

Novy, Felicity (TFS)

From: Fire Service Act Review (TFS)
Subject: FW: Forest Practices Authority submission on Review of the Fire Services Act

From: Volker, Peter (FPA)
Sent: Monday, 20 August 2018 5:38 PM
To: Fire Service Act Review (TFS) <Act.Review@fire.tas.gov.au>
Subject: RE: Forest Practices Authority submission on Review of the Fire Services Act

Felicity,

On reviewing the information I submitted, I need to clarify one matter.

The interpretation of the statement *"a fire management program of a kind the Authority has approved in writing"* indicates that the TFS and/or the SFMC could submit a template for a fire management program for approval by the FPA in writing. Any fire management program drawn up according to that template would then be deemed to have met the requirement for FPA approval. The template would cover the requirements of the Forest Practices Act and Regulations as described below. This saves the administrative burden of having to approve every individual fire management plan.

Peter
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DEPARTMENT OF STATE GROWTH COURAGE TO MAKE A DIFFERENCE THROUGH:



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From: FPA Info (FPA)
Sent: Monday, 13 August 2018 5:28 PM
To: Fire Service Act Review (TFS) <Act.Review@fire.tas.gov.au>
Subject: Forest Practices Authority submission on Review of the Fire Services Act

On Page 40 of the Issues Paper: Review of the Fire Services Act, the following statement is made, "It is not particularly clear in what circumstances the TFS has the authority to undertake hazard mitigation activities in non-emergency situations under the Act without needing additional approvals from either the Forest Practices Authority or Local Government. The issues seem to apply when TFS is burning on private land with the permission of the landowner."

The objective of the State's forest practices system (the system) is to achieve sustainable management of Crown and private forests with due care for the environment and taking into account social, economic and environmental outcomes (Schedule 7 of the *Forest Practices Act 1985*) (the Act).

The Act also requires the system to deliver the conservation of threatened vegetation communities.

These management objectives are delivered for forest practices that are carried out on an area of land by a responsible person with the authority of a certified forest practices plan (s.18 of the Act). The Forest Practices Code sets out the minimum standards for forest practices.

s. 17(4) of the Act states:

(4) A person who is a responsible person in relation to any land must not carry out, or cause or allow the carrying out of, an activity of the following kind on that land unless a certified forest practices plan exists in respect of that land when that activity is being carried out:

- (a) the establishment of forests;
- (b) the harvesting of timber;
- (ba) clearing of trees;
- (bb) the clearance and conversion of a threatened native vegetation community;
- (c) the construction of a road in connection with an activity referred to in paragraph (a) , (b) or (ba) ;
- (d) the operation of a quarry in connection with an activity referred to in paragraph (a) , (b) or (ba) .

Penalty: Fine not exceeding 1 000 penalty units.

According to s. 3 of the Act **forest practices** means –

- (a) the processes involved in establishing forests, growing or harvesting timber, clearing trees or clearing and converting threatened native vegetation communities; and
- (b) works (including the construction of roads and the development and operation of quarries) connected with establishing forests, growing or harvesting timber, clearing of trees.

The Forest Practices Code 2015 at Section E3.1 *Fire Management Plans* recommends that, “To protect the forest a fire management plan should be prepared by the landowner for all consolidated areas of commercial forest over 50 ha.”

At section E3.2 *Forest Practices Plans* it states:

- All forest practices plans will state whether the area is covered by a fire management plan or not.
- The forest practices plan for areas to be reforested but not covered by a fire management plan should specify the measures to be provided for the protection of the new forest from fire.

In relation to **fire management work** the *Forest Practices Regulations 2017* (the Regulations) provide as follows:

4. Circumstances in which a forest practices plan, &c., not required

(h) the clearing of trees, or the clearance and conversion of a threatened native vegetation community, with the consent of the owner of the land, in the course of **fire management work** carried out under a fire management program of a kind the Authority has approved in writing for the purposes of this paragraph.

Fire management work means burning off vegetation and constructing firebreaks and access tracks where-

- (a) the sole purpose of the work is to reduce fire hazards or control wildfires; and
- (b) trees affected by the work are not harvested or cleared for any other purpose; and
- (c) reasonable precautions are taken to avoid harming natural and cultural forest values, including forest cover and regeneration.

The above appears to require that any person may only carry out fire management work on private or Crown land without a forest practices plan if there is consent of the owner of the land and the fire management program that has been approved in writing by the Forest Practices Authority.

If the TFS is undertaking hazard mitigation activities on any land, this should be done according to a fire management program that has been approved in writing by the Forest Practices Authority.

For example the King Island Fire Management Plan 2009 was approved in writing by the Forest Practices Authority (letter dated 1/2/11 from CFPO to Chairman of the King Island Fire Management Committee). I am aware that the King Island Fire Management Area, Fire Protection Plan 2017 (which has been published by the SFMC) has not been submitted to the Forest Practices Authority for written approval so any clearing of trees, or clearance and

conversion of a threatened native vegetation community not otherwise exempted by the Regulations, would require a certified forest practices plan. The King Island Fire Management Area, Fire Protection Plan 2017 indicates that the Forest Practices Act and Regulations have been consulted in its preparation.

The FPA has been active in engaging with the State Fire Management Council on the preparation of a Tasmanian Bushfire and Fuel Management Policy and I am aware that the State Fire Management Council has developed regional fire protection plans covering most of the State.

The FPA does not have the resources to manage and monitor prescribed burning or bushfire control, however it is required by the Act and Regulations to ensure that trees and threatened native vegetation communities are protected as much as is reasonably practical and I believe this is why the FPA is required by the Regulations to approve fire management programs.

None of the current regional fire protection plans have been submitted to the Forest Practices Authority for approval in writing. If such approval was given, then any fire management activities undertaken according to the appropriate regional fire protection plan by any person on any tenure covered by such a plan could be deemed by the FPA to be exempt from requiring a forest practices plan by Regulation 4(h). This would simplify the process for TFS, FPA and all land managers.

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