



# **UNCONFIRMED MINUTES**

## **BUSH FIRE ADVISORY COMMITTEE MEETING**

**Held at the Shire of Broome  
Committee Room at 2pm**

**2 APRIL 2014**

## **OUR MISSION**

***"To provide a quality range of affordable and sustainable services to our community with a strong commitment to customer focus so that our citizens and visitors enjoy a quality lifestyle."***

## **CORE VALUES OF THE SHIRE**

***The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:***

**Communication**

**Respect**

**Integrity**

**Transparency**

**Courtesy**

### **DISCLAIMER**

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

**SHIRE OF BROOME**  
**BUSH FIRE ADVISORY COMMITTEE MEETING**  
**2 April 2014**

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|                            |
|----------------------------|
| <b>1. OFFICIAL OPENING</b> |
|----------------------------|

The Director Development Services declared the meeting open at 2.05pm.

The first order of business was to elect a Chair and deputy Chair Person in accordance with the Bush Fire Act 1954. Councillor Mitchell was elected as chair, unopposed, with Councillor Campbell elected as Deputy Chair, in absentia and unopposed.

The second item of discussion was the review of the Terms of reference adopted by Council on 21 November 2013. Through discussion it was raised that the Terms of reference did not include a Vision / Purpose section and also that it was unclear in relation to which communities in the Dampier Peninsula was to be represented.

Officers explained that a request for expressions of interest for community members on the Bush Fire Advisory Committee was advertised in February 2014. To date the Shire have received only two nominations. It was suggested that the expressions of interest for community members be readvertised.

**Moved: Peter Yip**

**Seconded: Lana Powell**

**That Bushfire Advisory Committee recommends to Council that Council amend the Terms of Reference as per the attached amended Terms Of Reference and that another opportunity be provided for expressions of interest for community representatives from Broome Townsite, Twelve Mile and Coconut Wells.**

**Carried Unanimously 15/0**

|                                    |
|------------------------------------|
| <b>2. ATTENDANCE AND APOLOGIES</b> |
|------------------------------------|

|                    |                |  |
|--------------------|----------------|--|
| <b>Attendance:</b> | Lee Vallance   | Department of Fire Emergency Services  |
|                    | Grant Pipe     | Department of Fire Emergency Services  |
|                    | Jimmy Dobson   | Department of Parks and Wildlife       |
|                    | Peter Yip      | CEO Bidyadanga Community               |
|                    | Graham Lynn    | Bidyadanga Community                   |
|                    | Gus Tampalini  | Djarindjin Aboriginal Corporation      |
|                    | Brian Lee      | Djarindjin Aboriginal Corporation      |
|                    | Lana Powell    | MainRoads                              |
|                    | Chris Mitchell | Shire of Broome                        |
|                    | Amanda Spencer | Captain Volunteer Bush Fire Brigade    |
|                    | Craig Burgess  | Deputy Chief Bush Fire Control Officer |

|                   |                 |           |
|-------------------|-----------------|-----------|
| <b>Apologies:</b> | Bryan Bannon    | MainRoads |
|                   | Brendon Barwick | WAPOL     |

|                  |                     |                 |
|------------------|---------------------|-----------------|
| <b>Officers:</b> | Andre Schonfeldt    | Shire of Broome |
|                  | Stephanie McCormick | Shire of Broome |
|                  | Markus Gaschk       | Shire of Broome |
|                  | Elaine Hansen       | Shire of Broome |

**Guest Speaker:** Nil

**3. CONFIRMATION OF PREVIOUS MINUTES****Moved: Peter Yip****Seconded: Amanda Spencer**

**That the Minutes of the Bush Fire Advisory Committee meeting held on 3 May 2013 be confirmed as a true and accurate record of that meeting.**

**Carried Unanimously 15/0**

**4. CORRESPONDENCE IN/OUT****IN:**

Draft Karajarri Fire Management Plan received and emailed to BFAC members prior to meeting.

