

15 December 2021

Mr Scott Wilson-Haffenden
Acting Deputy Secretary
Business and Executive Services
Department of Police, Fire and Emergency Management

Via email: act.review@fire.tas.gov.au

Dear Mr Wilson-Haffenden

Submission to Blake Fire Services Act Review and Treasury Options Paper

Thank you for the opportunity to provide a submission on the Blake Fire Service Act Review and Treasury Options Paper. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of the local government sector in collaboration with our members.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by the LGAT for that specific issue.

If you have any questions or would like further information, please do not hesitate to contact Georgia Palmer at georgia.palmer@lgat.tas.gov.au or on (03) 6146 3745.

Yours sincerely



Dion Lester
CHIEF EXECUTIVE OFFICER

LGAT Submission: *Blake Fire Services Review and Treasury Options Paper*

Introduction

In 2020, LGAT engaged with councils on the draft recommendations developed through the Blake Fire Service Act Review (Blake Report). Engagement from the local government sector was substantial and comprehensive with many of the issues raised by local government integrated into the final Blake Report. Our previous submission is directly relevant to the current consultation with some key issues remaining. It is provided at Attachment 1 for reference. The high-level issues of concern are also included in this submission under the General Comments section below.

Following the release of the final Blake Report and Treasury Options Paper (Treasury Paper), we sought feedback from our members to inform a sectoral response to both reports. As part of this engagement, we provided commentary against each of the Blake Report recommendations and on the questions raised in the Treasury Paper. The commentary was based on previous sectoral feedback provided through consultation as part of the Fire Service Act review.

Our 2020 consultation saw a high level of engagement from Tasmanian councils. For these papers the level of engagement was significantly lower. Given the final Blake Report, largely mirrors the draft, it may be that the sector felt that their views were adequately represented in our previous submission and engagement.

The larger issue is that the State Government did not directly inform stakeholders directly about the release of the report and the discussion paper, rather opting for a soft launch of the papers through a ministerial media release. This is an inadequate level of engagement. As the review process progresses, effective engagement with local government will be critical. In particular, detailed and ongoing engagement in relation to the levy and the centralisation of SES volunteer units.

General Comments

Levy

There has been significant engagement with the sector in the past in relation to an expansion of the fire service levy to include SES services. Through this engagement there has been general agreement from most councils to the broadening of the proposed property levy. However, concern has been raised in relation to several issues that need to be addressed as

part of the review and embedded in the new legislation. These issues were identified in the submission provided to the draft Blake Report and include:

- The Levy should not constitute the majority of base funding for the Agency. The State Government needs to commit to this essential service through consolidated revenue appropriation.
- While a property-based levy was generally supported, it should be noted that not all councils use the AAV model so there would need to be flexibility to allow councils to use their own method of calculating rates.
- The current differential approach to the levy between urban and rural services was of concern to many councils. This was reflected in the LGAT submission to the 2018 Issues Paper.
- A sustained education campaign from the State Government is needed to ensure ratepayers understand it is a State Government tax.
- Ring fencing of levy funds must be legislated.
- The four per cent administration fee paid to councils to administer the levy should not be reduced. This fee not only supports the administration of the fee, but also the management of complaints that are received by councils about the fee. If the State Government were to administer the levy the costs this would be significantly greater than four per cent.
- An increase to the levy to enable the centralisation of the SES volunteer units must replace the current funding that local government provides to these units.
- A move to recover the value of the current insurance levy through the property-based fire services levy was not supported by all councils in our previous submission. Additionally, it is important that combining the two levies doesn't add another level of complexity to the collection process.

Funding models (Treasury Paper)

Following the financial recommendations and issues raised through the Blake Report, and in response to the detail provided in the Treasury paper, several additional issues have been raised to be considered in relation to the levy. These include:

- The extension of the levy to capture SES volunteer units must replace the funding currently provided by local government, as was recommended in the Blake Report. Local government will not support an increase in the levy if there is an expectation that local government will be required to continue to financially support SES volunteer units.
- Local government has significant concern with the assumption made in Treasury paper on page 6 under key assumptions that *“existing support measures from*

local councils would continue in relation to the operation and maintenance of SES assets and functions”.

- Equity must be a key feature of a new model and reliable data must inform levy loading based on risk.
- Hazard loading must reflect the services offered by the entity funded by the levy – that is beyond fire exclusively.
- Stakeholders must be consulted as part of the annual levy review and this requirement must be legislated.
- Respondent councils were supportive of continuing the Motor Vehicle Levy. This is consistent with previous feedback.
- Respondent councils were in general support of Option 3A – noting that all options are imperfect.

Centralisation of SES Volunteer Units

The issue of SES funding, and the funding of SES volunteer units, has been explored over several years, including through the Fire Services Act Review and prior to this the review of the *Emergency Management Act 2006*. Feedback from local government through those reviews has been consistent – that funding and resourcing of SES volunteer units should be centralised.

