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7 September 2018

Tasmanian Fire Services Act 1979 Review Submission

I have a Research Masters in fire ecology and used to work for the Nature Conservation Council of NSW and NSW Rural Fire Service. I was a Bushfire Officer for the Nature Conservation Council resourcing the NCC representatives on the Bush Fire Management Committees and then helped develop Hotspots Fire Project. While working with the NSW Rural Fire Service I continued working on the Hotspots Fire Project as well as being on the team who developed the Bush Fire Risk Management Plan guidelines for the Bush Fire Management Committees. It is with this background I write the following submission. I do not have time to look at the whole act so am concentrating on the lack of protection for the environment as an asset at risk and the State Fire Management Council and Fire Management Area Committees.

Objects of the Act

There are no Objects of the Act. This is something key that is missing. For example the NSW Rural Fires Act 1997:

Objects of Act

The objects of this Act are to provide:

- (a) for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and*
- (b) for the co-ordination of bush fire fighting and bush fire prevention throughout the State, and*
- (c) for the protection of persons from injury or death, and property from damage, arising from fires, and*
- (c1) for the protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires, and*
- (d) for the protection of the environment by requiring certain activities referred to in paragraphs (a)–(c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the Protection of the Environment Administration Act 1991.*

Protection of Environment as a Key Object of the Act

The protection of the environment is not included in the Act. The protection of life, property and the environment need to be key components of managing fire

and fire risks in Tasmania. This needs to be explicitly written into the Act. Having completed my Research Masters in fire ecology I have concerns about the lack of any reference to management of fire in relation to the environment. This is in terms of risk of fire to sensitive environments, risk of the environment to bushfire hazard reduction and risk to the environment of bushfire suppression.

Part II, Division 1.14 - State Fire Management Council

Scope

The State Fire Management Council (SFMC) needs to be responsible for state-wide, tenure blind planning in relation to bushfire prevention and a coordinated approach to fire suppression.

The focus needs to be not just on life and property but also Environment. Environment needs to be added into the mission statement so that it reads: To enhance the efficient and effective management of bushfire related risk in Tasmania in order to protect life, property, **environment** and significant community values.

The SFMC needs to provide a guide to local level plans developed by the Fire Management Area Committees (FMACs). It should provide oversight to the FMACs and an audit function to the plans they produce. Plans produced by FMACs should be a Bushfire Risk Management Plan, and an Operation Plan, which might contain a Fire Trail Plan. Risk Management and Operation planning should be in separate plans as Operational Plans need to be updated more regularly.

The SFMC (and FMACs) need to have as a core principal a regard for the principles of ecologically sustainable development in carrying out any function that affects the environment. For example in the *NSW Protection of the Environment Administration Act 1991* Section 6(2):

6 (2) ecologically sustainable development requires the effective integration of social, economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

(a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(ii) an assessment of the risk-weighted consequences of various options,

(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

(d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:

(i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,

(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,

(iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

Membership

The STMF needs to maintain an independence from the TFS and be much broader than it currently is. The current “skills based model” is too narrow and actively excludes any community input into the committee. Liaising with the community is one of its roles and yet there is no way of doing that with the representatives currently included. There are many sectors of the community that have a “stake” in fire issues but that are missing from the table. Membership should be prescribed in legislation rather than left up to a single body such as Tasmania Fire Service. This would leave the door open for key stakeholders to be missing. There could be a provision for an “Other” category if required.

Currently the membership is:

- (a) a person nominated by the Minister; and
- (b) the Chief Officer; and
- (c) the person for the time being holding, in the Fire Service, an office or position determined by the Chief Officer; and
- (d) the chief executive officer of the Forestry corporation; and
- (e) a person nominated by the chief executive officer of the Forestry corporation; and
- (f) the Director of National Parks and Wildlife; and
- (g) a person nominated by the Director of National Parks and Wildlife; and
- (h) a person nominated by the Tasmanian Farmers' and Graziers' Association; and
- (i) a person nominated by the Forest Industries Association of Tasmania; and
- (j) a person nominated by the Local Government Association of Tasmania.

