



# MINUTES

## BUSH FIRE ADVISORY COMMITTEE MEETING **Thursday 2 March 2023**

Commencing at 4.00pm

Venue: Community Resource Centre, 55 Larke Crescent, Corrigin

**CORRIGIN BUSH FIRE ADVISORY COMMITTEE**  
**TERMS OF REFERENCE**  
**Instrument of Appointment and Delegation**

**1.0 NAME**

The Committee shall be known as the Corrigin Bush Fire Advisory Committee (Committee).

**2.0 ROLE OF THE ADVISORY COMMITTEE**

To formulate for Council's consideration, recommendations and policy on matters relating to bush fire prevention, control and extinguishment.

**3.0 OBJECTIVES OF THE ADVISORY COMMITTEE**

- To advise Council on all matters relating to the operations of the Bush Fires Act 1954.
- To advise Council on the best and most efficient means of maximising fire control resources in the district.

**4.0 MEMBERSHIP**

The Council appoints to the Committee those ex officio representatives listed in the categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

Council may dismiss members who miss two consecutive meetings without reasonable cause. Membership of the Committee shall be:

- The President of the Shire of Corrigin.
- The Chief Bush Fire Control Officer (CBFCO).
- The Deputy Chief Bush Fire Control Officer (DBFCO).
- One Bush Fire Control Officer (appointed by the Shire in accordance with the Bush Fires Act 1954) from each Brigade.
- One Councillor nominated by the Council.

Chief Executive Officer and other Shire staff members will provide advice and administrative support to the Committee.

A Representative from Department of Fire and Emergency Services (DFES) Great Southern Region and any other agency as determined by the Presiding Member will be invited to attend and provide reports on their respective agencies.

**5.0 PRESIDING MEMBER**

The President takes the role of Presiding Member. The members of the Committee shall elect a Deputy Presiding Member to chair in the absence of the Presiding Member.

The election of the Presiding Member and the Deputy shall also be required to be repeated at the first meeting after the local government election to satisfy the requirements of the Local Government Act.

This can be facilitated by the CEO or the CEO's representative conducting the election calling for a motion to confirm the election of the CBFCO and the Deputy Chief Bush Fire Control Officer.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act

1995 places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees. The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

#### **6.0 CONDUCT OF MEETINGS**

Ordinary meetings of the Committee shall be held on a day as determined by the Presiding Member generally in April or May and October or November each year. Written notice shall be given to all Committee members, at least 14 days prior to the meeting. Special meetings of the Committee may be convened by:

- the Presiding Member
- written notice to all Committee members, such notice being signed by at least four members of the Committee, giving not less than 7 days notice and stating purpose of the meeting.
- the Council

The time and venue of meetings will be determined by the Presiding Member or the Council having due regard to the general convenience of the Committee members.

The Committee is established by the Council of the Shire of Corrigin under the powers and given in section 5.8 of the Local Government Act 1995 and under section 67 (Advisory Committees) of the Bush Fires Act 1954. Notice of meetings, quorum requirements of 50% of members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995.

#### **7.0 DELEGATED POWERS**

The Committee has no delegated powers and is an advisory committee to Council only. Recommendations of committees meetings are to be presented to Council by Shire staff for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.

## 1. DECLARATION OF OPENING

The Chairperson, Shire President Cr. D Hickey opened the meeting at 4:05pm.

## 2. ATTENDANCE/APOLOGIES

Shire President  
Chief Executive Officer  
CESM  
DFES Area Manager  
Bushfire Control Officers

Cr D Hickey  
N Manton  
J Carrall  
A Whitford  
S Bolt  
G Evans  
T George  
S Jacobs  
A Rendell  
P McBeath  
T Di Fulvio  
M Dickinson

### APOLOGIES

B Talbot  
J Hewett  
G Doyle  
K Courboules  
C Poultney  
B Mills  
C Jespersen  
B Grylls  
G Connelly

## 3. CONFIRMATION PREVIOUS BUSH FIRE ADVISORY COMMITTEE MEETING

### 3.1. BUSH FIRE COMMITTEE MEETING

**Moved: T George                      Seconded: A Rendell**

Minutes of the Bush Fire Committee meeting held on Tuesday 6 September 2022 (Attachment 3.1) *be confirmed as a true and correct.*

## 4. COMMITTEE MEETINGS AND BUSINESS ARISING FROM MINUTES

### 4.1. CONFIRMATION OF BRIGADE CAPTAINS AND SECRETARIES

Confirm brigade captains and secretaries and advise the Shire of any updates to the following positions.

#### **Bilbarin:**

Captain: Steven Bolt  
Secretary: Sandow Jacobs

#### **Bullaring:**

Captain: Juan Baker  
Secretary: (confirm required)

#### **Bulyee:**

Captain: Michael Cousins  
Secretary: Amy Lee

**Corrigin East:**  
Captain: Tim George  
Secretary: Kim Courboules

**Corrigin Central:**  
Captain: Garrick Connelly  
Secretary: Liam Shaw

#### 4.2. FUEL ALLOCATION

The fuels cards expire in June 2023 so collect your allocation as soon as possible. Any card can be used by officer. See Shire to confirm allocated limit and to collect fuel cards.

