

Tasmania Fire Service
Review of the Fire
Permit System
Final Report
January 2018

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1 Executive Summary

The 2013 *Tasmanian Bushfires Inquiry* recommended “that Tasmania Fire Service conducts a review of the Fire Permit System in the *Fire Service Act 1979*, and implements change to improve the efficiency and effectiveness of the system...” (Recommendation 91). In response to this recommendation, the Tasmania Fire Service commissioned a comprehensive review into the Fire Permit System. WLF Accounting & Advisory were engaged to facilitate the review, which was overseen by a Steering Committee comprising representatives of the Tasmania Fire Service, State Fire Management Council, Parks and Wildlife Service and Sustainable Timber Tasmania. This report outlines the findings from this review (the review).

This review revealed both a strong appetite for change and a need to reform the Fire Permit System to ensure that it is effective. The review has culminated in 18 recommendations, grouped into seven categories. This review is the first step in the process, with further work to be completed to enable the recommendations of this review to be implemented.



This review included an independent review of the governance and processes surrounding the Fire Permit System, and extensive consultation with stakeholders and the public. Significantly, the stakeholder and public consultation indicated that there is a significant opportunity to enhance the current Fire Permit System, while maintaining a system that regulates fire in the landscape.



The consultation process revealed a **strong appetite for change**, with two thirds of the 373 respondents to the public survey indicating that they do not want to keep the current rules. This is the opportunity to deliver change to the System that will meet the needs of Tasmanians for the next decades to come...

Common ground and strengths identified:

- Common understanding of the purpose of the existing Fire Permit System, namely, to regulate fire in the landscape at times of elevated fire danger.
- The Fire Permit System is largely working to achieve that purpose, but there is room to enhance existing processes.
- It was widely agreed that controlled burns are an important tool for managing fire risk and for other agricultural, forestry and ecological purposes.
- A proportion of landowners who are reluctant to use the Fire Permit System for a range of reasons.
- There has been a decline in use of fire permits over time.
- Data indicates that a significant number of burns typically occur in the days immediately following the end of the Fire Permit Period.
- Volunteer Fire Permit Officers make a significant contribution and are important to the success of the Fire Permit System.
- The registration process is being utilised and the website information is useful.
- A large body of scientific knowledge and experience exists within the fire agencies and the broader Tasmanian community.



Key findings:

- The Fire Service Act 1979 does not establish a clear governance structure for the Fire Permit System.
- There are insufficient cross-organisational linkages between Tasmania Fire Service, Sustainable Timber Tasmania (STT) and Parks and Wildlife Service in relation to the Fire Permit System.
- There is no over-arching agreed risk management framework across the Fire Permit System or within the Tasmania Fire Service to underpin decision-making.
- There is limited scaling and consideration of geographical differences.
- The processes surrounding the appointment and training of Fire Permit Officers require change.
- The processes and systems are primarily manual resulting in inefficient or ineffective document and information management.

In response to the findings of this review, the Steering Committee made the following recommendations.

The Steering Committee recommends that the Tasmania Fire Service undertake further work on these recommendations as part of its current (separate) review of the *Fire Service Act 1979*.

Recommendations

Purpose and Governance of the System

- R1.** 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.
- R2.** Develop a governance structure for state-wide coordination and management of the System.
The governance structure should address: (a) Mechanisms for communication between fire agencies; (b) Fire Permit Officer recruitment, selection, appointment and training; (c) Quality assurance processes and continuous improvement; and (d) Stakeholder management.
- R3.** Create a tiered system for decisions about authority to burn, based on the differences in risk arising from differences in: (a) User sophistication and resources; (b) Scale and attributes of activity; and (c) Level of approval required. The tiered system should be developed with input from experienced Fire Permit Officers and scientific expertise across the three fire agencies.

Elements of the System

- R4.** The System should continue to include the following elements:
 - a. Fire Permit Officers (personnel with authority to grant or refuse permission to conduct a burn);
 - b. Fire Permit Periods (declared periods during which authority to burn is restricted); and
 - c. Total Fire Bans (declared periods during which burning and Activities that May Cause Fire are not permitted).
- R5.** The System should include year-round mandatory registration of all burns (relevant types of “burn” to be defined).
- R6.** The System should include risk-based self-regulation mechanisms (similar to current Machinery Operations Guidelines) that are subject to over-arching controls such as bans.
- R7.** Create a pre-approval system for registered users (eligibility and responsibilities to be defined).
- R8.** The System should include a process for continuous development and review, with stakeholder input. The process should be appropriate to the stage of maturity of the System, with iterative evaluation during implementation, transitioning to periodic review once the System is established.
- R9.** Change high level terminology so that the elements of the System are named in ways that are less authoritarian and better reflect the purpose of the System.

Recommendations

Embrace Technology

R10. Create an online system for: (a) burn registration; (b) applying for, granting and recording permits and burn plans; (c) multiple access, including sharing of data between fire agencies and other stakeholders and access via tablet, smartphone and other devices; (d) weather data; (e) reporting; and (f) data analysis. The online system should be designed to facilitate alignment with fire response, strategic fuel reduction, research and other strategic priorities and programs.

