
TFES POSITION PAPER - SFMC SUBMISSION

Created: February 2025

Last update: February 28 2025

Authored by: State Fire Management Council

The State Fire Management Council (SFMC) provide the following submission on, *Establishing the State Fire and Emergency Services Commission. Tasmania Fire and Emergency Service (TFES) Reforms. Position Paper – November 2024.*

EXECUTIVE SUMMARY

- The review of the *Fire Services Act 1979* and the intended efficiencies through combining the two services: Tasmania Fire Service, and State Emergency Service, are supported by the State Fire Management Council.
- The role of the SFMC in the *Fire Services Act 1979* is to provide independent advice to the Minister Police, Fire and Emergency Management and the State Fire Commission about vegetation fire management across Tasmania, particularly in the areas of prevention and mitigation of fires.
- Submissions to the TFES Draft Bill advocated that SFMC continue in its functions under a future TFES Bill. Functions included a focus on mitigation, which was highlighted as a '*critical function*' of the SFMC and needed to, '*support the evolution of the Tasmanian Fire Service to meet challenges the rapidly changing environment it operates in.* (RACT)'
- Submissions to the TFES Draft Bill emphasised the importance of Fire Management Area Committees, and for their function and structure to remain under the auspices of the SFMC.
- **At a minimum, future legislation must include a clause for the establishment of the State Fire Management Council.**
- **At a minimum, the SFMC Chair must be independent and SFMC membership must be representative of people with stakeholder representation, demonstrated skills, expertise, experience, and authority to give advice on fire and vegetation management.**
- **At a minimum, future legislation must include clauses that state the purpose and function of the SFMC. This will provide transparency, enabling stakeholders and the general public to assess the structure and function of the SFMC.**
- **At a minimum, the SFMC must report directly to the Minister.**
- The *Fire Services Act 1979* was written in a time after the 1967 bushfires where reform was focused on reorganisation of the fire authority, response to and suppression of fire, and regulation of fire in the landscape. The rapidly changing climate and associated uncertainty is placing pressures on social, economic, and environmental areas across all sectors in the Tasmanian landscape. With native vegetation covering over 70% of Tasmania, independent advice is essential. The establishment of the SFMC is essential to fulfill the critical function of advice on tenure blind fire and vegetation management in Tasmania.
- This current submission to the Position Paper is strengthened by the SFMC statewide stakeholder network, which includes environmental legal expertise, and SFMC members who have considerable and extensive expertise and experience in fire and vegetation management.

Establishment of a State Fire Management Council (SFMC)

Submissions to the TFES Draft Bill

The TFES draft Bill removed the SFMC with no replacement or alternative body. Submissions demonstrated that there was broad and substantial support from across Tasmania's private and public land interests for a reinstatement or development of a-like body to fulfil the role of the SFMC in the next draft bill (SFMC, Tasmania Parks and Wildlife Service, RACT, TFGA, UFU, Glenorchy City Council LGAT, McCormack and Bowman, Private Forests Tasmania).

'In its current form the bill misses a critical opportunity to facilitate and enable all levels of government, industry, communities, and individuals to work together to increase the resilience of our communities particularly in response to bushfire risk. With the removal of the State Fire Management Council, this critical function is no longer supported' RACT.

There was a similar response to the removal, and lack of recognition and/or importance of, the Fire Management Area Committees (SFMC, Tasmania Parks and Wildlife Service UFU, Glenorchy City Council, Private Forests Tasmania). Submissions emphasised the importance of FMACs in the consultation, engagement and partnership with community for the identification of bushfire risk and for developing effective and efficient plans for the mitigation of bushfire risk.

The Position Paper states (s6.3),

'The legislation will provide that the SFESC will be able to establish, amalgamate or dissolve subcommittees.

