

Andrew Charles Ricketts

[REDACTED]

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Mr Michael Stevens

Fire Service Act Review

By email to: "Fire Service Act Review (TFS)" Act.Review@fire.tas.gov.au

Fire Service Act 2021 Consultation, including Mr Blake's 2020 Report, The 2021 Treasury Report and the House of Assembly Standing Committee Inquiry into the State Fire Commission

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Background about the Author

I write this submission from my home office in [REDACTED] in the municipality of [REDACTED]. My remote property which is largely forested, is surrounded by thousands of hectares of native forest, now regarded as Bushfire Prone vegetation, much with a significant amount of old growth habitat. I have worked diligently on environmental and nature conservation issues for over 30 years now and have a growing interest in all matters around bushfire management, mitigation, prevention, preparedness, regulatory probity, transparency and enforcement.

My three titles of land are a part of the National Reserve System of Australia and protected in perpetuity by two Conservation Covenants with an overriding biological diversity purpose, (and managed in accord with the associated Operations Plan and Nature Conservation Plan), established to meet Tasmania's RFA obligations. The land supports a range of Listed Threatened and Endangered Species, and many other species as well - a multitude of wildlife not yet considered threatened.

My land mainly fully adjoins and is virtually surrounded by the now Parks and Wildlife managed Reedy Marsh Conservation Area, which even to this day fails to have and be managed under a Statutory Management Plan, over 23 years after the reserve was gazetted as a Forest Reserve.

Since moving here in 1991, the average rainfall has significantly declined by over 15% and wind speed has significantly increased, perhaps by about 10%. To the west land clearance continues. I am not responsible for such unsustainable matters.

In about October 2018 the Tasmania Fire Service (TFS) identified Reedy Marsh for the Bushfire Ready Neighbourhood Program. I support this TFS program and consider it to have useful, lasting value to our community. Today I maintain the contact system for residents on our road, originally set up for Fire purposes and now useful for all Emergency purposes, including communication in the event of Police type emergencies.

Preamble

This submission stops short of being an encyclopaedic review of the Fire Service Act 1979. Nor does it truly consider the Emergency Management Act 2006 in any adequate detailed way. It is especially noted, however, that many functions of the Tasmanian Fire Service response to emergencies draws on both of the above pieces of legislation.

It is also noted that there is a tendency across the globe to amalgamate organisations such as fire services with other emergency services. That does not mean Tasmania should follow suit but Tasmania does need a single piece of Legislation.

The Liberal commitment was that within 100 days of taking majority Government:

“Begin consultation on the development of a contemporary new Fire Service Act.”

Ostensibly, this ‘beginning’ public consultation reviews the Fire Service Act, including Mr Blake’s recommendations¹ within his review report of 2020 and the associated Treasury Funding Options Paper of 2021.

It can be seen that the Tasmanian Fire Service is a vastly larger, more conservative and more historically influenced organisation than the State Emergency Service, which is relatively lean and purposeful. I comment on such matters without reaching a firm prescriptive conclusion about any proposition for amalgamation or rationalisation of the two organisations.

Such matters may be important for some but I consider there that there are more important matters at stake. I note the Strategic Direction for the two organisations is aligned in the document: Tasmania Fire Service and State Emergency Service Strategic Direction ‘Framing the Future’ but not necessarily integrated in the way Mr Blake suggests in his Recommendation No 1².

Rather than adopt Blake’s Recommendation 1 (which is not supported), I consider it rather, far more important to attempt a genuine long term legislative reform which ultimately amalgamates both the functions, laws and structure provided with the Fire Service Act 1979 and those of the Emergency Management Act 2006. I strongly consider it very confusing to have two Acts where the strategies and policies and especially the action plans draw on both Acts, especially for the TFS. The Emergency Management Act 2006 may operate fine for the SES but the seemingly necessary reliance on the combination of the two acts for the TFS is very inadequate. No background paper on a proposal of how to integrate the two Acts has been produced.

Blake in Recommendation 2 supports retention of current SES functions within The Emergency Management Act 2006.

The current (2021) Review process inadequately alerted Tasmanians about such failings and the likelihood of a preferred solution, or other reform options or review.

The current Review process and Treasury Paper was not sufficiently drawn to the attention of the property owning rate-payers of Tasmania.

Having said that, I am cautious again about a prescription to remove the independence of the State Fire Commission, as per Mr Blake’s Recommendation No 8³ to move the TFS and the SFC into the Department of Police, Fire & Emergency Management. I have not been given sufficient information. I wish to reserve my judgement.

It seems that the Tasmanian Government may have already made a decision (subsequent to the Blake Report) to retain the State Fire Commission, though I was not aware of the nature

1 Review of the Fire Service Act 1979 Report by Mike Blake October 2020
 2 Review of the Fire Service Act 1979 Report by Mike Blake October 2020
 3 Review of the Fire Service Act 1979 Report by Mike Blake October 2020

of this commitment. However, the nature and necessary qualities of the State Fire Commission are nonetheless discussed. So, even this matter is not sufficiently explained in my view, prior to public consultation.

I am not opposed to the State Fire Commission, nor the Tasmanian Fire Service but I am highly critical of legislation such as the Fire Service Act 1979, which I regard to be weak, and mostly useless, laissez a faire legislation drafted from a time prior to the increased risk of hazardous fire caused by rapidly escalating dangerous climate change, which in broad terms is discussed further on.

Currently Tasmania is reviewing its Fire Service Act 1979 after a failed relatively recent attempt (2020) by Dept. of Premier and Cabinet (DPAC) to introduce a Bushfire Mitigation Bill, which was intending to compel landowners to burn their forest, and which was seemingly regarded by DPAC as a hazard. The DPAC promise of the publication of submissions has not been honoured.

Summary

In this submission, I explicitly call upon the Tasmanian Government to:

1. Recognise and consider to be highly urgent and crucial the issue of anthropogenic global climate change and the increased bushfire threat, which is posed by a hotter, more erratic and windy Tasmanian climate and incorporate this reality into all aspects of bushfire management and the new legislation. The reality of climate change is discussed further.
2. Significantly increase of the transparency of the Tasmanian Fire Service and State Fire Commission.
3. Abolish the State Fire Management Council, which is enshrined under Section 14 of The Act⁴.
4. Better support the volunteers, who donate their time and skills, within the over 230 Fire Brigades.
5. Resolve formally (in legislation) the relationship between the Tasmanian Fire Service and the State Emergency Service. To consider enshrining a partnership relationship between the two organisations.
6. Properly fund both the Tasmanian Fire Service and the State Emergency Service in an adequate, logical and fair way. (Not necessarily the integration proposed by Blake).
7. For the TFS to move to a fee for service provision model. As Mr Blake stated: For the TFS to *“be equitable so that those who receive the various services contribute to the costs.”* End the donation of services and activities for private benefit.
8. Otherwise Funding to be equitably sourced as defined by Blake thus: *“Equity is only achievable if TFES is fully funded by the State.”*⁵
9. Reduce or eliminate the conflicted roles within the Tasmania Fire Service.
10. Separate from the Tasmanian Fire Service the regulatory enforcement functions. Potentially both strengthen and move these functions and obligations to the Environmental Protection Authority that is intended for enforcement and prosecution purposes. NB Deliberate over those regulatory functions under the Police Offences Act.
11. Under new legislation a range of reforms, regulatory processes, standards and other improvements, which would better safeguard the community and the environment of Tasmania, should be implemented.

4 The Fire Service Act 1979

5 Mention when quoting material by Blake of entities such as a TFES (Tasmania Fire and Emergency Service) does not mean an endorsement.

12. Reform and significantly strengthen the laws over the lighting and controlling of vegetation based fires including:
 - a. An improved version of the Fire Permit System to be adopted year in/year out as the standard mode of regulatory constraint for all land owners and managers.
 - b. Ensure that both un-registered and non-permit fire is both eliminated and most importantly becomes illegal in Tasmania.
 - c. Introduce a non-discretionary mandated requirement for a Fire Permit year round.
 - d. Introduce a charge, which at least reflects a full cost recovery for the processing of all Fire Permit applications and/or a standard fee for issued Fire Permits.
 - e. Introduce a standard set of on the spot fines for blatant breaches of the Fire Permit laws.
 - f. Ensure that Permit Officers are employed officers of the Tasmanian Fire Service.
13. Adopt both a policy and practice within TFS of putting out fires as early as possible. NB This is not the same as in the State Fire Protection Plan⁶.
14. Mandate in law, an advance neighbour consultation protocol for all Fire Permit burns. The advance-warning period to be (a timeframe such as 7 days) (Currently the notification of neighbours is at the discretion of the Brigade Chief, who in general is also the Permit Officer.
15. Define the term 'Escaped Fire' in legislation, relating to the Fire Permit system and Fire Permit Burns.
 - a. Make an 'Escaped Fire' illegal and subject to prosecution.
 - b. Adjust the Fire Permit rules to ensure the area of the proposed Permit fire is always documented in the Fire Permit.
16. Recognise there is there is community concern over vegetation based 'fire management' and not a consensus. The science does not provide a consensus either.
17. A Precautionary Approach should be enshrined as an objective in the new Fire Act legislation.
18. Indeed the Objectives of any new Fire Service Act should include the RMPS Schedule 1 Objectives and the new Act should also genuinely reflect these.
19. A new service (which attracts a fee) whereby the TFS performs (at the owner's request for the service) an assessment as to whether the owner's (or tenant's) home qualifies as a 'Code Orange'⁷ home in line with the State Fire Protection Plan. It is my view the more Code Orange dwellings identified in advance (of any fire emergency) the better organised the TFS can become, bearing in mind such defence of a dwelling is only a Priority (e) in the list from (a) to (g).

Introduction

The Fire Service Act 1979 is the legislation that establishes both the State Fire Commission and the Tasmanian Fire Service.

In 2017 Cabinet initiated a Review into The Fire Service Act 1979. This unsatisfactory review failed to operate correctly. The chair, Mr Blake dissolved the Steering Committee and proceeded to provide his own document, known as the Blake review document of October 2020

6 As per the Issue 3.0, 28 February 2020 of the State Fire Protection Plan.

7 Code Orange means the dwelling is defensible in the State Fire Protection Plan.

The State Fire Commission (SFC) and the Tasmanian Fire Service (TFS) perform many functions, some beyond their legislated powers.

The TFS and SFC are not the only entities, which deal with fire and fire emergencies in Tasmania. Likewise, the Fire Service Act is not the only legislation which controls and underpins the actions of the TFS.

It would appear however to be beyond dispute that the 1979 legislation which established the State Fire Commission and the Tasmanian Fire Service, as well as other associated entities, is in serious need of reform.

There are, in my view, aspects of the TFS and SFC, which urgently require modernising of cultural, regulatory, discretionary and behavioural aspects. The TFS in general, including brigades, is deeply un-transparent from the perspective of the average citizen of Tasmania. This is not an acceptable situation and is essential to change to address and improve the crucial aspect of public trust.

The Blake 2020 Review Document

This document is authored and produced by Mr Blake, who became the chair of the Steering Committee of the 2018 Review into the Fire Service Act. Mr Blake dissolved the Steering Committee of the 2018 Review into the Fire Service Act and wrote his own report⁸.

It is my opinion that the “Blake Review” document of October 2020 is not a sufficient review, to enable adequate reform of the Fire Service Act 1979. Nor does it sufficiently analyse key relevant considerations, which would be obviously required to better keep the community safe. I have written separately about this matter. My 2nd December 2021 letter to the Premier has been submitted to this Review. If you have not yet read this letter, dated 2nd December 2021 and titled: ‘Broken Promise regarding Bushfire Mitigation Bill Submissions and The Review of the Fire Service Act, portrayed as Comment on the Blake Review’, please read it as part of my submission.

I also make comments in this submission about Mr Blake’s report and especially his recommendations, some of which of course have merit. I have not structured this submission to cross-reference every aspect of the Blake Report⁹ or its recommendations.

Blake commented on the functions of a combined TFS and SES entity in his Appendix 2 and Appendix 3, reproduced below¹⁰.

“Appendix 2 – Functions to be performed by an integrated fire and emergency services entity

Functions performed by an integrated entity should include, but not be limited to, the following features.

- *An all-hazards approach that also recognises the need to manage fire in context; in particular, that fire management on reserved land is aimed at not only protecting life and property but achieving conservation objectives listed in the National Parks and Reserves Management Act 2002*
- *The promotion of fire safety, including providing guidance on the safe use of fire as a land management tool.*
- *The provision of fire prevention, response, and suppression services*

8 Review of the Fire Service Act 1979 Report by Mike Blake October 2020

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- *Responding to severe weather related events, natural hazard events and disasters, and excluding heatwaves, human and disease emergencies*
- *Stabilising or rendering safe incidents that involve hazardous substances.*
- *Providing for the safety of persons and property endangered by incidents involving hazardous substances.*
- *Rescuing persons who are trapped as a result of accidents or other incidents but excluding where trapping results from civil unrest incidents requiring law enforcement and other incidents where Police are the lead agency because of threat from person or persons in incidents of unlawful acts.*
- *The provision of urban search and rescue services.*
- *Performing rescues, including rescues from collapsed buildings, rescues from confined spaces, rescues from explosive atmospheres, rescues from heights and other relevant search and rescue activities.*
- *The provision of assistance at transport accidents (e.g. crash-scene cordoning and traffic control).*
- *The management, recruitment, training and support of volunteers.*
- *The provision of community education.*
- *Support for community emergency planning and resilience-building activities.*
- *Undertaking swift water rescues, and animal rescues.*
- *Inclusion of power to confer specified powers and functions and indemnities on individuals and organisations outside of the entity, including private organisations and persons with appropriate indemnity provided.*
- *Performance of any other functions conferred on the entity as a main function by the Minister and/or as detailed under emergency management plans, fire protection plans, approved risk management plans or other arrangements already approved under the Emergency Management Act.*

Functions not included above that we added during an independently facilitated workshop aimed at considering different governance arrangements for a proposed new fire and emergency services entity included:

- *regulation*
- *response/operational services*
- *collaboration with other entities*
- *management and direction of resources (financial, physical and human)*
- *provision of operational advice to the government of the day.*

There was no agreement on whether in future the entity would have a role in providing policy advice to government, or whether one of its primary functions was employment of staff.”

In short, this list needs to be carefully considered and right now there are many preliminary matters to resolve. I wish to note however that I consider the following objective and Function to be insufficient:

- *The promotion of fire safety, including providing guidance on the safe use of fire as a land management tool.*

As you will gather from reading my submission, I consider that the regulation and enforcement of fire as a land management tool should be performed by an independent entity. As for Fire Permits and the current inadequate system that is also dealt with below.

“Appendix 3 – Emergency services functions to be carried out by TFES¹¹

The services noted in the table below are as documented in the Emergency Management Act and the TEMA. This Review may result in changes but subject to the outcomes from consultation with the Community and Stakeholders.

