



**UNITED FIREFIGHTERS UNION OF AUSTRALIA
TASMANIA BRANCH
SUBMISSION TO THE
STEERING COMMITTEE FOR THE
REVIEW OF THE FIRE SERVICE ACT 1979**

Contents

EXECUTIVE SUMMARY	3
Structure of Fire Services for Tasmania	4
The State Fire Commission	4
Membership of the State Fire Commission	5
State Fire Commission revenue	6
The role of the chief officer	7
Qualification for appointment as Chief Officer.....	7
A clear role for firefighters.....	8
Administration and Oversight of the State Emergency Service.....	10
A clear response role for SES	10
A clear funding and administrative model for SES.....	11
Firefighting Operations and Emergency Provisions of the Fire Service Act.....	12
Chain of Command	12
Brigade management.....	13
Parks and Wildlife Officers and Forest Officers	13
Industry Brigades	13
Fire Permit Systems	13
Preparedness and Prevention.....	14
The State Fire Management Council.....	14

Appendix 1 – Boyle, Melbourne Metropolitan Fire and Emergency Service Board ERM paper.

Appendix 2 – Tasmanian Ambulance review.

Appendix 3 – UFUA submission, 2016 Inquiry into the State Fire Commission (SFC) and associated documents: <http://www.parliament.tas.gov.au/ctee/House/HAComDev-SFC.html>

Appendix 4 – Tasmania Fire Service Chain of Command.

EXECUTIVE SUMMARY

The United Firefighters Union of Australia, Tasmania Branch (UFUA) submission to the Tasmanian Government Fire Service Act Review must be read in conjunction with the 2016 UFUA submission (and its appendices) to the *Inquiry into the State Fire Commission (SFC) budget and its implications for the Tasmania Fire Service held by the House of Assembly Standing Committee on Community Development* (Appendix 3 of this submission).

That submission detailed;

1. A number of inadequacies in the governance arrangements of emergency services in Tasmania at that time and the UFUA considers these issues still of primary relevance now.
2. The impact of the State Government 2014/15 and 2015/16 budgets on the State Fire Commission (SFC) 2014/15 and 2015/16 budgets including:
 - a. the impact of the transfer of reporting of SES from Police to Tasmania Fire Service (TFS)
 - b. the impact on SFC/TFS of the introduction of the fuel reduction programme
 - c. the corporate service integration project
3. And also addressed:
 - a. the lack of due diligence applied by Government in forcing the abovementioned onto the SFC/TFS
 - b. the legality or otherwise of the above-mentioned matters

The UFUA does not accept that the Fire Service Act can be unilaterally changed to provide for the inadequacies of the *Emergency Management Act 2006* and that that Act must also be reviewed concurrently with the *Fire Service Act 1979* to ensure a workable emergency management environment for the Tasmanian community.

A seamless operation between response agencies such as the TFS or SES cannot be achieved without revision of the role of the State Emergency Service (SES) and the *Emergency Management Act 2006*.

Structure of Fire Services for Tasmania

It is the opinion of the UFUA that the SFC and its operational arm (Tasmania Fire Service) remain as a statutory authority under its own act that binds the crown. The current act provides the capacity and authority for;

- Emergency response to fire and a variety of other emergencies
- Preparedness activities
- Mitigation works to reduce hazards and risks in both the built and natural environments.

Any proposal to modify the *Fire Service Act 1979* must only strengthen the SFCs role as the principle emergency management agency for fire and its other emergency response responsibilities.

The State Fire Commission

The UFUA supports the current structure of the SFC as a statutory authority under an act that binds the crown. The ultimate oversight and responsibility for the effective management of the Tasmania Fire Service, rests with the SFC.

As described in the UFUA submission to the House of Assembly Standing Committee on Community Development inquiry into the SFC, the Fire Service Act must continue to;

- Maintaining the independence of the SFC and the Tasmania Fire Service
- Maintaining the operational arm of the TFS including its budgetary independence to allow for appropriate operational readiness
- Maintaining the independence of the role of the Chief Officer (TFS)

The UFUA strongly refutes the current interpretation by the DPFEM that the SFC or Chief Officer of the fire service report to the Department Secretary as outlined in diagrams at appendix D and E of the Review of the Fire Service Act 1979 – Issues paper

The current legislation allows for the Chief Officer to report directly to the SFC alone. Any ambiguity in this role is caused by an inappropriate interpretation of the Fire Service Act by the DPFEM.

