

To the:

House of Assembly Standing Committee on Community Development



**UNITED FIREFIGHTERS UNION OF AUSTRALIA
TASMANIA BRANCH
SUBMISSION TO THE INQUIRY INTO THE
STATE FIRE COMMISSION BUDGET
AND ITS IMPLICATIONS FOR THE
TASMANIA FIRE SERVICE**

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EXECUTIVE SUMMARY

"The provision of fire services involves striking a balance between the fiscal constraints that governments operate under and the need to adequately protect the community from fire to prevent loss of life and property. The Budget problems facing the SFC come in an environment that is already underperforming relative to the rest of Australia and under pressure to improve its own performance benchmarks."¹

This submission details the impact of the State Government 2014/15 and 2015/16 budgets on the State Fire Commission (SFC) 2014/15 and 2015/16 budgets including:

- the impact of the transfer of reporting of SES from Police to Tasmania Fire Service (TFS)
- the impact on SFC/TFS of the introduction of the fuel reduction programme
- the corporate service integration project

This submission will also address:

- the lack of due diligence applied by Government in forcing the abovementioned onto the SFC/TFS
- the legality or otherwise of the above-mentioned matters

The United Firefighters Union of Australia Tasmania Branch (UFU) submits the key issues are:

- Maintaining the independence of the State Fire Commission and the Tasmania Fire Service
- Maintaining the operational arm of the TFS including its budgetary independence to allow for appropriate operational readiness
- Maintaining the independence of the role of the Chief Officer (TFS)
- Restoring the SFC budgets for 2014/15 and 2015/16 by the reinstatement of monies directed by Government away from the SFC/TFS for non-fire related activities
- Restoring of expenditure of SFC monies in a situation where the expense was directed by Government and the expense was not recoverable
- Adequate and appropriate monetary compensation for the provision of TFS properties and assets for non-fire related activities
- The establishment of Service Level agreements between SFC/TFS and the Department of Police and Emergency Management (DPEM) or other relevant department where appropriate to ensure SFC money is spent wholly for the purpose as prescribed in the Fire Service Act 1979 (FSA).

¹ Centre of Full Employment and Equity (COFFEE) "An Analysis of the increased demands on the Tasmania State Fire Commission Budget", July 2015, page 9. (Appendix 1)

RECOMMENDATIONS

1. That the Tasmania Fire Service should introduce a programme of recruitment and resourcing of career firefighters to maintain the appropriate level of protection for the community. This includes the consideration of the forecasts of population growth, asset value and the implications of climate change and extreme weather events.
2. That the 2014/15 SFC budget be restored to fund the costs and expenses incurred by the SFC/TFS as a result of Government policy and direction. These expenses relate to;
 - SES transfer of reporting from Police to TFS
 - Introduction of the Fuel reduction Unit in the TFS
 - Corporate service integration project
 - Acquisition and use of TFS properties and assets
 - 3 Mile Line Training Facility
 - 3 Mile Line Maintenance workshop
3. That there be the establishment of Service Level agreements between SFC/TFS and DPEM or other relevant government department, where appropriate, to ensure SFC money is spent wholly for the purpose as prescribed in the Fire Service Act 1979 (FSA)
4. That the independence of the SFC/TFS and Chief Officer as prescribed in the FSA is reaffirmed and maintained.
5. That a funding model is established for SES to cover all aspects of SES role and function and such funding is separate and distinct funding from the fire service contribution or levy as it is commonly referred.
6. That the SES assets are secured for TFS including;
 - plant and equipment
 - buildings
 - infrastructure
7. That procedures be established that allow the TFS to properly manage all aspects of SES including;
 - full time and volunteer staff
 - emergency response
 - buildings and infrastructure
 - plant and equipment
 - training
 - resources
8. That the appropriate procedures for the management of fuel reduction burns are established and implemented including;
 - Sufficient TFS staff to conduct and control the burns
 - Adequate resources to complete a prescribed burn
 - Develop a prescribed procedure to be followed by all agencies and other parties involved in any burn
 - Integrate FRU into the TFS Community Fire Safety Division
 - Continue to provide funding for the fuel reduction burn programme

9. That the That the Government seek legal advice on the following matters:
 - *Is the process legal with regard integration of Fire Services with Police, SES, and Forensic Services*
 - *Are all delegated authorities relevant and appropriate*
 - *Is the integrity of the Fire Service Act 1979 being maintained throughout the process of Corporate Services review and integration?*
10. That the Government take appropriate action to remedy any unlawful or questionable act that has given rise to the budgetary implications as raised.
11. That the Corporate Services Integration Project (CSI) be suspended indefinitely until all due diligence has been properly conducted and any implications being rectified.
12. That any consequence of the CSI that has impacted on the SFC/TFS and the authority of the SFC/TFS and Chief Officer under the FSA be reversed and remedied.
13. That the SFC/TFS be reimbursed for any costs/expenses incurred as a result of the CSI.

1.0. INTRODUCTION

- 1.1 On the 16th September 2015 the House referred the following matters to the Standing Committee on Community Development to inquire into and report upon:
- (a) the 2014-15 and 2015-16 budget for the State Fire Commission - SFC - and its implications for the Tasmania Fire Service - TFS - including:
 - (i) the transfer of the State Emergency Service - SES - reporting responsibility to the SFC/TFS; (ii) the funding of the SES;
 - (iii) the structures of the Department of Police and Emergency Management - DPEM;
 - (iv) the DPEM corporate services review, including the scope and conduct of the review and its implications;
 - (v) the funding of the Fuel Reduction Burn Program;
 - (vi) community safety programs;
 - (vii) fire service resources including firefighter numbers;
 - (viii) the protection of the community.
 - (b) the budget history of the State Fire Commission from 2008-09 to present; (c) the future funding arrangements for TFS and SES;
 - (d) the need for appropriate and modern governance practices in the State Fire Commission; and
 - (e) other matters incidental thereto.
- 1.2. In the 2015-2016 State Budget it became apparent that the fiscal responsibility of the SES had been transferred from Police to the Tasmania Fire Service without the transfer of the funding.
- 1.3. The United Firefighters Union of Australia Tasmania Branch (UFU) raised a number of serious concerns regarding the issues outlined in paragraphs 1.2 and 1.4 with the Tas Fire Service (TFS), the Secretary of the Department of Police and Emergency Management (DPEM), and the Minister regarding the legitimacy and implications of the transfer of the responsibility of the SES to the State Fire Commission and Tasmania Fire Service.

- 1.4. Additionally a number of other decisions being made at the time were impacting on the funding, resourcing, management and operations of the Tasmania Fire Service. These included:
- The Department of Police and Emergency Management (DPEM) structures and reporting lines
 - The DPEM Corporate Services Review
 - The Fuel Reduction Burn Programme
- 1.5. It became apparent to the UFU that budgetary and structure decisions were being made without due diligence as to the requirements of the Fire Service Act 1979, the necessary preservation of the management of the resourcing and funding for the fire service being retained by the State Fire Commission (SFC) for the protection of the community, and the implications these decisions would have on the front-line of the TFS.
- 1.6. Through this submission the UFU will detail these significant issues, the implications and make recommendations to ensure that the TFS is appropriately funded in order to protect the community, and that such funding is only used for fire services in accordance with legislation and regulatory requirements.

2.0 BACKGROUND

a. Tasmania's Demographics

- 2.1. One of the major goals of the TFS is to *"deliver safe, effective and efficient strategies for preventing, preparing for and responding to fires and other emergencies"*²
- 2.2. Fire Services must be resourced to meet the needs of its community. In times of emergency the elderly, the very young, those with disabilities or health issues and those without the benefits of education or income are even more vulnerable.
- "Tasmania has a higher proportion of people who are identified as being at greater risk and more vulnerable to negative fire event outcomes... This is due to the demographic and socio-economic characteristics of the state.."*³
- 2.3. Tasmanians are vulnerable to fire risk because comparatively to other Australian States and Territories⁴:
- Age:
 - Tasmania leads the country with the oldest population and is above the national average for the proportion of people above 65 years of age.
 - In just under 20 years the proportion of people in Tasmania 65 years or over will be over 25 per cent, whereas in Australia it will remain less than 20 per cent
 - Unemployment:
 - Not being engaged in the workforce is another risk factor identified.
 - Tasmania generally has a higher proportion of its civilian population aged 15 years and over not employed compared to the national average.
 - More socio-economic challenges:
 - Low income and low socio-economic advantage are increased risk factors
 - The largest proportion of Tasmanian residents reside in the lowest decile, with fewer Tasmanians making up each decile as they progress higher. The lowest decile, where residents have low advantage and high disadvantage, contains almost 17 per cent of Tasmanians, compared to a national average of less than 10 per cent of all Australians.
 - In addition, a higher percentage of people require core assistance in Tasmania. Both median individual and family income are considerably less in Tasmania than the national medians.

² State Fire Commission Annual Report 2013-14, State Fire Commission, Hobart (Appendix 2)

³ COFFEE Report, July 2015, Executive Summary (Appendix 1)

⁴ COFFEE Report, July 2015, chapter 5.1 Demographic and socioeconomic information from page 38-51 (Appendix 1)

- Low education standards
 - Tasmanians are more likely to have lower education standards, with 15.9 per cent of Tasmanians not having completed Year 10, compared to 13.6 per cent of Australians. Similarly, 53.3 per cent of Tasmanians had a post-school qualification, compared to 58.3 per cent across Australia.
- Alcohol consumption has been identified as being a risk factor for fatalities in fires.
 - The proportion of the adult population who averaged more than two standard drinks per day was greater for Tasmania than the national average.
 - Further, combining alcohol and age, Tasmania also has a larger proportion of its population over 60 years that average more than two standard drinks per day.

b. Higher Fire Risk

- 2.4. Compounding those risk scenarios is the fact that Tasmania has comparatively a higher incidence of fire.

"Total fires are almost double the national average, while residential structure fires relative to households are the highest in the country in most years."⁵

- 2.5. Of further concern is that Tasmania has one of the lowest response times in Australia:

"An important performance indicator for fire incidents is response times, as they are critical to minimising loss of life and damage to property. Some jurisdictions spell out response time targets, however the TFS includes acceptable response times as a priority in their allocation and deployment of resources based on assessed risk. Response time data are generally presented as the 50th percentile and the 90th percentile. Table 5.14 shows the response times to structure fires at the 50th percentile for the states and territories of Australia. Tasmania had the slowest average response time at the 50th percentile across all jurisdictions for 2013-14, with an average of 8.6 minutes."⁶

- 2.6. These response times are likely to have had a direct correlation to the increased rate of deaths:

"Generally, deaths are averaged out over three year periods to smooth the effects of particularly devastating events. Figure 5.17 presents the fire deaths across the states and territories of Australia as a three year average. The years 2007-09, 2008-10 and 2009-11 all include the 173 deaths from the 2009 Victorian bushfires, affecting the results for both Victoria and all of Australia. What is noticeable is the rate of death in Tasmania in 2007-09 and

⁵ COFFEE Report, July 2015, page 51 (Appendix 1)

⁶ COFFEE Report, July 2015, page 46 (Appendix 1)

2008-10, due to 9 and 10 deaths in 2008 and 2009 respectively. This nearly equals the Victorian rate for those three-year periods. For the 2010-12 period, Tasmania averaged the second highest deaths per million people (7.2), well above the national rate (4.8).⁷

- 2.7. A fire service can only be as good as its funding and resources. The funding model and budgetary outcomes and implications are detailed in chapter three of this submission.
- 2.8. However, in terms of comparative funding per population, Tasmania is lagging behind the rest of Australia as it primarily relies on funding via levy with a low level of Government funding.

