

# TASMANIAN FOREST PRODUCTS ASSOCIATION

23<sup>rd</sup> October 2020

Office of Security and Emergency Management  
Department of Premier and Cabinet  
HOBART TAS 7001  
[bushfiremitigation@dpac.tas.gov.au](mailto:bushfiremitigation@dpac.tas.gov.au)

## **TFPA Submission to the draft Bushfire Mitigation Measures Bill**

The Tasmanian Forest Products Association (TFPA) appreciates the opportunity to provide comment to the Tasmanian Government's new draft Bushfire Mitigation Measures Bill.

### **About TFPA**

TFPA was formed in June 2020 and is a Committee of the Board of the Australian Forest Products Association (AFPA) under a special delegation. We have 14 founding members who are leading forest growers and processors in Tasmania.

TFPA is a policy development, lobbying and advocacy organisation for our members interests. We collaborate strongly with other industry bodies to ensure the best outcomes for the industry generally and our members more specifically. Our charter provides autonomy to manage State issues and we cooperate with AFPA on any issue that transcends State borders and has National implications.

### **Background**

Bushfire is part of the natural history of Tasmania and continues to be a feature of the landscape, as it does for many parts of Australia. Fire is one of the most important factors in the ecology of Australian forests. It is an essential element of our natural environment that cannot be removed and is integral to maintaining environmental processes.

Fire management is not just about responding to fire. It is about taking action to prevent fires from starting and knowing how to reduce the impact of fire should one break out.

The legal and legislative framework in place for fire/bushfire prevention and protection includes:

- Tasmanian Fire Service is governed by the Fire Services Act 1979 and is the operational arm of the State Fire Commission

- Fire Service Act 1979 - preventing and extinguishing fires and the protection of life and property from fire
- State Fire Protection Plan – developed pursuant to section 8(1)(d) of Fire Service Act 1979 to ensure effective fire and emergency prevention and protection measures are provided
- State Vegetation Fire Management Policy – enables safe and effective conduct of vegetation fire management activities on public and private land
- Sustainable Timbers Tasmania discharges its fire management activities as a prudent landowner/occupier in terms of the Fire Service Act
- National Parks & Reserves Management Act 2002 allocates clear responsibility for all actions required to manage and control fires on reserved land (controlled by Parks & Wildlife Service)

Also, there have been two major reviews undertaken, the 2013 Tasmanian Bushfire Inquiry and the recently released Tasmanian Fire Service Review of the Fire Permit System Final Report (dated 2018).

The 2013 Tasmanian Bushfire Inquiry found that fuel reduction burns did assist in preventing or minimising the risk of bushfires.

While the TFS Review of the Fire Permit System recommended to retain a system to enable, monitor and regulate fires in the landscape in order to manage or mitigate the risk of uncontrolled fires and to encourage responsible burning practices. And, that the system should include risk-based self-regulation mechanisms (similar to current Machinery Operations Guidelines) that are subject to overarching controls such as bans.

We need to ask is there a need to implement new legislation under an already intricate legal and legislative structure, especially when two previous reviews do not mention the need to create ‘a system’ (regulation). Instead it points to retaining a system and making it better, and even considers risk-based self-regulation mechanisms.

### **Process and Consultation**

The process and consultation in the development of this draft Bill has been lacking.

Firstly, as it is new legislation it is a requirement to undertake a Regulatory Impact Statement (RIS) to consider it does not impose unnecessary restrictions on competition or unnecessary additional regulatory costs on business.

Secondly, there isn’t enough detail to make a good assessment as to whether this Bill has merit or not. The Explanatory Paper even states:

- The Government understands that it will need to work with all stakeholders – including the scientific and subject area experts – to develop the necessary supporting detail.
- The Government also recognises that there are likely to be technical issues with the overarching framework that need to be resolved before the Bill is introduced to the Parliament. The Government is committed to working through the issues so that we deliver a best-practice, contemporary bushfire mitigation framework for Tasmania.

While the general intent of the draft Bill is to set up a new, overarching framework for managing and mitigating bushfire risk, the TFPA are concerned that the government is creating another piece of legislation when there may be other alternatives to enhance mitigating bushfire risk.

TFPA strongly recommend that a roundtable of key targeted stakeholders is undertaken to consider the merits of the draft Bill.

Prior to a roundtable a RIS is undertaken to consider if the draft Bill will impose any unnecessary restrictions on competition or unnecessary additional costs on business.

### Questions to the Draft Bill

As mentioned, the level of detail in the draft Bill is lacking, which makes it extremely difficult to provide constructive feedback. What it does pose is many questions, these include:

- Tasmania already has in place fire legislation and policies, which includes aspects of mitigation - where is the background research that shows different alternatives have been explored before creating new legislation?
- The Bushfire Mitigation Measures Panel is another level of administration, which does not include appropriate representation, why can't this role be undertaken by the TFS?
- Any application to the Panel will be accompanied by a prescribed fee – what will the fee be; will there be a range of fees for different applications?
- Bushfire prone areas – how often is the bushfire prone area overlays (on the LISTmap) for assessing these areas reviewed?
- Bushfire Mitigation Plans – are there any differences between bushfire prone areas and bushfire impact areas; do both need to get a BMP?
- Panel decisions exempt from other Acts – have all the applicable Acts been considered to look at the risks associated with Panel decisions overriding these Acts? Aboriginal Heritage Act 1975, Crown Lands Act 1976, Environmental Management and Pollution Control Act 1994, Forest Practises Act 1985, Historic Cultural Heritage Act 1995, Land Use Planning and Approvals Act 1993, National Parks and Reserves Management Act 2002, Nature Conservation Act 2002, Threatened Species Protection Act 1995, Wellington Park Act 1993 and Weed Management Act 1999.
- Bushfire hazard reduction notices – what information will be in the notice and how will a notice be served?
- Clearing private land for implementing fuel breaks – what control does the landowner have over where this may occur; if the landowner does not agree with having a fuel break what recourse do, they have?

Please contact the TFPA if you require any further information.

Yours sincerely,



**Nick Steel**  
Chief Executive Officer