



Shire of Northam

*Heritage, Commerce and Lifestyle*



## **SHIRE OF NORTHAM**

# **MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON MONDAY 26<sup>th</sup> October 2009**



**SHIRE OF NORTHAM  
BUSH FIRE ADVISORY COMMITTEE MINUTES  
MONDAY 26<sup>th</sup> October, 2009 at 6.00pm**

Shire of Northam Council Chambers, 395 Fitzgerald St, Northam

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## **DISCLAIMER**

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### **1. OPENING AND WELCOME**

Councillor Steven Pollard declared the meeting open at 6.03pm and welcomed all those present.

### **2. DECLARATION OF INTEREST**

*Parts of Division 6 Subdivision 1 of the Local Government Act 1995 requires Council members and employees to disclose any direct or indirect financial interest or general interest in any matter listed in this agenda.*

*The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter being discussed.*

*NB A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the disclosed matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.*

All of the Attendees declared that they had no interest in any of the items that are to be discussed at this meeting.

### **3. ATTENDANCE**

#### **DELEGATES (VOTING RIGHTS)**

Bakers Hill Brigade	Mr S Peters
Clackline/Muresk Brigade	Mr R Russell
Grass Valley Brigade	Mr R Marris
Inkpen Brigade	Mr S Kuiper
Irishtown Brigade	Mr R Herzer
Jennapullin Brigade	Mr L Smith
Northam Volunteer Fire and Rescue Service	Mr G Montgomery
Southern Brook Brigade	Mr P Antonio
Wundowie Volunteer Fire and Rescue Service	Ms A Brucciani
Shire of Northam	Cr S Pollard

EXECUTIVE OFFICERS (NON – VOTING RIGHTS)

Deputy Chief Bush Fire Control Officer (East)

Mr P Gentle  
(arrived 6.17pm)

Deputy Chief Bush Fire Control Officer (West)  
Department of Environment and Conservation  
FESA  
Shire of Northam

Mr G Ashman  
Mr K Pollack  
Mr L Mincherton  
Mr C Hunt  
Mr F McQuistan

PUBLIC GALLERY

There were 7 members of the public in the gallery.

**4. APOLOGIES**

Mr Chris Barrington	Bakers Hill Brigade Delegate
Mr Ross MacKenzie	Irishtown Brigade Delegate
Mr Eric Fox	Shire Communications Officer

**5. CONFIRMATION OF PREVIOUS MINUTES**

**Moved: Mr Ray Russel (Clackline/ Muresk Delegate)**  
**Seconded: Mr Richard Marris (Grass Valley Delegate)**

**That the minutes of the Meeting on the 11<sup>th</sup> May, 2009 be received.**

**CARRIED 10/0**

At this time in the meeting a presentation and discussion took place with respect to a product known as Killfire. A number of questions were asked with respect to the product. It is also noted that a demonstration of this product will be held on site at 86 Stirling Street on Thursday 5<sup>th</sup> November 2009 at 11.00am. All members of the fire brigades or members of the public are invited to attend this demonstration.

## 6. AGENDA ITEMS

### 6.1 ORGANISATIONAL REVIEW RECOMMENDATIONS

Name of Applicant:	Clackline/Muresk Bush Fire Brigade
File Ref:	5.1.5.11
Officer:	Chadd Hunt / Felix McQuistan
Officer Interest	Nil
Policy:	Bush Fires Act 1954
Voting:	Simple Majority
Date:	30/04/2009

#### PURPOSE

For this Committee to consider the time frames proposed on a number of the recommendations from the Bush Fire Organisation Review still outstanding.

#### BACKGROUND

The Clackline/Muresk Bush Fire Brigade have requested that the following motion be considered by this Committee:

- “That Shire applies timeframes and targets to outstanding Bush Fire Organisation Review Recommendations in order for progress to be made (on Recommendations 2, 12, 13, 15, 17, 18, 19.)