"Different jurisdictions have a range of funding models they use to provide resourcing to fire service organisations. Some states/territories charge large levies on property owners and/or insurance companies, while others rely more on government funding. Figure 5.7 shows the amount of funding from government per person for each state and territory. As can be seen South Australia gets very little funding direct from government, with Tasmania receiving the next smallest relative amount. Again there was a large increase in 2012-13 coinciding with the large bushfires in Tasmania. In contrast Tasmania receives the highest per person amount from user charges."⁸

And further:

"Tasmania still lags behind the national average in terms of resources given to its fire service. Expenditure on fire services per person is slightly under the national average, while the amount of government funding per person is also very small compared to the rest of the country. Interestingly, both these measures increased markedly in 2012-13 due to the particularly bad Tasmanian bushfires of that summer."⁹

- 2.9. The protection of the community is dependent on the resourcing of the fire service and the numbers of firefighters. Comparatively in Australia, Tasmania has slightly below the national average career firefighters relative to population, but above average volunteer firefighters numbers.

"Across Australia, Tasmania has just below the average number of career firefighters per 100,000 population (Figure 5.9). In 2013-14 Victoria (95.5), the Northern Territory (94.7) and the ACT (93.5) had the largest number per 100,000 population, with Tasmania next with 57.4 firefighters per 100,000 population."¹⁰

"Across Australia, Tasmania had slightly above the national average of volunteer firefighters per 100,000 of population in 2013-14 (Figure 5.11). Previously Tasmania

⁷ COFFEE Report, July 2015, page 48 (Attached as Appendix 1)

⁸ COFFEE Report, July 2015, page 42

⁹ COFFEE Report, July 2015, page 51

¹⁰ COFFEE Report, July 2015, page 44

has had slightly less than the national average, with the 2013-14 SFC Annual Report (SFC, 2014: 28) citing "operational volunteer numbers have increased during the past 18 months, mainly as a result of the heavy bushfire season in 2013 when volunteer intake increased by approximately 200 members."

- 2.10 But that level of volunteers available to physically fight fires is unclear.

"Volunteer numbers are regularly changing and it is difficult to estimate the number of volunteers who are operational. Approximately a fifth of Tasmania's volunteer firefighters are termed support volunteers, comprising non-operational ageing members, family members, juniors and cadets."¹¹

- 2.11 Tasmania is very fortunate to have almost 5000 volunteers registered with the TFS. Volunteers provide a very valuable service to the Tasmanian community and they contribute by giving their own time.

- 2.12. However, Tasmania cannot rely on a source of volunteers being available and trained to meet the needs of the community. This is not Tasmania centric and due to changing work and family commitments is placing pressure on the community to commit active time to volunteering.

"Volunteerism in Australian fire fighting services (and indeed many emergency services) faces a number of challenges. Between 1995 and 2003 there were declines in the number of volunteers although at least some of this can be explained by book keeping losses of long-time inactive members. (McLennan, 2008) These declines appear to have stabilised since the mid-2000s although major operational issues facing volunteer-based brigades persist including:

- shrinking membership in many small remote (and ageing) communities in parts of South Eastern Australia likely to be exacerbated by climate change and declining agricultural production;*
- static brigade membership in new population growth centres; and*
- lack of volunteers able to turn out to emergencies during business hours especially in growing urban/rural fringe communities (McLennan, 2008)."¹²*

- 2.13. According to the TFS statistics there is only a total of 3364 operational volunteers. Also it needs to be understood that due to work commitments and other personal time pressures these volunteers are not always available and it is impossible to track the actual volunteer response capacity at any one point of time.

- 2.14. TFS statistics record that there are other volunteers registered as members but are not operational. These volunteers fill support roles, are in probation, social members, cadets or juniors.

- 2.15. The economic climate, less flexible work responsibilities and family commitments are resulting in a decline in volunteerism across all sectors – including fire services. Employers are unable to release workers for volunteer

¹¹ COFFEE Report, July 2015, page 45 (Attached as Appendix 1)

¹² National Institute of Economic and Industry Research (NIEIR) Report: Firefighters and climate change "The human resources dimension of adapting to climate change" Final and Consolidated Report, February 2013, page 9 (Attached as Appendix 3)

firefighting and therefore volunteering is increasing restricted to the self-employed or for only after-hours. The nature of firefighting is not conducive to these restrictions.

*"The core group, of predominately self-employed volunteers, are unlikely to be able to invest more hours in the face of longer seasons and longer more intense campaigns. Economic pressure will be unrelenting on businesses making it harder for employers to maintain their commitment to volunteer fire fighting. The age profile of volunteers will take its toll. Off-putting factors such as training requirements and attention to process will not diminish. Urban sprawl into new housing areas will mean there are more assets to be protected close to vegetated areas. Yet the occupants of these new homes are generally young families that require two bread-winners to meet mortgage commitments not able to commit the time required for volunteer firefighting."*¹³

c. Climate change

- 2.16. There are no skeptics at the end of a fire hose.
- 2.17. Firefighters do not profess to be climate change experts or scientists, but firefighters' experiences are that the fire seasons are longer, with days of extreme temperatures resulting in more protracted and intense bushfires. In some states there are more extreme weather events including floods and storms.
- 2.18. Tasmanians are sadly only too aware of the dangers and risks of extreme fire seasons.

*"Tasmania is the wettest of the Australian states, yet it still does experience long periods of below average rainfall. White et al. (2010) point out that much of the early part of the 21st century saw precipitation deficiencies in parts of the state. Further, the Department of Primary Industries Parks Water and Environment (DPIPWE, 2010) were keen to point out the increased prevalence of extreme fire weather days. The level of risk of fire on any given day is given by the Forest Fire Danger Index (FFDI), derived from weather variables air temperature, wind speed and relative humidity together with a measure of fuel availability (or dryness) called the "drought factor" (Dowdy et al., 2009). A fire weather warning is issued when the FFDI exceeds a value of 50. However the threshold was lowered in Tasmania to 24 because significant fire activity was happening at that level."*¹⁴

- 2.19. The 2013 Tasmanian bushfires were a series of bushfires in south-eastern Tasmania starting in November/December 2012 with major fires in early January 2013, right through until late April 2013.

¹³ NIEIR (February 2013) Firefighters and Climate Change (Attached as Appendix 3)

¹⁴ COFFEE Report, July 2015, page 59 (Attached as Appendix 1)

- 2.20 It was predicted early on that the 2012-13 had the potential to be worse than usual. High fuel loads, coupled with a dry, warm and windy, providing potentially dangerous conditions. A heat wave in January 2013 became known as 'the angry summer' with Tasmania scorching under its highest temperatures since 1882 reaching 41.8°C in Hobart on 4 January 2013.
- 2.21 As of 5 January 2013 there were up to 40 fires burning across Tasmania destroying at least 100 properties including the Dunalley police station, primary school and businesses and rampaging through 20,000 hectares of bush land. Severe bushfires continued in February. A huge seaborne rescue operation was launched for the thousands of people sheltering on beaches, in boats and at the Port Arthur historic site resulting in more than two thousand people being ferried to safety by police, commercial vessel operators and private volunteers while another two thousand people took refuge at a community centre at Nubeena.
- 2.22 March offered little relief and it was not until later April that the 2013 bushfire season subsided.

"The nature of emergencies faced by Australian firefighters is broadening and the number of extreme events firefighters can expect to face as a result of changing climate is expected to grow. Weather in the south of the continent is becoming drier and hotter with increased bushfire risk as well as health risks associated with extreme heat. Bushfire risk is not only increasing in most parts of Australia but bushfire seasons are becoming longer with fewer respite years."¹⁵

"...while the nature of emergencies faced by Australian firefighters is broadening (Chapter 1) the number of emergencies firefighters can expect to face as a result of changing climate is also growing. Weather in the south of the continent is becoming drier and hotter with increased bushfire risk as well as health risk associated with extreme heat. Bushfire risk is not only increasing in most parts of Australia but bushfire seasons are becoming longer with fewer respite years. More intensive rainfall periods increase the likelihood of major floods. Northern Australia is becoming wetter and while the number of tropical cyclones may decrease, the proportion of intense cyclones will increase. All coastal communities face risks associated with sea level rise and storm surges. Heatwaves will create more medical emergencies requiring first responders and drought will impact many rural communities and volunteer firefighters.

- 2.23 The number and location of career firefighters will determine Tasmania's preparedness for climate change and the implications of extreme weather events.

All this is set against a backdrop of rapidly changing expectations of emergency services workers in general and firefighters in particular. The 'all-hazards-all risks' approach means they will be involved in a whole range of disasters; their 'first

¹⁵ NIEIR (February 2013) Firefighters and Climate Change, E.1 Changing expectations of firefighters, Page iii (Attached as Appendix 3)

responder' role asks them to provide emergency medical assistance; a community resilience approach means they will take on new roles supporting community risk management strategies and community disaster committees (with which many will no doubt take a lead); they will need to be more mobile providing surge capability nationally and internationally, and; they will need to be able to operate in different jurisdictions with different organisations using different protocols and different equipment. To do this they will need the support of government and the insurance industry who must be willing to provide the numbers of people, the training, the equipment and the leadership for firefighters to do the job expected of them and be able to return, like any other worker, safely to their homes and families at the end of their shift."

2.24 Recent research has shown that South-Eastern Australia is **one of three most fire-prone areas in the world**. For Tasmania it is predicted under a high emissions scenario up to 2100 the following will occur¹⁶:

- *A steady increase in fire danger*
- *A continuation of the trend of increasing fire danger in spring, a gradual increase in summer and little change in autumn*
- *An overall lengthening of the fire season*
- *An increase in the number of days at the highest range of fire danger at a number of locations, associated with synoptic patterns conducive to dangerous fire weather.*

And further:

"The increase in fire danger will have social and political implications, such as influencing the pace and direction of fire policy, logistics and funding; and alerting people to the need to build community resilience"

"There will be more days a year on which a total fire ban is likely to be declared on the basis of fire weather, and in spring there are likely to be more high fire danger days. This has implications for the ability to suppress fires and for using prescribed burning to minimise the risk of fire.

