

**Chittering Bush Fire Advisory Committee
Meeting Agenda
Thursday, 9 October 2025**

To be held at Council Chambers, 6177 Great Northern Highway, Bindoon
Commencing at 7:00PM



MEMBERSHIP

Members	Proxy
Shire of Chittering Councillor Cr Carmel Ross	Shire of Chittering Councillor Cr David Dewar
Chief Executive Officer Melinda Prinsloo	Nil
Chief Bush Fire Control Officer Nathan Manning	Nil
Deputy Chief Bush Fire Control Officer Northern Region Kim Haeusler	Nil
Bindoon Brigade representative Neil Harvey	Bindoon Brigade representative Dennis Badcock
Lower Chittering Brigade representative Daniel Bates	Lower Chittering Brigade representative
Muchea Brigade representative Shelly Pannell	Muchea Brigade representative James Marotta
Upper Chittering Brigade representative Aaron Cover	Upper Chittering Brigade representative Will Lee
Wannamal Brigade representative Clayton Smith	Wannamal Brigade representative Daniel Smith
Chittering Incident Support Brigade representative Paul Groves	Chittering Incident Support Brigade representative Ian Wright

Objectives

To make recommendations and advise Council on all matters relating to the Bush Fires Act 1954, Section 67(1).

To liaise with other emergency organisations and relevant bodies with regard to Fire and Emergency Management within the Shire of Chittering. The Committee will advise the local government all matters relating to:

- Preventing, controlling and extinguishing of bush fires
- The planning of the layout of fire-breaks in the district
- Prosecutions for breaches of the Bush Fire Act 1954
- The formation of bush fire brigades and the grouping thereof under group brigade officers
- The ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities
- Any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified.

Tenure of Membership

Shall be in accordance with the *Local Government Act 1995, Section 5.11*.

Attendance by Government Agencies

The following are invited (non-voting) to attend meetings of the CBFAC:

- DFES District Officer – North East Metropolitan
- Department of Biodiversity, Conservation & Attractions / Parks and Wildlife Service

Authority

Nil

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Notice is hereby given that a meeting of the Chittering Bushfire Advisory Committee will be held on Thursday, 9 October 2025 in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7.00pm.

Melinda Prinsloo
Chief Executive Officer

1. DECLARATION OF OPENING OF MEETING ANNOUNCEMENTS OF VISITORS

The Chairperson to declare the meeting open.

Good evening ladies and gentlemen, we wish to acknowledge the traditional custodians of the land within the Shire of Chittering, the Yued and Whadjuk peoples. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Attendance

The following members have confirmed their attendance (Quorum – 6 Members):

Members:	Cr Carmel Ross	Council Member (Chairperson)
	Melinda Prinsloo	Chief Executive Officer
	Nathan Manning	Community Emergency Services Chief Bushfire Control Officer
	Aaron Cover	Upper Chittering Volunteer Bush Fire Brigade
	Shelly Pannell	Muchea Volunteer Bush Fire Brigade
	Paul Groves	Chittering Incident Support Brigade
	Ian Wright	Chittering Incident Support Brigade
	Daniel Smith	Wannamal Volunteer Bush Fire Brigade

Minute Secretary: Jodie Connell

Observers: Gerry Starr Bushfire Volunteers WA

2.2 Apologies

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Members must declare to the Chairperson any potential conflict of interest they have in a matter before the Shire Council as soon as they become aware of it.

4. CONFIRMATION OF PREVIOUS MINUTES

4.1 Chittering Bushfire Advisory Committee meeting: 8 July 2025

4.1 OFFICER RECOMMENDATION

That the minutes of the Chittering Bushfire Advisory Committee meeting held on Tuesday, 8 July 2025 be confirmed as a true and accurate record of proceedings.

5. REPORTS

5.1 Community Emergency Services Manager / Chief Bushfire Control Officer

Nathan Manning to address the meeting.

5.2 DFES District Officer – North East Metropolitan

Acting District Officer to address the meeting.

