

TASMANIA

**TASMANIA FIRE AND EMERGENCY SERVICES
BILL 2026**

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TASMANIA FIRE AND EMERGENCY SERVICES BILL 2026

*(Brought in by the Minister for Police, Fire and Emergency
Management, the Honourable Felix Ashton Ellis)*

A BILL FOR

**An Act to establish the Tasmania Fire and Emergency
Services in order to prevent, prepare for and respond to
emergency events and for related purposes**

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Tasmania Fire and
Emergency Services Act 2026*.

2. Commencement

The provisions of this Act commence on a day
or days to be proclaimed.

3. Purposes of Act

(1) The purposes of this Act are –

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- (a) to establish the service known as the Tasmania Fire and Emergency Services; and
- (b) to support and protect life, premises, property and the environment from injury, death, damage or destruction that may arise from emergency events; and
- (c) to support and protect, and recognise the value and contribution of, all persons involved in emergency management operations under this Act; and
- (d) to support community awareness, resilience and preparedness for emergency events; and
- (e) to support decision making that is evidence-based and risk-based when –
 - (i) preventing or mitigating emergency events; and
 - (ii) preparing for, responding to and recovering from emergency events.

(2) A person performing a function under this Act is to ensure that –

- (a) the performance of the function –
 - (i) is likely to further the purposes of this Act; and
 - (ii) is appropriate and adapted to achieve its purpose; and

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- (iii) is within the person's authority under this Act; and
- (b) the function is performed in a manner that is no more intrusive, restrictive or expensive than is required in the circumstances, in the reasonable opinion of the person; and
- (c) as far as practicable, the function is performed in a manner that is intended to protect life, premises, property and the environment.

4. Interpretation

- (1) In this Act, unless the contrary intention appears –

affiliated organisation means an organisation, other than a statutory service, that is registered by the FES Commissioner in accordance with section 15(1)(d);

approved means approved by the FES Commissioner;

Auditor-General has the same meaning as in the *Audit Act 2008*;

authorised member, in relation to a function, means –

- (a) the FES Commissioner; or
- (b) a member of the TFES who is authorised by the FES

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Commissioner to perform the
function;

building has the same meaning as in the
Building Act 2016;

Commission means the State Fire and
Emergency Services Commission
continued under section 8(1);

Crown land has the same meaning as in the
Crown Lands Act 1976;

day of total fire ban means a day declared
under section 48 to be a day of total fire
ban;

division, in relation to the TFES, includes but
is not limited to brigades and units;

emergency has the same meaning as in the
Emergency Management Act 2006;

emergency event means –

- (a) a fire; or
- (b) an emergency in relation to which
the TFES has a role under an
emergency management plan;

emergency management has the same
meaning as in the *Emergency
Management Act 2006*;

emergency management operations – see
section 5;

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emergency management plan has the same meaning as in the *Emergency Management Act 2006*;

environment has the same meaning as in the *Emergency Management Act 2006*;

equipment includes –

- (a) machines, tools, appliances or other things used for, or in connection with, emergency management operations; and
- (b) items prescribed as equipment for the purposes of this definition;

FES Commissioner means the Fire and Emergency Services Commissioner appointed under section 14;

financial year means the period of 12 months commencing on 1 July in any year;

fire-fighting operations includes any act that is necessary, expedient or convenient for –

- (a) extinguishing, or preventing the outbreak or spread of, a fire; or
- (b) protecting life, property, premises and the environment from fire; or
- (c) preventing, dealing with or rendering assistance with a spill, or escape, of a hazardous material

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that has the potential to cause an emergency event;

- (d) assisting another person, or entity, that is engaging in fire-fighting operations;
- (e) carrying out activities relating to fire safety, fire prevention and fire preparedness;
- (f) undergoing training to undertake an action referred to in this definition;
- (g) providing logistical support for an action referred to in this definition;

fire permit means a permit issued under the regulations, for the purposes of Division 3 of Part 3, in respect of a fire permit period;

fire permit officer means a person appointed as a fire permit officer under section 47(1);

fire permit period means a period declared to be a fire permit period under section 44;

function includes power, responsibility and duty;

hazardous material means a material or other substance which alone, or in combination with another material or substance, is

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unsafe or potentially unsafe by reason of its combustible, volatile, toxic, explosive or noxious nature;

member, of the TFES, includes –

- (a) the FES Commissioner; and
- (b) the members of the Commission; and
- (c) a permanent member or volunteer member, regardless of whether appointed in a full-time, part-time or casual capacity; and
- (d) a person, or a member of a class of persons, approved as a member of the TFES;

owner, in relation to premises, includes –

- (a) each person having possession, control or occupation of the premises; and
- (b) each person with a legal right to all, or part, of the premises; and
- (c) a beneficial owner, trustee, executor, mortgagee in possession or other person with administration and control of the premises; and
- (d) a person or entity who has the legal authority, under an Act, to

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administer or control the premises; and

- (e) such other persons as may be prescribed;

permanent member means a person who is appointed, employed or engaged, under section 26, as a member of the TFES;

permanent timber production zone land has the same meaning as in the *Forest Management Act 2013*;

potential emergency event means circumstances where an emergency event is possible or may occur;

premises includes –

- (a) any land or place; and
- (b) any building, fencing and other structure, whether permanent or temporary; and
- (c) any vehicle; and
- (d) any part of such premises;

property has the same meaning as in the *Emergency Management Act 2006*;

protected area means an area which includes the whole of, or any part of –

- (a) permanent timber production zone land; or

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- (b) future potential production forest land, within the meaning of the *Forestry (Rebuilding the Forest Industry) Act 2014*; or
- (c) an area of reserved land, within the meaning of the *Nature Conservation Act 2002*; or
- (d) an area of Crown land; or
- (e) an area that is within a class of areas prescribed for the purposes of this definition;

public street has the same meaning as in the *Traffic Act 1925*;

regulations means the regulations made under this Act;

responsible officer includes –

- (a) an authorised member; and
- (b) in the case of a permanent timber production zone land, an employee of the Forestry corporation, within the meaning of the *Forest Management Act 2013*; and
- (c) in the case of Crown land, or future potential production forest land within the meaning of the *Forestry (Rebuilding the Forest Industry) Act 2014*, a person

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authorised as a responsible officer by the Director-General within the meaning of the *Crown Lands Act 1976*; and

- (d) in the case of reserved land within the meaning of the *Nature Conservation Act 2002*, a person authorised as a responsible officer by the Director, within the meaning of that Act; and
- (e) a person prescribed as a responsible officer

safety system includes –

- (a) a fire safety system within the meaning of the National Construction Code series published by the Australian Building Codes Board, as amended or substituted from time to time; and
- (b) a system for the detection of fires, or other emergency events, that falls within the National Construction Code series published by the Australian Building Codes Board, as amended or substituted from time to time; and
- (c) a system that is prescribed as a safety system;

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scale of charges means the charges specified by the Commission in accordance with section 112;

TASCAT means the Tasmanian Civil and Administrative Tribunal;

TFES means the Tasmania Fire and Emergency Services established by section 22;

TFES Division means a division of the TFES as determined by the FES Commissioner in accordance with section 16;

vegetation includes all, or any part, of a tree, bush, plant and undergrowth of any kind, whether dead or alive;

vehicle has the same meaning as in the *Emergency Management Act 2006*;

volunteer member means a person who is registered, under section 27, as a member of the TFES.

(2) In this Act, a reference to performing a function includes a reference to –

- (a) exercising a power; and
- (b) performing a responsibility or duty.

(3) In this Act –

- (a) a reference to a danger to life includes a reference to a risk of injury or other harm to a living thing; and

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- (b) a reference to protecting life includes a reference to protecting a living thing from a risk of injury or other harm.

5. Meaning of *emergency management operations*

- (1) In this section –

civil emergency includes, but is not limited to –

- (a) the flooding of premises or a public place; and
- (b) the stranding or entrapment of a person or animal; and
- (c) an event, or circumstance, prescribed as a civil emergency.

- (2) For the purposes of this Act, emergency management operations –

- (a) include –

- (i) fire-fighting operations; and
- (ii) operations, or actions, that are necessary, expedient or convenient for –

- (A) the management of an emergency event; and

- (B) the performance of emergency management

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within the meaning of this Act; and

(C) protecting life, property, premises or the environment; and

(D) rendering assistance, during an emergency event or civil emergency; and

(E) carrying out activities for training, emergency prevention or emergency risk mitigation; and

(F) the purposes of this Act; and

(iii) such other operations, or actions, as are prescribed; and

(b) do not include any actions taken in respect of –

(i) actual combat against an enemy; or

(ii) a riot or other civil disturbance; or

(iii) bringing an end to a strike or lockout.

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6. Application of Act

- (1) Unless the contrary intention appears, this Act does not apply to –
 - (a) the lighting of fire, in a fully enclosed premises –
 - (i) in a properly constructed fireplace; or
 - (ii) for the purpose of igniting an appliance; or
 - (b) the lighting of a fire in prescribed circumstances, in prescribed locations or in a prescribed manner; or
 - (c) the performance of a function under any other Act that has effect in relation to emergency management operations or emergency management generally.
- (2) Despite subsection (1) –
 - (a) the *Emergency Management Act 2006* prevails to the extent of an inconsistency between this Act and that Act; and
 - (b) this Act prevails to the extent of an inconsistency between this Act and another Act other than the *Emergency Management Act 2006*.

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7. Act binds Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

Consultation Draft

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**PART 2 – TASMANIA FIRE AND EMERGENCY
SERVICES**

Division 1 – State Fire and Emergency Services Commission

**8. State Fire and Emergency Services Commission
continued**

- (1) The corporation established as the State Fire Commission under section 7 of the *Fire Service Act 1979* is, on the commencement of this section, continued as the State Fire and Emergency Services Commission.
- (2) The Commission, as continued under subsection (1) –
 - (a) is a corporation with perpetual succession; and
 - (b) may have a seal; and
 - (c) may sue and be sued in its corporate name.
- (3) Schedule 1 applies in respect of the membership and meetings of the Commission.

9. Membership of Commission

- (1) The Commission is to consist of –
 - (a) the persons appointed under subsection (2) including the chairperson of the Commission; and

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- (b) the FES Commissioner.
- (2) The Governor, on the recommendation of the Minister, is to appoint the following members of the Commission:
- (a) the chairperson of the Commission; and
 - (b) no less than 3 and no more than 7 other persons.
- (3) Before making a recommendation to the Governor under subsection (2), the Minister is to ensure that the members appointed under that subsection, in aggregate, have the relevant knowledge and skills to ensure that the functions of the Commission are performed appropriately and in accordance with this Act including, but not limited to –
- (a) experience in the fields of commerce, economics, finance, accounting, law, public administration, human resources and technical logistics; and
 - (b) skills and experience in emergency management, emergency response or a similar area of expertise.
- (4) Before making a recommendation to the Governor under subsection (2) in respect of a chairperson of the Commission, the Minister is to be satisfied, on reasonable grounds, that the person so recommended has the relevant knowledge and skills to act independently, impartially and in the public interest while

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performing the functions of chairperson of the
Commission.

10. Functions of Commission

(1) The Commission has the following functions:

- (a) to ensure that the business and affairs of the TFES are conducted, and managed, in a manner that is in accordance with –
 - (i) this Act and any other relevant Act; and
 - (ii) best governance and administrative practices; and
 - (iii) the objectives of the TFES, as set out in this Act, and the corporate plan; and
 - (iv) any statement of expectations or Ministerial charter in force in respect of the TFES;
- (b) to ensure that the TFES achieves its functions and objectives under this Act and any other Act;
- (c) to ensure that the FES Commissioner, achieves the functions and objectives of FES Commissioner as specified in this Act and any other Act;
- (d) to promote a safe workplace and a positive culture within the TFES;

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- (e) to ensure that a subcommittee established under this Act achieves its functions and objectives under this Act;
- (f) to provide regular reports and updates to the Minister on actions taken under this Act to further the purposes, objectives and functions of the TFES and the Commission;
- (g) to advise, and make recommendations to, the Minister in respect of –
 - (i) any matter under this Act; or
 - (ii) any matter that may assist the Minister, or any other person, in the administration of this Act; or
 - (iii) any matter, or issue, as requested by the Minister; or
 - (iv) any matter that, in the opinion of the Commission or a subcommittee established under section 34, should be brought to the attention of the Minister;
- (h) such other functions –
 - (i) as are prescribed; or
 - (ii) as are necessary or reasonable to perform the functions of the Commission.

- (2) The Commission has the power –

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- (a) to lease, acquire, hold and dispose of, subject to this Act, real property and other property; and
- (b) to enter into contracts and to engage consultants, as required; and
- (c) to issue such orders, directions, guidelines, procedures and instructions as are necessary or reasonable for the Commission to perform its functions under this Act; and
- (d) to take any other action necessary, or reasonable, for the efficient and effective control of the TFES; and
- (e) to specify charges –
 - (i) specified under this Act as being payable to the TFES; or
 - (ii) payable in respect of other services provided by the TFES, or any person, under this Act other than emergency management operations.

11. Ministerial charter

- (1) The Minister is to provide the Commission with a ministerial charter which specifies the broad policy expectations of the Minister for the Commission.

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- (2) Before the Minister prepares a ministerial charter under this section, the Minister is to consult with the Commission.
- (3) A ministerial charter –
- (a) may limit the functions of the Commission, and the performance of those functions, but may not –
 - (i) limit a function of the Commission, or TFES, under this Act and any other Act that the Commission is required to perform; or
 - (ii) require the Commission to be in breach of its obligations under this Act or any other Act; and
 - (b) may not extend the functions of the Commission or the TFES.
- (4) A ministerial charter under this section takes effect on the day specified in it but no earlier than the day on which a copy of the charter is provided to the Commission.

12. Commission subject to direction by Minister

- (1) The Minister may give the Commission directions, at any time, regarding the performance of the functions of the Commission or the TFES, if the Minister is satisfied that it is in the public interest to do so.

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- (2) Before giving a direction under subsection (1) in respect of a matter, the Minister is to consult with the Commission in respect of that matter.
- (3) In giving a direction under subsection (1), the Minister –
 - (a) is to have regard to the purposes and functions of the Commission, and the TFES, under this Act and any other Act; and
 - (b) may direct the Commission to establish a subcommittee under section 34 in respect of a specific matter or a class of specific matters; and
 - (c) may not give a direction that conflicts with, or contradicts, the purposes or the functions of the Commission, or TFES, under this Act and any other Act.
- (4) A direction under subsection (1) –
 - (a) must specify the date on which the direction is to take effect; and
 - (b) is to be in writing and signed by the Minister.

13. Commission may delegate certain functions

- (1) The Commission may, by written instrument, delegate to any person or body, specified in subsection (2), a function of the Commission under this Act, or any other Act, other than this power of delegation.

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- (2) A function may be delegated under subsection (1), in whole or in part, to any person or body that the Commission considers appropriate.
 - (3) For the avoidance of doubt, the performance by a person of any function, in good faith, delegated to the person under this section is as valid, and has the same consequences, as if it had been performed by the Commission.

Division 2 – FES Commissioner

14. Fire and Emergency Services Commissioner

- (1) The Governor, on the recommendation of the Premier, may appoint a person as the Fire and Emergency Services Commissioner.
- (2) The Premier may only recommend a person for appointment under subsection (1) if the Premier is satisfied that the person has the technical expertise, and the management and professional skills, to perform the functions of the FES Commissioner.
- (3) The FES Commissioner is to be appointed to the position in accordance with the *State Service Act 2000* and subject to the terms and conditions specified in the instrument of appointment.

