



A P P E N D I C E S

BUSHFIRE ADVISORY COMMITTEE MEETING

To be held

Wednesday, 13th March 2024

Commencing at 7.00pm

At

Shire of Dardanup
Administration Centre Eaton
1 Council Drive - EATON

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(Note: Minor amendments from 2021 Terms of Reference – Shown in red font.)

BUSHFIRE ADVISORY COMMITTEE

INSTRUMENT OF APPOINTMENT & TERMS OF REFERENCE

2023

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1. INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 7.1A of the Local Government Act 1995, the committee to be known as the Bushfire Advisory Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the Committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Bush Fires Act 1954, Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this instrument.

2. NAME

The name of the Committee is the "Bushfire Advisory" Committee.

3. OBJECTIVES – GENERIC

The following objectives are generic to all Council committees:

3.1 To consider, advise and assist the local government in performing specified functions or fulfilling required responsibilities within its district;

3.2 Where appropriate, to liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives;

3.3 To carry out research and other activities as directed by the Council or prescribed by the regulations; and

3.4 To fulfil the objectives and/or undertake the specific tasks as a Committee of Council specified in Section 4 – Functions of the Committee and Section 5 Committee Objectives - Specific.

3.5 To ensure that all members dealings are carried out in accordance with the Shire of Dardanup Code of Conduct for Council Members, Committee Members & Candidates.

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4. FUNCTIONS OF THE BUSHFIRE ADVISORY COMMITTEE

The detailed functions of the Committee are set out in Bushfire Act 1954, Section 67 as follows:

67. *Advisory committees*

(1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, 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, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

5. COMMITTEE OBJECTIVES - SPECIFIC

The Bushfire Advisory Committee shall have the following objectives:

- 5.1 To advise Council on all matters relevant to the Bush Fires Act 1954 (As amended) in relation to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, 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, and any other matter relating to bush fire control.
- 5.2 Provide endorsement of Bushfire Control Officers, Fire Weather Officer and implement the election of Chief Bush Fire Control and Deputy Chief Bush Fire Control Officers.
- 5.3 Review and endorsement of the Shire of Dardanup Fire Prevention Order in accordance with Section 33(1) of the Bush Fire Act 1954.
- 5.4 Review and endorsement of Firebreak Exemptions/Variations in accordance with the Shire of Dardanup Fire Prevention Order.

Any variation to these objectives is not to be considered by the Committee unless approved by Council.

6. MEMBERSHIP

- 6.1 **If the** President of the Shire of Dardanup indicates an intention to be a member of the Committee under section 5.10 (4) of the Local Government Act 1995, then he/she will be a member of the Committee.
- 6.2 The CEO and employees are not members of the Committee. The CEO and/or his/her nominee is to attend all meetings to provide advice and guidance to the Committee.
- 6.3 In accordance with Section 67(2) of the Bush Fire Act 1954, an Elected Member of Council will be appointed to the Committee.

- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- 6.4 The Council resolves to nominate no more than three elected members as members for the Committee for a period of two years or until the next Ordinary Council election, the three elected members shall be members of the Committee.
- 6.5 **If** the Council requires representatives from state or federal government agencies to be on the Committee, then the organisations shall nominate their representatives and they shall be endorsed by Council as members of the Committee.
- 6.6 **If** the Council requires representation of Bush Fire Brigades on the Committee, then the brigades are to nominate their representatives for the Committee and Council shall endorse the members so nominated for the Committee.
- 6.7 Membership as prescribed by the Local Government Act 1995 Section 5.10 is outlined below:

5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
- (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

5.11 Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*

7. PRESIDING MEMBER

7.1 The CEO or delegated nominee will preside until the position of Presiding member is filled, in accordance with Schedule 2.3 clause 3 of the Local Government Act 1995.

7.2 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the following provisions of the Local Government Act 1995:

5.12 *Presiding members and deputies, election of*

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
 - (a) *to "office" were references to "office of presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members".*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
 - (a) *to "office" were references to "office of deputy presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members"; and*
 - (d) *to "mayor or president" were references to "presiding member".*

7.3 The Presiding Member shall ensure that business is conducted in accordance with the Shire of Dardanup Standing Orders and that minutes of the proceedings are kept in accordance with Section 5.22 of the Local Government Act 1995.

5.22. *Minutes of council and committee meetings*

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

7.4 The Deputy presiding member has the following functions as per Section 5.13 of the Local Government Act 1995:

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) the office of presiding member is vacant; or*
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member, then the deputy presiding member, if any, may perform the functions of presiding member.*

- 7.5 A presiding member is to be chosen from the committee members present at the meeting if the presiding member or deputy presiding member are unavailable or unwilling to perform the functions of the presiding member in accordance with Section 5.14 the Local Government Act 1995:

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member, then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

8. MEETINGS

- 8.1 The Committee shall meet as business relevant to the committee dictates or as resolved by the Committee.
- 8.2 Notice of meetings including an agenda shall be given to members at least 5 days prior to each meeting.
- 8.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide the members and Council with a copy of such minutes.
- 8.4 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations or to be received by the Council.
- 8.5 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 8.6 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

9. QUORUM

- 9.1 The Quorum for the meeting shall be fixed as in accordance with the *Bushfire Act 1954, Section 67 (3)*. The Quorum for this meeting will be 9.
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —*
- (a) make rules for the guidance of the committee; and*
 - (b) accept the resignation in writing of, or remove, any member of the committee; and*

- (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) A committee appointed under this section —*
 - (a) may from time to time meet and adjourn as the committee thinks fit;*
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;*
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

(Note – Council may, at the request of the Committee, agree to set the quorum at a lesser number. However, in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

10. DELEGATED POWERS

- 10.1 The Committee has the power to endorse Firebreak Exemptions/Variations in accordance with the Shire of Dardanup Fire Prevention Order.
- 10.2 Specific Powers - The Committee has no specific powers under the Local Government Act 1995 and is to advise and make recommendations to Council only.

The Council reserves the right to delegate powers to the Committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

11. TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 11.1 In accordance with the Local Government Act 1995; or
- 11.2 At the direction of Council; or
- 11.3 On the specified date.

12. AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

- 12.1 This document may be altered at any time by the Council on the recommendation of the Committee, or by direct resolution of Council.

13. COMMITTEE DECISIONS

13.1 Committee decisions shall not be binding on Council in any circumstance.

14. COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

14.1 The Bushfire Advisory Committee was established by Resolution of the Shire of Dardanup Council on 27 September 2023.

15. OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

15.1 The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee. In normal circumstances, this is the Director Sustainable Development.

15.2 The appointed officer shall provide the secretarial and administrative support through his/her Directorate.



ELECTION OF CHAIRPERSON

Local Government Act 1995 - S 5.12



I _____ hereby Nominate
_____ to the position of **Chairperson**
for the **Bushfire Advisory Committee** of the Shire of
Dardanup for the period ending October 2025.

Signed



Nominating Person

I accept this Nomination

Signed



Nominee

Date: _____



ELECTION OF DEPUTY CHAIRPERSON

Local Government Act 1995 - S 5.12

I _____ hereby Nominate
_____ to the position of **Deputy
Chairperson** for the **Bushfire Advisory Committee
Committee** of the Shire of Dardanup for the period ending
October 2025.

Signed

Nominating Person

I accept this Nomination
Signed

Nominee

Date: _____