The key issues and considerations which need to be managed as part of the centralisation of the volunteer units include:

- Establishment of clear mechanisms to embed links between SES volunteer units and the Municipal Emergency Management Committees (MEMC).
- Agreed arrangements for transfer of plant and equipment prior to it being written into legislation (i.e., plant and equipment needs to be book value, future lease arrangements need to be agreed, arrangements for resource sharing established).
- Many councils noted the concerns about the identity of SES volunteer units with their communities and the need to maintain the local community service aspect - this needs to be managed as part of the centralisation.
- Municipal funding was based on the level of services provided – non-emergency functions should be identified and addressed specifically within the funding model.

Treasury Options Paper Specific Comments

The specific feedback relating to the Treasury Options Paper are provided below:

Question 1 – *Do you support retaining the current arrangements? If not, why?*

Respondent councils have raised concern about the current levy structure and the equity associated with having three different rating districts. The current funding model assumes that the volunteer and paid branches of the TFS operate exclusively within their rating district when in reality fire resources are dispatched to where the need exists at the time of an event. This is a reasonable and efficient approach. Given this movement of resources across rating districts and municipal boundaries a fairer and more transparent funding model is required.

This concern was also reflected in a motion passed at the Local Government Association General Meeting in July 2018. As such, the sector is generally supportive of an AAV based levy without rating districts.

The transparency around levy increases is limited and has exceeded CPI over a number of years for many council areas. The current annual levy determination lacks transparency and levy increases are not in line with community expectations. Any changes to the levy must be transparent and consider the cost-of-living pressures.

Stakeholders must be consulted as part of the annual review and this consultation must be legislated.

Question 2 – *Do you consider that a single property-based levy would provide a more stable, simple and equitable approach to funding an integrated fire and emergency services function?*

A single levy should not serve as the sole mechanism for funding an integrated fire and emergency service function. A fire and emergency service organisation has roles that are broader than planning for, and responding to, an emergency such as government policy and intergovernmental relations. These roles should be funded by the State Government, not through a levy.

Question 3 – If so, do you support a standard single-fee structured property-based levy as proposed in options 2A (each property, regardless of classification is subject to an annual amount that includes a fixed and variable charge. The variable charge is based on AAV plus an additional charge if you live in a Bushfire prone areas) and 3A (same as 2A but includes keeping the motor vehicle based levies) or the differential rates based on a property’s classification as proposed in options 2B (a differential fixed charge and differential variable rate based on AAV and property classification e.g. commercial, residential, industrial primary production etc. properties in bushfire zones would have an additional charge) and 3B (same as 2B but includes keeping the motor vehicle based levies)?

Councils surveyed largely supported option 3A including the retention of the Motor Vehicle Levy. Furthermore, this was supported by the sector through consultation as part of the draft Blake Recommendations.

Although there was general agreement to option 3A, concern was raised in relation to a blanket approach to bushfire-prone areas and the need for strong data to support a variable charge based on risk. It was noted that some properties in the same street face different levels of risk and that a property in a forest plantation would be exposed to more risk than a property in a peri-urban environment. Individual actions undertaken to mitigate risk would not be recognised, providing a disincentive for these activities.

A changed funding model must avoid unfair allocation of costs to those in bushfire-prone areas with parks and world heritage areas where the Tasmanian Fire Service is called to support Parks and Wildlife fire crews. The levy structure must be fair, transparent, and equitable.

Question 4 – If differential rates based on a property’s classification are adopted, which classifications do you think should have higher rates when compared to others?

Using property classifications to determine differential rates creates complexity and an ongoing administrative burden for councils. Following, rates based on a property’s classification is not supported.

It is likely that land use classification will impact AAV and therefore will be levied appropriately.

Question 5 – Do you support the use of a bushfire prone area charge for higher risk fire areas?

The proposed agency is broader than fire and supports planning for, and response to, motor vehicle crashes, storms, and floods. Equity must be a key consideration in the

future levy and, notwithstanding our response to question 3, bushfire prone properties should not be the only properties with a variable charge.

An increased levy based on higher risk needs to be supported by high quality and transparent data. Furthermore, there needs to be sufficient data that demonstrates that Tasmanian Fire and Emergency Services (TFES) costs are higher in bushfire prone areas. It is unclear whether this exists across the hazards supported by the agency.

The risk associated with paying a premium for the service may result in an expectation that an increased service will be provided in the event of an emergency. This needs to be part of any consideration, as well as the potential for the charge to discourage individual action to mitigate property risk or oppose resilience. A potential consideration to provide an incentive for risk reduction by property owners would be to provide an exemption, or discount where all necessary mitigation measures have been implemented.

Question 6 – *If a property-based levy was introduced, is it also appropriate to retain the Motor Vehicle Levy?*

There was general support from councils for the continuation of the Motor Vehicle Levy for the reasons set out in the Blake Report.

Question 7 – *Should an integrated fire and emergency services function receive dedicated funding each year rather than being subject to annual budget processes?*

The TFES could be regarded as a monopoly provider of emergency services, so transparency regarding dedicated funding and the levy is crucial. Calculating contributions over a five-year timeframe may be an option and would be similar to the current requirements of TasNetworks or TasWater to submit investment, operating and pricing plans to their respective economic regulators. For the TFES this could be undertaken by the Tasmanian Economic Regulator (TER). By implementing this requirement, such an option would allow for increased certainty over the period and would enable stakeholders to make submissions to any review before a determination is made by the TER. With regular review and assessment dedicated funding would need to meet required service levels and deliver financial sustainability for the service.