15. Functions of FES Commissioner

- (1) The FES Commissioner is responsible for performing the following functions:

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- (a) to ensure that the TFES performs its functions, and furthers its objectives, efficiently and effectively;
- (b) to ensure that there is a consistent approach by the TFES in preventing, preparing for, responding to, or transitioning to recovery from, emergency events or potential emergency events;
- (c) to establish and maintain, in accordance with section 16, the structure, and hierarchy, of the TFES;
- (d) to register, if appropriate, organisations as affiliated organisations for the purposes of this Act;
- (e) if an emergency event occurs –
 - (i) to establish command and control in respect of the responses under this Act in respect of the emergency event; and
 - (ii) to establish the most appropriate arrangements for command and control in respect of the emergency event;
- (f) to hire out, or volunteer, TFES equipment or other TFES assets to organisations, or events, outside of the TFES;

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- (g) to advise, and make recommendations to, the Minister or the Commission in respect of –
 - (i) any matter under this Act; or
 - (ii) the operation of the TFES; or
 - (iii) any matter that may assist the Minister, or any other person, in the administration of this Act;
 - (h) to establish charters in respect of all, or specified parts, of the TFES;
 - (i) such other functions –
 - (i) as are authorised or directed by the Commission; or
 - (ii) as are prescribed; or
 - (iii) as are necessary or reasonable to perform the functions of the FES Commissioner.

(2) The FES Commissioner may –

- (a) issue such orders, directions, procedures, policies, guidelines, warnings and other documents or instructions as are necessary or reasonable for the FES Commissioner to perform the functions of the FES Commissioner under this Act or any other Act; and
- (b) take any other action necessary, or reasonable, for the efficient and effective

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management of the TFES, and any other entity established under this Act.

16. FES Commissioner may determine structure and chain of command

- (1) The FES Commissioner is responsible for determining –
 - (a) the structure, hierarchy and chain of command within –
 - (i) the TFES; and
 - (ii) each TFES Division; and
 - (b) the number, type and location of TFES Divisions including but not limited to –
 - (i) divisions of the TFES that may be entirely staffed by permanent members or volunteer members, or both; and
 - (ii) divisions of the TFES that may be responsible for either fire-fighting operations or emergency management operations, or both; and
 - (iii) support services for the TFES; and
 - (c) the allocation of functions, if required, to –

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- (i) the TFES or a specified TFES Division; and
 - (ii) the members of the TFES or a specified class of members; and
 - (iii) persons, other than members of the TFES, who are responsible for performing emergency management operations under this Act.
 - (2) For the avoidance of doubt –
 - (a) in determining the chain of command for the TFES, or a TFES Division, the FES Commissioner may include individuals that do not form part of the TFES or Division, as the case may be; and
 - (b) a chain of command determined by the FES Commissioner in accordance with this section is final and not subject to review by any other person.
 - (3) Nothing in this section requires all TFES Divisions to include a person who is a member.
 - (4) A person must carry out such functions as the FES Commissioner, from time to time, allocates or otherwise directs.

17. FES Commissioner may delegate certain functions

- (1) The FES Commissioner may, by written instrument, delegate to any person, all or any part of and subject to any conditions –

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- (a) a function of the FES Commissioner under this Act, or any other Act, other than this power of delegation; or
 - (b) a function of the TFES under this Act or any other Act.
- (2) For the avoidance of doubt, the performance by a person of any function, in good faith, delegated to the person under this section is as valid, and has the same consequences, as if it had been performed by the FES Commissioner.

18. FES Commissioner may issue directions in certain circumstances

- (1) In addition to any other power to issue directions under this Act, the FES Commissioner may issue the following directions:
- (a) that a person or a class of persons, specified in the direction, or that all persons, must not, for the purposes of protecting life, property, premises or the environment, light a fire in one or more of the following circumstances:
 - (i) at a place specified in the direction;
 - (ii) on a day or days, whether consecutive or non-consecutive, as specified in the direction;
 - (iii) during a period of time specified in the direction;

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(b) that a regulated entity, within the meaning of the *Water and Sewerage Industry Act 2008*, must do one or more of the following:

- (i) maintain a fire hydrant as specified in the direction;
- (ii) mark a fire hydrant in the manner specified in the direction;
- (iii) take a specific action as specified in the direction, or all reasonable actions necessary, to improve the supply of water needed for emergency management operations;

(c) that a person, including a regulated entity within the meaning of the *Water and Sewerage Industry Act 2008*, must shut off water to any main or pipe to improve the supply of water needed for emergency management operations.

(2) A person must not, without reasonable excuse, contravene a direction under subsection (1).

Penalty: Fine not exceeding 100 penalty units.

19. FES Commissioner may authorise certain services

(1) The FES Commissioner may authorise –

- (a) a TFES Division to provide services other than emergency management operations; and

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- (b) the use of the equipment of the TFES for services other than emergency management operations; and
 - (c) the hiring out, lending or otherwise making available of the equipment of the TFES for use outside of the TFES.
- (2) The Commission may, in the scale of charges, specify charges in respect of the use, hiring out, lending or making available of equipment under subsection (1).
- (3) If a member of the TFES is providing services authorised under subsection (1), the member is taken to be engaged, while performing those services, in fire-fighting operations for the purposes of –
 - (a) the *Workers Rehabilitation and Compensation Act 1988*; and
 - (b) the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*.
- (4) For the avoidance of doubt, nothing in this section removes a requirement of the *Workers Rehabilitation and Compensation Act 1988* or the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*.

20. FES Commissioner may install safety systems in public places

- (1) In this section –

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public place includes –

- (a) a public place within the meaning of the *Police Offences Act 1935*; and
 - (b) such other premises, or place, as prescribed for the purposes of this definition.
- (2) The TFES may install and maintain such safety systems, in a public place, as the FES Commissioner thinks necessary for the protection of life, property, premises and the environment from fire or other emergency events.
- (3) Before installing a safety system in a public place under this section, the FES Commissioner –
 - (a) is to consult with the Director, Environment Protection Authority, appointed under section 18 of the *Environmental Management and Pollution Control Act 1994*; and
 - (b) may notify the authority which has management of the public place at which the FES Commissioner intends to install the system; and
 - (c) is to have regard to any reasonable objections made by or on behalf of the authority in respect of the installation of the system.

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- (4) A decision of the FES Commissioner in respect of the installation or location of a safety system under this section is final and is not subject to review or appeal by any other person.

21. FES Commissioner may take action in respect of certain substances

- (1) In this section –

dangerous action, in respect of a substance, means the storage, transportation or use of the substance in such a place, and under such conditions, as to constitute a danger to life, property, premises or the environment.

- (2) If the FES Commissioner is satisfied that a person is taking, has taken or is about to take a dangerous action in respect of a substance, the FES Commissioner may, by written notice to the person –

- (a) require the person to take such measures as may be necessary to ensure the safe storage, transportation or use of the substance; or
- (b) prohibit the storage, transportation or use of the substance by the person.

- (3) A person given a notice under subsection (2) in respect of a substance must comply with the notice.

Penalty: Fine not exceeding 26 penalty units.

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- (4) It is a defence in proceedings for an offence under subsection (3), in respect of a substance, if the defendant establishes that –
- (a) compliance with the notice under subsection (2) would have breached another legislative requirement in force in relation to the substance; and
 - (b) the defendant took all reasonable steps to comply with the legislative requirements as in force.
- (5) For the avoidance of doubt, this section is in addition to, and does not derogate from, any other Act relating to the use, handling, storage or transport of substances.

***Division 3 – Tasmania Fire and Emergency Services
established***

22. Tasmania Fire and Emergency Services

- (1) On the day on which this section commences, the Tasmania Fire and Emergency Services is established.
- (2) The TFES consists of –
- (a) the Tasmania Fire Service, as continued under this Division; and
 - (b) the State Emergency Service, as continued under this Division; and

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(c) such other entities and divisions as the FES Commissioner considers appropriate.

(3) The TFES has the functions imposed on it under this or any other Act.

23. Objectives of TFES

(1) The TFES has the following objectives:

(a) to do all things necessary, and practicable, to protect life, property, premises and the environment from emergency events;

(b) to build resilient communities that are aware of, prepared for and ready to respond to emergency events;

(c) to prevent or limit, as far as is practicable, the economic, environmental, social and physical impacts of emergency events.

(2) In performing a function under this Act, the TFES is to ensure that the performance of the function, as far as is practicable –

(a) is in accordance with each applicable emergency management plan; and

(b) furthers the objectives of the TFES.

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24. Tasmania Fire Service continued

- (1) The fire service established by the *Fire Service Act 1979*, and called the Tasmania Fire Service, is continued as a division of the TFES.
- (2) For the avoidance of doubt, the FES Commissioner may determine under section 16 the divisions, and assign actions to those divisions, of the TFES that are solely comprised of members of the Tasmania Fire Service.

25. State Emergency Service continued

- (1) The State Emergency Service continued under the *Emergency Management Act 2006* is continued as a division of the TFES.
- (2) For the avoidance of doubt, the FES Commissioner may determine under section 16 the divisions, and assign actions to those divisions, of the TFES that are solely comprised of members of the State Emergency Service.

Division 4 – Operation and Administration of TFES

26. Application of *State Service Act 2000* to certain members

- (1) Subject to and in accordance with the *State Service Act 2000*, a person may be appointed and employed as a member of the TFES.
- (2) In addition to subsection (1), the FES Commissioner or the Commission may make arrangements with the Head of a State Service

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Agency for State Service officers and State Service employees employed in that Agency to be made available to the TFES or the Commission and those officers and employees are to, in conjunction with State Service employment, serve the TFES or the Commission in any capacity.

27. Volunteer members of TFES

- (1) The FES Commissioner may register a person as a volunteer member who is subject to the control and supervision of the FES Commissioner while acting as such a member.
- (2) The Commission is to ensure that a charter in respect of volunteer members, and volunteering within the TFES generally, is developed and maintained.
- (3) The regulations may prescribe –
 - (a) the process to apply for registration, and for registration itself, as a volunteer member; and
 - (b) the process for suspending, or deregistering, a volunteer member; and
 - (c) any other matters relating to the training, support, management and coordination of volunteer members.

28. Annual report

- (1) As soon as is practicable after the end of a financial year, the Commission must prepare an annual report, in accordance with subsection (2), for the financial year.
- (2) An annual report prepared under subsection (1), in respect of a financial year, is to include the following information and documents:
 - (a) the statement of corporate intent, under section 31, which relates to the financial year that immediately follows the financial year to which the annual report relates;
 - (b) the financial statements of the Commission prepared under section 33 for that financial year;
 - (c) a copy of the report of the Auditor-General in respect of the financial statements received under section 19 of the *Audit Act 2008* in relation to that financial year;
 - (d) a report on the performance of the Commission, and the TFES generally, during that financial year compared with the relevant performance indicators specified in the corporate plan;
 - (e) a report on the operations of the Commission, and the TFES, during that financial year;

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- (f) details of any directions given by the Minister, to the Commission, under section 12 during that financial year;
 - (g) details of any subcommittees established or dissolved by the Commission under section 34, or any actions taken by a subcommittee established under that section, during that financial year;
 - (h) a copy of the annual report of any subcommittees prepared under section 34(5) in respect of that financial year;
 - (i) any other information that the Minister, by written notice to the Commission before the end of that financial year, required to be included in the annual report;
 - (j) any other information that the Commission considers appropriate, or necessary, to include in the annual report.
- (3) As soon as is practicable after preparing an annual report under this section, the Commission is to provide a copy of the annual report to the Minister, the Treasurer and the Auditor-General.
- (4) Section 36 of the *State Service Act 2000* does not apply in respect of the Commission.

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29. Tabling of annual report

- (1) The Minister must table a copy of the annual report of the Commission, prepared under section 28, in each House of Parliament within 4 months after the Minister receives a copy of the report under that section.
- (2) If the Minister is unable to comply with subsection (1) for a reason other than that a House of Parliament is not sitting at the expiry of the period specified in that subsection, the Minister, before the expiry of that period, is to lay before each House of Parliament a statement specifying –
 - (a) the reasons for the failure to comply with that subsection; and
 - (b) an estimate of the day by which a copy of the annual report of the Commission may be ready to be laid before each House of Parliament.
- (3) If the Minister is unable to lay a copy of the annual report of the Commission before a House of Parliament –
 - (a) within the period specified in subsection (1); or
 - (b) by the day specified in the statement referred to in subsection (2) in respect of the report –

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because either House of Parliament is not sitting at the expiration of that period or on that day, the Minister is to –

- (c) provide a copy of the annual report of the Commission to the Clerk of that House of Parliament as soon as is possible after the expiration of that period or that day; and
- (d) lay a copy of the annual report before that House within the next 7 sitting-days of that House.

30. Corporate plan

- (1) In each year, the Commission must prepare a draft corporate plan in respect of the Commission.
- (2) A draft corporate plan –
 - (a) is to cover a period of not less than 3 financial years commencing on the day on which the plan takes effect; and
 - (b) is to include –
 - (i) a statement of the objectives and policies of the Commission, and the TFES generally, and how they comply with the purposes of this Act; and
 - (ii) a summary of the current financial position of the Commission and a projection of

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the expected financial position of
the Commission for each
financial year covered by the
plan; and

(iii) a copy of the statement of
corporate intent; and

(iv) such other information as is
specified by the Minister to be
included in the corporate plan;
and

(c) is to be in a form specified by the
Minister.

(3) In preparing a draft corporate plan under subsection (1), the Commission is to consult with the Minister and with such other Ministers, or persons, as are specified by the Minister.

(4) The Commission must provide a draft of the corporate plan to the Minister and the Treasurer at least 90 days before the day on which the corporate plan is to take effect.

(5) The Minister, in consultation with the Treasurer, may –

(a) approve the draft corporate plan of the
Commission; or

(b) require the Commission to amend the
draft corporate plan one or more times
before approving it under paragraph (a).

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- (6) On being approved by the Minister under subsection (5)(a), the draft corporate plan becomes the corporate plan of the Commission for the period specified in the plan.
- (7) The Commission may draft an amendment to the corporate plan at any time.
- (8) A draft of an amendment to the corporate plan under subsection (7) takes effect when the Minister, in consultation with the Treasurer, approves the amendment.
- (9) Unless otherwise authorised under this Act, or by the Minister in consultation with the Treasurer, the Commission must act in accordance with the corporate plan while it is in force.

31. Statement of corporate intent

- (1) The statement of corporate intent of the Commission is a summary of its corporate plan.
- (2) The statement of corporate intent of the Commission must not disclose any information that the Minister considers may, if disclosed –
 - (a) disadvantage or cause damage to the Commission, either directly or indirectly; or
 - (b) enable, either directly or indirectly, another person to gain an advantage.
- (3) The statement of corporate intent is to be in a form specified by the Minister.

32. Accounting records

The Commission must –

- (a) keep accounting records that correctly record and explain the transactions (including any transactions as trustee) made by, and the financial position of, the Commission and the TFES; and
- (b) keep those records in a manner that –
 - (i) allows true and fair accounts of the Commission, and the TFES, to be prepared from time to time; and
 - (ii) allows the accounts of the Commission and the TFES to be audited or reviewed conveniently and properly; and
 - (iii) subject to any contrary written directions given by the Minister or the Treasurer to the Commission, complies with the relevant accounting standards; and
 - (iv) complies with any written directions of the Treasurer.

