

# United Firefighters Union of Australia - Tasmania Branch

## Submission on the Proposed Fire Service Act Reforms

February 2025



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# Introduction

This submission is endorsed by the United Firefighters Union of Australia, Tasmania Branch (UFUA).

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.

In addition to previous submissions made in relation to fire and state emergency service reform, we provide the following submissions in response to the Tasmanian government's position paper of November 2024 titled '*Establishing the State Fire and Emergency Services Commission*'.

The Position Paper focuses on a few key areas, including:

- The composition of the statutory authority (the commission)
- Drafting instructions for principles based legislation
- Drafting instructions for regulations

It is noted that the statutory body is referred to as a Board in the Position Paper. This submission will refer to the Commission as the statutory body exercising governance functions and powers over the combined fire and emergency services entity.

## Composition of the Commission

The Position Paper outlines a number of cherry-picked arguments for completely removing stakeholder representative positions from the Commission and replacing them with skills-based appointments. This approach lacks the balance provided in the previous submission of the UFUA and that of the Tasmania Fire Rescue and Emergency Responders Alliance.

A Commission filled solely by skills-based appointments would be additionally beholden to the Minister and the political whims of the executive arm of government. This would have the effect

of concentrating executive power and make emergency services more susceptible to political interference, which would be manifestly against the interests of the Tasmanian community.

Additionally, a Commission devoid of relevant skilled stakeholder representatives would lack effective feedback mechanisms to ensure effective fire and emergency capability. With the statutory mechanism for this feedback abolished or diminished, there is a significant risk that response capability will be strong on paper, whilst on the ground the situation might be quite different.

Recent examples of pure skills based boards or statutory authorities have failed the Tasmanian community at a huge financial and economic cost.

There is already a culture of box ticking within the Tasmanian state service, with the goal of being able to advise the supervisor of good news superseding the real world purpose for the audit.

This feedback loop where significant capability gaps can be fed directly into the Commission at the highest level so that strategic oversights can be identified and corrected is critical for maintaining an effective emergency response capability. The alternative is that these capability gaps are discovered during or following emergency incidents.

There is a culture of denial when matters are raised with TFS, so direct input at the highest level is necessary and cannot be effectively replaced through other methods of consultation.

Industry Superannuation funds are a good example of how administrative and governance bodies function well with a combination of skilled and representative members.

**Recommendation 1:**

Maintain a combination of skilled and representative Commission members as outline in previous submissions.

That the Commission include positions for each of the current stakeholder representative organisation and include SES Volunteer Association. The minister of the day and representative organisation agree on skill criteria for nominations.

## Appendix 1

This appendix contains information regarding best practice for board appointments for Government Business Enterprises, state owned corporations and ASX corporations. It appears that the important difference in the structure of for-profit and user pays enterprises when compared to that of a purely service delivery organisation, has been entirely overlooked. This has caused the underpinning assumptions on which arguments for a purely skills based board are progressed, to be fatally flawed.

The references and comparisons to TT-Line, TasPorts and Racing Tasmania are of particular concern in light of recent scandals and cost blow outs. It does not appear this model provides for effective governance where it has currently been implemented, let alone in the significantly different context of emergency service delivery.

**Recommendation 2:**

That comparisons be made to other organisations operating in a similar emergency service delivery context and that comparisons to organisations operating in a user-pays context be avoided unless the government intends to implement a user-pays funding model.

## Appendix 2

The skills matrix contained in Appendix 2 creates the possibility that you could have a Board where not one single person has emergency service experience or qualifications controlling the governance of an emergency service. Repeated inquiries have demonstrated that this is a recipe for disaster. There is nothing that even outlines that Commission members need to reside Tasmania or understand Tasmania Fire and Emergency context.

**Recommendation 3:**

Ensure that no less than 40% of Commission members represent emergency responders with relevant emergency services knowledge and experience.

## Legislation

Principles based legislation appears to be a mechanism to remove statutory guard rails set by parliament to limit the ability of the executive arm of government to misuse emergency powers.

Extraordinary powers are needed to allow emergency service personnel to effectively respond to emergency incidents, which represent unusual and dynamic situations. The current legislation provides a careful balance of empowering emergency responders and protecting residents and Western democratic norms. Whilst there is certainly room for improvement in the reform process, there are avenues to fulfil these requirements without substantially undermining protections for residents and Western democratic norms whilst providing good governance.

**Recommendation 4:**

That the legislation be prescriptive whilst based on consistent principles.

## Funding

Whist has elected not to pursue funding reform as part of the ongoing discussion, it should at least commit in the legislation that it will provide funds out of consolidated revenue to cover the cost of SES under the TFES entity.

**Recommendation 5:**

Amend the current funding arrangement in the Act to include consolidated funding of \$30 million dollars for SES contribution.

## Regulations

As in the current structure, Regulations should be minimalist and provide for the adjustment of specific parameters set out and defined within the legislation.

An example of this is the rate of insurance levies charged to different classes of insurance. The ability to charge these rates is set out within the legislation, whilst the rate charged is set out in the Regulations to allow for some flexibility. This is the appropriate level of change that should be made without parliamentary input.

**Recommendation 6:**

That the Regulations only be relied upon for making small adjustments within the overarching structures provided for within the legislation.

## Recommendations

**Recommendation 1:**

That the Commission include positions for each stakeholder representative organisation including SES Volunteer Association.

**Recommendation 2:**

That the principles based legislation focus on principles, but continue to be prescriptive based on the identified principles.

**Recommendation 3:**

Ensure that no less than 40% of Commission members represent emergency responders with relevant emergency services knowledge and experience and agreed governance skill sets..

**Recommendation 4:**

That the legislation be prescriptive whilst based on consistent principles.

**Recommendation 5:**

Amend the current funding arrangement in the Act to include consolidated funding of \$30 million dollars for SES contribution.

**Recommendation 6:**

That the Regulations only be relied upon for making small adjustments within the overarching structures provided for within the legislation.