The regional and seasonal changes in the occurrence of high fire danger over time will require flexible planning and management throughout Tasmania."

2.25 As a result the approach to wildfire safety and management will become increasingly critical including management of fuel reduction.

"We also hope that the work will be useful for managers of parks, reserves and forests, allowing them to assess likely changes in the timing and extent of opportunities for reducing fuel safely and effectively and for burning to trigger regeneration."

¹⁶ National Environment Research Program Landscapes and Policy Hub, Fire Danger in Tasmania: the next 100 years, 2014 page 3 (Attached as Appendix 18)

d. More Firefighters

- 2.26 The Tasmania Fire Fighting Industry Employee Agreement 2014 regulates the minimum level of firefighters:

*Clause 63 **STAFFING ARRANGEMENTS** and Clause 64 **CREW SIZES***

STAFFING ARRANGEMENTS

The total number of uniformed career personnel covered by the Award is to be no fewer than 285. In the event of unforeseen shortfalls such as resignations or retirements, Tasmania Fire Service is to take immediate steps to recruit sufficient firefighters to maintain agreed numbers.

Minimum career brigade personnel are to number 208 officers and firefighters. A minimum of 112 operational officers and firefighters, inclusive of a training crew, is to be employed in Hobart, 58 in Launceston and 38 in Burnie/Devonport.

Where stations are staffed by career personnel on a weekday-only basis, vacancies are to be filled for periods of up to 2 years by calling expressions of interest and appointing personnel on merit. If there are no expressions of interest, positions are to be filled by appointment of personnel for a reasonable period on a fair rotating basis. (1997)

CREW SIZES

The first responding crew to an incident is to consist of no fewer than one officer and three firefighters. Until an incident is deemed safe, by the officer in charge, a crew, no fewer in number than the first responding crew, is to remain in attendance.

A crew may be required to respond to an incident with more than one vehicle. (1997)

- 2.27 These provisions were negotiated in the 1990's and are under review as part of an agreed process arising from the 2013 and 2014 Agreements with the UFU and TFS. The UFU submits the operational numbers need to be increased in order for the TFS to properly manage training, volunteers, emergency response, scheduled leave and unplanned absences.
- 2.29 An audit of firefighters in the Southern region was conducted following the 1967 Bushfires by the Solicitor General Mr DM Chambers QC and the Master and Registrar of the Supreme Court MR CG Brettingham-Moore. The report detailed, at page 10, the strengths and equipment of the various brigades under the control of Hobart Fire Brigade Board on 30 June 1966:

*With regard to **permanent employees** the audit identified the following:*

<i>Hobart</i>	<i>52</i>
<i>Claremont</i>	<i>12</i>
<i>Moonah</i>	<i>6¹⁷</i>

- 2.30 The audit findings with regard to permanent employees in the southern region in 1966 demonstrate to the UFU that the numbers today, by comparison to growth and response requirements in the southern region, are inadequate. Since that time the

¹⁷ 1967 Bushfires Report (Attached as Appendix 4)

number of operational firefighters as agreed in the industrial instrument is 112. This shows that in the 60 years since the report was issued that firefighter numbers have increased by 42 for the region.

- 2.32 It is clear to the UFU that the current staffing numbers for the Southern region have not kept pace with population growth the change in structures since 1966 and the change in response since 1966. More needs to happen and the TFS clearly needs to increase its operational response capacity for the southern region.
- 2.33 Insufficient firefighter numbers also impact on the ability for firefighters to maintain training and competencies. It is a false economy as a lack of firefighters results in an increase of overtime to cover for those on leave, for backfilling and training.
- 2.34 TFS is failing to meet current response needs. This escalates during the high fire danger period as experienced this January 2016. Firefighters from Hobart region are currently (January 2016) part of the crew deployed in the North West to manage response and fatigue issues that arise from extended fire campaigns. This leaves Hobart with the bare minimum, resulting in staff being called in on overtime and from leave which is a cost to the TFS and has personal health and welfare implications and impacts on firefighters and families.
- 2.36 Further, research has shown that in order to meet just the challenges of climate change, conservatively Tasmania would need to employ an additional 72 career firefighters by 2030.

FORECAST INCREASE IN FIREFIGHTERS ¹⁸				
	2020		2030	
	H2 ¹⁹	H3 ²⁰	H2	H3
NSW	915	1331	1902	2993
VICTORIA	757	916	1648	2049
QUEENSLAND	1004	1004	2426	2357
SA	192	524	448	1269
WA	468	526	1109	1269
TASMANIA	16	46	16	72
ACT	101	121	252	322

¹⁸ NIEIR (February 2013) Firefighters and Climate Change, Table 1.

¹⁹ H2 is the High Scenario from the CSIRO climate change simulation Mark 2. The Mark 2 simulation tends to have slightly higher temperature changes for a given range. It also has generally lower monthly rain totals in most months.

²⁰ H3 is the High Scenario from the CSIRO climate change simulation Mark 3. The Mark 3 model shows higher peak (heaviest) rainfall even though it shows lower rainfall in other categories. It also has higher changes in wind speed and humidity compared to the Mark 2 simulation

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*"Forecasting future demand and the potential shortfall of resources to deal with the impacts of climate change and extreme weather first requires understanding the current trajectory of firefighter employment....firefighters need to grow at an annual rate of between two and three percent in line with the economic cycle. This means that the number of employed firefighters (all firefighters) needs to grow approximately 50 per cent over the 20 year period between 2010 and 2030 to maintain parity with population and asset growth. In this scenario, growth is in line with expectations for state growth with WA growing at roughly twice the national average over the period and Tasmania at half the national rate."*²¹

- 2.37 In addition to the increase in firefighters necessary to meet the challenges of extreme weather events and hotter longer fire seasons, the impact of the increased workload and intense workload must also be considered in forecasting firefighter numbers.
- 2.38 The Mercury has reported on 20 January 2016 that Tasmania is in "the grip of a significant fire event with 82 vegetation fires" and due to weather predicts "weeks of fire danger loom as blazes continue to rage"²².
- 2.39 The impact on firefighters has been significant with the Mercury reporting Tasmania's fires were exhausted:

"EXHAUSTED firefighters will seek reinforcements as they brace for horror bushfire conditions today.

A total fire ban has been declared in the North and North-West of the state as about 80 blazes burn around the state, stretching emergency services to the limit.

Tasmanians have been warned to expect smoky, hazy conditions to continue for days as forecasts of warmer weather and moderate winds triggered the total fire ban.

Tasmania Fire Service incident controller Rod Sherrin said resources in the North-West were becoming stretched and some of the West Coast fires were expected to burn for weeks.

He said crews from Tasmania's East Coast and South — and possibly from interstate — could be called in to help exhausted volunteers get on top of the situation.

*"At the moment we are resourcing locally. Our next move would be to bring in personnel from the East Coast and the South and then perhaps ask for help from the mainland," Mr Sherrin said."*²³

- 2.40 On the 28th of June 2013 the UFU made a comprehensive submission to the Tasmania Bushfire Inquiry, a copy is attached as Appendix 5. The UFU's submission

²¹ NIEIR (February 2013) Firefighters and Climate Change, Page 26 (Attached as Appendix 3)

²² Mercury, 20 January 2016 "Weeks of fire danger loom as blazes continue to rage"

²³ Mercury 19 January 2015 "Exhausted fireys face horror"

regarding firefighter numbers are repeated for this submission and continue to be highly relevant. The UFU recommendations in that submission were:

The UFU recommends; Firefighter Numbers

1. *That extra career crews be recruited by the TFS and station infrastructure be provided to support full time crews for the greater Hobart area at Kingston and Sorell. This will provide for improved operational capacity.*
2. *In addition the UFU recommends that at least one additional field works position be created in each district. This will result in 11 positions being dedicated to improving volunteer training and brigade management. The level or classification of this position is open for discussion but the UFU recognises that the additional position does not necessarily have to be at Station Officer Rank but should have a command and control capability.*

The UFU recommends; For Incident Control (include in FT numbers)

1. *That TFS immediately evaluate the capacity of its organisation to appoint fully staffed and qualified incident management teams. This recommendation includes operational team members at the fire (Firefighters) as well as all IMT staff working in planning, logistics, public information and operations roles.*
2. *"Incident Management teams need to be established in a timely way and remain consistent" (GDH, 2007)*
3. *That the TFS immediately act to identify and qualify staff to comply with the requirements identified at recommendation 1*
4. *Establish and maintain a clear chain of command and make provision for timely changeover of command and control roles*
5. *"Changeover of Sector Commanders and IMT must have overlap and not conflict with crew changes" (GDH, 2007)*
6. *Only appoint experienced and qualified Incident Controllers, Sector Leaders and Divisional Commanders*
7. *Provide more training opportunities for the development of Sector Leaders and Divisional Commanders prior to "on the job" mentoring*
8. *The TFS actively engage operational staff in non-rostered shift positions to ensure continued operational preparedness to provide support during times of high operational demand and acknowledge that the physical resources in these units have operational (firefighting) capacity.*
9. *Maintain the span of control ratio as 5:1*
10. *That span of control for peak demand times be accounted for in TFS operational pre planning and training needs assessment*
11. *Provide surge capacity in Firecomm by providing training opportunities to staff during the year to ensure there are a number of qualified staff to assist Firecomm when Firecomm operators are required at a significant incident*
12. *Clearly define staging areas as "Not for public access"*
13. *Provide adequate training for Staging Area Managers*
14. *Clearly define recovery areas for public access*
15. *Clearly outline the role and function on local government in recovery centre roles and practice processes for establishing recovery systems*

16. *That local council and other relevant agencies are integrated in the IMT system to coordinate recovery operations.*
17. *That the TFS review the effectiveness of the RFOC and SFOC systems and in particular ensure that;*
 - a. *procedures for their integration in the official chain of command are implemented*
 - b. *procedures for their integration into the whole of government emergency management process are implemented*
 - c. *RFOC and SFOC process are fully integrated into AIIMS and IMT training programs and*
 - d. *Remedial training programs are implemented for those currently qualified to operate in IMTs to ensure they understand the role of an RFOC or SFOC within the chain of command.*
18. *That the Minister for Police and Emergency Management take steps to ensure that the chain of command for operational response at incidents for which the TFS has an operational responsibility is recognised within the Fire Service Act 1979 and that that chain of command recognise the qualification of career firefighters as pivotal to effective outcomes.*
19. *That the Tasmanian State government recognise the effectiveness of the TFS communications network and infrastructure and abandon plans for downgrading services in order to support redundant systems in other sections of government.*
20. *Develop and implement a fatigue management policy for all aspects of staffing at an incident including travel*

The UFU recommends for Climate Change

1. *That the Tasmanian Government commit to the development of strategies that address the consequences of climate change in the Tasmanian emergency fire management context and commit to ongoing funds for those strategies.¹²⁴*

e. Loss of Firefighters in Other Government Agencies

- 2.41 There are currently very few Forestry Tasmania (FT) permanent field based positions for employees who were required as part of their duties to participate in fuel reduction burns and fire suppression.
- 2.42 From 1998-2011 FT employed 240 such employees but by September 2012 this workforce had been slashed to 110 positions and in June 2015 the remainder positions were made redundant. The positions that participated in the fuel reduction burns no longer exist.²⁵

²⁴ UFU submission to the 2013 Tasmanian Bushfires Enquiry (Attached as Appendix 5)

²⁵ AWU letter to the UFU (Attached as Appendix 6)

- 2.43 The AWU (who represented these workers) provided a comprehensive report to the Minister for Resources Paul Harris on the 25th June 2015 warning of the dire consequences of any further reduction in the field based workforce.

