together – A place that is safe and secure.

## **SUSTAINABILITY IMPLICATIONS**

- Environmental - N/A
- Economic - N/A
- Social - Refer to the *Strategic Implications* section in this report.

## **VOTING REQUIREMENTS**

Simple majority.

## **OFFICER RECOMMENDATION – Item 9.3.7**

**That the Bush Fire Advisory Committee recommends to Council the appointment of the officers as Fire Control Officers for the Shire of Boyup Brook:**

1. **Authorises Daly Winter and Roslyn Edwards to be Fire Control Officers in the Shire of Boyup Brook and to exercise on behalf of the local government the powers conferred on them in their authorised roles by the following Act, Regulations and Shire of Boyup Brook Local Laws as follows:**  
***Bush Fires Act 1954***  
***Bush Fires Regulations 1954***  
***Shire of Boyup Brook Bush Fires Brigade Local Law***

## **AMENDMENT TO MOTION**

**MOVED: M Giles**

**SECONDED: D Inglis**

1. **Authorises Roslyn Edwards to be a Fire Control Officer in the Shire of Boyup Brook and to exercise on behalf of the local government the powers conferred on her in her authorised roles by the following Act, Regulations and Shire of Boyup Brook Local Laws as follows:**  
***Bush Fires Act 1954***  
***Bush Fires Regulations 1954***  
***Shire of Boyup Brook Bush Fires Brigade Local Law***

## **AMENDMENT BECOMES NEW MOTION**

**MOVED: M Giles**

**SECONDED: R Bingham**

1. **Authorises Roslyn Edwards to be a Fire Control Officer in the Shire of Boyup Brook and to exercise on behalf of the local government the powers conferred on her in her authorised roles by the following Act, Regulations and Shire of Boyup Brook Local Laws as follows:**  
***Bush Fires Act 1954***  
***Bush Fires Regulations 1954***  
***Shire of Boyup Brook Bush Fires Brigade Local Law***

**Carried**

## 5. GENERAL BUSINESS

### 5.1 Aerial Fire Break Inspections

The appointment of a contractor for the aerial fire break inspections have to comply with the Shire's purchasing policy and therefore this has to be undertaken by an authorised Local Government Officer.

X-Ray team members to liaise with the Shire, to organise quotes for the work and for them to appoint the contractor.

### 5.2 Brigade Uniform Requirements

The Bush Fire Brigades Local Law states: *"Not later than 31 May in each year, the bush fire brigade is to report to the local government the nature, quality and quantity of all protective clothing ..."*

A new ordering system for uniforms will be implement. Brigades will be required to complete the new order form and send it through to the Shire by the due date.

The Shire has some equipment on hand and will take your orders for this coming season now. Please have your Equipment Officers complete the attached order and forward them to Daly Winter – Community Emergency Regulation Manager (CERM) by the 15<sup>th</sup> of October 2020.

BFAC representatives present, didn't express any concerns in relation to the new brigade uniform proposal.

### 5.3 Vehicle Identification Stickers

The next series of Vehicle Identification Stickers for 2020 – 2022 have arrived. Volunteer brigade members wishing to have their vehicle issued with a sticker please contact the administration office.

CBFCO Tristan Mead - commented that it was his understanding that private farmer units wouldn't be permitted through designated roadblocks even with a sticker?

## 5.4 Gazette Legal Point of Current Fire Notice.

### Background

The Bush Fires Act 1954 provides for local governments to regulate bush fire control measures by publishing an annual bush fire notice applicable to its district. The purpose is to direct property owners and occupiers to what must be done on their land to reduce fire risk. Property owners and occupiers within the Shire of Boyup Brooks district have a statutory obligation to comply with the requirements set out in the annual bush fire notice. Failure to comply can result in infringements (\$250 on the spot) or prosecution proceedings (max penalty \$5000) against the owner and/or occupier of the land. The Shire can carry out work on non-compliant land and the cost are recoverable by the local government in the same manner as rates. When using an annual bush fire notice, the local government must publish a complete copy of the notice in the Government Gazette and a newspaper that circulates throughout the district. The effect of those two publications together is that every property owner and occupier within the district is deemed to have received the notice. As a result, in the event of non-compliance, it is not a defence for a property owner or occupier to claim they were not aware of their obligations.

The Shire of Boyup Brook Firebreak Notice was last published in the Government Gazette on 22 October 2010.

The Boyup Brook BFAC and Council has made amendments to the notice each year since 2010 and a copy of the revised notices has been sent with the rates.

From a legal viewpoint, publishing the bush fire notice in the Government Gazette and newspaper is an effective way to give notice to all property owners within the district. However, from a practical standpoint, property owners are more likely to receive and access the information through the local government's website and sending a copy of the notice out with the rates notice.

### Statutory environment

#### *Bushfire Act 1954*

*Section 33 local government may require occupier of land to plough or clear fire-break*

*s.33.(1) give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area*

*s.33.(2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.*

**BUSH FIRE COMMITTEE RECOMMENDATION**

**MOVED: R Bingham**

**SECONDED: D Inglis**

Shire of Boyup Brook BFAC recommends to Council to Gazette the legal points of the current Fire Notice. (See attached)

The notice to be published in the Government Gazette and in a newspaper circulating in the area.

Carried

**5.5 Bush Fire Brigade Local Law – Review.**

**MOTION**

**MOVED: M Giles**

**SECONDED: R Bingham**

Bush Fire Brigade Local Law be reviewed with full consultation with Fire Advisory and a draft to be presented to BFAC before it is presented to Council.

Carried

**5.6 Bush Fire Control – Operational Issues Policy**

**MOTION**

**MOVED: M Giles**

**SECONDED: R Bingham**

Bush Fire Control – Operational Issues Policy be reviewed with full consultation with Fire Advisory and a draft to be presented to BFAC before it is presented to Council.

Carried

**5.7 Community Emergency and Regulation Manager**

**MOTION**

**MOVED: D Inglis**

**SECONDED: R Bingham**

That the Bush fire advisory committee request council direct the Chief Executive Officer to undertake an urgent review of the Community Emergency and Regulation's position and the structure of that position due to concerns raised.

Carried

**6. CLOSURE**

There being no further business the Presiding Member declared the meeting closed at 8.38pm.