

SFMC Submission to Fire Service Act Review – December 2021

The State Fire Management Council (SFMC) provide the following comments that reinforce the original submissions made to the Fire Service Act Review by the SFMC.

EXECUTIVE SUMMARY

Our comments are reinforced through comments from a range of stakeholders and the SFMC members who have considerable experience and expertise in the fire arena.

SFMC are of the opinion that changes to the Fire Services Act must include efficiency's, innovation, a dismantling of the silos and a value adding mentality.

A new contemporary corporate structure that is based on skills not totally sectorial representation is needed, we need to value add the Tasmania Fire Service (TFS) to be more nimble, adaptive, and continues to provide a cost-effective service to the Tasmanian community.

ADVISORY BODIES

The SFMC agree a contemporary structure with a skills-based board governs fire and emergency services in Tasmania, with the use of specific advisory bodies to provide information. The structure should continue to:

- Effectively manage bushfire risk, including consistent planning and mitigation activities.
- Build community capacity and awareness, through collaborative community development and engagement.
- Promote interoperability, operational effectiveness, planning and asset management of vegetation fire management activities and effective response and allocation of firefighting resources.
- Provide opportunity for collaborative policy development and implementation.
- Allow for clear advice to the Minister and key stakeholders.

The advisory bodies should report to both the Minister, and governing board. Monitoring and evaluation of the services should not rely on budget estimates alone, but on a contemporary annual report based on strategic objectives and workplans.

STATE FIRE MANAGEMNT COUNCIL

SFMC has clearly demonstrated the provision of consistent and timely advice as required by the Minister and key stakeholders, both internally and more importantly externally. The strategic direction has adapted to new and emerging issues, with innovation the key to a solution-based work plan. The ability of the SFMC to report directly with the Minister allow issues and suggestions to be raised at the highest level of government without the need for the feedback to be sanctioned. This independent advice or commentary is essential as in the emergency management field we may only have one opportunity to get it right.

The role of any future advisory body must recognise and build on the existing SFMC. The membership on SFMC, with both private and public sector representation, provides the Minister with a trusted

body, capable of a range of action to help reduce bushfire risk. One of those actions is to monitor and evaluate programs on behalf of the Minister.

The role and independence of SFMC are considered regularly, with agreeance from all representative bodies that the SFMC has a future role in helping to mitigate the risk of bushfires in Tasmania and work together to build an engaged and informed community.

SFMC is helping to deliver the Tasmanian Government's collaborative model of bushfire management that involves key agencies and private sector industry working closely with rural land managers and peak bodies during bushfire management, planning and response.

These relationships, as well as a range of focused programs and initiatives, are aimed at ensuring improved co-ordination of the investment in bushfire risk management, building a shared responsibility approach to bushfire preparedness and helping to promote community resilience through education and government support.

There is no other body in Government that has the continued collaborative involvement with the private and public sector, this has allowed us to have trusted networks and more importantly delivered outcomes quickly.

Key recent achievements of SFMC include:

- The establishment of the Fuel Reduction Program.
- The establishment of the Red Hot Tips Program.
- Development of a solid, growing network of over 250 stakeholders that have 'skin in the game'. This has been achieved by effective engagement, including regular Network Events and consultation opportunities.
- The coordination of the Machinery Operations Guideline and subsequent Working Group.
- Development of the Planned burning for farmers and landholder's booklet.
- Commencement of the Fire Permit Review with facilitated stakeholder forum.
- Creation of communication partnerships with Tasmanian Farmers and Graziers Association and the private forest industry.
- The development of Tasmania Vegetation Fire Management Policy, involving extensive stakeholder consultation.
- The SFMC being recognised as a hub for vegetation fire management information particularly in the private sector vegetation fire management environment.
- The Bushfire Risk Management Planning Project; developing a framework for the identification of strategic bushfire risk.

It is agreed that one of the main strengths of SFMC is the degree of independence and clear support of major stakeholders. The membership of SFMC is responsible for making decisions and influencing change and give the opportunity for private land managers to have a voice.

The SFMC is now planning on taking the necessary next steps in fulfilling a role to provide leadership, help build community understanding and play a key part in generating ongoing community conversation around vegetation fire management.

STATE FIRE COMMISSION

SFMC suggest a new structure should include a governing body like the State Fire Commission, that has the functions similar to a board of management, to reflect a modern contemporary structure a skills-based board that has clear roles responsibility's and reporting line will be needed.