"A fundamental aspect of the Union's report was the science surrounding mega fire events, which usually happen every 40 years, it now being 48 years since the devastating 1967 fires."²⁶

- 2.44 It is clear from the detail provided by the AWU that frontline firefighting suppression capacity in Tasmania has diminished as a result of job losses in FT. The consequence of this market shift in resources available means that further pressure will be placed on TFS Volunteer firefighters should a bushfire occur. This is unacceptable. Volunteer firefighters are very valuable asset to the Tasmanian Community. They selflessly give their time to support their community by volunteering for the very dangerous job of firefighting. State Government policy espouses that volunteers should not be required to undertake work that could otherwise be performed by paid employees of the State Service.

RECOMMENDATIONS

1. Tasmania to introduce a programme of recruitment and resourcing of career firefighters to maintain the appropriate level of protection for the community. This includes the consideration of the forecasts of population growth, asset value and the implications of climate change and extreme weather events.

²⁶ AWU letter to the UFU (Attached as Appendix 6)

3.0 TRANSFER OF SES TO TASMANIA FIRE SERVICE

a. Legislative Framework - State Fire Commission and Tasmania Fire Service

- 3.1. The fire service in Tasmania is primarily regulated by the Fire Service Act 1979 (FSA) and regulations thereto. The legislation was created following the 1967 bushfires where 62 people died 1400 properties were lost and over 260,000 hectares of land were burnt.

The FSA created one fire service in Tasmania to be called the Tasmania Fire Service (TFS) and also established a corporation with the corporate name of "State Fire Commission" (SFC) as the controlling body of the TFS.

The Commission consists of –

(a) the Chief Officer; and

(b) a person nominated by the United Firefighters Union (Tasmania Branch); and

(c) a person nominated by the Tasmanian Retained Firefighters Association; and

(d) a person nominated by the Tasmanian Volunteer Fire Brigades Association; and

(e) a person nominated by the Secretary of the responsible Department in relation to the Public Account Act 1986; and

(f) 2 persons nominated by the Local Government Association of Tasmania.

Subsection (3)(e) does not preclude the Secretary of the responsible Department in relation to the Public Account Act 1986 from nominating himself or herself as a member of the Commission.

(5) The member of the Commission referred to in subsection (3)(a) is chairperson of the Commission.

(6) The members of the Commission referred to in paragraphs (b), (c), (d), (e) and (f) of subsection (3) are appointed by the Governor.

- 3.2 It is important to note that all appointments are by the Governor. This fact further supports the independence of the Commission from Government.
- 3.3 Furthermore the FSA clearly outlines the role, function and responsibility of the Chief Officer.

The Chief Officer is the chief executive officer of the Fire Service and as such is responsible for –

(a) the control and management of the fire-fighting resources of the Fire Service; and

(b) the training of officers and fire-fighters; and

(c) the inspection of brigades, equipment and facilities.

The Chief Officer must perform such other functions as are imposed on the Chief Officer by this or any other Act or as may from time to time be imposed on the Chief Officer by the Commission.

The Chief Officer may do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of the Chief Officer's functions.

- 3.4. The Government of the day or any Government Minister does not have authority in legislation to usurp the role of the Chief Officer or interfere and direct the spending of SFC monies. This is because SFC monies are appropriated in accordance with the FSA for the purpose of running brigades.
- 3.5. The SFC is required under legislation to develop a corporate plan. The Fire Services Act 1979 provides:

73E. Corporate plan

(1) In each financial year, the Commission must prepare a corporate plan for the Commission.

(2) The corporate plan –

(a) is to cover a period of not less than 3 financial years commencing on the day it takes effect; and

(b) is to contain a summary of the projected financial results of the Commission in respect of the current financial year and each financial year covered by the plan; and

(c) is to contain a summary of the financial results of the Commission in respect of the financial year immediately preceding the current financial year; and

(d) is to contain the statement of corporate intent; and

(e) is to be in a form and contain the information specified by the Minister; and

(f) is to be consistent with the ministerial charter.

(3) The Commission must provide a draft of the corporate plan to the Minister, Stakeholder Minister and Treasurer not later than 90 days before the day on which the corporate plan will take effect.

(4) When a draft corporate plan is approved by the Minister it becomes the corporate plan of the Commission.

(5) The Minister must approve a corporate plan, prepared in accordance with this section and section 73F, by not later than 30 days before the day on which the corporate plan will take effect.

(6) A corporate plan takes effect on the first day of the financial year next commencing after its approval by the Minister.

(7) The Commission may prepare an amendment of its corporate plan at any time.

(8) An amendment of a corporate plan takes effect when it is approved by the Minister.

(9) The Commission must provide a copy of its corporate plan and an amended corporate plan to the Stakeholder Minister and Treasurer within 14 days after the Commission has been notified of its approval by the Minister.

(10) Except where the Minister otherwise approves, the Commission must act in accordance with its corporate plan or amended corporate plan.

- 3.6. Furthermore the Fire Services Act sets out the purpose of the specifically with regard to operating costs:

(2) For the purposes of this Part, operating costs, in relation to the operation of a brigade, means the costs incurred by the Commission in servicing the brigade and ensuring that it is maintained at an appropriate level of operational efficiency and readiness including, in particular –

(a) the costs of paying salaries, wages, allowances and expenses to the members of the brigade other than the administrative costs of paying those salaries, wages, allowances and expenses; and

(b) the costs of buying and maintaining equipment, land and buildings for use by the brigade; and

(c) the costs of making payments on account of principal and of interest and other charges required to be made by the Commission in respect of money borrowed by it for the purpose of purchasing equipment, land or buildings for use by the brigade; and

(d) the costs of paying –

(i) workers compensation insurance premiums in respect of the members of the brigade; and

(ii) rates and charges in respect of land occupied by the brigade; and

(e) the costs of paying expenses incurred by the members of the brigade in the exercise or performance of their powers or functions as members of that brigade; and

(f) such part of the overall infrastructure costs of the Fire Service as the Commission determines is attributable to the maintenance and operation of the brigade.

- 3.7. These sections of the FSA are included to highlight the concern of the UFU with regard to Government direction on the SFC and the impact on SFC budgets as highlighted in the UFU commissioned economic report (the Kershaw report) attached as Appendix 11.

- 3.8. The Act was intended to allow the SFC and the TFS to operate independent from and unencumbered by Government.

- 3.9. The FSA was preceded by the following report **"Fire Protection Arrangements in the State of Tasmania: Report of Board of Enquiry"** conducted by R.G. Cox and submitted to the Governor on the 31st of July 1977. In that report the following is worth noting²⁷:

"Sources of revenue for the provision and maintenance of fire protection services must in no way obligate the Parliament in the choice of persons and systems to manage such services.

Taxpayers and ratepayers, whether or not insured against fire, already enjoy rights of representation through ballot boxes, and this, coupled with Standing Advisory Committees at Ministerial and grassroots levels is more than adequate for all sectional interests."

The criteria for managing fire protection services must be technical, financial and professional competence coupled with the highest quality of leadership.

- 3.10 The current Liberal Government has imposed its own budgets on the SFC/TFS since August 2014 and continues with a relentless pursuit of SFC appropriated money for spending on other than fire service activities as prescribed by the FSA.
- 3.11. In our submission we are committed to maintaining the independence of the SFC/TFS and the role and functions of the Chief Officer.

b. 2011/12 State Government Budget cuts imposed on the SFC/TFS

- 3.12. In 2011 the then Labor Government under Premier Lara Giddings launched a fiscal strategy that would have impacted significantly on the SFC/TFS.
- 3.13. If left unchallenged the impact of the Labor fiscal strategy would have meant;
- Closure of TasFire Training (11 staff impacted to be transferred) to achieve savings of around \$200,000 per annum
 - Closure of Rokeby station as a career fire station (4 staff),
 - Removal of the training relief crew (4 staff)
 - Review of 6 officer positions in Planning & Capability
 - Collaborative purchasing, review of the vehicle fleet, library services, call receipt and despatch, communications, infrastructure sharing, interagency protocols with the Parks and Wildlife Service, Forestry Tasmania and the Police
 - Freeze on firefighter recruitment part way through the exercise in May 2011
 - Freeze on staffing and a reduction of 12 FTE staff in the September quarter 2011

²⁷ **"Fire Protection Arrangements in the State of Tasmania: Report of Board of Enquiry"** conducted by R.G. Cox, page 37, paragraph 173, 174. (Attached as Appendix 7)

- Travel restrictions
- Cuts to the capital expenditure program despite the SFC Corporate Plan (SFC, 2011: 7) statement :

*"The **preservation of a capital works program is vital to the continued effectiveness of TFS.** Without sufficient funding the Commission will not be able to continue its current fire appliance replacement program and it will be unable to replace, in an acceptable period of time, a significant number of fire appliances that either do not provide the necessary crew protection or are costly and difficult to maintain."*

3.14. The UFU commissioned three reports into the budget cuts and implications.

- January 2012 Centre of Full Employment and Equity "A Fire Safe Community, The Adverse Social and Economic Consequences of Reducing TFS Capacity to Manage Fire Risk and Respond Safely to Fire"; (Attached as Appendix 8)
- March 2012 Centre of Full Employment and Equity "The Case for Retaining Tas Fire Training"; (Attached as Appendix 9)
- March 2012 Centre of Full Employment and Equity "A Consideration of Merging Tas Fire Training with Learning and Development" (Attached as Appendix 10)

3.15. The three reports comprehensively demonstrated the lack of appropriate analysis before decision making, the social and economic implications of the proposed loss of TasFire Training, and the considerable benefits of retaining TasFire Training and restoring the budget.

"Any review that seeks to improve response times must consider the relative proportions of career and volunteer firefighters. The TFS is aware such insufficient responses occur frequently (both in terms of response time and weight of response). These occurrences need to be thoroughly investigated and strategies implemented to guarantee more adequate responses in the future."

