

# Fire and Emergency Services Act Reform Recommendations

Author:  
Resilience and Recovery Tasmania  
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The following table provides a summary of the Tasmanian Government's position in relation to recommendations contained in the Stevens' report.

Number	Recommendation	Position
1	<p>Legislate to integrate the organisation, functions and activities of TFS and SES.</p> <p>Make consequential amendments to the Emergency Management Act 2006, having regard to Recommendation 26 that the new integrated service preserve and recognise the role of volunteers/units in order to ensure future capability at a community level.</p>	Accept
2	<p>Ensure that the functions carried out by the Director SES continue to be performed as outlined in the <i>Emergency Management Act 2006</i>, in particular sections 25-28 inclusive of that Act.</p>	Accept
3	<p>Prescribe in the regulations to the new legislation – or equivalent mechanism – the following as functions of the proposed new Tasmania Fire and Emergency Services (TFES) entity (subject to appropriate resource allocation and training):</p> <ul style="list-style-type: none"> <li>activities currently undertaken by SES (flood, storm/tempest, earthquake, tsunami, space debris re-entry, and search and rescue)</li> <li>provision of support at events like road crash rescue, response to heatwaves, and counter-terrorism.</li> </ul>	Accept
4	<p>Legislate to confirm:</p> <ul style="list-style-type: none"> <li>the functions for Tasmania Fire and Emergency Services (TFES) as outlined in Section 3 of the Report</li> <li>(subject to finalisation of governance recommendations outlined in Section 4 of the Report), the functions and roles of the Chief Officer (or equivalent) as outlined in Section 3.5.3 of this Report, but having regard to the alternative view offered in Section 3.5.4. of the Report</li> </ul>	Accept
5	<ul style="list-style-type: none"> <li>Do not combine the firefighting capabilities of Parks and Wildlife Service (PWS) and Sustainable Timber Australia (STT) with those of Tasmania Fire and Emergency Services (TFES).</li> </ul>	Accept
6	<ul style="list-style-type: none"> <li>Include all relevant emergency management entities in negotiations toward the Inter-Agency Fire Management Protocol, with approval and/or oversight by the State Controller.</li> </ul>	Accept
7	<ul style="list-style-type: none"> <li>Ensure the role in recovery of the Department of Premier and Cabinet (DPAC) remains unchanged.</li> <li>Acknowledge the support role in recovery to be taken by Tasmania Fire and Emergency Services (TFES), as outlined in Section 3.6.5 of the Report.</li> </ul>	Accept

Number	Recommendation	Position
8	<p>Develop a governance model for Tasmania Fire and Emergency Services (TFES) that transitions it to a division within the Department of Police, Fire and Emergency Management (DPFEM) that includes:</p> <ul style="list-style-type: none"> <li>• suitable ring-fencing arrangements for levies raised to fund TFES</li> <li>• appropriate reporting arrangements between the head of TFES and the Minister</li> <li>• broadening the role, and revisiting the membership, of the State Fire Management Council (SFMC). Revisiting membership should include relevant membership transitioned from the State Fire Commission (SFC) abolishing the SFC.</li> </ul>	<p>Reject</p> <p>Alternative proposed</p>
9	<p>Confirm in legislation the continued existence of the State Fire Management Council (SFMC) under a charter to be approved by the Secretary Department of Police, Fire and Emergency Management (DPFEM) and the Minister.</p>	<p>Reject</p> <p>Support the establishment of a statutory advisory committee.</p>
10	<p>Broaden the definition in the Fire Service Act of 'brigade costs' to include non-brigade costs.</p>	<p>To be considered in 2023-24 Budget process</p>
11	<ul style="list-style-type: none"> <li>• Replace all current sources of State Emergency Service (SES) funding with a single, property-based levy.</li> </ul> <p>Explore Appropriation-based funding for SES as an alternative if a single, property-based levy is not supported or sustainable.</p>	<p>To be considered in 2023-24 Budget process</p>
12	<ul style="list-style-type: none"> <li>• Replace the Insurance Levy with a property-based levy or another funding source providing similar, and consistent (predictable), levels of funding.</li> </ul> <p>Ensure that the Insurance Levy continues to be charged and collected until suitable transition arrangements are identified and implemented.</p>	<p>To be considered in 2023-24 Budget process</p>
13	<ul style="list-style-type: none"> <li>• Continue the Motor Vehicle Levy.</li> </ul> <p>Base any expansion of the Motor Vehicle Levy to other types of vehicles on a cost-benefit analysis.</p>	<p>To be considered in 2023-24 Budget process</p>
14	<p>Continue contributions from the Australian Government but do not regard this as a source of base-level funding for Tasmania Fire and Emergency Services (TFES).</p>	<p>To be considered in 2023-24 Budget process</p>
15	<ul style="list-style-type: none"> <li>• Continue to source funding from the marketing and fire prevention functions of TFES and miscellaneous revenue, with these being self-funding and not part of base-level funding.</li> </ul>	<p>To be considered in 2023-24 Budget process</p>



