

# MINUTES



## ***ACT BUSHFIRE COUNCIL (BFC)***

**8 July 2009**

***ACTRFS HEADQUARTERS***

***4 POINT COOK AVENUE***

***FAIRBAIRN ACT***

**Wednesday 8th July 2009**

## **AGENDA**

### **1. Opening and Introduction by Chairman**

### **2. Attendees/ Apologies**

### **3. Minutes of previous meeting**

### **4. Actions running sheet**

### **5. Correspondence**

- Incoming
- Outgoing

### **6. Agenda Items**

6.1 Presentation by Commissioner Mark McCabe on the new ACT Work Safety Act 2009

6.2 Further discussion on Brigade Membership – Kevin Jeffery

6.3 Council discussion and finalisation of Bob Smiths Report and advice to the Minister – Kevin Jeffery

6.4 ESA “After Action Review” following Victorian Bushfire Deployments. - Tony Bartlett

6.5 Boards and Committees Handbook – Gregor Manson

### **7. Other Business**

### **8. Outstanding Items/Issues**

### **9. Confirmation of next meeting**

**AGENDA ITEM:** 1- 5  
**DATE:** 8<sup>th</sup> July 2009 1600-1900 Hrs  
**LOCATION:** ASOC Fairbairn

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**Meeting Opened** Time: 4.14pm **Closed Time:** 6.07pm

**1. Welcome by Chairman**

Kevin Jeffery opened the meeting at 4.14pm

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**2. Attendees:**

Tony Bartlett	(TB) Deputy Chair /Member
Michael Lonergan	(MIL) Member
Christine Goonrey	(CG) Member
Kevin Jeffery	(KJ) Chair Member
Marion Leiba	(ML) Member
Gregor Manson	(GM) Commissioner ESA
Conrad Barr	(CB) A/Deputy Commissioner Fire & Rescue
Beth Burgess	(BB) Secretariat

**Apologies:**

Tony Fearnside	(TF) Member
Simon Katz	(SK) Member
Cathy Parsons	(CP) Member
Ken Batt	(KB) Member
Peter Kanowski	(PK) Member
Tim McGuffog	(TM) Deputy Chief Officer ACTRFS
Michelle Fleming	(MF) Secretariat

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**3. Minutes Of the Previous Meeting:**

Minutes of the 3rd June 2009 meeting tabled.

Changes to the minutes to be updated:

Arising from Minutes:- Field Trip to be postponed until at least March 2010

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Minutes Accepted

**Moved:** TB **Seconded:** CG

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**4. Actions Running Sheet:**

Action Required:

6.1 Field Trip action - Some reservations expressed by Council members, so to review at a later date. Council has agreed not until at least March 2010. Council to let Tim McGuffog know as he was to make some calls to the appropriate organisations and services.

6.2 Rural resident brigade membership action - Tim McGuffog has found some inter-state models which will be discussed on the agenda.

6.3 Farewell Dinner for Brian Parry - KJ to catch up with Mr Parry soon.

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**5. Correspondence In/Out**

1. Advice from Neil Cooper re delay in BOP presentation.

2. Boards and Committees Handbook – GM to KJ

3. Council letter to Minister with Bob Smith report

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**SOURCE:** Tim McGuffog

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<b>AGENDA ITEM:</b>	<b>6.1</b>
<b>DATE:</b>	<b>8<sup>th</sup> July 2009</b>
<b>LOCATION:</b>	<b>ASOC Fairbairn</b>
<b>SUBJECT:</b>	<b>ACT Work Safety Act 2009 (Presentation)</b>

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**BACKGROUND:**

The new ACT Work Safety Act is due to come into force on 1 October 2009. There are changes from existing legislation that members need to be aware of in terms of managing the Rural Fire Service.

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**CURRENT SITUATION:**

The ACT Work cover Commissioner, Mr. Mark McCabe has kindly agreed to address the Council and update them on the new Work covers legislation.

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**RECOMMENDATION :**

Council members familiarise themselves with the new legislation which can be found at [www.workcover.act.gov.au](http://www.workcover.act.gov.au)

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**SOURCE: Kevin Jeffery, Mark McCabe – Presenter**

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**RESOLUTION &/OR DECISION:** Nationally, state OHS Acts are going through a harmonisation process. In the meantime there is a new ACT Act coming in force.

In the ACT, the public sector is protected under “Shield of the Crown” and it cannot be prosecuted through the courts, but it can be fined and be penalised at the lower end.

Under the new Harmonisation Law the Shield of the Crown will be removed. All states and territories agreed on this. As the Shield of the Crown is removed this will mean that the DPP would need to decide if prosecution is in the best interest of the public – assumption of liability. Unions can now prosecute as well as Work Cover with the DPP having the power to take over actions started by a union.

In the new Act, the penalties have been ramped up. The maximum penalty for an organisation is \$3 million, and \$600,000.00 and/or 5 years jail for individuals.