5.3 Chief Executive Officer

Melinda Prinsloo to address the meeting.

5.4 Department of Biodiversity, Conservation & Attractions / Parks and Wildlife Service

A representative of the Parks and Wildlife Service to address the meeting.

6. CHIEF EXECUTIVE OFFICER RESPONSE TO MOTION CARRIED JULY 2025

Melinda Prinsloo to address the meeting and speak to the following:

Background

At its meeting of 8 July 2025, the CBFAC resolved unanimously to request investigation into the possible appointment of up to two additional Deputy Chief BFCOs. The motion directed that the investigation address the development of role statements with DFES support, the appropriate recruitment process, and that the outcomes be tabled at the October 2025 meeting.

In response to the motion, the CEO sought advice from the Western Australian Local Government Association (WALGA) Governance team, and undertook a review of the *Act*, the Shire's *Bush Fire Brigades Local Law 2012* (the *Local Law*), and the Memorandum of Understanding (MOU) between the Shire and the Department of Fire and Emergency Services (DFES).

Legislative Implications

Bush Fires Act 1954

- s38: Council may appoint as many BFCOs as necessary; of those officers, only one is to be appointed Chief BFCO, and only one Deputy Chief BFCO. Multiple substantive Deputies are not provided for.
- s38(2C): The Local Government must give notice of Chief, Deputy Chief and BFCO appointments in a newspaper circulating in the district.
- s38A: FES Commissioner may designate a DFES employee as Chief BFCO in a district is requested by the local government (this aligns with the Shire MOU with DFES).
- s38(2A) & (2E): Acting appointments of Chief or deputy Chief BFCO must be done in accordance with these sections.
- s38(8): The local government may appoint as many BFCOs as it thinks is necessary.
- s67: Advisory committees (such as CBFAC) advise Council on bush fire matters, they do not appoint statutory officers, Council remains the appointing authority.

Shire of Chittering Bush Fire Brigades Local Law 2012

- s2.3: established a clear ranking structure at incidents. When brigade members have command of a fire under the *Act*, the senior brigade officer present has full authority to direct suppression activities. However, if a Fire Control Officer attends such an incident, the most senior Fire Control Officer assumes command and issues instructions in accordance with s13 of the *Act*.
- s3.3: subject to any directions by the local government the Chief BFCO has primary managerial responsibility for the organisation and maintenance of bush fire brigades.
- s3.5: Establishes the duties of the Chief BFCO
- s3.7: During the AGM of the bush fire brigade, brigade members are to be nominated to the CBFAC to serve as the BFCO for the brigade area until the next brigade AGM.
- s3.10: After the AGM, CBFAC is to nominate to the local government the nominations per s3.7, a person for the position of a BFCO for each of the brigade areas. Further clarification on this can be found in *Schedule 1*, s3.2(3). The singularity indicates that only 1 BFCO is permitted per brigade.

- s3.11: The CBFAC considers brigade motions, nominates BFCOs to Council, and Council has regard to nominees when making statutory appointments, with Council having delegated this authority to the CEO.
- *Schedule 1, s3.2(4)*: Outlines the duties and responsibilities of the FCO

MOU between Shire and DFES

- cl4.2: DFES appoints the Community Emergency Services Manager (CESM) as Chief BFCO under s38A;
- cl6.10: Shire appoints the Deputy Chief BFCO.
- Sets out Prevention, Preparedness, Response, Recovery responsibilities and management / administration expectations for both parties.

As a result of this investigation, a number of legislative inconsistencies and compliance risks have been identified. It is important to note at the outset that the *Local Law* is currently due for review. However, there is presently no completion date for that process. Irrespective of the status of the reviewed local law the current statutory framework of the *Act* remains binding.

Key Findings of the Investigation

1. Multiple Deputy Chief BFCOs

s38 of the *Act* provides for the appointment of only one Chief BFCO and one Deputy Chief BFCO. The long-standing practice of appointing two Deputy Chief BFCOs is therefore non-compliant and must be corrected.

