

Community & Public Sector Union (SPSFT)

The union for public sector workers.

CPSU (State Public Services Federation Tasmania) Inc. | CPSU (SPSF Group, Tasmanian Branch)

Monday, 20 December 2021

c/o: act.review@fire.tas.gov.au

Dear Mr Stevens,

Re: CPSU Submission to the Blake Fire Service Act Review

I write with regards to the Blake Fire Service Act Review which is now underway and thank you for the opportunity have input into the decisions which will shape the future delivery of emergency services to our community and the working lives of those that deliver these important services.

Attached is the submission of TFS CPSU members for the Blake Fire Service Act Review, we thank you for the granting of an extension it has been an unusually busy time with the borders re-opening.

The CPSU appreciates the opportunity to provide input into this important yet challenging reform and looks forward to further consultation.

Kind Regards,



Kind regards,

Thirza White

General Secretary

Community and Public Sector Union

State Public Services Federation (Tasmanian Branch)



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CPSU response to the Blake Fire Service Act Review

The Community and Public Sector Union (CPSU) is the union representing Tasmanian State Service Award Employees within both Tasmania Fire Service (TFS) and State Emergency Service (SES). The CPSU represents workers who provide services across the state within prevention, preparedness and response to fire, flood, and other emergencies. This includes workers undertaking frontline, operational, administrative, specialist, and leadership roles.

The CPSU has a particular interest in ensuring the outcomes of this review secures an effective and contemporary state fire and emergency service authority that provides the best possible protection and service for the Tasmanian community, now and into future. This submission is on behalf of CPSU TFS members.

It is of no surprise that the *Fire Service Act of 1979* is no longer fit for purpose. Not only have the risks and operational contexts of natural and human-caused hazards changed over the past 42 years, but also the service delivery expectations on fire and emergency services have significantly increased.

The CPSU therefore welcomes this review of the *Fire Service Act 1979* and proposal for modern legislation that establishes a contemporary fire and emergency service that maintains statutory independence. On the latter, it is noted that on Tuesday 7th of September 2021, during *Legislative Council Estimates Committee A*, the Hon. Peter Gutwein MP committed to retaining the State Fire Commission as a 'Statutory Authority'. This commitment was later reinforced by the Hon. Jacquie Petrusma MP during *House of Assembly Estimates Committee B* on Thursday 9th of September 2021.

The CPSU welcomes this Government's commitment to retaining the State Fire Commission as a statutory authority. It is the CPSU's opinion that a statutory authority is the most effective and appropriate governance model for the delivery of critical fire and emergency services into the future and this has served the Tasmanian community extremely well over the past 40 years.

The CPSU welcomes the opportunity to provide input for a statutory authority model, and given the abovementioned commitment, the CPSU's response centres around the 'amended statutory authority model', as described in the report of the *Blake Fire Service Act Review 2020*.

The following is the CPSU's position in respect to the recommendations of the report of the



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Blake Fire Service Act Review 2020:

Recommendation 1

Legislate to integrate the organisation, functions and activities of TFS and SES.

**Make consequential amendments to the Emergency Management Act 2006, having regard to Recommendation 26 that the new integrated service preserve and recognise the role of volunteers/units in order to ensure future capability at a community level. 3
34**

The CPSU supports the recommendation to legislate the integration of functions and activities of TFS and SES, and the of making any consequential amendments to the *Emergency Management Act 2006* and other state legislation.

It is of vital importance that in making new legislation that the interaction with other laws, and the powers and functions of the Chief Officer under other laws, is thoroughly investigated.

Recommendation 2

Ensure that the functions carried out by the Director SES continue to be performed as outlined in the Emergency Management Act 2006, in particular sections 25–28 inclusive of that Act.

The CPSU supports the Director of SES continuing to have those existing functions of the *Emergency Management Act 2006*. These functions should be appropriately defined within the new Act, and a head of power provided within the new Act.

Recommendation 3

Prescribe in the regulations to the new legislation – or equivalent mechanism – the following as functions of the proposed new Tasmania Fire and Emergency Services (TFES) entity (subject to appropriate resource allocation and training):

- **activities currently undertaken by SES (flood, storm/tempest, earthquake, tsunami, space debris re-entry, and search and rescue)**
- **provision of support at events like road crash rescue, response to heatwaves, and counter-terrorism.**



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The CPSU supports the making of appropriate regulations that prescribe certain functions undertaken by a new fire and emergency services entity. Consideration should be given to those prevention, preparedness, and response functions in the context of the Tasmanian Emergency Management Arrangements, which are scheduled for review in 2022.