Letter received 13<sup>th</sup> February from Satellite Television & Radio Australia proposing a new Emergency Alert system. DFES does not support this system as it is seen as another system. DFES have SMS/Phone message system that works sufficiently/parallel to what is proposed. This system is currently being used through Western Australia Emergency Services.

**Moved: Chris Mitchell****Seconded: Grant Pipe**

**That the Bushfire Advisory Committee requests the Shire to respond to the letter thanking Satellite Television and Radio Australia for the information but that the services are not required as Western Australia has a State alert system which is managed by the Department of Fire and Emergency Services and delivered via landline or mobile phones.**

**Carried Unanimously 15/0**

**OUT:**

Letters sent on the 28<sup>th</sup> February 2014 to a variety of Government Departments, Local Services and Community Members requesting their nomination to be members of the BFAC committee.

Draft Fire Break Order has been prepared and is attached. Comments are sought from all members to finalise these notices. Notices will be sent out during the week of 7-11 April 2014. Inspections will be under taken by Rangers during May and June.

**5. GUEST SPEAKER**

Nil

**6. BUSINESS ARISING FROM MINUTES****6.1 Fire Break Notices**

Fire Break Notices (FBN) was sent out with Agenda, comments received from the Director Development Services (DDS), at the meeting the members discussed the FBN and went through line by line to confirm the FBN is in accordance with appropriate practices and current Bushfire Act 1954 DFES suggest in the Fire Management Plan to include general burn off to eliminate the need for regular permits from SOB.

DFES outlined that the FBN is in accordance with their material/documentation, during discussion minor amendments were made to the FBN.

See attachment Fire Break Order- Bush Fire Act 1954.

|   |                             |
|---|-----------------------------|
| <b>Moved: Lana Powell</b>   | <b>Seconded: Grant Pipe</b> |
| <b><i>That the Bush Fire Advisory Committee endorse the amended Bush Fire Break Notice as attached.</i></b> |                             |
| <b><i>Carried Unanimously 15/0</i></b>  |                             |

## **6.2 Representatives raising awareness of current Bushfires.**

***This item was dealt with above under correspondence.***

## **6.3 Strategic Fire Management Plan (SFMP)**

In light of recent Bush Fire Forum held on the 13<sup>th</sup> March 2014 hosted by Department of Fire Emergency Services (DFES) in Broome Civic Centre. It is recommended that a scope of works be prepared for a Strategic Fire Management Plan and that funding be sought to undertake the scope of works.

In order to develop the scope of works it is recommended that a Strategic Fire Management Plan Sub-Committee be established consisting of SoB, DPaW and DFES. It is noted that DPaW is currently working on Reserve Management Plans for the Yawuru Park Council (YPC) for In/Out of Town Conservation Parks. The SFMP may assist in setting a broader regime of fire break areas and fuel reductions required within the district, it is recommended that this be aligned in the YPC plans. DFES advised the responsibility is of the Brigade and Local Government with the support of DFES.

|  |                                 |
|--|---------------------------------|
| <b>Moved: Peter Yip</b>  | <b>Seconded: Chris Mitchell</b> |
| <b><i>That the Bush Fire Advisory Committee;</i></b>   |                                 |
| <ol style="list-style-type: none"> <li><b><i>1) Establish a Strategic Fire Management Plan Sub-Committee consisting of representatives from Shire of Broome, Department Parks and Wildlife and Chief Bushfire Control Officer.</i></b></li> <li><b><i>2) That a scope of works be prepared by the Strategic Fire Management Plan Sub-Committee for the preparation of a Strategic Fire Management Plan for the entire Shire District and that Grant Funding be sought for the development and implementation of the scope of works and where possible the Strategic Fire Management Plan Sub-Committee should be working with the YPC to seek opportunities to align funding and implementation arrangements.</i></b></li> </ol> |                                 |
| <b><i>Carried Unanimously 15/0</i></b>   |                                 |

## **7. ITEMS FOR DISCUSSION**

Lana Powell – MainRoads, suggest earlier meetings and possibly coincide with the Local Emergency Management Committee (LEMC) meetings as attendance from Derby will be

better utilised. Mainroads is currently working with DPaW with regards to the slashing/grading on the Gibb River Road.