These could include:

*• **Recruitment and training of additional volunteers.** This option is somewhat restricted by labour force changes affecting the intensity of work and the resultant reduction in volunteering generally throughout Australia. It is further exacerbated in rural areas due to the drift of younger age cohorts to urban areas for higher education and employment. It only partially addresses the problem of the longer assembly time of volunteer crews.*

*• **Expanded use of retained fire-fighters,** capable of getting required equipment to a fire scene to which volunteers may directly proceed (rather than first assembling at a station). This has similar problems in relation to reliance on volunteers to arrive on time and in sufficient numbers.*

*• **Reconsider the number of career brigades,** particularly in expanding areas and areas with higher risk profiles.*

· · Reconsider the boundaries of career brigades so as to utilise these highly trained and response-ready firefighters when this is practical.¹²⁸

- 3.16. The UFU successfully campaigned against this decision and ultimately had the decision reversed and the SFC budget restored with the following outcomes:
- TFT has been reviewed with the objective of the review to enhance TFT
 - Planning and Capability remains functioning with no reduction to staffing levels
 - The Rokeby station remains open as career day station
 - The training crew was not absorbed
 - The recruit course was reinstated after a delay of several months
 - The truck rebuild programme was funded with a loss of one year in the programme
 - Staff positions in operations continue to be filled

c. 2014/15 State Government Budget Impacts

- 3.17. The UFU finds itself in a similar predicament with the current Liberal Government. The impact of the current Government's fiscal strategy on the SFC/TFS is significant. This is despite the current Government being less than transparent with its budgetary processes and spending strategy.
- 3.18. The impacts on the SFC/TFS started with the introduction of the State Government August 2014 Budget papers. Several unilateral announcements contained in this budget impacted significantly on the SFC/TFS.
- 3.19. Firstly the SFC Corporate Plan and budget for 2014 had already received approval from the Minister DPEM the Hon Rene Hidding in May 2014.
- 3.20. The State Government's August budget papers unilaterally amended the 2014/15 SFC corporate plan in a budgetary sense in the following ways:
1. The SFC/TFS took over the report of SES from Police
 2. The Government introduced a Fuel Reduction Unit (FRU) and required the TFS to support the establishment of the FRU by employing 4.5 staff.
 3. The Secretary of DPEM announced as a result of the 2014 State Government budget a corporate services revue would be conducted for DPEM to consider integration of several corporate service functions.
- 3.21 This transfer was succinctly explained in the COFFEE Report:

• ²⁸ 2012 Centre of Full Employment and Equity "A Fire Safe Community, The Adverse social and economic consequences of reducing TFS capacity to manage fire risk and respond safely to fire", page 11. (Attached as Appendix 8)

"The transfer of reporting arrangements for the SES from the DPEM to the TFS had a large effect on the SFC Budget. Previously, the SES had been funded through the DPEM out of consolidated revenue, but with the revised reporting arrangements, the SES was now to be funded through the SFC. The SFC submitted their Budget for 2014-15 to the Minister and had it approved in May 2014 and in it there was no mention of the SFC being required to fund the SES. However, when the Tasmanian Budget was delivered, it was announced the reporting costs would be covered by the SFC, without an increase in their funding. The SES reporting costs were budgeted for \$2.446 million in 2013-14. It has since been reported \$400,000 has been transferred to the SFC, still well short of the full costs to cover the SES."²⁹

- 3.22 The Government unilaterally declared the TFS would manage the SES report (the full time staff employed in SES). This line item \$2.446 million was removed from the DPEM budget for 2014/15 with a footnote advising the reporting lines were transferred to from DPEM to the TFS.³⁰
- 3.23 Despite the Government achieving a 2.44 million dollar saving in the Police budget - no additional funding was provided or transferred to the TFS to cover the cost of the transfer in reporting arrangements. This was effectively a 2.5 million dollar per annum saving to DPEM and subsequently consolidate revenue and a direct cost impost to the TFS. This is a backdoor budget cut imposed on the SFC/TFS.
- 3.24 Further the TFS could not appropriate this shortfall as the FSA only allows the fire service to appropriate monies for the purpose of operating costs as cited earlier in this paper. This meant that until a new funding model was developed the TFS was lumbered with a 2.5 million dollar annual recurring expense for a function the TFS arguably could not legally perform under the FSA.
- 3.25. The Report "The Funding of the Tasmanian State Fire Commission" (the Kershaw Report attached as Appendix 11) which was commissioned by the UFU in 2015 to examine these events, found the manner in which these budgetary changes were made were not in accordance with established financial management practices:

"Financial management regulations and guidelines exist to reinforce good governance and management of public funds.

The manner in which transfer of funds to the SES from SFC was made, with cursory changes to governance arrangements by does not conform with principles for explicit transparency, financial management and reporting requirements of 'administrative' governance reforms in the public sector.

The result, from a financial perspective, is chaotic. The purpose of public sector financial planning, management and reporting requirements are in large measure to

²⁹ Centre of Full Employment and Equity (COFFEE) "An Analysis of the increased demands on the Tasmania State Fire Commission Budget", July 2015, page 7. (Attached as Appendix 1)

³⁰ Government Budget Papers 2014-2015 (Attached as Appendix 13)

mitigate governments' temptation to make ad hoc, non-transparent and unaccountable decisions over the use of public funds.

The impost of SES payments onto the SFC, without addressing the consequential impacts on SFC operations and future financial capacity of the entity, is precisely the type of outcome financial management and reporting requirements are intended to prevent.

The effect is to:

- *Direct revenue, collected from 3^d parties for a specified purpose, to another purpose*
- *Reduce transparency and accountability for the utilisation of public funds*
- *Reduce the ability of a Statutory entity to determine most efficient and effective application of funds and manage its operations*
- *Reduce the ability of a Statutory entity to meet its statutory obligations*¹⁸¹

And further:

"The funding source Chart 1 above shows a steady rise in the Fire Service contribution funded by fire levies, motor vehicle levies and insurance levies, The Federal government has grown over the last decade to provide around \$1.3 - \$1.6 million a year.

*The State Governments contribution (except for contribution to major wildfire reimbursement in 2013) has been stagnant or declining.*¹⁸²

- 3.26. This report also details the reduction in State Government's contribution to SFC funding.

"It can be seen that there has been a gradual reduction in the contribution of the State's contribution to the overall operating revenue of the SFC from 8-9 % of total revenue in 2009 and 2010 to 6% in 2014, 2015 (*with the exception of 2013 when the State contribution includes reimbursement for wildfires)"*¹⁸³

- 3.27. A result of the reduction in the State Government's contribution and the State Government's budget directions to spend SFC funds on non-fire related activities is increased lending.

"It is also notable that SFC has improved its capital and financial expenditures since 2008/09 when borrowing costs and financial expenses were materially higher than in recent years. It can be seen from more recent financial statements that this budgeting consistency and reduced costs on borrowing and financing are changing materially. The SFC was required to borrow an additional, unbudgeted \$1.5 million to meet its cash requirements, with further projected deficits requiring additional

³¹ Ruth Kershaw "The Funding of the Tasmanian State Fire Commission" December 2015, page 4 (Attached as Appendix 11)

³² Ruth Kershaw "The Funding of the Tasmanian State Fire Commission" December 2015, page 5

³³ Ruth Kershaw "The Funding of the Tasmanian State Fire Commission" December 2015, page 6

*borrowing in the future. The total amount of future borrowing cannot be known to SFC, as unbudgeted costs are imposed on them.*¹⁸⁴

- 3.25. A further consequence of this that the TFS's ability to function operationally is inhibited.

*"These variations reflect deterioration in the ability for SFC to align financial management with operational planning. The most acute impact is on the burgeoning deficit, which the SFC has no control over, despite being responsible for the financial and operational management of the entity and its statutory outcomes."*³⁵

- 3.26. Extraordinarily accounting procedures and administrative arrangements have resulted in unusual references and explanations in the 2015-2016 budget papers. The Kershaw Report includes notations from the budget papers that highlight these unusual procedures.

*"It is notable that it is highly unusual to 'mock' up financial statements with a note that they will be 'subject to future amendment'. (Note 1)"*¹⁸⁶

- 3.27 The recurrent cost of management of SES staff remains unfunded by Government and has been directed to the SFC/TFS.

- 3.28 Compounding the unbudgeted strain on the SFC funds were two new initiatives - the Fuel Reduction Burn Programme and the integration of corporate services.

*"Two other announcements in the 2014-15 Budget had a bearing on the SFC Budget. The new Government had taken to the election a pledge to conduct a Fuel Reduction Burns program, for which they committed \$28.5 million over four years. This money has been directed to the Department of Primary Industries, Parks, Water and Environment (DPIPWE), though the program is being overseen by the Fuel Reduction Unit within the TFS. The SFC is contributing over \$1.6 million to the program over 2014-15 and 2015-16. In addition, a review of the corporate services of the Tasmanian emergency service agencies has been conducted and the Government has amalgamated the various corporate services divisions across the agencies which, in the short term, has also cut into the SFC Budget."*¹⁸⁷

- 3.29 The SFC was left with significant cost implications that it could do nothing about as the 2014/2015 SFC budget had already been approved by the Minister.

"A conservative estimate puts the extra costs to the SFC of these changes at well over \$2.5 million for the 2014-15 financial year. These additional expenditure requirements for the SFC are to remain until at least 2017-18 while the Fuel Reduction Burns program remains in place, after which the SFC will still be required to fund the SES, which at the time is projected to cost the SFC \$2.7 million. The

³⁴ Ruth Kershaw "The Funding of the Tasmanian State Fire Commission" December 2015, page 8(Attached as Appendix 11)

³⁵ Ruth Kershaw "The Funding of the Tasmanian State Fire Commission" December 2015, page 9 & 10

³⁶ Ruth Kershaw "The Funding of the Tasmanian State Fire Commission" December 2015, page 15

³⁷ Centre of Full Employment and Equity (COFEE) "An Analysis of the increased demands on the Tasmania State Fire Commission Budget", July 2015, page 8. (Attached as Appendix 1)

most recent estimate for the 2014-15 financial year predicts that the SFC net operating deficit will be \$3.4 million greater than projected in the original budget, taking it to over \$7 million. The SFC could do nothing about the shortfall in expenditure in 2014-15, as its budget had already been submitted, but increased its revenue for 2015-16.¹⁸⁸

3.30 The implications are significant:

"There are two main consequences of this increased demand on SFC funds, without sufficient reimbursement to meet the extra demands. The first is that the SFC is forced to make spending cuts that it had not budgeted for. Cuts to repairs and maintenance, equipment under \$2,000 and financial and other expenses have been made from projected levels. In addition, the capital expenditure program in the current year and into the future has seen large cuts, especially to programs such as the Fire Fighting Truck Replacement Program and the upgrading of Land and Buildings.