Recommendation 4

Legislate to confirm:

- **the functions for Tasmania Fire and Emergency Services (TFES) as outlined in Section 3 of this Report**
- **(subject to finalisation of governance recommendations outlined in Section 4 of this Report), the functions and roles of the Chief Officer (or equivalent) as outlined in Section 3.5.3 of this Report, but having regard to the alternative view offered in Section 3.5.4.**

Chief Officer

The CPSU supports the recommendation of the Chief Officer (or other appropriate title) having responsibility for leading the chain of command and for corporate governance, as recommended in the report of the *Blake Fire Service Act Review 2020* for an 'amended statutory authority' governance model.

Business and Executive Services

The CPSU notes that the outsourcing of business and executive services, as is the current arrangement, does not shift responsibility for these functions from the State Fire Commission to the Department of Police, Fire and Emergency Management.

As recommended in an 'amended statutory authority' model, where the Chief Office has responsibility for corporate governance, the State Fire Commission should review the contracting of business and executive service arrangements and determine if this is an appropriate arrangement that provides an effective and efficient service to the State Fire Commission.

The CPSU further notes that the State Fire Commission is the person conducting a business or undertaking (PCBU) for TFS employees under the *Work Health and Safety Act 2012*, and this responsibility cannot be delegated. The CPSU's position is that workplace health and safety systems and resourcing should sit within the corporate governance framework of the PCBU.



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Recommendation 5

Do not combine the firefighting capabilities of Parks and Wildlife Service (PWS) and Sustainable Timber Australia (STT) with those of Tasmania Fire and Emergency Services (TFES).

The CPSU supports the recommendation not to combine the firefighting resources of TFS, PWS and STT. However, the CPSU notes that the existing legislative framework can be ambiguous with respect to outright authority for fire prevention, preparedness, and response within Tasmania. Therefore, the new legislation should clearly define responsibilities.

Recommendation 6

Include all relevant emergency management entities in negotiations toward the Inter-Agency Fire Management Protocol, with approval and/or oversight by the State Controller.

The CPSU notes the recommendation and supports the key fire management agencies collaborating on interagency fire management protocols as required. However, these matters are specific to fire management and the State Fire Commission, through the Chief Fire Officer, is the appropriate entity to have oversight for these arrangements.

In addition, the CPSU recommends the new legislative framework more clearly articulates the functions and powers of the fire management authorities and provides for ultimate responsibility to be assumed by the statutory fire authority.

Recommendation 7

Ensure the role in recovery of the Department of Premier and Cabinet (DPAC) remains unchanged.

Acknowledge the support role in recovery to be taken by Tasmania Fire and Emergency Services (TFES), as outlined in Section 3.6.5 of this Report.

The CPSU supports this recommendation for the Department of Premier and Cabinet to maintain responsibility for recovery with the statutory fire and emergency management authority as a support agency.



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Recommendation 8

Develop a governance model for Tasmania Fire and Emergency Services (TFES) that transitions it to a division within the Department of Police, Fire and Emergency Management (DPFEM) that includes:

- **suitable ring-fencing arrangements for levies raised to fund TFES**
- **appropriate reporting arrangements between the head of TFES and the Minister**
- **broadening the role, and revisiting the membership, of the State Fire Management Council (SFMC). Revisiting membership should include relevant membership transitioned from the State Fire Commission (SFC)**
- **abolishing the SFC.**

The CPSU notes the Government has optioned to rule out the preferred governance arrangement within this recommendation.

Noting that a statutory authority governance model, and retaining the State Fire Commission, has been committed to by this Government, the CPSU supports the following submissions to the issues paper that pertain to statutory authority governance models:

1. Have the new statutory authority recognised as a State Authority within the *State Service Act 2000*;

It would be inappropriate for the new entity to be a statutory authority, unless it has the powers of a State Authority. The CPSU notes the details of an 'amended statutory authority' and 'tailored' model outlined within 4.2.4 of the report of the *Blake Fire Service Act Review 2020*.

The CPSU provides feedback on the 'amended statutory authority' or 'tailored' model envisaged within the report, as follows:

Amended statutory authority model

1. *A skills-based board appointed by, and reporting to, the Minister.*

If a representative based board is retained and is inclusive of industrial representation, then the CPSU should be included.

