Tasmania Fire Service

Fact Sheet

Tasmania Fire and Emergency Services Bill 2026

The Tasmania Fire and Emergency Services (TFES) Reforms

The Tasmanian Government has committed to:

- bring the Tasmania Fire Service (TFS) and the State Emergency Service (SES) together under one organisational banner: the Tasmania Fire and Emergency Service (TFES).
- establish the State Fire and Emergency Services Commission (SFESC) as the statutory authority to oversee the TFES, with a skills-based board and representative subcommittees.
- establish in legislation the role of the Fire and Emergency Services Commissioner (FES Commissioner) as the operational lead of the TFES.
- continue the TFES as an operational pillar of the Department of Police, Fire and Emergency Management.
- establish a volunteer charter in legislation, and
- replace the existing *Fire Service Act 1979* and regulations with contemporary, principles-based legislation.

For more information on the background of the reforms, please visit https://www.fire.tas.gov.au/reform/ or https://www.ses.tas.gov.au/reform/

The Tasmania Fire and Emergency Services Bill 2026 (TFES Bill)

Upon implementation, the Tasmania Fire and Emergency Service Bill 2026 will replace the existing *Fire Service Act 1979* and regulations.

The Bill contains amendments to the *Emergency Management Act 2006* regarding the functions of the SES, and to the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011* to include SES volunteers as in scope.[1]

In line with preparing principles-based legislation, the TFES Bill no longer includes many prescriptive provisions seen in the *Fire Service Act 1979*. Instead, the TFES Bill seeks to establish high level provisions that confer broad abilities for TFES members to perform their duties safely and lawfully.

In other instances, prescriptive processes (for example, the process to publish fire permits) have been referred to in the TFES Bill, but those same or similar processes will now appear in the Regulations.

This paper provides information on the structure and intent of key provisions of the TFES Bill. This paper should be read alongside:

- the TFES Bill, and
- the Consultation Paper – TFES Regulations Summary and Supporting Processes.

Consultation on the content of the Bill

The Government has engaged and released the Michael Harris Issues Paper (2018), the Mike Blake Report (2020), a Treasury Funding Options Paper (2021), and the Mike Stevens Report (2022), which have all analysed the *Fire Service Act 1979.*

The Government released a 2023 Consultation Bill and the feedback to this Bill has been considered as part of the development of the current consultation draft.

In September 2024, the Government communicated its new intent to establish a skills-based board. In December 2024 a Position Paper – State Fire and Emergency Services Commission was released for consultation until 28 February 2025, with stakeholder feedback also considered when developing the draft Bill and accompanying policy documentation.

Representatives from the Department of Premier and Cabinet, the Department of Treasury and Finance, and the Department of Police, Fire and Emergency Management are members on the TFES Steering Committee.

Consultation on specific matters has occurred with the Department of Justice, the Parks and Wildlife Service and Sustainable Timber Tasmania on the Bill.

The TFES Bill 2026

The TFES Bill starts with the **Purposes of the Act** which sets out why this legislation is being introduced – most importantly, to keep life, property, premises and the environment safe from fire and emergency events. This will be achieved through the TFES' role in prevention, preparation, response and transition to recovery arrangements when it comes to emergency events.

[1] This will be achieved through consequential amendment to the Department of Justice legislation.

The **Interpretation** section has been updated to include new definitions and terminology, including the concept of "emergency management operations" which underpins the full spectrum of prevention, preparedness, response and transition to recovery for the TFS and SES, and is referenced throughout the Bill.

The **Application of the Act** explains that the *Emergency Management Act 2006* (EMA) will continue to be Tasmania's primary emergency legislation and will prevail over all other emergency legislation, including the TFES legislation. This recognises that the EMA addresses the whole of government, all-hazard approach to emergency response. Clause 6(2)(b) notes that the TFES legislation will prevail over any inconsistency in other legislation, other than the *Emergency Management Act 2006*.

The TFES Bill is set to commence on "proclamation." The Department will work on a staged commencement of the legislation with the goal of having the legislation commence from 1 July 2027, and where possible and practicable, within 12 months of that date. This will occur in close consultation with the relevant work areas of the TFS and SES, and with interested stakeholders, to ensure agency preparedness.

Part 2 - Establishing the TFES

This part of the TFES Bill sets up the organisation. It establishes the TFS and SES, the TFES, the FES Commissioner, the SFESC and subcommittees, and outlines the responsibilities of each entity or role.

Division 1 – State Fire and Emergency Services Commission (SFESC) is established under clause 8 through the continuation of the State Fire Commission (SFC). The phrasing "continuation" ensures that processes or arrangements set up around the SFC can be continued under the management of the new SFESC.

Functions previously overseen by the SFC have been allocated now to the SFESC. Where the FES Commissioner has operational and day-to-day responsibilities for the TFES, the SFESC has corporate, financial and governance responsibility for both the FES Commissioner and the TFES.

