

Ordinary Council Meeting – 15 August 2022 –

10.1.8 Bush Fire Brigade Management - Establishment of a Special Working Group

10.1.8 - Bush Fire Brigade Management - Establishment of a Special Working Group (SJ3914)	
Responsible Officer:	Director Development Services
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.

Report Purpose

The purpose of this report is to request Council endorse establishment of a Volunteer Bushfire Brigade Enhancement Working Group (EWG), which seeks to assist the organisation with the enhancement plan currently underway for the volunteer bushfire brigade function that the Shire maintains. Proposed membership and Terms of Reference (refer **attachment 1**) for the EWG are included in this report, for consideration and endorsement by Council.

The EWG also responds to the recent decision of Council, in respect of an enhancement strategy plan.

Relevant Previous Decisions of Council

*Ordinary Council Meeting - 18 July 2022 - OCM160/07/22 COUNCIL RESOLUTION - **extract***

That Council:

RECOMMENDS the Western Australian Local Government Association (WALGA) advocate for the following position:

3. REQUESTS the Chief Executive Officer convene a special working group of Shire Officers, the CBFCO and Brigade Captains to develop an Enhancement Strategy Plan for the next five years to be presented via BFAC in November and to the OCM December 2022.

Background

Under the *Bush Fires Act 1954*, local governments have responsibility for bushfire and the management of Volunteer Bush Fire Brigades (BFBs). The Shire of Serpentine Jarrahdale manages six BFBs and one Emergency Support Brigade.

The introduction of the *Work, Health and Safety Act 2020* has provided an updated legislative focus on responsibilities for work, health and safety (WHS). A function like bushfire fighting by bushfire brigade volunteers, is clearly important to be focussed upon and to be continually enhanced.



A report was presented to Council at its 18 July 2022 Ordinary Council Meeting for the consideration of a Proposed Advocacy Position on arrangements for Management of Volunteer Bushfire Brigades from the Western Australian Local Government Association (WALGA).

Council resolved to continue with its current arrangements in respect of managing BFBs with improvements, and this position was responded to WALGA as the Shire's endorsed position on the WALGA Proposed Advocacy Position.

As part of this decision, Council also supported an enhancement plan and EWG arrangement to collaboratively drive changes. This would include a specific focus on WHS.

As contemplated by Council's resolution, the enhancement process will take time, however equally important are ensuring both current and transitional requirements are met in accordance with legislative requirements.

Current requirements are:

- the provision and maintenance of a working environment that is safe and without risks to health, including safe access to and exit from the workplace;
- the provision and maintenance of plant, structure and systems of work that are safe and do not pose health risks (for example, providing effective guards on machines and regulating the pace and frequency of work);
- the safe use, handling, storage and transport of plant, structure, and substances (for example, toxic chemicals, dusts, and fibres);
- the provision of adequate facilities for the welfare of workers at work (for example, access to washrooms, lockers, and dining areas);
- the provision of information, instruction, training or supervision to workers needed for them to work without risks to their health and safety and that of others around them;
- that the health of workers and the conditions of the workplace are monitored to prevent injury or illness arising out of the conduct of the business or undertaking;
- the maintenance of any accommodation owned or under their management and control to ensure the health and safety of workers occupying the premises.
- enhancement of psycho-social hazards risk management and responsibilities.

All PCBU (Person Conducting a Business or Undertaking), which includes Local Governments, have until 31 March 2023 to ensure compliance with the new WHS Act 2020 and the associated regulations.

Current context in regard to Safety and Compliance

In preparation for the new legislation and to ensure that the Shire was well positioned to manage the inclusion of the volunteers in new legislation, the decision was made to engage a specialist consultant to undertake an audit of the safety systems, facilities and equipment of the Brigades within the Shire to ensure compliance with the legislation.

The consultancy firm, Perth Workplace Safety Consultants, was engaged to undertake this audit with the key outcomes of:

1. Review of health and safety systems, processes and procedures;



2. Assessment of training provided to ensure safe work for the roles and responsibilities within the Brigades;
3. Review of all facilities and equipment to ensure a safe work environment.