The following are the recommendations as endorsed by the Council:

- “2. That procedures for the callout of backup resources be contained in the Shire of Northam Bush Fire Response Plan which is developed in consideration with the Bush Fire Advisory Committee prior to endorsement by Council.”  
“12. That FCO’s and Brigade Officers undergo training in sectorisation of wildfires and that development of communication plans be instigated.”
- “13. That brigades identify areas where pagers and SMS system is not reliable and that FESA investigate the identified faulty areas to improve pager and SMS services.”
- “15. FESA and the Shire of Northam review the 2004 Resource to Risk Assessment for the Shire of Northam involving Brigades and the Bush Fire Advisory.”
- “17. That FESA and the Shire of Northam conduct an information/training session on the Role & Duties of Brigades Training Officers, and that an annual meeting of Brigade Training Officers, FESA and Shire Representative be held to develop an annual training program for the Shire of Northam. This should include the FRS Brigades. This is to be initiated by the Shire of Northam.”

- “18. It is essential that Brigade Officers and desirable for FCO’s to attend training on AIIIMS, Incident Management Teams, advanced levels of fire fighting and fire behaviour, use of aircraft and water bombers, sectorisation and the development of radio communication plans.”
- “19. That FESA and the Shire of Northam clearly define the purpose of the Bush Fire Response Plan that it is a strategic document supported by Standard Operating Procedures.”

Attached to the Agenda is a copy of a spreadsheet indicating staff recommended timeframes for the implementation of the outstanding recommendation.

## **STATUTORY REQUIREMENTS**

The responsibility for management of bush fires is contained within the Bush Fires Act 1954.

## **CONFORMITY WITH THE PLAN FOR THE FUTURE**

Key Result Area – Land Use & Infrastructure – Outcome 6 – Adequate provisions for Bush Fire Protection are provided, monitored and maintained.

## **BUDGET IMPLICATIONS**

N/A

## **OFFICER’S COMMENT**

In staff’s opinion, the attached timeframes represent a realistic and achievable outcome for the implementation of the outstanding recommendations.

## **DELEGATE’S RECOMMENDATION**

1. That Shire applies timeframes and targets to outstanding Bush Fire Organisation Review Recommendations in order for progress to be made (on Recommendations 2, 12, 13, 15, 17, 18, 19.)

## **OFFICERS RECOMMENDATION**

1. That the Committee recommends to Council that the attached Schedule of timeframes for the implementation of the outstanding recommendation from the Bush Fire Organisation Review (2, 12, 13 15, 17, 18 , 19) to be endorsed.

## **RECOMMENDATION/COMMITTEE’S DECISION**

**Moved: Mr Ray Russell (Clackline/Muresk Delegate)**  
**Seconded: Mr Rob Herzer (Irishtown Delegate)**

1. That the Committee recommends to Council that the attached schedule of timeframes for the implementation of the outstanding recommendations from the Bush Fire Organisation Review (2, 12, 13, 15, 17, 18, 19) be endorsed.

**CARRIED 10/0**

**"Harris" Recommendations - Situation Report**

Harris Report Recommendation	Status	Action Plan	Due
2	That procedures for the callout of backup resources be contained in the Shire of Northam Bush Fire Response Plan which is to be developed in consultation with BFAC prior to endorsement by Council.	Awaiting adoption of Shire of Northam Bush fire Management plan (response)	Fire Season 09/10
12	That FCO's and Brigade Officers undergo training in sectorisation of wildfires and that development of communication plans be instigated.	With the commencement of the 09/10 Fire Season it is impractical to make arrangements for this training during the summer months	Arrangements to be made after the 09/10 fire season
13	That brigades identify areas where pagers and SMS system is not reliable and that FESA investigate the identified faulty areas to improve pager and SMS services.	All Brigades were contacted	Ongoing
15	FESA and the Shire of Northam review the 2004 Resource to Risk Assessment for the Shire of Northam involving Brigades and the Bush Fire Advisory.	The Shire of Northam Have recently contacted FESA requesting that the Resource to Risk Assessment be Reviewed	By commencement of 10/11 fire season
17	That FESA and the Shire of Northam conduct an information/training session on the Role & Duties of Brigades Training Officers, and that an annual meeting of Brigade Training Officers, FESA and Shire Representative be held to develop an annual training program for the Shire of Northam. This should include the FRS Brigades. This is to be initiated by the Shire of Northam.	With the commencement of the 09/10 Fire Season it is impractical to make arrangements for this training during the summer months	Annually
18	It is essential that Brigade Officers and desirable for FCO's to attend training on AIMS, Incident Management Teams, advanced levels of fire fighting and fire behaviour, use of aircraft and water bombers, sectorisation and the development of radio communication plans.	With the commencement of the 09/10 Fire Season it is impractical to make arrangements for this training during the summer months	Training Annually
19	That FESA and the Shire of Northam clearly define the purpose of the Bush Fire Response Plan that it is a strategic document supported by Standard Operating Procedures.	Awaiting adoption of Shire of Northam Bush fire Management plan (response)	Amendments will be required to the Appendices

