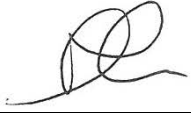


**NOTICE OF A SPECIAL MEETING OF COUNCIL**

Dear Council Member

A Special Meeting of Council is to be held at **5.30pm, Thursday 14 July 2022** in Council Chambers called for the purpose of:

1. Levying Rates in 2022/23 – Setting the Rates in the Dollar and Minimum Payments
2. Arrangements for Management of Volunteer Bush Fire Brigades: Response to WALGA Proposed Advocacy Position

|                        |   |
|------------------------|---|
| Signed by T P Clynych: |  |
| Date:                  | 11 July 2022  |

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## **AGENDA**

For the Special Meeting of Council to be held in the Council Chambers on **Thursday 14 July 2022 commencing at 5.30pm** for consideration of the following:

1. Levying Rates in 2022/23 – Setting the Rates in the Dollar and Minimum Payments
2. Arrangements for Management of Volunteer Bush Fire Brigades: Response to WALGA Proposed Advocacy Position

### **Acknowledgment of Country – Presiding Member**

*We acknowledge the Noongar People, the Traditional Custodians of the land on which we are gathered, and pay our respects to their Elders past, present and emerging.*

### **Attendance & Apologies**

|             |   |
|-------------|---|
| President   | - Cr J Mountford  |
| Councillors | - J Boyle<br>- T Lansdell<br>- S Mahoney<br>- A Pratico<br>- P Quinby<br>- A Rose   |
| Officer     | - T Clynch, Chief Executive Officer<br>- M Larkworthy, Executive Manager Corporate Services<br>- P St John, Executive Manager Development and Infrastructure<br>- E Matthews, Executive Assistant |

### **Attendance of Gallery**

### **Public Question Time**

### **Petitions/Deputations/Presentations**

### **Comments on Agenda Items by Parties with an Interest**

### **Notification of Disclosures of Interest**

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow a Member to speak, the extent of the interest must also be stated.

## **Business Items**

|                       |  |                  |       |
|-----------------------|--|------------------|-------|
| <b>ITEM NO.</b>       | SpC.01/0722  | <b>FILE REF.</b> | 160.1 |
| <b>SUBJECT</b>        | Consideration of 2022/23 Differential Rates and Minimum Payments |                  |       |
| <b>OFFICER</b>        | Executive Manager Corporate Services                             |                  |       |
| <b>DATE OF REPORT</b> | 8 July 2022  |                  |       |

### **OFFICER RECOMMENDATION 1**

*That Council note no public submissions were received in relation to the proposed 2022/23 Differential rates as previously advertised in June 2022.*

### **OFFICER RECOMMENDATION 2**

*That following consideration of funding requirements associated with a revised organisation structure, Council endorse the following 2022/23 rates in the dollar and minimum payments in lieu of those previously advertised:*

| <b>Category</b>                                   | <b>Rate in \$</b>    | <b>Minimum Payment</b> |
|---|----------------------|------------------------|
| <i>Gross Rental Value (GRV) Properties</i>        | <i>9.6821 cents</i>  | <i>\$1,048.00</i>      |
| <i>Mining Gross Rental Value (GRV) Properties</i> | <i>18.8282 cents</i> | <i>\$1,048.00</i>      |
|   |                      |                        |
| <i>Rural Unimproved Value (UV) Properties</i>     | <i>0.5906 cents</i>  | <i>\$1,299.00</i>      |
| <i>Mining Unimproved Value (UV) Properties</i>    | <i>7.0850 cents</i>  | <i>\$387.00</i>        |

### **OFFICER RECOMMENDATION 3**

*That in accordance with Regulation 23(b) of the Local Government (Financial Management) Regulations notice of the reason for adopting different rates in the dollar and minimum payments than advertised is to be included in the 2022/23 budget papers and also communicated in the rating information document included with each rates notice. The reasons to be given are as provided in this agenda report.*

### **OFFICER RECOMMENDATION 4**

*That application be made to the Minister for Local Government, Sport and Cultural Industries for approval to impose in 2022/23 a differential Mining UV rate which is more than twice the lowest general differential UV rate.*

### **Summary/Purpose**

To consider revised rates in the dollar and minimum payments for Council's rating categories in the 2022/23 rating year than those previously advertised.

