

Tasmania Fire, Rescue and Emergency Responders Alliance

Submission on the Proposed Fire Service Act Review



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Introduction

This submission is endorsed by the Tasmania Fire, Rescue and Emergency Responders Alliance (TFRSERA), which is a collaboration of front line personnel representative organisations.

Since 2011 Tasmania has experienced major fire, weather and flood events on average every three years with the frequency of both fire and weather events increasing. The terms of any new Act must deliver administrative arrangements, including funding and response arrangements that focus on preparedness, resilience and response arrangements of TFS and SES as the operational arms of TFES. This will be enhanced by ensuring a shared community responsibility to assist in mitigating the potential of the escalating costs of emergency response.

TFES should be allowed to function more independently to suit operational needs, which may include the option to implement a shared services model with other agencies, but should not be mandatory, as the current arrangements do not align with operational needs and create substantial confusion and an additional layer of unnecessary bureaucracy.

Statutory Authority

We submit that a similar model to the current State Fire Commission be retained in any proposed new Act for the purpose of oversight and separation of powers, providing a buffer from political interference from the government of the day. The new body should be known as the Tasmania Fire and Emergency Service Commission (TFES Commission). The Chair of this body should be the Commissioner of TFES. The membership being a mix of representative and skills based positions.

The commitments of this government, including commitments from the previous Minister and previous Premier, with regard to retaining the State Fire Commission as a statutory Authority should be maintained.

A new Act should ensure that the stakeholders represented and the functions performed by the State Fire Management Council continue to be required by statute. This should not be a discretionary matter, it must be required by legislation.

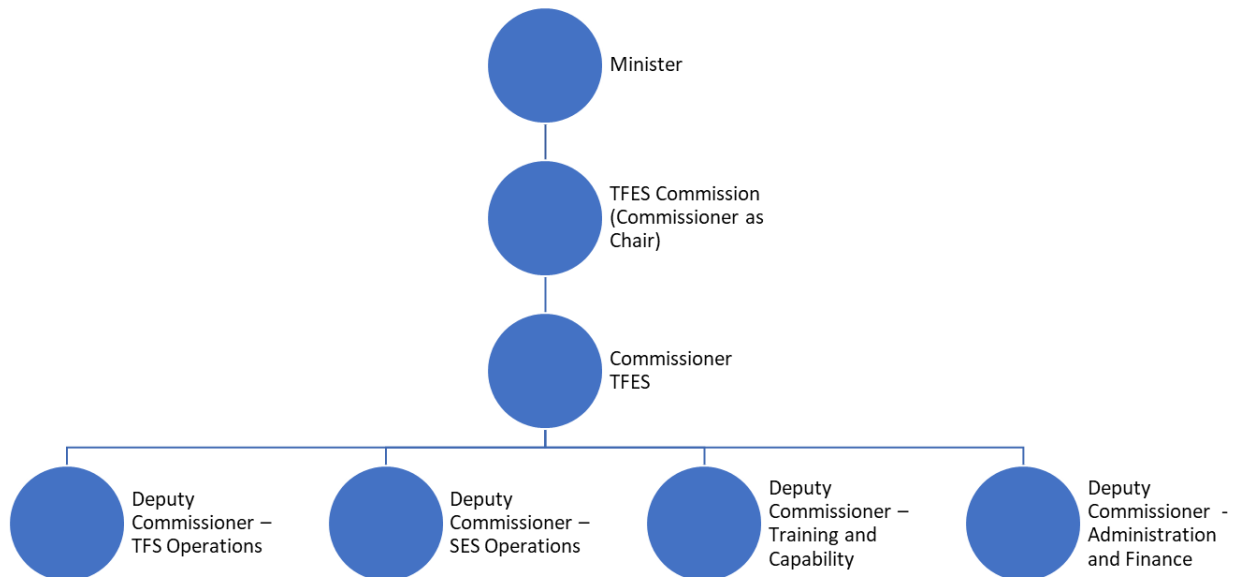
Recommendation 1.

Statutory Authority be retained in the form of TFES Commission consisting of 11 members.

Chain of Command

The new Act must call up the requirements for the appointment of TFES Commissioner and at least two Deputy Commissioner positions (Deputy Commissioner Fire and Deputy Commissioner SES), preferably four Deputy Commissioners or equivalent to ensure operational integrity. It is important that there are two Deputy Commissioners who are able to act in the Commissioners absence. It is not sufficient that the proposed Act allows this to occur, a new Act must ensure that this is required. The TFES Commissioner and Deputy Commissioners should be recommended by the Premier, with the Governor ensuring that the candidates have the appropriate administrative and operational experience and Emergency Management skills.