The second consequence of the extra demand on SFC funds is the inability of revenue to meet expenses and the inevitability of the SFC to begin a spiral of operating deficits. The cash position of the SFC was expected to be very close to zero at the end of 2014-15. The latest estimate in the 2015-16 Budget has cash at hand at less than \$1 million at the end of 2014-15. This has forced the SFC to borrow \$1.5 million in 2015-16. Given the deteriorating position of the operating balance in the interim, it is expected that more will have to be borrowed in the current financial year. Further, cash at hand is expected to be below zero for each of the years in the Forward Estimates, implying further borrowing will be required. Of course, servicing a loan is expenditure that is not used elsewhere and will place further strain on the Budget going forward, as well as the need to reduce the debt.¹⁸⁹

³⁸ Centre of Full Employment and Equity (COFFEE) "An Analysis of the increased demands on the Tasmania State Fire Commission Budget", July 2015, page 8. (Attached as Appendix 1)

³⁹ Centre of Full Employment and Equity (COFFEE) "An Analysis of the increased demands on the Tasmania State Fire Commission Budget", July 2015, page 8. (Attached as Appendix 1)

4.0 FUEL REDUCTION PROGRAMME

- 4.1. The fuel reduction burn programme as announced by the State Liberal Government in the 2014 budget papers is welcomed by the UFU. This initiative was developed following the 2009 Victorian Bushfires; however the Tasmania model for fuel reduction burns is superior than other state government initiatives to tackle this problem. This is because the Tasmanian model is "tenure blind" and not specifically linked to hectares burnt or public lands. The programme required an establishment phase and this is where the budgetary impacts were felt by the SFC/TFS.

"Note 3:

These measures provide information about the strategic Fuel Reduction Program, which is statewide and 'tenure blind', including fuel reduction burns conducted on reserved and private land, planned burning is undertaken in support of three possible objectives: asset protection, strategic fuel management and ecological burning (which also has fuel reduction benefits). The measure only includes burns that have fuel reduction benefit. The program's funding builds up over four years, and there is also a need to develop the relevant capabilities and resources. The level of activity can be impacted by weather.

Note 4:

The planned burning of private land is integrated into the statewide burning program. The burning completed on Forestry Tasmania land, where it is specifically related to Fuel Reduction programme activity only, is also included in this 'Other land' category⁴⁰

- 4.2. The costings are detailed in the Kershaw Report. Suffice to say the impacts in 20-14/125 for the SFC/TFS were significant.

"It is also notable that Note 2 to increased resources for the Fuel Reduction Burns, does not correlate with any explicit notes on increased expenditure. This is an issue because the reported expenditure for the program, exceeds the revenue provided by government to the SFC for this election promise, or purpose. The election commitment did not alert that the program was diverting funds from fire suppression, which is the effective outcome for the SFC going further into deficit due to the under-funding of this program and the SES funding.

The Fuel Reduction Burns program is reportedly funded through DPIPWE, which will receive \$28 million over 4 years, starting with \$4 million in 2014-15 and \$6.5 million in 2015-16. The program is being overseen by the SFC with a financial contribution from the SFC of \$848,000 in 2014-15. The 2015-16 Budget shows the SFC contributing an additional \$770,000. Notes to the financial statements and the State Budget do not reflect equivalent additional funding of the SFC to deliver the program, or reimburse SFC's contribution. This is further evidence of external

⁴⁰ State Government Budget Papers 2014-2015 Section 9 Department of Primary Industries, Parks, Water and Environment, page 217. (Attached as Appendix 12)

*imposts on the SFC budget that make it unable to operate within its budget, and spiral further into debt."*⁴¹

- 4.3. These additional costs were not able to be recovered by the SFC/TFS as the 2014 budget was approved earlier in the year and additional funding was not provided by the Government.
- 4.4. These additional costs continued into 2015/16 although the SFC was able to increase the Fire Service Contribution (FSC) to cover the additional costs for Fuel Reduction Unit in subsequent budgets.

*"The State Fire Commission will contribute an additional \$770 000 in 2015-16 including \$398 000 for the employment of 3.4 Full Time Equivalents to support the Fuel Reduction Unit."*⁴²

- 4.5. On the 28th of June 2013 the UFU made a comprehensive submission to the Tasmania Bushfire Inquiry, a copy is attached as Appendix 5. The UFU's submissions regarding the necessary resourcing of a fuel reduction programme are repeated for this submission and continue to be highly relevant. The UFU recommendations in that submission were:

"The UFU recommends; For Bushfire Mitigation Strategies:

1. *That the SFMC provide plans to the TFS for state-wide strategies for bushfire mitigation for long term protection of the Tasmanian community.*
2. *That the Tasmania Fire Service immediately evaluate plans provided by the SFMC.*
3. *That TFS provide detailed resource needs based on those SFMC plans to the SFC and Tasmanian minister for polices and emergency management.*
4. *That the SFC and the Minister adjust the Fire Service levy with a view to provide additional specific funding for activities associated with planned burning and other mitigation strategies planned by fire management committees.*
5. *The establishment of a career crew with sufficient resources for;*
 - a. *monitoring state-wide fuel loads*
 - b. *planning fuel reduction burning state-wide*
 - c. *implementing fuel reduction burning state-wide*
6. *The establishment of clear guidelines for fuel reduction burning on private property and the hazards remaining after a fuel reduction burn*
7. *Development of public information to increase awareness of fuel loads*
8. *That the membership of the State Fire Management Council and Local Fire Area Committees be expanded or reconstituted to include current operational firefighter with sound knowledge and experience in bushfire management and suppression.*

⁴¹ Ruth Kershaw "The Funding of the Tasmanian State Fire Commission" December 2015, page 16 (Attached as Appendix 11)

⁴² State Government Budget Papers 2015-2016 Section 24 State Fire Commission, page 100 (Attached as Appendix 13)

The UFU recommends that: for Bushfire Preparation and Preparedness:

- 1. TFS continues to fund, develop and implement effective community bushfire preparedness initiatives based on community engagement and empowerment principles*
- 2. The TFS fund research into what is required to understand the training, organisational and cultural-change needs required to adopt a community engagement approach*
- 3. The TFS continues to realise the potential of community engagement principles to foster community bushfire preparedness by ensuring that their volunteer fire brigades are provided with support and training to ensure the effective implementation and sustainment of these initiatives.*
- 4. The TFS increase the budget for community engagement activities above the current allocation to achieve these recommendations. At this time allocated funds are less than 6% of TFS budget.*
- 5. There is no dilution of existing resources or budget to Prevention and Preparedness Units such as removing staff and resources essential to service delivery.*
- 6. The TFS regularly evaluate the effectiveness of community engagement initiatives and amend them as necessary.⁴³*

4.6. One of the significant outcomes of the Inquiry Report was Recommendation 100:
"That the Department of Justice conduct an independent review to develop a suitable model for integrated and interoperable emergency management arrangements in Tasmania."⁴⁴

4.7. Further to this, in correspondence the Minister for the DPEM advised the UFU that an opportunity would be provided in a reasonable timeframe for the UFU to consider the implementation of Recommendation 100.

⁴³ UFU submission to the 2013 Tasmania Bushfires Inquiry (Attached as Appendix 5)

⁴⁴ 2013 Tasmania Bushfires Inquiry Recommendations and Response, Recommendation 100 (Attached as Appendix 14)

5.0 CORPORATE SERVICES REVIEW

- 5.1. The firm Wise Lord and Ferguson were engaged by DPEM in August to provide a report on the Review of the delivery of Corporate Services within DPEM.
- 5.2. This report (the WLF report) commissioned in August 2014 was completed in September 2014 and released in November 2014.
- 5.3. The Secretary DPEM simply announced to the UFU through the Chief Officer TFS that a Corporate Services Review had commenced. The UFU was not consulted about this nor were we offered an opportunity to participate in the process or contribute to the process.
- 5.4. In correspondence dated the 6th of November 2014 the Chief Officer TFS advised the UFU of the following:

"..This was primarily instigated by the Governments' 2014 -15 Budget Savings Strategies where a review of the delivery of Corporate Services across the Department of Police and Emergency Management (DPEM – incorporating Tasmania Police, State Emergency Management & Forensic Science Service Tasmania) and Tasmania Fire Service (TFS)

As such the Secretary of Department of Police & Emergency management announced today his intent to integrate Corporate Service functions across the Department..."

- 5.5. The Terms of Reference were identified and subsequently not followed in the review:

The Purpose of this review of the Delivery of Corporate Services ("the review") was to examine the delivery of corporate services functions within the (Department/Agency) and identify options for the most efficient and effective delivery of these services. (as defined under existing Administrative Arrangements). Specifically for the purposes of this review, the corporate services functions encompasses the following areas of activity

- 1. Financial management and payroll*
- 2. Asset management services (including Garaging services)*
- 3. Information management services*
- 4. Information technology services*
- 5. Communication services*

- 5.6. The review also identified that, given the FSA and the role function of the CO/TFS, a legal opinion should be obtained on matters that the review could impact especially with regard to the control and function of the SFC/TFS and the Chief Officer. To the best of our knowledge no such legal opinion was sought nor obtained.
- 5.7. The WLF Report noted the following on page 4:

The key issues that will need to be addressed prior to and during implementation will include;

The legislative framework and funding arrangements will need to be considered to ensure the model is able to work

The administrative arrangements for DPEM need to be clarified and documented, including the role and authority of the Secretary of the Agency

- 5.8. Furthermore at page 16 of the report WLF advise the following:

Strategic Risks and Issues Identified

"..The report identifies that current administrative and governance arrangements between DPEM and TFS are not fully documented. These arrangements require further clarity in relation to the role and authority of the Secretary DPEM and the interaction with the State Fire Commission (SFC) the current arrangements have an impact on the ability of the Secretary of the Agency to drive strategic change..."

- 5.9. To understand this comment requires an understanding of the legal issues raised earlier with regard to the role, function and authority of the SFC and Chief Officer, independent from Government or Departmental intervention.

Further on Page 16 WLF state the following:

"..The legislative framework is outside the scope of this review but will need to be considered to ensure that any structure considered is able to be implemented under this framework. Legal advice will need to be sought to consider such issues as authority/delegations for decision making, ability to utilise funding sources for corporate services and reporting frameworks..."

- 5.10 The UFU questioned issues such as the ones outlined on several occasions to the Chief Officer the Secretary DPEM, Senior DPEM Bureaucrats and the Minister DPEM.
- 5.11 To date we still do not have satisfactory answers regarding the following questions asked in correspondence to the Secretary DPEM on 5 June 2015.
- 5.12. The UFU considers the FSA, the SFC and the role of the Chief Officer TFS have all suffered compromise as a result of this process. Furthermore we say that all monies appropriated from the SFC budget by Government budget initiatives for other than fire related activities need to be restored to the SFC.
- 5.13. During the Corporate Service Integration process TFS properties have been developed to house SES, Forensic and Police buildings and impound yards. This was previously TFS property bought from TFS funds for the purpose of fire related activities. Despite several request to the DPEM the UFU has yet to see or be referred to a transparent document or service level agreement that identifies the TFS has received adequate compensation for the land taken over by SES and Police and for ongoing reimbursement for the use of TFS facilities.