Lee Vallance – DFES, is responsible for gazetted Fire Districts and will work with Rangers to reduce amount of hazards on blocks before the 16<sup>th</sup> May 2014.

Emergency Services unit at Dampier Peninsula are hoping to reduce Fire Hazards starting with the;

- Sub Station in Beagle Bay,
- Sub Station in Djarindjin Community,
- Training for this is underway and took place with the Communities including Beagle, Bay, Lombadina, Djarindjin and Ardyaloon.

Grant Pipe – DFES, mentioned the Roadside programme project in Bidyadanga on the 14<sup>th</sup> April 2014 was from Broome to Kununurra. They were required to liaise with MainRoads during this project. DFES and MainRoads are working together on Arson reduction around the Kimberley with joint arson campaign with WAPOL as there were 5 convictions in 2013/14.

## **8. NEXT MEETING**

The next meeting will be held Mid August in the Committee Room of the Shire Offices. Proposed dates will be sent out via email to members in following weeks.

## **9. MEETING CLOSURE**

There being no further business the Chairperson declared the meeting closed at 3:08pm.

## Bush Fire Advisory Committee

|                                      |  |
|--------------------------------------|--|
| 1 x Councillor<br>(including Deputy) | - Cr C Mitchell<br>Cr G Campbell <b>(Deputy)</b>   |
| Community<br>Delegates               | 1 x Community Representative – Town of Broome<br>1 x Community Representative - Coconut Well<br>1 x Community Representative - Twelve Mile<br>1 x Community Representative – Bidyadanga<br>1 x Community Representatives – Dampier Peninsula<br>1 x Community Representatives – Ardyaloon<br>1 x Community Representatives – Beagle Bay<br>1 x Community Representatives - Lombadina<br>1 x Community Representatives – Djarindjin |
| Agency Delegates                     | - Chief Bush Fire Control Officer<br>1 x Department of Fire and Emergency Services (DFES)<br>1 x Department of Parks & Wildlife (DP&W)<br>1 x Main Roads WA (MRWA)<br>1 x Western Australian Police (WAPOL)<br>1 x Broome Regional Volunteer Bushfire Brigade<br>1 x Broome Volunteer Fire & Rescue Service  |
| Chairperson/Deputy                   | Cr Mitchell (Chairperson); Cr G Campbell (Deputy<br>Chair)   |
| Ex-Officio Members                   | The Committee may invite additional ex-officio<br>members as necessary.  |
| Officer Responsible                  | - Director, Development Services   |
| Meeting Schedule                     | - Bi Annually before and after season in April and in<br>December) or as required  |
| Meeting Location                     | - Function or Committee Room, Shire of Broome  |
| Quorum                               | - Five (5) as per Section 5.15 of the <i>Local Government Act<br/>1995</i>   |
| Delegated Authority                  | - Nil  |

### FUNCTIONS:

#### 1. NAME

The name of the Committee is the Shire of Broome Bush Fire Advisory Committee.

#### 2. DISTRICT/AREA OF CONTROL

The district shall have the application as deemed in the Local Government Act 1995, **district** means an area of the State that is declared to be a district

under section 2.1 of the Local Government Act 1995, this being the whole of the Shire of Broome.

### **3. VISION / PURPOSE**

To advise the Shire of Broome in regards to;

1. Matters relating to previously controlled and existing of bush fires.
2. The planning layout of Fire Breaks in the district.
3. Prosecutions for breaches of the BFAC.
4. Formation of Brigades.
5. Co-ordination and Co-operations between Brigades and Agents.

### **4. STATUTE**

#### ***Bush Fires Act 1954***

#### *Section 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 prevention, controlling and extinguishing of bush fires, the planning of the layout of firebreaks 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.*
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.*
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;*
  - b. *accept the resignation in writing of, or remove, any member of the committee, appoint a person to fill that vacancy.*
  - 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.*
38. *Local government may appoint bush fire control officer*
- (1) *A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the*

purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

- (2)
  - (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
  - (b) deleted]
  - (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
  - (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
  - (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
  - (a) carrying out normal brigade activities;
  - (b) and
  - (c) deleted]
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
  - (e) procuring the due observance by all persons of the provision of Part III.
- (5)
  - (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
  - (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
  - (c) The provisions of this subsection are not in derogation of those of subsection (4).

