



November 2023

Tasmania Fire and Emergency Service Bill
GPO Box 123 Hobart, TAS 7001
Via Email: FES.Reform@dpfem.tas.gov.au

RE: Tasmania Fire and Emergency Service Bill 2023

Wine Tasmania welcomes the opportunity to provide input to the Draft Tasmania Fire and Emergency Service Bill (TFES) 2023. As a significant and growing sector across Tasmania's landscape, uniquely impacted by smoke, the Tasmanian wine sector is a key stakeholder in development of this Bill and supporting regulations.

About the Tasmanian Wine Sector

The Tasmanian wine sector is forecast to be the Tasmanian economy's highest contributor by 2040, producing approximately \$2B in wine value annually and outperforming all other sectors. From humble beginnings in the 1950s, it is currently valued at \$374.2M annually (plus wine tourism), producing around \$420M in wine value annually and with 3,600 full time equivalent jobs, predominantly in regional areas. Tasmania has 185 individual licensed wine producers throughout the state, with vineyards covering more than 2,400 hectares. It's not just a major economic contributor, it is critical to the island's global reputation, an integral part of the Tasmanian experience and brand, and a magnet for new arrivals and investment.

Tasmanian vineyards and smoke taint

Tasmanian vineyards share the landscape with urban areas, other agriculture, forestry and protected environmental areas. Fire is a natural part of this landscape and measures need to be put in place to reduce risks to people, property and the environment, some of which will impact on the landscape and landscape users. This includes activities to reduce bushfire risks through fuel reduction fires on both public and private land.

A particular risk posed, almost exclusively, to vineyards is that of smoke from any fire, including bushfires. Grapevines that are exposed to smoke may be at risk of producing a wine that is affected by smoke taint, therefore unpalatable and unsaleable. If a vineyard is exposed to significant smoke, this can result in complete destruction of wine grapes and the grower's investment in managing the vineyard along with any income for the season. Volatile phenols (flavour active molecules) can be captured and stored any time wine grape berries are present on the vine, from December through to May.

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With a changing climate and a heavily forested landscape, bushfires are an increasing natural risk, directly impacting on the state's vineyards. Vineyards in different parts of Tasmania have been negatively impacted by bushfires in 2013, 2016 and 2019, resulting in a direct loss of wine grapes and therefore income.

Smoke taint can also occur from planned fuel reduction or regeneration burns, on public or private land, inside or outside the permit period.

The wine sector supports a science-based approach to managing and mitigating risks posed by smoke to wine grapes. It proactively investigates and implements practices to measure smoke exposure during the season and inform management decisions, to mitigate the impacts of any smoke exposure and to grow community awareness of the risks smoke poses to vineyards. It also recognises that fuel reduction programs are focused on ensuring community safety. Fuel reduction programs can co-exist alongside vineyards as long as they are well planned, managed and communicated, with consideration to the impact on wine grapes and neighbouring vineyards.

Wine Tasmania and the agencies involved in the formal Tasmanian Fuel Reduction Program (Tasmania Fire Service, Sustainable Timber Tasmania and Parks & Wildlife Service) have a formal agreement in place, recognising our respective needs and responsibilities. The cooperation and engagement between these parties, as well as the scientific rigour used by the agencies in planning and conducting fires, has minimised the risk of planned program burns impacting on vineyards.

However, fires on private property (commercial, agricultural and residential) have been identified as a high risk due to potential lack of knowledge about the risks posed to vineyards, lack of consultation and / or limited access to scientific information to assist minimise the impact of smoke on neighbouring vineyards, particularly outside the permit period. There is no formal requirement for consultation with neighbours and vineyards that may be impacted by smoke from fires on private land carry 100% of the risk if there is resultant smoke taint.

Smoke is a pollutant

Wine Tasmania is calling for formal recognition and regulation of smoke as a pollutant in the new TFES Bill. There are several regulations that protect a property from being impacted by a neighbouring property, such as agricultural chemical spray drift¹, noise pollution², domestic smoke pollution³ and environmental pollution⁴.

Of particular relevance is the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995, PART 4, s. 30, Damage by spray drift*. In brief, this states that a person must not carry out an activity which adversely affects any neighbour unless permission is obtained.

Wine Tasmania recommends similar legislation in the new TFES Bill, defining smoke as a pollutant, given its impact on vineyards as well as health, tourism and communities generally. This would provide appropriate responsibility for smoke leaving a property boundary and potentially causing damage, as well as improve consultation between neighbours.