- 5.14. Further no identified savings projections have been provided. Award conditions for TFS staff have been challenged. TFS and DPEM staff have relocated from TFS and DPEM buildings to different sites for functions including payroll, finance, IT etc.
- 5.15. The TFS has for many years provided the community with support to the broader emergency services group. This is evident in shared or co-located facilities where the TFS purchase property and build a fire station and share that facility with Tasmania Ambulance Services (TAS) and SES. The TFS burdens the majority if not all of the costs associated with the facility and ongoing maintenance.
- 5.16. The TFS also offers and provides training opportunity in disciplines such as vertical rescue to TAS, Police and SES.
- 5.17. Despite all of this the Government is still taking more from the SFC/TFS to spend on non-fire related activities.

6.0 LEGAL IMPLICATIONS

- 6.1. The UFU identified serious governance matters at the time the 2014-2015 and 2015-2016 budgets were announced.
- 6.2. The UFU submits that the transfer of costs of the SES to the SFC was not legitimate, was unlawful and may give rise to serious legal implications and allegations.
- 6.3. The UFU raised and followed up the governance matters with the TFS separately, DPEM and TFS jointly and the Minister separately. The following is an extract from UFU 5 June 2015 correspondence to the Secretary DPEM (a complete copy of the correspondence is attached as Appendix 17):

"The matters discussed at the meeting included but were not limited to;

- *The UFU round of general meetings motion*
- *The state government budgets of 2014/15 and 2015/16*
- *Corporate services integration process*
- *The legality of the process*
- *The authority of the Secretary DPEM, with regard to TFS matters and budget*
- *The authority and role of the Chief Officer TFS*
- *Delegated authorities within the DPEM*
- *The Fire Service Act 1979 various sections relating to role and authority of the State Fire Commission/Tasmania Fire Service and the Chief Officer*
- *TFS purchases*
- *TFS cost burden as part of the integration process*
- *Transparent costings of the corporate review establishment to DPEM and TFS*
- *Transparent costings of initiatives introduced as part of the integration process*
- *Total Costs of the process and any identified or potential savings*
- *Relocation of TFS and DPEM staff from TFS to DPEM and vice versa*
- *The legality of the process and the fact the UFU has an opinion suggesting this matter needs further consideration*
- *The concept of "It's all Public Monies" vs SFC appropriated monies under the FSA 1979*
- *The "Staff are all Public Servants" vs TFS and DPEM identified staff*
- *SES Circular Head heavy rescue vehicle purchase*
- *Identifying what is the best model for supporting Emergency Services perse*

As mentioned at the meeting the view of the UFU is that until frank and meaningful discussion has occurred with the relevant authorities involved with the corporate services review and the UFU further steps towards integration should be suspended.

APPENDIX A

UFU Tasmania Branch General Meetings 27 28 & 29 May 2015

Report on Corporate Services Review;

The Branch Secretary reported in detail to the meeting on the Corporate Services Review that is now a Corporate Service's Integration project.

UFU Motion Corporate Services Review and Integration Project:

Having heard the report from the Branch Secretary regarding the Corporate Services review and integration project this meeting resolves the following;

Direct the Branch Secretary of the UFU to advise the Secretary DPEM that the view of the UFU Tasmania Branch is that the Secretary DPEM should cease any further aspect of the implementation of the DPEM Corporate Services integration until the matter has received full and frank consultation with the UFU, specifically regarding the matters outlined;

- Is the process legal with regard integration of Fire Services with Police, SES, and Forensic Services*
- Are all delegated authorities relevant and appropriate*
- Is the integrity of the Fire Service Act 1979 being maintained throughout the process of Corporate Services review and integration?*

The Branch Secretary is to seek undertakings from the Secretary DPEM that;

- The integrity of the Fire Service Act 1979 will not be compromised by this project*
- The role of the Chief Officer Tasmania Fire Service will not be compromised by this project*
- The role of the State Fire Commission will not be compromised by this project*
- Funding for the SFC, TFS will not be compromised by this project*
- Chief Officer TFS should be able to spend SFC monies on TFS projects without recourse to the Police Commissioner or DPEM corporate directors however appointed*

Furthermore the Branch Secretary is instructed to request from the Secretary DPEM transparent costings on establishing and funding the current project team to run the implementation. Detailed costings on the benefits achieved so far and costs associated with the integration to date.

Examples to further discuss and clarify could include;

- shared fleet services,*
- costs and benefits to TFS of servicing police vehicles in TFS facilities,*
- the costs of the radio network expenditure, understood to be approximately \$750,000,*
- Benefits to the TFS of the radio network initiative*
- Costs to the TFS of TFS seconded employees participating in the process⁴⁵*

- 6.4. The UFU is yet to receive any response providing any answers to the above serious governance issues.
- 6.5. Further, it is apparent that the DPEM has failed to appropriately and adequately seek the necessary advice to introduce this reform agenda.
- 6.6. The Solicitor-General's Report 2014-2015 identifies that serious legal issues arise when Departments do not seek appropriate advice:

⁴⁵ 5 June 2015 UFU letter to the Secretary DPEM (Attached as Appendix 16)

"The vast majority of the work of this office is concerned with the provision of accurate and consistent legal advice to government, its agencies (e.g. departments, commissions, boards etc.) and other emanations of the Crown. The essential purpose of this work is to ensure, to the best extent possible, that the Tasmanian government functions according to law. A number of general observations arise from this. First, it is preferable that advice is sought and given before executive action which may not comply with the law is taken. Secondly, it is important that work of an essentially legal character, which is undertaken in agencies by persons who are neither suitably qualified nor competent to do it should be referred to, or at least reviewed by, Crown Law. This does not routinely happen."

And further:

"It is readily apparent to this office that government work of a legal character continues to be performed by a range of officers, without the assistance, or review of this office. At least some of that work falls below (sometimes well below) legal requirements and it frequently reflects an erroneous view of the law. That is not acceptable organisational theory and should not be accepted in practice by government."⁴⁶

- 6.7. There is no evidence to suggest that the Secretary of the DPEM sought the appropriate advice, and given the suggested unlawfulness of his acceptance of the budget and the reform he has initiated, it highly likely no such advice was sought.
- 6.8. The Schedule of Advisings included in the Solicitor-General's Report 2014-2015 demonstrates the DPEM sought advice on four occasions in 2014 and on one occasion in 2015. This is not in step with other departments as shown by the below Schedule of Advisings.
- 6.9. To ignore the advice contained in the Solicitor General's report is a worrying breach of sound practice. It is especially concerning given it was done by the Secretary DPEM who is the top law enforcement officer of the State.
- 6.10 Without seeking appropriate legal advice and guidance the Secretary of the DPEM imposed changes on the SFC/TFS and the role of the Chief Officer. The UFU submits that effectively these actions have resulted in spending of SFC/TFS monies by administrative direction that does not appear to have any basis in law.

"It is of vital concern that the administration of government is carried out lawfully and for that purpose that all government entities have appropriate access to legal advice."⁴⁷I am not convinced that all agencies share this view. However, I consider that the updated guidelines will establish a platform to encourage agencies to seek and obtain advice."⁴⁸

⁴⁶ Excerpt from the Solicitor-General's report 2014-2015 (Attached as Appendix 17)

⁴⁷ Paragraph 1 of the revised guidelines for seeking advice.

⁴⁸ Excerpt from the Solicitor-General's report 2014-2015 (Attached as Appendix 17)

Schedule 1

SCHEDULE OF ADVISINGS

	2013-2014	2014-2015
Department of Economic Development, Tourism and the Arts	10	N/A
Department of Infrastructure, Energy and Resources	52	N/A
Department of State Growth	N/A	61
Department of Education	46	25
Department of Health and Human Services	44	41
Department of Justice	151	142
Department of Police and Emergency Management	4	1
Department of Premier and Cabinet	72	90
Department of Primary Industries, Parks, Water and the Environment	76	112
Department of Treasury and Finance	14	13
Tasmanian Audit Office	2	1
Retirement Benefits Fund Board	3	3
The Public Trustee	0	1
Other bodies and offices	18	44
TOTAL ADVISINGS	492	534
Section 78B Notices	146	144

RECOMMENDATIONS

- That the Government seek legal advice on the following matters:
 - *Is the process legal with regard integration of Fire Services with Police, SES, and Forensic Services?*
 - *Are all delegated authorities relevant and appropriate?*
 - *Is the integrity of the Fire Service Act 1979 being maintained throughout the process of Corporate Services review and integration?*
- That the Government take appropriate action to remedy any unlawful or questionable act that has given rise the budgetary implications as raised.

7.0 CORPORATE GOVERNANCE

- 7.1 In considering this matter a reference to the composition of the State Fire Commission as set out in the FSA 1979 is helpful.

Section 7 Extract Fire Service Act 1979:

- (3) The Commission consists of –
 - (a) the Chief Officer; and
 - (b) a person nominated by the United Firefighters Union (Tasmanian Branch); and
 - (c) a person nominated by the Tasmanian Retained Firefighters Association; and
 - (d) a person nominated by the Tasmanian Volunteer Fire Brigades Association; and
 - (e) a person nominated by the Secretary of the responsible Department in relation to the [Public Account Act 1986](#); and
- (f) 2 persons nominated by the Local Government Association of Tasmania.
- (4) [Subsection \(3\)\(e\)](#) does not preclude the Secretary of the responsible Department in relation to the [Public Account Act 1986](#) from nominating himself or herself as a member of the Commission.
- (5) The member of the Commission referred to in [subsection \(3\)\(a\)](#) is chairperson of the Commission.
- (6) The members of the Commission referred to in [paragraphs \(b\), \(c\), \(d\), \(e\) and \(f\) of subsection \(3\)](#) are appointed by the Governor.
- (6A) The Minister may require a body referred to in [paragraph \(b\), \(c\), \(d\) or \(f\) of subsection \(3\)](#) to submit a list of names within a specified period, being a period of not less than 30 days.
- (6B) If a body referred to in [paragraph \(b\), \(c\), \(d\) or \(f\) of subsection \(3\)](#) fails to comply with [subsection \(6A\)](#), the Minister may nominate a person for the purposes of that paragraph.
- (6C) If a body referred to in [paragraph \(b\), \(c\), \(d\) or \(f\) of subsection \(3\)](#) changes its name, the Governor may, by order, amend that paragraph by substituting the body's new name.
- (6D) If a body referred to in [paragraph \(b\), \(c\), \(d\) or \(f\) of subsection \(3\)](#) ceases to exist, the Governor, on the recommendation of the Commission, may, by order, amend that paragraph by substituting the name of a body

which the Governor is satisfied substantially represents the interests represented by the first-mentioned body.