33. Financial statements of the Commission

- (1) The Commission is to prepare the financial statements of the Commission in respect of that financial year in accordance with –

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- (a) the *Audit Act 2008*; and
 - (b) each relevant direction of the Treasurer under subsection (3); and
 - (c) the relevant accounting standards.
- (2) As soon as is practicable after preparing the financial statements under subsection (1) for a financial year, provide a copy of those statements to the Auditor-General.
- (3) The Treasurer may give written directions to the Commission in respect of the form and content of the financial statements.

34. Commission to establish subcommittees

- (1) The Commission is to establish –
 - (a) a subcommittee, known as the State Fire Management Council, to oversee matters relating to vegetation fire management including, but not limited to, the prevention or mitigation of vegetation fires; and
 - (b) a subcommittee for matters relating to employed members and volunteer members; and
 - (c) a subcommittee for any matter that the Minister has directed, under section 12, that a subcommittee to be established.

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- (2) The Commission may establish such other subcommittees as the Commission considers appropriate.
- (3) In respect of each subcommittee established under this section, the Commission is to specify, in writing to the subcommittee –
- (a) the purpose of the subcommittee; and
 - (b) the number of members of the subcommittee; and
 - (c) the terms of reference for the subcommittee.
- (4) A written notice under subsection (3) in relation to a subcommittee may also specify, in respect of that subcommittee, one or more of the following:
- (a) the chairperson of the subcommittee;
 - (b) the frequency of meetings of the subcommittee;
 - (c) the quorum for the subcommittee;
 - (d) whether the members of the subcommittee are, or are not, entitled to be paid remuneration or allowances as specified in the notice or as determined by the Commission;
 - (e) any other matter the Commission wishes to specify in respect of the subcommittee.

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- (5) A subcommittee established under this section must –
 - (a) provide information to the Minister or the FES Commissioner, if requested to do so; and
 - (b) provide an annual report, as prescribed, to the Commission in respect of each financial year in which the subcommittee was established.
- (6) The regulations may provide for the process for establishing, and the terms relating to, a subcommittee established under this section.
- (7) Except as specified in this Act, a subcommittee may regulate its own proceedings.

PART 3 – FUNCTIONS OF TFES

Division 1 – General functions of TFES

35. Application of Part

For the avoidance of doubt, the functions specified in this Part in respect of a person are in addition to, and do not derogate from –

- (a) any other functions that have been allocated by the FES Commissioner in accordance with section 16 in respect of the person; or
- (b) any prescribed functions that apply in respect of the person; or
- (c) any relevant functions that have been specified in respect of the person under any other Act.

36. Functions and powers of TFES

(1) In addition to any other functions of the TFES under this Act or any other Act, the TFES has the following functions:

- (a) to implement plans, arrangements, agreements and directives in respect of the TFES as required under this Act and any other Act;
- (b) to determine and coordinate arrangements during an emergency

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event, or potential emergency event, if required;

- (c) to make decisions and take actions under this Act in respect of an emergency event, or potential emergency event, that, as far as is practicable, protect all persons responding to, or impacted by, the event under this Act;
- (d) to take such actions, and to conduct such operations, as the TFES consider necessary, expedient or convenient for one or more of the following:
 - (i) performing emergency management operations;
 - (ii) preventing, or mitigating, an emergency event or potential emergency event;
 - (iii) preparing for, managing or responding to an emergency event or potential emergency event;
 - (iv) rendering assistance during an emergency event or potential emergency event;
 - (v) supporting the recovery from an emergency event;
- (e) to oversee other authorities and resources used, in respect of an emergency event,

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and ensure that those authorities are complying with this Act;

- (f) to provide advice and services relating to emergency management or as otherwise authorised by the Commission or Minister, in writing provided to the FES Commissioner, other than the provision of services to which another Act applies;
- (g) to provide, or assist in, rescue and retrieval operations, within the meaning of the *Emergency Management Act 2006*;
- (h) to coordinate, and participate in, civil defence measures, within the meaning of the *Emergency Management Act 2006*, in times of enemy action or hostilities against the State;
- (i) if appropriate, to conduct investigations into an emergency event, or potential emergency event, and to provide reports on, and make recommendations in respect of, those investigations to the Commission or the Minister;
- (j) to facilitate, and initiate if appropriate, effective interoperability between State Service Agencies, other entities and other jurisdictions, as required in respect of an emergency event, or potential emergency event, in any jurisdiction;
- (k) such other functions as are prescribed.

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- (2) For the avoidance of doubt, an action taken by the TFES in the performance of a function under this Act may include, but is not limited to, one or more of the following actions:
- (a) taking possession of premises, property or another item;
 - (b) erecting, constructing, altering, demolishing or removing premises or other structures;
 - (c) excavating, removing or destroying vegetation or debris.

37. Powers of entry of TFES

- (1) The TFES may enter premises at any time, and remain on premises, for the purposes of performing emergency management operations in respect of an emergency event, or potential emergency event, on the premises or in the vicinity of the premises.
- (2) At any reasonable time, the TFES may enter premises for the purposes of determining whether this Act, or any other Act under which the authorised member has authority, is being, or has been, complied with in respect of the premises.
- (3) When entering premises under this Act, the TFES may take onto the premises such persons, and such equipment, as the TFES considers necessary for the purpose for which the TFES has entered the premises.

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- (4) Before entering premises under this Act, an authorised member must produce identification, in an approved form, except where –
- (a) the premises are a public place within the meaning of the *Police Offences Act 1935*; or
 - (b) the member has reasonable cause to believe that an emergency event is occurring, or is likely to occur imminently, on the premises; or
 - (c) the member is dressed in an approved uniform for the TFES.

38. Powers of responsible officers

- (1) A responsible officer may direct, restrict or regulate traffic or persons if the officer believes that it is necessary, or reasonable, to do so due to –
- (a) emergency management operations; or
 - (b) an emergency event, or potential emergency event, in the area.
- (2) Subject to any other plan or agreement in force under this Act in respect of an area of land, a responsible officer for that area may lead the response to –
- (a) an emergency event in that area; and
 - (b) an emergency event on land that is adjacent to that area.

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- (3) A responsible officer may give one or more of the following directions:
- (a) direct the owner of premises to take, or assist another person to take, such steps as are specified in the order in respect of an emergency event on the premises if the responsible officer believes that –
 - (i) the emergency event constitutes a danger to the premises or neighbouring premises; or
 - (ii) the emergency event, if it is not promptly managed or controlled, is likely to constitute a danger to the premises or neighbouring premises; and
 - (b) direct a person to leave an area, or to cause a vehicle or other thing to be removed from an area, if the responsible officer believes that –
 - (i) there is an emergency event, or potential emergency event, in the area or on land adjacent to the area; and
 - (ii) the presence of the person, vehicle or other thing in the area is interfering with, or may interfere with, emergency management operations in the area.

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- (4) A person who is given a direction under subsection (3) must comply with the direction.

Penalty: Fine not exceeding 26 penalty units.

- (5) It is a defence in proceedings for an offence under subsection (4) in respect of a direction if the defendant establishes that –

- (a) the defendant took all reasonable steps to comply with the direction; or
- (b) it was reasonable in the circumstances that the defendant did not comply with the direction; or
- (c) the failure to comply with a direction under subsection (3) in respect of premises was a result of the defendant complying with express directions given, to the defendant, by the owner of the premises.

- (6) For the avoidance of doubt, a person is not liable in respect of action, taken by the person in order to comply with a direction under subsection (3), if the action is taken in respect of premises in a manner that is not contrary to express directions given to the person by the owner of the premises.

39. TFES may take certain actions

- (1) An authorised member may take a prescribed action, or commence a prescribed process, in respect of premises if, in the opinion of the member, the premises –

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- (a) pose a risk of an emergency event or potential emergency event; or
 - (b) if no action were taken in respect of the premises, pose a risk of an emergency event or potential emergency event.
- (2) If an authorised member enters premises under this Act, the authorised member may –
 - (a) direct the owner of the premises to comply with such recommendations, or instructions, given by the authorised member, to –
 - (i) prevent, or minimise the risk of, an emergency event or potential emergency event; or
 - (ii) mitigate or respond to a prescribed risk; or
 - (iii) protect life, property, premises or the environment; or
 - (iv) ensure compliance with this Act and any other relevant Act; and
 - (b) direct the owner of the premises, or another person, to take such actions, as directed by the authorised member, to –
 - (i) prevent, or minimise the risk of, an emergency event or potential emergency event; or
 - (ii) mitigate or respond to a prescribed risk; or

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- (iii) protect life, property, premises or the environment; or
 - (iv) ensure compliance with this Act and any other relevant Act.
- (3) An owner of premises who receives a direction from an authorised member under subsection (2), in respect of the premises, must comply with the direction.

Penalty: Fine not exceeding 50 penalty units.

40. TFES may direct certain actions to be taken in respect of municipal areas

- (1) The Commission, or an authorised member, may direct the council of a municipal area, by written notice, to take an action specified in the notice, if the Commission or authorised member believes, on reasonable grounds, that the action is required to be taken, in respect of land within that municipal area –
- (a) to prevent, or minimise the risk of, an emergency event or potential emergency event; or
 - (b) to protect life, property, premises or the environment; or
 - (c) to mitigate or respond to a prescribed risk within the municipal area; or
 - (d) to ensure the council, or land within that municipal area, complies with this Act and any other relevant Act.

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- (2) A notice under subsection (1) given by the Commission or an authorised member –
 - (a) is to specify a period in which action is to be taken; and
 - (b) may include such conditions as the Commission or member considers appropriate in the circumstances.
- (3) A council that receives a notice under subsection (1) in respect of a matter is to act, under the *Local Government Act 1993*, on the notice as if the matter were a nuisance under that Act.
- (4) If a council fails to comply with a notice under subsection (1) in respect of land in its municipal area, the Commission may –
 - (a) authorise members of the TFES to enter the land to do all acts that are required to comply with the notice; and
 - (b) may recover from the council the reasonable expenses incurred by the TFES in taking action under paragraph (a), as a debt due and owing to the Commission.

41. Management of destruction caused by certain events

- (1) If an emergency event occurs on or in any premises –

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- (a) the TFES may take such actions in respect of debris or other material on those premises, if the TFES believes the action is required –
- (i) to protect life, property, premises and the environment; or
 - (ii) to investigate, or determine, the cause of the emergency event; and
- (b) the owner of the premises must remove, when directed by the TFES or otherwise safe to do so, any debris or flammable material which –
- (i) may be in or on those premises; and
 - (ii) constitutes a hazard or a danger to life, property, premises or the environment.
- (2) If an owner of premises fails to comply with subsection (1), the FES Commissioner may, by notice in writing to the owner, require the owner to remove the debris, or flammable material, specified in the notice within the period specified in the notice.
- (3) If an owner of premises fails to comply with a notice given to the owner under subsection (2), the FES Commissioner may –

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- (a) cause the debris, or flammable material, specified in the notice to be removed; and
 - (b) recover in a court of competent jurisdiction, as a debt due to the TFES, the expenses actually incurred –
 - (i) in removing the debris or flammable material; and
 - (ii) if necessary, in employing persons to protect the premises until the debris or flammable material is removed.
- (4) Subsection (3) does not apply to premises if –
- (a) the premises forms part of an investigation as to whether an offence has been committed; and
 - (b) the police officer in charge of the investigation has not given permission for an action to be taken under that subsection.

Division 2 – Extreme hazards

42. FES Commissioner may classify land as hazardous

- (1) The FES Commission may determine that premises, or a specified class of premises, has a prescribed classification due to the use, occupancy, location or contents of –
 - (a) the premises; or

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- (b) any structure on the premises.
- (2) The FES Commission is to publish guidelines, in the prescribed manner, that specify the appropriate safety requirements that apply to premises of each classification prescribed for the purposes of subsection (1).
- (3) The owner of premises of a classification, prescribed for the purposes of subsection (1), must comply with any relevant guidelines under subsection (2) in respect of the premises.

43. Areas of extreme fire or emergency hazard

- (1) An authorised member may, by written notice published in the prescribed manner, declare an area of land to be an area that –
 - (a) is likely to be at an unacceptable risk of fire or another emergency; and
 - (b) is therefore an area of extreme fire hazard or extreme emergency hazard.
- (2) A notice under subsection (1) in respect of an area of land –
 - (a) is to be given to the owner of the area of land; and
 - (b) is to specify the grounds on which the area of land has been declared an area of extreme fire hazard or extreme emergency hazard; and

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- (c) is to specify the actions that must be taken, and the persons who are to take the actions, to remove the declaration from the area of land; and
 - (d) may include conditions, or restrictions, as are considered necessary to reduce the risk of fire in respect of the area of land.
- (3) A person given a notice under subsection (1) must comply with the notice.

Penalty: Fine not exceeding 26 penalty units.

- (4) A person must not enter an area of land which is the subject of a notice under subsection (1) –
 - (a) except as specified in the notice or as necessary to comply with the notice; or
 - (b) without first obtaining authorisation from an authorised member.

Penalty: Fine not exceeding 26 penalty units.

Division 3 – Fire permit periods

44. Fire permit periods

- (1) The FES Commissioner may declare –
 - (a) a day, or two or more consecutive days, specified in the declaration to be a fire permit period in all, or a specified part, of the State; or

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- (b) that a fire permit period has commenced throughout the State or in any specified part of the State; or
 - (c) that a fire permit period has ended.
- (2) The FES Commissioner is to ensure that each declaration made under subsection (1) is made available to the public as soon as is practicable –
 - (a) in the prescribed manner; and
 - (b) in such other manner as the FES Commissioner considers reasonable.

45. Powers of FES Commissioner during fire permit periods

- (1) During a fire permit period, the FES Commissioner may, in respect of a part of the State to which the fire permit period applies –
 - (a) take all necessary steps to reduce the risk of fire including, but not limited to –
 - (i) requisitioning the services of persons, animals, plant, machines, engines, articles, appliances or materials; and
 - (ii) prohibiting, or restricting, the use of any specified plant, machine, engine, article, appliance or material that the FES Commissioner considers to be likely to cause a risk of fire; and

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(b) make such orders, give such notices and directions and take such other actions as the FES Commissioner considers reasonable.

(2) An order, notice or direction made or given under subsection (1)(b) is to be made or given in the prescribed manner.

(3) A person must comply with an order, notice or direction made or given under this section.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

46. Restrictions on lighting fires during fire permit periods

(1) During a fire permit period, a person must not light or cause to be lit, or maintain or use, a fire –

(a) in the open air on any premises for any purpose; or

(b) for a prescribed purpose.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

(2) Subsection (1) does not apply to a person lighting, maintaining or using a fire if –

(a) the person is acting in accordance with this Act; or

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- (b) the person –
 - (i) takes all reasonable precautions to prevent the fire from spreading to adjoining land; and
 - (ii) observes such precautions as are specified by an authorised member; or
 - (c) the fire is lit, maintained and used under the authority of, and in accordance with, the conditions of a fire permit that is in force at the relevant time; or
 - (d) the fire is lit –
 - (i) in a protected area where the lighting of fires is not prohibited by the person with responsibility for the management of the area; and
 - (ii) for a prescribed purpose.

