



# Tasmanian Retained Volunteer Firefighters Association

*Retained Volunteers Proudly Protecting Tasmanian Communities*

Michael Harris

Chair Fire Service Act Review

[act.review@fire.tas.gov.au](mailto:act.review@fire.tas.gov.au)

Dear Michael,

## **TASMANIAN RETAINED FIREFIGHTERS ASSOCIATION – FIRE SERVICE ACT REVIEW SUBMISSION**

Please find attached the Tasmanian Retained Firefighters Association (TRVFA) submission to the Fire Service Act 1979 review

Thanks for the opportunity to input with an extension to the timeframe. If you have any questions please do not hesitate to contact me on 0418 134 445.

Yours sincerely

Andrew Taylor AFSM ESM  
State President  
TRVFA

14<sup>th</sup> September 2018



Tasmanian Retained Volunteer Firefighters Association

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# Review of the Fire Service Act 1979

Submission to the Fire Service Act Review Steering Committee

September 2018



## Context of TRVFA Response:

In line with the outcomes (below) the TRVFA will present its submission accordingly. The response may not cover all aspects and or questions raised as per the Issues paper, however the TRVFA have used that as the basis for this submission.

### Extract from the "Issues Paper"

**Outcome 1:** that TFS has a clear mandate and operating platform for the functions it performs, and that it is clear how those align with functions performed by other emergency services providers, in particular, the State Emergency Service (SES). This will include analysis of any gaps or overlays in the delivery of any TFS / SES services and identify the future role and functions for TFS / SES.

**Outcome 2:** that the Commission and TFS are organised and operating as effectively and efficiently as possible to provide the best outcomes to the community in terms of prevention, preparedness, response and community stabilisation and will provide value for money in the future.

**Outcome 3:** that there is sustainable, stable and equitable funding for TFS and SES, with the sources of that funding aligning with the functions that they need to perform.

**Outcome 4:** that governance, accountability and financial management arrangements for the Commission are renewed to facilitate the most effective management of the Commission's resources and the meeting of community and government expectations.

## Overview

There are a number of core components to the Act review which the TRVFA hold dear and fundamental in terms of any Act review amendments and or considerations. Those platforms include, but not restricted to:

- Maintaining the "good faith" aspect of the existing Act
- Medical Response Model needs to reflect a more modern approach to our communities of Tasmania
- Maintaining the SFC or a "board"
  - Maintenance of an independent chair
  - Key Stakeholder representatives with appropriate skills nominated by those stakeholders
- The Proper integration of SES into the TFS
  - Acknowledgement of the 2 Identities
- A sustainable funding model for the "new" TFS
- The Chief officer is a head of agency, directly responsible to the Minister
  - Support a BES model for the new TFS
- Maintenance of a skills based Chief Officer
- The amendment of the Emergency Management Act to reflect modern principles and underpin the revised Act.

These and other matters will be expanded as part of the submission by the TRVFA



## Definitions:

TRVFA	-	Tasmanian Retained Volunteer Firefighters Association
TFS	-	Tasmania Fire Service
The Act	-	Fire Service Act 1979
SES	-	State Emergency Service
FRU	-	Fuel Reduction Unit
EM Act	-	Emergency Management Act
Career	-	Salaried Operational Fire Service personnel
BES	-	Business Executive Services
SFC	-	State Fire Commission
Board	-	State Fire Commission / "new" board

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## The Act

The current legislation has served the TFS and the Tasmanian community well since its development, however there is certainly opportunity to modernise the Act with improvement opportunities in many aspects including:-

- Governance models
- Assurance models
- Interdependency issues with other legislation

The TRVFA completely agree new/amended legislation with the above principles is a sound way forward. In line with that view however, the EM Act as it currently stands needs significant review to ensure the synergy and or replacement of such legislation enhances the sustainability and resilience of the States emergency response and preparedness.

The Act needs to reflect modern day thinking as well as flexibility to take into account the future state emergency response and preparedness, to include environmental as well as technological disasters and solutions.

Of particular note is the "all hazards approach" not reflected in the current Act, reference to the Tasmanian Emergency Risk Management framework is also extremely relevant and must be considered as part of the Act modernisation. This will also then link directly to the National Disaster references, which also include funding opportunities.

Preparedness is understated in current legislation and significant steps forward in this space now and to the future must figure in the Act of the future. This may include existing "brigade" type approaches or completely different approaches, none the less, absolutely under the revised legislation.