(7) [Schedule 1](#) has effect with respect to the membership and meetings of the Commission.

- 7.2. The UFU submits the SFC is a well-balanced representative group. The UFU submits that the representation on the Commission should not be altered. However the UFU has noted some difficulties occur from time to time with the Chief Officer also being appointed as the chair of the SFC.
- 7.3. This has proved to be problematic on occasion. The Chief Officer is the Executive Officer of the SFC/TFS and is responsible for running the operational arm of the SFC namely the TFS.
- 7.4. The Chief Officer is arguably bound, as an appointed officer, by the guidelines that regulate and guide the conduct of public servants. It must at times be difficult to function as Chief Officer and Chair of the SFC and publicly represent the interests of both the SFC and TFS if at times this conflicts with policy of the Government of the day.
- 7.5. The UFU has spoken with the Minister DPEM on this matter and prima facie has no objection to amending the FSA to allow for the Governor to appoint an independent chair for the SFC.

*"I am pleased that we could agree that appropriate modern governance practice should be a feature of the State Fire Commission into the future and, as such, its Chair should be independent after the retirement of its current Chairman."*⁴⁹

⁴⁹ 14 July 2015 letter from the Minister to the UFU (Attached as Appendix 19)

8.0 FURTHER IMPLICATIONS

"The Tasmania Fire Service is in a precarious position in terms of being able to divert funding and resources to other non-fire related activities. Tasmania faces increased risks and experiences relatively bad fire outcomes and relies on the funding and resources it gets. Placing extra demands on the budget of the SFC means it can direct fewer funds to maintaining and improving the TFS. The new funding arrangements now covered by the SFC will result in either an unsustainable budget position for the SFC, or neglect of the upkeep and maintenance of the TFS."⁵⁰

- 8.1. There are wide-reaching practical implications on the provision of a safe and effective response resulting from the fiscal strategies.

a. Cancer Mitigation Programmes Delayed

- 8.2. Presumptive legislation for firefighters in Tasmania was passed in the Tasmanian Parliament on the 26th of September 2013 and received Royal assent shortly thereafter. The introduction of the legislation increased awareness amongst firefighters, the TFS and the broader community.
- 8.3. The UFU has campaigned specifically on raising firefighter awareness of the risks of exposure during attendance at structure fires specifically when undertaking a rapid internal attack. Part of the educative process is to ensure Firefighters decontaminate as soon as practicable after a rapid internal attack at a structure fire. This means isolating any contaminated gear and not introducing contaminants into the vehicle or back at the fire station. The campaign is ongoing.
- 8.4. Part of the process necessary to reduce the incidence of firefighters contracting occupational cancer's is to isolate and properly ventilate engine bays and turn out rooms from offices, work areas, mess rooms and sleeping quarters. This in itself is a massive task.
- 8.5. TFS will either rebuild or retro fit all of its stations to ensure the risk of exposures for firefighters is reduced. With over 230 fire stations in the state the task is daunting.
- 8.6. The UFU has argued for nearly three years with the TFS to include Station Layout and Design as a separate item in the Occupational Health and Safety Plan. The TFS has recently started to do this and moved away from the more obscure heading of personal hygiene. The budget for such an undertaking should not have to found from normal operating expenses.

⁵⁰ Centre of Full Employment and Equity (COFFEE) "An Analysis of the increased demands on the Tasmania State Fire Commission Budget", July 2015, page 9. (Attached as Appendix 1)

- 8.7. The UFU submits that draft budgets and timelines for the station layout and design project should be developed and submitted to Government for one off Capital Funding Project to be undertaken during the next five to ten years.
- 8.8. Budget impacts such as the 2014/45/16 state government imposed on the TFS resulted in delays of retro-fitting of Southern stations. These delays meant firefighters continued to respond in older style out of standard protective clothing.
- 8.9. New age turn out gear for firefighters in Southern regions was purchased earlier in 2015 but sat in boxes in storage for over nine months whilst budgets and work schedules for station retro fits were organised.
- 8.10 The State Government refunded 1.5 million dollars to the TFS that it earlier in the preceding year had removed from the capital build budget.

b. Truck Rebuild Programme Cut

- 8.11. The TFS was forced to cut back the truck rebuild programme by seven 5.1 units. This meant that older style fire trucks will continue to be used by Volunteer firefighters for several years until the truck rebuild programme is restored.

"... the SFC is forced to make spending cuts that it had not budgeted for. Cuts to repairs and maintenance, equipment under \$2,000 and financial and other expenses have been made from projected levels. In addition, the capital expenditure program in the current year and into the future has seen large cuts, especially to programs such as the Fire Fighting Truck Replacement Program and the upgrading of Land and Buildings."⁵¹

And further:

The primary capital works for 2014-15 and 2015-16 focused on replacing firefighting trucks across brigades, replacing ageing communications systems infrastructure and upgrading land and buildings. The Fire Fighting Truck Replacement Program is aimed at upgrading the tanker fleet as well as purchasing two new pumpers and the refurbishment of aerial appliances. Expenditure on this was projected to be \$19 million over five years from 2014-15. However, in 2015-16 this was revised downward to \$13.3 million over the next four years. In the Debt Reduction Strategy for 2014-15 the SFC point out the importance of their appliance replacement program by saying "in seeking to reduce its debt the Commission has been mindful not to compromise its fire appliance replacement program"⁵²

⁵¹ COFFEE Report 2015, page 8 (Attached as Appendix 1)

⁵² COFFEE Report 2015 page 36 Attached as Appendix 1)

c. Community Awareness advertising slashed

- 8.12. TFS community awareness programmes were also impacted by the State Government budget cuts. Community Fire Safety was directed to find \$200,000 in savings. The result was CFS did not wish to cut any funding to the major ongoing community protection initiatives. CFS was left with one option and that was to cut TV advertising on bushfire ready and fire safety in the home.
- 8.13. Given the reach of this programme in the context of vulnerable demographics of the Tasmanian community, the cut in community fire awareness programmes may translate into increased injuries and deaths.
- 8.14. This programme has proved effective as there were no fatalities in the devastating 2013 bushfires where whole communities were razed.

"This compromise of the SFC financial position is somewhat risky given the adverse situation Tasmania finds itself in terms of its risk factors and track record for fire outcomes. In the first instance Tasmania generally has a higher proportion of vulnerable persons than the national average, people who either find it difficult to prevent fires occurring or to escape their harm. Second, Tasmania is behind the national average in terms of the resources it gives to its fire service. Total expenditure on fire services on a per capita basis is below the national average, but the government contribution is very small, given that the main source of revenue for the SFC is the fire service contribution, coming from home owners. Tasmania has slightly below the national average career firefighters relative to population, but just above average volunteer firefighters, largely as a result of the 2013 Tasmanian bushfires where volunteer numbers increased. The fire service's response to fire is among the slowest in the country."⁵³

⁵³ COFFEE Report 2015 page 62 (Attached as Appendix 1)

9.0 CONCLUSION

The 2014/2015 and 2015/2016 Tasmanian State Government Budgets impacted significantly on the finances and the financial arrangements of the SFC. The Budgets also inadvertently or otherwise, usurped the role and function of the SFC and the Chief Officer TFS.

It is disturbing, that despite the UFU bringing this issue to the attention of the SFC, TFS, DPEM and Government, there has been little positive change or recognition of the seriousness of the issues including lack of legitimacy.

Notwithstanding this, the Minister of DPEM did announce a \$1.5 million additional funding to the SFC as a result of the UFU public campaign.

The Government must understand that a Minister or the Parliament cannot by administrative instruction alter or amend an Act of Parliament or issue an instruction contrary to legislation and regulation.

The UFU alleges a significant compromise of the Fire Service Act 1979 has occurred as a result of the above mentioned budgets being introduced and acted upon.

This issue must be addressed.

The SFC is only able to appropriate monies for the purposes as set out in the Fire Service Act 1929. Basically this amounts to monies for costs associated with operating brigades for all the purposes set out in the FSA 1979, which are mainly fire and rescue as variously described.

The UFU strongly submits the State Government must restore all monies appropriated from the SFC budgets in relation to the SES report, Corporate Service Integration Project and Fuel Reduction Burn programme. As detailed earlier in this report, this was a cost of \$2.446 million for the transfer of SES to the SFC for an already approved budget in 2014 and is an ongoing cost. The Fuel Reduction programme was an additional cost in the same financial year of approximately 700,000 to the TFS. These costs were not recoverable as the SFC budget for that year had already been approved.

Furthermore no additional Government money was made available to assist the SFC through this period.

The TFS is mainly resourced for urban response by career firefighters and rural response by volunteers. No additional response capacity is available for wildfire/bushfire and substantial fires in world heritage areas. The TFS does provide resources to set up incident management teams, regional fire operational centres and state fire operational centres. Resourcing these structures is managed well but impacts on TFS response capacity in urban stations and this invariably results in stretching resources and firefighters which in turn results in additional costs to the TFS.

In short, this amounts to a false economy that has been implemented through illegitimate means and directly impacts on the safety of the community and firefighters.

APPENDICES (in the order as referred to in this submission):

1	Centre of Full Employment and Equity (COFFEE) "An Analysis of the increased demands on the Tasmania State Fire Commission Budget", July 2015
2	State Fire Commission Annual Report 2013-14, State Fire Commission, Hobart.
3	National Institute of Economic and Industry Research Report: Firefighters and climate change "The human resources dimension of adapting to climate change" Final and Consolidated Report, February 2013
4	1967 Bushfires Report
5	UFU submission to the 2013 Tasmania Bushfires Enquiry
6	AWU letter to the UFU
7	1977 Cox Report "Fire Protection Arrangements in the State of Tasmania, Report of Board of Enquiry
8	2012 Centre of Full Employment and Equity "A Fire Safe Community, The Adverse social and economic consequences of reducing TFS capacity to manage fire risk and respond safely to fire"
9	March 2012 Centre of Full Employment and Equity "The Case for Retaining Tas Fire Training"
10	March 2012 Centre of Full Employment and Equity "A Consideration of Merging Tas Fire Training with Learning and Development"
11	Ruth Kershaw "The Funding of the Tasmanian State Fire Commission" December 2015
12	Government Budget Papers 2014-2015 Section 9 Department of Primary Industries, Parks, Water and Environment
13	State Government Budget Papers 2015-2016 Section 24 State Fire Commission
14	2013 Tasmania Bushfires Inquiry Recommendations and Response
15	Letter from the Minister of DPEM to the UFU
16	5 June 2015 Letter from the UFU to Secretary DPEM
17	Excerpt from the Solicitor General's report 2014-2015
18	National Environmental Research Programme, Landscapes & Policy Hub, Fire Danger in Tasmania: The Next 100 years
19	Correspondence Minister R Hidding 14 July 2015