- (6) (a) *In this section —  
approved local government means a local government approved under paragraph (b) by the Authority.*
- (b) *If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the Government Gazette —*
- (i) may approve the local government as one to which this subsection applies; and*
  - (ii) may from time to time cancel or vary any previous approval given under this paragraph.*

### **Shire of Broome Standing Orders Local Law 2003**

In accordance with Council's Standing Orders Local Law 2003, formal Committees of Council are to be compliant with the provisions of the Standing Orders Local Law as far as this does not conflict with any other written Law.

While recognising that the Bush Fire Advisory Committee is a Committee formed pursuant to section 67 of the Bushfire Act 1954, the Chairman is to follow Standing Orders as far as is practicable to ensure proper meeting procedures are followed.

#### **5. ESTABLISHMENT**

Committee established as per Council Resolution – unknown. Last reviewed 27 October 2011.

#### **6. OBJECTIVES**

The Bush Fire Advisory Committee will be responsible for the reporting to and making recommendations to Local Government on:

- The financial affairs of the Brigade/s.
- The general management of the affairs of the Brigade/s.
- The planning, setting of standards and works programs for fire prevention within the Local Government area of responsibility.
- Activities of Bush Fire Brigade/s.
- Subject to any direction of the Advisory Committee as a whole:
  - a) Ensuring that the equipment in the possession or control of the Brigade/s in the Local Government area is inspected on a regular basis.
  - b) Making representation and recommendations to Local Government in relation to the fire fighting equipment that should be reviewed in accordance with the Risk to Resource documentation as submitted to FESA.
  - c) Taking steps to ensure the appropriate distribution of fire equipment amongst brigade/s in the Local Government Area of Responsibility.
  - d) Co-ordinating training within the Brigade/s in the Shire to ensure they work together efficiently.

- e) Overseeing the preparation and maintenance of an Incident Response Plan for the bushfire district and ensuring that a communication plan is developed and functions across the Local Government area.
- f) Selecting members of the Committee to represent the Local Government area on a regional basis.
- g) Carrying out other functions assigned to the committee by the Local Government.

## 7. MEMBERSHIP

### 7.1 General

Council will appoint one elected member as Chairperson to the Committee and one elected member as Deputy to the Committee, the Deputy fulfilling the role of Deputy Chairperson should the Chairperson's position be temporarily vacant. The Council will also appoint the Chief Bush Fire Control Officer and Deputy Bush Fire Control Officer as per Section 38 of the Bush Fires Act 1954.

Observers and ex officio members cannot vote on any matter and shall not be permitted to speak on any matter unless invited to do so by the Chairperson. Observers are to sit back from the meeting table.

### 7.2 Tenure of Membership

*Local Government Act 1995*

#### *5.11. Tenure of committee membership*

- (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;*
  - (b) *the person resigns from membership of the committee;*
  - (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;*
  - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day, whichever happens first.*

## 8. DELEGATED AUTHORITY

The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

## **9. COMMITTEE**

### **9.1 Chairperson**

Cr Mitchell is the appointed Chairperson as appointed by the membership.

### **9.2 Secretariat**

Administration Officer, Development Services will fulfil this administrative non voting role.

### **9.3 Standing Ex-Officio Members**

The Committee may invite ex-officio members as necessary.

## **10. MEETINGS**

### **10.1 Annual General Meeting**

Nil

### **10.2 Committee Meetings**

The Committee shall meet bi-annually before and after the fire season (1 April to 31 December) with no meetings being held during the "Wet Season" (1 January to 31 March).

Extra meetings of the Committee may be convened:

- a) By the Chairperson.
- b) By written notice to all Committee members, such notice being signed by at least four members of the Committee, giving not less than seven (7) days notice and stating purpose of the meeting.
- c) By the Council

### **10.3 Quorum**

Quorum is five (5) persons.