### **Background**

At its meeting held 26 May 2022 Council adopted, for advertising purposes, its proposed differential rates and minimum payments for the 2022/23 rating year as detailed in the table below:

| Category                                   | Rate in \$    | Minimum Payment |
|--|---------------|-----------------|
| Gross Rental Value (GRV) Properties        | 9.5823 cents  | \$1,037.00      |
| Mining Gross Rental Value (GRV) Properties | 18.7286 cents | \$1,037.00      |
|  |               |                 |
| Rural Unimproved Value (UV) Properties     | 0.5845 cents  | \$1,286.00      |
| Mining Unimproved Value (UV) Properties    | 7.0120 cents  | \$383.00        |

In accordance with Section 6.36 of the Local Government Act the differential rating proposal was advertised for public comment for a period of 22 days. The public submission period ended 23 June 2022 with no submissions being received in relation to the proposed differential rates.

At its meeting held 30 June 2022 Council considered a proposed change to the organisation structure and resolved as follows:

*C.15/0622a That Council:*

1. *Amend Policy M.14 ‘Senior Employees’ by deleting reference to the Executive Manager Community Services position.*
2. *Amend Policy M.15 ‘Organisation Structure’ by:*
  - (i) *Deleting reference to ‘Community Services’*
  - (ii) *Changing reference to ‘Development & Infrastructure’ to ‘Development, Infrastructure & Community’.*
3. *Note the estimated increased employee costs of \$199,746 per annum under the proposed restructure and that the CEO report back as part of the 2022/23 budget process the funding plan over 2 years for implementation of the organisation restructure.*
4. *Notwithstanding Resolution C.05/0622, amend the ‘Corporate Business Plan 2022-2026’ by changing the Action Year for Action 10.2.1 (Provide a Local Economic Development Strategy, including tourism) from Year 1 (2022/23) to Year 2 (2023/24).*

A funding model has been determined in accordance with point 3 of the above resolution to fund the organisation restructure over the 2022/23 and 2023/24 financial years. The proposed funding model identifies an amount of \$53,409 in rate revenue required in 2022/23 to part fund costs of the restructure, equating to an additional 1.1% rate increase than previously identified.

Officer Comment

The purpose of levying rates is to meet Council’s budget requirements in each financial year in order to deliver services and community infrastructure. Following review of all revenue and expenditure sources including those identified in its integrated planning documents Council determines the budget deficiency that will be funded by the levying of rates.

In May 2022 as part of its 2022/23 budget deliberations Council determined an estimated budget deficiency of \$5.135m. The estimated budget deficiency resulted in an increase to the total rate yield of 5.85% from the 2021/22 rate yield (adjusted for natural growth). Rate modeling was undertaken to determine the rates in the dollar and minimum payments required to raise the identified budget deficiency. The proposed differential rates for 2022/23 were advertised for public comment during the period 1 – 23 June 2022.

At its 30 June 2022 meeting Council considered a proposed organisation restructure that will result in an additional \$199,746 in employee costs. The revised restructure addresses the following:

- Management of the Visitor Centre - Following Council's decision on 9 June 2022 to cease the progressing of outsourcing of management of the visitor centre and continue with a 'Shire managed' model new service levels have been determined.
- Resourcing of other identified service level pressure points throughout the organisation.