Membership of the State Fire Commission

It is the opinion of the UFUA that the SFC remain as a representative board.

The UFUA believes that the members of the Tasmania Fire Service are an important community asset and their direct participation in the policy making arm of the organisation enhances the commitment between volunteers, career firefighters and other constituents of the community.

Management strategies of a fire service not only need to be understood by its firefighters but it is imperative that the people engaging in firefighting duties are confident in the organisation management. The Shared values of trust, respect and understanding are of vital importance in a fire service. This is of even greater importance in a fire service that relies on people that give their time freely, sacrifice family time and other activities and sometimes risk their lives and/or livelihoods for the benefit of their community.

A representative board gives very real acknowledgment to members of the Tasmania Fire Service and its various constituent organisations that it is an inclusive organisation. This does away with any need to include statements of commitment to any members of an organisation. The UFUA submits that statutory commitments to any interest group beyond a representative commission structure will inevitably become divisive and are wholly unnecessary in a fire service that prides itself on being the first and only fully integrated fire service in Australia. The commitment to an integrated fire service is at the heart of the current act and is well supported by the representative nature of the SFC.

The UFUA can accept that those individuals nominated by the respective constituent bodies must have some accredited form of firefighting and/or business management experience and professional qualification appropriate to administering a fire service.

State Fire Commission revenue

The Fire service revenue is available from 3 primary sources to defray the costs of brigades.

1. An Insurance Fire Levy
2. The Motor Vehicle Fire Levy
3. The Fire Service Contribution collected by local councils from ratepayers

The UFUA recommends that the SFC continues to generate income to operate TFS from these main sources and that the revenue be exclusively for the use of TFS

Under the *Fire Service Act 1979*, revenue generated must only be used to defray the cost of TFS Brigades. The UFUA also strongly recommends that the SFC allocation to the SES be stopped and that section 107 of the *Fire Service Act 1979* be amended to reflect its original intent as a provision for very small payments to be made outside of brigades.

The UFUA acknowledges there are some issues and risks with regard to the revenue streams available to the SFC such as the volatility of the insurance levies.

Any changes to fire service revenue must only be implemented if they result in a net gain to the SFC and can be proven to provide more stable and reliable income over time.

The role of the chief officer

The role of the Chief Officer (CO) should remain as the head of the TFS and therefore as the officer responsible for TFS operations. The operational responsibilities of the CO should be specific in the Fire Service Act.

The role of the CO has been changed after the amendment to the Fire Service Act at section 7a in 2017. This amendment removed the CO as the chair of the SFC and provided for an independent chair. This has provided a clearer line of accountability within the Act and was supported by the UFUA.

With the CO reporting to the Commission and the Commission reporting to the minister, there is no longer ambiguity of responsibility for these entities.

To further remove any perception of ambiguity, the powers of employment reserved for the Secretary of a department as a head of agency may be extended to the SFC, enabling the SFC to employ the Chief Officer. This would enable the SFC to have at once clear lines of responsibility and control of its employee separate from the overall department structure.

Qualification for appointment as Chief Officer

The CO is ultimately responsible for the operational outcomes of firefighting operations. It would be inconceivable to the Tasmanian community that someone without appropriate operational firefighting and fire service administration skills could become the CO of the fire service. The UFUA cannot support any contrary proposal.

A clear role for firefighters

The UFUA agrees that the legislation that governs the TFS responsibilities should be specific for all the activities expected to be undertaken by Firefighters and the Tasmania Fire Service.

Any proposed legislation should acknowledge the current roles in the *Fire Service Act 1979* and also include the roles Tasmanian firefighters have when responding to urban search and rescue, bushfires on all Tasmanian land tenures, road accident rescue, technical rescue, vertical rescue and confined space rescue as the primary response agency.