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	Discontinue revenue streams from the Motor Accident Insurance Board for both TFS and SES.	
16	<ul style="list-style-type: none"> <li>Continue contributions from the State Government but do not regard this as a source of base-level funding for TFES.</li> </ul>	To be considered in 2023-24 Budget process
17	<ul style="list-style-type: none"> <li>Include up to \$5 million per annum in levy or Appropriation sources of revenue for Tasmania Fire and Emergency Services (TFES) to pay for those State Emergency Service (SES) related functions and services transitioned from local government to TFES.</li> </ul>	To be considered in 2023-24 Budget process
18	<ul style="list-style-type: none"> <li>Continue a property-based levy to provide the bulk of funding for Tasmania Fire and Emergency Services (TFES), basing it on a property's Average Annual Value (AAV) as determined by the Valuer-General from time to time, with movements in the levy determined by Treasury annually.</li> <li>Determine the make-up of the levy, including consideration of fixed and variable components.</li> </ul>	To be considered in 2023-24 Budget process
19	<ul style="list-style-type: none"> <li>Quantify and fund current concessions as a Community Service Obligation.</li> <li>Quantify and remove current exemptions for payment of the Fire Service Contribution (FSC) levy, except for Crown Land, land managed by Sustainable Timber Tasmania (STT) and land and buildings owned by Councils and by Government entities funded predominantly by Appropriation.</li> </ul>	To be considered in 2023-24 Budget process
20	<ul style="list-style-type: none"> <li>Ensure that funds raised for the TFES are paid into the Consolidated Fund and then ring-fenced for use by TFES.</li> </ul>	To be considered in 2023-24 Budget process
21	<ul style="list-style-type: none"> <li>Develop transition arrangements that mitigate the impacts on property owners of an increase in a property-based levy.</li> <li>Engage with the Insurance Council of Australia and property owners to quantify benefits from lower insurance premiums and consider how these might be shared with the broader community.</li> </ul>	To be considered in 2023-24 Budget process
22	<ul style="list-style-type: none"> <li>Discontinue local government funding of SES and their support for local units.</li> <li>Transition all Councils' associated resources to TFES.</li> <li>Develop a transition plan with Councils.</li> </ul>	To be considered in 2023-24 Budget process
23	<ul style="list-style-type: none"> <li>Do not fund TFES by Appropriation – because doing so may disincentivise property owners from properly insuring their properties or being appropriately prepared.</li> </ul>	To be considered in 2023-24 Budget process

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24	<ul style="list-style-type: none"> <li>Have Treasury be responsible for calculating, but not on its own determining – determination will require input from TFES – the amount to be collected by local government from the property-based levy annually.</li> </ul>	To be considered in 2023-24 Budget process
25	<ul style="list-style-type: none"> <li>Continue to have local government collect the proposed TFES property-based levy and be paid a renegotiated collection fee for doing so.</li> <li>Have the Head of the TFES and the Minister make clear annually, in a public manner, how the levy is constructed, reasons for increases, and the fact that it is collected by local government for a fee.</li> <li>Pay levies collected by local government into the Consolidated Fund but ring-fence them for use by TFES.</li> </ul>	To be considered in 2023-24 Budget process
26	<ul style="list-style-type: none"> <li>Recognise and enshrine in legislation the contribution of volunteers and volunteering (including SES units) and include a requirement for a Volunteer Charter to be developed by Tasmania Fire and Emergency Services (TFES) and endorsed by the Volunteer Associations and the Minister.</li> <li>Legislate to provide good faith protection from liability for TFES volunteers/units, authorised volunteers and permanent staff.</li> <li>Ensure there are no legislative barriers that would preclude the expansion of volunteer/unit roles to include both response and non-response roles.</li> </ul>	Accept
27	<ul style="list-style-type: none"> <li>Do not include a legislated provision for emergency medical response in the mandate of Tasmania Fire and Emergency Services (TFES); this should be entirely a matter of policy.</li> <li>Ensure legislation allows for additional functions that fire and emergency services personnel may perform, subject to appropriate training and credentialing, with an overarching responsibility for public safety, property and the environment.</li> <li>Ensure that, while Ambulance Tasmania remains the primary agency for emergency medical response, legislation does not prohibit it from entering into arrangements with TFES for training and credentialing relevant emergency response activities.</li> </ul>	Accept
28	Develop legislation that empowers Tasmania Fire and Emergency Services (TFES) with functions, powers and	Accept