Functions to be provided

- *All fire response related activities currently performed by the TFS and as outlined in the SF Act*
- *Flood, earthquake and tsunami*
- *Joint (TFS and SES) training and project work, and possibly community educations/development/protection planning for bushfire, flood and storm*
- *EM Ac provisions:*
- *Provision of advice and services relating to Emergency Management (EM) in accordance with EM plans or as otherwise authorised by the State Controller or Minister in writing provided to the Director SES, other than the provision of a service provided by another statutory service*
- *Provision of services relating to rescue and retrieval operations as authorised by the Minister or State Controller (per TEMA)*
- *Provision of administrative services for the State Committee and each Regional Committee, including support in the preparation and review of emergency management plans as required by the State Committee and Regional Committees*
- *Recruitment, training and support of volunteer members of the SES*
- *In time of enemy action or hostilities against the State, to coordinate civil defence measures*
- *Other functions imposed on it by the Minister*
- *Other functions imposed on it by this or any other Act*
- *Director SES to manage the SES*
- *Director SES may establish and maintain for the purposes of the regions such volunteer units of the SES and training facilities as considered appropriate and must then appoint a Unit Manager for that unit*
- *Director SES may appoint a Unit Manager for each municipal volunteer SES unit*
- *The Director SES may issue to councils standards for the adequate storage and maintenance of the equipment used by municipal volunteer SES units*
- *Director SES may register suitable persons as volunteer members of the SES*

- *Director SES may register, subject to his/her conditions, suitable organisations as affiliated organisations of the SES*
- *Director SES may issue identification to volunteer members of the SES*
- *Director SES may inspect the facilities and resources of all SES volunteer units*
- *Director SES may do all other things necessary or convenient to perform his/her functions*
- *TEMA provisions:*
- *Hazard Advisory Agency and Response Management Authority for: Coastal inundation*
- *Hazard Advisory Agency and Response Management Authority for: Flood (riverine and flash flood)*
- *Hazard Advisory Agency for: Space debris/object*
- *Hazard Advisory Agency for Tsunami*
- *Preparedness Management Agency for Tsunami*
- *Hazard Advisory Agency and Response Management Authority for: Storms/high winds/tempest*
- *Support agency for: Emergency Management consultation framework*
- *Support agency for: Emergency risk framework*
- *Support agency for: Mitigation funding programs*
- *Support agency for: Emergency coordination (Regional and Municipal)*
- *Support agency for: Civil Defence*
- *Support agency for: Land-use planning*
- *Support agency for: Municipal Councils liaison during emergencies*
- *Support agency for: Vehicle crashes (aircraft, rail and road, including extrication)*
- *Support agency for: Cave rescue*
- *Support agency for: Swift water rescue*
- *Support agency for: Urban Search and Rescue (USAR)*
- *Support agency for: Vertical rescue*
- *Support agency for: Land search and rescue*
- *Support agency for: Traffic control*
- *Support agency for: Severe weather warnings and community advice*
- *Evacuation support to police and Response Management Authorities*
- *Nuclear Powered Warship Visits to Hobart planning.”*

Climate Change.

Mr Blake briefly mentions Climate Change including in his recommendation 40¹² but this serious threat is one of the elephants in the room.

“40 • 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.”

Mr Blake mentioned Climate Change including at page 29 where he stated:

“Climate – while this Review did not set out to form a view regarding this matter, it is evident that changes in our climate are taking place with consequences for fire and emergency services.”¹³

I am comfortable in setting out a view about what is termed Climate Change. I agree there are already consequences. Changes have already occurred in fact: Australia and Tasmania are already significantly warmer. This is a much bigger problem than Mr Blake seems to acknowledge.

How the TFS or its replacement would adjust from its current model should be the discussion we have now. Not an issue for the future. We have had a decade with several catastrophic fire events and it is blindingly obvious there is an urgent need for change. There will be greater demands upon any fire and emergency service as Anthropogenic Climate Warming increases, as the world fails to realise the steps it needs to take.

Human activity in its mostly unabated, industrialised forms, continues to pump Greenhouse Gases (emissions), regarded by many, including this writer as pollution, into that thin but vital layer of atmosphere surrounding the planet Earth, which we know as the sky. We seem to take for granted this layer, and its oxygen rich atmosphere, clearly essential for all.¹⁴

Even though we have known of CO₂ pollution and the seemingly irretrievable build-up of carbon dioxide and other gases in the earth’s atmosphere and known too of its impacts for over 40 years, almost no action has been taken.

Indeed the Greenhouse Gas pollution problem and the related climate warming and destabilisation of the planet’s climate continue to worsen at an escalating rate. The planet’s human population continues to grow, the aspirations of developing countries for greater development continues to escalate and those high energy consuming developed educated countries, for decade after decade show little sign of heeding the warning signs.

In 2015, dangerously late, the Australian government, signed The Paris Climate Agreement but then continued with a Laissez Faire approach, gifting our common future to the coal miners.

Humanity has known of the Greenhouse Effect since the 19th Century¹⁵ and has measured the change in earth’s temperature and its causal connection with rising CO₂ levels at Hawaii at the Mauna Loa Observatory, since the 1950s.

12 Review of the Fire Service Act 1979 Report by Mike Blake October 2020

13 Review of the Fire Service Act 1979 Report by Mike Blake October 2020

14 The Earth’s atmosphere can be divided into specific layers. These layers begin from the ground level of Earth and go all the way up into space. Every single one of these layers is vital for keeping our planet healthy and alive. The final layer of the atmosphere extends upwards to 621 miles above the Earth’s surface. However, since space starts 62 miles above the surface, that is generally considered to be the highest point of our atmosphere. This 62 miles, or about 100 kms is not a very great distance.

15 The existence of the greenhouse effect, while not named as such, was proposed by Joseph Fourier in 1824. The argument and the evidence were further strengthened by Claude Pouillet in 1827

Recently The Intergovernmental Panel on Climate Change (IPCC)¹⁶ released the first instalment of its Sixth Assessment Report in 2021, titled: Climate Change 2021: The Physical Science Basis. This is the most comprehensive and authoritative overview of the physical science of Climate Change to date.

We live at one of the ends of the habitable (for humans) parts of the planet - the island state of Tasmania, the smallest and poorest state of Australia. About 42% of Tasmania is reserved and this stronghold of nature represents an important carbon sink.

Greenhouse Gas pollution¹⁷ is of our making. No matter what steps humanity may be taking individually, locally, economically, regionally or in any way, the high moral ground offers no relief. This problem requires an urgent consensus type solution. It is far more important than jobs. It is far more important than the coal industry. It is the most important thing confronting humanity and its existence in the 21st century. Glasgow COP described as “the Last Saloon”¹⁸.

There is always a difficulty in forecasting and writing about the future but, in the 1980s, the human society of the time identified some notions, which characterised the concept of ecologically sustainable development. Those notions included the precautionary principle and intergenerational equity. These are some of the components of Ecologically Sustainable Development (ESD), which have found their way into Australia’s environment legislation the EPBC Act 1999. These seem to be simply ignored. These principles should be included in any new (or amended) Fire legislation.

Importantly a Key Threatening Process under the EPBC is not taken seriously either: *‘Loss of terrestrial climatic habitat caused by anthropogenic emissions of Greenhouse Gases’*. This ignorance is reckless.

In any case, from that time of the 1980s, in broad terms, the existing insular Australian economy of the times, became globalised and tariffs were removed, rendering our industries uncompetitive. We continued to intensify various land uses, continued with land clearing, forest clearing, removed various economic barriers, did free trade deals, built more dams, did much more irrigation, over allocating the Murray Darling, consumed more steel, aluminium and other energy intensive products and continued to ignore the looming problems and consequences of unfettered growth.

and 1838. John Tyndall was the first to measure the infrared absorption and emission of various gases and vapours. From 1859 onwards, he showed that the effect was due to a very small proportion of the atmosphere, with the main gases having no effect, and was largely due to water vapour, though small percentages of hydrocarbons and carbon dioxide had a significant effect. The effect was more fully quantified by Svante Arrhenius in 1896, who made the first quantitative prediction of global warming due to a hypothetical doubling of atmospheric carbon dioxide. However, the term "greenhouse" was not used to refer to this effect by any of these scientists; the term was first used in this way by Nils Gustaf Ekholm in 1901. (From Wikipedia)

16 The Intergovernmental Panel on Climate Change (IPCC) is the UN body for assessing the science related to climate change. It was set up in 1988 by the World Meteorological Organization and United Nations Environment Programme to provide policymakers with regular assessments of the scientific basis of climate change, its impacts and future risks, and options for adaptation and mitigation.

17 For thousands of years, the global greenhouse gas supply was essentially stable. Natural processes removed as much carbon from the atmosphere as they released. Human activities like burning fossil fuels have added huge quantities of carbon dioxide, methane and nitrous oxide to our atmosphere, creating a “greenhouse effect” that traps energy from the sun and causes Earth’s temperature to rise. Deforestation and intensive agriculture also contribute greenhouse gas emissions, but not nearly as much as fossil fuel production, which accounts for 75 per cent of greenhouse gas emissions in North America.

18 HRH Prince Charles.

Australia did not accept the scientific warnings and did not adopt precaution or a long-term intergenerationally equitable approach.

As I am an Australian citizen resident in Tasmania, some of the examples I have chosen in this submission unashamedly have an Australian and a Tasmanian focus but rest assured these are global problems. Australia and Tasmania has an important and influential role to play in these matters. Tasmania has already reached Net Zero, an aggregated target several years ago now. Yet, stupidly Tasmania wishes to not recognise that advantage until 2030 now.

“As of March 2021, 59 countries have communicated a Net Zero target, representing 54% of global GHG emissions...”¹⁹

If the current rate of climate action ambition prevails, by the time we get to 2050, I expect many of the life supporting natural systems on which we rely for survival will be in a state of collapse, probably irretrievably and possibly irreversibly so. When I talk in this submission about “our” or “we” I am referring to global community of humanity, not merely Australia or Tasmania.

It appears that a massive change is required to the artificial cultural construct, termed: ‘The Economy’. Often, in sustainable development terms, the economy is described, clustered with ‘society’ and ‘the environment’, termed ‘the triple bottom line’, ostensibly suggesting that all those things need to be considered side-by-side equally, so one may ostensibly have balance. This is a faulty concept.

The COVID 19 pandemic and Australia’s economic response to it demonstrated clearly how the economy can be manipulated in the short term to suit the needs of society. So in the real world The Economy, Per Se, is currently being considered in a disproportionate sense, beyond what is reasonable and logical because basically it only serves societies’ interests.

Currently in Australia and across the planet, virtually all nations have an economy, which in one form or another, liquidates carbon and produces atmospheric pollution, labelled Emissions, simplified as CO2 Emissions but involving a number of Greenhouse Gases. This occurs by design, because of the influence of powerful vested interests and a historic ignorance of the effects of our actions. Hence, I am terming such economies: Carbon Liquidation Economies.

The Globe’s existing Carbon Liquidation Economies currently impact three important things: A/ A liquidation of carbon and B/ Create Greenhouse Gas pollution (Emissions), and C/ A drawdown on biological diversity of the natural world, i.e. all the other species on the planet than our own. I argue and assert all of these three things are vitally important for our survival as a species.

All nations need to urgently change the design of economy, without delay, away from a Carbon Liquidation Economy. The Glasgow COP was an ideal opportunity where such urgently needed change could have become commitment but instead inadequate progress was made.

I would accept that a transition pathway is needed but that cannot be an obfuscation mechanism. There can be no more avoidance, weaselling and prevarication over the changes we urgently need to make to mitigate the disasters, which are already upon us and which will inevitably worsen.

All subsidies and other largess accorded to industries engaged currently in carbon liquidation activities, need to be abolished without delay. I say this because currently the playing field is significantly skewed towards carbon liquidation industries and activities, yet

¹⁹ Westphal, April 30 2021, Congressional Research Service, Net Zero Emissions Pledges: Background and Recent Developments.

no sound reasons have been given for such irrational policy by any political party or in any policy document or strategy. Australia does not have international obligations to run a Carbon Liquidation Economy and to give massive largess to the liquidation of carbon, creating greenhouse gas pollution. It simply does so, seemingly by choice of industry with the help of government. This sort of largess includes the Fire Service Act.

In short: We need to replace the Carbon Liquidation Economy with a Carbon Conservation Economy. This may be a complex undertaking at first but I am in no doubt it is essential if we are to survive.

The Liberal National Coalition Commonwealth Government of Australia has been in government for over eight years and has not taken any satisfactory action over Climate Change for Australia.

For Australia: There is no national strategy, no national plan, and no new legislation for something like a carbon price. Australia has delayed, procrastinated, argued, weaselled and failed to lead, so it is now crucially urgent to act decisively, effectively and meaningfully, without delay.

This need for urgent action now is not my fault and not wholly your fault (talking to Tasmania and this review of the Fire Service Act). It is an accumulation of avoidance that has carried on for over 40 years and which is impacting us now. The hole in the ozone was our early warning. If avoided, The Climate will continue to destabilise and worsen.

It would seem to me that even now there are enormous opportunities for Australia, in terms of transitioning away from fossil fuels. Massive opportunities can provide respite from the unpalatable decisions and strategies, which are urgently required. All Fire Services should be expressing their concern. The Dunalley fire disaster was exacerbated by changed climate weather. You call it Fire weather. Hotter climate means much more fire weather. Dunalley should have caused a review of the Fire Service Act.

Fossil fuels are a major part of the problem and for Australia that relates especially to transport and the production of electricity. New low carbon solutions should be demanded, planned and facilitated by people such as you but currently what we have in Australia is the community and industry taking the lead and the Federal Government's representatives running gormless mantra such as solar panels being dole bludgers. It's not helping.

I wish to remind you all of President Jimmy Carter's statement, who back in 1979 made the prophetic declaration:

"No one can ever embargo the sun or interrupted its delivery to us."

I cannot understand why the Liberal National Australian Government removed the carbon price rather than amending it. Vastly unfortunate. Setting up a system, a price, and a set of standards to encourage the conservation of carbon is absolutely fundamental. We could do that in Tasmania.

Developing a Carbon Conservation Economic system which includes Carbon Trading would seem to be very useful and indeed fundamental. Certainly, as a rural landowner, I would potentially find carbon trading and a price on carbon beneficial. I own 300 acres of forest. Some see it only as a Bushfire Hazard but I see it as a Carbon Sink and a place where nature can survive.

Australia is a very substantial sized continent and the amount of land and therefore carbon is enormous, especially when you consider we are only 25 million people, depending on how the carbon, i.e. the soil and vegetation is managed. This simple unadorned fact is obviously a massive strategic advantage for Australia. So why doesn't Australia have carbon trading and a price on carbon? Tasmania was automatically doing better when there was a price on Carbon.

This carbon price initiative and system should impact everyone who owns land and it should potentially be able to benefit everyone, not just large corporations in a new Carbon Conservation Economy. It should certainly be potentially able to improve the lot of farmers and other landowners, be they family businesses or giant corporations, or indeed the aboriginal community. It would make Australia and Australians wealthier. We control and have under our Nation vastly more land and hence more carbon per capita than virtually all other OECD countries²⁰.

The fight to turn around serious debilitating Climate Change belongs to everyone, and that includes the Fire Service. So a change to a Carbon Conservation Economy clearly needs to be simple and universal. All nations need to agree to a setting and maintaining and administering a price on carbon and a scheme to action it. It sounds simple but it's probably not, I would admit that. But the time for simple solutions has passed us by. Australia is not even at the starting gate.

The second change to the global economy in a transition from a Carbon Liquidation Economy to a Carbon Conservation Economy, would be to penalise industries for their pollution of the atmosphere with CO₂ or any other Greenhouse Gas. Such CO₂ pollution is inappropriately regarded euphemistically as Emissions. It is now proven that Greenhouse Gases are polluting the atmosphere and causing harm. Further, this pollution is so damaging that it should obviously be penalised, just like any other pollution.