Section 40 and 41 of the current FS Act allow for brigades to render assistance in relation to a civil emergency and use of brigade resources for any other situation the community may demand at the discretion of the Chief Officer.

This allowance of discretion is broad and would better serve the Tasmanian community if the use of fire service resources were clearly restricted to emergency management needs only.

The legislation should be inclusive of any responsibility for assistance to other emergency management agencies such as an expectation for firefighters to assist during flooding, earthquakes, swift water rescue or other emergency outside of their own primary response requirements.

The UFUA supports a specific role for Firefighters and increased funding to allow for all specified activities in both primary response roles and when rendering assistance to other response agencies.

Current suggestions to expand the TFS and Firefighter roles, such as the development of Emergency Medical response assistance or intervention into remote area firefighting must be accompanied by a long term and reliable revenue stream.

As an example, Emergency medical response by firefighters is undertaken in several Australian and International jurisdictions. This role requires a high degree of training and is primarily focused on responses to patients that are unconscious, non-breathing and/or pulseless. Firefighters are also co-responded with ambulance services when dispatched. It is generally accepted that the primary objective of firefighter emergency medical response is to reduce the time from collapse to defibrillation.

Firefighters in Tasmania currently undertake tasks that require a basic level of first aid skill. Additionally, most career firefighters and some volunteer firefighters are trained in the use of defibrillators and oxygen therapy. Firefighter tasks are restricted to basic first aid, emergency life support and resuscitation and are directly associated with current firefighter duties such as fire suppression, hazardous materials responses or rescue operations. That is, firefighters will assist with medical needs of people involved in fire related emergencies. They are not specifically dispatched to deal with the medical needs of people involved in

health emergencies and will always request the presence of an ambulance to take on the higher medical needs of the people involved.

To increase the level of skill required for emergency medical response Tasmanian Career firefighters would need to invest up to 8 days additional training, annual refresher training and monthly skills maintenance. (Boyle 2010 – Appendix 1)

Studies suggest that the use of firefighters in the Melbourne Metropolitan Fire Service (MFB) for emergency medical response has led to a decrease in response times for cardiac arrest patients but there are several distinctions in the Victorian and Tasmanian context;

- Tasmania has a far smaller population density than the Victorian MFB area.
- Tasmania also has a lower number of firefighters per head of population.

These distinctions clearly show that Victoria has a greater number of fire stations and firefighters available in closer proximity to the population requiring their services for any type of response.

The Tasmanian Department of Health and Human Services 2017 Review of Ambulance Tasmania Clinical and Operational Service Final Report (Appendix 2) does not make any recommendation into the use of firefighting agencies to support medical responses. Instead it recommends several initiatives for alternate non-emergency care which would reduce demand on ambulance paramedic resources and improve patient outcomes.

The UFUA recommends that the Tasmania Fire Service does not become a primary emergency medical response provider. The UFUA also recommends that the Tasmanian Ambulance Service remains the primary provider of emergency medical response in Tasmania.

Any increase in roles and service cannot be accomplished by TFS utilising the low current number of career firefighters in Tasmania. As submitted by the UFUA to the House of Assembly Standing Committee on Community Development inquiry into the State Fire Commission, Tasmanian Career firefighter numbers have not increased to keep pace with increased demand for services. There is also no plan to provide effective services into the future to deal with the consequences of climate change and the reduction in volunteer number available to the TFS.

The UFUA recommends that any expansion of roles for firefighters or the State fire Commission should be accompanied by an adequate rise in revenue through the fire service contribution and levies to provide for the new services and an increase in firefighter numbers.

Administration and Oversight of the State Emergency Service

In the event that the Tasmanian Community supported the amalgamation of the SES into a body that administered both TFS and the SES, the UFUA supports the view that the SFC should have oversight of both operational bodies and their revenue streams.

The Tasmanian *Emergency Management Act 2006* provides three administrative levels of emergency management;

- State
- Regional and
- Municipal.

Emergency management is distinct from emergency response with response being one of the functions of emergency management. Other functions being preparation, preparedness and recovery.