47. Fire permit officers and fire permits

- (1) The FES Commissioner may appoint a person, as prescribed, as a fire permit officer.
- (2) A fire permit officer may issue a fire permit, in the prescribed manner, in respect of premises within the area for which the officer was appointed as a fire permit officer.
- (3) A fire permit issued under this section –

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- (a) is to be in an approved form; and
 - (b) may be amended or revoked, by written notice to the permit holder, by one or more of the following:
 - (i) a fire permit officer;
 - (ii) an authorised member;
 - (iii) if the fire permit relates to a protected area, the responsible officer for that area.
- (4) A person who lights and controls a fire in accordance with the conditions of a fire permit issued to that person –
 - (a) is exempt from the *Environmental Management and Pollution Control Act 1994* in respect of that fire; and
 - (b) is not liable for any loss, injury or damage caused by that fire unless it is proven that the person acted maliciously or recklessly in respect of the fire.
- (5) Except as specified under this Act, the FES Commission may determine the application process for fire permits.

Division 4 – Total fire bans

48. Days of total fire ban

- (1) The FES Commissioner may declare –

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- (a) a day, or two or more consecutive days, specified in the declaration to be a day or days of total fire ban in all, or a specified part, of the State; or
 - (b) that a day of total fire ban has commenced throughout the State or in any specified part of the State; or
 - (c) that a declaration of a day of total fire ban has been revoked.
 - (2) A declaration of a day of total fire ban under subsection (1) may do either or both of the following:
 - (a) specify fires, or classes of fires, that are exempt from the operation of the declaration;
 - (b) prohibit or restrict the use of specified machines or apparatus, or specified classes of machines or apparatus, in the open air on that day.
 - (3) The FES Commissioner is to ensure that each declaration made under subsection (1) is made available to the public, as soon as is practicable, in the prescribed manner.

49. Effect of declaration of day of total fire ban

- (1) Subject to subsection (2), if a day of total fire ban is declared under section 48 –
 - (a) all fire permits in force, in respect of the day of total fire ban, in relation to

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premises in any part of the State to which the declaration relates, are revoked; and

- (b) no fire permits are to be issued, in respect of the day of total fire ban, in relation to premises in any part of the State to which the declaration relates.

(2) Subsection (1) does not apply to –

- (a) a fire, or a class of fires, exempt from the day of total fire ban by virtue of section 48(2)(a); or
- (b) a fire permit in so far as it authorises the lighting of a fire, or a class of fires, so exempt from the day of total fire ban.

50. Powers of TFES on days of total fire ban

If a responsible officer finds a fire burning on a day of total fire ban that applies in the part of the State where the fire is located, the officer may, for the purpose of extinguishing the fire or preventing it from spreading –

- (a) perform such functions, or take such actions, as the officer thinks necessary or reasonable; and
- (b) make or give, either orally or in writing, any order, notice or direction that may be made or given by the FES Commissioner, under this Act, in the circumstances.

51. Power to enter neighbouring land to extinguish fires

- (1) A person who finds a fire burning within 1.5 kilometres of any premises of which the person is the owner may enter onto the premises on which the fire is burning, with such persons and equipment, and to do all such acts, as may reasonably be necessary for extinguishing the fire or preventing it from spreading, if –
- (a) the fire –
 - (i) is burning on a day of total fire ban in the part of the State where those premises are located; and
 - (ii) is not exempt from the ban; or
 - (b) the person believes, on reasonable grounds, that the fire has been lit, or is burning, in contravention of this Act.
- (2) A person must not enter onto premises under the authority of subsection (1) on a day other than a day of total fire ban, which applies in the part of the State where the premises are located, unless the person first notifies the TFES of the person's intention to do so, if it is reasonably practicable for that notice to be given.
- Penalty: Fine not exceeding 26 penalty units.
- (3) On receipt of a notice given by a person under subsection (2), a member of the TFES may give to the person such directions as the member considers reasonable to –

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- (a) prevent unnecessary damage; and
- (b) properly extinguish the fire; and
- (c) prevent the fire from spreading.

52. Prohibition of fires, &c., on days of total fire ban

Subject to this Division, a person must comply with a declaration of a day of total fire ban if the person is in the area of the State in respect of which the declaration is in force.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 2 years, or both.

Division 5 – Firebreaks

53. FES Commissioner or council may form firebreaks

- (1) In this section –

formation of a firebreak includes, but is not limited to, the clearing of the means of access to a firebreak that has been formed or is to be formed.

- (2) The FES Commissioner may cause the formation of such firebreaks as the FES Commissioner considers necessary or reasonable –

- (a) to arrest the spread of fires that may occur in any part of the State; or
- (b) to facilitate the suppression of any such fires; or

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- (c) to protect life, property, premises or the environment from a fire.
- (3) A council may, in its municipal area, cause the formation of such firebreaks as it considers necessary or reasonable to arrest the spread, or facilitate the suppression, of fires.
- (4) Before causing the formation of a firebreak under this section on premises, the FES Commissioner or council may serve a notice on the owner of the premises that requires the owner to form a firebreak on the premises in such manner, and within such time, as is specified in the notice.
- (5) If an owner of premises refuses to comply with a notice served on the owner under subsection (4) in respect of those premises, the person who served the notice –
- (a) may enter onto the premises and take such actions as are necessary to form the firebreak; and
 - (b) in taking an action under paragraph (a), must have regard to any living trees that –
 - (i) are required for the purposes of shade, shelter or a windbreak; or
 - (ii) are required for the production of food for human beings or animals; or

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- (iii) have been grown for the commercial value of the timber they contain.
- (6) The Commission may, in the scale of charges, specify charges in respect of an action that may be taken by the TFES under subsection (5).
- (7) A person who serves a notice under subsection (4) in respect of premises may –
 - (a) recover all, or part, of a charge that is payable in respect of an action taken by the person under subsection (5) in respect of the premises; or
 - (b) waive all or part of a charge so payable.

54. Firebreaks on Crown land

- (1) Subject to this section, a person who occupies premises that are adjacent to Crown land may take, or cause to be taken, such steps as are necessary to form a firebreak on the Crown land –
 - (a) that is designed to arrest fires that may spread onto the premises; or
 - (b) to otherwise facilitate the suppression of fires that are likely to spread onto the premises.
- (2) Subsection (1) does not authorise the entry onto, or the formation of a firebreak on, Crown land –

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- (a) if the Minister administering the *Crown Lands Act 1976* has not given consent to the formation of the firebreak on the Crown land; or
 - (b) that is occupied or being used or managed by, or on behalf of, a department or instrumentality of the State; or
 - (c) that is subject to an estate, interest or right under which the holder of the estate, interest or right has the right –
 - (i) to occupy or use the Crown land; or
 - (ii) to carry out any operations on the Crown land; or
 - (iii) to take any products of the materials in the Crown land, including materials beneath the surface.

- (3) For the purpose of taking such steps as are referred to in subsection (1), a person may enter onto Crown land with such vehicles and other equipment as may be required for the purpose.

Division 6 – Volunteer TFES Divisions for municipal areas

55. Municipal volunteer TFES Divisions

- (1) The FES Commissioner may require a council of a municipal area to establish and maintain such TFES Divisions as, after consultation with the

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FES Commissioner, the council considers necessary –

- (a) to ensure the effective operation of the relevant emergency management plans for the municipal area; and
 - (b) to undertake rescue and retrieval operations, within the meaning of the *Emergency Management Act 2006*, within the municipal area.
- (2) In addition to subsection (1), the FES Commissioner –
 - (a) may establish a TFES Division for the purposes of this Division, on the FES Commissioner's own initiative or at the request of a council; and
 - (b) is to appoint the person who is to be the Manager for such a TFES Division.
- (3) Unless otherwise agreed with the Commission, the council of a municipal area is to provide –
 - (a) for all aspects of the storage and maintenance of the equipment used by municipal volunteer TFES Divisions established for that municipal area; and
 - (b) for other facilities and resources necessary for those TFES Divisions to perform their functions, including adequate accommodation for the purposes of training members of those divisions.

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- (4) Equipment, training, facilities and other resources provided by a council of a municipal area in accordance with subsection (3) –
- (a) are to be provided as agreed between the council and the FES Commissioner; and
 - (b) must be provided if required to be provided to a municipal volunteer TFES Division under an emergency management plan.
- (5) The FES Commissioner may –
- (a) specify the standards for the adequate storage and maintenance of the equipment used by municipal volunteer TFES Divisions; and
 - (b) at any reasonable time, inspect –
 - (i) a municipal volunteer TFES Division established under this Division; and
 - (ii) the assets and equipment used by such a municipal volunteer TFES Division; and
 - (c) may make recommendations, and issue guidelines, to a council of a municipal area in respect of the municipal volunteer TFES Divisions for that municipal area.
- (6) A municipal volunteer TFES Division is to use equipment provided to it only –

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- (a) for emergency management or rescue and retrieval operations, within the meaning of the *Emergency Management Act 2006*; and
 - (b) as otherwise directed by the FES Commissioner.
- (7) For the avoidance of doubt, section 16 applies to a municipal volunteer TFES Division, established in accordance with this section, and its role within the TFES.

Division 7 – Bushfire hazard documents

56. Interpretation of Division

In this Division –

accredited person means –

- (a) an authorised member; or
- (b) a person accredited under section 58;

bushfire hazard document, in respect of premises, includes –

- (a) a bushfire hazard management plan for the premises; and
- (b) a document required under the *Land Use Planning and Approvals Act 1993* to be prepared, approved, issued, or otherwise provided, by an

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accredited person under that Act;
and

(c) a prescribed document;

bushfire hazard management plan, in respect of premises, means a plan in an approved form that identifies the protections in place to protect the premises from bushfires.

57. Accreditation required to prepare certain documents under *Land Use Planning and Approvals Act 1993*

(1) For the purposes of the *Land Use Planning and Approvals Act 1993*, the following persons are prescribed as accredited persons:

(a) an authorised member;

(b) a person holding accreditation under this Division.

(2) Except in accordance with the *Land Use Planning and Approvals Act 1993*, a person must not prepare or certify a bushfire hazard document if the person is not prescribed under this section as an accredited person.

Penalty: Fine not exceeding 400 penalty units.

58. Accreditation to prepare bushfire hazard documents

- (1) The FES Commissioner may issue accreditation to a person, in the prescribed manner, which authorises the person to prepare, approve, issue, certify or otherwise provide bushfire hazard documents.
- (2) Accreditation granted to a person under this section may be subject to such conditions as the FES Commissioner considers appropriate in the circumstances.
- (3) A person granted accreditation under this Division must comply with the conditions of, or restrictions on, the accreditation.

Penalty: Fine not exceeding 400 penalty units.

- (4) If, for any period, a person accredited under this section is not covered by the type and level of insurance prescribed for accredited persons, the person's accreditation under this section is suspended for that period.
- (5) For the avoidance of doubt, the FES Commissioner may suspend the accreditation of a person under this section if the FES Commissioner believes, on reasonable grounds, that the person is no longer fit to hold accreditation under this section.

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Division 1 – General

59. Interpretation of Part

In this Part –

CPI figure for Hobart means the Consumer Price Index: All Groups Index Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth;

December quarter, in relation to a financial year, means the months of October, November and December in that financial year.

60. Funding of TFES

(1) The following amounts are only to be used for the purposes of the TFES, its functions under this Act and for any other prescribed function or purpose relating to the TFES:

- (a) any amount paid in respect of the TFES under this Act including, but not limited to, the contributions, charges and levies paid under this Act or any other Act;
- (b) any debts due and owing to the TFES under this Act or any other Act;
- (c) any other prescribed amounts.

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- (2) The annual report for the Commission, prepared in respect of a financial year under the *State Service Act 2000*, is to include a reconciliation of the finances of the TFES for that financial year including –
- (a) the amounts specified in subsection (1); and
 - (b) the functions, or purposes, for which those amounts have been applied; and
 - (c) the reconciliation prepared under section 84(1) in respect of the financial year.
- (3) If requested to do so by the Treasurer, the accountable authority of the Department, within the meaning of the *Financial Management Act 2016*, is to provide such information in respect of the finances of the TFES in such manner as the Treasurer specifies in the request.

61. Recovery of unpaid amounts

Unless otherwise specified –

- (a) a contribution or levy payable under this Part is a debt due and owing to the TFES by the person who is liable to pay the contribution or levy; and
- (b) such a contribution or levy is recoverable in a court of competent jurisdiction as a debt due and owing to the TFES.

Division 2 – TFES vehicle levy

62. Interpretation of Division

In this Division –

Registrar has the same meaning as in the
Vehicle and Traffic Act 1999;

63. Registrar to lodge annual statement

The Registrar is to lodge with the Commission, no later than 1 April in each financial year, a written statement giving the amount that the Registrar estimates that the Registrar is likely to receive, during that financial year, for fees payable for the registration, and renewal of registration, of motor vehicles, within the meaning of the *Vehicle and Traffic Act 1999*, other than –

- (a) motor cycles within the meaning of that Act; and
- (b) motor vehicles that are prescribed as exempt vehicles for the purposes of this Division.

64. TFES vehicle levy

- (1) In this section –

eligible vehicle means motor vehicles, within the meaning of the *Vehicle and Traffic Act 1999*, other than –

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- (a) motor cycles within the meaning of that Act; and
- (b) motor vehicles that are prescribed as exempt vehicles for the purposes of this Division;

indexed amount, for a financial year, is –

- (a) for the financial year in which this Act commences – \$23; and
- (b) for a subsequent financial year, the amount that –
 - (i) is equal to the indexed amount in the immediately preceding financial year multiplied by the ratio of the CPI figure for Hobart for the December quarter of that immediately preceding financial year to the CPI figure for Hobart for the December quarter before that immediately preceding financial year; and
 - (ii) rounded to the nearest whole dollar amount;

TFES vehicle levy, in relation to a financial year, means the levy chargeable under subsection (2) in respect of the financial year.

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- (2) The Registrar must contribute, for a financial year, the TFES vehicle levy calculated for that financial year.
- (3) The TFES vehicle levy chargeable in respect of a financial year is to be calculated under subsection (2) in accordance with the following formula and rounded off in accordance with subsection (4):

$$A = B \times C$$

where –

A is the TFES vehicle levy payable for the financial year;

B is the indexed amount for the financial year;

C is the total number of eligible vehicles in respect of which fees for the registration, and renewal of registration, are paid under the *Vehicle and Traffic Act 1999* for that financial year.

- (4) If the amount calculated in accordance with the formula specified in subsection (3) results in an amount which is dollars and a number of cents, the amount is to be rounded to the nearest whole dollar.
- (5) Unless otherwise agreed between the Registrar and the Commission, at least once in each calendar month during the financial year, the Registrar is to provide the Commission with at least one twelfth of the TFES vehicle levy, collected by the Registrar, for that financial year

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until the TFES vehicle levy is paid for that financial year.

Division 3 – TFES Insurance contributions

65. Interpretation of Division

In this Division –

general insurance means insurance other than life insurance;

inspector means an inspector referred to in section 70(1);

insurance company means –

(a) a body corporate, partnership, association or underwriter that, or other person who, whether in Tasmania or elsewhere, issues or undertakes liability under policies of risk insurance against the loss of, or damage to, property in Tasmania; or

(b) an agent of a body corporate, partnership, association, underwriter or other person referred to in paragraph (a);

prescribed classes of insurance means the classes of general insurance prescribed for the purposes of this definition.

