

SECOND READING SPEECH

Fire Service Amendment (Bushfire Prone Areas) Bill 2011

Bryan Green MP
Minister for Planning

I move – That the Bill now be read for the second time.

Mr Speaker, the purpose of this Amendment Bill is to fulfil the Government's commitment to provide the Tasmanian community with safer development in bushfire prone areas. As Members may recall, in February 2009, and in response to the devastation and tragedy of the 2009 Victorian bushfires, the former Premier, David Bartlett MP, requested the Department of Premier and Cabinet to review appropriate controls for the construction of buildings and development in bushfire prone areas.

The Review broadly considered bushfire risk to the future use and development of land, identifying three main areas of reform to the current planning and building controls in the Tasmanian Resource

Management and Planning System. The areas of reform include:

- an appropriate definition of bushfire prone areas;
- a draft standard bushfire code that has been released by the Tasmanian Planning Commission for consultation; and
- other advice relating to strategies that will ensure development applications for building in bushfire prone areas can be considered and approved in a reasonable period of time.

Recommendation six of the Review focussed on the introduction of a mechanism to accredit industry members to certify bushfire hazard management plans. To support this mechanism, the review recommended amendments to the *Fire Service Act 1979* to provide the legislative foundation for the accreditation scheme and the *Land Use Planning and Approvals Act 1993* to clarify that planning authorities can rely on the advice of external experts.

This Bill delivers on this recommendation of the Review.

The Bill is in two parts.

The first part of the Bill relates to the accreditation process to be established by the Tasmania Fire Service for certifying bushfire hazard management plans.

The amendments to the Fire Service Act include:

- allowing the Chief Officer of the Tasmania Fire Service to set both the criteria for the accreditation of an individual (including experience, qualification and professional indemnity insurance), and the form of the bushfire hazard management plan;
- provision for the Chief Officer of the Tasmania Fire Service to place conditions on an accreditation, impose penalties for the breaching of conditions (including revocation or suspension), or accept the surrender of accreditation; and
- provision for the automatic suspension of an accreditation if an individual's professional indemnity lapses for any reason.

The second part of the Bill provides planning authorities with surety that they can defer judgement on bushfire-related issues to experts and be protected from liability should a bushfire hazard management plan be later found deficient.

The amendments have been drafted to also include the capacity to treat other environmental or natural hazards in a similar way if, in the future, an appropriate industry accreditation process is developed.

Amendments to the Land Use Planning and Approvals Act include:

- a requirement that Planning Authorities accept a hazard management plan that has been certified by an accredited person; and
- an indemnity for Planning Authorities against liability arising from actions taken on the basis of a bushfire, environmental or natural hazard management plan approved by an accredited person.

The proposed amendments to the Fire Services Act and the Land Use Planning and Approvals Act improve the current system by:

- providing the foundation to develop a skilled and accredited body of people who are able to determine and approve that bushfire hazard

management plans adequately address bushfire safety;

- allowing planning authorities to rely on professionals engaged by the developer to certify that a bushfire hazard management plan meets the safety requirements and standards for a building in bushfire prone area;
- providing certainty to industry and property owners that approved bushfire hazard management plans cannot be rejected on the grounds of bushfire related safety; and
- allowing the resources of the Tasmania Fire Service to focus on more complex fire safety and hazard-management related issues.

The proposed amendments support the introduction of statewide planning codes by the Tasmanian Planning Commission.

The proposed bushfire code, currently under review of the Commission, clearly articulates the expectations of the State with regard to measures

required to reduce the risks from bushfires during the development process.

I do not wish to go into the detail on the content of the proposed code as it is currently subject to public consultation through the Tasmanian Planning Commission.

The amendments contained in this Bill support the operation of the draft code but do not limit the ability of the Commission to consider the detail that should be contained within the code.

The Government has been working closely with the Tasmanian Planning Commission on the drafting of these amendments.

Mr Speaker, promoting responsible building in bushfire prone areas is critical to managing risks in Tasmania. These changes will not immediately reduce the bushfire risk. They will, however, reduce them over time and, just as importantly, ensure that our communities are not exposing themselves to increasing risks from bushfires.

There are many parts of bushfire safety that must be owned by the individual. For example, landowners must maintain the vegetation on their properties and make sure that they have adequate plans to respond to a bushfire in their area.

Governments can, however, assist by setting clear standards and by educating industry and the community. This Bill assists in both of these areas: building a better informed industry and allowing clear standards to be set for development in bushfire prone areas.

As a State, we must learn from tragedies such as the 2009 Victorian bushfires. Sometimes disasters cannot be foreseen. Sometimes, however, we can learn

from the past to avoid such catastrophes from happening in the future.

Mr Speaker, the Government fully supports the introduction of this Bill.

I commend the Bill to the House.