Consistent, Risk-Based Decision-Making

R11. Review and improve policy and process for making decisions about declaring Fire Permit Periods, Total Fire Bans and other restrictions, in relation to matters such as: (a) specifying responsibility for the decision; (b) use of actual vs forecast weather; (c) risk-based framework; (d) factors considered; (e) local variation in conditions; (f) duration and location of restrictions; and (g) consultation with other partner agencies.

R12. Review decision-making process for Fire Permits, including in relation to: (a) burn plan requirements; (b) windspeed limits; (c) site inspection; (d) scope for self-regulation; and (e) how decisions are documented.

Fire Permit Officer Appointment and Training

R13. Develop a skills matrix for Fire Permit Officers that identifies the training and assessment or skills and knowledge that must be achieved and maintained in order to be appointed and continue to perform the functions of a Fire Permit Officer. Arrangements should be made to recognise the skills and experience of existing Fire Permit Officers through Recognition of Prior Learning or other appropriate means.

R14. Change the process for Fire Permit Officer appointment so that: (a) it is more efficient; (b) responsibility for appointment decisions is vested in an appropriate office-holder or body; (c) Fire Permit Officers are appointed for a defined period of time; (d) the appointment clearly identifies the geographical area(s) within which each Fire Permit Officer has jurisdiction; and (e) appointment and renewal of appointment is subject to the Fire Permit Officer demonstrating competency in accordance with the skills matrix.

Compliance and Enforcement

R15. Improve education and training for System users and implementers, including about how the System enables fuel management by means of responsible burning.

R16. Develop policies, processes and procedures to support compliance with and enforcement of the System.

R17. Change offence, enforcement and authority provisions in the Act to ensure they are effective.

Recommendations

Quality Assurance and Continuous Improvement

R18. Create a system for quality assurance which incorporates: (a) routine collection and analysis of outcome data across the fire agencies; (b) mechanisms for oversight of decision-making to ensure consistency; and (c) focus on using data, scientific expertise and information from other jurisdictions to identify opportunities for continuous improvement.

2 Introduction

The *2013 Tasmanian Bushfires Inquiry* recommended “that Tasmania Fire Service conducts a review of the Fire Permit System in the *Fire Service Act 1979*, and implements change to improve the efficiency and effectiveness of the system...” (Recommendation 91). In response to this recommendation, the Tasmania Fire Service commissioned a comprehensive review into the Fire Permit System. WLF Accounting & Advisory were engaged to facilitate the review, which was overseen by a Steering Committee comprising representatives of the Tasmania Fire Service, State Fire Management Council, Parks and Wildlife Service and Sustainable Timber Tasmania. This report outlines the findings from this review (the review).

3 Context and Review Process

3.1 Context

The role of the Tasmania Fire Service is to protect life, property and the environment from the impact of fire and other emergencies. Tasmania’s Fire Permit System plays an important role in this context and enables the monitoring and control of use of fire within Tasmanian communities. It is legislated through Part 5 of the *Fire Service Act 1979* (“*FS Act*”) and the *Fire Service (Miscellaneous) Regulations 2007*.

The purpose of the Fire Permit System is to ensure that the use of fire in the Tasmanian landscape is managed in the interests of preserving life, first and foremost, as well as community assets, infrastructure and other values. The current system relevantly incorporates the declaration of Total Fire Bans and Fire Permit Periods, the issuing and monitoring of fire permits, and the appointment of Fire Permit Officers.

The catalyst for a formal review was the *2013 Tasmanian Bushfires Inquiry* which recommended:

“That Tasmania Fire Service conducts a review of the fire permit system in the Fire Service Act 1979, and implements change to improve the efficiency and effectiveness of the system by:

- *considering whether it is appropriate to authorise persons or organisations to conduct fuel reduction burning during a permit period*
- *providing a better match between the period, area and fire risk*
- *maintaining a timely and efficient process for issuing permits*
- *naming the period in a way that draws attention to bushfire risk*
- *establishing a reporting and accountability process.”* (Recommendation 91).

This Review completes the first part of Recommendation 91. The recommendations of this Review are intended to inform the Tasmania Fire Service in completing the remaining step of Recommendation 91, “implement change to improve the efficiency and effectiveness of the system”.

Other relevant context includes the recent establishment of the State-wide Strategic Fuel Reduction program, which reduces bushfire risk to communities by strategically identifying high priority areas for treatment and which adopts a tenure-blind approach to fuel reduction,¹ the recent review and update of the State Vegetation Fire Management Policy,² and a current wholesale review of the *Fire Service Act 1979*.

It is timely to review the current fire permit arrangements within this context. The Tasmania Fire Service is committed to continuous improvement through reviewing and assessing its work practices in line with community and stakeholder expectations. By performing a comprehensive review of the current Fire Permit System, the Tasmania Fire Service, in conjunction with the State Fire Management Council (SFMC), aims to improve service delivery to the Tasmanian community through delivering administrative efficiencies, quality public education, and integrated systems and procedures relating to the use of fire in Tasmania.