Question 8 – *Which of the proposed funding model options in this paper do you prefer, and why?*

All options are considered imperfect. Councils generally preferred Option 3A – the continuation of a property-based levy with the retention of the Motor Vehicle Levy. Under the proposed model, rural areas will pay proportionally more than they do now, but their service level will not increase. This impact will need to be well communicated and a transition period considered.

Question 9 – *Are there any other funding models which you would propose instead?*

No comment.

Question 10 – *Are there any other sources of funding that haven't been considered?*

No comment.

Question 11 – *Do you have any other feedback for the Government in relation to the funding model?*

The State Government needs to own the process for change and communicate the need for change to the Tasmanian community. The State Government will need to provide ongoing communications to ensure the community understands the levy is a State Government tax and that local government is acting as the collection agency.

Developing and implement a transition plan to a new levy arrangement will be essential if there are significant costs increases. This is particularly important in a time where the cost-of-living pressures are increasing.

18 September 2020

Mr Mike Blake
Independent Chair
Fire Services Act Review

Email: blakem995@gmail.com

Dear Mr Blake

Fire Service Act 1979 Review

Thank you for the opportunity to provide a submission on the draft proposals as part of the *Fire Services Act* Review. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of the Local Government Sector in collaboration with our Members, 18 of the 29 Local Council have provided feedback on the draft proposals.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for Local Government in Tasmania. Where a Council has made a direct submission to this process, any omission of specific comments made by that Council in this submission should not be viewed as lack of support by the LGAT for that specific issue.

If you have any questions or would like further information, please do not hesitate to contact Georgia Palmer at Georgia.Palmer@lgat.tas.gov.au or on (03) 6146 3745

Yours sincerely,



Katrena Stephenson
Chief Executive Officer

LGAT Submission - *Review of the Fire Services Act 1979*

Introduction

LGAT provided the draft table of proposals to its 29 member councils. We supported our request for feedback by providing LGAT commentary against each of the proposals. The commentary was based on sector feedback in response to the issues papers and conversations with several of the councils you consulted directly as part of your review.

Several councils raised concern in relation to the consultation process and the timeframes given to comment on the proposals. The level of concern was further exacerbated by the omission of the report developed for the Minister to provide context to the draft proposals.

General Comments

Levy

There was general agreement from most councils to the proposed property levy however concern was raised in relation to a number of issues which need to be addressed as part of the bill.

- The Levy should not constitute the majority of base funding for the FEST, the State Government needs to commit to this essential service through appropriation.
- A property-based levy was generally supported but it should be noted that not all councils use the AAV model so there would need to be flexibility to allow councils to use their own method of determining rates. The current differential approach to the levy between urban and rural services was of concern to many councils. This was reflected in the LGAT submission to the issues paper in 2018.
- A sustained education campaign from the State Government is needed to ensure rate payers understand it is a state tax.
- Ring fencing of levy funds must be legislated.
- The 4% administration fee paid to councils to administer the levy should not be reduced. This fee not only supports the administration of the fee but also the management of complaints that are received by councils about the fee. If the State Government were going to administer the levy the costs would be significantly greater than 4%.
- A move to recover the value of the current insurance levy through the property based fire services levy was not supported by all councils who provided feedback. Additionally it is important that combining the two levies doesn't add another level of complexity to the collection process.

- One council did not support an extension to the levy nor did they support the development of FEST or the new legislation.

Centralisation of SES Volunteer Units

- There was general support from councils for the centralisation of SES volunteer units. This aligns with feedback from the sector in previous reviews.
- Importantly the asset transfer arrangements need to be agreed prior to being written into legislation.
- The key issues and considerations around the centralization are captured in the table below.
- Many councils also raised concern about the identity of SES volunteers and the need to maintain the local community service aspect. This needs to be managed as part of the centralization.
- One council did not support centralisation.

Specific Comments

The specific feedback relating to sections of the draft proposals are provided below however, are kept concise for ease of reference.

Draft Proposals- review of Fire Service Act

Proposal number	Proposal	Comments / Concerns
1	That: <ul style="list-style-type: none"> • New legislation integrates the organisations, functions and activities of the TFS and SES; and • there be consequential amendments to the EM Act. 	<p>General support from the sector- noting one council, Central Highlands, did not support.</p> <p>Within the new integrated service it will be necessary to preserve and recognise the role of volunteers in order to ensure future capability at a community level, particularly in a crisis situation.</p>