It is the strong view of the TRVFA that overall the Act and the EM Act need to reflect the above sentiments. Modification of the Act and the EM Act would see the demise of the conflict between the Chief officer role and the State Controller role as this would be defined in the amended legislation.





The board would also have specific powers vested, hence removing and also clarifying how that would operate in a practical and real sense.

### **SES Integration**

As mentioned previously one of the key aspects of the legislation modernisation / review, considered by the TRVFA, must be the inclusion of SES **fully** into the “new” Act. If that means as referenced above the significant change of the EM Act then so be it.

True Integration of SES is of fundamental importance compared to its current attempt of integration. The current instrumentalities do not enable growth, inclusivity, effective communications at all. This opportunity is the perfect storm to make a significant difference to all of the Volunteers across both organisations, many of which are in both TFS and SES. There are certainly differing views within the TRVFA as to what true integration is, however there is absolute respect that the organisations at this point in time have their own identity and roles, however, effective management as mentioned previously is not enabled with the current legislative framework, as well as the existing structures, which will be a matter for further discussion in following paragraphs.

The TRVFA reinforce that we are very cognisant of the separate identity and at this stage we are not suggesting any difference to that.

A future state funding model with sustainability is also subject to further writings later in the submission.

There is opportunity to review existing structures to provide efficiencies as well as additionally resource some of the planning functionality of the “new” TFS. Those suggestions / examples include

- The morphing of RCR units into existing District boundaries, where there is already synergies with TFS brigade
- SES staff clearly have planning functionality which would be improved with any additional / displaced personnel
- Review of the district support to brigades / units by any additional / displaced personnel.

This would potentially significantly enhance relationships as well as foster more effective working relationships.

The TRVFA also fully supports the integration principle through an appropriate engagement philosophy to explore dual agency stations into the future.

### **Medical Response Model**

In relation to the Medical response model within Tasmania, the TRVFA have concerns the current model poses threats to our community on the basis of delays. In no way is this suggesting Ambulance Tasmania response is inappropriately resourced. The point being made is that there are >250 Brigades / Units across the State that could well provide assistance / response prior to the arrival of an Ambulance. This is clearly evidenced outside of the major cities within the State, it is extremely common for TFS and SES crews to arrive prior to Ambulance resources. Hence the suggestion it makes perfectly good sense to respond TFS crews to such “emergency” events. This is on the proviso; Ambulance Crews are also despatched.

Those events may well need to be determined as part of a protocol, with respective agencies and or authorities.



The TRVFA are of the strong view that it is part of our role to assist community in whatever form that takes, medical, storm and obviously fire. In no way is this to undermine other agencies, however it is fully intended to make our communities of Tasmania safer and ensure some initial assistance in a time reduced manner for such emergencies.

A key aspect underpinning any change in the Medical Response model is an aggressive Mental Health Wellness programme to support the Volunteers and other members of course. This must also include the broader family context, both support and educational programmes form the basis for such a change. That is a critical platform prior to any changes.

It may also be opportune for Brigades / Units to opt in or not depending on capacity for such a model.

### **Commitment to Volunteers – Volunteer Respect Act**

A suggestion to have such an addition to Tasmanian legislation is a significant positive and one the TRVFA believes should be developed. This would significantly enhance emergency responders and their value to their respective Tasmanian Communities.

Given the ratio of Volunteers to Career staff, there is no question of the importance, hence why such legislation is critically important. It would clearly articulate to our Tasmanian community expectations and credit for such behaviours by a significant number of our volunteers.

Matters / principles included:

- The empowerment of Volunteers
- Commitment to resource the sector appropriately to deliver the outcomes needed
- Consultation across all aspects of emergency management
- Effective Communication strategy – genuine in nature
- Model to ensure effective legislation and or change process
- Recognition of the TRVFA association body (and other stakeholder groups)

Much discussion has occurred regarding the value it adds to the Tasmanian community, no matter what research one refers to, the TRVFA would suggest this is a material contribution to the State Government and the broader Tasmanian Community's sustainability and resilience.

A key platform in the view of the TRVFA is to ensure that the TRVFA is a recognised body, representative of its volunteer members, ensuring it can advocate on behalf of those volunteers.

### **State Fire Commission - Board**

It is the strongest view of the TRVFA that the SFC or Board as it may well be referred to in a future state, forms the basis and platform from which all aspects of the modernised Act is based.