Significant changes to the Work Safety ACT as from the 1<sup>st</sup> Oct 2009 are the inclusion of volunteers as workers rather than employees. Under the new Act – health & safety duty of care towards workers and the inclusion of the psychological well-being of employees is included. The employer will now need to show that they are also doing something to protect the psychological well-being of the workers.

Work cover reinforces that the requirements are to have a safe work place, not meet the letter of the Act by doing certain steps. The key is to understand your responsibilities and meet them to ensure a safe workplace.

Employers must also show that they have ensured that subcontractors are meeting their OHS requirements.

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MOTION MOVED:

MOTION SECONDED:

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ACTION REQUIRED:

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<b>AGENDA ITEM:</b>	<b>6.2</b>
<b>DATE:</b>	<b>8<sup>th</sup> July 2009</b>
<b>LOCATION:</b>	<b>ASOC Fairbairn</b>
<b>SUBJECT:</b>	<b>Further discussion on Brigade Membership</b>

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**BACKGROUND:**

Council discussed a range of variables in relation to membership classification at the last meeting. There is recognition of the range of issues associated with different groups providing voluntary services to organisations such as Rural Fire Services.

Other agencies around Australia have tried to address this in different ways. A copy of the SA CFS model is included as an example.

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**CURRENT SITUATION:**

In light of the additional requirements and responsibilities placed on officers of the service with the introduction of the new Act Work cover legislation, any down grading of membership requirements will need to be considered very carefully.

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**RECOMMENDATION :**

Council members consider membership classification in light of information provided in the previous agenda item on Act Work cover Legislation.

Members consider classification structures provided for SA CFS, NSW RFS, and QLD RFS.

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**SOURCE** Tim McGuffog

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RESOLUTION &/OR DECISION:

(KJ) Tim has provided some inter-state models which recognise more traditional self responding classes of rural fire fighters.

(MIL) The SA Rural Fire model guidelines formally recognise these types of members as part of the CFS organisation. They are quite a good guidelines, I like most of them.

(KJ) Arthur Sayer and I were talking about them and feel that they are good but we could cut some of the down.

(MIL) It is a good approach.

(KJ) Arthur and Virginia Dixon are working on this at the moment; I think that they are the most logical people to be looking at.

(GM) We will continue to explore this and try and resolve it. I think there is some merit somewhere in the middle ground. After talking to Work cover I'm not so nervous about it. It's just a question on how we do it. It's more to do with the traditional rural people and what we can do to encourage them to be a part of a broader organisation.

(CG) The SA Field Fire Units Guidelines looks to be more useful than RPL.

(MIL) There is currently a proposal that has gone up to the NSW RFS Southern Zone that the captains and group captains can recommend people for RPL. Where there is no evidence, the zone manager can sign off on a member at Basic Fire Fighter if he is convinced that the person has that level of experience. They would then be recognised as a fire fighter and this would address OH&S concerns. Guidelines are just that, they cannot be enforced. RPL would solve a lot of problems if it was more streamlined.

(CG) How practical is this and will NSW accept it. It can be a recommendation from this Council; will ACT accept a similar model?

(MIL) Not sure a decision has not been made on it as yet.

(CG) Why are we trying to fit them in to the RFS system? Why can't we establish an alternative approach and train them under the Farm Fire Wise program?

(GM) These approaches enable us to look at and modify models that might solve the issues in the ACT. One approach could be through the Farm Fire Wise Program. We need to find mechanism which is reasonable and gives all members access to training and the other benefits delivered by the RFS. RFS need to explore possibilities and tease out options to bring back to the next meeting. We need to listen to ideas that will achieve the objectives that Val and Southern Brigade has risen. I think we can meet these objectives by looking at models and possibilities and developing a model that specifically meets our needs.

(KJ) can we aim to bring it back to the next meeting

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MOTION MOVED:

MOTION SECONDED:

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ACTION REQUIRED:

KJ to develop a proposal that clarifies what it is that we are trying to achieve and a proposed way forward that BFC can consider.  
GM to meet Val Jeffery and further discuss his ideas and concepts.

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**AGENDA ITEM:** 6.3

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**DATE:** 8<sup>th</sup> July 2009

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**LOCATION:** ASOC Fairbairn

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**SUBJECT:** Council discussion and finalisation of the Bob Smith Report and advice to the Minister

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**BACKGROUND:**

The Chairman has met with the Commissioner to discuss final drafts of the report and the letter to accompany the report to the Minister. The Commissioners recommended alterations have been incorporated into the final draft.

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**CURRENT SITUATION:**

The Chairman has a meeting with the Minister to present and discuss the report on Wednesday morning 8<sup>th</sup> July 2009.

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**RECOMMENDATION:** Chairman report back to members on the meeting with the Minister and discuss outcomes and any additional requirements or actions requested of Council.