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	<p>indemnities that reflect its broader role in emergency management and response, and which:</p> <ul style="list-style-type: none"> <li>• maintains current levels of indemnity</li> <li>• broadens TFES' mandate to include the power to confer specified functions, powers and indemnities on individuals and organisations inside and outside TFES, including interstate and international personnel</li> <li>• provides authority and indemnity that allows for quick response to fires in the landscape without waiting for formal instruction from TFES, and approval to enter private land to address fire response. This should apply not just for Sustainable Timber Tasmania (STT) and Parks and Wildlife Service (PWS), but also the private forest industry and any other potential first responders, e.g. appropriately resourced private land managers</li> <li>• provides clarity regarding authority to act and indemnity, including linkages with existing Memorandum of Understanding (MoU) arrangements with private forests and in circumstances where authority to act may be automatic, such as fires reported through FireComm.</li> </ul>	
29	<p>Legislate to:</p> <ul style="list-style-type: none"> <li>• address conflicting, duplicated or gaps in the roles of the proposed TFES, Parks and Wildlife (PWS), Sustainable Timber Tasmania (STT) and private entities involved in dealing with fires</li> <li>• allow non-TFES officers in charge of fire suppression to have access to, and to deal with, a fire as soon as possible</li> <li>• include in the mandate of TFES the power to confer specified functions and powers on individuals and organisations, including interstate or international personnel, inside or outside of the entity</li> <li>• include a Head of Power, exercisable at the discretion of TFES, allowing protocols to be developed to manage the relationship between the entity and other land management agencies and emergency services agencies, including Tasmania Police</li> <li>• provide firefighters, SES workers and other delegated agencies/people with protection from liability (as occurs currently through section 51 of the Emergency Management Act). Other delegated agencies/people to be 'loosely' defined so as to provide protection for the range of persons involved in the provision of fire and emergency</li> </ul>	Accept

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	<p>services but who may be non-firefighters/non-emergency workers/not public servants.</p> <p>authorise TFES, PWS and STT to close roads to protect public safety during a fire, flood or storm hazard and to have a power to regulate traffic, not just close a road.</p>	
30	<p>Leave the decision-making and nomination process to appoint fire permit officers to the senior management of the relevant responsible agencies, depending on their specific responsibilities in regards, for example, to the land tenure with which it is concerned.</p>	Accept
31	<ul style="list-style-type: none"> <li>• Include, in the Terms of Reference for the State Fire Emergency Management Sub-Committee, provision for the establishment of Fire and Emergency Risk Area Committees (FERAC), including the number and geographical boundaries of these committees.</li> <li>• Enhance community engagement through community representation on FERACs, without increasing numbers on these committees.</li> <li>• Remove the requirement to Gazette geographical boundaries.</li> <li>• Continue to identify synergies between FERACs and Regional and Municipal Emergency Management Committees.</li> </ul> <p>Note that these arrangements do not require legislative support and could instead be promulgated under a Head of Power and detailed, where necessary, in doctrine/Tasmanian Emergency Management Arrangements (TEMA).</p>	Accept
32	<p>Consider, as an alternative to, or in addition to, Recommendation 31:</p> <ul style="list-style-type: none"> <li>• having the secretariat function currently fulfilled by SES performed instead by relevant administrative personnel within an agency with primary responsibility for statewide emergency management, such as the Department of Premier and Cabinet (DPAC) or the Department of Police, Fire and Emergency Management (DPFEM)</li> <li>• transferring SES's Emergency Management Unit (EMU) functions associated with statewide risk assessments, emergency planning, and emergency management policy to either DPAC or DPFEM.</li> </ul>	Accept subject to further consideration as noted in Stevens Report
33	<p>Legislate to provide a Head of Power for Tasmania Fire and Emergency Services (TFES) to:</p> <ul style="list-style-type: none"> <li>• establish and abolish brigades/units</li> <li>• determine the membership of brigades/units</li> </ul>	Accept