2. *The board will establish its own governance arrangements, including committee structures and shared services (if any) arrangements.*



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Supported.

3. *The board will be responsible for strategy and risk.*

Supported.

4. *The board will be responsible for the financial sustainability of the proposed organisation and, in doing so, be funded as envisaged in Section 5; in particular, that funds raised to cover base level (level 1) costs would be under the control of the board and its management, providing it with the independence, and associated accountability, to manage its own financial affairs.*

Supported.

5. The board will annually prepare a Corporate Plan for public approval by the Minister and Treasurer with an Annual Report outlining achievements against that plan.

Supported.

6. The board appoints a skills-based Chief Officer or chief executive who:

- i. will report to the Board and Minister

Supported

- ii. will not be a public servant as envisaged under the State Service Act

Not supported.

The Chief Officer or chief executive, under an amended statutory model, should be an appointment under s29 'Creation of certain offices of Head of Agency and senior executive' of the *State Service Act 2000*.

- iii. will report to the State Controller and continue to be a member of the Agency Management Group.

The CPSU generally supports the continuation of emergency management



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arrangements within the *Emergency Management Act 2006* that relate to the role and function of the State Controller.

- iv. DPFEM would provide policy advice to the Minister.

The CPSU considers it appropriate that the Chief Officer, as the head of the new fire and emergency management entity, and DPFEM provide policy advice on matters of fire and other emergencies, as defined within the new Act.

It noted within 4.2.4 of the report of the *Blake Fire Service Act Review 2020*, concerns in regard to the Chief Officer having multiple lines of reporting. The CPSU supports a review of the emergency management arrangements and functions of the State Controller with a view to resolving who is in charge during emergencies, or certain classes or scale of emergency. The CPSU supports the principle that the most appropriate entity should assume the function of State Controller based on the context of the emergency.

TFS CPSU members support the 'possible amended statutory authority model' presented in Appendix 4 of the report of the *Blake Fire Service Act Review 2020*.

Tailored approach

CPSU TFS members generally are not in support of the other possible governance models presented in report of the Blake Fire Service Act Review 2020, and are of the opinion that these other governance models do not deliver on the Government's commitment to retain the State Fire Commission as a true statutory authority.

In respect to the 'Tailored Approach', this governance model is based on the departmental model, and CPSU TFS members hold some concerns it will not provide the independence, functions and powers necessary for the State Fire Commission as a statutory authority for prevention, preparedness and response.

In addition, it is noted that the Blake Fire Service Act Review 2020 downplays the critical importance of mitigation activities in emergency management, instead referring to the independence of statutory officer holders applying only during response "when fires and prescribed emergencies occur". A true statutory authority model would provide full independence, functions and powers to the State Fire Commission, with many of these powers and functions delegated to the Chief Officer, so mitigation and preparedness play key roles in emergency response.



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Recommendation 9

Confirm in legislation the continued existence of the State Fire Management Council (SFMC) under a charter to be approved by the Secretary Department of Police, Fire and Emergency Management (DPFEM) and the Minister.

The CPSU supports in principle the continued existence of State Fire Management Council (SFMC) as an advisory body in the new legislation. However, under the amended statutory authority model, the functions, powers, reporting and governance of the SFMC should be considered and clearly defined, and the SFMC charter should be approved by the State Fire Commission and the Minister.

Recommendation 10

Broaden the definition in the Fire Service Act of 'brigade costs' to include non-brigade costs.

The CPSU supports this recommendation. However, the new legislation should not focus on brigade costs, rather the operational cost of the new entity should be inclusive of all operations across prevention, preparedness and response.

Recommendation 11

Replace all current sources of State Emergency Service (SES) funding with a single, property-based levy.

• **Explore Appropriation-based funding for SES as an alternative if a single, property-based levy is not supported or sustainable.**

The CPSU supports the establishment of a funding source that provides similar and consistent, levels of funding whether this is through an insurance levy or property levy is for others to decide. The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 12

Replace the Insurance Levy with a property-based levy or another funding source



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providing similar, and consistent (predictable), levels of funding.

Ensure that the Insurance Levy continues to be charged and collected until suitable transition arrangements are identified and implemented.