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**SOURCE:** Kevin Jeffery

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**RESOLUTION &/OR DECISION:** The Chairman has sent a letter though to the Minister with the attached report. The Commissioners office is finishing a tidy-up of the report to get it ready for publication. Once this done the Minister will table it at an Assembly sitting. The Minister agreed to provide feedback after it has been tabled at the Assembly.

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**MOTION MOVED:**

**MOTION SECONDED:**

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**ACTION REQUIRED:**

The BFC continue to monitor the situation according to the findings of the Report

This monitoring and review of ongoing implementation of governance planning and operational requirements identified in these reports is unique and doesn't happen anywhere else in Australia.

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**AGENDA ITEM:** 6.4

**DATE:** 8<sup>th</sup> July 2009

**LOCATION:** ASOC Fairbairn

**SUBJECT:** ESA Victorian Bushfire Debrief Report

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**BACKGROUND:**

Following the ESA deployments to the Victorian Bushfires, each of the RFS brigades conducted a debrief which was rolled up by ROAG into a whole of RFS report. This report was then presented to a senior ESA working group to discuss and develop a whole of ESA report. The final version was then developed as an "After Action Review" which has been endorsed and approved by the Commissioner and senior management team.

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**CURRENT SITUATION:**

Most items identified in the review reflect a requirement to develop ESA wide policy and procedures to address issues that arose with this deployment. Council requested that a copy of the report be supplied to members and discussed as an agenda item at this meeting.

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**RECOMMENDATION :**

Council consider the report and provide feedback through the Chief Officer, for advice to designated action officers developing new policy and procedures.

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**SOURCE:**

**RESOLUTION &/OR DECISION:** This process was thorough, appreciated and BFC recommend that a similar process be followed again after incidents and deployments.  
(MIL) I thought it was a good review but the attendees did not include any volunteers.  
(KJ) There was a problem with the nominated volunteers attending due to work commitments.  
(CB) Richard Woods and Syd McRoy were in attendance at the meetings.  
(CG) So what was the scope of the review?  
(GM) The individual service debriefs raised a range of issues and suggestions affecting individuals, brigades, and services. The final report only looked at higher level strategic issues that the agency needs to address. Lower level concerns and suggestions were to be addressed at the appropriate levels of the organisation. RFS have listed the main issues that need to be addressed at the service level to ensure that things are done better next time.  
(KF) There were issues with the right people being selected for specific roles on the deployment. A review of the deployment policy will make ensure the right people are appointed to these roles in future. It has been a good process.

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**MOTION MOVED:**

**MOTION SECONDED:**

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**ACTION REQUIRED:**

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<b>AGENDA ITEM:</b>	<b>6.5</b>
<b>DATE:</b>	<b>8<sup>th</sup> July 2009</b>
<b>LOCATION:</b>	<b>ASOC Fairbairn</b>
<b>SUBJECT:</b>	<b>Boards and Committees Handbook</b>

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**BACKGROUND:**

The ACT Government has reviewed requirements for governance of official Boards and Committees.

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**CURRENT SITUATION:**

Members need to review relevant sections of the handbook along with legislative requirements identified in the ACT Emergencies Act to ensure that individuals and the Council as a whole are meeting stipulated governance requirements.

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**RECOMMENDATION :**

Members review information prior to the meeting and raise any issues of concern.  
Members provide the secretariat with advice on any development that needs to be undertaken to meet these requirements.

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**SOURCE: Gregor Manson**

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**RESOLUTION &/OR DECISION:** (GM) There is a range of requirements that will be done all behind the scenes e.g. governance requirements, paper work, and records that we need to keep up to date.

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**MOTION MOVED:**

**MOTION SECONDED:**

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**ACTION REQUIRED:**

Beth will address all of these outstanding requirements and establish systems and processes that will enable continuity and compliance.

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AGENDA ITEM: 7

DATE: 8<sup>th</sup> July 2009

LOCATION: ASOC Fairbairn

SUBJECT: Other Business

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- (KJ & CG) Would like to have the MINUTES and AGENDA amended so that it is clear which is which. Change the look and feel, to put in big bold letters across the top (**MINUTES** or **AGENDA**).
  - (CG) Discussion on Weeds report.
  - (MIL) Love Grass a problem (Forbes, Dubbo and Parks)
  - (CG) Concluded all of the SBMP consultations and mapping. She thinks this was a good opportunity to get people in the same room including some who hadn't participated before. Conservation Council is committed to the process – regardless of land tenure there is agreement on fire management.
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RESOLUTION &/OR DECISION:

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MOTION MOVED:

MOTION SECONDED:

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ACTION REQUIRED:

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**AGENDA ITEM:** 8

**DATE:** 8<sup>th</sup> July 2009

**LOCATION:** ASOC Fairbairn

**SUBJECT:** Outstanding Items/ Issues

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**RESOLUTION &/OR DECISION:**

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**MOTION MOVED:**

**MOTION SECONDED:**

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**ACTION REQUIRED:**

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**Time and Date Next Meeting:**

**5<sup>th</sup> August 2009 1600 Hours Fairbairn.**