

Fire Service Act 1979 - Review

Kingborough Council Submission – September 2018

Kingborough Council, as a stakeholder with an interest in the review of the *Fire Service Act 1979* currently being conducted in Tasmania would like to make the following submission in relation to questions contained in the Issues Paper for the review.

Council's submission addresses specific questions contained in the Issues Paper which have the potential to impact on or involve Council and/or the Kingborough community.

	4	Should the State Emergency Service be included in the new legislation and removed from the Emergency Management Act in order to support personnel in emergency management?
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Kingborough Council is of the opinion that the SES should be included in the new *Fire Service Act* legislation in order to maximise the opportunities to support other personnel in emergency management. Sharing of available resources and facilities will contribute to the interoperability of all emergency management agencies.

	5	Should a statement of commitment to volunteers be included in the new legislation and, if so, who and what should it cover?
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At present Kingborough Council relies entirely on TFS volunteer brigade members to conduct planned burning on Council land. Council is of the opinion that a statement of commitment to TFS volunteers should be included in the new legislation to promote formal recognition and acknowledgement of the value of TFS volunteer firefighters in keeping local communities safe.

If the SES is to be included in the new legislation, then the statement of commitment should cover SES volunteers as well.

	19	What opportunities exist to streamline Fire Management Area Committees with Emergency Management Committees?
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Whilst there is some duplication between the role of the FMAC's and the EMC's, Council is of the opinion that the two cannot be merged into one entity. The two bodies need to be able to devote time to their respective priorities. It could be argued that the current level of duplication is a positive in terms of communication.

The Southern Fire Management Area Committee encompasses three municipal areas (Huon Valley, Kingborough and Derwent Valley), each of which hold their own Emergency Management Committee Meetings. The focus of the Fire Management Area Committee is to prepare a fire protection plan for the Fire Management Area; and, identify and prioritise bushfire vegetation risks

and prioritise strategic works to mitigate any perceived risks. Councils that have a dedicated Bushfire Officer who attends Fire Management Area Committees and sits on and reports to their Emergency Management Committee gain the relevant information to prepare and mitigate bushfire danger in their municipality. The Emergency Management Committee has a broader ‘all hazards’ portfolio which necessarily covers a wide range of issues other than bushfire. Kingborough Council is of the opinion that no further streamlining of the two Committees is necessary as they serve quite different functions.

?	30	Should Community Education be an explicit function of SFC/TFS and should it include the SES?
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Kingborough Council is of the opinion that a consistent method and approach to community education would be beneficial. Community Education is a function that Council believes should include the SES as well as SFC/TFS.

Council is of the opinion that SFC/TFS should be the lead agency for Community Education in relation to bushfire/fire safety. SES should not be involved with Community Education in relation to this specialised hazard.

SES can and should have a role in community education in relation to other emergency events such as storms, floods and disease pandemics. Kingborough Council has the capacity to contribute and therefore work in cooperation in conjunction with the SES to deliver community education more widely. Local government as the agency most closely associated with the community has an important role to play in spreading community education message and helping to reach vulnerable people in the community.

Relevant Council Section: Governance/Bushfire

	9	Should members of the Commission be appointed as representatives of their organisation or on the basis of skills/knowledge that they possess?
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Council is of the opinion that membership of the Commission based on skills and experience is far better than a representative board in which self-interest or disinterest get in the way of good decision making.

	16	What is the appropriate membership of the SFMC and should the membership be prescribed in legislation?
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Council is of the opinion that membership of the SFMC as currently prescribed under the Fire Service Act is appropriate and adequately represents key land management agencies involved in fire management in Tasmania. Council has no objection to membership changes aimed at removing duplication in representation of TFS and PWS if desired.

	17	Should the State Fire Management Council have the power to appoint permit officers?
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Council is of the opinion that the appointment of fire permit officers more appropriately rests with the Chief Officer rather than the SFMC. In the absence of knowing the detail of a candidate's suitability as part of the appointment process it is difficult to make an informed decision as to whether or not nominated fire permit officers should be appointed. The Chief Officer through a direct link with TFS personnel is better placed to determine whether nominated fire permit officers have the appropriate levels of skill and experience to competently perform the duties required of fire permit officer. Currently it is not possible for Council's representative on FMAC Committees to make an informed decision about nominating permit officers for appointment by the SFMC in the absence of any accompanying information as to the character, skills and experience of the nominees.

	18	Are the Fire Management Areas and the composition of the Fire Management Area Committees still appropriate?
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Kingborough Council which currently has representation on two FMACS is of the opinion that the FMACs are effective in bringing together various stakeholders involved in vegetation/fire management. Council is of the opinion that the fire management areas together with the composition of the FMACs are still appropriate.

?	21	Should SES centrally manage and fund its volunteer unit facilities, its fleet and its operational expenses?
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Kingborough Council is of the opinion that the SES should centrally manage and fund its volunteer unit facilities, its fleet and its operational expenses. Changing the current governance arrangements to enable more effective and strategic funding and budgeting for SES units is a logical course of action.

?	28	Should the Act be amended to specify these activities are exempt from the provisions of the LUPAA?
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The “removal, destruction or lopping of trees and the removal of vegetation or topsoil” is defined as ‘works’ under LUPAA and requires planning approval unless the nature of those works are exempt under the relevant planning scheme. The LUPAA currently provides for exemptions from the need to obtain planning approval from Council under the Planning Scheme and/or a Forest Practices Plan approval by the FPA under certain circumstances. Automatically exempting vegetation removal, destruction or lopping of trees and the removal of vegetation or topsoil from all the provisions of the LUPAA in the name of bushfire mitigation activities (through an amendment to the Fire Service Act) is problematic. Council has concerns about such a proposal as the potential exists for vegetation to be removed on private property by TFS (in non-emergency situations) without due consideration of heritage places, scenic or landscape values, threatened vegetation communities, watercourse values etc.

?	31	Is it still appropriate that TFS issues permits to install, maintain or repair fire protection equipment?
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Council is of the opinion that it is appropriate and important for TasFire to maintain a role in the issue of permits to install, maintain or repair fire equipment rather than this being privatised.

?	32	Should there be a whole of government Emergency Evacuation System that deals with all threats, not just fire risks, in the built environment? Should prescribed buildings be categorised by risk potential?
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Council is of the opinion that there would be value in having a whole of government Emergency Evacuation System dealing with all threats in order to avoid duplication and ensure a consistent approach.

The use of risk potential to categorise buildings has merit. At present an inconsistency exists whereby commercial premises are not subject to the same Bushfire Hazard Management Controls as residential development (despite the possibility that commercial buildings may be occupied during bushfire emergencies). Perhaps the review of the Fire Service Act offers a suitable opportunity to examine this issue?

	22	Should any new legislation bind the Crown?
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The current *Fire Service Act* binds the Crown in relation to responsibilities for risk management across land tenure. Council suggests that the new legislation should do the same.

Other areas for comment (no specific question raised in Issues Paper)

Fire Permit System

Council's bushfire officer is concerned about the apparent absence of a requirement for TFS to verify that the permit applicant is the owner of the land and/or authorised to burn on the land that the permit is being applied for before a permit is issued. (Follows from the event at Mt Louis where a neighbour of the Council reserve obtained a permit from TFS to burn on Council land but had no authorisation from Council to do so).