The CPSU supports the establishment of a funding source that provides similar and consistent, levels of funding whether this is through an insurance levy or property levy is for others to decide. The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 13

Continue the Motor Vehicle Levy.

Base any expansion of the Motor Vehicle Levy to other types of vehicles on a cost-benefit analysis.

The CPSU supports this recommendation. The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 14

Continue contributions from the Australian Government but do not regard this as a source of base-level funding for Tasmania Fire and Emergency Services (TFES).

CPSU supports this recommendation. The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 15

Continue to source funding from the marketing and fire prevention functions of Tasmania Fire and Emergency Services (TFES) and miscellaneous revenue, with these being self-funding and not part of base-level funding.

Discontinue revenue streams from the Motor Accident Insurance Board (MAIB) for both TFS and SES

The CPSU generally supports this recommendation. However, some fire prevention



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functions are not self-funding, and any funding shortfall should be funded through the State Fire Commission budget where there is a public safety need.

The discontinuation of MAIB funding should only occur where an appropriate alternate levy is established.

The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 16

Continue contributions from the State Government but do not regard this as a source of base-level funding for Tasmania Fire and Emergency Services (TFES).

CPSU generally supports this recommendation. Core business within prevention, preparedness, and response, including programs, should be funded via base-level funding.

Recommendation 17

Include up to \$5 million per annum in levy or Appropriation sources of revenue for Tasmania Fire and Emergency Services (TFES) to pay for those State Emergency Service (SES) related functions and services transitioned from local government to TFES.

The CPSU generally supports this recommendation. However, the quantum of funding should not be capped. The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 18

Continue a property-based levy to provide the bulk of funding for Tasmania Fire and Emergency Services (TFES), basing it on a property's Average Annual Value (AAV) as determined by the Valuer-General from time to time, with movements in the levy determined by Treasury annually.

Determine the make-up of the levy, including consideration of fixed and variable components



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The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 19

Quantify and fund current concessions as a Community Service Obligation.

Quantify and remove current exemptions for payment of the Fire Service Contribution (FSC) levy, except for Crown Land, land managed by Sustainable Timber Tasmania (STT) and land and buildings owned by Councils and by Government entities funded predominantly by Appropriation.

The CPSU supports this recommendation. The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 20

Ensure that funds raised for Tasmania Fire and Emergency Services (TFES) are paid into the Consolidated Fund and then ring-fenced for use by TFES

This recommendation is no longer relevant as it is not applicable to the proposed 'amended statutory authority' governance model or tailored approach.

Recommendation 21

Develop transition arrangements that mitigate the impacts on property owners of an increase in a property-based levy.

• **Engage with the Insurance Council of Australia and property owners to quantify benefits from lower insurance premiums and consider how these might be shared with the broader community.**

Any change to funding models would need to be done with community consultation because if this is not done with consideration it has the potential to jeopardise this proposed changes to funding arrangements.



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Recommendation 22

Discontinue local government funding of SES and their support for local units. Transition all Councils' associated resources to Tasmania Fire and Emergency Services (TFES).

Develop a transition plan with Councils.

The CPSU generally supports this recommendation. The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Any transition plan should include an impact assessment of the changes, the impact on Council employees and any required mitigation and compensation.

Recommendation 23

Do not fund Tasmania Fire and Emergency Services (TFES) by Appropriation – because doing so may disincentivise property owners from properly insuring their properties or being appropriately prepared.

The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 24

Have Treasury be responsible for calculating, but not on its own determining – determination will require input from Tasmania Fire and Emergency Services (TFES) – the amount to be collected by local government from the property-based levy annually.

If the property levy is progressed the CPSU generally supports this recommendation. The CPSU's position is that appropriate, sufficient and independent funding arrangements are established that provide for a contemporary fire and emergency services entity into the future.

Recommendation 25

Continue to have local government collect the proposed Tasmania Fire and Emergency



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Services (TFES) property-based levy and be paid a renegotiated collection fee for doing so.

Have the Head of Tasmania Fire and Emergency Services (TFES) and the Minister make clear annually, in a public manner, how the levy is constructed, reasons for increases, and the fact that it is collected by local government for a fee.

Pay levies collected by local government into the Consolidated Fund but ring-fence them for use by TFES.

Should a property levy be progressed, levies collected by local government should transfer to the statutory authority directly, for use by the fire and emergency management entity.