The "board" should have autonomy in its own right, not subservient to the DPEM with a head of agency not being the Commissioner / Chief Officer. With the combined Fire and State Emergency Service revised department it should be standalone and have its own head of agency. This would then assist in resolving the mish-mash of Act and EM Act. Support by a BES Function is of absolute sense to assist in eliminating duplication of resources, however the true "operational and preparedness" arm should be standalone.





The board must be a statutory authority, which the TRVFA is adamant, hence the capacity for the Board to be fiscally independent of Government. This will ensure its capacity to deliver services in the preparedness and response model.

The TRVFA would advocate as it currently stands, outcome 3 is severely at risk and that there is significant interference, perceived or real, to achieve the right resources and the appropriate allocation of finances, without that independence being maintained, albeit under some board make up changes.

The TRVFA accept there needs to be change in accordance with both legislative frame work and the integration of SES / TFS, the Act and EM Act, however, the TRVFA has extreme concerns that's the interests of Volunteers will be severely compromised if the board, does not maintain absolute control. Operation aspects including preparedness and emergency response are the absolute domain of the board, in the view of the TRVFA.

The TRVFA fully subscribe to an independent chair, independent of a paid position within the new TFS

It's the view of the TRVFA that any further integration of TFS and SES is significant and this must be factored in to the legislative changes. The revised board would have complete management and oversight of the SES and TFS, effectively a truly one department, not operating in silos.

The TRVFA acknowledges a modern-day board, needs to have appropriately qualified and empowered people, it is also strongly of the belief however that those personnel exist within its representative bodies ie the TRVFA etc. On that basis, the TRVFA would expect as previously mentioned to be named in the Act as having a representative with the necessary skill sets. The TRVFA also strongly believe it is still in the interests of any future board that the TRVFA has the right to nominate a representative to join the board.

The TRVFA would also advise that in the event of the TRVFA not having the appropriately skilled representative, it may well nominate an external to its personnel a third party.

### **Chief Officer Appointment**

The TRVFA are of the strong opinion that given the independence suggested previously of the board, on that basis the Chief Officer must be an appropriately qualified current or past Fire qualified person. There is some scope however to consider other management roles within the "new" organisation that may provide for other opportunity for no fire qualified personnel to hold key roles.

The appointment would take into consideration the skill sets not just Fire, but traditional management and executive attributes to ensure an appropriate fit.

The TRVFA believe the recruitment process must include the Independent chair and other key SSE personnel, as opposed to SSE personnel only, as it is now. The board also needs to make the ultimate decision, similar in practice to that of Local Government and the appointment of the General Manager. Effectively a board decision, hence removing department or political interference, whether it be perceived or real. The TRVFA would strongly encourage such a process.

### **Funding Model**

The TRVFA have strong views in relation to the funding model. It is important to point out however, we have no authority to speak on behalf of SES.



That being said, the TRVFA having been critical of the half-hearted approach taken by the government in relation to the integration of TFS and SES, as well as the political and financial storm created early on, with the TFS having to fund \$2.3M. That being said, any future state TFS/ SES, must be funded differently to what it is now. The current model is not sustainable.

The existing FSL is one option however any future model needs to fully account for the preparedness and emergency response true Fiscal model, inclusive of both TFS and SES. This will ensure the sustainability into the future of the organisation.

Notwithstanding current funding modelling it must be dynamic and take into consideration the changing needs and demographics to ensure it is effective.

In addition, the TRVFA have been critical of the organisation financial modelling / support to fully understand the status of it fiscal position, whilst not a funding model issue it is of critical importance. This appears to be improving at the time of this submission.

- Understanding the revenue sources
- Understanding the Costs TFS
- Understanding the costs SES
- Inputs from Insurance
- Inputs from Treasury
- What is not included in Insurance

forms the basis of an informed decision regarding funding model. This may well be the core of the existing model, however a full and thorough review needs to be undertaken to ensure adequate considerations and ultimately funding is available to meet the intent of the service delivery model.

Current exemptions by Government departments and not for profits should also be reviewed in terms of levies.

#### **Good intent**

The TRVFA have extremely strong views that Section 121 must be maintained. It is one of the fundamental platforms that the TRVFA advocates. This provides the commission and the Volunteers protection, provided they have not acted in bad faith.

This is critical for the TRVFA.

#### **Conclusion**

This submission is made on behalf of the Tasmanian Retained Volunteer Firefighters Association by the TRVFA executives through regional and state meetings conducted during July and August.

A sincere thanks for the opportunity to provide this submission. If there are any questions or comments please don't hesitate to contact me.

Andrew Taylor AFMS ESM

State President

TRVFA