**6.2 BUSH FIRE MANAGEMENT PLAN**

Name of Applicant:	Internal Staff Report
File Ref:	5.1.3.1
Officer:	Chadd Hunt / Felix McQuistan
Officer Interest	Nil
Policy:	
Voting:	Simple Majority
Date:	26/10/2009

**PURPOSE**

For this Committee to consider the proposed “Shire of Northam Bush Fire Management Plan” for endorsement by Council.

**BACKGROUND**

Council are the Hazard Management Agency for Bush fire outside a gazetted fire districts and DEC managed Estate, subsequently Council is responsible for the preparation of Hazard Management plans for Bush Fire. This Committee is requested to endorse the proposed Bush Fire Management Plan.

The Shire of Northam Bush fire Organizational review as adopted by council recommendation 2, 12 and 19 have impact upon this document.

**STATUTORY REQUIREMENTS**

Council has the responsibility as the Hazard Management Agency for bushfire outside of gazetted fire districts and DEC estate under SEMC policy Statement 7 ‘Western Australian Emergency Management Arrangements.

To prepare, test and maintain Local Emergency arrangements for Bushfire.

**CONFORMITY WITH THE PLAN FOR THE FUTURE**

Key Result Area – Land Use & Infrastructure – Outcome 6 – Adequate provisions for Bush Fire Protection are provided, monitored and maintained.

**BUDGET IMPLICATIONS**

N/A

**OFFICER’S COMMENT**

The document required to be considered by this Committee is:

- Shire of Northam Bush Fire Management Plan



The proposed Bush Fire Management Plan is a document that outlines Prevention, Preparedness, Response and Recovery steps taken by the Shire of Northam in relation to overall Bush Fire Management.

The Aim of the Fire Management Plan is to formalize and document current practices being undertaken by the Shire of Northam Bush Fire Brigades.

The Proposed Bush Fire Management plan Conforms to recommendation 2, 12 and 19 of the Bush fire Organizational review as adopted by council which states:

Recommendation 2

That procedures for the callout of backup resources be contained in the Shire of Northam Bush Fire Response Plan which is to be developed in consultation with BFAC prior to endorsement by Council.

Recommendation 12

That FCO's and Brigade Officers undergo training in sectorisation of wildfires and that development of communication plans be instigated.

Recommendation 19

That FESA and the Shire of Northam clearly define the purpose of the Bush Fire Response Plan that it is a strategic document supported by Standard Operating Procedures.

**RECOMMENDATION**

- 1. That this Committee recommends to Council that the attached Fire Management Plan be adopted prior to the onset of the 09/10 fire season.**
- 2. That Council maintain records of Fire Fighting Resources and Contacts as an accurate appendix to this document.**

Alternative Recommendations

**Moved: Mr Richard Marris (Grass Valley Delegate)**

**Seconded: Ms Adrina Brucciani (Wundowie Delegate)**

**That the Draft Fire Management Plan be forwarded to all Brigades for comments by 15 January 2010.**

**CARRIED 10/0**

**It was generally agreed by the Committee that following the responses from the Brigades that on Special meeting of the BFAC be held Thursday 28 6pm January 2010.**

**The BFAC recommendation to the Council meeting in February 2010 can then be submitted.**

## **7. GENERAL BUSINESS**

### **7.1 *Report of Chief Bush Fire Control Officer***

#### **CHIEF BUSH FIRE CONTROL OFFICER REPORT TO BFAC. OCTOBER 2009**

As you are all aware, both the Bush Fire Brigades and the FRS, have fortunately had a very quiet winter season. However I feel the respite is about to end.