A key change between the SFC and the SFESC is the membership of the Commission. Whereas the *Fire Service Act 1979* sets out mandatory representative membership from a limited number of organisations, the TFES Bill seeks members who have (in aggregate):

(a) 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 experience in the fields of commerce, economics, finance, technical, accounting, human resources, law, public administration; and

(b) skills and experience in emergency management, emergency response or a similar area of expertise.

The rationale behind this change is explained in the *Establishing the State Fire and Emergency Services Commission* position paper, including that it seeks to address inherent conflict of interest concerns with a representative model, and the need for

skills-based members to address an increased portfolio of responsibilities between the TFS and SES.

The Commission also includes the Chairperson and the FES Commissioner as the only two legislated members, to ensure organisational and operational knowledge and experience is embedded within the Commission.

The phrase “in aggregate” is important – it means, not every person must have all of (a) or all of (b), but as a group both requirements are covered.

This approach acknowledges feedback received to the *Establishing the State Fire and Emergency Services Commission* position paper where submissions encouraged experience in emergency management on the Commission.

Submissions received to this position paper are uploaded to the TFS and SES websites.

The legislation sets out that SFESC members will be appointed by the Governor on the recommendation of the Minister. An updated version of the proposed skills-matrix, originally released in December 2024 and modified following extensive consultation with stakeholders through 2025 and 2026, is included in the Consultation Paper.

There will be no more than 8, and no less than 3, persons on the SFESC, one of which is the FES Commissioner and an independent chair.

The SFESC will be subject to direction by the Minister.

Division 4 of the Bill provides that the SFESC must:

- Prepare an Annual Report that is tabled in Parliament.
- Prepare a Corporate Plan.
- Prepare a Statement of Corporate Intent.
- Comply with a Ministerial Charter.
- Keep accounting records and must comply with auditing requirements.

Schedule 1 includes details on the membership and meetings of the SFESC, including a new requirement that directors of the SFESC may only serve two terms. This is consistent with the Government Business Enterprises Governance Reforms Act 2025.

Subcommittees of the SFESC are established in Clause 34 and will include two mandatory subcommittees:

- One to continue the functions of the State Fire Management Council (SFMC) established under the *Fire Service Act 1979*; and
- At least one to represent matters relating to volunteer members, or employed members, or both.

The legislation sets out that the SFESC is to determine the functions and purpose of any committees it establishes and must consult a committee on any matter stated in that committee’s terms of reference. For example, any matter the SFESC considers

that might impact volunteer or employed members would need to be considered by this subcommittee.

The intention is that the SFMC will continue to perform the functions it currently has as set out in the *Fire Service Act 1979*, including the oversight of Fire Management Area Committees (FMACs), as a legislated sub-committee of the SFESC. The details for the SFMC will be described in the supporting Terms of Reference provided by the SFESC. The operation of FMACs will be detailed in the Regulations.

The SFESC may also establish any other time-limited committees in this section at any time. This allows for the SFESC to consider establishing common subcommittees such as a risk and audit subcommittee, as necessary.

More information on implementing the SFESC and subcommittee model is in the Consultation Paper – TFES Reform Regulations and Supporting Processes.

Division 2 – FES Commissioner is established in clause 14 through appointment by the Governor of Tasmania, on the recommendation of the Premier, under the *State Service Act 2000*.

The FES Commissioner must have the technical expertise, and the management and professional skills, to perform the functions of the FES Commissioner. This has intentionally been written broadly to acknowledge the expanded portfolio of responsibilities for both TFS and SES.

The legislation gives the FES Commissioner responsibility for the operational management of the TFES including establishing the chain of command, risk management, service delivery, emergency response and community engagement.

The legislation allows for the FES Commissioner to delegate any function to another person. This is to provide flexibility within the chain of command to allocate specific functions to subject matter expert areas, particularly recognising the risks of single person dependencies during emergency events.

Divisions 3 and 4

The TFES is established under clause 22 and includes the TFS and SES as divisions of the TFES. The distinct operational identities of TFS and SES are continued in clauses 24 and 25. This meets the Government's commitment that, while TFES will bring the TFS and SES under one organisational banner, both organisations will maintain their distinct identities.

Provision is made for the FES Commissioner to establish other entities and divisions within the TFES as the FES Commissioner considers appropriate. For example, this would support the FES Commissioner to establish time-limited divisions that may include people not within TFS or SES, which may be necessary in emergency response arrangements on a case-by-case basis.

Clause 16 allocates organisational structure and chain of command responsibilities to the FES Commissioner, rather than the SFESC, in line with the Government's

commitment to empower the FES Commissioner, under the oversight of the skills-based SFESC.