It is essential that Australia and every other country across the globe start now to reduce the pollution of the planet's atmosphere with Greenhouse Gases. It may be claimed that a Net Zero Emissions target would be analogous to humanity or a country having a goal to stop Greenhouse Gas polluting but that is not the case. Net Zero were it to allow the pollution to continue, simply by way of some Offset system, by itself, would be insufficient.

Clearly if we are to drive a responsible change away from our current reckless industrialised activity, we need to penalise the harm which is being caused. If we do so the pathway to a Net Zero emissions target will be far more achievable and far more likely to occur.

Australia has a commitment to attempt to limit its warming to about a 1.5° C target of warming over preindustrial levels. Australia has signed the Paris Climate Agreement. Australia is not in any way on track to meet this target. Bear in mind the catastrophic bushfires, labelled the Black Summer of 2019/2020²¹, was a 1.5 degrees summer season in SE Australia.

Australia had also signed the Kyoto protocol and clearly has international obligations over Climate Change and Greenhouse Gas pollution of the atmosphere. Our international commitments are not being translated into adequate national action. We are not currently on track to meet our Paris commitments.

Tasmania, has since 2014, quietly been in a Net Zero Emissions' performer, under the prevailing rules at the time. I acknowledge that Tasmania is only a small place, (with about 540,000 people) but it has achieved an extraordinary performance yet it could do far better, because this is an aggregated figure. We are still polluting.

20 Ross Garnaut Superpower. (a book)

21 As of 9 March 2020, it was reported the Black Summer fires burnt an estimated 18.6 million hectares destroyed over 5,900 buildings (including 2,779 homes) and killed at least 34 people. An estimated one billion animals were killed and some endangered species may be driven to extinction. At its peak, air quality dropped to hazardous levels. The cost of dealing with the bushfires is expected to exceed the A\$4.4 billion of the 2009 Black Saturday fires, and tourism sector revenues fell below more than A\$1 billion.

It is my view that Tasmanians and the Tasmanian Government and its agencies can easily do even more towards saving the planet and might even be recognised by the Commonwealth for those efforts. Tasmania's power system astoundingly, operates successfully on renewables at about 90% (when not in drought), that is most of the time and we even export renewable power to Victoria.

Tasmania is one of the more populous States of the Commonwealth in density terms but have a decentralised population across the State. We are a place which shows how it can be done. Tasmania benefitted from a carbon price and if Tasmania can then the larger states should well and truly be able.

I understand that coal is used to generate 70% of Australia's electricity. Both for Tasmania and Australia and despite abundant solar energy and wind potential, we simply don't have a significant, strategic and rapid transition to a solar powered grid, backed up with batteries and pumped hydro for more storage and utilisation of a limited resource, water.

Australia, a party to the United Nations Framework Convention on Climate Change²², signed the Paris Climate Agreement²³ in 2015. Included within the Paris obligation it states:

“(a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;

(b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and

(c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.”²⁴

The Tasmanian Government obviously had something to say and certainly influence over Australia and that outcome. Tasmania is a part of Australia's international commitment and obligation. We now clearly have a serious responsibility to do more than simply agree to such commitments. They carry an obvious obligation to genuinely act and to lead.

This is an international obligation, yet Australia's international reputation is being irreparably harmed through a myopic insistence on a preference to continue to prop up the coal industry. Our now PM Scott Morrison²⁵ said when as the Treasurer, he held up a lump of coal in question time in the Federal parliament, saying:

“This is coal don't be afraid, don't be scared.”

Climate Change is destroying the Great Barrier Reef. Don't be afraid? In Australia, the world's largest natural marine system is dying right now and yet the Australian Government

22 The UNFCCC entered into force on 21 March 1994. Today, it has near-universal membership. The 197 countries that have ratified the Convention are called Parties to the Convention. Preventing “dangerous” human interference with the climate system is the ultimate aim of the UNFCCC.

23 As contained in the report of the Conference of the Parties on its twenty-first session, FCCC/CP/2015/10/Add.1)

24 This objective (c) is of vital importance but seems overlooked.

25 When he was treasurer on the 9th February 2017,

is arguing with the IUCN²⁶ about whether this World Heritage treasure is Endangered and under Threat. What a tragedy.

It astounds me that anybody would continue to support an industry (coal) and a set of actions, which intensively generates carbon dioxide emissions, aggravating Climate Change. Warming and the Climate Change impacts on the oceans and the increased temperature is destroying the largest living structure on the planet, the World Heritage listed Great Barrier Reef. Australia has international obligations to protect this wonder of the natural world. As Australians, we here in Tasmania need to make an even better transition away from CO₂ pollution.

Climate Change both impacts and causes or exacerbates events, which degrade and diminish the values of the Tasmanian Wilderness World Heritage Area (TWWHA). Again, Australia has international obligations²⁷, yet this special area of the planet, containing irreplaceable Gondwanic vegetation is being increasingly impacted by wildfire, a consequence of Climate Change. The fires of the last 5 years have been very difficult to put out.

Australia is an international embarrassment over its Climate Change performance. As a proud Australian, I hate such condemnation. I strongly expect Australia will have a speedy transition out of coal. There is no other choice.

To my mind it would be very wise of Australia to negotiate a carefully considered transition strategy that included and protected the workers governments profess to care about from the inevitable disruption that will otherwise result. Now is the time to consider such problems and to develop a plan.

In my view, the only way to deal with such stubborn Australian recalcitrance is to recommend that the global community moves to a system of placing a serious Greenhouse Gas levy at the pit face of all coal mines, oil wells, gas wells and so forth, across the Globe. This must be something that cannot easily be rorted or weaselled at any level. Such Government levy funds, I advocate would be quarantined to be used for Climate Change mitigation by governments.

The simple strategy obviously needed is no new coal mines, anywhere in Australia. The early retirement of coal-fired power stations and their conversion to renewables or to other less polluting fuels is also essential.

Climate Change in 2019/2020 arrived in south-east Australia, where the Black Summer burnt down an area of land as large as three States of Tasmania. That fire season was a catastrophe. The economic cost must be astronomical. That is the economic cost of Climate Change right now.

As of 2 January 2020, NASA estimated that 306 million tonnes of CO₂ had been emitted from these bushfires. Another estimate, from the Guardian:

“Australia’s devastating bushfire season is likely to have released 830m tonnes of carbon dioxide, far more than the country’s annual greenhouse gas pollution, according to a government estimate.”

26 International Union for Conservation of Nature (IUCN) IUCN is a membership Union composed of both government and civil society organisations. It harnesses the experience, resources and reach of its more than 1,400 Member organisations and the input of more than 18,000 experts. This diversity and vast expertise makes IUCN the global authority on the status of the natural world and the measures needed to safeguard it.

27 World Heritage sites are places that are important to and belong to everyone, irrespective of where they are located. They have universal value that transcends the value they hold for a particular nation.

The Black Summer fires occurred at a time when the global average temperature had warmed by about 1°C over preindustrial levels. However, in south-east Australia, the typical temperature was not 1° but almost 1.5°C over preindustrial levels.

Some parts of the globe are heating more than other parts. It seems south-east Australia has a bigger Climate Change warming problem than many other places.

The Black Summer fires should have meant a significant increase in strategic bushfire equipment purchase by Australia (including Tasmania) and the deployment of such equipment as an urgent priority.

Each and every day the citizens, businesses and industries of the planet put another 100 million tons of Greenhouse Gas pollution (emissions) into the atmosphere of the planet. The disaster of this vast unmitigated, indeed rampant pollution has already hit Australia hard during the Black Summer of 2019/2020. We have an opportunity to lead to mitigate over climate change, if we choose.

Think about the recklessness of such situations, where the Australian National Reserve System, which is converting CO₂ into Oxygen and conserving in situ thousands of species of plants and animals, is under threat from Climate Change. Tasmania's landmass is 42% reserved. Unfortunately, the Tasmanian Parks and Wildlife Service think so little of its reserves that it still has some 600 or so with no Management Plans. And worse, it uses its Reserves as places to conduct massive fuel reduction burns, in securely reserved places with no management plan.

I write out of great concern not only for our common future but also for the survival of our natural ecological systems and the diversity of species, which inhabit this special planet. We only have one planet. The scale of the Greenhouse Gas pollution problem, is a problem for the whole planet and thus naturally is vast, I acknowledge that fact.

But the global economy is merely an artificial construct. Climate Change is now obviously an emergency for Australia and yet we are currently only at 1.2°C of average global warming.

The world will need to move to a solar economy, this would be especially advantageous for Australia with its natural advantages of vast solar resources and significant land area and for Tasmania with its hydro, its water resources and the surprisingly good solar too. The generation of both renewable, sustainable power and hydrogen energy in Australia is not only an option for Australia domestically but could be a highly valuable export industry and service for our region, including Tasmania.

Humanity could agree to remove fossil fuel subsidies right now across the globe in all their forms, and all countries could be required to place a price on carbon. It can be decisively shown that this sort of change to economic systems works. We urgently need to do things, which we know will work including in Australia with our unsustainably carbon intensive lifestyles for even in Tasmania, we have a heavy dependence on oil and fossil fuelled products.

It would seem immensely obvious that in our economically driven world, omitting or avoiding carbon pricing allows a lack of adequate consideration and a series of economic distortions which favour unsustainable industries, practices, designs and behaviours.

The plethora of opinion over Climate Change and Greenhouse Gas emissions is surprising given the heavy focus on the science on the environmental catastrophe, which is already playing out before us here in Australia.

By putting a price on carbon and by penalising Greenhouse Gas pollutions a pathway to more sustainable developments will almost automatically arise.

The other parts of the equation are that the natural forested vegetation of Tasmania needs to be retained and enhanced. Land clearance remains a significant problem, which again liquidates carbon and through burning, creates more CO₂.

The sequestration services of retained vegetation, needs to be explicitly valued in a new economic model.

The Black Summer bushfires occurred when the average global climate was about 1° C of warming. Australia could not put out the Black Summer bushfires so I cannot understand why we would not be afraid of a climate where more warming than one degrees C was embraced as a goal.

Already Tasmania has lost 95% of its giant kelp forests very quickly. This is a tragedy: a whole ecosystem that has already collapsed. Collapses can happen all of a sudden. We don't know what might be next.

On my two secure Conservation Reserves, I have observed some species of Eucalyptus tree are becoming very stressed and a markedly increased mortality is observed. This is the start of a collapse and that is already occurring here in Tasmania. The earth is sounding warning bells.

The lack of a stable climate and the rapidity of change are beyond our ancient ecologies here in Australia to adapt, I expect. For example, Eucalyptus viminalis trees are simply not surviving, depending on the ecological niche of the individual tree. The wet version of this vegetation community is already listed as Threatened in Tasmania and under EPBC listing consideration but has stalled for several years. This iconic Australian gum tree species (Mana Gum) is dying all across much of its range (on the mainland and in Tasmania). I have seen many sites both in Victoria, Tasmania and elsewhere on the mainland and I am aware of such places as Eden Monaro area, where the trees are dying en-mass.

We need to rethink the way we treat our unique Australian ecologies and the over use of fire, which generates massive pollution and renders forest more flammable.

All governments must commit to legislated CO₂ pollution/emission reductions and national decarbonisation strategies.

There is an obvious need for a 2025 target, a 2030 target and a 2035 one as well. Plus they need to be disaggregated into industry sectors for greater clarity. Plus all sectors, including especially the Tasmania Fire Service need to have Climate Change impacts and consequences in the forefront of their minds when making decisions and creating strategies.

In Australia we are really slow when it comes to change for example after the Black Summer bushfire disaster of 2019 2020, we still seemingly haven't realised water bombers will keep us safer than nuclear powered submarines.

Climate Change is already a ghastly catastrophe, if you have had the misfortune to be affected by one of the climate instability consequences already. And the delay between cause and effect means that things are bound to get worse, much worse. We should heed the warnings. We don't have much time left.

I wish to urge the Tasmanian Government, we simply will not be able to safely or sustainably live and farm in a 1.5-degree world in many parts of rural Australia.

As the climate warms the matter of fire becomes far more problematic, far more risky, longer fire seasons, stresses for volunteer brigades and the list goes on and on.

More than for any other reason restructuring and modernising the Tasmanian Fire Service now should be done in preparation for a much harder and hotter world, fire wise.

A Tasmanian State Policy over the pollution of Greenhouse Gas Emissions, their impacts and the issue of a worsening, destabilised and warming climate, with a commitment that such a Policy must be created.

A definition of Climate Change and reference to it should be included in any revised fire service legislation.

The Tasmanian Climate Change Office within the Department of Premier and Cabinet does have a fact sheet, which inadequately describes the imminent threat of Climate Change and in general completely fails to adequately alert the community of Tasmania to the massive dangers and risks.

Brigades

The TFS, the operational arm of the SFC, has a mix of brigades, with major cities having employed career Brigades. Some large towns have retained Brigades and many of the other over 230 brigades across Tasmania are staffed and operated securely as 100% volunteer Brigade operations, with both the Brigade Chief and the members, all being volunteers.

When one looks at the list of Brigades on the TFS site one gets no information and no transparency about whether the Brigade is staffed by paid staff or volunteers or retained fire fighters and whether it is staffed at all, or whether it simply houses some equipment and the fire fighters, who are volunteers, have a pager but understandably are otherwise engaged elsewhere pursuing their lives and activities. This undisclosed situation is fundamentally un-transparent for each and every brigade.

Clearly a Career or Retained Brigade has the strong potential to deliver a higher level of service than a volunteer brigade. If anything, proximity of the landowner/ fire levy contributor to a particular class of brigade (and hence the level of service) should cause a relative adjustment of any levy amount, not the proposals put by the 2021 Tasmanian Treasury Options Paper. This is reiterated under the Treasury Paper Section.

I am amazed by the extent of the volunteer contribution of fire fighters to Tasmania. They are to be applauded. But with ever increasing fire periods I ask whether there should be some form of financial compensation for extended duty. I was told it could not be afforded but I consider that is not the point.

My understanding²⁸ is that presently a volunteer in a volunteer Brigade is under no compulsion to respond and attend a fire incident. In essence, my understanding is there are volunteers who will only perform some of the expected duties.

Volunteers in any one of the 230 TFS Brigades are overwhelmingly of male gender. I ask:

1. Do females not wish to volunteer to be firefighters?
2. Is the culture of the TFS not amenable to women when they choose to volunteer?
3. Is it perceived within the TFS that this sort of work cannot be performed by women?

The Liberal majority government commitment was to:

“Establish emergency service liaison roles to work with local communities on recruitment and retention of firefighter and SES volunteers.”

(Add more)

²⁸ Per comm TFS volunteer, name not disclosed.

“The general powers of TFS Brigade Chiefs are provided for in Section 29 of the Fire Service Act 1979 and are adequate to deal with most incidents in which TFS is involved.”

(Add more)

Bushfire Policy and Messaging Response to Emergencies

It seems that in the last decade (or rather since the Canberra fires of 2003), there has been a shift to introduce greater controls over private landowners, attempting to make them safer. The Canberra fires have been perhaps more thoroughly analysed than previous fires and such work does show that people defending their homes did make a difference.

This trend of increased controls, increased further following the 2009 Victorian Black Saturday fires. The 2009 Victorian fires, especially the Kilmore East conflagration, merging multiple fires, caused a significant and tragic loss of life.