In accordance with Council's resolution the following two year funding strategy is proposed:

| <b>Funding Source</b>                        | <b>Year 1</b>    | <b>Year 2</b>    |
|--|------------------|------------------|
| Reduced Corporate Business Plan Expenditure  | \$ 30,000        | \$ 0             |
| Unspent Employee Costs from 2021/22          | \$116,337        | \$ 0             |
| Further Changes to Organisation Structure    | \$ 0             | \$ 65,000        |
| Additional Rate Increase 1.1% in 2022/23     | \$ 53,409        | \$ 53,409        |
| Additional Rate Increase of 1.57% in 2023/24 | \$ 0             | \$ 81,337        |
|  | <u>\$199,746</u> | <u>\$199,746</u> |

Rate modelling has been undertaken to fund the revised estimated budget deficiency of \$5.189m resulting in an increase to the total rate yield of 6.95% from the 2021/22 rate yield (adjusted for natural growth).

Regulation 23(b) of the Local Government Financial Management Regulations requires in the event that Council resolves to impose rates or minimum payments different from those previously advertised the Annual Budget of Council must include details of the rate or minimum payments set forth in the public notice, and provide reasons for the difference. Additionally, written notification to ratepayers explaining Council's reasons should be included with their annual rates notice.

Council will be required to comply with Regulation 23(b), the following reason for different rates and minimum payments being adopted to those advertised will be included in the statutory budget document and on an information flyer included with each rate notice:

*'Council has adopted different rates in the dollar and minimum payments to those previously advertised due to revised estimates for employee costs resulting in an overall increase in the estimated budget deficiency. These increased employee costs are to fund:*

- *A new staff structure at the visitor centre following Council's decision in June 2022 to cease the progressing of outsourcing of management of the visitor centre and continue with a 'Shire managed' model.*
- *Additional employee expenditure to address a number of service level pressure points throughout the organization that have impacted upon timely and effective delivery of services to the community".*

### Statutory Environment

Section 6.32(1) of the Act – Rates and service charges

Section 6.33(1) to (3) of the Act – Differential general rates

Section 6.35(4) of the Act – Minimum payment

Section 6.36 of the Act – Local government to give notice of certain rates

### Integrated Planning

- Strategic Community Plan
  - Outcome 14            Effective governance and financial management
  - Objective 14.1        Achieve excellence in organisational performance and service delivery
  
- Corporate Business Plan – Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy – Nil

### Budget Implications

This item recommends an increase in all proposed rate in the dollar and minimum payments to those previously advertised by Council generating an additional \$53,409 in rate revenue to be included in the 2022/23 Draft Budget.

Whole of Life Accounting – Not Applicable

### Risk Management

The advertising of Council's intention to levy differential rates and subsequent application to the Minister is part of the statutory provisions required to ensure Council's rates are levied in accordance with legislation and are not at risk of being ruled improperly raised or imposed. There is a risk to Council not adopting its 2022/23 budget by the statutory deadline of 31 August 2022 in the event that the Minister does not approve Council's Mining UV differential rate.

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

|                       |   |                  |     |
|-----------------------|---|------------------|-----|
| <b>ITEM NO.</b>       | SpC.02/0722   | <b>FILE REF.</b> | 261 |
| <b>SUBJECT</b>        | WALGA Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position |                  |     |
| <b>PROPONENT</b>      | WALGA   |                  |     |
| <b>OFFICER</b>        | Chief Executive Officer   |                  |     |
| <b>DATE OF REPORT</b> | 11 July 2022  |                  |     |

Attachment 1      WALGA Discussion Paper: Arrangements for Management of Volunteer Bush Fire Brigades Proposed Advocacy Position

#### OFFICER RECOMMENDATION

*That with respect to the Western Australian Local Government Associations (WALGA) proposed Advocacy Position on Arrangements for Management of Volunteer Bushfire Brigades, on the review of the consolidated Emergency Services Act, Council advise WALGA that its preferred option for WALGA to take as an advocacy position on future management of bush fire brigades is Option 2 – Improvements of its advocacy discussion paper, being to continue with the current arrangements for Local Government management of Bush Fire Brigades but with additional support to be provided by the State Government including increased funding, minimum training requirements for all volunteer bush fire brigade members, development of a policy and procedures framework for use by all brigades and a recognition that whatever option/model eventuates there is a requirement to have a structure that provides for volunteer input into decision-making processes.*

#### Summary/Purpose

Council is requested to provide comments to the Western Australian Local Government Association (WALGA) in regard to the proposed Advocacy position on Arrangements for Management of Volunteer Bushfire Brigades in order to allow WALGA to provide guidance in its engagement with the State Government on the drafting of the Consolidated Emergency Services Act (CES Act).