The Bill will provide that the FES Commissioner can establish the chain of command within the TFES and within each TFES Division (including brigades and units) where they are located and how many of them there are and allocate functions to the divisions and members of the TFES (including volunteers).

The detail in the current Act will need to be continued in organisational policy/paperwork, in establishing the chain of command for the TFES.

Part 3, Functions of TFES – This part outlines the objectives and functions of the TFES. It includes functions that the TFS and SES currently lead in one combined list. The intention is that these functions will be allocated to either the TFS or SES, as Divisions of TFES, as determined by the FES Commissioner, after the legislation has passed parliament. This will be through authorisations and delegations to the FES Commissioner's leadership team.

The functions of the TFES also include functions previously included in the *Emergency Management Act 2006* as applying to the SES. These operational functions (such as rescue and retrieval operations) have been moved to the TFES Bill, whereas whole of government emergency response functions of the SES have been retained in the *Emergency Management Act 2006*. Of note, references to the SES or Director SES in the *Emergency Management Act 2006* will be replaced with TFES and the FES Commissioner.

This division notes that employment with the TFES will be through the *State Service Act 2000*, which is consistent with how the TFS and SES are currently employed.

Volunteers – Volunteer members are established in clause 27, noting that the FES Commissioner may register a person as a volunteer of TFES. This applies to both TFS and SES volunteers.

The TFES Bill notes that the process for registering or deregistering a volunteer will be included in the regulations. More information on ideas and proposals for regulation in this space can be found in **Consultation Paper – TFES Reform Regulations and Supporting Processes.**

A volunteer charter is established in this division. The production of a volunteer charter is a key commitment of the Government and was released to signatories for early consultation.

The volunteer charter has been written to confirm the Government's commitment to the safety and wellbeing of volunteer members of the TFS and SES. It also reflects the legal indemnification provided in the TFES Bill and undertakes to ensure that volunteers are provided with the facilities, systems, and structures they require to do their work safely and well.

Part 3 - General functions of TFES

This part of the TFES Bill gives the TFES and relevant partner organisations the authorities and abilities the emergency personnel need to perform their operational duties.

As the TFES Bill will completely replace the *Fire Service Act 1979*, the TFES Bill seeks to continue the functions set out in the *Fire Service Act 1979* so that the TFS can continue to prevent and respond to fire events.

The SES will receive new capabilities to perform their duties through the TFES Bill. This will support the SES to provide time-critical emergency response support to the community.

The TFES will be able to enter any premises to respond to an emergency event, helping to prioritise quick and efficient emergency response.

A new concept of an Extreme Fire or Emergency Hazard Classification is introduced, which will support the TFES to prioritise emergency responder and community safety in the built environment. Content for regulations will be prepared and consulted upon, to determine the type of properties for which the FES Commissioner can issue requirements. This will happen as a discrete body of work after the TFES reforms are complete.

This part also extends new functions to third parties such as the Parks and Wildlife Service (PWS) and Sustainable Timber Tasmania (STT) to perform functions under this Act. This recognises that these two organisations are part of the tri-partisan tenure-blind fire response arrangements in Tasmania, as outlined in the *Tasmanian Emergency Management Arrangements*. This approach also delivers on recommendations of independent reviews into the *Fire Service Act 1979.* The TFES Bill allows these organisations to enter property to respond to an emergency event, if they are the first to arrive, prioritising community safety.

A provision is made for the FES Commissioner to approve the TFES to perform functions not listed in the TFES Bill, which is the continuation of the ability provided to the Chief Officer in the *Fire Service Act 1979*. This supports the TFS and SES to perform non-emergency response-related roles e.g. support at community events. This section ensures that if the FES Commissioner does approve non-legislated functions, then the TFS and SES are covered by relevant workers compensation legislation and liability protections.

The *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011* will be consequentially amended to apply to SES volunteers.

This part also supports the management of dangerous substances, installation of emergency response systems, fire permit periods, total fire ban days, fire breaks, and bushfire hazard documentation.

Of note, the TFES Bill simplifies the fire permit period processes. The task of declaring and publishing fire permit periods is no longer a function of the Commission for approval by the Minister but is instead now an operational decision by the FES Commissioner. This will help to ensure the smooth and efficient declaration of fire

permit periods. The Regulations will provide more detail on the supporting process for fire permit periods.

Further, the TFES Bill reforms false alarm management, bringing Tasmania's legislation in line with best industry practice. The legislation will be amended to reduce the number of "free" false alarms from three to "two and any subsequent alarm" in an increased period of time from 60 days to 90 days. It also transfers some detail from the primary legislation to the subordinate legislation, supporting principles based primary legislation.

Part 4 – TFES Funding

Part 4 continues the funding model set out under the *Fire Service Act 1979* which includes a motor vehicle levy, an insurance levy, and a property levy (formerly "Fire Service Contribution") and their calculations.