Progress over winter has been made by the Shire with the appointment of Felix McQuistan as Senior Ranger and Emergency Services Coordinator. Felix has some knowledge of Shire procedures as he has had a previous association with them. He is keen to progress work that has been held up within the Shire system since the Harris Report was tabled, such as the completion of the Shire's Fire Management Plan, persuade FESA to increase the Shire's ESL budget from a low \$50/55000 to a more realistic \$75/80000pa, update the Shire's Risk to Resource document etc. I am hoping that in some circumstances he will be in a position to be a first response unit at a callout even though he will not have a fire fighting capability on his vehicle. His feedback in these circumstances may be invaluable.

The bus trip undertaken during the winter, to the Perth Communications Centre (Com Cen), the Radio Workshop in Midland, and the Fesa Vehicle Workshop in O'Conner and attended by members of all but one Brigade as well as Shire and FESA staff was well received. I think it gave us a better understanding of the complexities of the systems.

It is pleasing to see that after a delay of 5 months FESA are expecting to deliver our 2 new 1.4 trucks within two weeks. One will go to Inkpen the other to Southern Brook. It was also pleasing to see that progress was made by the Inkpen Brigade in conjunction with the Water Corporation on the protective burns in the Warin Rd. area. Lets us hope that more work can be done in future years.

In the recent past we have successfully managed the situations we have been faced with. I can see no reason why this should not continue. We have experienced fire fighters in our brigades, we have local knowledge, and we have excellent equipment including aerial support and the support of FESA whom can source additional equipment including outlying brigades in quick time. It should be noted that our neighbouring Shires are ready to support us at a moments notice, as are we of them.

Let us hope that the 2010 fire season is a reasonable one, and that there are no injuries to fire fighters or the general public and that we do not lose any assets.

Take care and good luck.

Richard Marris. CBFCO Shire of Northam.

### **7.2 *Report of Department of Environment and Conservation***

Mr K Pollack briefed the Committee. He advised of 31.5 k hectares burnt. Plans have been made for prescribed burns around Clackline. If this is not able to be completed prior to this spring it will be carried over to the following year.

A question was raised relating to burning being undertaken within the Hills area. Mr K Pollack discussed prescribed burning being undertaken however a number of private properties have significant bushland on them. It was proposed a meeting be held with respect to Warranine Reserve and the possible installation of firebreaks on that Reserve.

DEC described its annual firebreak maintenance program and that if work is required it can be programmed in.

DEC further advised joint burning of Reserves is ok if Brigades and Dec are involved. Individual brigades however can not burn on Reserves.

### **7.3 Report of FESA**

“1 Bush Fire Act Amendments (Refer Appendix 1)  
Recommendations 48 & 49  
FESA to assume control of major fire  
Definition of “property” has been changed

#### **Report**

#### **Northam**

#### **Bush Fire Advisory Committee**

**Monday 26<sup>th</sup> October, 2009 @ 1800 hours**

1. “Legislation Changes per Bush Fire Act Amendments power point presentation, handout Bush Fire Act Amendments, Bush Fire Incident Management Western Australia
2. 1.4 Fire Appliance delivery dates, 1<sup>st</sup> and 2<sup>nd</sup> week of November, 2009.
3. Last season was relatively quite, not to say this maybe very different this year. The 3 major fires Mt Ommanney, Wundowie and Inkpen were handled well with the formation of IMT’s. Well done
4. The FESA regional Office will have available the ICV to attend level 2 & 3 fires this season. The ICV has had a major refurbishment and will be an asset in assisting operation.
5. Chain of Command. It is regrettable considering the majority have embraced the changes bought with the ‘Harris Report’ that a few feel it is there right to continually be disruptive. It is a shame that they don’t drive their wealth of experience into assisting and mentoring others.
6. Aerial bombing assistance this year will be available by contacting the Comc and notifying the Region Duty Officer.
7. Burning Permits it is not necessary for the permit holder to contact the Regional Office. It is vital that Northam Base, Wundowie and Northam Vol FRS are notified as Comcentre will make contact to these, when fires are reported.
8. Pagers. A lot of work has been done in this area by Felix and FESA to reconstruct the system. It will be necessary for this to be checked and finetuned. It is suggested that a pager test call be put out on Fridays prior to lunch.

