

ACT Bush Fire Council

Terms of Reference

**Minister for Police and
Emergency Services**

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Purpose

Disclaimer: Please note the Emergencies Act is currently under review, presenting an opportunity to evolve the ACT Bushfire Council to a Multi-Hazards Advisory Council to better reflect contemporaneous emergency management approach to natural disasters. The ACT Bushfire Council Terms of Reference will be further updated once the review has been finalised and the Act has been updated.

The ACT Bushfire Council (the Council) is an advisory Council appointed in accordance with the *ACT Emergencies Act 2004* (the Act) in order to provide advice to the Minister for Police and Emergency Services (the Minister) about matters relating to prevention, preparedness and response to bushfires within the ACT and surrounds.

The Council will work with relevant ACT Government agencies responsible for planning, preparedness and response to bushfires within the ACT and surrounds, in order to advise the Minister on ways in which the ACT can be better prepared and able to respond to a bushfire emergency event. Additionally, the Council will provide advice on the community expectations and perception of these measures such that ACT Government can be better informed in their engagement on these matters. Members of the Council will draw on their own experience and technical skills relating to, but not limited to the following:

- indigenous land management
- land management,
- bushfire prevention, preparedness and response,
- urban land planning and preparedness in a bushfire prone environment, and
- environmental management

The Council will also provide advice on community expectations and engagement in these areas with a focus on better understanding the views of broader community groups such as:

- people with diverse language and cultural backgrounds,
- people living with a disability,
- people with an economic disadvantage, and
- people from the LGBTQI+ community

The work of the Council will be guided and framed by the requirements of the Act. The Council is to provide an annual report advising on these matters to the Minister prior to the commencement of the bushfire season for that year. The Council may be consulted in the preparation of a number of governing documents developed by ACT Government agencies. These are described in the Act and are summarised as, but not limited to, the following:

- Strategic Bushfire management Plan (SBMP),
- Annual Bushfire Operational Plan (BOP),
- Declaration of Bushfire Season, and
- Strategic matters identified by the Council and/or ESA Commissioner and endorsed by the Minister as requiring further exploration

Powers

- The Council is a **legislated body**, with functions as described within the Act and addressed within these Terms of Reference. The Council has the Minister's endorsement to:
 - respectfully consult with the community on their behalf,
 - report to the Minister on relevant current issues and strategic planning, and
 - recommend policy or legislative changes, or other specific Government actions.

Membership

Structure

The Council will have between five and 12 Cabinet-endorsed members, including the Chair and Deputy Chair.

Composition and Representation

The Council will comprise people who work together in the best interests of community to provide the Minister and Government with advice around bushfire prevention, preparedness and response and are able to draw upon valued and relevant perspectives and experience.

The Minister will consider the composition of the Council to ensure the group represents diversity in technical skills. Additionally, the Minister will consider including an appropriate gender balance, Aboriginal and Torres Strait Islander people, people from diverse cultural and linguistic backgrounds, people who identify as lesbian, gay, bisexual, transsexual, intersex or queer, experience of disability, people from diverse socio-economic backgrounds, and people of different ages.

The Minister must try to ensure that the following people are among the members appointed:

- a) a person with skills or experience in fire sciences;
- b) a person with experience in land management;
- c) a person with experience in fighting fires in built-up areas;
- d) a person with experience in fighting fires in rural areas;
- e) a person with experience in indigenous land management;
- f) a person to represent the interests of rural lessees;
- g) a person with relevant skills or experience to represent the community's interest in the environment; and
- h) a person to represent the community's interests generally.

The Minister has the discretion to extend a standing invitation to additional people to attend Council meetings. These people may be invited due to their representation of peak bodies within the ACT from a range of diverse backgrounds. These people will not be endorsed through a Cabinet process and they will not be considered members. These

persons will ordinarily only contribute to Council discussions when invited to do so. Their contribution at meetings will be subject to confidentiality and at the decision of the Chair.

Term of Appointment for Cabinet endorsed members

- Appointment terms will be for up to four years.
- Membership is appointed by the Minister for Police and Emergency Services and subject to endorsement by Cabinet.
- The Minister may invite individuals to advise the group on particular issues.

Eligibility

- Applicants must be ACT residents; work, study or volunteer in the ACT; or demonstrate another significant connection and commitment to the ACT.
- Applicants from NSW regional areas surrounding ACT may be considered under exceptional circumstances and dependant on their connection and commitment to the ACT.
- Cabinet endorsed members may only serve two consecutive terms but may apply for a non-consecutive third term.
- ACT Public Service (ACTPS) employees are ordinarily eligible for appointment in a personal capacity, if there is minimal conflict between their duties to the Council and to the ACTPS (see also 'Conflict of Interest' section below).

Appointment

Cabinet endorsed members are appointed by the Minister, following recommendations from a selection panel, and the endorsement of Cabinet and the Justice and Community Safety Standing Committee.