As at 13/02/2023, the remaining funds on the fuel cards are as follows:

**Bilbarin BFB** - \$1,000  
**Bullaring BFB** - \$750.01  
**Corrigin Central BFB** - \$1,000  
**Bulyee/Kunjin BFB** - \$1,000  
**Corrigin East** - \$750.01

#### Bushfire Control Officers -2022/2023 Volunteer Fuel Card Distribution List

Name	Amount	
Greg Evans	\$ 750.00	
Steven Bolt	\$ 500.00	
Sandow Jacobs	\$ 250.00	
Bruce Mills	\$ 250.00	
Paul McBeath	\$ 250.00	
Greg Doyle	\$ 250.00	
<del>Craig Jespersen</del>	\$ 250.00	Claimed
Bryce Nicholls	\$ 250.00	
Craig Poultney	\$ 250.00	
Juan Baker	\$ 250.00	
John Hewett	\$ 250.00	
Braden Grylls	\$ 250.00	
Tim George	\$ 250.00	
<del>Kim Courboules</del>	\$ 250.00	Claimed
Bruce Talbot	\$ 250.00	
Garrick Connelly	\$ 250.00	
Adam Rendell	\$ 250.00	
	<b>\$ 5,000.00</b>	

## 5. ELECTION OF OFFICERS

### Chief Fire Control Officer

#### Recommendation 1

**Moved: A Rendell**

**Seconded: S Jacobs**

*That Greg Evans be appointed Chief Bush Fire Control Officer for 2023/24.*

**Carried**

### Deputy Chief Fire Control Officer

#### Recommendation 2

**Moved: S Jacobs**

**Seconded: A Rendell**

*That Steven Bolt be appointed Deputy Chief Bush Fire Control Officer for 2023/24.*

**Carried**

### Fire Control Officers

#### Recommendation 3

**Moved: P McBeth**

**Seconded: S Bolt**

*That the following people be appointed as Bush Fire Control Officers for 2023/24:*

#### Bilbarin Brigade

Sadow Jacobs	PO Box 37	Corrigin	0427 652 042
Bruce Mills	Post Office	Corrigin	0428 956 779
Steven Bolt	PO Box 226	Corrigin	0427 652 043
Paul McBeath	PO Box 87	Corrigin	0427 629 024

#### Bullaring Brigade

Juan Baker	PO Box 305	Corrigin	0427 378 970
Greg Evans	Post Office	Bullaring	0429 657 021
Greg Doyle	PO Box 109	Corrigin	0427 809 044
Craig Jespersen	PO Box 18	Yealering	0427 887 075
Bryce Nicholls	PO Box 71	Corrigin	0429 883 799

#### Bulyee/Kunjil Brigade

John Hewett	PO Box 239	Corrigin	0427 632 480
Braden Grylls	PO Box 115	Corrigin	0428 658 048
Craig Poultney	PO Box 267	Corrigin	0427 454 002

#### Corrigin East Brigade

Tim George	PO Box 159	Corrigin	0427 655 045
Kim Courboules	PO Box 79	Corrigin	0427 632 624
Bruce Talbot	PO Box 75	Corrigin	0427 632 224

#### Central Brigade

Garrick Connelly	PO Box 26	Corrigin	0488 632 107
Adam Rendell	PO Box 200	Corrigin	0427 632 291
Natalie Manton	PO Box 221	Corrigin	0427 425 727
Jason Carrall			0448 494 027

**Carried**

**Moved T George**

**Seconded S Jacobs**

*That the captain of Corrigin Volunteer fire and Rescue, T Di Fulvio be appointed as Fire Control Officer for purposes of issuing burning permits within townsite*

**Carried**

G Evans to contact Bryce Nicholls to confirm he is happy to remain a FCO.

**Fire Weather Officers**

**Recommendation 4**

**Moved: S Bolt**

**Seconded: T George**

*That the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer, Sandow Jacobs and Adam Rendell be appointed as Fire Weather Officers for 2023/24.*

**Carried**

**Harvest Ban Officers**

**Recommendation 5**

**Moved: S Bolt**

**Seconded: Paul McBeath**

*That Council appoint Natalie Manton, Adam Rendell, Garrick Connelly (if Adam Rendell unavailable), Sandow Jacobs, Steven Bolt (if Sandow Jacobs unavailable), Paul Baker, Juan Baker (if Paul Baker unavailable), Greg Evans, Braden Grylls (if Greg Evans is unavailable) as authorised Harvest Ban Officers for 2023/24.*

**Carried**

**Training Officer**

**Recommendation 6**

**Moved: S Bolt**

**Seconded: S Jacobs**

*That Jason Carrall be appointed as Community Emergency Services Manager Training Officer for 2023/24.*