Recommendation 26

Recognise and enshrine in legislation the contribution of volunteers and volunteering (including SES units) and include a requirement for a Volunteer Charter to be developed by Tasmania Fire and Emergency Services (TFES) and endorsed by the Volunteer Associations and the Minister.

Legislate to provide good faith protection from liability for TFES volunteers/units, authorised volunteers and permanent staff.

Ensure there are no legislative barriers that would preclude the expansion of volunteer/unit roles to include both response and non-response roles.

The CPSU generally supports parts of this recommendation. It is appropriate to recognise the contribution of volunteers, however it is unclear the purpose of legislating this recognition and while the role of volunteers is important the growing scale and frequency of incidents and Tasmania's difficult terrain mean we must not over rely on volunteers and expand their number at the expense of the paid workforce. For liability purposes, the CPSU strongly supports the new legislation to provide broad and appropriate protection from liability to all paid staff and volunteers.

Recommendation 27

Do not include a legislated provision for emergency medical response in the mandate of Tasmania Fire and Emergency Services (TFES); this should be entirely a matter of policy. Ensure legislation allows for additional functions that fire and emergency services personnel may perform, subject to appropriate training and credentialing, with an



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overarching responsibility for public safety, property and the environment.

Ensure that, while Ambulance Tasmania remains the primary agency for emergency medical response, legislation does not prohibit it from entering into arrangements with TFES for training and credentialing relevant emergency response activities.

The CPSU generally supports this recommendation. The matter of emergency medical response in support of Ambulance Tasmania requires further independent analysis. The new Act, however, should provide scope for medical response and other functions to be undertaken without the need for legislative amendment.

Recommendation 28

Develop legislation that empowers Tasmania Fire and Emergency Services (TFES) with functions, powers and indemnities that reflect its broader role in emergency management and response, and which:

- **maintains current levels of indemnity**
- **broadens TFES' mandate to include the power to confer specified functions, powers and indemnities on individuals and organisations inside and outside TFES, including interstate and international personnel**
- **provides authority and indemnity that allows for quick response to fires in the landscape without waiting for formal instruction from TFES, and approval to enter private land to address fire response. This should apply not just for Sustainable Timber Tasmania (STT) and Parks and Wildlife Service (PWS), but also the private forest industry and any other potential first responders, e.g. appropriately resourced private land managers**
- **provides clarity regarding authority to act and indemnity, including linkages with existing Memorandum of Understanding (MoU) arrangements with private forests and in circumstances where authority to act may be automatic, such as fires reported through FireComm.**

The CPSU generally supports this recommendation. However, further independent analysis and careful consideration is required in respect to conferring functions, powers and indemnities onto individuals and organisations outside of the statutory fire and emergency management entity.



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Recommendation 29

Legislate to:

- **address conflicting, duplicated or gaps in the roles of the proposed Tasmania Fire and Emergency Services (TFES), Parks and Wildlife (PWS), Sustainable Timber Tasmania (STT) and private entities involved in dealing with fires**
- **allow non-TFES officers in charge of fire suppression to have access to, and to deal with, a fire as soon as possible**
- **include in the mandate of TFES the power to confer specified functions and powers on individuals and organisations, including interstate or international personnel, inside or outside of the entity**
- **include a Head of Power, exercisable at the discretion of TFES, allowing protocols to be developed to manage the relationship between the entity and other land management agencies and emergency services agencies, including Tasmania Police**
- **provide firefighters, SES workers and other delegated agencies/people with protection from liability (as occurs currently through section 51 of the Emergency Management Act). Other delegated agencies/people to be 'loosely' defined so as to provide protection for the range of persons involved in the provision of fire and emergency services but who may be non-firefighters/non-emergency workers/not public servants**
- **authorise TFES, PWS and STT to close roads to protect public safety during a fire, flood or storm hazard and to have a power to regulate traffic, not just close a road.**

The CPSU generally supports this recommendation. However, as per recommendation 28, careful consideration is required in respect to conferring functions, powers and indemnities onto individuals and private entities.

Recommendation 30

Leave the decision-making and nomination process to appoint fire permit officers to the senior management of the relevant responsible agencies, depending on their specific responsibilities in regards, for example, to the land tenure with which it is concerned.

The CPSU supports this recommendation. However, the permit system is a regulatory function of the statutory fire authority, and therefore the appointment of fire permit officers should be by the Chief Officer's delegation.