This Review also presents an opportunity to ensure that the Fire Permit System (or alternative System) continues to meet the needs and expectations of the Tasmanian community in relation to fire risk management and that the System is appropriately adapted to changes in demography and climate.

We note that the purpose of the Fire Permit System does not include smoke regulation. Smoke emissions are regulated under other legislation, in particular, the *Environmental Management and Pollution Control Act 1994*, which is administered by the Minister for Environment and Parks and the Department of Primary Industries, Parks and Water (DPIPWE). Smoke regulation is beyond the scope of this review.

3.2 Steering Committee

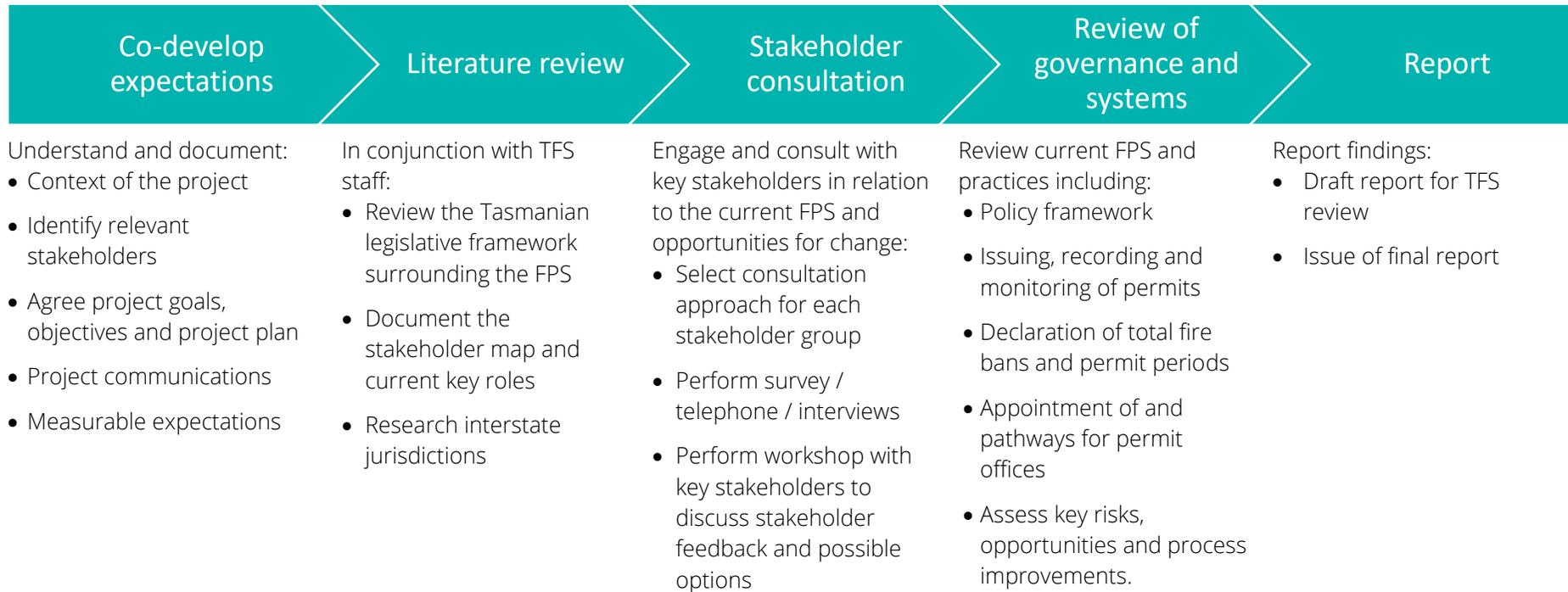
A Steering Committee was established to oversee the project. It comprised the following members:

- Sandra Whight Chair/Project Sponsor Tasmania Fire Service
- Greg Butters Operational Training lead Tasmania Fire Service
- Neil Brooksbank State Operations Tasmania Fire Service
- Debra Pope SFMC Executive Officer Tasmania Fire Service
- Mark Chladil Bushfire Policy and Planning Tasmania Fire Service
- Ian Sauer Council Chairperson State Fire Management Council
- Dean Sheehan Fire Management Forestry Tasmania*
- Paul Black State Fire Manager Tasmania Parks and Wildlife Service

*During the course of the review, Forestry Tasmania's corporate name was changed to "Sustainable Timber Tasmania". Both names are used in this report according to the name that was current at the time of the relevant stage of the review process.

3.3 Review Process

The agreed process for the review was as follows:



4 Analytical frameworks

To identify the key features of any system to control the use of fire, and to assist in comparing the different models that exist in each Australian jurisdiction, we developed a “flower diagram” analytical tool (Figure 1).

To encapsulate the wide range of policy, process, governance and stakeholder management issues that need to be considered in our review of the existing Fire Permit System, we developed a set of “building blocks” (Figure 2).

We used these tools to inform our stakeholder consultation processes, develop criteria for assessing reform proposals and provide a framework for our overall findings and recommendations about the Fire Permit System.