COMMENT ON FIRE SERVICE ACT REVIEW PRESENTATION

Governance and Legislation

- SFMC support a principles-based legislation, allowing for fluid decision making and that does not require continual amendment to meet business needs.
- SFMC agree that a Fire and Emergency Services (FEST) model, integrating the organisations functions and activities of the TFS and SES.
- SFMC agree that any governance model should take into consideration the number of volunteers along with permanent staff, the governance needs to clearly support a predominately volunteer organisation. A clear commitment must be made to volunteers.
- A skills-based board is the preferred model to provide strategic oversight, as budget estimates cannot be relied upon for accountability.
- It is agreed that clear accountability is required.
- Agreed that a single brand and identity is preferred with clear transitional arrangements to achieve one brand.
- Consideration of harsher penalties for those who are caught deliberately lighting fires. The current legal system does not deter arsonists, as fines/jail time are not proportionate to the damage caused to the industry (i.e., Mathinna fires >\$10 million loss to high value mature plantation assets).
- Terms and conditions of how the new FEST model will be funded, need to be detailed in legislation (i.e., moving from the fire levy to a % of AAV).

Advisory Body

- SFMC agree an Advisory Body is required to provide advice directly to the Minister on matters relating to vegetation fire management.
- If it is determined that the Advisory Body is not to provide advice to the Minister on matters relating to vegetation fire management, then the legislation would need to support the power and authority of the Advisory Body to ensure that the advice is acted upon by the Secretary or Deputy Secretary.
- The Advisory Body would benefit from having an independent chair, with membership to include those bodies currently represented on the SFMC.
- The Advisory Body should operate under a charter clearly spelling out its role, membership, accountability and reporting role (direct to Minister).

Fire Permits

- Agree that Fire Permit Officers be appointed by the Chief Officer (or delegate) under a clear approval process which is responsive to responsible agencies' (TFS/ Parks and Wildlife Service (PWS)/ Sustainable Timber Tasmania (STT)) operational needs. Consideration for private forest industry (i.e., large forest managers) to be included in Permit Officer appointment process, due

to the large areas of fuel reduction burning conducted in industry. This should be based on required competency as experience.

- Agree that implementation of the recommendations of the Fire Permit System Review be included in legislation as appropriate, including arrangements for Total Fire Bans. An ongoing commitment is required to thoroughly consult with stakeholders on any new permit system, including the private sector. Note the Fire Permit Review Implementation Project is currently in progress.
- SFMC acknowledge that for the new Fire Permit System to continually meet the needs of industry, Red Hot Tips Program, and private landowners the system will require more frequent reviews than previously. Such reviews require input from a broad range of advisory groups as does the current Fire Permit Review Implementation Project.
- Fire Permits have the ability to be issued with a two-year currency on the condition that a current and approved Operational Burn Plan is attached and any other legislative requirements e.g., 'Permit to Take' under the *Nature and Conservation Act 2002* are current.

Community Education

- Agree that community education and stakeholder engagement is a critical role of both SES and TFS and should be reflected in legislation and resourced accordingly.
- The importance of developing community acceptance of the risk associated with all natural disasters needs to be more explicitly described in the role of a new agency. The likely decline in GST revenue apportioned to Tasmania highlights the critical role community action at local level will take as State funded services decline.

Authority and Indemnity

- SFMC support indemnity for respective staff when operating under instruction of TFS.
- It was agreed that authority and indemnity is also required to allow for quick response to fires in the landscape e.g., first response to fire when able to do so without waiting for formal instruction from TFS and approval to enter private land to address fire response. This needs to be considered not just for STT and PWS, but the private forest industry and any other potential first responders.
- Agreed that clarity is required around authority to act and the appropriate level of indemnity to follow, this must include the role of Forest Officers in firefighting.
- Independent consultation with the forest industry.
- Additional clarity around the use of existing forest industry procedures and the recognition of existing MOU's that the forest industry has with TFS. In particular the Fire Prevention at Forest Operations Procedure which operates within the forest sector across the state and at times is not widely understood by TFS.
- Look at indemnity with various actions and what authority can be granted prior to particular action being taken e.g., if fire reported through Firecomm automatic authority be given to act.
- The role of large land holders (private plantation owners, large agribusinesses) needs to be carefully considered in order to enlist their support in mitigating natural disasters and assisting in response to major events such as bushfires.

Firefighting Capability

- Clearly recognise firefighting capability of PWS and STT as separate entities to FES, along with relevant industry brigades.

- Clearly recognise the firefighting capability of TFS volunteers based on skills competency and relevant individual operational experience, noting that a consistent state-wide recognition of volunteer based operational experience is critical, and the need to continually give opportunities for operational exposure to volunteer firefighters to create resilience.
- Agree that existing Inter-agency Protocol Arrangements be broadened to support collaborative response and resource sharing with, at a minimum, DPFEM and DPAC.
- There is an opportunity to consider private landholders, some local government and forest industry within these arrangements.