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	<ul style="list-style-type: none"> <li>• recommend locations of brigades/units</li> <li>• define the structure, functions, powers and responsibilities of brigades/units</li> <li>• exercise such other powers and functions as may be necessary for the effective management of, and response to, fire and other prescribed emergencies.</li> <li>• Legislate to provide TFES with the power to:               <ul style="list-style-type: none"> <li>• register/de-register volunteer/unit members</li> <li>• appoint unit managers, brigade chiefs, and establish standards, for things like equipment, training, facilities, etc.</li> </ul> </li> <li>• establish protocols for cooperation</li> </ul> <p>appoint industry brigades, making clear that they be under the control of TFES.</p>	
34	<ul style="list-style-type: none"> <li>• Include the recommendations of the review of the fire permit system into new legislation as appropriate, including arrangements for total fire bans.</li> <li>• Ensure that new legislation includes scope to modify or change these arrangements if once implemented it is determined adjustments to processes are required.</li> </ul> <p>Ensure that, subject to exemptions granted by the Chief Officer, no fire permits are issued when total fire bans are in place.</p>	Accept
35	<ul style="list-style-type: none"> <li>• Expect, but do not legislate for, Tasmania Fire and Emergency Services (TFES) to provide education to the community on how best to prepare for fire and relevant emergency risks.</li> </ul>	Accept
36	<p>Legislate for Tasmania Fire and Emergency Services (TFES) responsibility for issuing permits to install, maintain or repair fire protection equipment, subject to a review of:</p> <ul style="list-style-type: none"> <li>• the current regulatory arrangements</li> <li>• conflict-of-interest arrangements.</li> </ul>	Accept
37	<p>Do not provide for building fire evacuation systems in any new legislation; instead, establish in law or regulation that high-risk facilities should have their emergency response procedures reviewed and approved by WorkSafe Tasmania and that, in view of its contemporary knowledge and experience in emergency response, advice be sought where needed from Tasmania Fire and Emergency Services (TFES).</p>	Reject Maintain current position
38	<p>Review current offence and penalty provisions to determine if they remain appropriate, enforceable and contemporary and reflect the expanded roles of TFS and SES and, therefore, Tasmania Fire and Emergency Services (TFES). In doing so, consider provisions in the Police Offences Act 1935.</p>	Accept

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39	<p>Legislate to:</p> <ul style="list-style-type: none"> <li>• provide for Tasmania Fire and Emergency Services (TFES) to establish a chain of command for response (including appointment of Incident Controllers) by means of regulations or a statutory instrument, which can, when necessary, be amended</li> <li>• make clear that all emergency responders who are present at an incident are, in all respects, subject to the Incident Controller's direction</li> <li>• give power to, or require, TFES to ensure that an endorsement or accreditation process is in place for incident management staff that provides authority, accountability, indemnity, consistency and efficiency of process</li> </ul> <p>update the roles and responsibilities for emergency management to be consistent with those prescribed in the Emergency Management Act 2006 (because command and control arrangements will apply to SES as well as TFS, and therefore to TFES).</p>	Accept
40	<p>Expect Tasmania Fire and Emergency Services (TFES) to have capability, or access to capability, to advise on, or participate in the development of, strategies aimed at identifying risks associated with changes in our climate and proposed mitigations.</p>	Accept
41	<p>Undertake a review of contemporary and suitable legislation from other fire jurisdictions across Australia to consider, within the Tasmanian context, how best to allow a more proactive and pragmatic approach to fire safety compliance in the built environment.</p>	Accept
42	<p>Draft new legislation to replace the Fire Service Act 1979, keeping in mind that:</p> <ul style="list-style-type: none"> <li>• in order for any proposed legislation to be contemporary, flexible and sufficiently forward-looking, it needs to be principles-based, providing a Head of Power to Tasmania Fire and Emergency Services (TFES)</li> </ul> <p>the functions and mandate of the new entity should deliver an authorising and enabling environment facilitating a broad range of fire and prescribed non-fire related emergency services activities, including multi-hazard, that are aligned with and support the Emergency Management Act 2006 in legislation.</p>	Accept
43	<p>Legislate to make provision for a secondary process to change or add mandated functions in the future without the need to amend legislation, but on the proviso that the core legislation cannot be undone without full review by the Parliament, and with public input.</p>	Accept

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44	<p>Develop new legislation to establish an integrated fire and prescribed emergency services entity, the principal objectives of which are:</p> <ul style="list-style-type: none"> <li>• to preserve human life</li> <li>• to build resilient communities that actively participate in prevention, preparedness and response to fire and other relevant emergencies or to limit the economic, environmental (including climate change), social and physical impacts of fire and other emergencies on the Tasmanian community</li> <li>• to recognise that our environment has inherent value for the Tasmanian community</li> <li>• to ensure/facilitate effective inter-agency interoperability both inter and intra State.</li> </ul> <p>Clarify, in the new legislation, that the proposed entity is not the lead agency responsible for recovery.</p>	Accept
45	Draft new legislation to be short, forward-looking and principles-based, with detail addressed in regulations.	Accept



Tasmanian  
Government

**Department of Premier and Cabinet**

Resilience and Recovery Tasmania

**Email:**

FES.Reform@dpfem.tas.gov.au

[www.fire.tas.gov.au/reform](http://www.fire.tas.gov.au/reform)