Figure 1. Flower diagram

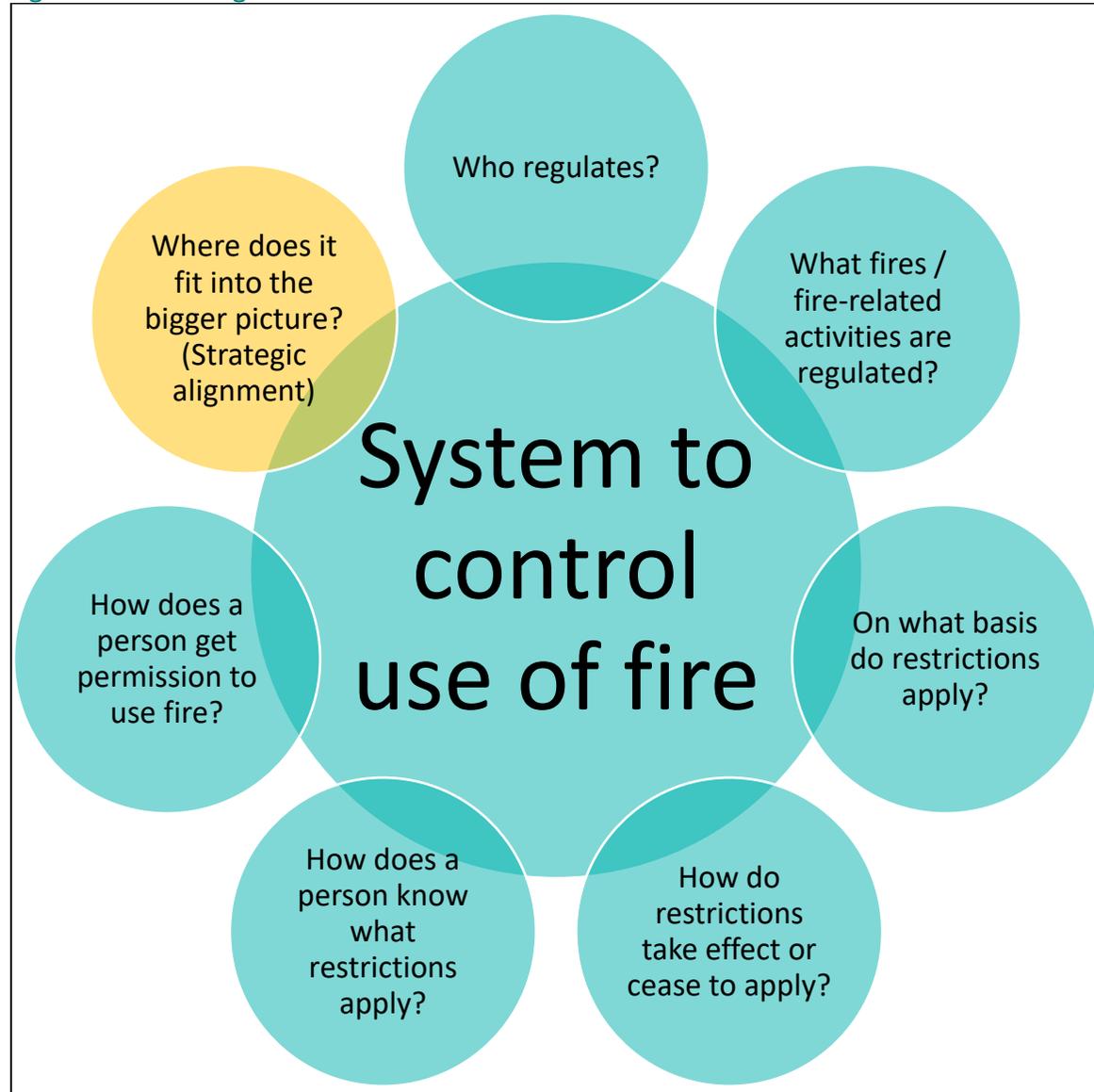


Figure 2. Building blocks

Legislative framework	Structural FS Act provisions establish an effective governance / administrative structure for the FPS		Comprehensive FS Act provisions address all matters needed for the FPS to be effective to control the use of fire in Tasmania		Evidence-based FS Act establishes a FPS which promotes, and is sufficiently flexible to adapt to the findings of outcome data analysis and scientific research about fire in Tasmania			Practical The FS Act establishes a FPS which is workable and likely to succeed within the constraints of the Tasmanian context				
Administer the Act	FPO provisions Decisions re appointment Exercise of powers, duties, functions		Declaring FPPs, TFBs and areas of extreme fire hazard Criteria exist and address all relevant factors Criteria consistently applied		Decisions re FPs and Exemptions Criteria exist and address all relevant factors/ requirements Criteria consistently applied		Compliance and Enforcement Powers and offence provisions are understood and utilised appropriately		Policies and guidelines Exist and are adequately documented Adequately reflect FS Act Up-to-date and evidence-based Are used by decision-makers			
Administrative processes	Processes for the above – Exist Are adequately documented Are followed		Processes to apply for FPs/ exemptions and to register burns – Facilitate compliance Are discoverable and transparent Are efficient		Information systems – Exist Record all necessary information in useful way Are accessible as and when needed		Communication Systems exist to ensure information / decisions are communicated to relevant people in a timely way		Adequate training and induction Personnel responsible for declaring FPP/ TFB / AEFH FPOs		Quality assurance processes exist Consistency of decision-making Evaluation of outcomes	
Governance	FPS is aligned with related policies and programs <i>SFMC Vegetation Fire Management Policy</i> <i>Fuel Reduction Program</i>		Risk management framework Exists Informs decision-making		Evidence-based approach Systems exist to ensure outcome data and research is used to continuously improve FPS policies and processes		FPS oversight Someone has overall responsibility for the FPS Lines of authority are clear and effective		FPO reporting lines Clear Ensure effective supervision		Effective feedback loops exist between FPOs, SFMC, SFC and TFS re FPS processes	
Effective relationships with –	Fire Permit System decision-makers <i>Minister</i> <i>SFC, SFMC</i> <i>FPOs and their supervisors</i>		Fire response personnel <i>TFS members</i> <i>Volunteer brigade members</i>	Bureau of Meteorology Timely access to information needed for decision-making	Land owners/ occupiers/ managers <i>[fire permit users]</i>	Experts <i>People conducting research in fire, climate, environment and related fields</i>	Other regulators <i>Local government</i> <i>EPA</i>	Interest groups <i>Aboriginal</i> <i>Conservation</i> <i>Public health</i> <i>Business/industry</i>		Insurers		Public Transparent policies and processes Awareness of and support for FPS

5 Literature Review

In this section, we provide an overview of the Fire Permit System as it currently exists in Tasmania, then outline and compare key features of the systems that exist in other Australian jurisdictions for regulating the use of fire.

5.1 Tasmania

5.1.1 Overview