Prior to 2009 there was a strong message from TFS and other agencies around Australia to: *“stay and defend”*, referring to one’s home. This policy type advice to the general public was the subject of consideration by the Royal Commission into the Victorian Black Saturday fires.

Post 2009, Tasmania embarked upon a process to improve bushfire emergency recommendations and building standards for places where it was considered to be bushfire-prone.

Post Black Saturday, the message from fire services around Australia was changed, recommending the advising of people to plan to become prepared to: *“Leave Early”*. Leave Early unfortunately means entirely different thing is to different people. This message arose because of the significant number of deaths caused when people left late and got caught such as occurred during Black Saturday.

The massive difference between leaving early and leaving late is largely lost on the general public, in my view. I include some members of my family in this observation. Generally, it is very difficult to convince someone who is intent on and planning on leaving late, to instead leave early. It is noted that leaving early is a TFS recommendation and not a mandated edict. I support a non-compulsory encouragement but more needs to be done to define what is meant by ‘leaving early’.

The creation a new division in the Tasmania Fire Service to manage the planning and response to bushfire.

This new division in the Tasmania Fire Service to manage the planning and response to bushfire seems like a wise idea.

Existing Functions and Powers of The Commission Enshrined in the Fire Service Act.

“8. Functions and powers of Commission

(1) Subject to any directions given to it by the Minister pursuant to section 11 , the functions of the Commission are –

(a) to formulate the policy in respect of the administration and operation of the Fire Service;

(b) to co-ordinate and direct the development of all fire services throughout the State;

(c) to develop effective fire prevention and protection measures throughout the State;

(d) to develop and promulgate a State fire protection plan;

(e) to standardize, as far as is practicable, fire brigade equipment throughout the State;

(f) to establish and maintain training facilities for brigades;

(g) to conduct such investigations into fires as it considers necessary, and to prepare reports and recommendations to the Minister arising from those investigations;

(h) to conduct such investigations into the use of fire as it considers necessary, to instruct the public in the wise use of fire, and to disseminate information regarding fire protection measures and other related matters;

(i) to advise the Minister on such matters relating to the administration of this Act as may be referred to it by the Minister, and on matters that, in the opinion of the Commission, should be brought to the attention of the Minister; and

(j) to exercise such other functions vested in or imposed on it by this Act or such other functions relating to the preventing or extinguishing of fires as may be imposed on it by the Minister from time to time.

(5) Any land proposed to be acquired by the Commission under the authority of section 7 (2) may, with the consent of the Governor, be taken in accordance with the provisions of the Land Acquisition Act 1993 and the purpose for which the land is so taken shall be deemed to be an authorized purpose within the meaning of that Act.

(6) The Commission is to perform its functions in respect of Wellington Park in a manner that is consistent with the purposes for which Wellington Park is set aside under the Wellington Park Act 1993 and with any management plan in force in respect of Wellington Park.

(7) The Commission is to perform its functions in respect of any reserved land, as defined in the Nature Conservation Act 2002, in a manner that is consistent with the purposes for which the reserved land is set aside under the National Parks and Reserves Management Act 2002 and with any management plan in force in respect of the reserved land."

Purposes of the Emergency Management Act 2006

The Emergency Management Act 2006 (EMA) is "...an Act to provide for the protection of life, property and the environment in the event of an emergency...". The Act defines an emergency as either an event, or the threat of an event, that requires appropriate measures, including: "...emergency means –

(a) an event that –

(i) endangers, destroys or threatens to endanger or destroy human life, property or the environment, or causes or threatens to cause injury or distress to persons; and

(ii) requires a significant response from one or more of the statutory services; or

(b) a significant threat of the occurrence of an event of a kind referred to in paragraph (a) in respect of which it is appropriate to take measures –

(i) to prevent that possible resulting event; or

(ii) to mitigate the risks associated with that threat and that possible resulting event;”.

Activities and Functions enabled and enshrined by the Fire Service Act

(This Section not completed)

State Fire Protection Plan including its Purpose, Aim and Strategic Priorities

The State Fire Protection Plan is established through Section 35 of the Emergency Management Act 2006. The current version is No 3, dated 2020 from which I quote:

“1.1 This State Fire Protection Plan (SFPP) broadly outlines the prevention, preparedness, response and recovery (PPRR) arrangements associated with fire and fire related hazards in Tasmania’s natural and built environments. It is a State Special Emergency Management Plan subordinate to the Tasmanian Emergency Management Arrangements, 2020 (TEMA) and is guided by the 11 principles of emergency management as set out in the TEMA.”

Authority

1.3 This Plan is developed under the authority of section 8(1) (d) of the Fire Service Act 1979 and is authorised for use by the State Fire Commission.

Aim

1.4 The aim of this SFPP is to outline Tasmania’s prevention, preparedness, response and recovery strategies related to fire in the natural and built environments.

1.10 The historical record demonstrates that Tasmania is one of the more fire prone states in Australia. As climate change progresses, the frequency and severity of fire events is likely to increase. Tasmania’s sparse population and variable terrain provides unique challenges to providing and maintaining fire and emergency services capability.

The State Fire Commission

2.7 The State Fire Commission (The Commission) is established pursuant to section 7 of the Fire Service Act 1979. Pursuant to section 8(1) of the Fire Service Act, 1979, the functions of the commission include, but are not limited to:

a. s8 (1) (c) to develop effective fire prevention and protection measures throughout the State; and

b. S8 (1) (d) to develop and promulgate a State fire protection plan.

Tasmania Fire Service

2.8 *The Tasmania Fire Service (TFS) is established pursuant to section 6 of the Fire Service Act, 1979. Section 6 states that the Tasmania Fire Service shall be under the control of the Commission (meaning the State Fire Commission).*

2.9 *This SFPP is maintained by the TFS on behalf of the State Fire Commission for the SEMC.*

Response Strategies

3.82 *TFS response strategies align with the all-hazards approach which is based on the principle that those systems and methods of operation which work for one hazard are most likely to work for other hazards. The all-hazards approach does not preclude the development of specific plans and arrangements for hazards that require a specialised response.*

3.83 *TFS broad fire response strategy in priority order is: warn the community, protect at-risk people and critical infrastructure, prevent the fire spreading, defend defensible assets, protect the environment and fight the fire. The elements of this strategy are as follows:*

- a. **Warn the community.** Analyse current and predicted weather, environmental and fire information, direction and speed of fire, and warn those threatened by fire.*
- b. **Protect at-risk people.** Focus on protecting those members of the community considered to be most at risk such as people gathered in schools, nursing homes, community shelters and so on.*
- c. **Protect critical infrastructure.** Protect critical infrastructure and key community assets to maintain essential services and improve community resilience by enabling communities to recover more quickly from bushfires.*
- d. **Stop the spread of fire.** Stop the spread of fire, particularly in built-up areas through building-to-building ignitions. Explore all means of achieving this quickly so resources are not engaged for extended periods at individual homes or buildings. **Focus on protecting homes in densely populated areas to minimise losses.***
- e. **Defend ‘homes and other assets that are defensible by firefighters’ (homes coded orange).** TFS applies a triage policy to defend ‘homes that are actually defensible, particularly in areas of moderate to high housing density, where firefighting resources can move relatively quickly between homes and other assets under threat. **Resources should not be committed to houses or other assets that cannot be defended safely, or homes that can be defended safely by other personnel who are present.***
- f. **Protect the environment.** Where possible and appropriate, protect endangered ecosystems.*
- g. **Fight the fire. Fighting the fire should be the lowest operational priority for fires burning under severe to catastrophic conditions.** On severe to catastrophic days, fires extinguished in the bush are likely to re-ignite, and any efforts to extinguish them are likely to be unsuccessful. Protect people and high-value assets as described above. Commit resources to contain and extinguish the fire when conditions have moderated.*

The current State Fire Protection Plan sets out the priorities of the TFS for a broad fire response strategy in priority order. It is noted especially that currently the defending of homes is priority (e) or the fifth highest priority out of 7 priorities in total. It is the third lowest priority.

My point is that it is on the record that the TFS does not really intend to try and save houses outside of suburban situations, as a high priority, in a bushfire event.

One could say that the first three Priorities listed above are the high priorities. I am not sure I fully agree with the Plan but nonetheless it is the current plan.

It is therefore very hard to see any justification for basing an increased TFS funding levy based on properties and their improvements, that is dwellings. This subject is discussed in more detail under the Treasury Paper Section, but is mentioned here because if one has a strategy and bear in mind I am not debating the TFS State Fire Plan priorities, then it should not pretend or give false hope to residents including the demand for payment of a levy which is unlikely to bring any protection or assistance.

Bear in mind there is an obligation under the State Service Act 2000 to not deceive and to not be dishonest. Trying to impose a levy when you know you're the priorities lie elsewhere would be dishonest.

Homes coded Orange

The general public have no knowledge whether their home is coded Orange or not.

State Controller

The State Controller is established through Section 10 of the Emergency Management Act 2006. The Minister or head of the agency appoints the State controller.

State Fire Management Council

This Council is enshrined under Section 14 of the Act and operates within the auspices of and with the support of the State Fire Commission, rather than as an independent body.

“The SFMC advises the SFC on vegetation fire management particularly in the areas of prevention and mitigation of fires.”

I especially note:

15. Functions of Council

“(4) The Council is to perform its functions in respect of any reserved land, as defined in the Nature Conservation Act 2002, in a manner that is consistent with the purposes for which the reserved land is set aside under the National Parks and Reserves Management Act 2002 and with any management plan in force in respect of the reserved land.”

The State Fire Management Council is discussed further on additionally.

The Unregulated Lighting of Vegetation Based Fires

In Tasmania, it is currently within the law to light a fire without registering the fire with the Tasmanian Fire Service. This can be done without penalty outside of the Permit Period and the Total Fire Ban periods. I fairly and reasonably call such fires un-regulated.

All vegetation based fires have and carry significant risk but un-regulated fires are much more dangerous and potentially consume significant un-planned resources. Yet, there appears no intent in this review to regulate this aspect.

The un-regulated lighting of vegetation based, outdoor fires needs to unambiguously become illegal. I say this in cognition of the TFS statistics about the avoidance of permit

based fires, which were published in the 2018 Wise Lord and Ferguson report on the Fire Permit System.

The un-regulated practice of lighting vegetation based fire is a reckless and dangerous practice for a variety of sound reasons.

Un-regulated fire is a fire about which the Tasmania Fire Service (TFS) has no advance knowledge. The TFS has no knowledge about the location, design or the planned extent or the volume of matter involved in the fire. There is no information about the person who has lit the fire, including their motivation and objectives and no information about whether the fire has escaped and whether in fact it may be an act of arson. .

Unregulated fire is also a fire which may also be poorly designed or incompetently designed and which may have, in essence, no good quality design features whatsoever. Additionally it is obviously one regarding for no official documentation exists within the Tasmanian Fire Service.

In essence an un-regulated fire, as described above is surely a major nightmare for the Tasmanian Fire Service. The fact that an unregulated fire is not an illegal fire is a vast shortcoming of the Fire Service Act 1979. It is of crucial importance that the reform of this legislation includes the end of the open slather un-regulated fire.

Unregulated fire is dangerous and reckless most especially because the Tasmanian Fire Service has no advance knowledge of its existence. This may cause the TFS to respond to an unregulated fire as if it is a bushfire. It is vital that the lighting of fires absent the knowledge and permission of the Tasmanian Fire Service becomes illegal.

One could be forgiven for making the observation that in some parts of Tasmania there is a culture of lighting fires.

Fires are lit to burn rubbish, an accumulation of garden matter, crop stubble, stumps, logging debris and to burn almost anything in fact. Burning also occurs when outside for camp fire type purposes.

Fire is also used for the purpose of addressing or harming one's ex-partner, one's neighbour, one's enemy and this sort of burning may involve the burning down of a dwelling, sheds or immolation directly of the person. Such uses of fire are of course illegal.

European settlers have traditionally used Fire in Tasmania by. Fire has a long been unregulated in an open slather sort of fashion in Tasmania. That needs to end now.

In modern society, such unregulated legal and administrative largess is unacceptable because it is unsafe and risky. In terms of Climate Change, the risks associated with fire are massively increasing. This is obviously happening now and has been happening since about 2003.

It is not sufficient that such unregulated burns be regarded merely as false alarms.

When all fires need a permit, a column of smoke in a location where no permit exists is easily identifiable as illegal and appropriate action can be taken.

Registered Burns

Currently, outside of the declared Fire permit period, a person who wishes to light a fire in the environment is encouraged, but not mandated to register a fire with the TFS. This registration is a very simple process of phoning the TFS.

Registration as it is currently practised remains an extremely minimal piece of information passed on to the TFS.

A person seeking to register a burn is given a registration number. This registration process can only happen outside of the Fire permit period.

The registration process is managed by the TFS. I can find no legislation, which supports this registration process.

The checks and balances, which may be performed by the TFS cannot be transparently determined.

I cannot see the justification for having a separate registration process which in some respects is analogous to the Fire permit process within the Fire permit period.

It is my view that any additional information, which may be gathered by the TFS within the Fire Permit System is required information for an environmental fire at any time of the year.

The Fire Permit System

3.79 A fire permit period may be declared for the State or parts of the State. During declared fire permit periods, the SFC has powers under Section 62 of the Fire Service Act 1979.

The lighting of fires in the outdoor environment is a risky activity. It was an outdoor fire, termed by the private landowner to be a campfire, where a stump was lit and not fully extinguished or sufficiently observed which caused the Forcett/Dunalley fire in 2013. Campfires currently have certain exemption rights during Fire Permit periods.

A review of The Fire Permit System was recommended by the Inquiry following the Forcett/Dunalley fire in 2013. The 2013 Tasmanian Bushfires Inquiry recommended (*Recommendation 91*):

“That Tasmania Fire Service conducts a review of the fire permit system in the Fire Service Act 1979, and implements change to improve the efficiency and effectiveness of the system by:

- considering whether it is appropriate to authorise persons or organisations to conduct fuel reduction burning during a permit period*
- providing a better match between the period, area and fire risk*
- maintaining a timely and efficient process for issuing permits*
- naming the period in a way that draws attention to bushfire risk*
- establishing a reporting and accountability process.”*

The Fire Permit System is a system managed by the Tasmanian Fire Service under the Fire Service Act. Currently a Fire Permit Period is declared by the State Fire Commission.

“PART V - Emergency Provisions

61. Fire permit period

(1) The Commission, with the approval of the Minister, may by public notice declare any day, or any period specified in the notice, to be a fire permit period throughout the State or in respect of parts of the State.”

Within that specified period, the lighting of a fire without a Fire Permit being issued by the TFS should be, but currently is not illegal.

“63. Restrictions on lighting fires

Without limiting section 66 , a person shall not, during a fire permit period, light or cause to be lit, or maintain or use, a fire in the open air on any land for the purpose, or that is likely to have the effect, of clearing vegetation from that land or for a similar purpose unless that person takes all reasonable precautions to prevent the fire from spreading to adjoining land, and observes such precautions as are determined by the Commission and as may be required by a brigade chief or other officer of the Fire Service.”

Section 63 is weak unenforceable legislation. As it stands, it suggests that taking ‘reasonable precautions’ is an adequate excuse and it suggests or imputes the fire is out of control. It is so poor because of the structure of the clause and the open slather mindset, which framed the legislation. I have highlighted in bold the useful part of the clause, were it to be retained.