9. UCL and Unmanaged Reserves it is hoped that we have addressed all that require hazard management.
10. We are looking forward to working with the Shire of Northam's bush fire brigades, ranger/fire manager Felix this year and forwarding action points of the "Harris Report".

Linton Mincherton  
District Manager Northam

- 2 Question raised with respect to life insurance coverage for Volunteer Fire Fighters Administration will follow up with Council's insurers.
- 3 State Alert System will be implemented this fire season.
- 4 1.4 Tankers – Inkpen and Southern Brook will be delivered within the next two weeks.
- 5 Implementation of Harris Report – appointment of Council Ranger Services
- 6 Aerial Support – available this year
- 7 Permits to Burn
  - Radio Communications Officer needs to know as this is the point of call.
  - FESA does not need to know

It was generally discussed that it is preferable the FCO's only issue permits to burn within their local areas. Ranger Services have been issuing them from the townsite.

#### 8 Pager & SMS issues

Council is run by Hutchinson. FESA is run in house.  
Test pages are to occur every last Friday of the month during lunchtime.  
The page needs to be sent from FESA District Office.

- 9 UCL and unmanaged land – hopefully all have fire management undertaken

Fire Ban & Harvest Ban Issue within the townsite."

### **7.4 Reports of Shire of Northam**

- 1 Bush Fire Management Plan  
Harris Report Recommendation (as per 6.1 Organisational Review )  
ESL Budget – currently in negotiations

A brief report to BFAC on the Shire of Northam

- The Shire of Northam are awaiting a final figure for the ESL, current offer is \$64,000, with last years costs at \$75,000.
- The Rangers commenced on the 1<sup>st</sup> of July and have many projects under way including vehicles being fitted out, a transition into the new local government, and a backlog of Harris recommendations to be completed.
- The Harris recommendations will take a substantial effort to be completed and all brigades are invited to provide suggestions.
- The Bush fire management Plan is in Draft form and brigade feedback is requested so that it may progress further.

Felix McQuistan Senior Ranger & Emergency Services Co-ordinator

## **7.5 Reports of Brigades**

### Bakers Hill Brigade

NIL

### Clackline/Muresk Brigade

- monthly training multi agency undertaken with Northam VFRS
- 2 combined with Bakers Hill
- FESA training being undertaken when available
- Assisted with Flying 50
- All units in good working order

### Grass Valley Brigade

Nil

### Inkpen Brigade

- Burn undertaken on behalf of the Water Corporation – near Great Southern Hwy
- Issue identified with respect to tree left burning
- Suggestion that signage along Great Southern Highway should have been left up overnight.
- Suggestion that in future Brigades should ensure that it is stipulated within any contract

### Irishtown

- 3 fires – 1 inside district, 2 outside district
- Visit to CBH, FESA Radio Project, FESA Communications Centre, FESA Vehicle building plant
- Burn exercise
- Pressure reduction valve and pump need to be regularly maintained. The Irishtown truck had a failure in the pressure reduction valve which rendered the truck unserviceable.