<p>2</p>	<p>That, the functions of the proposed new FEST entity include, subject to appropriate resource allocation and training:</p> <ul style="list-style-type: none"> • First responder capability for medical emergencies; • The functions currently performed by the SES (flood, storm/tempest, earthquake, tsunami, space debris re-entry, and search and rescue); and • continue to provide support roles at events like road crash rescue, responding to heatwaves and counter terrorism. 	<p>It is important to note that Ambulance is not part of FEST, therefore it needs to be clear that the first responder capability for medical emergencies is a support function to Ambulance as the management authority. It should also be noted that in some remote areas of the state SES volunteers already perform road rescue.</p> <p>Some concern was raised around first responder capability for medical emergencies and the need for specialist skills to support this. Especially in locations serviced by volunteer units.</p> <p>Without seeing the detailed report, this proposal, as written, seems to be in conflict with proposal 24.</p> <p>Training in regard to emergency management has been difficult to source and support over recent years. The training function of the FEST would need to be reviewed to provide for both general and activity specific based training.</p> <p>Central Highlands Council did not support this proposal.</p>
<p>3</p>	<p>That new legislation confirms:</p> <ul style="list-style-type: none"> • The functions for FEST <p>Subject to finalisation of governance proposals, the functions and roles of the Chief Officer as outlined in Section 3.5.3.</p>	<p>General support, as the scope of the Act will change to incorporate the function of the FEST it may be necessary to change the title of the legislation.</p> <p>Difficult to comment on the second dot point without access to section 3.5.3 of the report.</p> <p>Central Highlands Council did not support this proposal.</p>

4	<p>That the fire-fighting capabilities of PWS and STT not be combined with those of the FEST but that the inter-operability protocol be formalised as a code of practice as envisaged in the <i>National Parks and Reserves Management Act 2002</i>.</p> <p>In the event that the code of practice is not a mechanism suitable for interoperability arrangements as envisaged, then the inter-operability protocol be broadened to include, as a minimum, DPFEM and DPAC as applicable and be approved by the Minister.</p>	<p>No comment</p> <p>Central Highlands Council did not support this proposal.</p>
5	<p>That, subject to the outcome of proposal 4, in future the Inter-Agency Fire Management Protocol be negotiated inclusive of other relevant emergency services entities and the State Controller and be approved by the Minister.</p>	<p>No comment</p> <p>Central Highlands Council did not support this proposal.</p>
6	<p>That:</p> <ul style="list-style-type: none"> • DPAC's role in recovery remain unchanged; and • FEST's support role continue as outlined. 	<p>Support</p>

<p>7</p>	<p>That the governance model best suited to an effective FEST would be the departmental model but with suitable:</p> <ul style="list-style-type: none"> • Ring-fencing arrangements for levies raised to fund the FEST; • Inclusion of suitable reporting arrangements between the head of FEST and Minister; and • Arrangements requiring the establishment of an Advisory Board supporting the Minister. 	<p>General support from the sector, noting that one council, Central Highlands, did not support.</p> <p>Ring fencing must be established in legislation and transparency in the levy is paramount. Under the current arrangements there is a lack of transparency around levy increases and therefore stakeholders question how reflective the increases are around increased costs.</p> <p>Local Government representatives currently sit on the State Fire Commission and the State Fire Management Council.</p> <p>There should be a Local Government representative on the proposed advisory board given Local Government’s role in collecting the levy, emergency management and in supporting community preparedness and building community resilience.</p> <p>The revised model should provide for a base level of funding support direct from the State, as per other essential service departments such as police and ambulance. This arrangement would also result in the levy remaining affordable and equitable across our communities.</p>
<p>8</p>	<p>That:</p> <p>One:</p> <ul style="list-style-type: none"> • The SFMC be established in as an advisory board or committee of the FEST under terms of reference (including proposed membership) approved by the FEST; 	<p>This was not generally supported.</p> <p>Requiring a permit for all fires is fraught with problems. Qld defines a fire requiring a permit as one of a dimension greater than 1mx1mx1m in size and all fires are banned in days of extreme FDI. This proposal would require full-time and dedicated permit</p>

	<ul style="list-style-type: none"> • The SFMC must recommend the establishment of Fire Management Area Committees; • Fire Permit Officers be appointed by the Chief Officer (or delegate) under a clear approval process which is responsive to responsible agencies' (TFS/PWS/STT) operational needs; and • A requirement that, regardless of the size of a fire, all fires require a permit when the permit system is in force. <p>Or:</p> <p>As for One, but that these roles be fulfilled by the proposed Advisory Board with its membership to include those bodies currently represented on the SFMC.</p>	<p>officers and a much better system than the current permit book.</p> <p>It would also impact on the red tape associated with campfires. This would likely cause community concern. Campfires and other fires contained within specified requirements should be permitted unless a total fire ban is in place. A permit requirement regardless of size of fire runs the very real risk of being an unreasonable and unenforceable scheme.</p> <p>Any permit system, would need to be clear in regard to the issue of permits and compliance management. Local Government does not have resources to monitor or enforce any expanded permit system.</p> <p>All permits issued need to be electronically transferred from FireCom or to FireCom for notification and management.</p> <p>Central Highlands Council did not support this proposal.</p>
9	<p>That all current sources of SES funding be removed and replaced by a single property-based levy. In the event this is not supported or sustainable, appropriation based funding should be explored.</p>	<p>Local Government has expressed support for the centralisation of SES volunteer units. Funding should be in line with the current funding by council both financial and in-kind.</p> <p>There is NO support for the use of the levy to fund management roles previously funded by appropriation.</p> <p>Any move to an increase and expansion in the levy must be supported by an education</p>