The audit was undertaken in October 2021 (refer **attachment 2**).

A separate Facility Audit was undertaken by LGIS, with the scope of this review to consider each facility from the perspective of being a Shire workplace, taking into account the WHS Legislation and VBFB members as workers. This audit can be found at **attachment 3**.

The audit results were reported to the Audit Risk and Governance Committee of Council at the in November 2021 meeting.

The Shire is required to have addressed all of the non-compliance items outlined in the audits by 31 March 2023.

In respect of the Facility Audit, the Shire's ability to address the audit findings will be directly impacted by the results of this year's Local Government Grants Scheme allocations, by the Department of Fire and Emergency Services. In accordance with Council's consideration of the facility audit, the Shire has made specific requests for facility renewal at Byford and Serpentine Brigade Stations, that were recommended by the audit. Based on concept design and costing of these two renewals (which does not factor in overhead costs), the Shire has requested a capital grant of \$708,000. The outcome of this will be reported by the end of August 2022. Since making the application in March, costs have continued to rise.

Should funding not be secured as part of this funding program from DFES, a report will be presented to Council to seek resources to implement the actions identified.

The Shire's seven Bush Fire Brigades held their AGMs in June and July of this year with changes within the leadership groups.

In accordance with the *Bush Fire's Act 1954* a local government shall keep a register of bushfire Brigades and their members in accordance with the regulations.

The local government must notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded.

Each year the Chief Executive Officer is required to sign a form registering the Brigades in accordance with the Bush Fire Regulation.

Prior to signing off on the registration of the Brigades, the Chief Executive Officer must be satisfied that the application for registration is in accordance with the Brigade Operating Procedures. The requirements to be registered include being trained to a standard set out in the Brigade Operating Procedures.

This year prior to signing the registration form, the Chief Executive Officer sought clarification on the current training requirements of Brigade members listed for leadership positions. This has identified some significant areas that need to be addressed. To address these, a Training Needs Analysis has been undertaken for each member of the Bush Fire Brigades in leadership positions. This will need to be extended to every member of the Brigade, however this is expected to take some time and until resolved, remains a significant risk for the organisation.



Community / Stakeholder Consultation

The EWG will be an important conduit between volunteers and the WHS organisational framework that relates.

Officers have sought feedback on the draft Terms of Reference from the following parties:

- Chair of the Bushfire Advisory Committee
- Chair of the Audit Risk and Governance Committee
- LGIS
- Chief Bush Fire Control Officer
- Brigade Captains

Officers from across the organisation have had input into the draft Terms of Reference.

Statutory Environment

- *Work, Health and Safety Act 2020*
- *Bush Fires Act 1954*
- *Shire of Serpentine Jarrahdale Bush Fire Local Law*

Comment

Both membership and Terms of Reference are important to define, so as to guide the work of the EWG and ensure the requirements of the organisation, especially pertaining to WHS, are met. These requirements also affect volunteers, as explained following.

The Act introduces a new primary WHS duty for a person conducting a business or undertaking (PCBU) to ensure, so far as is reasonably practicable, the health (physical and psychological) and safety of workers and other persons arising from the conduct of their business or undertaking.

The duty requires a PCBU to eliminate risks to health and safety, so far as is reasonably practicable and, where it is not reasonably practicable to eliminate those risks, to minimise those risks so far as is reasonably practicable.

There are a number of other PCBU duties provided for under the Act in connection with management and control of workplaces, and the design, manufacture, importation, supply and installation of plant and structures.

Under the new laws, Officers of a PCBU have a personal, non-delegable duty to exercise due diligence to ensure that the PCBU complies with its statutory WHS obligations.

The exercise of due diligence includes taking reasonable steps to: keep up to date knowledge of WHS matters; gain an understanding of operational hazards and risks; ensure appropriate processes are in place for receiving, considering and responding to WHS information about incidents, hazards and risks; ensure WHS compliance processes are in place; and verify the provision and use of WHS resources and processes.

Volunteers now have the same status as workers under the WHS Act, which owes them the same duty as any other worker. Workers have responsibilities under the WHS Act, and thus so do volunteers, specific to:

- complying, so far as they are reasonably able, with any reasonable instruction given by the PCBU to allow the PCBU to comply with WHS laws



- cooperate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.