We submit that the most effective structure would include four Deputy Commissioners as follows:



Representation

We suggest that amending the membership of the current State Fire Commission would be more appropriate. A proposed membership for consideration would be as follows:

- Commissioner of TFES (Chair)
- 1 Member nominated by the Tasmanian Retained Volunteer Firefighters Association
- 1 Member nominated by the Tasmanian Volunteer Fire Brigades Association

- 1 Member nominated by the Tasmanian SES Volunteer Association
- 1 Member nominated by the United Firefighters Union of Australia (Tasmania Branch)
- 2 Members nominated by the State Fire Management Council
- 1 Member nominated by the Property Council of Tasmania
- 2 Members nominated by the Minister (skills based)
- 1 Member nominated by Treasury (skills based)

The TFES Commission comprised of front line personnel representative organisations, as well as skills based appointments is important for ensuring that there is appropriate governance, oversight and accountability for the Commissioner of TFES. It would be unwise to leave this function to the Minister of the day as they will not have the skills, knowledge or experience to effectively understand how certain decisions will impact front line operations, or to effectively hold the Commissioner of TFES to account for decisions made. The proposed model creates risk in there being a smaller pool of knowledge and experience to draw from when making long term strategic governance decisions aligned with operational requirements, as well as removing the knowledge base to understand if the explanation provided by the Commissioner of TFES is plausible in the context of emergency response.

This is not proposed to be at the expense of Ministerial direction or accountability as the proposed membership also includes Ministerial nominees. Retention of a Commission as a statutory authority is complementary to the enhancement of good governance, accountability and public confidence as well as providing a feedback loop and statutory mechanism for the State Fire Management Council members.

Recommendation 2.

Amend the Bill to reflect requirements for appointment of four Deputy Commissioners outlining the requirement for Deputy Commissioners Fire and Deputy Commissioners SES to act as Commissioner.

Recommendation 3.

Full membership of the Commission consisting of a mix of skill and representative members must be listed to create certainty.

Funding

Funding should continue to be based on effectively ring fenced levies that are structured so as to disburse the total operating expenses of the organisation.

Fund raised should be hypothecated to TFES Commission and not be expended to fund activities or responsibilities of other government entities, agencies or local government responsibilities such as marine conservation and rescue, Security and Emergency Management, medical assistance or recovery centers and reconstruction of public assets.

As noted in the Blake review:

recovery, or transition to recovery, in that the new entity should have no explicit role other than support as outlined by the Department of Premier and Cabinet (DPAC) and in the Tasmanian Emergency Management Arrangements (TEMA) • its role in recovery as it relates to environmental recovery following fuel reduction activities, and where TFES infrastructure is damaged, or its employees or volunteers hurt.

Recommendation 4.

Amend clause 46 and clause 10 to provide clarity and certainty that funds raised can only be expended by the commission for the purpose of administration, resourcing, mitigation, response and transition to recovery.

Continuation of Levies

It is the tendency of successive governments to base funding on averages with a heavy emphasis on efficiency, which is not suitable for emergency response organisations that are required to respond in an ad hoc manner with significant surge capacity.

Fire, flood and other emergency incidents do not correlate to short term economic cycles. TFS and SES are always required to be able to provide an effective response when needed and the base funding of the organisation must reflect this.

This is why the current funding arrangements were put in place for TFS - so that TFS has a reliable base funding component that is insulated from the politics of the day. There are clear benefits in providing SES with a similar funding model due to the similar nature of emergency response that requires significant surge capacity when compared to day to day operations.

The current TFS funding model should be updated to better reflect community risk profiles, and the capability of the organisation to provide a timely and effective operational response to communities. These linkages to risk and capability will be important for ensuring that the organisation is agile and has the appropriate resources to respond where there are changes in risk and where new capabilities are developed to mitigate those risks. It is also important to recognise that this will assist to build the community perception that expenses are disbursed in a manner that is fair and reasonable.

Power to Set Budget

We do not support the idea that the Treasurer should set property based levies, which will then determine the total budget of the organisation. The current model where total budget increases are proposed by the TFES Commission via its corporate plan and approved by the Minister should continue so that the primary factor considered in the budgeting process is the mitigation of risk, with secondary accountability from the Minister to ensure that potentially unreasonable increases can be curtailed if necessary.

The Treasurer of the day is not best placed to assess community risk and the cost of mitigation measures, so this power should not sit with the Treasurer.

Fire Service levies should be updated to cover the additional expenses associated with the incorporation of SES, as well as to cover community risk mitigation programs that are currently funded through appropriations as the service will still be required to provide these programs should the government of the day decide to remove the appropriations in any given budget cycle.

Powers and Authority

Through the TFES Commission, the Commissioner of TFES should be delegated the powers of employment as a Head of Agency for the purposes of the State Service Act 2000. All funds raised through statutory levies should be directed to the TFES Commission as is currently the case, to ensure that funds are effectively ring fenced and are only expended on the operations of TFES.

Recommendations

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