Unless Parks and Wildlife Service or Sustainable Timbers Tasmania is managing a fire, , currently a Fire Permit needs to be granted by a Permit Officer, within the TFS. To this extent, for the government agencies, the fact that a Permit Officer within the Department or business enterprise concerned can approve and permit the lighting of fires, is completely and utterly a matter of self-regulation. This aspect is strongly criticised and is considered to be inadequate.

In regards to the TFS the position of Permit Officer is stipulated to be under Section 65, filled by the Chief of the local brigade. Bear in mind there are some 230 TFS Brigades. So, potentially there is a significant number of Permit Officers dealing with Permit approvals. Other officers within TFS are also empowered as Permit Officers.

It must be remembered that the vast majority of Brigade Chiefs across the 230 Brigades across Tasmania are volunteers. Thus, the vast majority of Fire Permit Officers are volunteers.

I maintain that such regulation in the TFS as the Permit Officer should be performed by employed staff, properly and fully trained and not by firefighting oriented Brigade volunteers.

Giving Fire Permit approval powers to volunteers is surely an unregulated sort of approach. Also, the number of fire events year on year within Permit Periods means a significant regulatory burden is placed on the volunteer workforce.

I can see no adequate separation of roles between the brigade chief, acting as a Permit Officer and the brigade chief in his or her role fighting an escaped fire from a Permit and burn for which he or she granted a Fire Permit, perhaps only hours prior. Talk about a conflicted and invidious position. There appears to be no published job description for Permit Officers.

The accounting/consulting firm of Wise Lord and Ferguson (WLF) was given the task of reviewing the Fire Permit System and produced a report in January 2018. Apparently, it says it consulted but I was not made aware of the consultation. The WLF Report made some 18 recommendations. Wise Lord and Ferguson²⁹ stated:

“Key findings:

- *The Fire Service Act 1979 does not establish a clear governance structure for the Fire Permit System.*

²⁹ Tasmania Fire Service, Review of the Fire Permit System, Final Report, January 2018 by Wise Lord and Fergusson.

- *There are insufficient cross-organisational linkages between Tasmania Fire Service, Sustainable Timber Tasmania (STT) and Parks and Wildlife Service in relation to the Fire Permit System.*
- *There is no over-arching agreed risk management framework across the Fire Permit System or within the Tasmania Fire Service to underpin decision-making.*
- *There is limited scaling and consideration of geographical differences.*
- *The processes surrounding the appointment and training of Fire Permit Officers require change.*
- *The processes and systems are primarily manual resulting in inefficient or ineffective document and information management.”*

Reform of the Fire Permit System is now long overdue and urgently required in my view. The 2013 recommendation remain in abeyance. There is obvious reluctance to reform this fundamental aspect of the system.

Wise Lord and Ferguson stated in their report in 2018:

“At times when no Total Fire Ban or Fire Permit Period is in force, there are few provisions in the FS Act restricting the use of fire or fire-related activities:”

This may have been acceptable in 1979 but now this un-regulated, fire laissez faire approach to the dangerous matter of vegetation based fire is nothing short of totally and utterly reckless.

The simple and responsible solution would seem to be a reform of The Act to ensure a Permit Period exists all year round unless it is overridden/cancelled by a Total Fire Ban.

The section of The Act around Permits needs to be completely redrafted and any clauses which allow landowners or managers to light fires without a Permit need to be abolished.

It is noted that the relevant section of the Fire Service Act provides a self-regulatory benefit to the Parks and Wildlife Service and Sustainable Timbers Tasmania. I can see no reason for such an open slather, self-regulatory set of provisions.

It is abundantly clear that a volunteer brigade needs to not also have powers over regulatory matters such as fire permit approvals.

Whilst the brigades are managing fire permit approvals for permit fires they are also fighting permit fires, possibly because the conditions of the permit were such that in the conditions the fire escaped and a 000 call to the TFS resulted.

Were the TFS to then allow the brigade to investigate and report on the escaped permit approved fire that would complete the circle that allows the matter to be covered up. Trying to unravel such problems is currently completely fraught. Only with legislative change can the compromised and conflicted situations be reformed and remedied.

The Tasmania Fire Service, Review of the Fire Permit System, Final Report, January 2018 by Wise Lord and Ferguson has a long list of some 18 recommendations, which seemingly have not been actioned.

Fire Permits and Permit Officers

Currently Fire Permits are granted free of charge to any eligible person who phones to apply. Conditions may be imposed upon the granting of the Fire Permit. I am advised the

granting of a Fire Permit consumes significant TFS resources, yet it attracts no fee whatsoever.

Indeed, in determining an application for a Fire Permit the applicant most likely diverts volunteer TFS resources, explicitly for his or her private benefit.

Indeed, I argue that private benefit is currently drawing down on the public interest Brigade's resources.

The Fire Permit also indemnifies the permit holder; another private benefit, again at no cost. This all represents a public subsidy for those who want to light a fire at a risky time of the year.

Fire Permits can only be issued within the Fire Permit Period, which is considered to be the period when dangerous fire is both more risky and more likely. This period usually is within the period of the year from late spring, through summer and early autumn.

Applications for Fire Permits

Currently Fire Permits can be and usually are applied for over the telephone; that is, with a verbal communication. This is a system, which is a feature of a very low level of regulation. This is an unreliable means of communication, insufficient for the granting of an indemnity, in my view.

I cannot understand how a verbal, phoned through Permit application, could possibly be reliable. I cannot see how the information could be verified, unless the Permit Officer

Standards of Required Information

Currently it would seem that the Fire Permit (bearing in mind the Permit application form is not published by the TFS) can specify the size of the burn either in area terms or in volume terms.

It is extremely hard to see how a heap of combustible material satisfies the Act.

One cannot easily quantify whether a burn is out of control and therefore has escaped unless the area of the burn and its specific location is established and included in the Fire Permit.

Publication of Information

(To be added)

Neighbour Notification and Consultation

Currently the notification of neighbours is at the discretion of the Brigade Chief, who in general terms is also the Permit Officer. This discretion is entirely inadequate and unsatisfactory.

For all Permit Burns, mandate in law, an advance neighbour consultation protocol. The advance warning period should be (of at least 7 days) and enshrined in law.

Neighbours should be identified by the landowner who is planning to do a Fire Permit burn and listed on the Permit, as having been contacted. Neighbours deserve to be warned and will be safer for such a notification and warning. This is also more efficient because it forestalls emergency calls for permitted fires that have not escaped. Neighbours should also be advised when the fire has been extinguished.

Total Fire Bans

A period of Total Fire Ban (TFB) may be declared in areas of the State as determined by TFS for specified reasons. During a period of TFB the SFC has powers under Sections 70, 71, 72 and 73 of the Fire Service Act 1979, under Emergency Powers.

Within a period of ‘Total Fire Ban’, there is a number of exemptions and weaselled clauses, which allow the lighting of fires. This is an amazing situation.

Clearly, the term ‘Total Fire Ban’ needs to mean exactly that. No fire whatsoever. The important word “total” should not be degraded and diminished.

A further category of restriction may need to be created which limits certain activities but allows others.

Other Emergency Powers

These are provided under Division 3—Emergency Powers in the Emergency Management Act 2006.

The Annual End of the Permit Period

Wise Lord and Ferguson stated in its review of the Permit System in 2018³⁰:

“Data indicates that a significant number of burns typically occur in the days immediately following the end of the Fire Permit Period (data not supplied). This is recognised and addressed by allocating additional resources to FireComm for these periods.”

However, such action is not always successful. This strategy of “*allocating additional resources to FireComm for these periods*” is absolutely not sufficient and a far more reliable solution should be pursued out of this review.

That is, my proposal is to have a year round Permit system, so there is no ‘end of Permits rush’ to light up Tasmania. Fire needs to be much better regulated.

I wish to remind the reader of the Dolphin Sands fire, which occurred just after the end of the Permit Period. How did having more resources in FireComm help this situation of an escaped, unregulated fire. This fire was not a bushfire but an escaped fire. How much damage occurred?

My recommendation is to not have a limited Permit Period and to update the Permit system integrating it and the Registration system into a 365 days per annum system.

Camp Fires

Campfires represent a significant regulatory problem and a significant safety and environmental problem in Tasmania.

The blaze that burnt down the town of Dunalley was claimed to be a campfire.

30 Tasmania Fire Service, Review of the Fire Permit System, Final Report, January 2018 by Wise Lord and Fergusson.

Campfires are often lit in recreational places in secure reserves and in fishing spots, even when there is no permission to camp. It seems to me that a campfire could only be a campfire if one were camping.

It is my view the PWS has increased restrictions over campfires in many locations. That restriction needs to be extended across Tasmania.

There is a long history of campfires escaping. Indeed, locally, at the fishing spot of Brushy Lagoon on the edge of the Reedy Marsh Conservation Area, the lighting of campfires monotonously leads to escaped fires.

The Fire Service Act does not act adequately or sufficiently regulate campfires and is in urgent need of reform.

I believe that it is obvious that calling a fire a campfire is a way of avoiding responsibility when the fire escapes.

I find it deeply troubling that we might have a bushfire prone area applying to native vegetation and yet by the same token someone can come along and light an incorrectly or inadequately constructed campfire. The result is an escape. Trying to police campfires is obviously highly problematical and time-consuming.

It is far wiser to institute a ban on campfires on public land in places, which are recognised as being bushfire prone.

Section 69 of the Fire Service Act should be discarded and repealed.

Tasmanian Fire Service Website

The Tasmanian Fire Service website displays certain information about bushfires, prescribed fire, registered fires, Fire Permit approvals, as well as alerts regarding fire permit periods and total Fire bans. I refer to the website during the Fire Permit Period on a daily basis.

In broad terms this website may have some utility but the detail which the website unfortunately does not include has the consequence to significantly limit the utility of the information for emergency purposes, especially if you happen to be a nearby neighbour, especially if the property concerned happens to be large and especially where the fire is relatively fast moving.

It would be easy to significantly improve the website.

I cannot imagine that the website is underpinned in any useful way by the Fire Service Act 1979.

There should be a legal obligation upon the TFS to provide useful information to the general public.

There is a strong need for the website to include better information, including historical information, better locational information, more timely updates, a whole raft of improvements are needed.

Record of Fire Permits burn plan contents

A record of the spatial layout and detail content of Fire Permits burn plan should be included and or obtained as part of the TFS application process and retained by the TFS.

Such important records should be a fundamental part of the process.

The Public Record of Fire Permits is Required but Currently Absent

Wise Lord and Ferguson stated in 2018³¹:

“No centralised record of fire permits that have been issued or refused (as distinct from the centralised registration of burns). Fire Permit System is wholly paper-based.”

A web based digital system to publish the Fire Permit applications and process needs to be instituted in the new legislation.

If I can refer to the Permit application process under the RMPS and LUPAA for Local Government planning approvals for all manner of structures, a significant amount of this is published on Council websites across Tasmania. This includes details about the property, the details of the development and the stage of the approval.

This is an elementary aspect of such applications and permissions from Government entities with public interest objectives.

I find it absolutely fascinating that people pay a significant fee for such planning and building approvals for their expensive built developments and so I am completely appalled that people who wish to light dangerous fires, fires which may escape and consume the aforementioned built developments, can do so without even paying a fee, without submitting a detailed plan and without making a written application and potentially without any design features being sufficiently specified to them in a formal manner and over which they must sign off on, then comply, yet amazingly are given an indemnity. I am simply gobsmacked.

Yet the Fire Service Act states:

“8A. Commission may charge for services

(1) The Commission may fix scales of charges for any services provided by the Commission or a brigade under or for the purposes of this Act.

(2) Subsection (1) does not apply in relation to services provided by a brigade at a fire.”

So, applications for Fire Permits can attract a fee with virtually no change in the legislation, in fact.

Unregulated fire could be made illegal. This would ensure a significant improvement in the regulation of outdoor fires and would mean the people lighting the fires would get to pay for the services which are required to keep others safe from their dangerous activities.

The whole laissez faire administrative culture of the lighting of dangerous fires in Tasmania urgently needs to change.

Certainly the notion that this inadequate verbal Fire Permit application process is provided free of charge whilst the Government proposes to levee the victims of fire for services it may never provide is outrageous.

³¹ Tasmania Fire Service, Review of the Fire Permit System, Final Report, January 2018 by Wise Lord and Ferguson.

Escaped Fires

It was suggested to me by a member of the TFS that fires could be allowed under certain conditions to continue to burn beyond their allotted planned boundary rather than being extinguished³².

I could not see how such a fire could be allowed to continue to burn.

I sought clarification about the matter from another TFS Officer and was provided with a response. This is enclosed. I was advised there is currently no definition of the oft used term “Escaped Fire” in the Fire Service Act 1979.

Presumably, this means no one is prosecuted for overseeing a Fire Permit Burn or a Registered Burn which escapes.

I consider this lack of regulation and definition of an Escaped Fire to be reckless and inadequate. Clearly, when a Permit Fire expands beyond its boundaries it has escaped.

To use an analogy: When one gets a permit to build a new building the size of the new building is defined in the Permit. When one wants to then build a larger building, one needs to seek an amended Permit.

So, a similar situation should apply with Fire Permits, except that when they escape they should be acknowledged as Escaped Fires and when a fire escapes, a fine should be levied.

Clearly, an escaped fire is one which is not under control as per the Fire Permit and therefore is in contravention of the Fire Permit which surely specifies the exact locality of the approved fire and its conditions. Surely, the Permit Fire is not ‘permitted’ to escape.

The Bushfire Ready Neighbourhood Program of the TFS

I wish to recommend the retention and expansion of this excellent program. It clearly has very few staff and yet it has the consequence to better prepare the community for the event of a fire emergency. This is a wise and precautionary sort of program.

Bushfire Mitigation

It has been claimed by some that Bushfire prevention is best achieved by the use of fire itself. This practice is usually termed Bushfire Mitigation, Hazard Reduction, Controlled Burning, Fuel Reduction Burning, Prescribed Burning, which are all terms for the actions taken ostensibly to prevent or reduce the risk of severity of fires before a bushfire occurs.

It has been claimed by DPAC³³:

“...the Government’s Fuel Reduction Program has reduced Tasmania’s bushfire risk. However, as the duration of our bushfire season extends, the window in which activities such as fuel reduction burns can take place narrows. This makes it crucial for governments, and the broader community, to consider and adopt new and flexible approaches to managing bushfire risk.”

In the scientific paper: ‘Adaptive prescribed burning in Australia for the early 21st Century – context, status, challenges’, Jeremy Russell-Smith, Lachie McCaw and Adam Leavesley

32 I corresponded with the TFS over this matter and would provide the correspondence in confidence.

33 In the 2020 Bushfire Mitigation Bill process.

state in the section of their paper titled ‘The development of institutionalised prescribed burning in Australia’:

“Development of the modern era of prescribed burning in Australia has been described in various authoritative accounts, notably including RH (Harry) Luke and Alan McArthur’s landmark 1978 Bushfires in Australia (Luke and McArthur 1978), and Stephen Pyne’s (1991) contextual masterpiece, Burning bush: a fire history of Australia.”

In the NPA ACT Symposium 2017: Bushfire Management – Balancing the Risks, Dr Zylstra stated:

For decades, forest flammability has been linked to fuel load – the weight of fine twigs, leaves, and bark in a forest. Accordingly, the paradigm of fuel reduction by burning has pervaded Australian thinking, providing a single answer to every question of fire risk reduction. At its core however lies only a rough theory described by the author as potentially “subject to drastic change as more data becomes available”.

