

The Blake Fire Service Act Review

Submission

by

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This submission draws on my research expertise and broader professional experience as Professor of Pyrogeography and Fire Science at the University of Tasmania. Specifically, this research program provides a synthetic understanding of landscape burning that unites human, physical, and biological dimensions of fire from the geological past into the future and spanning local to global geographic scales. I was awarded a Doctor of Science (a higher doctorate) from the University of Tasmania in 2002, having received a PhD in 1985. My fire-related research is internationally recognised and is ranked in the top 1% of cross-disciplinary researchers globally in 2019, 2020 and 2021

(<https://recognition.webofscience.com/awards/highly-cited/2021/>). In 2021 I was a the finalist in the Finalist the Premier's Tasmanian STEM Researcher of the Year, and in 2020 winner of the Tasmanian Government's STEM Excellence Awards for Communicator of the Year.

Introduction

The current Review and reform of the *Fire Service Act 1979* is timely given the increased risk of catastrophic bushfires driven by climate change and other compounding factors, particularly urban development into fire prone landscapes, and evolving administrative arrangements amongst fire stakeholders which are increasingly disconnected from legislation (often captured in the concept of 'interoperability'). The Blake Review acknowledges these risks and makes a series of recommendations to streamline firefighting, most particularly embedding the current Tasmania Fire Service within a new emergency services entity with State Emergency Service, notionally called Tasmania Fire and Emergency Services (TFES).

The Blake Review explores several possible models for this consolidation, and pays particular attention to sustainable funding models, and the protection of funding for the firefighting mission. Though outside the original terms of reference, this necessitated consideration of the *Emergency Management Act 2006*. Despite the broadened scope, the Blake Review contains significant omissions relating the central role and increasing importance of fuel and land management in mitigating fire risk and the associated need to coordinate engagement and strategies between land management agencies. This blind spot is perfectly illustrated by section 7.17 of the Review, which touches on the different priorities of Tasmania Fire Service (TFS), Parks and Wildlife Service (PWS) and Sustainable Timbers Tasmania (STT), and the need for specialist knowledge for effective bushfire management. This section is concluded with the statement ‘no recommendation is made.’ This submission focuses on this major omission in the Blake Review.

Bushfires do not necessarily equal disasters

The organising principle of the Blake Review is that bushfires are best understood as a natural hazard, and from this perspective it is administratively logical to house firefighting capacity within a disaster management agency such as the proposed integrated fire and emergency services entity. The Review spends considerable time exploring models of funding to ensure that the core mission of fighting fires would not be compromised by such an amalgamation.

As a specialist in bushfire ecology, I believe that the framing of bushfire merely as a disaster represents an incomplete understanding of landscape fire. Landscape fires are important for ecological processes, and deliberate burning (often called planned burning or prescribed burning) can mitigate risk of bushfire disasters that destroy human life and property and also damage or destroy natural and cultural values and harm human health and primary industries through smoke pollution. The consensus view among fire scientists is that there is a clear and urgent need to adopt a preventive approach to managing landscapes to mitigate fire risk given the clear impacts of climate change.

Achieving effective fuel management demands ‘whole of landscape’ planning that carefully integrates fuel treatments across a range of land tenures (this is sometime called ‘tenure

blind', a term I think is unfortunate because of connotations of deficit and handicap). Tenures not only include an extraordinary diversity of stakeholders and their concerns ranging from national parks, private primary producers (farms and plantations), private landowners, local governments, Aboriginal groups and so on.

The coordination of whole of landscape planning requires specialist skill in fire planning involving a deep appreciation of landscape ecology, fire behaviour, smoke management, natural and cultural values, and stakeholder engagement. I do not believe all these skills reside within the current Tasmania Fire Service. Indeed, these skills are currently fragmented across the Tasmanian Government. Further, there are at least eleven existing Tasmanian Acts that impinge on land management and natural and cultural heritage. Consolidating the skills and resources required to design and deliver an effective land management regime to manage fire risk in Tasmania must be a central aim of bushfire administrative and legislative reform in Tasmania.

The Tasmanian Government is clearly aware of the need to harmonise fuel management activities in the State as reflected by the *Bushfire Mitigation Measures Bill 2020*, which is designed to 'reinforce the duty of public authorities and private landowners/occupiers to appropriately manage bushfire risks'. It is significant omission that that the Blake Review did not discuss this Bill at all.

Bushfire stakeholder engagement – beyond command and control

The concept of 'Interoperability Protocol' amongst TFS, PW and STT has developed as a go-around (pragmatic solution) given the legislatively incomplete and evolving relationship amongst these agencies with a major stake in bushfire management, and particularly remote area firefighting. I understand this arrangement is an interim measure while the 'Code of practice for managing fires in reserve land', envisaged in the National Parks and Reserves Management Act, remains undeveloped.

During uncontrolled bushfires TFS, PW and STT are organised by the State Operations Centre, a state-wide point of command that provides a single voice for public communications. The Review rejected the notion of combining the firefighting capabilities of these agencies within the proposed TFES, rather endorsing a continuation of the

interoperability model. Nonetheless the Review proposes to formalise some aspects of these relationships and expand this to include ‘all relevant emergency management entities’. It seems the clear intent would be for the proposed emergency service entity to directly control the functioning of the updated ‘Interoperability Protocol’.

