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To: <cleanair@cleanairtas.com>  
Cc: Graham\_Wilkinson"  
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Mr Stott,

As requested during our recent telephone conversation I have personally read your submission to the Chief Forest Practices Officer of the FPA on smoke from planned burning. I understand the points that you have made and I will take these into account in my consideration of the issues.

During our conversation I outlined to you a number of initiatives that have been taken or are underway to improve the management of smoke from planned burning in Tasmania.

You requested that I outline the roles of the various Government agencies that have an interest in planned burning. I see from your submission that you have already identified most of the agencies or stakeholders that use or promote planned burning as a management tool (the Tasmanian Fire Service(TFS), Councils, Forestry Tasmania, forest companies, and the Parks and Wildlife Service). Perhaps the only significant stakeholder that you have missed is the Tasmanian Farmers and Graziers Association, given the use of fire by farmers and private land-holders. I believe that most or all of these bodies are represented on the Tasmanian Fire Management Council convened by the TFS. I suggest that you contact the TFS if you wish to confirm this or require further details about the Fire Management Council. In addition, the Forest Practices Authority has a role as the principal environmental regulator in relation to forestry activities, the EPA in terms of monitoring and promoting better air quality, and Director of Public Health in terms of advising on public health impacts. The Tasmanian Fire Service also administers the Fire Service Act and the permit system that sits under it.

The Chief Forest Practices officer has advised me that your submission is being taken into account in the current review.

I note that you make the comment that the Environment Division claims that it has no regulatory control (over planned burning). I would like to clarify that point. It is correct that the Environmental Management and Pollution Control Act (EMPCA) does not put in place a system for regulating the use of controlled burning. Further, during the fire permit period (which normally lasts about 6 months) if a fire is lit in accordance with a permit issued under the Fire Service Act, EMPCA does not apply by virtue of section 66 of the Fire Service Act. Outside the fire permit period the general offence provisions of EMPCA do apply and can be enforced by the EPA or a Council officer. There are also civil enforcement provisions.

Kind Regards

Warren Jones

