



The Australian Workers' Union – Tasmania Branch
Submission into the Review of the Fire Service Act 1979

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Summary of Submissions

That Parks and Wildlife Fire Crew Members have the appropriate powers and legislative authority to undertake fire related and emergency related responses and actions in the defence of life and assets across Tasmania.

That Parks and Wildlife Fire Crew Members are provided with appropriate legislative indemnity in undertaking their duties, especially in relation to private property and road closures.

That it is confirmed as part of the Review, that Parks and Wildlife Fire Crew members are recognised as Emergency Management Workers, with specialist firefighting and emergency response skills and duty.

Background

The AWU has been representing public sector bush fire fighters in Tasmania and across Australia for many decades. AWU Fire Crew members in the Parks and Wildlife Service (PWS) in Tasmania are career specialist bush firefighters, dedicated to the protection and maintenance of Tasmania's crown and reserve estate and related assets. They provide front line specialist firefighting protection to Tasmania's regional towns, property, land and reserves.

PWS Fire Crew Members are a state-wide firefighting and fire maintenance resource. There are designated Fire Crews at depots across Tasmania, including Hobart, Prospect, Ulverstone and Scottsdale. The Fire Crew works as a dedicated and highly trained fire crew, operating at the direction of State Fire Management for Tasmania Parks and Wildlife, within the Department of Primary Industries, Parks, Water and

Environment. The PWS Fire Crew, along with the Department, work closely with other Tasmanian Agency's when fires and emergencies arise including the Tasmanian Fire Service, Sustainable Timber Tasmania and the State Emergency Service.

Role and Responsibility

PWS Fire Crew members are usually the first to respond to fires in regional areas and are the specialist, highly trained, front line bush firefighters who deal with wild and dangerous situations each fire season. PWS Fire Crew Members have acted to save and protect many Tasmanian towns and assets for many decades across the State of Tasmania. There have been many major fire emergency's and incidents that PWS Fire Crew members have responded to and managed. More recently these include but are not limited to, the West Coast complex of fires, the Dunalley fires, East Coast fires and Lake Burbury fire.

It is also worth noting that on high fire danger days, the PWS duty officer assigns fire crew members to assist the Tasmanian Fire Service in initial response and management on the outbreak of fire.

PWS Fire Crew Members also conduct regular and routine fuel reduction burning and track maintenance, ensuring as far as possible Tasmania is able and ready to fight the next wild fire that could cause loss of property or life across Tasmania.

PWS Fire Crew Members work in an ever changing and diverse role, dealing with numerous hazards and using their experience across a broad range of tasks. This includes not only fire-fighting, but in dealing with dangerous trees, heavy machinery, working in extreme conditions and back burning and operating on steep and uneven terrain.

PWS Fire Crew Members have assisted and responded to many various situations outside of just fire related management. These include, biosecurity emergencies, for example the 2017/18 Fruit Fly incursion; dealing with outbreaks in diseases that

threaten fauna or flora, for example assisting in managing outbreaks of seafood diseases; assistance with trapped wildlife or sea creatures like whale rescues; and assistance in flood or other emergency situations like search and rescue or medical/first aid assistance. The Fire Crew have a challenging and demanding role and have the skills, experience and knowledge to deal with many varied situations in a professional and proficient manner.

Response to relevant Questions from the Issues Paper

Question 6 – Should the legislation provide PWS and forest officers with authority to undertake fire control work and reflect contemporary Tasmanian practice in relation to Inter-Agency Incident Management?

The AWU submits that Fire Crew members of PWS should be provided with legislative authority and indemnity to undertake their roles effectively and efficiently in the management of fire across Tasmania.

In the AWU's view it is clear that the current legislative framework does not provide sufficient license to PWS Fire Crew members to act promptly and with authority to defend and save life and assets when they are in control and responding to a fire emergency situation. The current practice, protocols and expectation of PWS Fire Crew Members in undertaking fire suppression duties, or planned burning activities does not align with the current legislation and restriction of authority that stems from the legislation.