		<p>campaign and make it clear that it is a state tax and not Local Government revenue.</p> <p>It is important that any change does not shift or increase the burden to our communities. Any new funding arrangement must be transparent and reflect an equitable method of distributing the cost of the service across Tasmanian communities.</p> <p>Central Highlands Council did not support this proposal.</p>
10	<p>That the Insurance Levy be discontinued and replaced by a property-based levy or another funding source providing similar, and consistent (predictable) levels of funding.</p>	<p>The insurance levy (restricted to commercial insurance) currently provides \$25 million/year towards the State Fire Commission. The rationale for removal is that the levy de incentivizes insurance. It is unknown whether the removal of the levy will correspond to decreased insurance costs to the customer. It is noted that commercial property owners are likely to still pay the levy but councils will collect it through the property levy.</p> <p>A council raised concern around adding another level of complexity to commercial operators with a levy.</p> <p>A property levy must ensure equity. Modelling should be undertaken to demonstrate the impact on property owners of an increased property- based levy. Especially important in the context of COVID recovery.</p> <p>Central Highlands Council did not support this proposal.</p>

11	The Motor Vehicle Levy be continued and, if any expansion or broadening of this levy to other types of vehicles is supported, that it be based on a cost benefit analysis.	<p>General Support</p> <p>Central Highlands Council did not support this proposal.</p>
12	The contributions from the Australian Government continue but not regarded as a source of base-level funding for the FEST.	<p>The draft proposal recommends 80 % of the base level funding be supported by a property levy. There needs to be clear accountability and transparency around what constitutes base level funding with mechanisms embedded to ensure creep/cost shifting doesn't occur in what constitutes base funding over time.</p> <p>Base level funding by the State and the Federal Governments should continue. Base level funding represents the Government's commitment to provision of these essential services to the community. An over-reliance on a property level model risks an exacerbation of perceived inequities between city and rural communities that cannot be easily addressed through a funding model based predominantly upon a levy system.</p> <p>Base funding components need to be agreed and embedded within legislation.</p>
13	<p>That:</p> <ul style="list-style-type: none"> FEST's sources of funding from its marketing and regulatory roles and its miscellaneous revenue continue but these must be self-funded and not be part of base-level funding, 	<p>If revenue streams from MAIB are discontinued, the state needs to be certain the community see a reduction in MAIB premiums to offset increased cost they will be paying through the FEST property levy.</p> <p>Central Highlands Council did not support this proposal.</p>

	<ul style="list-style-type: none"> Revenue streams from the MAIB for both the TFS and SES be discontinued. 	
14	The contributions from the State Government continue but not regarded as a source of base-level funding for the FEST.	Disagree- State Government should contribute to base funding through appropriation to support core public service policy roles and intergovernmental relations within the agency. This should be the case in any departmental model.
15	That levy or Appropriation sources of revenue for the FEST include up to \$5m per annum to pay for those functions and services transitioned from Local Government to FEST.	General Support. Central Highlands Council did not support this proposal.
16	That, on balance: <ul style="list-style-type: none"> The property-based levy continues to provide the bulk of FEST's funding and that it be based on a property's AAV as determined by the Valuer-General from time to time with movements in the levy to be determined by Treasury annually; and The levy collected be ring-fenced for use by FEST. 	<p>The determination made by Treasury must be transparent and limited to base load funding.</p> <p>There are a number of councils who do not use AAV as their valuation base. The <i>Local Government Act</i> allows a council to choose their method of valuation and rating and therefore it is suggested that the proposed property-based levy be based on a property's LV, CV or AAV as determined by the council (based on their own particular circumstances). For example, it would be legislatively and practically difficult (currently) to levy other rates using CV and this levy using AAV.</p> <p>Recommend a minimum contribution to the property-based levy continues (there is currently a minimum) to ensure small properties continue to pay a minimum share.</p>

	<p>Movements in the levy determined by Treasury should be transparent and widely communicated to the community so it is clear why, by how much and for what, the levy is increasing.</p> <p>Movements in the levy should be communicated to councils well in advance of preparing their annual budget.</p> <p>Suggest forward estimates of increases in the levy are provided to councils for the purposes of long-term financial planning.</p> <p>Currently a remission is provided for properties in certain parts of the municipal area. The remissions reflect the different type of fire service provided in that area. It is unclear from the proposals whether this would continue as a means of reflecting different service levels available in different parts of the municipal area. A number of councils are not in favor of a differential model.</p> <p>Stakeholder engagement, including Local Government must be included in the annual review.</p> <p>Ring fencing must be legislated.</p> <p>Central Highlands Council did not support this proposal.</p>
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17	<p>That:</p> <ul style="list-style-type: none"> • Current concessions be quantified and funded as a CSO; and • Current exemptions for payment of the FSC be quantified and removed for the proposed FEST Levy except for Crown Land, land managed by STT and land and buildings owned by Local Government councils and by Government entities funded predominantly by Appropriation. 	<p>Generally supported.</p> <p>This proposal would appear to remove exemptions for jetty's, slipways, small unimproved land and applicable charities. While agreed that this type of levy should be paid by most properties, there may need to be some consideration to marine facilities and what proportion of a levy should be paid.</p> <p>Removal of the exemption from any property, particularly a charity, will have an impact on that particular property and that impact will need to be managed and appropriate notice provided.</p>
18	<p>Discontinue Local Government funding of SES and support for local units and transition all councils' associated resources to the FEST and a transition plan to be developed with councils.</p>	<p>Generally supported.</p> <p>The issue of SES volunteer unit funding has been explored with the sector through several past reviews including the review of the <i>Emergency Management Act</i>.</p> <p>There was general consensus that resourcing for SES volunteer units should be centralised. As part of any centralisation it is important that the conditions of transfer are agreed prior to it being enshrined in legislation.</p> <p>Key issues raised by the sector in the past in relation to centralisation include the need to:</p> <ul style="list-style-type: none"> • Establish mechanisms to ensure that there is a strong link between SES volunteer units and the Municipal Emergency Management Committees (MEMC). e.g MOU's and representation on the MEMC; • arrangements associated with the transfer of plant and equipment;