Consultation with office bearers of the Shire's bush fire brigades has occurred in order to inform this report to Council.

#### Background

The State Government is currently drafting the Consolidated Emergency Services Act, which will combine the *Fire Brigades Act 1942*, *Bush Fires Act 1954* and *Fire and Emergency Services Act 1998*. It is anticipated that the draft consolidated Act will be released as a Green Bill for consultation in early 2023. It is expected that the new Act will allow (not mandate) the transfer of Bush Fire Brigade control to a State Government Agency at the request of a Local Government.

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

Western Australia is currently the only State or Territory that Local Government have management or responsibilities for BFBs. Most of the arrangements throughout Australia have the management of BFBs with a State Government authority.

The Western Australian Local Government Association (WALGA) has written to all local government's seeking submissions regarding the management of BFBs so WALGA can develop an Advocacy Position Statement on behalf of Local Government's across Western Australia. The *Arrangements for Management of Volunteer Bush Fire Brigades Proposed Advocacy Position* (Advocacy Position) is attached.

In 2021, WALGA undertook a comprehensive Local Government Emergency Management Survey to ascertain the sector's sentiment with respect to their emergency management responsibilities. 104 Local Governments responded to the Survey consisting of:

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

The survey also asked local governments about their level of satisfaction with current arrangements for managing Bush Fire Brigades (BFB), 92 Local Governments (69 of which manage Bush Fire Brigades) provided the following feedback:

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

As a result of these findings, WALGA has proposed the following Advocacy Position:

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



The *WALGA Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position* will guide WALGA in its approach on behalf of Local Government when consulting with the State Government. The Advocacy Position identifies four future options for the future management of Bush Fire Brigades:

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

A meeting of interested Shire Bush Fire Brigade Fire Control Officers and Captains was held on 7 July 2022 and was also attended by the Chief Bush Fire Control Officer, Community Emergency Services Manager (CESM) and CEO. The consensus from those in attendance at that meeting was that Option 2 (Improvements) of the WALGA advocacy position paper was the most desirable. Those in attendance unanimously agreed that the current arrangements are satisfactory however a number of improvements could be initiated across the network of brigades to improve consistency and response capability. Examples of these improvements are listed in the officer recommendation and include an acknowledgement that more funding to BFBs is required, there is a need for minimum training requirements across all volunteer bush fire brigades (particularly as brigades often attend fires outside their district), development of a policy and procedures framework that can be adapted by all brigades and a recognition that whatever option/model eventuates there is a requirement to have a structure that provides for volunteer input into decision-making processes.

#### Officer Comment

As part of the considerations across the local government sector there has been discussion about the implications that the Work Health and Safety Act 2020 has on how local governments should manage BFBs. Specifically there have been concerns expressed about the additional responsibilities on Local Government for managing BFBs.

Some of the key features of the WHS Act as follows:

- The primary duty holder is the ‘person conducting a business or undertaking’ (PCBU) which is intended to capture a broader range of contemporary workplace relationships.

- A primary duty of care requiring PCBUs to, so far as is reasonably practicable, ensure the health and safety of workers and others who may be affected by the carrying out of work.
- Duties of care for persons who influence the way work is carried out, as well as the integrity of products used for work, including the providers of WHS services.
- A requirement that ‘officers’ exercise ‘due diligence’ to ensure compliance.
- The new offence of industrial manslaughter, which provides substantial penalties for PCBUs where a failure to comply with a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm.
- The voiding of insurance coverage for WHS penalties, and imposition of penalties for providing or purchasing this insurance.
- The introduction of WHS undertakings, which are enforceable, as an alternative to prosecution.
- Reporting requirements for ‘notifiable incidents’ such as the serious illness, injury or death of persons and dangerous incidents arising out of the conduct of a business or undertaking.
- A framework to establish a general scheme for authorisations such as licences, permits and registrations (for example, for persons engaged in high-risk work or users of certain plant or substances), including provisions for automated authorisations. Under the Work Health and Safety Act 2020, for Volunteers and Volunteer Organisations, the Shire is responsible for all the volunteers within the Bush Fire Brigades. The Shire is required to ensure that all the Fire Control Officers (FCOs) and Bush Fire volunteers have undertaken the required training to allow them to perform the role safely.