Jennapullin Brigade

- Radios and pagers in brigade – question raised regarding obtaining more
- Brigade advised to formally request additional equipment

Northam Volunteer Fire and Rescue Service

- Multi agency exercise undertaken

Southern Brook Brigade

- Nil

Wundowie Volunteer Fire and Rescue Service

- Nil

<b>9.</b>	<b>NEXT MEETING SCHEDULED</b>	<b>28<sup>th</sup> JANUARY 2010</b>
<b>10.</b>	<b>DECLARATION OF CLOSURE</b>	<b>8.00PM</b>

## Appendix 1

# **Bush Fires Act Amendments Bush Fire Incident Management – Western Australia**

*Note: This document provides an overview of work to date regarding Major Bush Fire Incidents. It is not a final resolution and further work by the Parliamentary Council Officer will be required to ensure changes comply with legislative requirements. The subsequent development of policies and plans is required.*

### **Why the Change?**

The Community Development and Justice Standing Committee (CDJSC) of Parliament spent several years compiling its Report “Inquiry into Fire and Emergency Services Legislation”, tabling the Report containing 88 recommendations in October 2006. The consultation process included public and private organisations and the Western Australia Local Government Association (WALGA) which consulted with the 122 local governments that have bush fire management responsibilities.

As part of the review, the CDJSC referred to findings from two coronial investigations, the Darling Escarpment Review (1994), a report by the Auditor General of Western Australia *Performance Examination – Responding to Major Bushfires (2004)* and the COAG Report *National Inquiry on Bushfire Mitigation and Management (2004)*.

After a comprehensive and inclusive investigation, it was clear to the CDJSC that stakeholder opinion in relation to fire control would be difficult to align. The CDJSC identified that control arrangements of multi-agency incidents was contentious. However, in making these recommendations, the CDJSC stated:

*“Several significant State and Commonwealth Government reports including two coronials have highlighted community safety issues inherent in the authority for control being dispersed across a number of agencies in multi-agency incidents. The Committee acknowledged that in many instances a high degree of co-operation has been engendered at the local level to address this issue. However, it views that to ensure consistency in approach, such arrangements need to be legislatively mandated. The Committee has therefore recommended that one agency, the Fire and Emergency Services Authority of Western Australia, be empowered to assume control in these circumstances.”*

Of particular relevance to this matter are recommendations 48 and 49. These enable the Fire & Emergency Services Authority (FESA) to take control of a major fire (as defined in legislation) from Local Governments or the Department of Environment & Conservation (DEC).

In November 2008, State Cabinet approved the drafting of a single, comprehensive and consolidated Emergency Services Bill, in line with the recommendations of the CDJSC, for the purpose of streamlining and clarifying the roles and responsibilities of the State’s bush fire fighting agencies. Due to the protracted length of time in the preparation and consultation period

required for this Bill, Cabinet also approved the urgent progression of some critical amendments which includes recommendations 48 and 49 and the ability for FESA to declare a total fire ban.

### **Current situation**

There are two circumstances when FESA can take control of a bush fire on local government or DEC managed lands. A Bush Fire Emergency Period declared under section 21 of the *Bush Fires Act 1954* (the Act) allows the Minister to declare a bush fire emergency period for an area, thereby handing control over to “a person to take charge of bush fire fighting operations in an area”; this is most likely the FESA Chief Operations Officer. Section 13(4) of the Act also enables a local government to request FESA take control of a major bushfire.

The Community Development and Justice Standing Committee stated, in some regions of the State, local government, DEC and FESA personnel operating at the local level have negotiated “non legislative” fire control arrangements whereby local government can hand control of a fire to DEC. This poses a risk to firefighters if DEC or local government have control of a fire that is burning outside their tenure and is clearly not supported by legislation.

In effect, the proposed powers under recommendations 48 and 49 are an extension of those available to FESA under sections 13(4) and 21 of the Act, without the negative impact to industry, by removing the application of total burning restrictions under section 21(2)(a).

The decision to take control of a fire from local government or DEC under the proposed powers would occur when a fire has escalated to a major incident and it is important that State’s resources and community information is appropriately coordinated. The amendments will close gaps which potentially leave volunteer firefighters and DEC Staff without protection of legislation.

FESA is currently developing the legislation to achieve this protection, but at the same time we cannot ignore the state-wide considerations and recommendations to remove gaps highlighted through coronial investigations and major reviews. Furthermore, flaws in incident coordination, control and command structures are matters being addressed by the Victorian Royal Commission.

