



TASMANIAN FARMERS & GRAZIERS ASSOCIATION

Mr Michael Harris
Chair
Fire Service Act Review Steering Committee
HOBART TAS 7001

Email: Act.Review@fire.tas.gov.au

Dear Mr Harris

TFGA Submission – Review of the Fire Service Act 1979 Issues Paper

The Tasmanian Farmers and Graziers Association (TFGA) is the leading representative body for Tasmanian primary producers. TFGA members are responsible for generating approximately 80% of the value created by the Tasmanian agricultural sector.

Agriculture is one of the key pillars of the economy and, with the current level of support from government, are well positioned to further capitalise on the stature of Tasmania agriculture.

The TFGA appreciates the opportunity to make comment to the Review of the Fire Services Act 1979.

General Comments:

The farming sector has long played a part in fuel load reduction, fire suppression and recovering from devastating impacts on property and livestock. Amongst the farming community there is a breadth of local knowledge and resources willing to be engaged.

There is a need to improve training of staff on traffic management points to undertake a range of functions as part of a bushfire emergency, including a better understanding of animal welfare aid requirements during and after a bushfire.

The State needs a strategy to better provide enough fire breaks and containment lines within public parks and around public land to improve fire suppression and prevent private land being unnecessarily damaged during a bushfire event.

The State and Local Governments need to prioritise roadside fuel reduction. Streamline approval process and red tape for agencies with fire management obligations. Engage local landholders to identify roadside areas requiring fuel reduction.

The State should share the burden of cost in replacing boundary fencing, public and private landowners on adjoining properties should be treated equally in terms of paying for fencing under the Boundary Fences Act, particularly after the devastation of a bushfire event.

The State Government should prioritise the return of electricity to farming enterprises where animal welfare and production systems depend on the supply of power.

Comments to Issues Paper:

5. Should a statement of commitment to volunteers be included in the new legislation and, if so, who and what should it cover?

Volunteers play a vital role in assisting the TFS. There are over 4000 volunteers and approximately 320 TFS personnel. More respect needs to be shown to volunteers who are not only usually the first to respond, but have local knowledge and experience.

Yes, a statement of commitment should be included to make sure volunteers are appropriately consulted, resourced and trained, and recognition of the employers who assist them.

6. Should the legislation provide PWS and forest officers with appropriate legislative authority to undertake fire control and reflect contemporary Tasmanian practice in relation to Inter-Agency Incident Management?

Yes, there should be consistency across agencies taking a lead role.

7. Should the State Fire Commission remain as a Statutory Authority?

When comparing the TFS structure to the Tasmania Police, Tas Police don't have an equivalent in terms of a State Fire Commission.

An option to consider replacing the Commission is with the Agency Management Group (see attached). The AMG addresses issues of strategic importance to the Department and provides advice to the Minister for Police, Fire and Emergency Management. The AMG comprises: DPFEM Secretary / Commissioner of Police; DPFEM Deputy Secretary, Business and Executive Services; Deputy Commissioner of Police; and Chief Officer, TFS.

16. What is the appropriate membership of the SFMC and should the membership be prescribed in legislation?

TFGA agrees with the Issues Paper stating that it may be beneficial if SFMC membership was broadened and to remove potential duplication in representation of TFS and PWS (each currently having two representatives).

TFGA would like to see further farmer representation on the SFMC, as 40% of Tasmania's land mass is privately owned. Our recommendation is to have either have:

- two nominees from the TFGA; or
- a nominee from the TFGA and a primary producer nominee.

Yes, the SFMC membership should be prescribed in legislation.

17. Should the SFMC have the power to appoint permit officers?

No. The TFGA would like to see the TFS undertaking the role of appointing permit officers. This would provide one process for all undertaken by one agency, the TFS.

18. Are the Fire Management Areas and the composition of the Fire Management Area Committees still appropriate?

Yes. Even though Tasmania is a small State its geography, environment and biodiversity can be very different across the 10 fire management areas. The TFGA would recommend that the membership of the Committees is broadened to include a primary producer and/or a volunteer fire representative.

19. What opportunities exist to streamline Fire Management Area Committees with Emergency Management Committees?

The TFGA believes there are synergies with both Committees to have a better relationship to learn from each other, which includes management during an emergency; how resources are deployed; who does what; and how they communicate with each other and stakeholders, including the public.

28. Should the Act be amended to specify these activities are exempt from the provisions of the LUPAA?

The TFGA needs further clarification if a development application (local council) would be required for every burn before exempting TFS to enter onto land and undertake all necessary acts to remove fire danger. As currently under the Act, under Section 49, the TFS already has the authority to enter any land and give notice to remove fire hazards.

29. Are the provisions relating to the declaration of Total Fire Bans still appropriate?

As stated in the Issues Paper, in late 2016, TFS issued the Machinery Operations Guidelines as a voluntary code which revised the automatic bans on machinery operations during Total Fire Ban periods to adopt the guidelines used on the mainland where machinery operations are suspended when relative humidity, temperature and wind speed combine to exceed designated thresholds. These guidelines were designed to mitigate the considerable economic impact that days of Total Fire Bans could have on machinery operations while still considering suitable bushfire risk mitigation practices.

The TFGA has been very supportive of the industry led, ground up approach in getting these guidelines issued by the TFS as a voluntary code. This has enabled a local approach to manage fire risk for farmers, noting TFS can ban machinery operations with an explicitly worded Total Fire Ban declaration.

The TFGA would like added to the legislation an exemption to allow those who use the guidelines to legally operate on actual weather conditions underneath the total fire ban. It would state: This guideline provides fire safety measure for machinery operations in or near dry vegetation and specifies criteria for when fire weather conditions warrant stopping machinery operations.

The changes to the Act under Section 70, include:

- (3)(b) – TFGA understands the need to publish in a daily newspaper, but the issue is that our members may not see this till late morning. Instead a change to this section to have other types of immediate communication to the public ie. social media, TFS website.

Fire Permit System

The TFGA agrees with the recommendations from the Wise Lord and Ferguson review of the Fire Permit System.

The TFGA would like the machinery operations guideline incorporated into the fire permit system to give people a better understanding on machinery operations ban; machinery operating practices; and the weather combinations to decide when machinery operations should cease.

30. Should Community Education be an explicit function of SFC/TFS and should it include the SES?

Yes, community education should be a function of the SFC/TFS. The community need to be better informed of the importance of fire as a tool to protect the community, which would include why TFS undertake controlled fuel reduction burns.

Yes, there is a role for the SES to be included when undertaking community education. The TFGA agrees with the Flood Review recommendation that SES and TFS share resources and align their community education programs and adopt an all-hazards approach to awareness.

35. Are the current protection from liability provisions appropriate?

The TFGA would like clarification provided within the Act to state the services/roles the TFS and its volunteer brigades undertake. For example, many TFGA members are part of their local volunteer fire brigades and undertake services that are not just fire related, but, for example, also include road side accidents. This is a service that the volunteer is undertaking on behalf of its fire brigade, and this service needs to be covered under Section 121 of the Act.

Please contact the TFGA if you require any further information.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'P' and 'S' followed by a horizontal line.

Peter Skillern
Chief Executive Officer
7th September 2018