

12 May 2003

Ministerial Correspondence
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Dear Sir or Madam,

Submission No.310

**URGENT LOCAL FIRE SAFETY ISSUES
DEMANDING MINISTERIAL CO-OPERATION AND ACTION**

BACKGROUND

The Binalong Bay Ratepayers' Association recently held a general meeting. High on the agenda was the issue of fire safety within the community. The content of a meeting between the Association committee and a Panel of 'experts' from agencies involved in fire prevention and/or control, was debated in some detail (**refer Attachment A**).

Members of the Panel have been thanked for their full and frank contribution to the debate. It has helped the community to achieve a better understanding of not only the roles of the agencies on issues of fire safety, but also how the community itself can play its part.

FIRE PREVENTION AND CONTROL - THE MAJOR PLAYERS

The Association is reassured in the knowledge that appropriate fire control and management plans, communication and co-ordination channels appear to have been established to help minimise damage to life and property in the event of fire.

There still remain however a number of concerns, specifically related to our perception that there is *less than optimum agency co-ordination of fire prevention activities*. The major agencies responsible for fire prevention activities are:

- **LOCAL GOVERNMENT - BREAK O'DAY COUNCIL;**
- **TASMANIA FIRE SERVICE; AND**
- **PARKS AND WILDLIFE.**

SERIOUS CONCERNS STILL REMAIN

Following the meeting with the Panel, the committee was left with clear impressions that:

- **Parks and Wildlife is under-resourced to adequately meet its fire prevention plans.**

It is claimed that a lack of staff resources has prevented Parks and Wildlife from meeting its schedule of 'controlled burns' and reduction of heavy fire loads along the foreshore.

The community is placed at unnecessary fire safety risk.

This is unacceptable to the community.

- **Fire Service Tasmania is under-resourced to adequately exercise its legislated authorities**

Fire Service Tasmania recognises its legislated empowerment (Fire Service Act 1979) to enforce fire prevention activities, not only on individuals but also on 'owners' of Crown Land. The definition of 'owners' in the Act appears to cover both Council and Parks and Wildlife amongst others. It is claimed that the ability to undertake its responsibilities is apparently also constrained due to a lack of staff resources.

A shortage of resources to maintain acceptable levels of fire safety is unacceptable to the community. This must be a major concern to Fire Service officers, because the Act also clearly spells out the potential for litigation against Fire Service Tasmania in the event of proven negligence on issues of fire safety.

We further believe that Area Fire Service officers, (Brigade Chief level where appropriate), should be given the delegations and resources necessary, and available under the Act to allow:

1. *A clear and unambiguous, legally enforceable, State-wide Fire Service policy of what constitutes a fire hazard, to be developed; and*
2. *Adequate resources to be provided to allow authorised officers of the Fire Service to apply enforcement powers on any agency/department/organisation/individual etc deemed to be in breach of that policy*

The current situation in respect of these issues is unacceptable.

- **Lack of awareness of the extent of the Fire Service Act 1979 (e.g. enforcement powers and legal liability in the event of negligence) by other agencies involved in fire prevention activities**

A number of the Panel seemed to be unaware of the content of the Fire Service Act 1979, on issues of empowerment, delegation and legal liability for certain events arising through negligence on fire safety issues;

This is unacceptable.

We believe that the position descriptions of officers of Local Government, Parks and Wildlife, Tasmania Fire Service and Forestry, whose duties carry some responsibility for fire safety and prevention across the community, should mandate a need to fully understand the implications of all 'fire safety' legislation. This would include legislation of other agencies/government departments

- **Confusion on definition of what constitutes a ‘Fire Hazard’**

There seem to be significantly different views between panel members and statements issued in the media, allegedly by senior Fire Service officers directly involved in the recent fire devastation, on what constitutes a fire hazard. Of particular concern to the community are Fire Service recommendations on the proximity to dwellings of individual trees and trees with interlocking canopies – this advice is leading to quite different local interpretations of what action (if any) should be taken. (refer Attachment B)

An example of the Abatement notice issued by BOD Council in respect of fire hazards on land is attached for information (refer Attachment C) – please ask someone to compare this legislation with the state of some of the foreshore reserve under the control of Parks and Wildlife!

This level of ambiguities is unacceptable. The community is inclined to accept the advice of those fire officers who have gone public in the media on this issue as a result of first hand involvement in fighting, and analysing causes behind the recent devastating fires on the mainland and in this State

- **Concerns with inter-agency co-ordination and co-operation**

Inter agency communication and inter-relationship channels on issues of fire prevention, may not be working at officer level as smoothly as they could be.

This is unacceptable

- **Introduce user-pays principles for policing violations of fire safety by-laws**

Ratepayers who contravene Acts and/or by-laws on issues of fire safety under the ‘nuisance’ provisions of the Local Government Act, do not pay in full for the cost of policing contraventions, and the issuing of and collecting on infringement (abatement) notices – the community subsidises them.

This is unacceptable to the community. Appropriate User-Pays by-laws should be introduced to address this anomaly. Additionally, legislation should be introduced that would allow fire safety related charges (fines) to be treated in a way similar to unpaid rates, i.e. held as a lien on the property.