These statements of fact provide useful guidance to both best representation on the EWG, and Terms of Reference for the EWG.

Notwithstanding the requirements under the new WHS legislation, there is a desire from Captains and members of Brigades for the Enhancement Plan to have a broader role to improve the overall operational effectiveness of the Brigades. To this end, Officers have taken this feedback on board and incorporated these additions into the draft Terms of Reference for Council's consideration.

It must be pointed out however, that in the short term, the working group's focus must be on compliance with the WHS legislation with the deadline for meeting these obligations of March 2023 fast approaching.

Members of the EWG

Members of the EWG is recommended as follows:

1. Chief Executive Officer and/or Director Development Services (Chair)
2. Manager - People, Development and Wellbeing
3. Chief Bushfire Control Officer / Community Emergency Services Manager
4. Work Health and Safety Project Officer
5. One Deputy Chief Bushfire Control Officer, as nominated by the Deputy Chiefs
6. Chair, Bushfire Advisory Committee (Keysbrook Brigade Captain)
7. Chair, Audit Risk and Governance Committee
8. One Captain, as nominated by the Captains of the Shire's Brigades
9. DFES District Officer
10. Representative from Local Government Insurance Services (LGIS)
11. One Senior members of a northern SJ BFB Oakford, Byford or Mundijong
12. One Senior member of a southern SJ BFB Mundijong, Serpentine or Jarrahdale
13. Director Infrastructure (as required)
14. Director Corporate Services (as required)
15. The CEO may appoint additional members to the group as required.

This membership balances the necessary specialised input required to develop the enhancement plan, and specifically to understand what the short-term priorities must be to achieve.

Terms of Reference

Terms of Reference (ToR) suggested for the EWG are as follows:

- provide input into the creation, review and advice in respect of enhancement to the working environment of Brigades to ensure safety and avoid all risks to health;
- provide input into the creation, review and advice in respect of the enhancement, maintenance and safe use of appliances, equipment, substances and systems of work, to ensure safety and avoid all risks to health;
- provide input into the creation, review and advice in respect of the provision, enhancement and



ongoing maintenance of adequate facilities for the welfare of volunteers at work;

- provide input into the creation, review and advice in respect to the enhancement of training and instruction, with a focus on increasing training opportunities, resourcing and safe work practices;
- provide input into the creation, review and advice in respect of health and fatigue management of volunteers, and all associated conditions of the workplace and monitoring of such conditions to prevent injury or illness;
- provide input into the creation, review and advice in respect to the management, retainment and development of the volunteer workforce;
- provide input into the creation, review and advice in respect to enhancing the conduct of operational duties;
- provide input into the creation, review and advice in respect to fostering interagency and community partnerships;
- provide strategic leadership in the development, implementation and sustainability of these programs and strategies;
- provide advice, support and assistance in the implementation of the program;
- monitor identified and emerging risks and advise on their prevention, mitigation and management;
- monitor the program budget and expenditure and provide recommendations on funding needed to implement the enhancement plan;
- contribute to the development of a change and communications plan to support volunteer engagement with the new ways of working.

Options and Implications

Option1

That Council:

1. ENDORSE establishment of the Volunteer Bushfire Brigade Enhancement Working Group (EWG) to prepare a five year Volunteer Bush Fire Brigade Enhancement Plan (for Council's consideration) which incorporates actions to improve the overall operational effectiveness and ensures the Shire meets its obligations under the Work, Health and Safety Legislation.
2. ENDORSE membership of the EWG to be as follows:
 - i. Chief Executive Officer and/or Director Development Services (Chair)
 - ii. Manager - People, Development and Wellbeing
 - iii. Chief Bushfire Control Officer / Community Emergency Services Manager
 - iv. Work Health and Safety Project Officer
 - v. One Deputy Chief Bushfire Control Officer, as nominated by the Deputy Chiefs
 - vi. Chair, Bushfire Advisory Committee (Keysbrook Brigade Captain)
 - vii. Chair, Audit Risk and Governance Committee
 - viii. One Captain, as nominated by the Captains of the Shire's Brigades