A clear response role for SES

The SES is provided as a response agency to the Tasmanian community through the *Emergency Management Act 2006* and has a response role for floods, storms, high winds, road crash rescue and a range of other community services.

Not all of the roles undertaken by the SES are clearly delegated under the Tasmanian Emergency Management Plan or specified in the *Emergency Management Act 2006*. For example, the SES assists police in search and rescue operations.

The UFUA agrees that the legislation that governs the SES responsibilities should be specific for all the activities expected to be undertaken by the SES and SES staff.

SES responses to emergencies are conducted at a municipal level by volunteer units as provided by the *Emergency Management Act 2006*. This model provides the community with a service that is restricted by the financial and physical resources allocated by a local council and the ability of volunteers to become involved. The emergency response may therefore have limited relationship to the level of risk a community may face as identified in the relevant Municipal or State Emergency Management Plan.

The municipal plans utilised by councils primarily look to the immediate risk within council boundaries. The use of municipal areas for the administration of emergency management is of historical origin and not necessarily related to the broader risk. Although several of the municipal plans are cooperative in nature with neighbouring councils, this is an outdated, inefficient structure and should be replaced with a risk based response model for relevant hazards such as the tenure blind risk assessments utilised by the TFS fuel reduction unit.

It is the opinion of the UFUA that a lack of role clarity and responsibility at a legislation level in the *Emergency Management Act 2006* has led to resource and funding inefficiencies for each municipal volunteer SES unit, hampering their ability to undertake their primary response responsibilities effectively.

A clear funding and administrative model for SES

A centralised model of funding for SES with centralised administration of SES units, fleet and operations would assist in reducing inefficiency and improve services to the Tasmanian community and in the opinion of the UFUA would be appropriate

The UFUA continues to support its recommendation to the inquiry into the Tasmania Fire Service held by the House of Assembly Standing Committee on Community Development, that;

- *A funding model is established for SES to cover all aspects of SES role and function and such funding is separate and distinct funding from the fire service contribution or levy as it is commonly referred.*
- *That the SES assets are secured for the TFS including;*
 - *plant and equipment*
 - *buildings*
 - *infrastructure*
- *That procedures be established that allow the TFS to properly manage all aspects of SES including;*
 - *full time and volunteer staff*
 - *emergency response*
 - *buildings and infrastructure*
 - *plant and equipment*
 - *training resources*

Firefighting Operations and Emergency Provisions of the Fire Service Act

Chain of Command

Section 42 of the *Fire Service Act 1979* provides for regulation of the chain of command during firefighting operations by the SFC.

"42. Chain of command

The Commission shall determine the chain of command and order of seniority of members of the Fire Service and members of brigades that applies during fire-fighting operations, and such a determination is binding on the persons to whom it relates."

The SFC has not made any change to the chain of command since 2004 (Appendix 4) despite several changes to the Australasian Inter-Service Incident Management System (AIIMS) which is utilised by TFS for emergency operational management. The Chain of command is primarily based on rank and an adherence to brigade boundaries. This policy of the SFC is out of step with modern fire industry command and control systems.

The requirements for qualification for a supervision role under the nationally accredited Public Safety Training Package require a significant level of training and assessment. To collect evidence of competence for supervision of an operational response an individual career firefighter normally undertakes regular training and assessment over a two year period of full time work. This is in addition to the minimum of four years pre requisite training as a firefighter. After this period, the assessed officer has the capacity and formal qualification to supervise level 1 and 2 incidents.

Within the operational sphere of AIIMS, and particularly at level 2 and 3 incidents, the UFUA believes that qualification for command and control roles can only be reasonably achieved by full time firefighting industry employees and that, when present at an incident or appointed to an incident management team, those most qualified and experienced should assume leadership roles.

The UFUA supports the current provision in the Act for the SFC to regulate the chain of command at operational incidents through policy rather than strict legislation. An appropriate chain of command should acknowledge training and skills of officers rather than a strict adherence to elected ranks or brigade boundaries.

Brigade management

The Brigade structure is an integral part of any fire service. The UFUA supports the retention of a brigade system within the TFS.