The “Fire Permit System” is established by the *Fire Service Act 1979* (Tas) (“*FS Act*”), especially Part V entitled “Emergency Provisions”. The Act is supplemented by the *Fire Service (Miscellaneous) Regulations 2007* (“*FSM Regulations*”). There are, broadly speaking, three levels of restriction that may apply:

- A “Total Fire Ban”;
- A “Fire Permit Period”; or
- Neither of the above.

Additionally:

- an “area of extreme fire hazard” may be declared at any time; and
- certain premises are subject to additional fire safety requirements during a regulated “prescribed period”.

The Minister for Police, Fire and Emergency Services, the State Fire Commission and the State Fire Management Council have functions in relation to imposing and implementing these restrictions.

Key statutory bodies and personnel

The *FS Act* establishes the State Fire Commission (s. 7 and Sch. 1), the State Fire Management Council (s. 14 and Sch. 5) and the Tasmania Fire Service (s. 6). The *FS Act* also provides for the appointment of the “Chief Officer” (s. 10) and of “Fire Permit Officers” (ss. 65-65B).

The **State Fire Commission (“Commission”)** comprises:

- the “Chief Officer” (see below);
- four persons, nominated by the United Firefighters Union (Tasmanian Branch), the Tasmanian Retained Firefighters Association, the Tasmanian Volunteer Fire Brigades Association and the Secretary of the Department of Treasury and Finance respectively; and
- two persons nominated by the Local Government Association of Tasmania.

The **Chief Officer** is appointed by the Governor, being a person who has “expertise and experience in fire service administration and in the management of fire-fighting operations” (s. 10(1A)). The Chief Officer:

- is the “chief executive officer of the Fire Service”;
- in that capacity, is responsible for the control and management of the fire-fighting resources of the Fire Service, the training of officers and fire-fighters and the inspection of brigades, equipment and facilities; and
- performs the functions imposed by the *FS Act*, other Acts and by the Commission.

The **Tasmania Fire Service** comprises the Chief Officer, who is the CEO and “members”, defined as employee and volunteer members of brigades and other employees who are not brigade members (see s. 3). The Tasmania Fire Service is under the control of the Commission (s. 6), which determines the chain of command and order of seniority of members of the Fire Service and members of brigades that applies during fire-fighting operations (s. 42).

The **State Fire Management Council (“Council”)** comprises:

- a person nominated by the Minister, who chairs the Council;
- the Chief Officer and another member of the Tasmania Fire Service;
- the Chief Executive Officer of Forestry Tasmania and a person nominated by them;
- the Director of National Parks and Wildlife and a person nominated by them; and
- three persons, nominated by the Tasmanian Farmers' and Graziers' Association, the Forest Industries Association of Tasmania and the Local Government Association of Tasmania respectively.

The Council's functions primarily relate to the management, prevention and mitigation of "vegetation fires" (see s. 15), including the declaration of Fire Management Areas ("FM Areas"; s. 17) and establishment of Fire Management Area Committees ("FMACs"; ss. 18-19). Most relevantly for the purposes of this review, the Council's functions also include the appointment of "Fire Permit Officers".