### Statutory Environment

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- The Local Government Act of 1995: Division 3 — Executive functions of local governments, Subdivision 1 — performing executive functions, s3.18. Performing executive functions: 3(b).
- Work Health and Safety Act 2020, mandates the duty of care to volunteers by the person conducting a business undertaking. Senior Local Government officers with decision making and budget allocation control, have a duty of care to volunteer bush fire brigade members.
- Bush Fires Act 1954, s36 and s41. Provides for local governments to establish, maintain and equip bush fire brigades.

### Integrated Planning

- Strategic Community Plan  
Outcome 2 – good health and community well being  
Objective 2.4 – build community capacity by supporting community organisations and volunteers
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications - Nil

Whole of Life Accounting - Nil

Risk Management

The management of BFBs and bushfire has inherent risks to the organisation in regards to insurance, volunteer management and control of bushfires. The Shire’s BFB and local emergency management networks are well trained and experienced in emergency management activities of prevention, preparedness, response and recovery.

Voting Requirements – Simple Majority

**Closure**

*The Presiding Member to close the Meeting.*

**List of Attachments**

| Attachment | Item No.    | Details  |
|------------|-------------|--|
| 1          | SpC.02/0722 | WALGA Discussion Paper: Arrangements for Management of Volunteer Bush Fire Brigades Proposed Advocacy Position |

|   |  |              |
|---|--|--------------|
| Agenda papers checked and authorised by CEO, Mr T P Clynych |  | 11 July 2022 |
|---|--|--------------|

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

May 2022




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## Acknowledgement

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



## Executive Summary

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

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

## How to Comment on This Paper

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

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

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

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

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

## Introduction

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

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

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

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

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

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

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

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

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

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

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

## Background

FESA (now the Department of Fire and Emergency Services (DFES)) was established in 1999 for the purpose of improving coordination of the State's emergency services, replacing the Fire Brigades and Bush Fires Boards<sup>1</sup>. DFES provides strategic leadership for emergency services across WA. DFES manages the career fire and rescue service, as well as a number of volunteer emergency services: Volunteer Fire and Emergency Services (VFES); Volunteer Fire and Rescue Service (VFRS); State Emergency Services (SES); and Marine Rescue Western Australia.

Around Australia:

- WA is the only State in Australia in which Local Governments manage bushfire volunteers (pursuant to the *Bush Fire Act 1954*).
- In New South Wales, the NSW Rural Fire Service, which makes up the world's largest firefighting volunteer services, is managed by the NSW Government<sup>2</sup>.
- Similarly, the Victorian Government manages the Country Fire Authority which manages regional fire services in Victoria<sup>3</sup>.
- In South Australia, the *Fire and Emergency Services Act 2005* (SA) provides for the South Australian Country Fire Service (SACFS) being established as a body corporate, currently managing 14,000 volunteers. The SACFS is responsible to the Minister for Emergency Services<sup>4</sup>.
- In Queensland, the *Fire and Emergency Services Act 1990* (Qld) provides for the establishment of rural fire brigades, with the Commissioner responsible for the efficiency of rural fire brigades<sup>5</sup>.
- The Tasmanian Fire Service sits under the State Fire Commission, established under the *Fire Service Act 1979*<sup>6</sup>, with more than 200 fire brigades across Tasmania, 350 career firefighters and 5000 volunteers.
- The ACT Rural Fire Service sits under the ACT Emergency Services Agency<sup>7</sup> and is responsible for all bush and grass fires in rural ACT areas, through 450 volunteers in eight brigades.
- Bushfires NT is a division of the Department of Environment, Parks and Water Security, which is responsible for administration of the *Bushfires Management Act 2016*<sup>8</sup>. The Minister appoints members of the Bushfires Council and regional bushfires committees.