In the 50 years since the publication of this leaflet, peer-reviewed science for forest fires has focused exclusively on West Australian Jarrah, until the publication of the Forest Flammability Model (FFM) in 2016. Unlike the earlier models, the FFM uses a mechanistic approach, mathematically determining the influence of every component on fire behaviour, rather than limiting the drivers to those already assumed to be important. This has the effect of allowing the more influential drivers to become visible.

In the first validation of flame height predictions ever performed for an Australian bushfire model, the FFM demonstrated seven times greater predictive power when it considered the species of plants present, compared to using fuel load alone.

The implication of this is that the solution to fire risk is not fuel reduction, but ecosystem management.³⁴

And further, in 2017 Dr Zylstra stated:

The basis for using fuel load is the work of McArthur – often seen as the pioneer of fire research in Australia. McArthur however considered his work to be at an infant stage, and his assertion that fuel load was the primary driver of flammability was based on only nine data points measured in West Australian Jarrah forest, published in a leaflet without the standard quality control of peer-review. As he warned: “...many of my observations and comments are tentative and may be proved wrong or subject to drastic change as more data becomes available”.

Regardless of the definition of fuel load that is used however, the implications for management are the same. The greatest weight of fuel is in the layer of leaf litter, and this accumulates over time until eventually reaching a point of equilibrium [8]. Consequently, the flammability of a forest can always be reduced by burning the forest, and this paradigm of fuel-reduction burning has underpinned Australian fire management for more than 50 years [9].

Published science however gives little reason to accept this hypothesis [10]. When McArthur’s experiments in Jarrah fuels were repeated formally, fuel load was found to have no effect on rate of spread, and only a very minor effect on flame heights

34 Dr. Philip Zylstra, Centre for Environmental Risk Management of Bushfires, University of Wollongong

[11,12]. By this time however, the concept of fuel load had become a paradigm, and such contrary evidence has been widely dismissed.³⁵

Former NSW Fire Chief Greg Mullins, on the 2019/20 Black Summer NSW bushfires at The Drum on the episode 28th September 2021 stated:

"...it was very clear it was a weather drive event its very well known and has been for some time that when fire danger gets to Extreme it doesn't matter how much fuel there is it'll burn over burnt ground it'll burn the organic material in the dirt ...it was routinely spotting spot fires 8-12km ahead ..So it doesn't matter how much areas have been fuel reduced and I saw fires actually speed up in hazard reduced areas where there was lower fuel and there is satellite imagery proving that..."

This is a highly important statement, as conventional wisdom in the fire management fraternity is that burning and indeed burning forests within a repeated 5 year or so time-frame is the best precautionary solution to prevent catastrophic fires. I have trouble understanding the scientific veracity of such a claim but that is their view obviously.

I have read the CSIRO's Luke and McArthur's book on the subject.

However, it was noted (including in the 2019/2020 Black Summer) and I think not even contentiously and indeed it is well known that wildfires burn through areas subjected previously to what is termed 'fuel reduction' (more correctly perhaps termed 'hazard reduction'). This of course imputes or indeed suggests that managing the forest in a state of some significant degree of ongoing carbon drawdown for the purposes of hazard reduction may not actually provide any hazard reduction whatsoever for the sorts of wildfires we are starting to see in this time when the climate data is showing over 1.2 degrees of average global warming. It may be as a part of SE Australia, Tasmania is warming faster than the global average.

I am aware there has long been some acknowledgement of traditional indigenous practices, which is said to aim to achieve a much cooler burn, perhaps with less damage to the ecosystem. But this indigenous burning practice was not done at the sorts of elevated climate temperatures now being experienced. Further, the indigenous practice was oriented around creating green pick for the purpose of enhancing food availability.

Here in Tasmania hazard reduction burning is done including by Conservation Reserve manager Parks and Wildlife Service (PWS), often with a Napalm based, aerially applied incendiary substance.

This Napalm incendiary is applied very rapidly over vast areas, when compared with indigenous burns. So, the two management regimes (the indigenous and the PWS) may be quite different in terms of impacts and outcomes, both ecologically and in hazard reduction terms.

If the current hazard reduction burns simply do not stop the wildfire, then one must ask: Why do it? Tasmania relies on modelling and simulations. In my view such things cannot be relied upon to ensure the climate warmed phenomenon will be properly predicted. Hence, the 2019/20 fires and observations of experienced Fire Service professionals about what happened with them are very relevant experience.

However very few people have made the statement that the wildfire actually increased, perhaps because the hazard reduced area has less understorey and therefore can experience higher winds.

Across inland Tasmania over the last 20 years, under escalating climate and temperature, the wind speeds are shown to have increased by 9.4%. This is, it seems, a feature of Climate

Change and land use change because land clearing and the conversion of natural forests to much younger managed forests or cleared land, all impacts on airflows.

It can sensibly be assumed that more wind would cause a fire to burn faster. So if the forest were to, because of the simplification of its understorey structure (through burning), offer less wind resistance, then the effect mentioned by Mr Mullins may be entirely plausible, but the trouble is I have no other information about this claim (that the fires sped up in hazard reduced area).

Would it not be tragic if the efforts of the PWS and others, thinking they were achieving a reduction of hazard, was in fact increasing hazard?

Please note: I am not challenging Mr Mullins' views but was genuinely interested in his statement because it may be that our (southern Australia's) conventional management of forest (by western means as enshrined long ago as per Luke and McArthur) for hazard reduction is making things worse and not better in wildfire terms, which is the main hazard reduction rationale for this management.

Certainly, if the bushfire hazard practice and rationale is not correct for a warmed and warming climate, then that should not be enshrined in any fire or mitigation legislation.

If there is inadequate knowledge at the current climate, then again a precautionary approach should be adopted, rather than such matters enshrining in law. A Precautionary Approach should be enshrined in the new Fire Act legislation.

Please Note: Currently Tasmania is reviewing its Fire Service Act 1979 and is doing so after a failed relatively recent 2020 attempt to introduce a Bushfire Mitigation Bill, which was intending to compel landowners to burn their forest, and which regarded natural forest as a hazard. The Bushfire Mitigation Bill process failed to honour its disclosure obligations and promise on the DPAC website.

As well, it must be noted hazard reduction burns may be liquidating carbon harmfully, possibly damaging the soil humus layer, drying out the forest floor (which has less carbon to retain moisture) and soil and possibly causing other impacts including the widely known impacts of burning on water and catchment values.

Were the impact of the fuel reduction activities to actually make the wildfire more intense or faster and not stop it at all, then we all really urgently need to rethink how we (Govt Agencies mainly but also private owners) manage forests. Now, to be clear I do not regard forest as a hazard but it is so mapped and defined in Tasmania as a Bushfire Prone Area.

I am aware that the Tasmanian Liberal Party has made commitments over Bushfire Mitigation and that they include additional employment and funds in favour of the TFS and the TFS Bushfire Risk Unit³⁶ with the aim, potentially, to expand the Bushfire Mitigation program.

It concerns me quite a lot that the people who work in the Fuel Reduction Unit, now called The TFS Bushfire Risk Unit³⁷ become highly defensive when an alternate view is expressed.

It concerns me that DPAC attempted a process over the Bushfire Mitigation Bill in 2020. I wish to reserve my rights to provide a copy of my submission as a part of this process, as there were many aspects, which may remain relevant.

“Empowering landholders to actively manage bushfire risk on their own property.”³⁸

36 This TFS Bushfire Risk Unit used to be called the Fuel Reduction Unit.

37 <http://www.fire.tas.gov.au/Show?pagelD=colFuelReductionUnit>

38 Minister Shelton October 2020

This is an inadequate proposition by the former Minister.

Fire Management

This is a term within the Fire Service Act.

Bushfire Fuels, not defined.

The Fire Service Act states under Section 3(1):

“fire management means a strategic defined program to manage bushfire fuels;”

However there is no definition of what may be intended by “Bushfire Fuels”.

Personally, I have trouble understanding the notion that the humus layer of a forest, being the bush, represents bushfire fuels. It would only become fuel for a bushfire were there a bushfire.

Fire Management on reserved land

Currently I consider that ‘Fire Management’ on reserved land is deficient and lacks sufficient public oversight. This term refers to prescribed burning.

It has been claimed by Mr Blake that an objective should be:

“Fire management on reserved land is aimed at not only protecting life and property but achieving conservation objectives listed in the National Parks and Reserves Management Act 2002”

It is not clear to which life Mr Blake refers. Is it only human life?

“The SFC is to perform its functions in respect of any reserved land, as defined in the Nature Conservation Act 2002, in a manner that is consistent with the purposes for which the reserved land is set aside under the National Parks and Reserves Management Act 2002 and with any management plan in force in respect of the reserved land.”

It is my view that whilst Mr Blake takes a position in relation to public reserved land, and rightly and valuably points out the obligations, it should be remembered that there are over 900 private reserves under covenant³⁹, as well as Private Sanctuaries and Nature Reserves and Part 5 Conservation Agreements. Most of these protected private lands also have Management Plans or what is considered to be a Management Plan⁴⁰.

This issue of Reserved Private land is also discussed towards the end of this submission in relation to the property based levy, proposed by Treasury.

Reserve Activity Assessments performed by the PWS

Reserve Activity Assessments (RAA) is the self-regulatory mechanism which Parks and Wildlife Service uses to approve, often in vast numbers and often with almost no adequate conservation consideration, a program of burning secure conservation reserves.

The lack of adequate independent regulatory oversight is criticised. It is and should be an issue for reform coming out of this review.

This is the same sort of open slather regulatory avoidance as is currently practised within the Fire permit system.

39 Under the Nature Conservation Act 2002

40 These for private land Covenants can be termed Operations Plans or Nature Conservation Plans.

It is vital that the Parks and Wildlife Service is subject to regulatory oversight in the circumstance especially where the RAA is being implemented on a reserve which has no statutory management plan.

The lack of statutory management plans currently for over 600 Parks and Wildlife Service conservation reserves is noted and considered to be unacceptable and reckless. This was a firm commitment by Tasmania under the Regional Forest Agreement.

The avoidance of this commitment for over two decades is strongly criticised.

In this circumstance, RAAs are viewed as an un-transparent, un-regulated, inadequate, expedient means of burning large areas of the Tasmanian Reserve System on public land.

Clearly the PWS has responsibility for gazetted reserves.

Responsibility for assessing burn proposals should be subject to independent oversight.

This is an issue, which regularly comes to the attention of adjoining landowners, who are faced with dealing with an autocratic PWS.

Fighting the Fires - Firefighting

Bushfire management can be separated into two categories:

- **Firefighting** – emergency actions taken to prevent bushfires damaging life or property.
- **Fire prevention** – preventative actions taken to prevent or reduce the risk of severity of fires before a fire occurs.⁴¹

I note that “Fighting the fire” has been given the lowest priority in our Tasmanian, State Fire Protection Plan.

Back burning Practice

Back burning is an emergency response to a threatening bushfire where fires are lit ahead of a main fire front in a bid to starve it of fuel.

"One's elective surgery and one's emergency surgery. That's the best way to think about it," said David Bowman, University of Tasmania fire scientist.

"With prescribed burning, you take a bet that a bushfire's going to come into the area you've treated and that will reduce the fire intensity and help the fire managers get on top of the fire."

What are the risks? Both are *"incredibly dangerous"*, according to Bowman.

Back burning can only be safely conducted under certain conditions.

"If you were in something like catastrophic weather, like we had on Tuesday, it's probably too bad to do that," said Owen Price, bushfire researcher from the University of Wollongong.

"It's too dangerous for the crews and the back burn will fail"

"The chance the fire will just stop over the road you're burning from will be pretty low."

During the 2019/2020 Black Summer Fires, a number of back burns actually were probably the exact cause of certain villages burning down.

41 <https://www.awe.gov.au/environment/epbc/publications/factsheet-bushfire-management-and-national-environment-law>

Back burning is a highly risky technique which should be recognised as such in legislation and require senior staff approval.

Compliance and Enforcement

The compliance and enforcement actions of the State Fire Commission and the Tasmanian Fire Service are deeply unsatisfactory. This part of the legislation should be strengthened, not weakened. Discretion to do nothing in the face of obvious breaches should be removed.

Wise Lord and Ferguson in 2018 in their report of the Fire Permit System have raised the issue of Compliance and Enforcement. It says:

“Proceedings for offences under the FS Act are to be heard and determined by a Magistrate (s. 129). Tasmania Fire Service does not currently have a policy or procedures for prosecuting offences under these provisions.”

Of course, Wise Lord and Ferguson (WLF) have been very kind. This problem needs to be urgently addressed; yet WLF’s statement above suggests there is no appetite for the TFS performing its regulatory function.

The WLF Review document states:

“The 2013 Tasmanian Bushfires Inquiry recommended “that Tasmania Fire Service conducts a review of the Fire Permit System in the Fire Service Act 1979, and implements change to improve the efficiency and effectiveness of the system...” (Recommendation 91). In response to this recommendation, the Tasmania Fire Service commissioned a comprehensive review into the Fire Permit System. WLF Accounting & Advisory were engaged to facilitate the review, which was overseen by a Steering Committee comprising representatives of the Tasmania Fire Service, State Fire Management Council, Parks and Wildlife Service and Sustainable Timber Tasmania.”

When a law is specified in legislation, there is no need for a policy, or indeed procedures. For the TFS or the SFC to hide behind the absence of policies and procedures is absolutely pathetic. I am amazed that this WLF consultancy is so obsequious but am also very grateful they raised such issues. I am also amazed that the Tasmanian Fire Service avoids enforcing its own laws. So the WLF review, surely is a bare minimum set of reforms.

No wonder the people at Forcett considered that their so-called campfire, which burnt down the town of Dunalley, was an okay excuse. No one is ever prosecuted for such crime. If the people of Dunalley felt that they were not being supported by the TFS, they were absolutely right. What a scandal. Well, now the civil court action has provided some redress.

It would appear that no enforcement or compliance ever formally occurs, even after the Dunalley fire. This must change. Tasmania is just so backward. The responsible people in the TFS should be ashamed. I am genuinely appalled. This is unacceptable from a public interest perspective and simply reinforces my perception that the TFS is operating an open slather arrangement. Perhaps TFS is simply unable to act in a better fashion due to poor legislation?

I propose that as the TFS seemingly has no appetite for pursuing enforcement or compliance that these important functions be removed from its remit at the very earliest opportunity and given to an organisation which is willing to ensure that the various relevant activities and standards which need to be enforced are adequately policed and where necessary, prosecuted.

I propose that the current set of Offences relating to Fire Permit Period be reviewed and expanded at least to include the offence of an escaped fire.

Further, all the penalties need to be reviewed and increased, as part of this review and reform process.

I make the point that when an owner who builds or subdivides completes their development they are inspected and so enforcement, for those who have not done the relevant Bushfire Prone Area Provisions, would always occur.

This is in stark contrast to the enforcement and compliance currently being mis-administered by the Tasmanian Fire Service and State Fire Commission. Elsewhere I make the point that adequate enforcement is essential for adequate responsible behaviour and use the example of the Tasmania Police and our road laws.

