

23rd August, 2018

Fire Service Act Review
GPO Box 1526
HOBART TAS 7001

Act.Review@fire.tas.gov.au

Dear Review Committee,

RESPONSE TO THE ISSUES PAPER – REVIEW OF THE FIRE SERVICE ACT 1979

I refer to the *Issues Paper – Review of the Fire Service Act 1979* issued in June 2018, seeking feedback from all interested stakeholders on the comprehensive review of the *Fire Service Act 1979*, with the aim to simplify and modernise the legislation to be more reflective of how the Tasmanian Fire Service and State Fire Commission serve the community today.

On behalf of Latrobe and Kentish Councils, I make the following joint submission:

Governance Arrangements

1. *Membership of the State Fire Commission (page 18-20).*

Under the current Act the State Fire Commission must include 2 persons nominated by the Local Government Association of Tasmania. Local Government plays a significant role in collecting the majority of funds for the Commission through the fire service contribution. The issues paper poses the question ‘should members of the commission be appointed as representative of their organisation or on the basis of skills/knowledge that they possess?’

The Councils believe the appointments to the Commission should be based on their skills and knowledge.

2. *Role of the State Fire Management Council (pages 22-24)*

Under the current Act membership of the council includes representation from the Local Government Association of Tasmania. The issues paper poses the question “what is the appropriate membership of the SFMC and what is the appropriate role and function of the council.”

The Councils have no comments to make in respect of the role of the State Fire Management Council.

3. *Fire Management Area Committees (FMACs) (pages 24-26)*

Under the Act, FMACs are responsible for preparing fire protection plans for the fire management area identifying priority bushfire risks and mitigation work. There are 10 FMACs in Tasmania. The paper raises the issue of membership of committees and the current separation of FMACs from the structures established under the Emergency Management Act. In particular the need for Emergency Management plans at the regional and municipal level.



69 High Street
(P.O.Box 63)
SHEFFIELD 7306
Ph 6491 0200
www.kentish.tas.gov.au



170 Gilbert Street
(P.O.Box 63)
LATROBE 7307
Ph 6426 4444
www.latrobe.tas.gov.au

The current structure has some level of duplication, especially in relation to risk assessment. FMAC membership includes a representative from each local council.

The Councils believe the Fire Management Area Committees are working satisfactorily and the Councils appreciate the representation from the rural areas on these Committees.

Sustainable funding model

4. *Provisions for the finances of the State Fire Commission are contained in Part VI of the Fire Services Act 1979. In particular the Act specifies that the operating costs of all brigades shall be defrayed out of contributions from:*

- *An insurance Fire levy charged on commercial insurance premiums*
- *The Motor Vehicle Fire Levy payable on vehicle registration each year*
- *The **Fire Service Contribution** collected by local councils from ratepayers, weighted according to the assessed annual value of properties and the fire services available.*

The fire services contribution provides 45.7% of the State Fire Commission budget and is used as a balancing item that enables the commission to recover its brigade operating costs, once all other funding has been taken into account. Increases in the fire services levy is approved by the Minister annually. This has been an issue for Local Government in the past and it should be noted that there is a motion about this issue in the upcoming LGAT AGM.

The issues paper raises a number of issues in relation to the model including the movement away from insurance based levies nationally, that the current motor vehicle levy does not apply to all vehicles, the Fire Service Contribution (FSC) does not include funding for the increased proportion of activities undertaken by TFS on non-fire emergencies. The FSC is based on the model of paying more for an improved quality and timeliness of service. Rate payers with the more expensive houses pay more, yet get the same service and the cost is not based on level of risk. Furthermore the levy does not apply to a broad range of land including land owned by councils, the crown, GBES and Commonwealth land.

The Councils do not support any changes to the current funding model.

5. *Funding of SES*

Prior to becoming the funding responsibility of the commission the majority of resourcing for SES was provided by the State Government. SES now operates with a State Fire Commission allocation. Local Councils are responsible for the establishment and maintenance of municipal SES volunteer units. SES also receives an annual allocation of 300k from the MAIB to support road crash rescue capacity. A review of the SES was undertaken by Wise Lord and Ferguson in 2016 and a number of issues and risks to SES funding were identified. These included:

- *currently governance and financial arrangements with Local Government limit the ability of SES to strategically manage their financial assets,*
- *SES is unable to budget effectively as it can't forecast revenue contributions from Local Government,*
- *there are risks with WH&S, SES is not funded for major incident response,*
- *under current resourcing SES may not be able to provide adequate support in relation o risk assessment, community resilience and disaster planning*

- *financial and resourcing level required to meet training and support obligations of volunteers may be insufficient and there is a discrepancy in how SES, TFS and Ambulance volunteers are treated.*

As a result of these recommendations the issues paper poses the questions "should fire and emergency service be funded through a single mechanism? If so what is the appropriate model?". "Should SES centrally manage and fund its volunteer unit facilities, its fleet and its operational expenses?"

The issue of SES funding, in particular the funding of SES volunteer has been an issue which has been explored with the sector through a number of past reviews. I have attached for your background a submission made by LGAT into the a review of the Emergency Management Act in 2016.

The Councils do not support Fire and Emergency Services being funded through a levy on rates similar to the current Fire Levy system.

The Councils query whether the SES at Hobart and Launceston are still funded by the State Government which is an inequity compared to other areas across the state where the SES is substantially funded by the local Councils.

Operational Considerations

6. Fire Hazards (page 40)

*The current Act includes provision for the commission to undertake all necessary acts to remove fire danger. In addition, there are power for the commission and **councils** to create fire breaks. However it is not particularly clear in what circumstances the TFS has the authority to undertake hazard mitigation activities in non-emergency situations under the Act without needing additional approvals from either the Forest Practices Authority or Local Government. The issues seem to apply when TFS is burning on private land with the permission of the landowner. There is a school of thought that a Development Application would be required for every burn which would be a significant impediment to some of TFS' mitigation activities. This stems from the potential application of the Land Use Planning and Approvals Act 1993 (LUPAA) which provides for the general control and management of land use and development in Tasmania, especially through the agency of local government and planning schemes. Consideration of the interaction of fuel reduction burning, any legitimate fuel management works and LUPAA is dependent on the way activities are defined and regulated in LUPAA. Some people think that fuel reduction burning could be considered as works as defined in LUPAA36. Within LUPAA, works are described as development and the control of development is a proper function of a planning scheme. The issues paper poses the question "should the Act be amended to specify these activities are exempt from the provisions of LUPAA?"*

The Councils support exempting Fire Abatement Notices etc from the provisions of LUPAA.

7. Fire Permit System (page 41)

A review of the Fire Permit System was undertaken by Wise, Lord and Ferguson in 2016. The review made a number of recommendations some of which have an impact on the legislation. One of the recommendations relates to the system needing to embrace technology and create an online system for burn registration, applying for, granting and recording permits and burn plans and for sharing data between fire agencies and other stakeholders.

Access to permit data has been an issue for Local Government, in particular where members of the community make complaints to council in relation to smoke pollution under the Environmental and Pollution Control (Distributed Atmospheric Emissions)

Regulations and Council By-laws. A sharing of this data would be very useful.

The Councils support using modern technology to manage the Fire Permit system.

The Latrobe and Kentish Councils appreciate the opportunity given to provide input into the review of the Fire Service Act 1979.

Kind regards,



Gerald Monson

GENERAL MANAGER

LATROBE & KENTISH COUNCILS