Appointment of Chairperson and Deputy Chairperson

Any Cabinet endorsed member can subsequently be appointed by the Minister as Chairperson or Deputy Chairperson without the need for further Cabinet endorsement. In the absence of both the Chairperson and Deputy Chairperson, the Council will be suspended until a new Chair and/or Deputy Chair are appointed.

Resignation

Members may resign from the Council at any time. All resignations must be provided in writing to the Minister, stating their intention to resign, with a copy provided to the Chair.

Roles & Responsibilities

Chair

The Chair will:

- facilitate orderly and constructive discussions between members on matters within the Terms of Reference (ToRs);
- liaise with ACT Government directorates;
- assist members to work together as a group by:
 - facilitating discussion;
 - ensuring all members have equal opportunity to contribute ideas, opinions and concerns; and
 - drawing participation from all members;
- maintain a positive and constructive atmosphere at meetings by encouraging courtesy, respect and openness;
- seek to resolve conflict within the group and provide feedback as necessary to group members on expressed opinions or actions;
- liaise with the Secretariat to develop meeting agendas and ensure that any action required is appropriately assigned and progressed; and
- inform the Minister for Police and Emergency Services about the priorities and work of the group through meetings and correspondence.

Deputy Chair

The Deputy Chair's role is to act for the Chair in their absence; to attend forums relating to Council business as the Chair's delegate; and to otherwise assist the Chair as necessary.

Ordinary Members

- Members are expected to actively and constructively participate in meeting discussions, community consultations and work projects.
- While some Cabinet endorsed members may be selected due to their knowledge and experience within community organisations, they are appointed as individuals to provide advice and opinions in the best interests of the ACT community, and not to represent an organisation.

Support Persons

- People with disability may seek the Chair's agreement to have a support person attend meetings with them.
- Other members may also seek the Chair's approval to have a support person attend meetings with them to advise them on Council processes, or to act as their translator.
- These support persons will not directly contribute to Council discussions or have voting rights.

ACT Government Officials

The following ACT Government Officials will be invited to attend Council meetings:

- Commissioner ACT Emergency Services Agency
- Executive Branch Manager Parks and Conservation, EPSDD
- Chief Officer ACT Rural Fire Service
- Chief Officer Fire and Rescue
- Other officials as required to address a specific Council requirement

Standing Invitations

The Council may choose to extend a standing invitation to other persons/officers to assist in the operation of the Council e.g. the Manager of the relevant ACT Government policy unit. These persons will ordinarily only contribute to Council discussions when invited to do so.

Invited Speakers

The Council may invite guest speakers or advisers to specific meetings to assist it in better understanding specific issues within its remit e.g. Government officers explaining a relevant policy or program, or an academic explaining relevant current research findings.

Secretariat

Secretariat support will be provided by Justice and Community Safety Directorate.

The Secretariat is responsible for:

- developing agendas in consultation with the Chair;
- distributing the agenda and meeting papers in appropriate formats;
- taking minutes and distributing them to Council members
- monitoring action items arising from Council business and assisting in their implementation, including liaising between the Council and Government agencies;
- arranging venues and refreshments for meetings; and
- arranging remuneration for Cabinet endorsed members.

Operation

General Meetings

- The Council meets a maximum 12 times per year As far as practicable, the council is to meet at least every 2 months.
- If a member is unable to attend a meeting, they are required to submit an apology to the Secretariat stating the reason for the absence. Apologies are noted in the Minutes.
- Proxies and/or observers will not be accepted to replace absent Cabinet endorsed

members.

- A draft agenda will be developed prior to each meeting by the Secretariat in consultation with the Chair. In developing the agenda, consideration will be given to any direction provided by the Minister.
- The agenda and papers are to be circulated to members no less than one week prior to the meeting.
- Meetings are to be facilitated by the Chair, or in their absence the Deputy Chair.
- Whenever possible, decisions are to be made by consensus. If consensus cannot be reached, decisions will be made by a majority vote of members.
- A member who does not agree with the majority ruling, can request to have their concerns noted in the minutes of the meeting.
- Diversity of opinion on issues will be reflected in the advice provided to the Minister.
- At each meeting, members are to provide updates on consultations they have attended on behalf of the Council.

Sub-committees

Members may form working groups, sub-committees and designate individuals with expertise for particular projects, actions to implement the workplan or issues. These working groups will meet out of session as necessary.

Consultations

- Council members are expected to undertake regular consultation with relevant government agencies to inform group business. This may be done at routine meetings of officials or other committees, or through specially scheduled meetings, and should be reported to Council.

Other business between meetings

- The Chair may conduct business between meetings on behalf of the Council, including the preparation of correspondence. The Chair may delegate this to other members, as required. All submissions and significant correspondence must be cleared through the Chair and the Minister.
- Council may undertake field trips as agreed by Commissioner and endorsed by the Minister.
- Members are expected to advise the Secretariat when they have completed agreed actions arising from previous meetings.
- Extraordinary meetings may be required to progress urgent and significant issues.
- The Council may deal with some matters out-of-session, usually where feedback is sought from Council members, rather than a policy decision.
- Where a matter requiring resolution is to be dealt with in an out-of-session paper, agreement by two thirds of Council members is required for assent.