Fire Permit Officers

There are four ways that a Fire Permit Officer can be appointed, as follows:

Type of Fire Permit Officer	Selection criteria	Appointment / authorisation	Fire permit applications dealt with
Fire Permit Officer in respect of the State forest within the FM Area	Nominated by CEO, Forestry Tasmania	Appointed by Council on recommendation of FMAC	Applications in respect of State forest within the FM Area
Fire Permit Officer in respect of reserved land as defined in the <i>Nature Conservation Act 2002</i> within the FM Area	Nominated by Secretary of Department of Primary Industries, Parks and Wildlife and the Environment	Appointed by Council on recommendation of FMAC	Applications in respect of reserved land within the FM Area
Fire Permit Officer in respect of other land within the FM Area	A member of a brigade that is based in the Fire Management Area or a person who has skills, qualifications or experience that the Council considers would enable that person to carry out the duties of a Fire Permit Officer competently	Appointed by Council on recommendation of FMAC	Applications in respect of other land within the FM Area
Authorised member of the Tasmania Fire Service	Member of the Tasmania Fire Service	Authorised by the Commission to determine s. 66 fire permit applications for that area	Applications in respect of other land within the FM Area

The Fire Permit Officer appointment provisions (and other provisions in the *FS Act*) recognise and support the land management, fire risk management and other fire-related roles of Forestry Tasmania and the Parks and Wildlife Service in Tasmania.

The processes for appointment and training of Fire Permit Officers are considered in the Stage One Consultation and Process Mapping. The *Perth Hills Bushfire Review* (WA 2012) highlighted the importance of fire risk management decision-makers having adequate training and skills and made recommendations about this (see pages 64-65, Recommendation 15 and pages 183-184, Recommendation 53).

Governance arrangements

The *2013 Tasmanian Bushfires Inquiry* made general findings and recommendations about the lack of and need for over-arching leadership to ensure a risk-based strategic approach to fire risk management in Tasmania (see pages 202-214 and associated recommendations). Whilst these findings were not specific to the Fire Permit System, they are nevertheless relevant. We note in this regard that the *FS Act* does not specify which person or organisation has overall responsibility for the Fire Permit System. Similarly, the *FS Act* does not expressly allocate responsibility for directing, supervising and/or controlling Fire Permit Officers, who may presumably include Forestry Tasmania and Parks and Wildlife Service employees and Tasmania Fire Service employees and volunteers. However, the Commission is responsible for reimbursing expenses incurred by Fire Permit Officers in the course of their duties and for determining appeals against decisions made by Fire Permit Officers (see below).

Recommendation 2 of this review addresses the need for a state-wide governance structure.

5.1.2 Restrictions on the use of fire in Tasmania

Total Fire Ban

The State Fire Commission (“Commission”) has power to declare a Total Fire Ban (“TFB”; s. 70). The declaration may specify fires that are not subject to the ban and/or may prohibit or restrict the use of specified machines or apparatus in the open air on that day or those days. The *FS Act* does not provide any criteria for deciding whether to declare a TFB or the nature and extent (temporal and geographical) of restrictions to be applied. The Tasmania Fire Service has an internal Chief Officer’s Command Doctrine about declaring Total Fire Bans which is considered in the Stage One Consultation and Process Mapping.

During a TFB, a penalty of up to 200 “penalty units” (\$31,400)³ applies if a person (s. 71):

- lights, or causes to be lit, or maintains or uses, **“a fire in the open air on any land for any purpose”**, unless that fire is excluded from the ban; or
- uses or causes to be used “in the open air on any land” any machine or apparatus contrary to any prohibition or restriction in the declaration.⁴

Additionally, use of a “solid-fuel engine outside an enclosed building” is prohibited on days of Total Fire Ban (penalty: 26 penalty units / \$4,082: *FSM Regulations* reg. 10).

During a TFB, the Fire Service and members of the public may exercise certain powers to extinguish fires or prevent them from spreading (ss. 72-73). Additionally, if a fire occurs on land to which a TFB applies, the occupier of the land must, immediately after becoming aware of the existence of the fire, “take diligent steps to extinguish the fire or to prevent it from spreading” and report the fire to the nearest brigade, a police

officer or a member of the Fire Service (s. 70(4)(c); a penalty of 50 penalty units (\$7,850) applies for failure to comply). There is no publicly available data about the frequency of non-compliance with these provisions or associated enforcement actions. The *2013 Tasmanian Bushfires Inquiry* highlighted the need for rigorous investigation and enforcement to ensure compliance with the law (page 215, Recommendation 89).

Fire Permit Period

The Commission has power, with the approval of the Minister, to declare a Fire Permit Period ("FPP"; s. 61). Again, no criteria are specified for deciding whether to declare a FPP or the nature and extent of restrictions to be imposed. The Tasmania Fire Service has an internal Chief Officer's Command Doctrine about declaring Fire Permit Periods which is considered in the Stage One Consultation and Process Mapping.

When a FPP has been declared, the Commission may:

- "take all necessary steps to abate the danger of fire", including by requisitioning certain forms of assistance;
- prohibit the use of "any specified plant, machine, engine, article, appliance, or material that it considers likely to cause a risk of fire"; and
- may give orders, notices or directions for these purposes (s. 62).