66. Contributions payable by insurance companies

- (1) An insurance company must contribute, for each financial year, the amount calculated in accordance with subsection (2).
- (2) For the purposes of subsection (1), the amount payable by an insurance company under that subsection is 10%, or such other percentage as is prescribed, of the total premium amount that is payable to the insurance company, for the financial year to which the amount relates, in respect of prescribed classes of insurance.
- (3) For the purposes of subsection (2), the total premium amount payable to an insurance company for a financial year does not include –
 - (a) any goods and services tax payable, in respect of a premium for a prescribed class of insurance, by the insurance company for the financial year; and
 - (b) any premium amount payable to the relevant insurance company by a prescribed person or body.

67. Returns required to be lodged by insurance companies

- (1) Within 14 days after the end of each calendar month, an insurance company must furnish the Commission with a return, in accordance with this section, for that calendar month.

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Penalty: Fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

- (2) A return, under this section, by an insurance company –
- (a) is to be in a form approved by the Commission; and
 - (b) is to contain such information as the Commission requires about the premium amount that is payable to the insurance company in respect of prescribed classes of insurance during the calendar month to which the return relates; and
 - (c) must contain a declaration, by an officer of the insurance company, that the return contains a true account and statement of the matters specified in it, according to the accounts and records of the company and to the best of the knowledge and belief of the officer.

68. Payment of contributions under this Division

- (1) A contribution required to be paid by an insurance company, under section 66 in respect of a financial year, is to be paid to the Commission in monthly instalments during the financial year.

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- (2) Within 14 days after the end of each calendar month, an insurance company must pay to the Commission an amount that is 10%, or such other percentage as is prescribed, of the total premium amount that is payable to the insurance company, for that calendar month, in respect of prescribed classes of insurance.

Penalty: Fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

- (3) For the purposes of subsection (2), the total premium amount payable to an insurance company for a calendar month does not include –

- (a) any goods and services tax payable, in respect of a premium for a prescribed class of insurance, by the insurance company for the calendar month; and
- (b) any premium amount payable to the relevant insurance company by a prescribed person or body.

69. Insurance records

- (1) In this section –

insurance policy means a policy of insurance that an insurance company issues, or undertakes liability for, in respect of a prescribed class of insurance.

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- (2) An insurance company must keep such records relating to its insurance policies as the Commission specifies, by notice in writing to the insurance company, for the purposes of monitoring compliance with this Division.

Penalty: Fine not exceeding 500 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

- (3) If required to do so by the Commission, an insurance company must provide the Commission with access to, or a copy of or extract from, a record required to be kept under subsection (2) within 21 days after the request is made to the insurance company or such longer period as is specified in the request.

Penalty: Fine not exceeding 500 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

70. Inspectors

- (1) For the purposes of this Division, the following persons are an inspector:
- (a) the FES Commissioner;
 - (b) one of the following persons, as appointed by the FES Commissioner:

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- (i) a member of the TFES;
 - (ii) an authorised officer appointed under section 15 of the *Taxation Administration Act 1997*.
 - (2) For the purposes of this Division, an inspector may, at any reasonable time and with such assistance as the inspector considers necessary –
 - (a) enter and remain in, or on, any premises at which, or at which the inspector reasonably suspects, an insurance company is, or has been, carrying on business in relation to any of the prescribed classes of insurance; and
 - (b) request a person found in or on any premises at which, or at which the inspector reasonably suspects, an insurance company is, or has been, carrying on business in relation to any of the prescribed classes of insurance –
 - (i) to produce any record which relates to, or which the inspector reasonably suspects relates to, the carrying on of such a business and which, at the time of the request, is in the possession or under the control of that person; and
 - (ii) to answer any question with respect to any such record or the carrying on of such a business; and

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- (c) inspect, or take copies of, or make notes in respect of, any record referred to in this section or any part of any such record.
- (3) If requested to do so when performing a function under this Division –
 - (a) the FES Commissioner must produce evidence of appointment to that office; and
 - (b) any other inspector must produce evidence of the appointment of the person as an inspector under this section.
- (4) A person must not, without lawful excuse –
 - (a) prevent or attempt to prevent an inspector from performing a function of the inspector under this section; or
 - (b) hinder or obstruct an inspector in the performance of such a function; or
 - (c) fail to comply with a request of an inspector under this section.

Penalty: Fine not exceeding 500 penalty units.

- (5) A person is not excused from answering a question of an inspector, asked under this section, on the grounds that the answer to the question might incriminate the person or make the person liable to a penalty under this Act.
- (6) An answer to a question of an inspector asked under this section, or information provided to an

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inspector under this section, is not admissible against a person in any civil or criminal proceedings, other than proceedings for an offence under subsection (4) or section 71.

71. False or misleading statements

- (1) A person must not make a statement or representation, in a return under this Division, that is false or misleading in a material particular.

Penalty: Fine not exceeding 500 penalty units.

- (2) A person must not give an answer to a question or information, to an inspector under section 70, if the answer or information is false or misleading in a material particular.

Penalty: Fine not exceeding 500 penalty units.

- (3) It is a defence in proceedings for an offence under this section if the defendant establishes that, in respect of the alleged offence, the defendant –

- (a) informed the person to whom the return, answer or information was provided that the return, answer or information was false or misleading; and
- (b) indicated the respects in which the return, answer or information was false or misleading; and
- (c) provided, together with the return, answer or information, any correct

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information, record, material or thing that –

- (i) was in the possession or control of the defendant; and
- (ii) relates to the return, answer or information that is false or misleading.

Division 4 – TFES property contributions

Subdivision 1 – General

72. Interpretation of Division

In this Division –

assessed annual value has the same meaning as in the *Valuation of Land Act 2001*;

category, in relation to land, means the class of land determined under section 74 which applies in respect of the land;

net assessed annual value, in relation to a category of land in a municipal area, means the assessed annual value, in total, of all the land of that category in the municipal area less the assessed annual value, in total, of all the land of that category in the municipal area that is the subject of a notification under section 78(4)(a);

property contribution – see section 79(2);

rateable parcel of land means an area of land for which rates are payable under Part 9 of the *Local Government Act 1993*;

rating district means a part of the State that is declared under section 74 to be a rating district for the purposes of this Division.

73. Application of Division

- (1) Subject to subsection (2), this Division does not apply to, or in respect of –
 - (a) land that is prescribed as land to which this Division does not apply; or
 - (b) land that falls within a class of land that is prescribed as land to which this Division does not apply.
- (2) Despite subsection (1), the regulations may prescribe circumstances where land to which subsection (1) applies ceases to be exempt land under that subsection.

74. Declaration of rating districts

- (1) The Commission, by notice published in the *Gazette*, is to –
 - (a) determine the classes of rating districts for the purposes of this Division; and
 - (b) specify the attributes of each class of rating district so declared.

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- (2) The Commission, by notice published in the *Gazette*, may –
- (a) declare a specified part of the State to be a rating district for the purposes of this Division; and
 - (b) give a name to the rating district; and
 - (c) identify the area of the rating district by reference to a plan that is in the Central Plan Register that shows the boundaries of that district; and
 - (d) specify the class of rating district for the declared rating district.
- (3) As soon as is possible after publishing a notice under this section, the Commission must give a copy of the notice to each council affected by the notice.
- (4) A notice published under this section is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

Subdivision 2 – Council to pay property contributions

75. Commission to determine property contributions amount

- (1) Before the commencement of each financial year, the Commission is to determine, in accordance with section 76, the amount that councils are to contribute towards –

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- (a) the operation of TFES and the performance of its functions under this Act; and
 - (b) any other prescribed function or purpose relating to emergency management during the financial year.
 - (2) In making a determination under subsection (1) for a financial year, the Commission is to take into account –
 - (a) the amount payable under Division 2 for the financial year; and
 - (b) the amount payable by insurance companies under Division 3 for the financial year; and
 - (c) any contribution made or expected to be made, in respect of the TFES for the financial year, by the Commonwealth; and
 - (d) any other amount received or expected to be received, other than from the State, by the Commission for that financial year.
 - (3) In making a determination under subsection (1) for a financial year, the Commission is to specify an amount that is payable, for that financial year, in relation to each category of land.
 - (4) A determination under subsection (1) must be approved by the Minister before the Commission notifies the council, in accordance with

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subsection (5), before the commencement of the financial year to which the amount relates.

- (5) The Commission must, not later than 30 April in each financial year, notify each council of the amount, determined under subsection (1), that the council is required to pay in relation to each category of land in its municipal area for the immediately following financial year.

76. TFES property contributions

- (1) In this section –

leviable value, in relation to land, means the net assessed value of the land (being the net assessed annual value greater than the minimum assessed annual value), as adjusted by the relevant council under section 77.

- (2) Subject to section 77, each council must contribute, for each financial year, an amount that is determined in accordance with this section.

- (3) The contribution required to be made by a council for a financial year (the *contribution year*) in respect of each category of land in the municipal area of the council is the amount calculated for the contribution year in accordance with the following formula:

$$a = \frac{b}{c} \times d + e$$

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where –

a is the amount payable by the council for that category of land for the contribution year;

b is the total leviable value of all land of that category within that municipal area for the contribution year and the 5 financial years immediately preceding the contribution year;

c is the total leviable value of all land of that category in the State for the contribution year and the 5 financial years immediately preceding the contribution year;

d is the amount approved by the Minister under section 75 for that category of land for the contribution year;

e is the sum of all the minimum fire service contributions that the Commission estimates will be payable for the contribution year in the council's municipal area as regards that category of land.

77. TFES property contributions to be adjusted in certain circumstances

(1) In this section –

allowed percentage means the total (Statewide) percentage increase, or

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decrease, for a category of land for the relevant financial year relative to the immediately preceding financial year –

- (a) plus 5%, or such other percentage as is prescribed, in the case of an increase; or
 - (b) minus 5%, or such other percentage as is prescribed, in the case of a decrease.
- (2) Subsection (3) applies if, for any council, the amount of the property contribution specified in a notice under section 75(5) for a category of land for a financial year (the ***council's current contribution***) –
 - (a) increases by more than the allowed percentage from the property contributions for that category of land for the previous financial year (the ***council's previous contribution***); or
 - (b) decreases by more than the allowed percentage from the council's previous contribution.
- (3) A council's current contribution for a category of land is to be adjusted so that it does not increase, or decrease, by more than the allowed percentage from the council's previous contribution for that category of land.
- (4) Any excess, or shortfall, in a council's current contribution in respect of a category of land as a result of an adjustment under subsection (3) is to

be reallocated by the Commission across all other councils, for the same category of land, and taken into account when calculating the property contributions for those other councils for the financial year.

78. Commission to obtain assessed annual value of land

(1) In this section –

grade, in relation to property in a municipal area, means whether the assessed annual value of the property is –

- (a) greater than the minimum assessed value for the municipal area; or
- (b) equal to the minimum assessed value for the municipal area; or
- (c) less than the minimum assessed value for the municipal area;

minimum assessed value, in relation to a municipal area, means the value determined by the Commission in accordance with subsection (3) for the municipal area;

Valuer-General has the same meaning as in the *Valuation of Land Act 2001*.

(2) On or before 30 September in each year, the Commission must obtain from the Valuer-General –

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- (a) the total of the assessed annual values of all of the properties which, as at 1 July in that year, had an assessed annual value greater than the minimum assessed value in each category of land; and
 - (b) the total of the assessed annual values of all of the properties which, as at 1 July in that year, had an assessed annual value equal to or less than the minimum assessed value in each category of land; and
 - (c) the total number of properties which, as at 1 July in that year, had an assessed annual value equal to or less than the minimum assessed value in each category of land.
- (3) For the purposes of subsection (2), the Commission is to determine the minimum assessed value in respect of each category of land in a municipal area by –
- (a) taking into account any advice and information supplied by the Valuer-General; and
 - (b) adjusting the assessed annual value and the net assessed annual value, in relation to each category of land in the municipal area, so as to avoid inequalities that may arise from differences in the dates on which the valuations of the land came into force.

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- (4) On or before 30 September in each year, each council must –
- (a) notify the Commission of the assessed annual value, in total, of each category of land in the municipal area of the council which, as at 1 July in that year, was wholly exempt from rating under section 87 of the *Local Government Act 1993*; and
 - (b) reconcile its own records as to the assessed annual values (and overall number) of properties of each grade in the municipal area for the council with the Valuer-General's assessment notices for the same municipal area; and
 - (c) give the Commission a copy of that reconciliation, in a form approved by the Commission, for the purpose.

Subdivision 3 – Council may recover property contributions

79. Council may recover certain contributions from land owners

- (1) In each financial year, a council may recover the contribution notified to the council in accordance with section 75(5) for a category of land, in respect of the financial year, from the persons who, under Part 9 of the *Local Government Act 1993*, are liable for the payment of rates to the council in respect of that category of land in that financial year.

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- (2) An amount collected from a person by a council under subsection (1) is called a property contribution.
- (3) If the assessed annual value of a rateable parcel of land in a council's municipal area is greater than the minimum assessed value for such land, the property contribution that the council must collect for that land is to be calculated in accordance with the following formula:

$$a = \left[\frac{(b - c) \times [d - (e \times f)]}{g - (h \times c)} \right] + f$$

where –

a is the amount of the fire service contribution payable in respect of the rateable parcel of land;

b is the assessed annual value of the rateable parcel of land;

c is the minimum assessed value of the category for the rateable parcel of land;

d is the total of the fire service contributions that the council is required to collect for the category of land for the rateable parcel of land;

e is the total number of rateable parcels of land in that category of land in the municipal area;

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f is the minimum fire service contribution calculated under section 80 for that category of land;

g is the combined assessed annual value, in total, of all of the rateable parcels of land in that category of land that have an assessed annual value greater than the minimum assessed annual value;

h is the total number of parcels of land in that category of land that have an assessed annual value greater than the minimum assessed annual value.

- (4) If the assessed annual value of a rateable parcel of land in a municipal area of a council does not exceed the minimum assessed annual value for the land, the property contribution to be recovered by the council for that parcel of land is the minimum property contribution, calculated under section 80, for the relevant category of land.

80. Minimum fire service contribution that may be recovered

The minimum fire service contribution that a council is to collect for a financial year in respect of a rateable parcel of land in a category of land is the amount calculated in accordance with the following formula:

$$A = B \times \frac{C}{D}$$

where –

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a is the amount of the minimum fire service contribution for the category of land for the financial year calculated to the nearest whole cent and rounded to the nearest whole dollar amount;

b is the amount of the minimum fire service contribution for the category of land for the immediately preceding financial year;

c is the CPI figure for the December quarter immediately preceding the financial year;

d is the CPI figure for the December quarter that immediately precedes the December quarter referred to in *c*.

81. Administration and collection of property contribution

(1) A council may collect the property contribution, for the rateable parcels of land in its municipal area, under the *Local Government Act 1993*.

(2) If a council collects a property contribution under subsection (1) in respect of a rateable parcel of land, the council –

(a) must, at a minimum, collect the minimum property contribution, calculated under section 80, for that parcel of land; and

(b) may collect the property contribution calculated under section 79(3) for that parcel of land.