		<ul style="list-style-type: none"> • Council ownership of SES volunteer unit Head Quarters and future lease arrangements. <p>Some councils have invested significantly in equipment in recent years, there may be some concern if those resources are redirected to another area given the rate payers have funded them.</p> <p>It should be noted that the community also needs to retain a sense of 'ownership' or stake despite centralisation.</p> <p>One of the benefits of volunteer organisation is the involvement of local communities. Volunteering also develops a sense of local identity. This must not be lost.</p> <p>Municipal funding was based on services provided. The centralisation has potential to remove that direct link, putting greater distance administratively between local SES Units and Local Government.</p> <p>Non-emergency functions should be identified and addressed specifically within the funding model. E.g risk mitigation activities such as fuel reduction burns, flood mitigation works and other related activities that assist communities to maintain a level of preparation.</p> <p>Central Highlands Council did not support this proposal.</p>
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19	<p>On balance, and while the full Appropriation option satisfies most criteria, that FEST not be funded by Appropriation because doing so may disincentivize property owners from properly insuring their properties or being appropriately prepared.</p>	<p>FEST has roles which are broader than planning for, and responding to, an emergency, such as government policy and intergovernmental relations. These roles should be funded by the State Government - not a levy.</p> <p>The link between motivation for insurance uptake and use of levies is not readily apparent. Unless a property-based levy will be dramatically and substantially reduced for appropriately insured properties there is not support for this suggestion.</p> <p>The assumption that a fully funded emergency service will be able to assist everyone individually during an emergency still persists within the community (see Final Report of the NSW Bushfire Enquiry 2020).</p> <p>This assumption will not be broken merely by relying on levies rather than appropriation as a source of funding. This requires a separate (or range of) strategy. Therefore, a mix of appropriations and levy would be a valid funding model for FEST.</p>
20	<p>That Treasury be responsible for calculating, but not on its own determining (determination will require input from the FEST), the amount to be collected from the property-based levy annually and who pays what.</p>	<p>Stakeholders must be consulted as part of the annual review and this consultation must be legislated. Any increase in the levy must be aligned with community expectation and take into account the cost of living pressures in the community.</p> <p>Moving from the current method of calculating a council's contribution (rolling AAV average) may impact on the proportion of the property based levy an individual council needs to pay. It will be important that the proportion of the levy that an individual council pays does not provide a price shock for the community.</p>

		<p>Transparency regarding the levy is crucial. FEST, in many respects, should be regarded as a monopoly provider of emergency services.</p> <p>With that in mind, calculating contributions over a 5-year timeframe may be an option. This would be similar to the way TasNetworks are required to submit 5 year capital and opex plans to a Regulator in order to determine appropriate charge rates.</p> <p>Such an option would allow for certainty over the period but also allow for numerous parties to make submissions to any review before a determination is made</p>
21	<p>That:</p> <ul style="list-style-type: none"> Local Government continue to collect the proposed FEST property-based levy and continue to be paid a renegotiated collection fee for doing so; and The Treasurer or Minister to 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. 	<p>Councils will not support a decrease to the collection fee. Councils are acting as the collection agency for the State Government and must be funded to do so. The cost to council is not just the processing cost but also customer service queries and complaints.</p> <p>The cost of the State Government establishing an alternative would be significantly greater than 4% of the levy.</p> <p>An education campaign would need to be developed to make it clear that councils are collecting the tax on behalf of the State Government. The campaign would need to be on going so each year the community understands the levy .</p> <p>The campaign should:</p> <ul style="list-style-type: none"> Explain what the levy is for; How it is calculated; and How it is distributed.