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Recommendation 31

Include, in the Terms of Reference for the State Fire Emergency Management Sub-Committee, provision for the establishment of Fire and Emergency Risk Area Committees (FERAC), including the number and geographical boundaries of these committees.

- **Enhance community engagement through community representation on FERACs, without increasing numbers on these committees.**
- **Remove the requirement to Gazette geographical boundaries.**
- **Continue to identify synergies between FERACs and Regional and Municipal Emergency Management Committees.**
- **Note that these arrangements do not require legislative support and could instead be promulgated under a Head of Power and detailed, where necessary, in doctrine/Tasmanian Emergency Management Arrangements (TEMA).**

The CPSU supports parts of this recommendation but further detail is needed as to which representatives would be removed from the FERACs to allow greater community representation.

Recommendation 32

Consider, as an alternative to, or in addition to, Recommendation 31:

- **having the secretariat function currently fulfilled by SES performed instead by relevant administrative personnel within an agency with primary responsibility for statewide emergency management, such as the Department of Premier and Cabinet (DPAC) or the Department of Police, Fire and Emergency Management (DPFEM)**
- **transferring SES's Emergency Management Unit (EMU) functions associated with statewide risk assessments, emergency planning, and emergency management policy to either DPAC or DPFEM.**

The CPSU recommends further consultation on this recommendation but does not support the move to DPAC.

Recommendation 33

Legislate to provide a Head of Power for Tasmania Fire and Emergency Services (TFES)



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to:

- **establish and abolish brigades/units**
- **determine the membership of brigades/units**
- **recommend locations of brigades/units**
- **define the structure, functions, powers and responsibilities of brigades/units**
- **exercise such other powers and functions as may be necessary for the effective management of, and response to, fire and other prescribed emergencies.**

Legislate to provide TFES with the power to:

- **register/de-register volunteer/unit members**
- **appoint unit managers, brigade chiefs, and establish standards, for things like equipment, training, facilities, etc.**
- **establish protocols for cooperation**
- **appoint industry brigades, making clear that they be under the control of TFES.**

The CPSU generally supports this recommendation. However, the new legislation should not be made so prescriptive to refer only to brigades/units and brigade chiefs.

The new legislation should be flexible and contemporary, recognising the significant functions in prevention, preparedness and response undertaken by workers outside of traditional brigade structures.

The following part of the recommendation *“exercise such other powers and functions as may be necessary for the effective management of, and response to, fire and other prescribed emergencies”* is broad and would need to be considered in the context of the legislation and other entities statutory responsibilities relating to fire prevention, response and emergency management.

Recommendation 34

Include the recommendations of the review of the fire permit system into new legislation as appropriate, including arrangements for total fire bans.

Ensure that new legislation includes scope to modify or change these arrangements if once implemented it is determined adjustments to processes are required.

Ensure that, subject to exemptions granted by the Chief Officer, no fire permits are issued when total fire bans are in place.

The CPSU supports this recommendation.



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Recommendation 35

Expect, but do not legislate for, Tasmania Fire and Emergency Services (TFES) to provide education to the community on how best to prepare for fire and relevant emergency risks.

The CPSU does not support this recommendation. Whilst community education in and of itself should not be legislated for, community engagement and other prevention and preparedness functions should remain an explicit function of fire and emergency services and therefore should be a legislated function.

Recommendation 36

Legislate for Tasmania Fire and Emergency Services (TFES) responsibility for issuing permits to install, maintain or repair fire protection equipment, subject to a review of:

- **the current regulatory arrangements**
- **conflict-of-interest arrangements.**

The CPSU supports this recommendation.

Recommendation 37

Do not provide for building fire evacuation systems in any new legislation; instead, establish in law or regulation that high-risk facilities should have their emergency response procedures reviewed and approved by WorkSafe Tasmania and that, in view of its contemporary knowledge and experience in emergency response, advice be sought where needed from Tasmania Fire and Emergency Services (TFES).

Further independent analysis should be undertaken to ensure the most appropriate framework be established and appropriately resourced.

Recommendation 38

Review current offence and penalty provisions to determine if they remain appropriate, enforceable and contemporary and reflect the expanded roles of TFS and SES and, therefore, Tasmania Fire and Emergency Services (TFES). In doing so, consider provisions in the Police Offences Act 1935.

The CPSU generally supports this recommendation. Further review should be undertaken



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into these matters.