- *It is proposed that there are two advisory subcommittees established in legislation:*
- *A subcommittee that continues the functions of the SFMC.*

If these subcommittees were included in the legislation, they would not be able to be dissolved or amalgamated by the SFESC. Having these two subcommittees included in the legislation would not limit the SFESC from establishing additional subcommittees (e.g. risk and audit committees) or other stakeholder interest subcommittees.'

At a minimum, future legislation must include a clause for the establishment of the State Fire Management Council.

Establishment of the SFMC in legislation provides the government with an advisory body that is representative of community, industry, and government, and that is tasked to work together to effectively to build community capacity and resilience in the face of the uncertain future of bushfire and natural disasters.

An advisory body focused on fire and vegetation management ensures the Minister, SFESC and/or FES Commissioner have formal and transparent access to expert advisors who can advise on ways to employ the latest research and technology to help TFES and the Minister to adapt the organisation in ways to help achieve TFES objectives.

The SFMC agree that a form of Fire Management Area Committees (FMACs) and Fire Management Areas (FMAs) should continue, due to their critical role in co-ordinating the management of bushfire risk at a strategic level. The FMACs achieve this by serving as a networking opportunity to explore, develop and integrate approaches to the management of bushfire risk across the various responsible members. FMACs require the cooperation of land managers and relevant statutory authorities with the powers to address bushfire risk. Local government play roles in both the FMAC and in Municipal Emergency Management Committees (MEMC); these committees cannot be confused as simply 'a committee'. The real benefits of these bodies and associated planning and plans are the co-ordination of actions, establishment of priorities, and the development of genuine co-operation between key stakeholders. Current disconnects between the FMAC and MEMC can be resolved in the revised arrangements if the roles are explicitly described in future legislation.

The same level of governance applied to the SFMC should be applied to FMACs. Terms of Reference should include direction on the governance of the FMACs (whether FMACs continue under the auspices of the SFMC), clearly defined structure and function, reporting and resourcing.

Membership of a State Fire Management Committee (SFMC)

The Position Paper states (s6.3) pp11,

The membership of the subcommittees would not be legislated. Membership would be the decision of the SFESC. The Minister will be able to give directions to the SFESC regarding membership of subcommittees, if necessary.

And (pp12):

- *Subject to a direction of the Minister, the SFESC must determine the membership of the committees so that the membership is most appropriately skilled to achieve the functions and objectives of the subcommittee.*
- *Subcommittees will be chaired by an appropriately skilled person approved by the SFESC. Option – it could be prescribed that the Chair must be independent from the Commission, the emergency services and the associations that represent the members of the associations. Having an independent chair would ensure objectivity and would draw together potential disparate points of views between organisational volunteer or employee groups.*

As outlined in the achievements of the SFMC (SFMC TFES Draft Bill submission November 2023 pp5), the current SFMC membership based on representation drawn from fire and land management sectors, should be retained. This representative membership has a long history of demonstrating successfully that the combination of skills, knowledge, expertise, experience, and stakeholder representation provides a high level of strategic advice to the Minister, thus enabling the Minister to make informed decisions and solve problems.

At a minimum, the SFMC Chair must be independent.

At a minimum, SFMC membership must be representative of people with stakeholder representation, demonstrated skills, expertise, experience, and authority to give advice on fire and vegetation management.

Co-ordinated bushfire risk management is incredibly crucial for the safety and well-being of communities, the economy and environmental sustainability. With the increasing threat posed by bushfires in a changing climate, it is essential to prioritise and continually advance our understanding and management strategies. By bringing together fire and land management stakeholders — such as fire services, land management agencies, local government, and rural landholders — we can develop comprehensive strategies that address prevention, preparedness, response, and recovery. A collaborative approach ensures that resources are used efficiently, knowledge is shared effectively, invaluable assets (e.g. production forest, agricultural, natural) are protected, economic stability is safeguarded, and all aspects of bushfire risk are managed cohesively. This kind of membership establishes unity and coordination and is essential to mitigate the devastating impact of bushfires and protect people, the economy, and the environment.