		<ul style="list-style-type: none"> It should also include information about the expansion of the levy from the current fire service levy.
22	That levies collected by Local Government are paid into Consolidated Fund but ring-fenced for use by FEST.	Ring fencing of the levy must be legislated. There must also be transparency as to what constitutes base funding. Core government roles and responsibilities must not be funded by the levy.
23	<p>That:</p> <ul style="list-style-type: none"> Volunteers and volunteering be recognised and enshrined in legislation and the legislation include a requirement for a Volunteer Charter to be developed by the FEST and endorsed by the Volunteer Associations and the Minister; Legislation provide good faith protection from liability for FEST volunteers, authorised volunteers and permanent staff; and There are no legislative barriers that would preclude the expansion of volunteer roles to include both response and non-response roles. 	<p>Supported</p> <p>The change to SES volunteers should manage any risk which could cause attrition in number of volunteers.</p> <p>Attrition of volunteers across the broad spectrum is currently in focus, particularly noting the impacts and community demands post COVID.</p> <p>The state needs to develop a strong framework to attract, train and retain the volunteer base.</p> <p>The role of volunteers versus paid members should be clear and unambiguous. The legislative framework should ensure that petty demarcations are avoided (such as seen in the CFA dispute in Victoria). For property owners (who pay for the services via the levy), their expectation of a seamless, unified organisation should be paramount.</p> <p>Volunteer charters have been in place in other states for some time.</p>

24	<p>That the mandate of the FEST not include a legislated provision for emergency medical response but that this should be entirely a matter of policy. However, legislation should allow for additional functions that fire and emergency management services may perform consistently with an overarching responsibility for public safety, property and the environment.</p>	<p>Supported, however additional functions which are currently performed by other agencies must not be funded by the levy. Clear parameters must be established.</p> <p>Note that proposal 2 mentions the function of FEST as first medical responder.</p>
25	<p>Maintain current levels of indemnity and broaden the mandate of the Entity to include the power to confer specified functions, powers and indemnities on individuals and organisations inside and outside the Entity including interstate and international personnel. In this context, new legislation must empower the new Entity with the functions, powers and indemnities that reflect its broader role in emergency management and response.</p>	Supported
26	<p>That:</p> <ul style="list-style-type: none"> • New legislation addresses conflicting, duplicated or gaps in roles of the proposed FEST, PWS, STT and private entities involved in dealing with fires; • New legislation allowing 	<p>Generally supported, noting that damage caused to private property to access fire grounds has in the past been an issue. Need to ensure that the powers are not abused, and that responsibility not handed to another body.</p>

	<p>non-FEST officers in charge of fire suppression to have access to, and to deal with, a fire as soon as possible;</p> <ul style="list-style-type: none"> • The mandate of the proposed FEST include the power to confer specified functions and powers on individuals and organisations inside or outside of the Entity; • A Head of Power, exercisable at the discretion of the FEST, be included in the legislation requiring protocols be developed to manage the relationship between the Entity and other: <ul style="list-style-type: none"> ○ land management agencies; and ○ emergency services agencies including TasPol; • New legislation provide firefighters, SES workers and other delegated agencies/people protection from liability (as occurs currently in section 51 of the EM Act¹). Other delegated agencies/people needs to be ‘loosely’ defined so as to provide protection 	<p>It should also be noted that some councils (for example, the City of Hobart) play a role in fire prevention and response.</p> <p>Is the reference to other delegated agencies or people including Local Government?</p>
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¹ The EM Act achieves this by making provisions for “emergency management worker” which can include people assisting an authorised officer (s51). All ‘emergency management workers’ are covered by the protections in Part 4.

	<p>for the range of persons involved in fire and emergency services management but who are non-firefighters/non-emergency workers/not public servants; and</p> <ul style="list-style-type: none"> • Additional powers should be legislated authorising FEST, 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. 	
27	<p>That the decision making and nomination process to appoint permit officers should be left 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 as permit officers are represented throughout the fire industry.</p>	<p>Unsure how this impacts on Local Government and private land. We would need to refer to detail in report which were not provided.</p> <p>Permit officers in a Local Government area should be the TFS District officer and that relationship works well in cases where the engagement is sound. Unlikely to be any real issues with this strengthening of the authority for them to act but that will depend on changes to the legislation relating to the powers to require mitigation works on private land.</p>
28	<p>That:</p> <ul style="list-style-type: none"> • Provision for the establishment of Fire and Emergency Risk Area Committees (FERAC) in the Terms of Reference of the State Fire Emergency Management Sub- 	<p>Agree that there are synergies between the work of FMACS (to be renamed FERACs) and Regional and Municipal Emergency management committees, particularly in risk assessment and treatment.</p> <p>Emergency management committees have a much broader remit across PPRR (Prevention, Preparation, Response and Recovery).</p>

	<p>Committee including the number and geographical boundaries of FERACs;</p> <ul style="list-style-type: none"> Enhancing community engagement by inclusion of their representation on FERACs without increasing numbers on these Committees; Removal of the requirement to Gazette geographical boundaries; and continuance of identifying synergies between FERACs and Regional and Municipal Emergency Management Committees. <p>However, these arrangements do not require legislative support and instead be promulgated under a head of power and detailed, where necessary, in doctrine/TEMA.</p>	<p>The inclusion of community representatives (especially conservation peak bodies) could provide a forum to resolve potential criticisms of proposed works and enhance confidence in emergency preparedness plans developed by the FERAC.</p> <p>The role of the FERAC needs to be carefully defined as the FMAC has a very key role in preparing, assessing and developing bushfire risk mitigation plans.</p>
29	<p>That new legislation should provide:</p> <ul style="list-style-type: none"> For FEST to: <ul style="list-style-type: none"> Establish and abolish brigades/units Determine the membership of those brigades/units Define the 	<p>Industry Brigades need clear definition and statement of role. It is not appropriate for an industry Brigade to be at the direction of the Chief Officer except for when a response is required that is relevant to the interests of that entity. Triggers, roles, responsibilities and funding of response costs would need to be defined and agreed to before registration.</p>