ACTION TAKEN AND REQUESTED

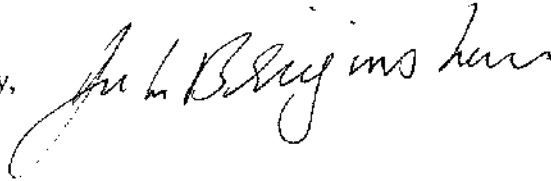
The Mayor, Break O’Day Council has been asked to introduce these issues into the current review of the Local Government Act. The Association has itself introduced a submission (refer Attachment D). This letter will also form a submission to the Select Committee of the House of Representatives, set up to *Inquire into the Incidence and Impact of Bushfires*

All residents are of course very much aware that we have deliberately chosen this area to live because of its pristine and natural environment. We have no wish to see that destroyed.

The Association however requests that, as Ministers responsible for the portfolios of Parks and Wildlife, Fire Service Tasmania and Local Government, you review this submission and take whatever joint action you consider appropriate to provide this community with acceptable levels of fire safety preventative measures within our chosen environment. There is now a window of opportunity before we next move into periods of high fire danger.

The Association looks forward to your response,

Sincerely,



(JOHN BRIGINSHAW – PRESIDENT)

Distribution List:

**Minister Assisting the Premier on Local Government
Public Buildings
53 St John's Street
LAUNCESTON 7250**

Copy: Director Local Government

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**Minister for Health and Human Services
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Hobart 7000**

Copy: Chief Officer, Tasmania Fire Service

**Committee Secretary
House Select Committee on the recent Australian bushfires
Department of the House of Representatives
Parliament House
CANBERRA ACT 2600**

RATEPAYERS ASSOCIATION - COMMITTEE
SUMMARY OF MEETING WITH PANEL OF FIRE SAFETY EXPERTS

PANEL MEMBERS:

Stephen Salter, Mayor BOD Council
 Tony Walker, Health Officer, BOD Council and officer of Binalong bay Fire Brigade
 Rodney Reid – Fire Service Tasmania
 Inspector Fiona Leutier, Inspector of Police, St Helens
 David Barker, District Officer, Parks and Wildlife
 Gary Richardson, District Officer, Forestry

Issue raised	Summary of response	Action planned
<p>Are appropriate communications and plans in place between agencies to satisfy residents of this area that, in the event of fire, we can expect a well co-ordinated response from agencies</p>	<p>Each Panel member contributed, led by Fire Services</p>	<p>The committee was initially satisfied that appropriate plans and inter-agency co-ordination procedures are in place. However, subsequent discussions on fire <i>prevention</i> activities have raise concerns</p>
<p>Does the Panel support the Fire Safety Priority Policy proposed by the committee (refer Attached copy)</p>	<p>Yes. People safety must remain the first priority. However, beyond that, the circumstances at the scene of the fire will dictate the order of other priorities</p>	<p>The Policy document had proposed PEOPLE SAFETY followed by RESIDENCE SAFETY as the two PRIMARY priorities. Following advice from the Panel, the Policy has now been amended to move RESIDENCE SAFETY into the SECONDARY PRIORITIES list</p>
<p>The Panel was asked to advise on issues of fire safety around Binalong Bay</p>	<p>There was significant discussion on this issue. The committee was left with some major concerns.</p>	

ATTACHMENT A

	<ul style="list-style-type: none"> • Parks and Wildlife are significantly behind with their fire management plan for the area. Parks and Wildlife admit that a shortage of resources is a contributing factor. • Council is spending far more on policing vacant blocks and issuing abatement notices than it is recovering from block owners • The Fire Service Act appear to give Fire Services the authority to enforce appropriate clearing of overgrown blocks and Crown land, (where necessary over-riding both Council and Parks and Wildlife. The Panel representative also stated that a shortage of resources does mean that the local district cannot comply. • There is less than quality harmonious relationships between some agency representatives on fire prevention issues and responsibilities. • There is disagreement between agency representatives on what combination of 	<ul style="list-style-type: none"> • The Minister will be asked to clarify this issue. Lack of resources must not be used as a justification for raising fire safety risks through falling behind with burn-offs • User-pays proposals were raised with Council at the meeting. A letter will be sent to the Minister for Local Government for the issue to be examined (copy to Mayor), and possibly to be taken into the review of the local government Act currently under way. • The Panel were advised of the Fire Service Act which appears to allow delegation (down to Brigade level), of the authority to declare properties as being a "fire hazard". The Minister will be asked for clarification of this issue (the Panel did not appear to be totally aware of the contents of this legislation. • This is unacceptable on issues of fire safety for our community. The issue will be pursued at a local level first. It may resolve itself if the other concerns are addressed • This is an unacceptable state of affairs. The Area Fire Safety Committee will be asked to
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ATTACHMENT A

	trees and undergrowth create a fire hazard	address this issue
How can the community help	<ul style="list-style-type: none"> • Fire Services can provide assistance to small groups in the community who want to put together their own fire safety plan/procedures. Brochures have been left for distribution. 	<ul style="list-style-type: none"> • The committee will examine the brochures and seek a 'Pilot Group'

The agency representatives were 'up front' and outspoken with their views, and for this, are to be commended.

However, the committee left the meeting without being satisfied that fire prevention activities were being implemented in a manner that reduced fire risk to an acceptable level for residents.