The current membership of the SFMC (as specified under the *Fire Service Act 1979*),

- enables independent and representative advice:
 - An independent chair of an advisory body,
 - Provision of independent advice from beyond the TFES, directly to the FES Commissioner,
 - Advice that is representative of land managers and landowners tasked with fire and vegetation management across the landscape, including private land, bringing a range of perspectives and enables community consultation,
- is representative of groups and agencies directly responsible for fire and vegetation management and/or critical infrastructure:
 - representative of skills and expertise in emergency management, fire risk, ecology, and vegetation management,
- is representative of tenure (private land, public land management, sector agencies, local government),
- has authority to make decisions on behalf of the organisation they represent,
- is responsive and relevant to Fire Management Area Committees,
- is flexible where appropriate expertise and interests (e.g. Indigenous, research, environmental) can be effectively and efficiently engaged as required.

TFES Draft Bill submissions supported a future State Fire and Emergency Services Committee (SFESC) inclusive of SFMC members (e.g. 2 members) on. The SFMC does not see value in including SFMC member(s) in SFESC membership unless there is clear and demonstrated value add.

There is the option to reduce the number of members on the SFMC where members are representative of the same agency (*Fire Service Act 1979* s14(2)). Future approach that incorporates this option must permit proxies.

The Position Paper states (pp13),

‘It is not proposed that chairs of the subcommittees have enduring positions on the SFESC. Instead, they will be invited as guests or observers to contribute to specific matters as required.’

This proposal may include the Chair of the SFMC and/or SFMC members be available to the SFESC; another option is a delegate of the SFMC e.g. the SFMC Manager be available to the SFESC to provide a report (verbal or written) from the SFMC. The SFMC is best placed to select their delegate to the SFESC where required.

Functions of a State Fire Management Council (SFMC)

Submissions to the TFES Draft Bill

The draft legislation does not demonstrate a good understanding of the current context, environment, and culture of vegetation fire management in Tasmania. The draft legislation risks achieving more complexity to existing processes, rather than simplification. The functions of the SFMC as stated in the *Fire Service Act 1979* s15, are supported for continuation by Parks and Wildlife Service, RACT, and others (see Position Paper pp8). To support and help the organisation achieve the objectives of the TFES, the functions of the SFMC must be clear.

At a minimum, future legislation must include clauses that state the purpose and function of the SFMC. This will provide transparency, enabling stakeholders and the general public to assess the structure and function of the SFMC.

The Position Paper states (pp 12),

'The features of the subcommittees may appear in the Regulations (rather than the Bill), and will include:'

- The SFESC must approve the terms of references for the subcommittees. The terms of reference must clearly identify the functions and objectives of the subcommittee. The functions and objectives of the subcommittee must support the delivery of functions and objectives of the TFES.*
- The SFESC must consult subcommittees on matters relating to their terms of references.*
- The terms of reference must set the tenure of the membership and chair, frequency of meetings, quorum, and anything else deemed necessary.'*

If the intention is to house the detail in the Regulations, then the Regulations must be provided for review in concert with the TFES Bill, and the TFES Bill needs to specify the constraints on changes to the Regulations.

It is critical that Terms of Reference are clear, concise, and anticipate inclusion of the following: rationale, objectives that are specific and measurable (if possible), definitions of what is in and out of scope, functions and deliverables, expected actions, roles and responsibilities, reporting and timeline expectations (including review), risks and assumptions and approval. If the SFMC is a skills-based committee, it should have a Charter. For the TFES Bill to guarantee good governance, Terms of Reference should support the power and authority of that subcommittee.