### **What’s wrong with the current situation?**

The following issues arise from the current inadequate legislative, policy, procedures and plans;

- No ability for agency to hand over control in a number of scenarios,
- Significant impediments for response across tenures,
- Multiple HMAs are designated across multiple tenures,
- No legislated coordination arrangements exist for major incidents,
- There is incompatibility with the *Emergency Management Act 2005*,
- Existing legislative provisions are over 50 years old and are intended for a different era, and
- No legal basis for cooperative arrangement, which is a major flaw when things go wrong.

### **What does this all mean?**

Effective fire management requires clear guidelines and coordination arrangements to ensure the community is afforded the best service possible. This is particularly so when a fire situation in



one or more areas of the State is of such a magnitude that resources are stretched and community warnings and information is required. It is therefore proposed that amendments will be progressed to achieve the following outcomes for normal operating situations (day to day incidents) and where major incidents have the potential to (or are) threatening communities.

### **Day to Day Incidents**

Nothing changes, however

- HMA may hand control over to other fire fighting agencies, and
- When an agency is given control of a fire outside their tenure or when they are operating across multiple tenures, in order to ensure that state-wide control is maintained, the Incident Controller will need to adhere to a set of State parameters which will be defined in the legislation and/or Westplan Bushfire (under development).

The adoption of this proposal will allow each of the agencies with fire suppression capacity the ability to hand control over to any of the three HMAs. Furthermore, by including provisions that FESA is to be notified if control of a fire is handed over, it will ensure a single source of coordination.

### **Major Incidents**

1. If a bush fire is burning in the district of a local government or on CALM Act Land, the FESA CEO may authorise a Bush Fire Liaison Officer (BFLO) or another person to take control of all operations in relation to that fire either at their request or if, because of the nature or extent of the bush fire, FESA considers that it is appropriate to do so.
2. If the person authorised is not a BFLO they will have the same powers as a BFLO during the period that the authorisation has effect.
3. The authorisation of a person to take control of operations in relation to a bush fire will not be affected by the powers that may be exercised by a Hazard Management Agency or hazard management officers as the result of the declaration of an emergency situation or a state of emergency under the Emergency Management Act 2005.
4. FESA will therefore provide assistance and direction across the agencies present at an incident which will ensure a common purpose and that appropriate strategies are in place. This includes coordinating resources from other regions and if necessary through the State Emergency Management arrangements. Notwithstanding this responsibility, all agencies present will be significant contributors to the control and coordination of the incident. The “command” of agency resources present at a fire will remain with the agency.
5. The principles of Incident Management (AIIMS) will apply and the best persons (regardless of tenure or agency) will be appointed to key roles, with local knowledge and agency liaison remaining critical to the successful implementation of the control arrangements.
6. During the authorised period, the following proposed new powers will be available to the authorised person

## **Bush Fires Act Amendments**

### **Total Fire Ban**

*Note: This document provides an overview of work to date regarding the implementation of Total Fire Bans. It is not a final resolution and further work by the Parliamentary Council Officer will be required to ensure changes comply with legislative requirements. The subsequent development of policies and plans is required.*

#### **Why the change?**

In November 2008, State Cabinet approved the urgent progression of three critical amendments to the *Bush Fires Act 1954*, one of which was the ability to declare a Total Fire Ban period. Under current legislation there is no provision in Western Australia enabling the declaration of a Total Fire Ban. The Minister can declare a Bush Fire Emergency Period under section 21 of the *Bush Fires Act 1954*, however this impacts on industry. The adoption of a Total Fire Ban will address some of the issues to industry and will bring FESA into line with other states. The Total Fire Ban is also another method of highlighting the dangers of unplanned fire and the community will need to take precautions on the declared days.

