

# Community & Public Sector Union (SPSFT)

## The union for public sector workers.

CPSU (State Public Services Federation Tasmania) Inc. | CPSU (SPSF Group, Tasmanian Branch)

Sunday, 3 December 2023

### Re: CPSU submission on draft Tasmania Fire and Emergency Service Bill

The Community and Public Sector Union (CPSU) is the union representing Tasmanian State Service Award Employees within both Tasmania Fire Service (TFS) and State Emergency Service (SES).

The CPSU represents workers who provide services across the state within prevention, preparedness and response to fire, flood, and other emergencies. This includes workers undertaking frontline, operational, administrative, specialist, and leadership roles.

The CPSU has a particular interest in ensuring any new legislation introduced provides for an effective and contemporary state fire and emergency service authority that provides the best possible protection and service for the Tasmanian community, now and into future.

This submission is on behalf of CPSU TFS members. All references to CPSU within this document refer to CPSU TFS member.

The following is the CPSU TFS members' position on matters relevant to the interests of its members, particularly around objectives, governance and funding.

The CPSU has generally not commented on technical clauses within the draft Bill unless they directly affect the interests of members.

Kind regards,



General Secretary  
Community & Public Sector Union  
State Public Services Federation



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### General feedback

The CPSU notes that the Government has not adopted any of the recommended governance models from either the Blake or Stevens reviews into the *Fire Service Act 1979* and has instead adopted its own proposed governance model. The proposed model fails to deliver on a commitment by then Premier Gutwein and then Minister Petrusma during *Legislative Council Estimates Committee A* on 9 September 2021 to retain the State Fire Commission as a statutory authority.

It is the view of the CPSU that the proposed model fails to provide the TFES or TFES Commissioner with the necessary powers to achieve the functions imposed under the act, nor does it rectify the current muddled governance model that the TFS/SES is operating under.

It is the position of the CPSU that the State Fire Commission be retained as a statutory authority, with a skills-based board with employment powers and full control over budget and finances. Further, the income from any future funding model should be properly ring-fenced, for the express use of TFES. TFS CPSU members were alarmed to learn of the proposed diversion of TFES funding to parts of DPAC, for surf lifesaving.

The CPSU does not support the diversion of future TFES funds for use other than TFES discharging its functions/obligations under the new Act.

Exactly what power does the TFES Commissioner have under the draft Bill?

### Employment power

The Commissioner doesn't seem to have delegated employment power under this draft Bill despite Minister Ellis constantly stating that the Commissioner will have employment powers. Is it the intention of the Government to make the Commissioner a head of agency for the purpose of employment powers?

It is the CPSU's firm position that the TFES Commissioner should have delegated employment powers, for him/her to properly discharge functions/obligations under the *TFES Act*. An example underpinning the CPSU's position is the continual battle to get an Incident Management Operations agreement in place to give important capability to the TFS/SES during emergencies. The negotiation of this critical capability requirement is in the hands of DPFEM with the TFS heading into its third bushfire season without an agreement or the capability in place. The CPSU's position is that the employment powers sitting within DPFEM is not fit for purpose for a contemporary fire and emergency services organisation now or into the future.

### Power over Finances

Minister Ellis has also constantly stated that the TFES Commissioner will have power and control over TFES finances. This commitment does not seem to be borne out in the proposed Bill. It is the



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position of the CPSU that the TFES Commissioner has total control over the finances of TFES. Under the proposed governance structure, the draft Bill refers to the “accountable authority” under the *Financial Management Act 2016*, which is understood to be DPFEM. How is Financial management ‘power’ provided to the Commissioner?

### Specific feedback against specific draft clauses

#### PART 1 - PRELIMINARY

##### *Interpretation*

The CPSU’s view is that “*TFES officer*” should be removed from the Bill altogether as it is overly prescriptive, and any reference within the Bill be amended to “*authorised member*”, of which there is already a definition. This will prevent any confusion and provide for the TFES Commissioner to authorise a person, regardless of rank, to perform a function.