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

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

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

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

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

<sup>6</sup> [TFSAAnnualReport2021.pdf \(fire.tas.gov.au\)](#)

<sup>7</sup> [Emergencies Act 2004 | Acts](#)

<sup>8</sup> [Legislation Database \(nt.gov.au\)](#)



## Current Arrangements in WA

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

- Bush Fire Service: 19,639 volunteers
- Fire and Rescue Service: 2,486 volunteers
- State Emergency Services: 2001 volunteers
- Volunteer Fire and Emergency Services: 926 volunteers
- Emergency Services Cadet Corps: 2,261 volunteers
- Marine Rescue Service: 1,559 volunteers<sup>9</sup>.

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

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

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

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

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

## Considerations for Future Bush Fire Brigade Management Arrangements

### Local Government Views

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

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

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<sup>9</sup> DFES Volunteering, April 2022

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

## **Recommendations of Previous Reviews**

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

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

The 2017 [Economic Regulation Authority Review of the Emergency Services Levy \(ESL\)](#) considered the extent to which the ESL should be available to fund the administrative and/ or operational costs of a rural fire service, although it was outside the terms of reference for the ERA to examine the merits of a rural fire service or form a view on the best model of a rural fire service<sup>10</sup>. A number of Local Governments provided submissions to the ERA Review that supported the creation of a rural fire service<sup>11</sup>.

## **Work Health and Safety Act 2020**

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

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

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

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

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<sup>10</sup> [ERA Review of the ESL, 2017, pg 185](#)

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

## Volunteer Insurance

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

Since 2012, due to the high cost of claims, the aggregate limit of liability has increased from \$250,000 to \$750,000. In addition, the annual cost of insurance has nearly doubled (92%) from \$47.50 to \$91.20 per volunteer, and it is expected that this trend will continue<sup>12</sup>.

## Sector Capacity, Capability and Resourcing

Local Governments vary in their capability, capacity, and resources to manage BFBs, as well as their other extensive legislative responsibilities and requirements<sup>13</sup>.

By way of overview, Local Governments in Western Australia:

- vary in size from less than 1.5 to over 370,000 square kilometres;
- have populations of just over 100 to more than 220,000 people;
- employ fewer than 10 to over 1000 staff; and
- have revenue (2019-20) ranging from just over \$2 million to just over \$225 million<sup>14</sup>.

## Bush Fire Service and Volunteerism

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

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

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<sup>12</sup> Data provided by LGIS, 17 May 2022

<sup>13</sup> 2021 Local Government Emergency Management Capability report - SEMC

<sup>14</sup> [Department of Local Government, Sport and Cultural Industries](#)

## Options for future management of BFBs

Four options are identified for the future management of BFBs:

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

## Proposed Position

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

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

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

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

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

### **Management of Bush Fire Brigades**

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

## How to Provide a Response to this Paper and Proposed Position

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

The following questions are provided for Local Governments to consider:

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

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

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

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

# APPENDIX ONE - Proposed Emergency Management Advocacy Position Statements

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

## 8 Emergency Management

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

### 8.1 Emergency Management Principles

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

### 8.2 State Emergency Management Framework

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

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

### 8.3 Sustainable Grant Funding Model for Emergency Management

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

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

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

#### **8.4 Consolidated Emergency Services Act**

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

#### **8.5 Resource Sharing**

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

#### **8.6 Lessons Learnt Management**

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

#### **8.7 Emergency Services Levy**

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



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

### **8.8 Local Government Grants Scheme (LGGS)**

Local Government supports:

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

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

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

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

### **8.10 Management of Bush Fire Brigades**

*To be developed.*