Recommendation 39

Legislate to:

- **provide for Tasmania Fire and Emergency Services (TFES) to establish a chain of command for response (including appointment of Incident Controllers) by means of regulations or a statutory instrument, which can, when necessary, be amended**
- **make clear that all emergency responders who are present at an incident are, in all respects, subject to the Incident Controller's direction**
- **give power to, or require, TFES to ensure that an endorsement or accreditation process is in place for incident management staff that provides authority, accountability, indemnity, consistency and efficiency of process**
- **update the roles and responsibilities for emergency management to be consistent with those prescribed in the Emergency Management Act 2006 (because command and control arrangements will apply to SES as well as TFS, and therefore to TFES).**

The CPSU generally supports this recommendation. However, the concept of a chain of command should apply across all functions of the new statutory fire and emergency management entity. Response, whilst an important function, is not the singular focus of TFS and SES. And, a chain of command, or rank-based structure, should not marginalise employees or have linkage to industrial instruments.

Recommendation 40

Expect Tasmania Fire and Emergency Services (TFES) to have capability, or access to capability, to advise on, or participate in the development of, strategies aimed at identifying risks associated with changes in our climate and proposed mitigations.

The CPSU strongly supports this recommendation. Risk assessment and mitigation functions should be enshrined within the new legislation.

Recommendation 41

Undertake a review of contemporary and suitable legislation from other fire jurisdictions across Australia to consider, within the Tasmanian context, how best to allow a more proactive and pragmatic approach to fire safety compliance in the built environment.



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Draft new legislation to replace the Fire Service Act 1979, keeping in mind that:

- **in order for any proposed legislation to be contemporary, flexible and sufficiently forward-looking, it needs to be principles-based, providing a Head of Power to Tasmania Fire and Emergency Services (TFES)**
- **the functions and mandate of the new entity should deliver an authorising and enabling environment facilitating a broad range of fire and prescribed non-fire related emergency services activities, including multi-hazard, that are aligned with and support the Emergency Management Act 2006 in legislation.**

The CPSU supports this recommendation.

CPSU TFS Members are of the opinion that further investigation should be given to the function of the statutory fire authority in providing a single point of command and control in fighting bushfires, and specifically enshrining in the legislation the function to provide specialist technical expertise in bushfire planning and response.

Recommendation 42

Draft new legislation to replace the Fire Service Act 1979, keeping in mind that:

- **in order for any proposed legislation to be contemporary, flexible and sufficiently forward-looking, it needs to be principles-based, providing a Head of Power to Tasmania Fire and Emergency Services (TFES)**
- **the functions and mandate of the new entity should deliver an authorising and enabling environment facilitating a broad range of fire and prescribed non-fire related emergency services activities, including multi-hazard, that are aligned with and support the Emergency Management Act 2006 in legislation.**

The CPSU generally supports this recommendation. However, it is noted that the new legislation and the *Emergency Management Act 2006* must work in unison. Therefore, it is appropriate in the drafting of the new legislation to consider the interaction with the *Emergency Management Act 2006* and draft consequential amendments to that Act where necessary.

Recommendation 43

Legislate to make provision for a secondary process to change or add mandated



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functions in the future without the need to amend legislation, but on the proviso that the core legislation cannot be undone without full review by the Parliament, and with public input.

The CPSU supports this recommendation in part. The new legislation must provide a contemporary fire and emergency services entity that is agile and adaptive into the future but any change should include consultation and input from the effected parties including other government agencies and entities.

Recommendation 44

Develop new legislation to establish an integrated fire and prescribed emergency services entity, the principal objectives of which are:

- **to preserve human life o to build resilient communities that actively participate in prevention, preparedness and response to fire and other relevant emergencies**
- **to limit the economic, environmental (including climate change), social and physical impacts of fire and other emergencies on the Tasmanian community**
- **to recognise that our environment has inherent value for the Tasmanian community**
- **to ensure/facilitate effective inter-agency *interoperability both inter and intra State.***
- **Clarify, in the new legislation, that the proposed entity is not the lead agency responsible for recovery.**

The CPSU supports this recommendation.

Recommendation 45

Draft new legislation to be short, forward-looking and principles-based, with detail addressed in regulations.

The CPSU supports this recommendation. The new legislation must provide a contemporary fire and emergency services entity that is agile and adaptive into the future.