Official Business and the Representation of Council Views

- Members will be deemed to be on Council business when representing the Council at meetings and other forums; and when generally attending to the operation of the Council.
- Members must report back to Council on official activities.
- Any information or comment to be released to the media on behalf of the Council or Council members needs to be cleared through the Chair and the Minister.
- If operating in the public domain, including using social media, in a private capacity, or as the representative of another organisation, members must follow ACT Government social media guidelines regarding comment on government matters, including not giving the impression that they represent the views of the Council or the ACT Government, and being mindful of the confidentiality of Council papers and discussion.

Extended Leave of Absence

Members can seek leave of absence for up to three consecutive months from the Chair. For longer periods, leave must be sought from the Minister through a letter or email.

Code of Conduct

ACTPS Values and Signature Behaviours

Council members are expected to follow Section 9 of Public Sector Management Act 1994 on public sector conduct, and adopt the Values and Signature Behaviours of the ACT Public Service in their work:

1. We value **respect** by taking pride in our work; valuing the contribution of others; and relating to colleagues and clients in a fair, decent and professional manner.
2. We demonstrate **integrity** by doing what we say we'll do; responding appropriately when the unexpected occurs; taking responsibility for, being accountable for, our decisions and actions; our genuine engagement with the community; and managing the resources entrusted to us honestly and responsibly.
3. We demonstrate **collaboration** by working openly and sharing information to reach shared goals; taking on board other views when solving problems; and welcoming feedback on how we can do things better.
4. We demonstrate **innovation** by looking for ways to continuously improve our services and skills; and being open to change and new ideas from all sources.

In addition to the above, the following issues are also vital to the operation of the Council.

Active Participation

- Members are expected to attend all general meetings, read agenda papers, and periodically contribute to agenda papers.
- They will also actively contribute to discussions, including questioning, with due diligence and in good faith, and in the best interests of the community.
- They are also expected to actively seek community feedback and advice in the normal course of their community engagement; and to occasionally attend, and contribute to, formal Council consultation forums.

Confidentiality

- All Council papers must be considered as confidential unless indicated otherwise by the Chair, or where the papers are already in the public domain.
- Members may occasionally also be provided with other confidential material, which they should not disclose to anyone outside the Council and should treat with the utmost care and discretion.
- Discussion within Council meetings must also be treated as confidential.

Conflict of Interest

- Conflict of interest is defined as any instance where a Council member has a personal, financial or other interest in matters under consideration, or proposed for consideration, by the Council. For example, a member might have a financial interest for themselves, family or friends in advice to government about specific service funding.
- A member must disclose to the Chair any situation that may give rise to a personal conflict of interest, a potential conflict of interest, or a potential perceived conflict of interest. The Chair will make the determination whether there are adequate grounds for excluding a member from any discussion or decision making regarding a specific issue.
- Where the Chair has the personal conflict, or the potential or perceived conflict, the Deputy Chair will lead the discussion and make the appropriate determination.
- Documentation outlining appropriate conduct in relation to ethical standards, conflict of interest and other issues is outlined in the Governance Principles – Appointments, Boards and Committees in the ACT (March 2017) handbook, available from the ACT Office for Disability or the Chief Minister and Cabinet Directorate at:
http://www.cmd.act.gov.au/data/assets/pdf_file/0004/1045984/Governance-Principles-2017-FINAL.pdf

Disciplinary Action

A member breaches the Code of Conduct by disregarding these professional conduct guidelines, including:

- conduct that causes imminent and serious risk to the health or safety of a person, or to the reputation or viability of the Directorate's business;
- theft or fraud;
- being intoxicated while on Council business; or
- other deliberate behaviour that is inconsistent with the continuation of their Council membership.

The member will be advised of any disciplinary action to be taken, and given two warnings, followed by immediate termination if a third breach occurs. The Minister will advise the member in writing of their termination.

The Minister has the discretion to suspend or terminate a member's appointment if there is an identified conflict of interest or a breach of the Code of Conduct.

Section 9 of Public Sector Management Act 1994 will guide the processes to be followed during any disciplinary investigation and action.

Membership can also be revoked by the Minister where a member fails to adequately contribute to the Council's work by failing to attend three consecutive meetings, or missing 50% of meetings in a year, without accepted apologies or leave.

Remuneration

- Cabinet endorsed members will be remunerated for participating in monthly meetings and significant out-of-session contributions including field trips.
- Remuneration will be agreed in advance of out-of-session forums and engagements.
- Remuneration will be consistent with the ACT Remuneration Tribunal determination.

Updating Terms of Reference

- The ToRs shall be reviewed every two years.
- The Minister may also direct that an independent evaluation be undertaken regarding the Council's performance, which may include a review of the ToRs.

Contact details

Secretariat

ACT Bushfire Council

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Council Webpage: [ACT Bushfire Council | ACT Emergency Services Agency](#)