The UFUA supports the introduction of compulsory qualification for all brigade officers and appointment to positions based on the merit principles of the State Service Act.

The provisions of Section 35 of the *Fire Service Act 1979* should allow for a suitably qualified Career officers of the TFS who have been appointed to work in brigade areas to exercise the powers and functions of a brigade chief.

Parks and Wildlife Officers and Forest Officers

The powers of Forest Officers and Parks and Wildlife Officers defined under the *Fire Service Act 1979* are not reflective of current response protocols in Tasmania.

It is the opinion of the UFUA that the *Fire Service Act 1979* be amended to give authority and immunity to Forest Officers and Parks and Wildlife Officers when responding to bush fire emergencies on land tenure controlled by those.

The *Fire Service Act 1979* should allow for the CO to appoint appropriately qualified individuals from these and other fire management agencies (such as other state or international fire services) to operate in incident management teams on all Tasmanian land tenures when responding to vegetation fires.

Industry Brigades

The formation of an industry brigade should continue to be allowed under the *Fire Service Act 1979*. The UFUA does not support the use of industry brigades external to the industry boundaries.

In the event that an incident controller believes that the industry brigade may have resources that will be of use during an emergency response external to the brigade's area, the act allows for the incident controller to utilise those resources if they are volunteered to place the resources and people at a brigade chiefs disposal (*Fire Service Act, Section 29 (3) (f)*).

Fire Permit Systems

The UFUA broadly supports the permit system recommendations as detailed in appendix G of the Review of The *Fire Service Act 1979* Issues Paper.

Preparedness and Prevention

The State Fire Management Council

In 2013 the United Firefighters Union of Australia submitted recommendations to the Tasmanian Bushfire Inquiry. This submission sought to reinvigorate the State Fire Management Council (SFMC) and the fire management area committee system to generate hazard reduction plans.

Fire Management area committees have a very specific role and the makeup of these committees should always consist of expert members who have a capacity to understand fire risk and its specific impact. Fire Management areas are also related to the fire risk, rather than a municipal boundary or other arbitrary boundary unrelated to fire risk. For these reasons the UFUA does not support the amalgamation of SFMC committees with emergency management committees. For these same reasons, the UFUA supports membership of FMACs through policy and/or regulation rather than legislation.

The original UFUA recommendations regarding the role of the SFMC and bushfire mitigation are available in Appendix 5 of the UFUA submission to the House of Assembly Standing Committee on Community Development Inquiry into the State Fire Commission

Further recommendations for Bushfire Preparation and Preparedness from the UFUA still include:

1. TFS continues to fund, develop and implement effective community bushfire preparedness initiatives based on community engagement and empowerment principles
2. The TFS fund research into what is required to understand the training, organisational and cultural-change needs required to adopt a community engagement approach
3. The TFS continues to realise the potential of community engagement principles to foster community bushfire preparedness by ensuring that their volunteer fire brigades are provided with support and training to ensure the effective implementation and sustainment of these initiatives.
4. The TFS increase the budget for community engagement activities above the current allocation to achieve these recommendations. At this time allocated funds are less than 6% of TFS budget.
5. There is no dilution of existing resources or budget to Prevention and Preparedness Units such as removing staff and resources essential to service delivery.
6. The TFS regularly evaluate the effectiveness of community engagement initiatives and amend them as necessary

During the submission to the House of Assembly Standing Committee on Community Development Inquiry into the State Fire Commission UFUA also sought to ensure that the TFS was resourced in order to carry out the plans for hazard reduction. Whilst there have been some successes with the plans and fuel reduction programs, the TFS has not been resourced adequately to carry out all these hazard reduction activities. UFUA recommendations were;

1. That the appropriate procedures for the management of fuel reduction burns are established and implemented including;
2. Sufficient TFS staff to conduct and control the burns
3. Adequate resources to complete a prescribed burn
4. Develop a prescribed procedure to be followed by all agencies and other parties involved in any burn
5. Integrate FRU into the TFS Community Fire Safety Division
6. That the State Government continue to provide funding for the fuel reduction burn programme