Interoperability necessarily involves coordination of bushfire management outside emergency situations, particularly planning and coordination of fuel management. The Review notes that PWS conducts prescribed burns under the National Parks and Reserves Management Act, and that TFS is increasingly involved in implementing fuel reduction programs to protect assets and this activity should be within a legislative framework. The Review is giving mixed messages, with limited detailed consideration around interoperability, and overlooks the need for a purpose-built legislative framework for fuel management.

Whole of landscape fire management demands close and respectful collaborations with a much greater diversity of stakeholders than that covered by the Interoperability Protocol. The State Fire Management Council, that is prescribed in the Fire Service Act, is an important forum for a reasonable, yet still incomplete, diversity of fire management stakeholders. The Review seems to have reinterpreted the SFMC role to have a broader advisory role within an emergency management entity (including the remarkable suggestion of possibly excluding PWS and STT from this updated council).

Two models to fill the Reviews omissions

The recommendations of the review of the Fire Act do not adequately grapple with the complexities of landscape fire management given the emphasis on framing bushfire as a natural hazard. The Review promotes a command-and-control model and misses the opportunity to rationalise and formalise established ad hoc inter-agency relationships amongst major stakeholders, and to expand these relationships to include other stakeholders concerned with fuel management.

I advocate the establishment of a stand-alone fuel management entity with bespoke legalisation. I do not believe that the mission of whole of landscape fire management can be achieved if it is blended in a disaster management entity. Whole of landscape fire

management demands appreciation of a broad range of natural and cultural values (including carbon and water resources) and effective engagement with numerous stakeholders. A fuel management agency would need to be staffed with a range of professional with expertise in ecology, planning, law, public administration, public outreach, and bushfire management. Additionally, it should train fuel management practitioner in the same way the Forest Practices Authority trains Forest Practices Officers to build capacity across all sectors of the Tasmanian community. In sum, a whole of landscape fuel management agencies needs to have clear bureaucratic identity, supported by legalisation and appropriate funding. The work of a proposed separate fuel management entity would also be central in Tasmania's future climate risk and adaptation regime, including greenhouse gas abatement from wildfire emissions.

To achieve whole of landscape fire management I proposed two alternative administrative models:

1. A 'nested' model that establishes a legislatively prescribed agency dedicated to whole of landscape fire management situated within an emergency service entity. I draw an analogy with the Public Health Act that enables the regulation and delivery of community-wide preventive health interventions that is situated a larger government department with a primary mission is delivery health services to individuals. This model would be a significant enhancement of the current Fuel Reduction Unit within TFS, involving consolidation of expertise from across a range of government agencies.
2. A 'hub and spoke' model that serves as an interface between diverse stakeholders to achieve effective and ecologically sustainable fuel management and bushfire mitigation programs. Here I draw an analogy to Forest Practice Authority that is at arm's length to public and private forestry sector, providing planning and enforcement of the Forest Practices Code.

Rethinking the Bushfire Mitigation Bill, which was widely criticised by stakeholders as being unworkable, presents a golden opportunity to establish these new proposed models. In both models the SFMC represents an intermediate step to the development of an agency dedicated to whole of landscape fuel management. This is because the SFMC has established good relationship with a diversity of landscape fire stakeholders, particularly local government, although significant gaps remain, particularly with smoke management and public health,

Indigenous community and cultural burning, and non-government natural resource management organisations and conservation landowners. To accommodate a greater range and diversity of stakeholders, new models of engagement and regulation would need to be developed. Nonetheless, whole of landscape planning could be organised around existing Fire Management Area Committees (FMAC). Further, the concept of ‘interoperability’ should be expanded to capture, and build capacity, a wider range of fuel managers outside the Tasmanian Government.

Having a dedicated fuel management agency is important as it is a means to also ‘ring-fence’ funding for fuel management. In the same way there is a need to protect funding for firefighting within a larger emergency department, so too is there a need to ensure adequate funds are provided for fuel management. Either proposed model could proportionally allocate funding to various stakeholders based on carefully designed fuel management programs in defined geographic areas such as existing FMACs. Clearly identified investment in fuel management is an important ‘no regrets policy’ should an environmental disaster occur such as the broadscale destruction of fire sensitive vegetation such as the iconic landscapes of Mt Anne or the Walls of Jerusalem that are central to the Tasmanian global brand and identity.

These proposed models are innovative nationally with no clear analogues in other states or territories, noting there is considerable national variation in bushfire fighting and fuel arrangements. The Victorian Inspector-General for Emergency Management (IGEM) provides an important mechanism for independent evaluation of bushfire management. The review and monitoring function of IGEM, could be neatly incorporated into the mission of a stand-alone Authority tasked to coordinate fuel management.

Of the two proposed models, my preference would be for the ‘Hub and spokes’ model because this places fuel management outside the domain of emergency services. I believe this would give this authority greater agility to develop stakeholder relationships essential for effective and ecologically sustainable fuel management, and a greater capacity to adapt to the rapidly changing bushfire management challenges that lie ahead.