I don't think it is necessary to have three representatives from forestry industries: Forestry corporation (Sustainable Timber Tasmania), and one from Forest Industries Association of Tasmania, or two people from National parks and Wildlife or TFS.

There are many stakeholders missing from the SFMC. These include:

1. Police.
2. Independent environmental representative separate from the Department of National Parks and Wildlife. There needs to be someone independent from the environmental department, larger land managers such as Tasmanian Land Conservancy or forestry that provides input and commentary on behalf of the environment. This is because these reps tend to think only of the land they manage and may not be independent.
3. Water Catchments.
4. Representative from the Tasmanian Volunteer Fire Brigades Association to provide volunteer brigades a voice.
5. Community representative. This may be the same as the environment representative.

Division 2.18 Fire Management Area Committees

I think there needs to be a review of the FMACs. What is their purpose? Does the committee members know that purpose? Are the right people represented on the committees? My experience is these kinds of committees can work really well and are a valuable way of getting cross tenure, multi stakeholder fire management planning across the state. From conversations I have had from committee members is that they don't actually know what the purpose of the committees are, don't feel their time is valued and don't know where the plans they develop actually go. They feel that the TFS needs to resource them more (or more accurately the government) and that the Fuel Reduction Unit was not listening to the recommendations of the FMACs and was undertaking their own fire management planning with a discard to the FMAC plans.

Community feedback is that they don't even know the process exists and don't know how to get their concerns onto the agenda of the FMACs and into the plans.

Membership

Membership to the FMACs, like the SFMC need to be broader to include representatives from all stakeholders. Key stakeholders currently missing are:

1. Independent environmental representative. I am not sure which organisation should have carriage of nominating the reps. Ideally they would have a fire ecological background but there needs to be someone who advocates on behalf of the environment. This should be separate to the Department of Parks and Wildlife or other land managers such as Tasmanian Land Conservancy. I would be wary of the representative being from one of the regional federally funded NRMs as I don't feel they

- are necessarily independent, have the skills or the resources to sit in the role. Possibly Landcare Tasmania.
2. Agriculture/horticulture/viticulture representative such as Tasmanian Farmers and Graziers Association (a local branch)
 3. Community representative. At the moment the community does not feel they have a representative on the committee or a way of getting their concerns heard. This could also be covered with well advertised public exhibiting of the plans.
 4. Police
 5. Water catchments
 6. Representative from the Tasmanian Volunteer Fire Brigades Association to provide volunteer brigades a voice.

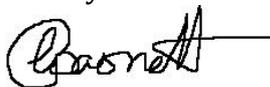
Fire Protection Plans

Fire Protection Plans have the unique opportunity to get assessment of assets, value, risk and treatment options from all the stakeholders across all tenures. This planning process is important but needs a review to determine if it is working and if not, what needs to be done to make it better. Requirements for the development of Fire Protection Plans need to be better explained within the legislation.

Things I see as possible lacking in the Fire Protection Planning process are:

- The plans need an independent review.
- Each plan needs to have a public exhibition period. It needs to be a well-publicised public consultation period where feedback is incorporated into the plan where appropriate.
- How are the plans assessed and monitored?
- How are the different elements of the plan decided upon and by who?
- The vegetation mapping used for assessment is often inaccurate.
- How do the Fire Protection Plans feed into other planning? For example Council, Parks and Wildlife and Fuel Reduction Unit plans? It feels that there is not a good link between the two. This is especially important for the Fuel Reduction Unit burns, which are undertaken on private property to reduce risks often on other land.
- In the Fire Protection Plans it looks at the protection of natural values but then the actions only deal with reducing the impact of hazard reduction treatments to natural values not how they are actually protected from the risk of bushfire. There needs to be inclusion of reducing risk of fire to natural values not just the treatments of risk.
- How are the treatments developed in the Fire Protection Plans assessed and monitored?

Thank you.



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