- ix. DFES District Officer
 - x. Representative from Local Government Insurance Services (LGIS)
 - xi. One Senior members of a northern SJ BFB Oakford, Byford or Mundijong
 - xii. One Senior member of a southern SJ BFB Mundijong, Serpentine or Jarrahdale
 - xiii. Director Infrastructure (as required)
 - xiv. Director Corporate Services (as required)
 - xv. Any additional member appointed by the CEO.
3. Endorse Terms of Reference (ToR) – as per **attachment 1**.
 4. REQUESTS a report from the Volunteer Bushfire Brigade Enhancement Working Group by the December 2022 Council Meeting, updating the work plan and priorities to achieve compliance.

Option 2

That Council does not proceed with the establishment of an Enhancement Working Group.

Option 1 is recommended.

Conclusion

There are a number of areas for improvement to be made with the Brigades. Officers believe the draft Terms of Reference of the Working Group will provide a forum for Officers to work with Brigade Representatives to meet the Shire's obligations under the new WHS legislation and the Shire's Local Law.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - Draft Terms of Reference (E22/9355)
- **10.1.8 - attachment 2** - WHS Audit Report - October 2021 (E22/10078)
- **10.1.8 - attachment 3** - LGIS Audit Review (E22/10079)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions



Strategy 4.2.3	Provide clear strategic direction to the administration
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Financial Implications

There are no immediate financial implications associated with this report.

There may however be a variety of actions arising out of the work of the EWG which will need to be considered as part of Council's budgetary processes.

As mentioned above, in respect of the Facility Audit (**attachment 3**), the Shire's ability to address the audit findings will be directly impacted by the results of this year's Local Government Grants Scheme allocations, by the Department of Fire and Emergency Services. In accordance with Council's consideration of the facility audit, the Shire has made specific requests for facility renewal at Byford and Serpentine Brigade Stations, that were recommended by the audit. Based on concept design and costing of these two renewals (which does not factor in overhead costs), the Shire has requested a capital grant of \$708,000. The outcome of this will be reported by the end of August. Since making the application in March, costs have continued to rise.

Should funding not be secured as part of this funding program from DFES, a report will be presented to Council to seek resources to implement the actions identified.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is the potential for financial risk should actions result in unbudgeted outcomes being necessary and also reputational risk.	Local Law; Bushfire Operating Procedures;	Organisational Performance	Possible	Major	SIGNIFICANT	Nil
2	If not supported, there is a risk that current gaps exist in the work, health and safety framework for the bushfire brigade function of the Shire.	Local Law; Bushfire Operating Procedures;	Organisational Performance	Possible	Major	SIGNIFICANT	Nil



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. **ENDORSE** establishment of the Volunteer Bushfire Brigade Enhancement Working Group (EWG) to prepare a five year Volunteer Bush Fire Brigade Enhancement Plan (for Council's consideration) which incorporates actions to improve the overall operational effectiveness and ensures the Shire meets its obligations under the Work, Health and Safety Legislation.
2. **ENDORSE** membership of the EWG to be as follows:
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 - vi. **Chair, Bushfire Advisory Committee (Keysbrook Brigade Captain)**
 - vii. **Chair, Audit Risk and Governance Committee**
 - viii. **One Captain, as nominated by the Captains of the Shire's Brigades**
 - ix. **DFES District Officer**
 - x. **Representative from Local Government Insurance Services (LGIS)**
 - xi. **One Senior members of a northern SJ BFB Oakford, Byford or Mundijong**
 - xii. **One Senior member of a southern SJ BFB Mundijong, Serpentine or Jarrahdale**
 - xiii. **Director Infrastructure (as required)**
 - xiv. **Director Corporate Services (as required)**
 - xv. **Any additional member appointed by the CEO.**
3. **Endorse Terms of Reference (ToR) – as per attachment 1.**
4. **REQUESTS** a report from the Volunteer Bushfire Brigade Enhancement Working Group by the December 2022 Council Meeting, updating the work plan and priorities to achieve compliance.