The Bushfire-Prone Areas Code

The Bushfire-Prone Areas Code is written, designed and constructed by the Tasmanian Fire Service but is enlivened within the RMPS and LUPAA and the planning schemes under those legislations. This is one of the important reasons for suggesting a new fire and emergency act is underpinned by the Schedule 1 Objectives of the RMPS.

The Bushfire-Prone Areas Code is a good idea but it is not balanced by sufficient controls, regulation and enforcement over the lighting of fires.

The Bushfire-Prone Areas Code clearly provides and causes a significant financial impost on landowners who wish to build or subdivide in areas, which may be a bushfire-prone area, and viewed as a hazard. Why is one sector paying and another not?

A bushfire prone hazard is not defined. Instead, a Bushfire Prone Area is defined and Bushfire Prone Vegetation is defined within the Code. These definitions are included below.

Those additional conditions and expenses of development under the Bushfire-Prone Areas Code may improve the resilience of the structure. However, they may make absolutely no difference whatsoever, depending upon the severity of the fire and a variety of other circumstances.

Under The Bushfire-Prone Areas Code, the process which the owner engages consultants to write specifications in a report, is managed through the Land-Use Planning Approvals legislation in Tasmania. This Bushfire-Prone Areas Code is a system, which is, in broad terms, replicated across Australia.

The Fire Service Act 1979 predates the Resource Management Planning System of Tasmania (RMPS) which underpins the Land-Use Planning Approvals (LUPAA) legislation in Tasmania and the Bushfire-Prone Areas Code which is a code within either an interim planning scheme or a local provisions schedule of the Tasmanian Planning Scheme.

The Bushfire-Prone Areas Code is highly problematic, from where I sit. It is problematic because, should a new development be constructed in accord with the approved plan and spatial arrangements, that does not guarantee resilience from fire.

Firstly, this is a Code for and only for new developments, new houses or other buildings and subdivisions.

It is highly concerning that a landowner may follow all the prescriptions within the Bushfire-Prone Areas Code, including those recommended by the accredited consultant but for a range of reasons and causal factors, the reality is the house may burn down anyway.

The Bushfire-Prone Areas Code appears primarily designed to facilitate infrastructure and design which assists the Tasmanian Fire Service to have improved capacity and safety to fight fire on that private property.

The Bushfire-Prone Areas Code, for example, stipulates a 10,000 L water storage static supply, which is retained separately and appears to not even be available to the landowner in the event of a bushfire emergency.

It is not clear from any documentation within the Bushfire-Prone Areas Code for whom the storage of firefighting water is actually being separately retained and conserved and when it may be used and indeed even whether it may be used for bushfire fighting by the landowner who paid to install this infrastructure, as a specific part of his or her development for bushfire purposes.

It maybe the separate stored static water supply established when complying under the Bushfire-Prone Areas Code is intended to be used solely by one of the volunteer brigades of the Tasmanian Fire Service. It may be that on the occasion of a fire, a decision is made by TFS, remote from the landowner and in the absence of TFS advice to the landowner, that TFS would not in any way attend a fire at the landowners dwelling, despite the expense to which the landowner has gone, to comply with the Bushfire-Prone Areas Code.

This is a fascinating and interesting, highly un-transparent issue and aspect of the Bushfire-Prone Areas Code. Remember currently there is no compulsion upon any volunteer to attend a fire. The TFS fire fighting force in relation to bushfires is comprised almost entirely of volunteers.

I argue that it is an unacceptable circumstance where in good faith the landowner has undertaken at personal cost, the regulatory preparations under the Bushfire-Prone Areas Code and where they are retained at the ready and intended to be used by a service (the TFS), which may never be deployed for that particular property.

Indeed it has been communicated to me recently that in Jacky's Marsh, a relatively remote area with many rural properties within the Bushfire-Prone Areas Code and where bushfire prone vegetation exists it has been stated by a TFS person to at least one resident and developer of a building under the Bushfire-Prone Areas Code and the relevant building provisions, that the TFS would never come out and defend a fire in this locality.

So, it seems for this locality there may be no TFS service at all. Why? Jackeys Marsh is about an hour away from my locality, also in Meander Valley Council LGA area. Would my locality and location also be considered in the same light? Other localities? What about the remote settlement of Lorinna? Lorinna is a long way inside the forest boundary yet people have lived there for a long time quite safely. My recommendation for Lorinna would be to reopen the original road access and keep the second one as well. So two accesses. People wish to live there for a variety of reasons apparently and they have a Brigade.

The Bushfire-Prone Areas Code, a part of the land use planning system, is a land-use planning mechanism, intended to improve the resilience of subdivisions and buildings across the bushfire prone area of Tasmania. The bushfire-prone area of Tasmania, as per the definition in the Code, (see below) represents a vast majority of the land area of Tasmania. This has been described in the 2021 Treasury Paper, as being 41% of all properties in Tasmania (presumably only on private land).

bushfire-prone area means:

- (a) land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; and*
- (b) (i) where there is no overlay on a planning scheme map; or*
- (ii) where the land is outside the boundary of a bushfire-prone area shown on an overlay on such a map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.*

bushfire-prone vegetation means:

contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.

The definition, when combined with a Local Government Area (LGA), which avoids mapping bushfire prone areas within its municipality results in a Code that captures only some of the bushfire-prone vegetation because the definition of bushfire-prone vegetation does not include certain places, which are prone to bushfire attack. On the other hand, it captures places which may be only somewhat susceptible to Bushfire attack.

The Bushfire-Prone Areas Code currently does little to make landowners significantly safer in my view, but I concede it may make the TFS local brigade volunteer crew safer.

At this stage, I cannot see that compliance with the Bushfire-Prone Areas Code necessarily or in any automatic consequential way results in a dwelling, which is classified by the TFS as Code Orange⁴². Nor does it mean the relevant dwelling would be defended by the TFS.

The Bushfire-Prone Areas Code does nothing to ensure that Council maintained roads in bushfire prone areas or rather containing bushfire-prone vegetation are resilient and provides no imposts or regulatory prescription on local government infrastructure at all.

Locally here in Reedy Marsh, the roadside up to about 280 Larcombes Road is mainly lined with gorse bushes. These highly flammable bushes are in close proximity to the public roadside, sometimes overhanging but are not removed by Council.

There appears no bushfire arrangements, including the Bushfire-Prone Areas Code which ensures their removal, other than perhaps through weed legislation. Recently instead of removing the flammable gorse, Council sprayed it, temporarily knocking it back and making the Bushfire Hazard considerably worse. I had suggested a different solution which would have removed the bushfire hazard but that has been ignored, so far.

In the Reedy Marsh locality where I live, all the power lines remain above ground and all the power poles remain constructed of treated pine. Treated pine is highly prone to bushfire attack⁴³. The use of treated Pine power poles should not be continued in Bushfire Prone areas.

Since the 2013 Forcett fire, which burnt down the lovely little town of Dunalley, it has been noted that additional attention has been spent clearing underneath power lines. This activity often appears to result in a pile of dead combustible material sometimes heaped not far from treated pine power poles. I cannot understand the reason for such gormless activity, where the result is likely to be more bushfire prone and vulnerable, than previously. The Tas Networks power infrastructure is not dealt with under the Bushfire-Prone Areas Code. The Code has not improved any resilience or safety aspect whatsoever.

Wikipedia noted:

“Kinglake–Marysville fires

The large smoke cloud from the Kilmore East fire, being blown across Melbourne's northeast at 2:49 pm on the 7th February 2009.

The Kinglake fire complex was named after two earlier fires, the Kilmore East fire and the Murrindindi Mill fire, merged following the wind change on the evening of 7 February. [42] The complex was the largest of the many fires burning on Black Saturday, ultimately destroying over 330,000 ha (820,000 acres).[43] It was also

42 Code Orange is a term used in the State Fire Protection Plan.

43 See Fireground Newsletter Edition No of 2020

the most destructive, with over 1,800 houses destroyed and 159 lives lost in the region.

Kinglake area (Kilmore East fire)

Just before midday on 7 February, high winds felled a 2 km (1.2 mi) section of power lines owned by SP AusNet in Kilmore East, sparking a fire at approximately 11:45 am in open grasslands that adjoined pine plantations. The fire was fanned by extreme northwesterly winds, and travelled 50 km (31 mi) southeast in a narrow fire front through Wandong and Clonbinane, into Kinglake National Park, and then onto the towns of Humevale, Kinglake West, Strathewen and St Andrews.[2][44]

The cool change passed through the area around 5:30 pm, bringing strong southwesterly winds. The wind change turned the initial long and narrow fire band into a wide firefront that moved in a northeast direction through Kinglake, Steels Creek, Dixons Creek, Chum Creek, Toolangi, Hazeldene, Broadford and Flowerdale. [45]

The area became the worst-impacted in the state, with a total of 120 deaths [46] and more than 1,200 homes destroyed.

The cause of the Kilmore East-Kinglake bushfire was found by the 2009 Victorian Bushfires Royal Commission to be an ageing SP AusNet power line. [47]

Class action

In December 2014 Victoria's Supreme Court approved a A\$494 million settlement of a legal class action against SP AusNet and Utility Services Group. [47] It has been noted as being "the biggest class action settlement in Australian legal history". [48] The previous highest payout was \$200 Million in Kirby v Centro Properties Limited (No 6) [2012] FCA 650 (19 June 2012). [49]"

It is basically unacceptable that private landowners suffer significant Bushfire-Prone Areas Code imposts, yet government businesses, Local Governments all get to hold onto dangerous and bushfire prone and vulnerable infrastructure and fail to maintain it in a way which reduces Bushfire threat to make the community safer. It is my view that the TFS needs powers to ensure such infrastructure is regulated so it too is more bushfire resilient.

Clearly if the infrastructure fails (road or power or phone), the private landowners have significant additional problems to contend with, should they wish to take action attempting to save their buildings and land or even if they are leaving late.

The whole power system for rural Tasmania remains a significant threat to rural residents' safety. Yet, as far back as 2009 Governments have been aware of the need to update existing bushfire prone infrastructure.

This vulnerable power pole problem and its associated suspended electricity wires is a source of fire ignition in itself and was an issue in the 2013 Dunalley fire.

The 2009 Black Saturday fires caused civil class actions over power infrastructure, which caused some of the fires. We all know that suspended powerlines in bushfire prone areas are a hazard.

It seems however virtually no progress has been made in Tasmania to ensure that public infrastructure becomes more bushfire resilient, assisting private landowners to be better equipped and able to fight bushfires. As it stands, above ground suspended electricity wires supported on the wooden treated pine poles, represents both a liability and a threat that is known to Government and the TFS and SFC but is seemingly ignored.

The fact that the suspended powerlines are known to be a liability on threat yet no state-wide program of replacement has been pursued suggests strongly that the degree of risk and vulnerability is simply being lumped onto the private land owner and not shared equally. How could anything, which a private landowner may do be a replacement for this matter being solved?

Why should landowners with a planning classification as being in a Bushfire Prone place, be given a higher financial impost when the State and Local Governments are failing to deliver any sort of resilient infrastructure?

Currently the Bushfire-Prone Areas Code is a code within the planning system, which is written by the Tasmanian Fire Service. It has many good aspects but it is not fair or reasonable and does not solve several of the problems and vulnerabilities of bushfire prone areas.

I claim that it is abundantly clear the Tasmanian Fire Service is fundamentally involved in dealing with and creating the Bushfire-Prone Areas Code and has deliberately focused on imposts to private landowners rather than the things which Councils and Tas Networks can do to make living in a bushfire prone area safer.

This matter is therefore highly relevant to any review of the Fire Service Act.

The Bushfire-Prone Areas Code was, in my view, watered down following the case: *Timber World Pty Ltd v Meander Valley Council* [2020] TASSC 27.

The Code establishes the defined notion of ‘Vulnerable Use’ and this triggers the provision of additional measures and restrictions including a Bushfire Hazard Management Plan⁴⁴ that contains appropriate bushfire protection measures and an emergency plan, which is consistent with TFS Bushfire Emergency Planning Guidelines. This ‘Vulnerable Use’ notion has been watered down subsequently.

The Bushfire-Prone Areas Code was described as a form of delegated legislation and this significantly constrains all development in bushfire prone areas.

Regarding the associated document: ‘Requirements for Building in Bushfire-Prone Areas under the Building Act 2000’, drafted by the Director of Building Control. This document should be read in conjunction with Interim Planning Directive No.1 Bushfire-Prone Areas Code, which came into effect on 23 February 2016 and those parts of the Building Regulations 2014 related to bushfire-prone areas, which together supersede Planning Directive No.5 Bushfire-Prone Areas Code that took effect on 2 October 2013.

The Bushfire-Prone Areas Code gives the TFS enormous discretion. For example:

“E1.4 Use or development exempt from this Code

The following use or development is exempt from this Code:

(a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this Code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures;”

One must remember the TFS wrote this Code. The TFS clearly have too many competing functions for comfort. I argue this example is the sort of problem that this Review should address. That is, should the TFS be writing such policy legal documents, defining much of Tasmania as bushfire prone and so forth?

44 Bushfire Hazard Management Plan (BHMP) – means as defined in the Fire Service Act 1979.

Providing residents in Bushfire Prone Areas with greater resilience does not represent an alternative solution to better regulation and enforcement of fire or the provision of adequate fire fighting resources or the reliance on private landowners having sufficient insurance.

State Fire Commission

At this stage, having written this submission, I remain unsure as to whether the commission model, supposedly an independent commission, is worthy of retention or whether Mr Blake's suggestion as per his Recommendation 8⁴⁵ should be followed. I still consider not enough information has been provided to the general public to enable a reasonable decision or recommendation.

I note it is stated that the following statement was derived from section 8 of The FS Act:

“The State Fire Commission’s primary purpose is to minimise the social, economic and environmental impact of fire on the Tasmanian community.”

I have seen so far no analysis as to whether the SFC has achieved this purpose. I can see room for improvement but wonder if changing the structure will bring about the necessary change. I urge decision makers to think carefully about this issue of the SFC's performance and were it to be found lacking, what then are the actual causes and only then can one start to work out the correct or appropriate remedies.

State Fire Management Council

I have had some correspondence from people who have had interaction with the State Fire Management Council (SFMC). Some of the correspondence and the anecdotes I have been privy to, lead me to express great concern about this antiquated entity within the State Fire Commission.

Indeed, I have a raft of concerns about various aspects, for which time precludes a detailed analysis. This Council is an artefact of 1979 and which for several years failed to perform its basic functions.

Blake wishes to at Recommendation 8⁴⁶:

“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:

- *suitable ring-fencing arrangements for levies raised to fund TFES o appropriate reporting arrangements between the head of TFES and the Minister*
- *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.”*

45 Review of the Fire Service Act 1979 Report by Mike Blake October 2020

46 Review of the Fire Service Act 1979 Report by Mike Blake October 2020

In terms of the SFMC this proposal would not be in the public interest. Likewise in terms of the SFC it would surely be highly unsatisfactory. It is not even logical. Blake's recommendation 8 is opposed.

“15. Functions of Council

(1) The Council has the following functions:

(a) to develop a State vegetation fire management policy to be used as the basis for all fire management planning;

(b) to advise and report regularly to the Minister on such matters relating to the administration of this Act, as it applies to vegetation fire management, as are referred to it by the Minister and on such matters concerning vegetation fire management as, in the opinion of the Council, should be brought to the attention of the Minister;

(c) to advise the Commission on such matters relating to the prevention and mitigation of vegetation fires as are referred to it by the Commission or land managers and on such other matters as, in the opinion of the Council, should be brought to the attention of the Commission;

(d) to perform such other functions relating to the prevention or mitigation of vegetation fires as the Minister may direct;

(e) to provide an annual report to the Minister on its activities, for inclusion in the annual report of the Commission prepared under section 107G ;

(f) to provide an annual report to the Commission on the activities of the Fire Management Area Committees, for inclusion in the annual report of the Commission prepared under section 107G.