**Carried**

**Dual Fire Control Officers**

**Recommendation 7**

**Moved: A Rendell**

**Seconded: G Evans**

*That the following people be appointed as Dual Fire Control Officers for 2023/24*

**Dual Fire Control Officers**

Quairading Shire	Bruce Mills, Craig Poultney
Wickepin Shire	Craig Jespersen, Greg Doyle
Bruce Rock Shire	Sandow Jacobs, Tim George
Narembeen Shire	Tim George
Kondinin Shire	Bruce Talbot, Tim George
Kulin Shire	Greg Doyle
Pingelly Shire	Greg Evans, Braden Grylls
Brookton Shire	Braden Grylls, Greg Evans

*Note: Bruce Rock does not appoint Dual Fire Control Officers. The Shire of Corrigin Bush Fire Advisory Committee (BFAC) considers it appropriate to continue to recommend to Council that Dual Fire Control Officers be appointed to all neighbouring local governments.*

**Carried**

**6. GENERAL BUSINESS**

**6.1. FIRE REPORTS**

Summary of fire incidents and assistance provided to surrounding towns during the season.

Assisted at fires in Shire of Quairading  
Fire at Hewett  
Reminder to send in incident reports

Bullaring battery needs charging and fill up water. Access to bore water standpipe would allow faster filling from standpipe.

## **6.2. BRIGADE LISTS**

ESO has updated lists.

Brigade Captain/Secretary to sign all applications for new membership.

DFES no longer require COVID vaccination status information.

New BFS application forms are to be used, however the older forms will still be accepted.

## **6.3. TRAINING**

Jason provided an update on upcoming training opportunities similar to last year  
Approximately 80 people completed the Rural Fire awareness training  
Training courses to be run twice per year plus Rural Fire Awareness for ladies with Are You Ready content

Fire fighting skills course to be run this year which is good for people using the truck and helps to learn about capability of the truck. Some theory but mostly hands on learning

Fire safety course for all drivers of fire trucks  
Structure course in future if any interest.

Brigade captains to let Jason know when Brigade meetings are being held and can do training on the day eg burnover training.

## **6.4. PERSONAL PROTECTIVE EQUIPMENT**

Please advise the Jason if there is any PPE that needs replacing in the trucks and whether there is any new equipment necessary eg: face masks, foam.

Foam has been placed in sheds

The Bilbarin fire shed was broken into and the fuel card as well as some gear was stolen. Codes to be changed on the fire sheds and PIN for fuel card is not to be stored in same place as the card.

## **6.5. FIREBREAK ORDER 2023/2024**

Firebreak Order was reviewed for 2023/2024 and discussion about the need to include 500 litres of water for stubble crunching.

Add this matter to September agenda for further discussion and raise at ROAC meeting on 23 March 2023 about stubble crunching, excavator, hay baling etc

## **OFFICER'S RECOMMENDATION**

*Moved: T George*

*Seconded: A Rendell*



That the Bush Fire Advisory Committee recommend to Council that the Firebreak Order 2023/24 be endorsed.

**Carried**

#### **6.6. VFRS – PERMITS**

VFRS has advised that they are frequently approached with requests for fire Permits – Captain of VFRS to be appointed as an FCO in earlier resolution.

#### **6.7. BUSHFIRE LOCAL LAW**

WALGA was recently contacted by the Dept of Fire and Emergency Services, 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 to also adopt an associated Bush Fire Brigades Local Law.

WALGA has identified your Local Government as potentially falling into this category, following a search of your Local Government website for a BFB 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**

1. 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;
2. In the absence of a Local Law, the election and duties of BFB officers under s.43 is likely to be invalid.
3. 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**

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**

1. WALGA sought legal advice on the application of Part 6B And Part 7 of the Fire and Emergency Services Act 1998 (FES Act);
2. Part 6B applies to compensation entitlements for volunteers engaged in emergency response activities including firefighting;
3. 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;
4. Part 7 applies to protection of persons acting in good faith when performing functions under emergency services Acts, including volunteer firefighters;
5. 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.
3. WALGA can also provided 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.

**Moved P Mc Beath Seconded T George**

That the Bushfire Advisory Committee recommend to Council that the Shire of Corrigin adopt a Bush Fire Brigade Local Law to ensure the Bush Fire Brigades are properly established and Brigade officers are properly registered and empowered.

#### **6.8. EASTER SMS MESSAGE**

The following SMS message to be sent out prior to the Easter break.

The Shire of Corrigin wishes to advise that no burning is permitted on Good Friday 7 April 2023 and Easter Sunday 9 April 2023.

#### **6.9. OTHER GENERAL BUSINESS**

G Evans request Jason resend harvest ban app details for harvest ban readings

Bush fire expenses reimbursed by DFES in an emergency  
Need to authorise machinery and equipment so that it is clear who is paying or who is responsible for damage.

#### **7. MEETING CLOSURE**

Meeting closed 5.51pm