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- (3) A council may collect a property contribution under this section in such manner as the council considers appropriate including, but not limited to, in conjunction with, and in the same manner as, a general rate made by it under section 90 of the *Local Government Act 1993*.
- (4) If a council collects a property contribution in conjunction with a general rate made by it under section 90 of the *Local Government Act 1993* –
- (a) the council –
 - (i) may include the demand for the property contribution in the relevant rates notice sent under section 122 of the *Local Government Act 1993*; and
 - (ii) may refer to the contribution as the property contribution, the fire service rate or the TFES contribution; and
 - (iii) is to identify the amount being collected under the rates notice for the purpose of the property contribution; and
 - (b) sections 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135 and 136 of the *Local Government Act 1993* apply to the property contribution as if a reference in those sections to rates were a reference to the contribution.

82. Pensioner rebate

If a person is entitled to a remission of rates or charges under section 4 of the *Local Government (Rates and Charges Remissions) Act 1991*, the person is entitled to pay the prescribed amount of property contribution instead of the property contribution that the person would ordinarily be required to pay under this Subdivision.

83. Council to give quarterly returns in respect of property contribution

- (1) A council must contribute, for a financial year, the property contribution calculated, in respect of the council, as prescribed for that financial year, less such amount as is prescribed as being retained by the council as a collection fee.
- (2) A council must –
 - (a) by 14 October, 14 January and 14 April in each financial year, pay to the Commission one quarter of the amount calculated for the financial year under subsection (1); and
 - (b) by 14 June after the relevant financial year, pay to the Commission the remaining amount of the property contribution payable for the financial year.

Division 5 – Miscellaneous

84. Effect of collection of certain levies and contributions

- (1) The annual report prepared under section 28 in respect of a financial year (the ***relevant financial year***) is to include a reconciliation between –
 - (a) the levies, or contributions, collected by the Commission for the relevant financial year; and
 - (b) the costs of the TFES performing its functions during the relevant financial year (the ***operational costs***) including, but not limited to, the operational and administrative costs of the TFES.
- (2) If a reconciliation performed under subsection (1) for the relevant financial year shows that the levies and contributions collected by the Commission for that year exceeds the operational costs for that year –
 - (a) those levies and contributions are taken to be validly collected if calculated, and collected, in accordance with this Part; and
 - (b) the surplus amount is to be deducted from the expected levies, or contributions, to be collected by the Commission within the 2 financial years (a ***following year***) immediately following the relevant financial year; and

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- (c) the total amounts of levies, or contributions, collected by the Commission for a following year under this Part, is be calculated on the basis that the operational costs for the following year have been reduced by the surplus amount deducted under paragraph (b) for the following year.
- (3) If a reconciliation performed under subsection (1) for the relevant financial year shows that the levies and contributions collected by the Commission for that year are less than the operational costs for the relevant financial year –
 - (a) the shortfall for the relevant financial year is to be added to the expected levies, or contributions, to be collected by the Commission within the 2 financial years (*a following year*) immediately following the relevant financial year; and
 - (b) the total amounts of levies, or contributions, collected by the Commission for a following year under this Part may be calculated as if the shortfall were part of the costs of the TFES for the following year.

85. Grants to councils or owners

- (1) In this section –

operational equipment means equipment which has been determined by the

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Commission to be necessary for the efficient operation of a TFES Division.

- (2) Subject to subsection (3), the Commission may, from time to time –
- (a) make a grant to the council of a municipal area for the purchase of premises, and operational equipment, to be used by a TFES Division operating in that municipal area; or
 - (b) make a grant to the owner of premises for the purchase of equipment that has been determined by the Commission to be necessary for emergency management operations in the area within which the premises are located.
- (3) The amount of a grant under subsection (2)(b) to the owner of premises must not exceed 50% of the amount paid by the owner for the equipment to which the grant relates.

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Division 1 – Offences

86. TFES may request name and address

- (1) An authorised member, or a police officer, may request that a person give the person's full name and residential address if the authorised member or police officer believes, on reasonable grounds, that the person has committed an offence against this Act.
- (2) A person must comply with a request made of the person under subsection (1).

Penalty: Fine not exceeding 26 penalty units.

87. TFES may require documents

- (1) An authorised member may request that a person must produce one or more of the following as specified in the request:
 - (a) a document issued to the person, or required to be kept by the person, under this Act;
 - (b) a document issued to the person, or required to be kept by the person, under another Act for a purpose that relates to the safety of property, premises or the environment in relation to an emergency;
 - (c) any other prescribed document.

- (2) A person must comply with a request made of the person under subsection (1).

Penalty: Fine not exceeding 26 penalty units.

88. TFES may request assistance

- (1) An authorised member may request that a person provide assistance –
- (a) to the authorised member or the TFES; or
 - (b) as part of emergency management operations.

- (2) A person must not fail, without reasonable excuse, to provide assistance that has been requested from the person under subsection (1).

Penalty: Fine not exceeding 26 penalty units.

- (3) A person must not, either directly or indirectly, prevent, hinder, impede or obstruct another person from providing assistance that has been requested from the other person under subsection (1).

Penalty: Fine not exceeding 26 penalty units.

89. Failure to follow directions

A person must not fail, without reasonable excuse, to comply with an order, notice, direction or requirement that is given to the person in accordance with this Act.

Penalty: Fine not exceeding 26 penalty units.

90. Obstruction of TFES

A person must not obstruct or hinder, or interfere with –

- (a) a member of the TFES while the member is performing a function under this Act; or
- (b) a person performing a function under this Act; or
- (c) a person assisting the TFES in accordance with this Act.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 6 months, or both.

91. False or misleading information or actions

- (1) A person must not knowingly provide false or misleading information, under this Act, to a member of the TFES.

Penalty: Fine not exceeding 26 penalty units.

- (2) A person must not trigger an alarm for an emergency event, or report an alleged emergency event –
 - (a) under false pretences; or
 - (b) by performing an act, or omission, where the person is reckless as to whether the

act or omission is likely to trigger the alarm.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

92. Offences relating to TFES insignia

- (1) Except as otherwise authorised by the Commission or the FES Commissioner, a person must not use a badge or uniform that is issued by the TFES.

Penalty: Fine not exceeding 26 penalty units.

- (2) Except as otherwise authorised by the Commission or the FES Commissioner, a person must not use, manufacture or sell a badge or uniform that is reasonably capable of being mistaken as a badge or uniform that is issued by the TFES.

Penalty: Fine not exceeding 26 penalty units.

93. Offences relating to TFES equipment

- (1) A person must not obstruct or hinder, or interfere with, TFES equipment that is being used in accordance with this Act or any other Act.

Penalty: Fine not exceeding 26 penalty units or imprisonment for a term not exceeding 6 months, or both.

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(2) A person must not injure, damage or interfere with –

- (a) any building, premises or equipment of the TFES; or
- (b) any building, premises or equipment being used by, or on behalf of, the TFES.

Penalty: Fine not exceeding 26 penalty units or imprisonment for a term not exceeding 6 months, or both.

(3) A person must not take any action in respect of a fire hydrant that would result in –

- (a) the covering up, or closing, of the hydrant so as to obscure or hide the position of the hydrant; or
- (b) damage or injury to the hydrant; or
- (c) the obliteration, or removal, of any mark used to indicate the position of the hydrant.

Penalty: Fine not exceeding 26 penalty units or imprisonment for a term not exceeding 6 months, or both.

(4) A person must not destroy, damage or interfere with any works executed or carried out by the FES Commissioner, the Commission, the TFES or any other person under, or for the purposes of, this Act.

Penalty: Fine not exceeding 26 penalty units or imprisonment for a term not exceeding 6 months, or both.

- (5) A person must not drive a vehicle –
- (a) over a fire hose or other equipment of the TFES; or
 - (b) so as to interfere with, or obstruct, the operations of the TFES or the use of equipment of the TFES.

Penalty: Fine not exceeding 26 penalty units.

- (6) A person must return any equipment of the TFES that is in the person's possession, or control, if the person is requested to do so by the FES Commissioner or the Commission.

Penalty: Fine not exceeding 26 penalty units.

94. Offences relating to safety systems

- (1) Unless otherwise approved in writing by the Commission, a person must not tamper, or interfere, with a safety system installed for the detection of fires or other emergency events.

Penalty: Fine not exceeding 26 penalty units or imprisonment for a term not exceeding 6 months, or both.

- (2) A person must not install, maintain or repair a safety system, or other equipment, for the detection of or protection from fires or other

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emergency events, other than in accordance with –

- (a) this Act; or
- (b) the National Construction Code series published by the Australian Building Codes Board, as amended or substituted from time to time

Penalty: Fine not exceeding 26 penalty units or imprisonment for a term not exceeding 6 months, or both.

95. Persons must report emergency events

- (1) If a person becomes aware of an emergency event occurring, the person must, immediately after becoming aware of the emergency event, report the emergency event to the TFES, a police officer or to any member of the TFES.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (2) For the purposes of subsection (1), reporting an emergency event includes reporting the event on the telephone number used in emergency situations.
- (3) Subsection (1) does not apply to an emergency event that is a fire if –
 - (a) the fire is lit under the authority of, and in accordance with, a fire permit; or

- (b) the fire is a fire to which section 100 applies and that section is complied with in relation to the fire.
- (4) It is a defence in proceedings for an offence under this section if the defendant establishes that there were reasonable grounds for the defendant to believe that another person had reported the emergency event to the TFES, a police officer or to any member of the TFES.

96. Offences by owners of premises

- (1) If an owner of premises becomes aware of an emergency event on the premises, the owner must –
 - (a) take all reasonable measures to prevent the emergency event from affecting other premises; and
 - (b) if the emergency event is a fire, take all reasonable steps to extinguish the fire or to prevent the fire from spreading on the premises.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (2) Subsection (1)(b) does not apply to an emergency event that is a fire if –
 - (a) the fire is lit under the authority of, and in accordance with, a fire permit; or

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- (b) the fire is a fire to which section 100 applies and that section is complied with in relation to the fire.
- (3) An owner of one of the following premises must comply with a request of an authorised member to provide information:
 - (a) premises that have been destroyed, or damaged, by an emergency event;
 - (b) premises in or at which an emergency event occurred;
 - (c) premises in, on or attached to –
 - (i) any structure in which an emergency event occurred; or
 - (ii) premises on which an emergency event occurred;
 - (d) premises that are at risk during an emergency event.

Penalty: Fine not exceeding 26 penalty units.

97. Offences relating to fires

- (1) A person must not take any of the following actions if the action endangers any premises:
 - (a) ignite any matter or material;
 - (b) use or carry any matter, or material, that is alight.

Penalty: Fine not exceeding 26 penalty units.

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(2) A person must not –

- (a) light a fire, or cause a fire to be lit, in the open air; or
- (b) leave a fire unattended in the open air while the fire is unextinguished; or
- (c) leave a fire supervised only by persons who are unable to reasonably be expected to manage, or respond, to the risks posed by a lit fire.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

(3) Subsection (2) does not apply to person, in respect of a fire, if the person has taken all prescribed precautions and all other reasonable precautions to prevent the fire from spreading.

98. Offences relating to lit or smouldering items

A person must not drop, throw down, leave or otherwise discard any item, if –

- (a) the item –
 - (i) has been lit, or is smouldering, and has not been extinguished; or
 - (ii) is hot enough to be able to ignite, or otherwise cause, a fire; and

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- (b) the item has caused, or is likely to cause, an emergency event or potential emergency event.

Penalty: Fine not exceeding 26 penalty units.

99. Offences relating to fire permit periods

A person must not light a fire or cause a fire to be lit, or maintain a fire or cause a fire to be maintained, during a fire permit period, on premises –

- (a) without the authorisation of the owner of the premises; or
- (b) if all or part of the premises are unoccupied Crown land, except in accordance with the conditions of a fire permit granted to the person under this Act.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

100. Offences relating to specified fires

- (1) This section –

- (a) applies to a fire that is for –
 - (i) cooking or warmth; or
 - (ii) for the burning of a carcass; or

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- (iii) for the burning of domestic refuse in the prescribed manner; or
 - (iv) for a prescribed purpose; and
 - (b) does not apply to a fire referred to in paragraph (a) if the fire –
 - (i) is within a fully enclosed building; or
 - (ii) is a lit liquid fuel stove, or a lit gas fuel stove, that is not operating during a day of total fire ban.
 - (2) A person must not light a fire to which this section applies –
 - (a) in, or on, peat, humus or marram grass; or
 - (b) within 3 metres of any stump, log or standing tree.

Penalty: Fine not exceeding 75 penalty units.

- (3) A person must not leave a fire to which this section applies –
 - (a) unextinguished; or
 - (b) supervised only by persons who are unable to reasonably be expected to manage, or respond, to the risks posed by the fire.

Penalty: Fine not exceeding 75 penalty units.

101. Groups for salvage or private emergency management operations must be approved

- (1) A person must not, without the approval of the Commission, constitute or maintain a group of people for the purpose of –
- (a) salvaging property at emergency events; or
 - (b) performing emergency management operations, other than on premises –
 - (i) owned, or occupied, by the person; or
 - (ii) where the person is employed, or engaged, to work.

Penalty: Fine not exceeding 26 penalty units.

- (2) For the avoidance of doubt, subsection (1) does not apply in respect of a group of persons if the group of persons is acting under the authority of the *Emergency Management Act 2006*.

Division 2 – Offence proceedings generally

102. TFES may bring proceedings

For the avoidance of doubt, the TFES may commence proceedings, and participate in proceedings, in its own name.

103. Additional penalties under this Act

In addition to any other penalty or sanction imposed in respect of an offence under this Act, the court determining proceedings for the offence may do one or more of the following:

- (a) if the offence occurred on a day of total fire ban, or during a state of emergency within the meaning of the *Emergency Management Act 2006* where the risk of fire is increased – impose an additional fine not exceeding 100 penalty units or an additional term of imprisonment of 12 months, or both;
- (b) if the offence occurred during a fire permit period or during a state of alert within the meaning of the *Emergency Management Act 2006* where the risk of fire is increased – impose an additional fine not exceeding 50 penalty units or an additional term of imprisonment of 6 months, or both;
- (c) if the defendant has a previous conviction in respect of the same offence – impose a penalty for the subsequent offence that is not more than double the maximum fine or double the maximum term of imprisonment for the offence, or both;
- (d) order the defendant, in respect of the offence, to pay an amount, in accordance with the scale of charges, for any

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performed by the TFES as a result of –

- (i) the offence; or
- (ii) the defendant's actions that made up one or more elements of the offence.

104. Infringement notices

- (1) In this section –

infringement offence means an offence under this Act that is prescribed to be an infringement offence.

- (2) An authorised member, or a police officer, may issue and serve an infringement notice on a person if the authorised member or police officer reasonably believes that the person has committed an infringement offence.
- (3) An infringement notice –
- (a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and
 - (b) is not to relate to 4 or more offences.
- (4) A penalty payable under an infringement notice, issued and served under this section, is payable to the Commission.
- (5) The regulations may prescribe –

- (a) the penalties payable for infringement offences under infringement notices; and
- (b) different penalties for bodies corporate and individuals.