(2) The Council is to consider each fire protection plan submitted to it under section 20(1) (c) and may –

(a) approve the plan as submitted; or

(b) approve the plan subject to such modifications as it thinks fit; or

(c) reject the plan and instruct the Committee to recast the plan.”

Other functions are discussed elsewhere in The Act.

For some arcane reason the Fire Service Act 1979 also entrusts the SFMC to appoint Fire Permit Officers.

Now, the SFMC has never managed to develop any criteria to assist with its appointment of Fire Permit Officers and the system around the SFMC appears to be a loose coalition of those who favour burning.

My recommendation is that a Fire Permit Officer should have delegated responsibility from the chief officer and not the SFMC.

The 2021 Treasury Fire Service Act 1979 Funding Options Paper

The 11th October 2021, Tasmanian Treasury Options Paper: Fire Service Funding Arrangements document, presents four funding model options based on suggestions

following on from the October 2020 Blake Review⁴⁷ document. These Options have been fleshed out and quantified by Treasury.

One could easily come up with four more alternate funding suggestions with equal merit.

This submission suggests reasonable alternative sources of funds based on Blake's own generic fee for service suggestion.

Several of Blake's suggestions in his report have financial implications.

Blake's Options as described by Treasury⁴⁸ are:

- Option 1: Retain current arrangements.
- Option 2: A single property-based levy.
- Option 3: Property and motor vehicle-based levies.
- Option 4: Annual appropriation.

The Treasury Options Paper⁴⁹ states:

“This options paper has been developed following the release of the Blake Review for public consultation. Given the Blake Review contained 16 financial management recommendations, Treasury is seeking specific feedback on the most appropriate funding model for an integrated fire and emergency services function, taking into account the objective of ensuring future funding arrangements that are more sustainable, equitable and commensurate with future functions and the business operating model.”

The Fire Service Act prescribes the current funding arrangements for the SFC, which is the governing body for the TFS.

It would seem to me that insurance companies have been lobbying Government to get rid of the Insurance Fire Levy. This requirement is specified in The Act currently.

Treasury claims⁵⁰:

“As noted in the Blake Review, these arrangements are extremely complex and highly prescriptive, with funding being provided from a range of sources.”

I disagree with that “extremely complex” characterisation. It is not. This is spin. The arrangements are prescribed in legislation. It could well be argued that is a good thing, not a bad thing.

There has been talk of “ring-fencing” the funding of the Fire Service. Does the legislation currently not adequately do so? I would hope we may all agree the Tasmania Fire Service needs adequate, consistent, reliable funding, upon which it can forward plan.

Treasury states:

“The current funding arrangements were developed in 1979 and do not take into consideration recent developments, including greater interoperability, technology changes, longer fire seasons and the impact of climate change.”

My understanding is this is not correct. There was a 1995 amendment to The Act, which dealt with finances.

47 Review of the Fire Service Act 1979 Report by Mike Blake October 2020

48 The 11th October 2021, Tasmanian Treasury Options Paper: Fire Service Funding Arrangements document.

49 The 11th October 2021, Tasmanian Treasury Options Paper: Fire Service Funding Arrangements document

50 The 11th October 2021, Tasmanian Treasury Options Paper: Fire Service Funding Arrangements document

Finance issues should be dealt with once a decision is made whether to incorporate and or amalgamate the TFS and SES and in recognition of what that looks like, in administration terms. It is clear that most SES and TFS volunteers have a definite allegiance and preference for their volunteer contribution. I expect that single issue should be very important for decision-makers.

I find it interesting that Treasury seeks to impose a single property based levee, in essence a landowner based levee, for a service seeking for landowners to fund the Tasmania Fire Service.

Meanwhile the Tasmanian Government continues to prop up the GBE Sustainable Timbers Tasmania. Why is a GBE propped up but rate payers with limited resources get socked for a service, which they may never use and which, in an emergency, may never come to their property to defend their home and other structures, let alone their other assets.

And bear in mind that only volunteer fire fighters would ever service rural property owners. The Treasury Paper⁵¹ states:

“The modelling does not make any assumptions around the future cost of an integrated fire and emergency services function, and the costs largely reflect current arrangements. Treasury has not undertaken any type of analysis in relation to ongoing or future expenditure needs of an integrated fire and emergency services function to verify this assumption.”

Then clearly not all of the homework has been done. Why make decisions based on only half the work? It would be much better to have a full set of background papers. I wish to recommend a proper set of background papers be produced as the second step, acknowledging this was meant to be the beginning of the process.

The 2021 Treasury Paper states:

“Similarly, Treasury modelling proposes a higher bushfire prone area (BPA) charge rate for industrial, residential and primary production classifications, with lower rates for community services and other categories. This is for demonstrative purposes only and subject to further consultation.”

This proposition is firmly rejected and opposed. I think there is a range of other solutions, which should be explored.

I propose that The Government and the State Fire Commission (or any replacement entity), in the first instance, take on board Mr Blake’s suggestion at his Recommendation in Section 5.1:

“Be equitable so that those who receive the various services contribute to the costs;”

I provide a number of examples below where the ‘fee for service’ principle has long been avoided by the TFS. A comprehensive assessment should be performed.

For example: The Fire Permits, which are currently given away free of charge.

Let us look into those for a short while: A landowner who wishes to conduct a burn rings up the TFS and makes a phone application to an officer of the TFS who must go through the form which has several sections. The application is handled via a paper based system.

The Permit Officer, who is often also the local Brigade Chief, goes out to the site subject to the application to review the situation and inspect the site.

This process may have some legitimacy; I am not arguing it does not. However, it all takes significant time and a public interest benefit to the rest of Tasmanians cannot be established. So, the whole process represents an unreasonable donation.

I have concluded that Fire Permits should be supplied on a fee for service basis and legislation be amended if necessary to ensure this simple fee for service always happens.

I have also concluded that Fire Permits should be the standard and the only way in which a fire can be legally approved, conditioned, permitted and then legally started. After all, the exemption from liability alone would have to be worth the asking price. No matter what it is.

There should be also a fee for callouts in the event of an Escape, from a Registered Burn or Fire Permit Burn in the circumstance where the prescription of the Permit Officer was ignored in the execution of the Permit. In other words, in the event of a Fire Permit breach. Otherwise there is no incentive for people to control, contain and extinguish their fires with diligence.

Just imagine if the Tasmania Police took an approach to the regulation and enforcement of the motor traffic laws, such as speeding or going through red lights and never fined anyone. The roads would be far less safe.

If Tasmania wants safer fire management and safer control of fires it needs to regulate and enforce with diligence and charge on a fee for service basis. When people know they will be charged for breaking the law they will obey it. When they know they can get away with murder, murder becomes apparently possible.

A second example: Callouts for Unregistered Fires, which may have been considered to be bushfires or other uncontrolled fires need to be investigated and currently may be not illegal but consume significant local brigade resources attending to a fire which a landowner may have lit and which may be under control but which is not registered with the TFS and therefore for which the TFS have no knowledge.

Another Example: What about the income generated from actually ensuring compliance and enforcement. What would happen to that income? Currently I strongly suspect there is none. Why is there none?

Mr Blake stated in his report at 5.1.1:

*“Achieving an equitable model proved more difficult. **Equity is only achievable if TFES is fully funded by the State, which is not proposed.**”*

Firstly I find Blake’s comment to be incredible. Because Mr Blake has also come up with a Recommendation No 23 where he opposes Appropriation. His reasons for opposing appropriation are not logical. Recommendation 23 states:

“Do not fund Tasmania Fire and Emergency Services (TFES) by Appropriation – because doing so may disincentivise property owners from properly insuring their properties or being appropriately prepared.”⁵²

I ask: How would that be the case? So Blake claims that a funded fire service would disincentivise property owners from properly insuring yet no link between the funding of the fire service and property insurance can be found.

Is it considered there would be a better Service if it was funded by appropriation? Blake did not say that. Second point is that a funded TFS would cause property owners to not adequately or appropriately prepare for the risk of fire. Again what is the causal link? I simply cannot see one.

Is Mr Blake suggesting that the current level of service provided by TFS is of such a poor quality that this acts as an incentive to insure and prepare by taking personal responsibility.

I quote:

“Tasmania must collectively increase its disaster preparedness and resilience in preparation for a range of disaster and emergency events as outlined in the state’s risk assessment and emergency risk assessment guidelines.”⁵³

And from the State Fire Management Plan:

“To achieve this, government and government agencies will continue to play a critical role in improving policy; town planning; emergency planning; response coordination, capability and interoperability; and public education. The community’s role is also critical and individuals, property owners, and businesses must improve their disaster resilience.

Improving preparedness and disaster resilience to fire in both the natural and built environments requires collaborative effort across the PPRR spectrum. High level arrangements are set out in the TEMA and the State Special Plans including this SFPP.”

The more I read about the alternative proposals the more appropriation funding seems appropriate and equitable for baseline funding. The TFS is an essential service.

I make the following general comments about funding approaches.

The notion that one geographic area or sector would pay more than another to support basic generic public interest of volunteer based firefighting service is highly concerning.

The fact that people who own more developed, more expensive properties would pay more, because of the proposal to link the Assessed Annual Value (within the O VG valuation and Council rates notice) to the fire levee impost - in essence a form of wealth tax, is also highly concerning.

Clearly, a Career Brigade or Retained Brigade has the strong potential to deliver a higher level of service than a volunteer Brigade. If anything, proximity of the landowner/ fire levy contributor to a particular class of brigade (and hence the level of service) should cause a relative adjustment of any levy amount, not the proposals put by the 2021 Tasmanian Treasury Options Paper.

The fact people who own no property would get to not pay anything directly under some of the Treasury options, is noted and is also a concern. After all the highest priority in the state fire protection plan, is to safeguard life and not property.

So, if you take the principal and the priority within the protection plan, one would discard a taxation levy, which had a focus on taxing property for the purpose of funding the TFS. If you adopt the property based levee, then you automatically would reinforce a notion within the general populace, which the purpose of the Fire Service is first and foremost to protect the developed assets of private property. Yet, that is not what the Tasmania Fire Service is pursuing. This is an important consideration.

Should a private property levy, in essence, a tax which would significantly elevate the local government rate burden on landowners, be imposed through this process, which has not adequately alerted landowners to the proposition, in any way whatsoever, then many questions should be firstly asked and the whole proposition analysed in more detail. Certainly worthy review to adopt such a proposition, homeowners who have limited income,

53 See section 4.5 of the Tasmanian Emergency Management Arrangements, 2020

may be below the poverty line, may have significant difficulty with such an increase in their rates' payment.

Where the Parks and Wildlife Service (PWS) manages the reserve system on public land in Tasmania, how would it have an exemption? It is however accepted that PWS would have an exemption for their public reserves which are a part of Australia's National Reserve System, managed primarily for biological diversity purposes, yet the proposition seems to be to levy private land, and target the 900 or so private reserve holdings, also a part of Australia's National Reserve System, also being managed primarily for biological diversity purposes but which are considered to be within the Bushfire Prone Area. The proposition which impacts the private conservation reserves, managed for the public good, which become targeted by the proposal in the Treasury paper which is to charge additionally for TFS levy funds especially for the bushfire prone area properties. Well, all reserves of natural vegetation in Tasmania will fall into the category of being bushfire prone under the system developed by the Tasmanian Fire Service. I wish to draw your attention to the Fire Service Act 1979 where it states:

“8A. Commission may charge for services

(1) The Commission may fix scales of charges for any services provided by the Commission or a brigade under or for the purposes of this Act.

(2) Subsection (1) does not apply in relation to services provided by a brigade at a fire.”

Thus to consider a levy which in essence is predicated on a higher perceived risk of fire would seem to counter to the principle expressed above. I do consider that the provision of adequate fire fighting services to be a public interest matter and an essential service.

8. Functions and powers of Commission⁵⁴

Includes:

“(7) The Commission is to perform its functions in respect of any reserved land, as defined in the Nature Conservation Act 2002, in a manner that is consistent with the purposes for which the reserved land is set aside under the National Parks and Reserves Management Act 2002 and with any management plan in force in respect of the reserved land.”

15. Functions of Council⁵⁵

Includes:

(4) The Council is to perform its functions in respect of any reserved land, as defined in the Nature Conservation Act 2002, in a manner that is consistent with the purposes for which the reserved land is set aside under the National Parks and Reserves Management Act 2002 and with any management plan in force in respect of the reserved land.

20. Functions and powers of Fire Management Area Committees

Includes:

(4) A Committee is to perform its functions in respect of any reserved land, as defined in the Nature Conservation Act 2002, in a manner that is consistent with the purposes for which the reserved land is set aside under the National Parks and

54 Refers to the State Fire Commission

55 Refers to the State Fire Management Council

Reserves Management Act 2002 and with any management plan in force in respect of the reserved land.

It is noted there is no reasonable way of a private reserve owner becoming represented on a Fire Management Committee. I have noted considerable disdain from some of the personnel or representatives elected to fire management area committees, over the presence of my two reserves. I consider such attitudes to be completely unacceptable. I see a negligible benefit accruing from the antiquated mechanism of Fire Management Area Committees.

It is clear the current legislation inadequately considers Private Reserves in almost every way.

I consider that the exemption granted to the PWS from payment for its bushfire prone reserves, where over 600 of them are managed willy-nilly with no management plans, yet they would escape the payment of the levy. Whereas the 900 or so private reserves all have management plans and all of those management plans deal with fire related management issues, often I might add in quite an in-depth manner. Perhaps this matter has not been adequately considered.

I have to ask, why are only the funding options which Blake chose being considered by Treasury? Did they not have their own separate views on funding? Why is the funding issue being elevated to prominence in the Review of the Fire Service Act without a better process and promotion of the proposition to elevate local government rates through a fire levee, better warning and informing the people of Tasmania?

In essence, I find the inadequate promotion of this wide ranging and significant impost proposition to be sufficient reason to rethink the consultation.

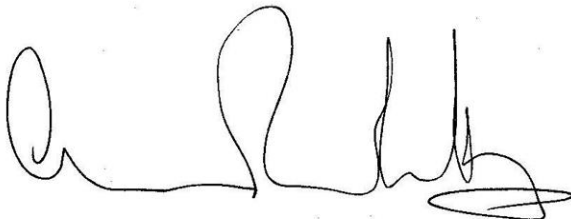
I wish to add that I am sure there are other funding options and proposals which may well be highly successful and equitable. I am sure there are many organisations and citizens who could propose innovative approaches. One proposal which comes to mind is to simply establish a Fire and Emergency Services Lottery. NSW successfully funded the Opera House by way of a lottery. Tasmania is a place which would warm to such a Fire and Emergency Services Lottery were it configured well.

Concluding Comments

I remain willing to assist the review and to answer any questions, which may arise from my submission. As you may see, I have a focus on vegetation based fire and its inadequate regulation.

I look forward to your findings and conclusions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Ricketts', with a large, stylized initial 'A' and a circular flourish at the end.

Andrew Ricketts