	<p>structure, functions, powers and responsibilities of brigades/units, and</p> <ul style="list-style-type: none"> • to include such other powers and functions as may be necessary for the effective management of, and response to fire and other prescribed emergencies; • FEST with the powers to: <ul style="list-style-type: none"> • Register/de-register volunteer members; • Appoint unit managers, brigade chiefs, establish standards for things like equipment, training, facilities etc; • Establish protocols for cooperation; and • appointment of industry brigades, their registration with clarity that they be under the control of FEST. 	<p>In maintaining a link between local units/brigades and local communities, consider the potential for requiring consultation with Local Government on such matters.</p> <p>The need for these provisions to exist is understood but how they are administered, and stakeholders engaged, becomes important.</p> <p>It should be noted that Central Highlands Council strongly opposed this proposal.</p>
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30	<p>That:</p> <ul style="list-style-type: none"> • There is implementation of the recommendations of the review of the Fire Permit System in the new legislation as appropriate, including arrangements for total fire bans; • However, in doing so, that the legislation include scope to modify or change these arrangements if once implemented it is determined adjustments to processes are required; and • No fire permits be issued when total fire bans are in place. 	<p>Seems appropriate</p> <p>Hot work permits are still required during total fire bans and issued on a case by case basis.</p>
31	<p>That the new FEST entity be expected to, and resourced to, provide education to the community on how best to prepare for fire and relevant emergency risks but that this expectation not be dealt with in any new legislation.</p>	<p>Supported</p> <p>It would be good to see a link/collaboration between community education in emergency management provided by FEST and that provided as a part of community development by Local Government.</p> <p>It is important that the expertise in community education is maintained in fire and further enhanced in SES. It should be noted that the expertise needed to build community resilience to fire is different to flood and that this separate expertise is maintained.</p>

32	<p>That, TFES maintains legislative responsibility for issuing permits to install, maintain or repair fire protection equipment, subject to a review of:</p> <ul style="list-style-type: none"> • the current regulatory arrangements; and • conflicts of interest arrangements. 	No comment.
33	<p>Any new legislation should not provide for building fire evacuation systems but a requirement be established in law or regulation that high risk facilities should have their emergency response procedures reviewed and approved by the agency with the most contemporary knowledge and experience in emergency response which in this case is the FEST.</p> <p>In the event that this proposition is not adopted, that the FEST plays an advisory role.</p>	No comment

34	<p>The current offence and penalty provisions should be reviewed to determine if they remain appropriate, enforceable and contemporary and should reflect the expanded role of TFS and SES (and therefore the FEST).</p> <p>In doing so, consideration of provisions in the Police Offences Act 1935 is needed.</p>	No comment
35	<p>New legislation should provide for the FEST to establish a chain of command (including appointment of incident controllers) for response by means of regulations or a statutory instrument, so that it can be easily amended from time to time.</p>	No comment
36	<p>That:</p> <ul style="list-style-type: none"> • New legislation be drafted to replace the FS Act; • 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 a proposed integrated FEST; and • The functions and mandate of the 	<p>A greater focus on principles-based legislation brings with it concerns that prescription will be introduced through related regulatory instruments without the same level of engagement or consultation with councils. Inclusion of a provision such as currently exists at Section 28AA of the Local Government Act would go some way to addressing this concern.</p> <p>Further, pushing much of the detail into separate instruments would be at odds with an accessible, easy to read legislative approach. A balance is required.</p>

	<p>proposed 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 EM Act in legislation.</p>	
37	<p>That the legislation make provision for a secondary process to change or add mandated 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 public input.</p>	<p>There is concern that having this flexibility may allow the government to devolve responsibilities to the FEST and have costs covered by the Levy. Provisions must exist so that this cannot happen without proper and considered consultation.</p>
38	<p>That the new legislation create an integrated fire and appropriate emergency management services Entity the principal objectives of which are:</p> <ul style="list-style-type: none"> • To preserve human life; • 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 impacts), social 	<p>General Support, noting that Central Highlands support the existing legislation.</p> <p>“Fire and appropriate emergency”, “fire and other relevant emergencies” are somewhat awkward phrases. It also might create a perception that fire is emphasised or is not like other emergencies.</p> <p>The objectives are also broad and encompass those that many other emergency service providers aspire to. What is unique to FEST?</p>

	<p>and physical impact of fire and other emergencies on the Tasmanian community;</p> <ul style="list-style-type: none"> • To recognise that our environment has inherent value for the Tasmanian community; • To ensure/facilitate effective inter-agency interoperability both inter and intra State; and • with clarity that the proposed Entity not be the lead agency responsible for recovery. 	
39	That new legislation be drafted which is short, forward looking and principles based, with detail addressed in regulations.	Refer to comments under recommendation 36