In general, during a FPP, the *FS Act* provides that a person shall not:

- "light or cause to be lit, or maintain or use" **"a fire in a fire protected area"**, meaning "an area which includes the whole or any part of a State forest, any reserved land as defined in the *Nature Conservation Act 2002*, or any Crown land", unless the fire is "lit in a place specially constructed for the purpose" (penalty: 26 penalty units / \$4,082; see s. 66(1)-(3)); or
- light (etc) a **"fire in the open air on any land for the purpose, or that is likely to have the effect, of clearing vegetation from that land or for a similar purpose"** unless:
 - the person does so under the authority of and in accordance with a **fire permit** granted by a Fire Permit Officer (penalty: 26 penalty units / \$4082; see s. 66(1)); and
 - the person "takes all reasonable precautions to prevent the fire from spreading to adjoining land, and observes such precautions as are determined by the Commission and as may be required by a brigade chief or other officer of the Fire Service" (s. 63); or
- light a "camp fire" (see below) unless, in addition to complying with other "camp fire" requirements (see below), "all flammable material has been moved to a place that is at least 3 metres from the site of the fire" (penalty: 50 penalty units / \$7,850; see s. 69(1) and (3)).

Permits are also required for certain fires at sawmills and factories during a Fire Permit Period (see *FSM Regulations* reg. 13).

If a fire occurs on land to which a FPP applies, the occupier of the land must, immediately after becoming aware of the existence of the fire, “take diligent steps to extinguish the fire or to prevent it from spreading” and report the fire to the nearest brigade, a police officer or a member of the Fire Service, unless the fire has been lit in accordance with a permit or is a camp fire that complies with the requirements listed above (s. 64).

Fire permits may be granted by a Fire Permit Officer (ss. 65A, 66), subject to such conditions as the Fire Permit Officer and/or the Commission may determine. The Tasmania Fire Service has developed a set of *Guidelines for Issuing Fire Permits* (version 1.4, November 2015). An overview of the process is illustrated in Figure 3. The process is considered in the Stage One Consultation and Governance/Systems Review.

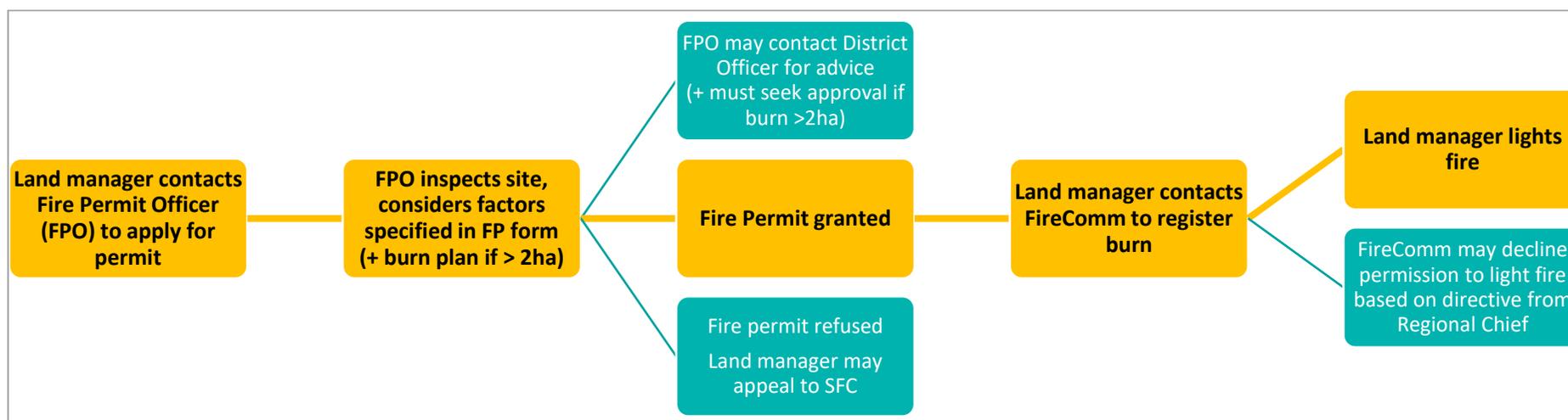


Figure 3. Fire Permit application process

When deciding whether to grant a fire permit, the *FS Act* provides that the Fire Permit Officer:

- is to have regard to such advice, recommendations and reports as he or she is given by the Commission or the relevant FMAC (s. 65A(2)); and
- “shall, if practicable”, confer with the “appropriate officer” for the area (broadly speaking, a brigade chief or other officer of the Fire Service) and must refuse to grant the permit if the appropriate officer considers that the “prevailing conditions are such that a fire lit under the authority of the permit, if granted, might spread to land other than that to which the permit relates or might be beyond the capacity to control of the fire brigades readily available for the purpose” (s. 66(5)).

Different requirements apply to fire permits in respect of sawmills and factories (see *FSM Regulations* reg. 13).

If the Fire Permit Officer refuses to grant the permit, the applicant may appeal to the Commission (s. 66). A fire permit may be varied, suspended or revoked at any time by the Fire Permit Officer or by the “appropriate officer” in respect of the land (s. 67; different definition of “appropriate officer” applies). Fire permits automatically cease to have effect, and cannot be granted, if a Total Fire Ban is declared in relation to the land to which the permit relates (s. 70(4)).