¹ <https://www.legislation.tas.gov.au/view/html/inforce/2019-04-17/act-1995-106#GS30@EN>

² <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/sr-2016-057>

³ <https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2019-034>

⁴ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1994-044>

Recommendation:

- **Recognition of the responsibility and consequences of smoke leaving a property boundary and negatively impacting on another in the TFES Bill and supporting regulations.**

Fire Permits

The Fire Permit system allows skilled and unskilled people to burn safely, reduce fuel loads and therefore the risk of an uncontrolled fire. Fire permits are required when the danger of bushfire is considered high. This is to coordinate and monitor controlled burning of vegetation and minimise the risk of fire spreading⁵.

Issuing permits supports reduction of fuel loads during dangerous periods as well as state-wide control, oversight and management of all fires lit. Fire Permit Officers are required to assess the risk of the fire and impacts on nearby properties and to issue these permits, in some cases with specific conditions. The permit system provides state-wide visibility of fires being lit as well as oversight in the case of something going wrong.

If a fire is conducted in accordance with an issued permit, there is legal protection against any impact or damage smoke may cause to a nearby property⁶. While this may encourage land holders to reduce fuel loads on their properties, it completely disregards the potential devastation on nearby vineyards, who only have one opportunity each year to harvest wine grapes they have tirelessly, carefully and expensively managed over the year.

Wine Tasmania seeks formal recognition of the impact of smoke on neighbouring properties (such as vineyards) being part of the permit assessment and approval process, including training for the estimated 1,000 Fire Permit officers across Tasmania. Consideration should be given to issuing permits that reduce fuel loads in the landscape but also respect and do not negatively impact the rights of neighbours.

Wine Tasmania supports protection of property and the impact on Tasmanian vineyards to be considered in determining the mandatory permit period annually or for there to be mandatory year-round registration of fires, at least those over 1 hectare in size.

Over the past seven years, the permit period has concluded as early as 26 March and as late as 1 May. For Tasmanian vineyards, conclusion of the mandatory permit period clashes with harvest, and often results in immediate large scale burning across private properties near to vineyards when they are at their most vulnerable.

Requiring permits does not prevent anyone from lighting a fire, it provides better oversight to ensure fires are safely managed and monitored. In some interstate jurisdictions, there is a fixed fire permit / fire danger season or year-round permit requirements.

For vineyard managers, being able to view planned / permitted fires simply provides them with visibility of which fires are being lit and when, with contact details if they have concerns about the potential impact on their vineyard. It doesn't necessarily reduce the risk of smoke damage to their vineyard, it just helps with transparency and communication.

⁵ <https://www.fire.tas.gov.au/Show?pagelid=colPermit>

⁶ Tasmania Fire and Emergency Service Act 2023, Section 34 (3)

Recommendations:

- ***Inclusion of potential risks to property / vineyards in determining the mandatory permit period each year.***
- ***Extension of the mandatory permit season to 10 May OR mandatory year-round registration of fires, at least those above 1 hectare.***
- ***Formal recognition of the impact of smoke on properties / vineyards being part of the permit assessment and approval process, including through permit officer training.***
- ***Remove barriers to litigation or provide for compensation if smoke damage is caused to properties / vineyards.***

Proposed Fire Levy

Wine Tasmania welcomes further details on the proposed fire levy following consultation by the Fire and Emergency Service Working Group. While supporting adequate funding for fire and emergency services, Wine Tasmania does not support a higher levy for rural and agricultural properties.

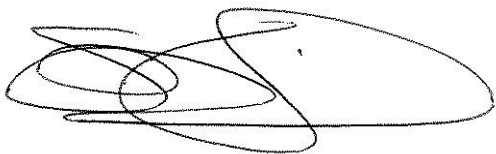
Wine Tasmania

Wine Tasmania is the peak body representing Tasmania's wine producers, with a focus on promoting Tasmania as a benchmark wine region of world renown. Wine Tasmania voluntary membership represents more than 98% of Tasmanian wine production, with 125 state-wide producer members and 121 associated member businesses. All activities undertaken by the industry body are designed to generate value for our members, in line with Wine Tasmania's Strategy.

Wine Tasmania welcomes further discussion on the Tasmania Fire and Emergency Service Bill and associated regulations to ensure the Tasmanian wine sector can continue its strong growth and contribution to the state alongside community protection activities.

Please contact me if you would like to discuss any further details.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sheralee Davies', with a large, sweeping flourish at the end.

Sheralee Davies
Chief Executive Officer