The *Interpretation Act 1984* s52 allows for acting appointments where the Chief or Deputy Chief BFCO is unable to act, but not the creation of multiple substantive Deputy roles.

2. Multiple BFCOs

The *Act* expressly permits Council to appoint “as many BFCOs as its thinks necessary” (s38(1)), in addition to the Chief and Deputy Chief BFCO.

Conversely, the *Local Law* has historically been interpreted to suggest “one per brigade area.” This has created confusion between statutory officers under the *Act* and brigade officers under the *Local Law*.

3. Terminology – BFCO vs FCO

The *Act* consistently uses the term *Bush Fire Control Officer (BFCO)* to describe statutory appointments made by Council (or by the CEO under delegation). These officers exercise statutory powers such as issuing permits to burn, directing burning operations, and assuming control at fires.

The *Local Law*, however, refers to *Fire Control Officers (FCOs)* rather than *Bush Fire Control Officers*. This is inconsistent with the *Act*, creates unnecessary ambiguity, and should be rectified in the *Local Law* review so that terminology matches the legislation.

Aligning the *Local Law* with the *Act* will provide clarity for volunteers, brigades, DFES, and the community as to who holds statutory authority and who holds internal brigade positions.

4. Ranking of Officers

cl2.3 of the *Local Law* provides that at an incident, the most senior brigade officer commands unless a Fire Control Officer (FCO) is present, in which case the most senior FCO assumes command in accordance with s13 of the *Act*.

This reinforces the statutory authority of FCOs, but the coexistence of “brigade ranking” and “statutory ranking” has blurred roles and may create operational uncertainty.

5. MOU between the Shire and DFES

The MOU specifies that DFES will designate the Community Emergency Services Manager (CESM) as Chief BFCO under s38A of the *Act*, and that the Shire appoints the Deputy Chief BFCO.

While the MOU recognises this arrangement, it cannot override the statutory requirements of the *Act* or Council’s delegations.

The MOU further states that in the instance that DFES deploys the CESM for an extended period, the Shire-appointed Deputy Chief automatically assumes the duties of the Chief BFCO.

Pathways for Rectification

Although there are a number of pathways to rectify the non-compliance, the timing for making any changes with the imminent high-threat season commencing, the considered interim approach is to:

- Acknowledge that the appointment of two Deputy Chief BFCOs is non-compliant under the *Act*.
- Given that the fire season is imminent and changes to senior officer structures mid-season may disrupt preparedness, Council could elect to retain both current Deputies in their existing roles until the next AGM, on the understanding that this is a temporary measure.
- At the AGM, nominations can be considered afresh, and the CEO (under delegation) can appoint a single Deputy in compliance with the *Act*, with the second officer reclassified as a BFCO.
- This option maintains operational stability during the critical fire season but should be expressly acknowledged as non-compliant and rectified at the earliest practicable opportunity.

7. GENERAL BUSINESS

8. 2026 COMMITTEE MEETING DATES & NEXT MEETING

In accordance with clause 1.12.3.11 Meetings in the "Council Committees and Advisory Group" booklet the Chittering Bushfire Advisory Committee are to determine the meeting dates for 2026.

The dates are to be discussed by Committee Members and agreed upon. The dates that are suggested for 2026 are as follows:

- a. Tuesday 10 March
- b. Tuesday 14 July
- c. Tuesday 13 October

8.0 OFFICER RECOMMENDATION

That:

- 1. The Chittering Bush Fire Advisory Committee meeting dates for 2026 are as follows:**
 - a. Tuesday 10 March**
 - b. Tuesday 14 July**
 - c. Tuesday 13 October**
- 2. The Chittering Bush Fire Advisory Committee meetings will be held in the Council Chambers, 6177 Great Northern Highway, Bindoon commencing at 7pm.**

9. CLOSURE

The Chairperson to declare the meeting closed.