Terms of Reference should include functions' that require TFES to develop and promulgate planning and policy to enable effective fire prevention and protection measures throughout the State. What we have in the *Fire Service Act 1979* currently is built in the wake of the 1967 bushfires and reflects a fire response, suppression, and permit (regulation of fire in the landscape) perspective to vegetation fire management. However, there are clauses of the *Fire Service Act 1979* pertaining to fire and vegetation management that future Terms of Reference should consider, with the view to, at minimum, retaining the intent of the function. Clauses include,

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 –*

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

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

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;

The Tasmanian Vegetation Fire Management Policy (the Policy) enables the safe and effective conduct of vegetation fire management activities on public and private land across Tasmania to achieve a range of community, cultural, agricultural, silvicultural, and environmental objectives. The Policy outlines the Principles and Strategies by which vegetation fire management will occur in Tasmania. There is the capacity to address fire and vegetation management in a changing climate through the Policy. The Policy is developed by key stakeholders, and it would be remiss to overlook this and devalue the significant commitment and contribution made by stakeholders to transparent governance. The complexity of applying the Policy is addressed in a large part by the role and function of the FMAC where the strategic importance of proposals and the costs/benefits of the actions required to achieve the outcomes can be assessed and modified or endorsed at a key stakeholder/local level.

Reporting of a State Fire Management Council (SFMC)

The Position Paper states (pp12),

- *The Minister may seek advice directly from the SFESC or the subcommittees.*

and in Figure 1 (pp13), i.e.

- *the SFMC reports to the SFESC,*
- *the Minister can request advice directly from the SFMC,*
- *the SFMC can advise the SFESC on matters,*
- *the SFESC must consult subcommittees on matters relevant to their Terms of Reference,*
- *the FES commissioner reports to the SFESC.*

The Minister hears directly only from the SFESC, unless the Minister chooses to “request advice directly from subcommittees”. The SFESC must consult with subcommittees on matters relevant to their Terms of Reference. There is the potential that the SFESC is the only voice the Minister will hear on TFES matters.

Having the Minister directly informed on bushfire risk management by a representative advisory body is critical. Stakeholders such as communities, fire services, land management agencies and rural organisations have valuable insights and firsthand knowledge about bushfire risks. Their perspectives help the Minister make informed decisions that reflect the real needs and challenges faced by communities. The highest levels of government are aware of the latest research, strategies, and on-the-ground realities. This direct line of communication ensures that policies and strategies are grounded in practical experience and tailored to address specific vulnerabilities, ultimately leading to more effective and responsive bushfire risk management. Direct advice allows for informed decision-making, which is essential for allocating resources, implementing effective policies, and coordinating efforts across various agencies. When the Minister is well-informed, it reinforces the importance of bushfire risk management and helps drive comprehensive and proactive measures to protect communities and the environment from bushfire threats.

A direct line of reporting from a fire management advisory body such as the SFMC to the Minister ensures that views competing or contrasting with the SFESC and/or FES Commissioner are represented and available to the Minister to help TFES and the Minister to adapt the organisation in ways to help achieve TFES objectives.

At a minimum, the SFMC must report directly to the Minister.

The Position Paper states (p12-13),

- *Subcommittees must provide at least yearly reports to the SFESC on the work underway/achieved by the subcommittee. These updates must be included in the SFESC Annual Report.*
- *The subcommittee Chair, on behalf of the subcommittee, would report to the Commission (in person or in writing) to provide the subcommittee's feedback on the relevant matter, for the Commission's consideration and debate.*

This broadly aligns with current effective SFMC reporting arrangements. That is, the SFMC provides,

1. an Annual (financial year) Report for inclusion in the State Fire Commission Annual Report,
2. an Annual (financial year) Report to the Minister,
3. a quarterly report to the State Fire Commission compiled by the SFMC Manager.

Points 1 and 2 above meet compliance requirements of the Fire Service Act 1979, and are complimentary, in that the Annual (financial year) Report for inclusion in the SFC Annual Report includes a brief coverage of SFMC activities with a weblink to the Annual (financial year) Report to the Minister, which is more comprehensive of the SFMC activities and includes FMAC reporting.