Fire Management Area Committees

- Agree that a form of Fire Management Area Committees (FMACs) should continue, due to their critical role in managing bushfire risk at a strategic level.
- Agree that the number of Fire Management Areas and linkages between the Emergency Management Committees and FMACs be investigated.
- Identify the need to reduce the amount of FMACs to a need's basis, and that the appropriate administrative support for FMACs is provided.
- In the absence of SFMC or other Advisory Body involving both government and non-government land managers, the legislation must retain a mechanism to provide direction on the governance and operation of the FMACs. The FMACs operate to achieve the management of bushfire risk requiring the cooperation of land managers and relevant statutory authorities with the powers to address bushfire risk.
- Local government's role in the FMAC and in the Municipal Emergency Management Committees cannot be confused as simply a committee. The real benefits of these bodies are the co-ordination of actions, establishment of priorities and the development of genuine co-operation between key stakeholders.
- FMACs hold specialist knowledge and skills that can be greatly enhanced by an increased level of responsibility for local planning as is done in NSW through the Bushfire Management Advisory Committees (BFMC). The BFMC provide a genuine forum for engagement, co-operation and co-ordination through their ownership of items such as the Strategic Fire Trail Register and the allocation of funding for mitigation measures to member agencies.

Fuel Reduction Program

- SFMC believe the strategic approach to reducing relative risk in Tasmania is the correct approach, to enhance and value add the work of the Fuel Reduction Program the recommendations from the WLF review and agreed to by the steering committee need to be put in place with an independent Chair, specifically there needs to be a mix of strategic and operational skills on the board, a renewing of the strategic and business plan, and better communications.

Bushfire Mitigation Measures Bill

- SFMC agree with the general intent of the proposed Bushfire Mitigation Measures Bill; that it aims to reduce red tape, complexity and cost associated with bushfire mitigation activities and treat the risk of bushfire.
- SFMC does not consider however, that the proposed legislation demonstrates a good understanding of the current context, environment and culture of vegetation fire management in Tasmania. The SFMC are concerned that it may achieve the exact opposite in certain circumstances, adding another layer of complexity to existing processes.

- It is unclear to the SFMC the exact blockages and problems that the legislation is attempting to fix, and it is ambiguous how it co-exists with current legislation and process. Many of the planned burning blockages for private land holders are perceived only, not actual. Private land holders have limited restrictions and do not require many of the permits required by public entities.
- SFMC consider that the influence of this Bill on land holders is unclear until the subordinate legislation is developed. The SFMC strongly recommend that extensive stakeholder consultation is undertaken during the development of these, across both the public and private sectors.
- The SFMC note that the proposed Bill does not align to the state vegetation fire management policy prepared pursuant to the *Fire Service Act 1979*. The Policy, known as the Tasmanian Vegetation Fire Management Policy, enables the safe and effective conduct of vegetation fire management activities on public and private land across Tasmania to achieve a range of community, cultural, agricultural, silvicultural and environmental objectives. The Policy outlines the Principles and Strategies by which vegetation fire management will occur in Tasmania. The Policy was developed by key stakeholders, and it would be remiss to overlook this; de-valuing the significant contribution made by stakeholders.
- The Bill proposes a consolidated legislative framework for the issue of hazard reduction notices, which may be issued by a TFS Authorised Officer or Local Council. These provisions provide nothing more than already exists in the Fire Service Act with some exemptions established by other Acts. However, in addition the new Bill may also enforce abatement of State managed land, this may perversely distract the limited resources to lower priority fuel reduction and fire break actions rather than strategic priority burns targeted at reducing state-wide bushfire risk.
- There is a need for clarity regarding stakeholders perceived bushfire risks versus the actual risks of vegetation on crown land adjacent to privately owned land and if fuel reduction burning at these locations is or is not required.
- The SFMC question the role of the proposed Bushfire Mitigation Panel. It is suggested that TFS determine all applications and that the Panel only address appeals to TFS decisions. The Panel members should be experts in a relevant field or industry with appropriate demonstrated skills. The Panel should also have a degree of independence to support good governance.

Legal Issues

Through regular stakeholder consultation, the SFMC is aware of land holder concerns and issues. The following concerns should be considered in any new legislation.

- Boundary fences are a key asset of land holders, particularly in the rural sector. Issues consistently arise when neighbouring property has untreated bushfire risk that has potential to impact on fences. Legislation should strengthen existing requirements under the *Boundary Fences Act 1908* to support protection of these assets.
- There is also a degree of ambiguity in the legislation about clearing private land for implementing fuel breaks, any new legislation should clearly stipulate these requirements.