The calculations, processes for determining the amount of revenue required, collection processes by councils or the Registrar of Motor Vehicles, any policy inclusions/exclusions, and the reporting requirements of the Commission are unchanged between the *Fire Service Act 1979* and the *Fire Service (Finance) Regulations 2017* and the TFES Bill, other than to correct some anomalies.

The first amendment in the TFES Bill is the removal of "brigade costs", which is a phrase that exists in the *Fire Service Act 1979.* The TFES Bill provides that the revenue raised under the TFES Bill can be expended on the TFES and its functions. This is a change from the *Fire Service Act 1979* which prescribes that revenue raised can only be expended on "brigade costs" which has a limited definition. This change ensures that the TFES, FES Commissioner and SFESC can expend revenue raised on any matter that is necessary for the TFES to perform its functions.

This also formalises 10-years of the Commission providing funding to the SES, as part of the SES reporting to the Chief Officer. Currently, this funding is provided through specific approval of the Commission through the Corporate Plan cycle. By removing the concept of brigade costs and including the SES as a beneficiary of the revenue raised through its inclusion in "TFES", this decade long funding arrangement is formalised.

Determining the funding value for specific initiatives of the TFS or SES (or the TFES) will continue to be at the discretion of the Commission through the Corporate Plan process. This is unchanged from the current arrangements.

The funding raised will continue to be ring-fenced to be used at the discretion/decision of the SFESC and FES Commissioner.

The TFES Bill also provides that should the SFESC exceed or not exceed the operational costs of the TFES for that financial year, those levies and contributions are taken to be validly collected, subject to the SFESC reconciling these costs annually through the Corporate Plan and Annual Report processes. This adopts good accounting practices into the TFES legislation.

Municipal Council support of the SES, as set out in sections 47, 48 and 49 of the *Emergency Management Act 2006*, is continued in the TFES Bill. Importantly, there is no change to the requirement for councils to support municipal TFES volunteer units under these provisions. The SFESC will oversee compliance with this.

Part 5 – Offences

Offences are set out in Part 5. These have been reviewed, and the penalty of 26 penalty units has been continued in most instances, as this was found to be in line with local and interstate offences.

A broad offence for body corporates has been included to apply an offence which attracts a higher penalty than that applied to an individual, for any offence committed. It is also explained that a person who commits a crime is taken to be the body corporate that the person represents.

The TFES Bill escalates the penalties for all offences during a fire permit period or state of alert (any offence increased immediately to 50 penalty units and 6 months' imprisonment), during a total fire ban (any offence increased immediately to 100 penalty units and 12 months' imprisonment), and if the person who has committed the offence has a previous conviction (immediately double the maximum penalty unit). This applies to offences under the Regulations as well.

A new offence has been included whereby the FES Commissioner can issue a prohibition to light a fire, to target recidivism.

The TFES Bill also provides that the TFES may issue infringement and caution notices. The offences that are deemed to be infringement notices will be outlined in the Regulations.

The process for appeals to decisions made under the Act has been streamlined so that they are made to the Commission, and/or the Tasmanian Civil and Administrative Tribunal (TASCAT). This is in line with the transfer of appeals to this body.

Part 6 – Miscellaneous

Liability provisions in the TFES Bill have been extended to cover any person acting under the TFES Bill, including the SES.

The TFES Bill also provides that there is to be an independent review of the Act before the fifth anniversary of when the TFES Bill has been proclaimed.

Part 6 – Miscellaneous (Regulations)

The TFES Bill allows that Regulations may be made to address or provide more information on the list of items at clause 126. More information on the proposed approach to developing Regulations under the TFES Bill, and their content, is included in the Consultation Paper – TFES Reform Regulations and Supporting Processes.

Work to follow

The TFES Bill does not yet include consequential amendments to other legislation, or savings and transitional arrangements for moving between the *Fire Service Act 1979* and the TFES Bill.

The Department will progress this work in 2026, as well as a plan for implementation and proclamation. The goal is for the legislation to commence from 1 October 2027.

Consultation Timeframes and Making a Submission

The consultation period for the draft Bill has been extended until **Friday, 30 October 2026.**

Please email your submission to tfes@dpfem.tas.gov.au or post your submission to:

Attn: TFES Reforms Submissions

Department of Police Fire and Emergency Management

GPO Box 308

Hobart TAS 7001

Submissions will be treated as public information and will be published at www.fire.tas.gov.au/reform and www.ses.tas.gov.au/reform unless a specific request is made for it to be treated as confidential, whether in whole or in part.

To have your submission treated as confidential please indicate this in writing at the time of making your submission, clearly identifying the parts of your submission you want to remain confidential and the reasons why.

Only an individual's name, or the organisation making a submission will be published. More information around the Tasmanian Government's Public Submissions Policy is available on the Department of Premier and Cabinet website.

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