*5.15. Reduction of quorum for committees*

*The local government may reduce\* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

*\* Absolute majority required.*

#### **10.4 Voting**

*Local Government Act 1995*

*S 5.21 - Voting*

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) If a member of a council or a committee specifically requests that there be recorded —
  - (a) his or her vote; or*
  - (b) the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.**
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.*  
*[Section 5.21 amended by No. 49 of 2004 s. 43.]*

#### **10.5 Reports to the Bush Fire Advisory Committee**

Each Fire Brigade Captain on the Committee shall submit a report of the Brigade's Training activities, vehicle and equipment status, and general business, to each meeting of the Bush Fire Advisory Committee.

The Officer responsible shall report on all matters relevant to the Committee.

#### **10.6 Sub-Committees**

The Local Government Bush Fire Advisory Committee may form sub-committees, to provide advice and recommendations on specific areas of the Committee's responsibilities. The Advisory Committee shall determine membership and terms of reference of such sub-committees.

#### **10.7 Minutes**

In accordance with the Local Government Act Section 5.22 and 5.25, and Local Government (Administration) Regulations 1996.

The person presiding at a meeting is to ensure that the Minutes are kept of the meetings proceedings.

The Minutes are to be submitted to the next Committee meeting for confirmation and are to be signed by the person presiding at the meeting at which the Minutes are confirmed.

Once Minutes have been confirmed by members they are to be submitted to the Council Secretary for inclusion in the Information Bulletin.

Recommendations arising from the Minutes requiring a Council decision shall be presented to Council at the next Ordinary Council Meeting or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.

### **10.8 Who Acts if No Presiding Member**

The appointed Deputy Chairperson is Brendon Barwick and in the event that the Deputy Chairperson is unavailable, then in accordance with the Local Government Act 1995 Section 5.14.

- 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.*

### **10.9 Members Interests to be Disclosed**

Members of the Bush Fire Advisory Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the Local Government Act Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).

- 5.65. *Members' interests in matters to be discussed at meetings to be disclosed*
- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —*
    - (a) in a written notice given to the CEO before the meeting;*  
*or*
    - (b) at the meeting immediately before the matter is discussed.*

*Penalty: \$10 000 or imprisonment for 2 years.*

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —*
  - (a) that he or she had an interest in the matter; or*
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.*

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

**5.9. Types of committees**

- (1) In this section — “**other person**” means a person who is not a council member or an employee.  
(2) A committee is to comprise —  
(f) other persons only.

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and  
(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No.1 of 1998 s.16; No. 64 of 1998 s.33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or  
(b) participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —

(a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and

(b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —

(i) the disclosing member also discloses the extent of the interest; and

(ii) those members decide that the interest —

(I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or

(II) is common to a significant number of electors or ratepayers.

- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.

(3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

(1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.

(2) An application made under subsection (1) is to include —

(a) details of the nature of the interest disclosed and the extent of the interest; and

(b) any other information required by the Minister for the purposes of the application.

(3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —

(a) there would not otherwise be a sufficient number of members to deal with the matter; or

(b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

(4) A person must not contravene a condition imposed by the Minister under this section.

Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

(1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.

(2) An application under subsection (1) is to include —

(a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and

(b) any other information required by the Minister for the purposes of the application.

(3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

(4) A person must not contravene a condition imposed by the Minister under this section.

Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. *Employees to disclose interests relating to advice or reports*

(1) *In this section —*

*employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.*

(2) *An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.*

(3) *An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.*

*Penalty: \$10 000 or imprisonment for 2 years.*

5.71. *Employees to disclose interests relating to delegated functions*

*If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —*

(a) *in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*

(b) *in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

*Penalty: \$10 000 or imprisonment for 2 years.*

**SHIRE OF BROOME**  
**FIRE BREAK ORDER**  
**BUSH FIRES ACT 1954 (As Amended)**

**Notice to owners and/or occupiers of land  
within, the Shire of Broome**

PURSUANT to Section 33 of the Bushfires Act, 1954 you are hereby required on or before the 15 May 2014, or within 14 days of the date of you becoming owner or occupier should this occur after 15 May 2014, to remove from the land owned or occupied by you, all inflammable material or to clear firebreaks in accordance with the following requirements, and thereafter to maintain the land or the firebreaks clear of inflammable material up to and including the 31 December 2014.