#### PART 2 – TASMANIA FIRE AND EMERGENCY SERVICE

##### *Division 2 – Operations of TFES*

##### 9. Objectives of TFES

The CPSU is concerned that the stated objectives in the draft Bill are heavily response focused and is missing a key objective of the entity which is to build community resilience in the prevention and preparation for potential emergencies (not just emergencies already occurring). Clause 9.(1)(b) only mentions supporting communities in respect of an emergency event. It is the CPSU’s view that an additional objective should be added along the lines of:

*“To build community resilience by undertaking prevention and preparedness activities to preserve human life and to protect property and premises from a potential emergency event.”*

This will bring into alignment the objectives with the functions on this subject.

The CPSU’s position is that Clause 9.(2)(a) should read as “*have regard to each applicable emergency management plan*” rather than “*in accordance with each applicable emergency management plan*” which is too prescriptive and could dilute the TFES Commissioner’s powers to perform the functions of TFES.

Clause 9.(2)(b) should be removed as it makes no sense. The CPSU position is that there is no need for a stated objective that “*further the objectives of the TFES*”

##### 11. Application of *State Service Act 2000* to certain members

As stated above, since the announcement of the establishment of TFES in January 2023, Minister Ellis has repeatedly stated that the TFES Commissioner will have powers of employment. It is not clear in the draft Bill how the Government will provide this power to the TFES Commissioner. The CPSU position is that the State Fire Commission be retained as a statutory authority and made a State Authority under the *State Service Act 2000* within the state jurisdiction.



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### Division 3 – TFES Commissioner

#### 13. Commissioner of Fire and Emergency Service

The CPSU's position is that clause 13.(2) should be amended to reflect the need for a Commissioner to have fire and emergency expertise, such as:

13.(2) *The Premier may only recommend a person for appointment under subclause (1) if the Premier is satisfied that the person has the fire and emergency management technical expertise...*

### Division 4 - Committees

#### 17. State Fire and Emergency Service Committee established

As mentioned above, the CPSU's position is that the State Fire Commission is retained as a statutory authority, thus negating the need for this committee to be established. It is not clear what the purpose of this committee is, particularly as no draft terms of reference have been included in this consultation.

However, if the establishment of this committee proceeds under this Act, the CPSU seeks to be represented on the committee. The CPSU represents TSSA employees which make up approximately one third of employees within TFS/SES.

### PART 4 – TFES FUNDING

The recent announcement to not proceed with any of the proposed funding options is supported by the CPSU. The proposed options sought to remove a tax from big business and place that burden on rate-payers amid a cost of living crisis.

The CPSU holds great concern over proposed funding models for TFES. There is not enough detail in the options paper to determine the quantum of funding provided by each of the options. We know that TFS/SES is significantly underfunded now, which is particularly concerning given climate change and the increasing requirement to prepare for and respond to more frequent emergency events. It is not clear whether the costs associated with operating an integrated fire and emergency service organisation now and into the future would be covered by any of these options.

The CPSU is alarmed by the content of the document tabled in the House of Assembly (HoA) on 15 November 2023, outlining the work and calculations of Treasury and Finance in developing the funding options for TFES. It is clear from this document that no one has actually done a proper analysis as to the needs of TFES, and appears that the State Fire Commission has not been consulted or provided input into this process. This is not the time for a 'back of the napkin' stab in the dark estimate by DPFEM. The CPSU is further concerned that funding for TFES could be diverted to other Government departments or organisations as mentioned in the HoA tabled document. DPFEM's claim for an additional \$6.0M per annum to provide support services for TFES would bring the cost of support services to nearly \$20M per annum. The CPSU is concerned this does not represent value for money and that money could be better spent in the delivery of services to the Tasmanian community.



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The CPSU calls for an independent analysis of the funding needs for a contemporary fire and emergency services organisation for now and into the future, in the face of climate change. The review should be all encompassing taking into consideration the needs for both operating and capital funding, along with funding for support services that provide value for money. The CPSU also calls for more detailed analysis of the impact of any proposed funding models. Treasury and Finance should obtain the necessary data, if it doesn't hold it, in order to undertake proper modelling, so the full impact of any proposed changes are known and can be considered in advance.