Due to significant changes over the last decade in the management of parks, reserves and forests across Tasmania, the Parks and Wildlife Service has had a significant increase in its responsibility regarding Reserve and Crown land. This includes in the area of fire responsiveness and readiness. However, PWS Fire Crew Members are not currently provided with the appropriate powers as Officers in charge of a situation, even if temporarily, to take immediate and necessary action in the circumstance. This is despite the fact that they are usually the first to be responding to the situation.

Examples of this include in the closing of roads, or the fighting of fires on private property. The Reviews issues paper of June 2018, also mentions the shutting off or disconnection of gas, electricity or other forms of energy, removing or destroying vegetation or flammable material in the vicinity of a fire; the making of firebreaks and cause access to any place threatened or likely to be threatened by fire to be made or improved. The Review Issues Paper also goes on to mention issues regarding Traffic management and road closures. All of the above issues should be resolved through this Review process.

Examples of occasions where PWS Fire Crew Members were required to Act in an emergency but the legislative authority restricted their ability to act promptly in emergency or other situations, include the following:

During multiple fires on the east coast of Tasmania, issues have occurred where PWS fire crew members were unable to access fires on Parks Land tenure without receiving permission to cross private land or without an escort because PWS Fire Crew Members do not currently have the equivalent powers as their counterparts in other firefighting agencies in Tasmania.

During the Dunalley fire Emergency, PWS Fire Crew Members were already in the area containing another fire on parks land tenure, when they were requested to respond to the Dunalley fires. They were required to work on other land tenures to protect life and property but had to seek formal permission to do so. This was not ideal in a rapidly changing and extreme fire emergency.

During the Lake Burbury fire, Tasmanian Parks and Wildlife Service Fire Crew Members were required to close the highway to protect life and to ensure the safety of the travelling public. Before doing so, they had to go through a process to gain permission from the correct authority. This is not ideal in an emergency or high-risk environment.

The AWU submits that in order for its members to undertake their duty in the suppression of fire in an efficient and safe manner, both for the safety of the public and our Fire Crew Members, then the issue of Officer authority needs to be addressed in this review process and legislative change needs to occur to reflect community expectation and current practices and protocols.

Question 35 – Is the current protection from liability provisions appropriate.

In undertaking their duties the AWU asserts that PWS Fire Crew Members should be provided with full and comprehensive indemnity.

The AWU submits and understands that PWS Fire Crew Members are covered by the Emergency Management Act of Tasmania 2006, specifically Part 3, “Interpretation” where it states;

*“an **emergency management worker** means –*

(a) a member of a statutory service (the Department in this case), whether for payment or other consideration or as a volunteer;.....

...who in good faith participates in emergency management or rescue and retrieval operations.”

And further where it states;

*“**emergency management** means –*

(a) the planning, organisation, coordination and implementation of measures that are necessary or desirable to prevent, mitigate, respond to, overcome and recover from an emergency”

Notwithstanding the above, we submit that to avoid any confusion or doubt, the Review should also undertake to specifically indemnify PWS employees who are undertaking fire suppression management, planned burning activities and related duties. If the authority and powers of the PWS Fire Crew change then the indemnity for these employees should be confirmed and reinforced as well.

Recognition and Confirmation that PWS Fire Crew Members are Emergency Management Worker's

The AWU would also submit that the Review of the Fire Service Act should confirm that PWS Fire Crew Members should be defined and treated as Emergency Management Workers. The Review provides an opportune time to ensure that PWS Fire Crew Members are recognised and it is widely understood and accepted that they are Emergency Management Workers. As evidenced by the examples and outline of PWS Fire Crew duties throughout this Submission, the duties and tasks performed by the Fire Crew is in regularly dealing with emergency situations or in mitigation or response to these emergency situations.

PWS Fire Crew Members are highly trained, specialist career fire fighters who deserve and should be recognised as Emergency Management Workers. Notwithstanding the fact that we believe there is already legislative provision for this recognition in the Emergency Management Act of Tasmania 2006, we submit that the Review should also reinforce this and the Fire Service Act should also contain specific recognition of this fact.