Inflammable material is defined for the purpose of this notice to include bush, timber, boxes, cartons, paper, rubbish and any combustible material but does not include living trees, shrubs, growing bushes, and plants under cultivation.

**RURAL AND PASTORAL LAND (Refers to all land outside the town site of Broome)**

Trafficable firebreaks are required to be installed on the land and clear of flammable material.

- (a) These should be not less than three (3) metres wide inside, and within ten (10) metres of all external boundaries and around all haystacks.
- (b) A twenty (20) metre "parkland cleared" low fuel buffer zone around all building on the property, which shall be clear of all inflammable material.

**TOWNSITE LAND (Refers to all land within the town site of Broome)**

- (a) Where the land is 2000 square metres or less must be 'parkland cleared' and all inflammable materials must be removed from the whole of the land.
- (b) Where the land is greater than 2000 square metres, trafficable firebreaks not less than (3) three metres wide inside and within five (5) metres of the external boundaries of the land, and a (20) twenty metre "parkland cleared" low fuel buffer zone around all buildings, which shall be clear of all inflammable material.

**DEFINITIONS:**

**"Flammable material"** is defined for the purpose of this notice to include long dry grass, leaves, bark, timber, boxes, cartons, paper, rubbish, and also any combustible matter, but does not include living trees, shrubs, growing bushes and plants under cultivation.

**"Parkland cleared"** is defined for the purpose of this notice as land that is maintained in a low fuel state. It may contain regularly maintained gardens, trees, shrubs, and short grass. It shall be kept in such a state that fire can not be sustained readily on the land.

**FUEL DUMPS**

On all land where fuel drum ramps are located and where fuel dumps, whether containing fuel or not, are stored, clear and maintain a firebreak at least five (5) metres wide around any drum, ramp or stack of drums.

## **ALTERNATIVE FIREBREAKS**

1. (a) Should you consider it to be impracticable for any reason to clear firebreaks or remove inflammable material from the land as required by this notice, you may apply to the Shire of Broome in writing later than 14 April 2014, for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted in writing by the Shire prior to 15 May 2014, you shall comply with the requirements of this notice.
- (b) When written permission to provide alternative firebreaks has been granted, you shall:
  - (i) comply with all conditions endorsed on the permit.
  - (ii) provide firebreaks at least 3 metres wide in the agreed position(s) on the land.
2. Where a Fire Management Plan is approved you should adhere to the requirements set out in the plan, and by the 15 May each year ensure that these requirements are met.

## **STRATEGIC FIREBREAKS**

1. (a) Where, under an agreement with the Shire, or where depicted on an approved Bushfire Management Plan, strategic firebreaks are required to be provided on the land you are required to clear and maintain firebreaks at least 6 metres wide in the agreed position.
- (b) Strategic firebreaks shall be graded to provide a continuous trafficable surface (suitable for 4 wheel drive vehicles) at least 4 metres wide unimpeded by obstructions including boundary or dividing fences unless fitted with approved gates.

## **BURNING**

The Shire of Broome Restricted Burning Period is between 1 April and 31 December, and the burning of bush, grass, or garden refuse throughout the Shire is not permitted unless a written permit has been obtained from a authorised Bush Fire Control Officer, which can be contacted at the Shire of Broome on (08) 9191 3456.

## **PENALTY**

**The penalty for failing to comply with this notice under Section 33 of the Bush Fires Act 1954 is a modified penalty \$250 or a penalty of \$5000 if convicted by a Court. Any person failing to comply with this notice may also ,be liable, wether prosecuted or not, to pay the cost of the Shire of Broome obtaining contractors to perform any fire hazard reduction works on the property.**

**KR DONOHOE  
CHIEF EXECUTIVE OFFICER**