105. Offences by employers

- (1) If an employee or agent commits an offence under this Act, the employer of the employee, or the principal of the agent, is taken to have committed the same offence.
- (2) Despite subsection (1), it is a defence in proceedings against an employer, or principal, for an offence taken to have been committed under that subsection, if the employer or principal proves that –
 - (a) the employer or principal did not know, and could not reasonably be expected to have known, that the employee or agent was committing the offence; or
 - (b) the employer or principal took all reasonable precautions, and exercised all due diligence, to prevent the commission of the offence.
- (3) An employer or principal may be proceeded against and convicted for an offence pursuant to this section whether or not the relevant employee or relevant agent has been proceeded against or convicted for that offence.

106. Offences by employees or agents

- (1) It is not a defence in proceedings for an offence under this Act that the defendant was, at the time of the commission of the offence, an employee or agent of another person and was acting for, or on behalf of, the other person.
- (2) Despite subsection (1), it is a defence in proceedings for an offence under this Act if the defendant establishes that –
 - (a) at the time of the commission of the offence, the defendant was acting under the direction or supervision of –
 - (i) the owner of, or the person in charge of, the premises where the offence occurred; or
 - (ii) the person who employed or engaged the defendant to perform the act that, either directly or indirectly, was the act that constituted the offence; and
 - (b) the defendant's actions were a direct result of that direction or supervision; and
 - (c) the defendant could not have reasonably known that those actions would constitute an offence under this Act.

107. Offences by bodies corporate

- (1) If a body corporate contravenes, whether by act or omission, a provision of this Act, the maximum penalty that may be imposed in respect of the body corporate is four times the maximum penalty specified for the offence in this Act.
- (2) If a body corporate contravenes, whether by act or omission, a provision of this Act, each person who is a member of the governing authority of the body corporate, or who is concerned in the management of the body corporate, is taken to have contravened the same provision if the person knowingly or negligently authorised or permitted the contravention.
- (3) If an employee or agent of a body corporate commits an offence under this Act, the body corporate is taken to have committed the same offence.
- (4) Despite subsection (3), it is a defence in proceedings against a body corporate for such an offence if it is proved that the body corporate could not, despite taking all reasonable precautions and exercising all due diligence, have known of or prevented the commission of the offence.
- (5) A person may be proceeded against for, and convicted of, an offence pursuant to this section whether or not the body corporate, or any other relevant person, has been proceeded against for, or convicted of, the offence.

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- (6) Nothing in this section affects any liability imposed on a body corporate for an offence committed under this Act by the body corporate.

Division 3 – Evidentiary provisions, defences and appeals

108. Orders, notices, &c., made under this Act

- (1) An order or notice made, or a direction given, by the FES Commissioner under this Act, that is signed by or on behalf of the FES Commissioner –
- (a) is admissible in legal proceedings as evidence of the matters specified in the order, notice or direction; and
 - (b) in the absence of evidence to the contrary, is proof of those matters.
- (2) An order or notice made, or a direction given, by the Commission under this Act, that is signed on behalf of the Commission –
- (a) is admissible in legal proceedings as evidence of the matters specified in the order, notice or direction; and
 - (b) in the absence of evidence to the contrary, is proof of those matters.
- (3) If the FES Commissioner certifies, in writing, that a specified day was declared to be a day of total fire ban, or that a specified period was declared to be a fire permit period, the certificate is –

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- (a) admissible in legal proceedings as evidence of the matters so certified; and
 - (b) in the absence of evidence to the contrary, is proof of those matters.
 - (4) If a report, or recommendation, was made to or by the FES Commissioner or the Commission in accordance with this Act, a copy of the report or recommendation –
 - (a) is admissible in legal proceedings as evidence of the matters specified in the report or recommendation; and
 - (b) in the absence of evidence to the contrary, is proof of –
 - (i) those matters; and
 - (ii) the date on which the report or recommendation was made to, or by, the FES Commissioner or Commission respectively.

109. Evidence as to membership and structure of TFES

In any proceedings, a certificate or other document purporting to be signed by the FES Commissioner or Commission, in relation to any of the following matters, is evidence of the matters specified in it:

- (a) whether or not a person was a member of the TFES, or an authorised member, during a specified period or on a specified day;

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- (b) whether or not an authorised member was entitled to exercise specific powers during a specified period or on a specified day;
- (c) whether or not an organisation was an affiliated organisation during a specified period or on a specified day.

110. Evidence as to certain other matters

(1) In this section –

relevant proceedings means proceedings for –

- (a) an offence alleged to have been committed under this Act; or
- (b) the recovery of any amount, or charge, alleged to be due and payable to the TFES under this Act.

(2) In proceedings for a relevant proceeding, a statement in the document, commencing the relevant proceedings, in respect of the following matters is, in the absence of evidence to the contrary, proof of those matters:

- (a) that premises are, or were at a specified time, located inside or outside of a specified area for the purposes of this Act;
- (b) that a person is, or was at a specified time, the owner of specified premises for

the purposes of one or more provisions of this Act;

- (c) that a person is, or was at a specified time, an agent of the owner of specified premises;
- (d) that a person is, or was at a specified time, the person in charge of premises for the purposes of one or more provisions of this Act.

111. Appeals under this Act

- (1) Unless otherwise specified, an appeal or review of a decision, or matter, under this Act is to be made to –
 - (a) if the decision or matter was determined by the Commission – the FES Commissioner; or
 - (b) if the decision or matter was determined by the Commission, including under paragraph (b) – TASCAT.
- (2) The regulations may prescribe such matters as are necessary, or reasonable, to ensure that an appeal or review may occur in respect of this Act.

PART 6 – MISCELLANEOUS

Division 1 – Fees, charges and debts

112. Scale of charges for services

- (1) The Commission may, by notice published on a website operated by or on behalf of the TFES, specify –
 - (a) a charge for services provided by the TFES in accordance with this Act; or
 - (b) a scale of charges for the services rendered under this Act; or
 - (c) a cost for consumable items if the item is a single use item.
- (2) For the avoidance of doubt, a scale of charges under subsection (1) may include a charge –
 - (a) for damage to TFES equipment or other TFES assets; or
 - (b) to recover the cost of consumable items if the FES Commissioner is satisfied that the use of the items –
 - (i) was required due to a fire that was deliberately lit; or
 - (ii) was at the direct request of an owner of premises and the use of the items was not required as part of standard emergency management operations.

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- (3) For the purposes of this Act, a charge is specified in the scale of charges for a service if the scale of charges specifies that no fee is payable in respect of the service.
 - (4) If a person provides services under this Act in respect of which a charge is published under subsection (1), the charge for the service is payable to the TFES, unless otherwise specified in the scale of charges.
 - (5) The Commission may waive all, or any part, of a charge payable in respect of a service under this Act if the Commission considers it reasonable to do so.

113. Charges for actions taken in respect of certain premises

- (1) The Commission may recover a charge for a service provided by the TFES, determined in accordance with the scale of charges, from the owner of premises if –
 - (a) an abatement notice has been served by a council under section 200 of the *Local Government Act 1993* in respect of the premises; and
 - (b) the service has been provided by the TFES at a fire on that premises; and
 - (c) the abatement notice had not been complied with immediately before the rendering of that service by the TFES at that fire.

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- (2) In any proceedings to recover a charge under subsection (1), the relevant court may decline to make an order for the recovery of the charge if the court is satisfied that –
- (a) the person, against whom the proceedings were brought, took all reasonable steps to comply with the relevant abatement notice; or
 - (b) it was reasonable in all the circumstances that the person, against whom the proceedings were brought, did not comply with the abatement notice.

114. Charges for false alarms

- (1) In this section –

automatic, in relation to a safety system, means that the system is designed to operate when activated by a device that senses heat, smoke, fire or other emergency events;

false alarm includes –

- (a) the activation of an automatic safety system that is caused by reasons other than fire or an emergency event; and
- (b) a request for the TFES to attend at premises where there is no reasonable suspicion that a fire is

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present, or an emergency event is occurring, on the premises.

- (2) A person must not –
- (a) intentionally trigger a false alarm in an automatic safety system; or
 - (b) be reckless as to whether an act, or omission, by the person triggers a false alarm in an automatic safety system.

Penalty: Fine not exceeding 26 fee units.

- (3) The Commission may specify a charge for the TFES attending at premises in response to a call arising out of a false alarm.
- (4) The FES Commissioner may issue a notice to the owner of premises, where more than one false alarm has occurred, with instructions or recommendations to reduce the number of false alarms at the premises.
- (5) A person must comply with a notice issued to the person under subsection (4).

Penalty: Fine not exceeding 26 fee units.

- (6) For the avoidance of doubt, a penalty imposed under this section may be in addition to a charge that is payable under subsection (3) in respect of a false alarm.
- (7) A charge under subsection (3) in respect of a false alarm is in addition to any prosecution of, or sanction imposed in respect of, the false alarm.

115. Power to use water without charge

(1) In this section –

regulated entity has the same meaning as in the *Water and Sewerage Industry Act 2008*.

(2) The TFES has, at all times, the right –

(a) to use, free of charge, for the purpose of attending to, or preventing, an emergency event –

(i) all reticulated water mains, water hydrants, valves, pipes, and works or water supply vested in, or under the control of, any regulated entity, council or other public body; and

(ii) all water in any dam, tank or well belonging to any person; and

(b) to the reasonable use, free of charge, of any of those reticulated water mains, water hydrants, valves, pipes and works or water supply for the purpose of any drill, demonstration, practice or competition carried out by the TFES.

116. Recovery of debts

The TFES, or the FES Commissioner, may recover in a court of competent jurisdiction a debt that is due to the TFES, the FES

Commissioner or the Commission under this Act.

Division 2 – Liabilities and immunities

117. Electricity entities taken to be owner in respect of certain premises

(1) In this section –

electricity entity has the same meaning as in the *Electricity Wayleaves and Easements Act 2000*.

(2) For the purposes of this Act –

(a) the appropriate electricity entity is taken to be the owner of such part of premises that is subject to a wayleave, within the meaning of the *Electricity Wayleaves and Easements Act 2000*, including an easement created under section 10 of that Act; and

(b) that electricity entity may, if the entity thinks it necessary for the purpose of protecting any transmission lines, poles or other equipment or works of that electricity entity, cause any vegetation or flammable material on the premises to be burned off or removed.

(3) Nothing in subsection (2) removes an obligation imposed on an electricity entity under this Act or any other Act.

118. Certain actions taken to be fire-fighting operations

- (1) For the purposes of the following Acts, all actions taken by a member of the TFES under the authority of this Act, including but not limited to all emergency management operations, are taken to be actions taken as part of fire-fighting operations:
 - (a) the *Workers Rehabilitation and Compensation Act 1988*;
 - (b) the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*.
- (2) For the avoidance of doubt –
 - (a) administrative actions taken, or maintenance performed, by a member of the TFES for and on behalf of the TFES are taken to be actions taken under the authority of this Act; and
 - (b) nothing in this section removes a requirement of the *Workers Rehabilitation and Compensation Act 1988* or the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*.

119. TFES members not liable in certain circumstances

- (1) A member of the TFES does not incur any civil or criminal liability in respect of any act done, or

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omitted to be done, by the member in good faith –

- (a) in performing emergency management operations; or
- (b) in performing, or purportedly performing, a function imposed under, or conferred by, this Act or any other Act; or
- (c) in the administration or execution, or the purported administration or execution, of this Act.

(2) A member of the TFES is not liable in respect of an action taken, or not taken, in good faith by the member under this Act or any other Act if –

- (a) the member –
 - (i) fails to perform properly a function under this Act, including a function conferred on, or delegated to, the member under this Act; or
 - (ii) contravenes a provision of this Act; and
- (b) no penalty is specified, under this Act or any other Act, for the failure to perform the function or for a contravention of this Act.

(3) Nothing in this section affects the application of the *State Service Act 2000* to a member of the

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TFES for a failure to perform a function or for a contravention of this Act.

- (4) A liability that would, but for subsection (1) or (2), lie against a member of the TFES lies against the Commission.

120. Other persons liable in certain circumstances

- (1) A person does not incur any civil or criminal liability in respect of any act done, or omitted to be done, by the person in good faith –
- (a) to comply with a direction given, or purportedly given, under this Act to the person; or
 - (b) to comply with a direction given, or purportedly given, under this Act to the employer of the person.
- (2) For the avoidance of doubt, this section applies to an action that may result in the interruption of, or a reduction in the flow of, water, gas, electricity or other services to premises.

121. Damage caused during emergency events

For the purposes of any policy of insurance that provides cover in respect of damage to the environment, premises or property by an emergency event, any damage to the environment, premises or property caused by one of the following persons during such an emergency event is taken to be damage caused by the emergency event:

- (a) a member of the TFES in the lawful performance of any function conferred on the member in accordance with this Act;
- (b) a responsible officer in the lawful performance of any function conferred on the officer by this Act;
- (c) a person lawfully assisting, under this Act, a member of the TFES in the lawful performance of any function conferred on the member in accordance with this Act.

122. Application of Division to certain persons

- (1) If an interagency or interjurisdictional agreement exists in relation to emergency management operations, a person is taken to be a member of the TFES for the purposes of this Division –
 - (a) while the person performs emergency management operations in accordance with such an agreement; and
 - (b) unless the agreement provides otherwise.
- (2) If a person is responsible for performing functions, or emergency management operations, under this Act, the FES Commissioner or the Commission may determine that the person is taken to be a member of the TFES, for the purposes of this Division, while the person performs those functions or emergency management operations.

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- (3) A determination under subsection (2) is to be in writing and in an approved form.
- (4) If there is a dispute as to whether a person is a member of the TFES for the purposes of this Division, other than a person to whom subsection (1) or (2) applies, the decision of the Commission in respect of the person is final and is not subject to review.

Division 3 – General

123. Police officers at emergency events

- (1) In this section –

appropriate TFES member, in relation to an emergency event, or potential emergency event, means the member of the TFES who is in charge of the emergency management operations at the location of the emergency event.

- (2) A police officer who is present at an emergency event, or at the location of a potential emergency event –
 - (a) is to provide such assistance, to the TFES, as is requested by the appropriate TFES member; and
 - (b) may close, or regulate the use of, any public street in the vicinity of the event; and

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- (c) may enforce compliance with orders and directions of the appropriate TFES member in respect of the event; and
- (d) may order a person to leave the vicinity of the event, if the person –
 - (i) interferes with emergency management operations in respect of the event; or
 - (ii) is not a member of the TFES; and
- (e) may remove a person from the vicinity of the event, using such force as the police officer considers reasonable in the circumstances, if the person fails to comply with an order given to the person under paragraph (d).

124. Police officer may arrest without warrant in certain cases

A police officer may arrest a person without a warrant if the police officer believes, on reasonable grounds, that the person has committed, is committing or is about to commit a prescribed offence under this Act.

125. Service of directions, orders, notices, &c.

A direction, order or notice under this Act is taken to be given to, or served on, a person if –

- (a) the direction, order or notice is delivered to the person; or

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- (b) the direction, order or notice is sent by certified mail to the address of the person; or
- (c) if the direction, order or notice is to be given to, or served on, the owner of premises and the owner cannot be ascertained or found, the direction, order or notice is displayed in a prominent position on those premises.

126. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may –
 - (a) specify the process for –
 - (i) applying for, issuing, suspending, varying or cancelling a fire permit, including the imposition of conditions on a fire permit; and
 - (ii) appointing, suspending or cancelling the appointment of a fire permit officer, including the imposition of conditions or restrictions on such an appointment; and
 - (iii) applying for, issuing, suspending, varying or cancelling a permit,

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approval or other matter under this Act; and

- (b) provide for the application process, granting process or review process for any permit or other matter under this Act, including the imposition of conditions; and
- (c) require that a person give notice of a specified class of fires, or potential emergency events, in accordance with the regulations; and
- (d) provide for the installation of equipment, including equipment for fire detection or fire prevention; and
- (e) prescribe the requirements for the evacuation of buildings in respect of emergency events including the preparation, publication and practice of procedures and processes of such evacuations; and
- (f) provide for the regulation, or prohibition, of –
 - (i) the use of certain equipment without a specified device, or equipment, installed; and
 - (ii) the lighting, maintenance or use of fires in specified circumstances, or for a specified purpose, including, but not limited to, the requirement to

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- give notice in certain
circumstances; and
- (iii) the operation of specified engines, motors, machines, equipment, apparatus or devices, either generally or during fire permit periods or days of total fire ban; and
 - (iv) the disposal of specified substances; and
- (g) provide for any matter in relation to the administration and management of brigades, units or divisions of the TFES; and
 - (h) provide for any matter in relation to the formation of a group or entity, that does not form part of the TFES, for the purposes of emergency management; and
 - (i) provide for the inspection of specified premises and things by specified persons; and
 - (j) provide for any matter relating to the prevention, minimisation, control or management of an emergency event or potential emergency event; and
 - (k) provide for –
 - (i) fees and charges payable in respect of any matter under this Act; and

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- (ii) the liability of certain persons to pay the fees and charges payable under this Act; and
 - (iii) the method of calculating levies, fees, charges and other costs under this Act; and
 - (iv) the recovery of fees, charges and other costs under this Act; and
 - (v) the payment of levies, fees, charges and other costs under this Act, other than into the Public Account; and
 - (l) provide for the payment of special allowances or gratuity by the FES Commissioner to members of the TFES in prescribed circumstances or to a class of members of the TFES; and
 - (m) specify –
 - (i) the qualifications, functions, identification or other matters that are required, or desirable, in respect of persons under this Act, including the issuing of identification to such persons; and
 - (ii) the requirements for, and information to be contained in, advice, reports, schemes, plans, permits and any other document

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or information under this Act;
and

- (n) provide for the destruction, disposal or appropriation of any matter, structure or thing under this Act; and
- (o) prescribe additional functions that may be performed by persons under this Act; and
- (p) specify evidentiary presumptions in respect of any matter or thing under this Act; and
- (q) specify that a person or class of persons is exempt from a provision of this Act or the regulations, in specified circumstances or completely; and
- (r) prohibit the interference with, or removal or obstruction of, any fire protection or fire prevention device installed in premises, except where an authorised member isolates, or causes to be isolated, an alarm system or part of an alarm system that contains a fault for the purpose of enabling that fault to be rectified; and
- (s) require that a petrol tank vehicle, acid tank vehicle or vehicle carrying liquefied gas or cylinders of flammable gas in cities and towns –
 - (i) be parked only as prescribed; and

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- (ii) may only travel on routes as prescribed; and
 - (t) prescribe any other matter that is required, permitted or necessary to be prescribed under this Act.
 - (3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
 - (4) Without limiting subsection (3), the regulations may be made so as to apply –
 - (a) throughout the whole of Tasmania or in a region, place or area specified in the regulations; and
 - (b) differently according to such other factors as are specified in the regulations.
 - (5) The regulations may –
 - (a) provide that a contravention of any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
 - (6) The regulations may authorise any matter to be from time to time approved, determined, applied

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or regulated by any person or body as specified in the regulations.

- (7) The regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference, any standard, rule, code or specification, whether the standard, rule, code or specification is published or issued before or after the commencement of this section.
- (8) A reference in subsection (7) to a standard, rule, code or specification includes a reference to an amendment of that standard, rule, code or specification, whether the amendment is published or issued before or after the commencement of this section.
- (9) The regulations may –
 - (a) provide for savings or transitional matters necessary or expedient for bringing this Act into operation; and
 - (b) provide for any of those savings or transitional matters to take effect when this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

127. Further amendment of regulations not prevented

If an Act amending this Act also amends a provision of any regulation made under this Act, the amendment of the provision of the regulation

does not prevent that provision, or any other provision, of the regulations from being amended or rescinded by a subsequent regulation.

128. Review of Act

(1) In this section –

independent review means a review carried out by persons who –

- (a) in the Minister's opinion, are appropriately qualified for that task; and
 - (b) include one or more persons who are not members of the Department or the TFES.
- (2) The Minister is to cause an independent review of the operation of this Act to be completed before the 5th anniversary of the commencement of this section.
- (3) As soon as is practicable after an independent review is completed under subsection (2), the persons who undertake the independent review are to give the Minister a written report on the outcome of the review.
- (4) The Minister is to cause a copy of the report given to the Minister under subsection (3) to be tabled in each House of Parliament within 10 sitting-days of that House after the report is so received by the Minister.

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(5) This section does not apply if a committee of either House of Parliament, or a joint committee of both Houses of Parliament –

(a) has reviewed the operation of this Act; or

(b) has started such a review –

after a provision of this Act has commenced but before the 5th anniversary of the commencement of this section.

129. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Police, Fire and Emergency Management; and

(b) the department responsible to that Minister in relation to the administration of this Act is the Department of Police, Fire and Emergency Management.

130. Consequential amendments

The legislation specified in Schedule 2 is amended as specified in that Schedule.

131. Legislation repealed

The legislation specified in Schedule 3 is repealed.

**SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF
COMMISSION**

Section 8

PART 1 – MEMBERSHIP OF COMMISSION

1. Term of office

- (1) A member of the Commission is appointed for the period, not exceeding 3 years, as is specified in the member's instrument of appointment and, if eligible, may be reappointed for a single further term.
- (2) Except as approved under clause 2, a person may not be appointed as a member of the Commission if the person has previously served 2 terms as a member, whether or not those terms are consecutive.
- (3) For the avoidance of doubt, subclause (2) does not apply to a person's term as a member if –
 - (a) the person –
 - (i) holds the office of member to fill a vacancy in the Commission; and
 - (ii) only holds that office for the remainder of the vacating member's term; and

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(b) the person has not previously been appointed as a member of the Commission for a full term.

(4) For the purposes of this clause, a person has served a full term as member of the Commission if the person has held the office of member for 3 years without being reappointed as a member of the Commission.

2. Governor may appoint members for subsequent terms

(1) Despite clause 1, the Governor may appoint a person to the office of member for a third or subsequent term as member of the Commission if the Minister recommends to the Governor that the person be appointed for a third or subsequent term due to exceptional circumstances.

(2) If the Governor appoints a person as a member of the Commission in accordance with subclause (1), the Minister is to table a notice in each House of Parliament, within 7 sitting-days after the appointment, that includes –

(a) a statement that includes the following information:

(i) the fact that the appointment has been made;

(ii) the duration of the term of the appointment so made;

- (iii) how many times the person has been appointed to the office of member; and
- (b) if appropriate, the exceptional circumstances relied upon by the Governor when making the appointment.

3. State Service employment

For the avoidance of doubt, a person may hold the office of member of the Commission in conjunction with State Service employment.

4. Remuneration and conditions of appointment

- (1) A member of the Commission is entitled to be paid such remuneration and allowances as the Governor determines.
- (2) A member of the Commission who is a State Service employee, or State Service officer, is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.
- (3) A member of the Commission holds office on such conditions in respect of matters not provided for by this Act as are specified in the member's instrument of appointment.

5. Vacation of office

- (1) A member of the Commission vacates the office of member if the member –

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- (a) dies; or
 - (b) resigns by notice given to the Governor;
or
 - (c) holds the office of member by virtue of a qualification or role held by the member, and the member ceases to hold that qualification or role; or
 - (d) is removed from office under subclause (2).
- (2) The Governor may remove a member of the Commission from office if –
 - (a) the member is unable to perform adequately or competently the duties of the office of member; or
 - (b) the member is guilty of misconduct of such a nature that makes the member unsuitable to hold the office of member; or
 - (c) the member is absent from 3 consecutive meetings of the Commission without the permission of the chair; or
 - (d) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or

- (e) the member is convicted, in Tasmania or elsewhere, of a crime or an indictable offence; or
 - (f) the member fails to disclose a pecuniary interest, or other interest, in respect of a matter being considered by the Commission.
- (3) A member of the Commission must not be removed from the office of member otherwise than in accordance with this clause.

6. Filling of vacancies

If the office of a member of the Commission becomes vacant, the Governor may appoint a person to the vacant office for any period up to the remainder of that member's term of office.

7. Validation of proceedings, &c

An act or proceeding of the Commission, or of a person acting under the direction of the Commission, is not invalidated solely on the basis that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of a member of the Commission or a defect in the appointment of a member of the Commission.

8. Presumptions

In any proceedings by, or against, the Commission, proof is not required of –

- (a) the constitution of the Commission; or
- (b) the appointment of a specific member of the Commission.

PART 2 – MEETINGS OF COMMISSION

8. Commission may regulate its own proceedings

Unless otherwise specified in this Act or any other Act, the Commission may regulate its own proceedings.

9. Meetings of Commission

- (1) The chairperson of the Commission is to convene a meeting of the Commission –
 - (a) at least once in each 3-month period; and
 - (b) on such other occasions as the Minister may direct.
- (2) The chairperson of the Commission is to preside at all meetings of the Commission at which the chairperson is present.
- (3) If the chairperson is absent from a meeting of the Commission, the members of the Commission present at the meeting are to elect a person present at the meeting to preside at the meeting.

10. Quorum and voting at meetings

- (1) At a meeting of the Commission, a quorum is constituted by a majority of the total number of members appointed to the Commission.
- (2) A question arising at a meeting of the Commission –
 - (a) is to be determined by a majority of the total number of members present at the meeting; and
 - (b) in the event of an equality of votes, the person presiding at the meeting may –
 - (i) exercise a second or casting vote; or
 - (ii) adjourn the question to the next meeting of the Commission.
- (3) A meeting of the Commission at which a quorum is present is competent to transact any business of the Commission.

11. Minutes

The Commission is to keep accurate minutes of its meetings.

12. Disclosure of interests

- (1) If a member of the Commission has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the

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Commission, the member must, as soon as is practicable after the member becomes aware of the matter, disclose the nature of the interest to the Commission.

- (2) Unless the Commission otherwise determines, a member who has made a disclosure under subclause (1) in relation to a matter must not –
 - (a) be present during any deliberation of the Commission in relation to the matter; or
 - (b) take part in any decision of the Commission in relation to the matter.
- (3) For the purposes of the making of a determination under subclause (2), the member to whom the determination relates must not –
 - (a) be present during any deliberations of the Commission for the purposes of making the determination; or
 - (b) take part in the making of the determination.
- (4) Subclause (1) does not apply –
 - (a) in respect of a contract for goods or services supplied by or to the member of the Commission, if those goods or services are supplied on the same terms and conditions as they are ordinarily supplied to other persons in the same situation; or

- (b) in respect of an interest that arises only because the member of the Commission is also a State Service officer or a State Service employee.

13. Presumptions

In any proceedings by or against the Commission, unless it is proven otherwise, proof is not required of –

- (a) a resolution of the Commission; or
- (b) the presence of a quorum at any meeting of the Commission.

SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Section 130

Emergency Management Act 2006

1. Section 3 is amended as follows:

- (a) by omitting the definition of *affiliated organisation* and substituting the following definition:

affiliated organisation has the same meaning as in the *Tasmania Fire and Emergency Service Act 2026*;

- (b) by omitting the definition of *Director SES*;

- (c) by inserting the following definition after the definition of *executive officer*:

FES Commissioner has the same meaning as in the *Tasmania Fire and Emergency Service Act 2026*;

- (d) by omitting the definition of *municipal volunteer SES unit* and substituting the following definition:

municipal volunteer division means a division of the TFES established under Division 6 of Part 3 of the *Tasmania Fire and Emergency Service Act 2026*;

- (e) by omitting the definition of *regional SES volunteer unit*;

-
- (f) by omitting the definition of *State Emergency Service*;
 - (g) by omitting paragraph (a) from the definition of *statutory service*;
 - (h) by omitting paragraph (c) from the definition of *statutory service* and substituting the following paragraph:
 - (c) the TFES; or
 - (i) by inserting the following definition after the definition of *TEMA*:

TFES has the same meaning as in the
Tasmania Fire and Emergency Service Act 2026;

- 2. After section 11, the following is inserted in Division 1:

12. Functions and powers of the TFES

For the purposes of this Act, and in addition to the functions and powers of the TFES under the *Tasmania Fire and Emergency Service Act 2026*, the TFES has the following functions:

- (a) to provide advice and administrative services to the State Controller relating to emergency management plans including, but not limited to, support in the preparation and review of the plans;

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- (b) to provide administrative services, as directed by the State Controller, for a committee established under this Act;
- (c) other functions in respect of emergency management imposed by the Minister;
- (e) prescribed functions.

3. Section 24 is amended as follows:

- (a) by omitting from subsection (1)(f) “Unit Managers of the municipal volunteer SES units” and substituting “municipal volunteer divisions”;
- (b) by omitting from subsection (2)(a) “municipal volunteer SES units” and substituting “municipal volunteer divisions”;
- (c) by omitting from subsection (2)(b) “municipal volunteer SES units” and substituting “municipal volunteer divisions including, but not limited to, what equipment is required and the maintenance requirements for both equipment and facilities”.

4. Division 4 of Part 2 is repealed.

5. Section 30 is amended by omitting paragraph (h) and substituting the following paragraph:

(h) the FES Commissioner;

6. Section 31 is amended as follows:

(a) by omitting paragraph (d) from subsection (1);

(b) by omitting paragraph (f) from subsection (1) and substituting the following paragraph:

(f) the FES Commissioner;

(c) by omitting paragraph (d) from subsection (2);

(d) by omitting paragraph (f) from subsection (2) and substituting the following paragraph:

(f) the FES Commissioner;

7. Division 5 of Part 3 is amended by omitting “***Roles of councils and municipal volunteer SES units***” from the heading to that Division and substituting “***Roles of councils***”.

8. Sections 48 and 49 are repealed.

9. Section 57(a) is amended as follows:

(a) by omitting “with, the State Emergency Service, another statutory service, a municipal volunteer SES unit” and

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substituting “with a statutory service, a municipal volunteer division”;

- (b) by omitting from subparagraph (i) “State Emergency Service, statutory service, municipal volunteer SES unit” and substituting “statutory service, municipal volunteer division”.

- 10.** Section 62 is amended by omitting subsection (3).

SCHEDULE 3 – LEGISLATION REPEALED

Section 131

Fire Service (Continuity of Regulatory Arrangements) Act
2006 (No. 41 of 2006)

Fire Service (Extension of Regulations) Act 2017 (No. 27 of
2017)

Fire Service Act 1979 (No. 35 of 1979)

Fire Service Amendment (Bushfire-Prone Areas) Act 2011
(No. 32 of 2011)

Fire Service Amendment (Fire Infringement Notices) Act 2016
(No. 8 of 2016)

Fire Service Amendment Act (No. 2) 2005 (No. 79 of 2005)

Fire Service Amendment Act 1997 (No. 40 of 1997)

Fire Service Amendment Act 1999 (No. 72 of 1999)

Fire Service Amendment Act 2001 (No. 37 of 2001)

Fire Service Amendment Act 2005 (No. 36 of 2005)