#### **What are the Proposed changes?**

A new section of the *Bush Fires Act 1954* will give provision for the Minister to call a total fire ban period for specific areas and for a specific period of time across the state. The declaration of a total fire ban period will mean that no fire can be lit in the open air, or no activity likely to set fire to the bush may be undertaken. The decision to declare a total fire ban is based on the weather conditions either existing or imminent. It can also be declared if the Minister is of the opinion that it is necessary to declare a total fire ban for other reasons e.g. a significant commitment of fire fighting resources to ongoing incidents.

The process for obtaining local input in to the declaration of a Total Fire ban is important and the Bush Fire Service network will be asked to assist in the development of the procedures.

#### **What does this mean?**

The Total Fire Ban will mean that a person cannot light or use a fire in the open air or carry out in the open air an activity that causes or is likely to cause a fire. The total fire ban is intended to cease activities such as welding, grinding, harvesting and vehicle movement likely to cause a spark, cooking with solid fuel or cooking in areas likely to cause a fire. These restrictions are similar to those that may be enforced by local governments under existing arrangements.

A person commits an offence if they

- cook in the open air in an appliance that consumes solid fuel,
- light or use a fire in the open air,
- if they carry out a process or operation in the open air that is likely to cause a fire,
- undertake an activity prescribed in regulations.

Penalty - \$25,000 or imprisonment for 12 months or both

It should be noted that the proposal to introduce total fire bans is designed to be an additional means of enforcing and publishing fire restrictions over and above local restrictions such as Harvesting and Movement of vehicle bans. Local government will continue to impose such localized bans, while total fire bans will generally be declared in situations of widespread fire danger and/or fire situations. The actual areas proposed to be used for defining total fire bans have yet to be decided, though are likely to be updated fire weather districts or derivations of same.

### **What can you do?**

Activities that will not be prohibited during a total fire ban are;

- The use of a gas appliance comprising of a flame encapsulated by the appliance at a persons home or in a signed area set aside by local government (s.25(1aa)) of the Bush Fires Act
- Circumstances prescribed in the regulations
- If an exemption is obtained and approved by the Minister
- The powers and functions that are provided to local government and Bush Fire Liaison officer under Part IV of the Bush Fires Act – Control and extinguishment of bush fire

### **Exemptions**

The Minister, on advice from the FESA CEO (in writing) can provide an exemption during a Total Fire Ban if the person has taken adequate precautions for the prevention or spread, control and extinguishment of any fire or activity likely to cause a fire. The exemptions can be wholly or partially with conditions as considered necessary and have effect for the period specified in the exemption and can be revoked or varied. This is similar to current provisions in the Bush Fires Act regarding exemptions during a Prohibited Burning Time. In addition, it is anticipated that provision for exempting activities such as stock watering will also be addressed.

Despite an exemption from the Minister, the local government may (in writing) prohibit the person from lighting a fire or carrying out an activity to which an exemption relates.

Due to the similar nature and overlapping provisions between the Bush Fire Emergency Period and a Total Fire Ban; the Bush Fire Emergency Period will be deleted. The assumption of control provided for in the Bush Fire Emergency Period will be available in new legislation providing an alternative for FESA to appoint a person to take change of operations.

### **One question that is often asked is “How will the TFB affect harvesting and vehicle movements?”**

The declaration of a total fire ban period will mean that no activity likely to set fire to the bush may be undertaken. Under Part VII of the Bush Fires Act regulation, provisions are made regarding the operation of tractors and engines during prohibited or restricted burning times. This is reference to the fact that they are capable of setting fire to the bush and as such they would be prohibited during a Total Fire Ban.

When a TFB is declared, it is most likely because of extreme weather conditions and therefore a harvest ban may already be in place. The ability to stop harvesting and vehicle movements already exists. The actual thresholds for a TFB have not yet been set, though are likely to be higher than those set for localised Harvest and Movement of Vehicle bans. TFBs are about extreme weather or when widespread fires are seriously stretching resources.

Section 27(3) of the Bush Fires Act provides for a local government to prohibit operations in its district of a tractor or harvester. Additionally Section 38A of the Regulations allows a Bush Fire Control Officer to prohibit the operation of any engine, vehicle, plant or machinery. The proposed amendments will not alter a local government’s capacity to implement this should local conditions warrant.