In practice, fire permit “embargoes” are also issued by Regional Chiefs within the Tasmania Fire Service at times of elevated fire danger and/or when fire response resources are working at or near capacity. These are considered in the Stage One Consultation and Process Mapping.

Lighting and controlling a fire in accordance with the conditions of a fire permit has two important legal benefits for the person:

- The person is “exempt from the *Environmental Management and Pollution Control Act 1994*” (see below); and
- Provided that the person complies with the directions contained in the permit, the person “is not liable for any loss, injury or damage caused by that fire unless it is proven that the person acted maliciously or recklessly”.

5.1.3 Other restrictions under the *FS Act*

As noted above, there are two additional, more limited forms of restriction that may apply under the *FS Act*.

Area of extreme fire hazard: The Commission may, of its own motion or at the request of the owner or occupier of an area of land, declare that area of land to be an area of extreme fire hazard (“AEFH”; s. 68). If an AEFH declaration is in force, a person must not enter the area unless they:

- are exercising a power or authority conferred on them by the *FS Act*;
- have obtained a permit to enter the land from a brigade chief or other officer of the Fire Service; or
- are an employee of or acting with authority from the Parks and Wildlife Service or the Hydro-Electric Corporation (Hydro).

It appears the Commission very rarely exercises its power to declare an AEFH.

Prescribed period: sawmills and wood-fuel mills are required to have firebreaks during the “prescribed period” of 1 October to 30 April (*FSM Regulations* regs 3, 9).

5.1.4 Other times – no FPP or TFB in effect

At times when no Total Fire Ban or Fire Permit Period is in force, there are few provisions in the *FS Act* restricting the use of fire or fire-related activities:

- Certain requirements apply to “camp fires” (see below);
- Certain premises that have elevated fire risk and/or are difficult to evacuate are subject to special requirements to have fire-fighting equipment available onsite (see *FSM Regulations*, Part 3 and *General Fire Regulations 2010*); and
- “Solid fuel engines” are subject to certain operating requirements (*FSM Regulations* reg 10).

“*Camp fires*” are defined as fires that are “not ... within an enclosed building” and that are:

- “for cooking or warmth” (s. 69(1)(a));
- “for the burning of carcasses” (s. 69(1)(b)); or
- “lit, maintained or used to burn domestic garden refuse, where the burning is done in heaps not exceeding one cubic metre in volume or in an incinerator” (s. 69(1)(c) and *FSM Regulations* reg. 14).

These fires must not be lit “in or on peat, humus, or marram grass” or “within 3 metres of any stump, log, or standing tree”. A “camp fire” must not be left unattended unless it has been completely extinguished.

5.1.5 Other restrictions on the use of fire

Other Tasmanian laws, apart from the *FS Act*, also restrict the use of fire in certain circumstances:

- **Local governments:** have powers to abate, or order the occupier to abate, a “nuisance” (ss. 200-204A, *Local Government Act 1993*). Additionally, some local government by-laws expressly prohibit the lighting of fires at certain times, impose conditions and/or require council permission;⁵ and
- **Environmental protection:** Regulations under the *Environmental Management and Pollution Control Act 1994* (“*EMPC Act*”) restrict the production of smoke and restrict the burning of waste and fuel.⁶ These regulations are currently under review.⁷

5.1.6 Compliance and enforcement

Part V of the *FS Act* creates several offences, which are supplemented by additional offences in s. 128. These offences and the applicable penalties are summarised in the table below (Figure 4). Proceedings for offences under the *FS Act* are to be heard and determined by a Magistrate (s. 129). Tasmania Fire Service does not currently have a policy or procedures for prosecuting offences under these provisions. Recommendations 15-17 of this Review address compliance and enforcement arrangements.

The *Fire Service Amendment (Fire Infringement Notices) Act 2016* ("*FSAFIN Act*") has not yet commenced (s. 2). If and when it is proclaimed, it will confer power on "issuing officers" to serve a fire infringement notice on a person if satisfied that the person has committed an offence. The definition of "issuing officer" under the *FSAFIN Act* does not automatically include Fire Permit Officers, but they could be authorised as such by the Chief Officer (s. (1)(c)). The provisions to which the *FSAFIN Act* will apply are indicated in Figure 4 with an asterisk (*).

Other Acts, including the *Criminal Code Act 1924*, *Police Offences Act 1935*, *Forest Practices Act 1985* and *National Parks and Reserves Management Act 2002*, also create offences in relation to unauthorised lighting of fires (recently reviewed by the Sentencing Advisory Council (Tas) in its Final Report No. 1, *Arson and Deliberately Lit Fires* (2012)). The provisions of these Acts are beyond the scope of this review. However, we note that certain officers have compliance, enforcement and prosecution powers under the *Forest Practices Act 1985* ("forest practices officers", see ss. 40-41) and the *National Parks and Reserves Management Act 2002* ("authorised officers", see Part 4).

Figure 4. Summary of offences and penalties under the *FS Act*

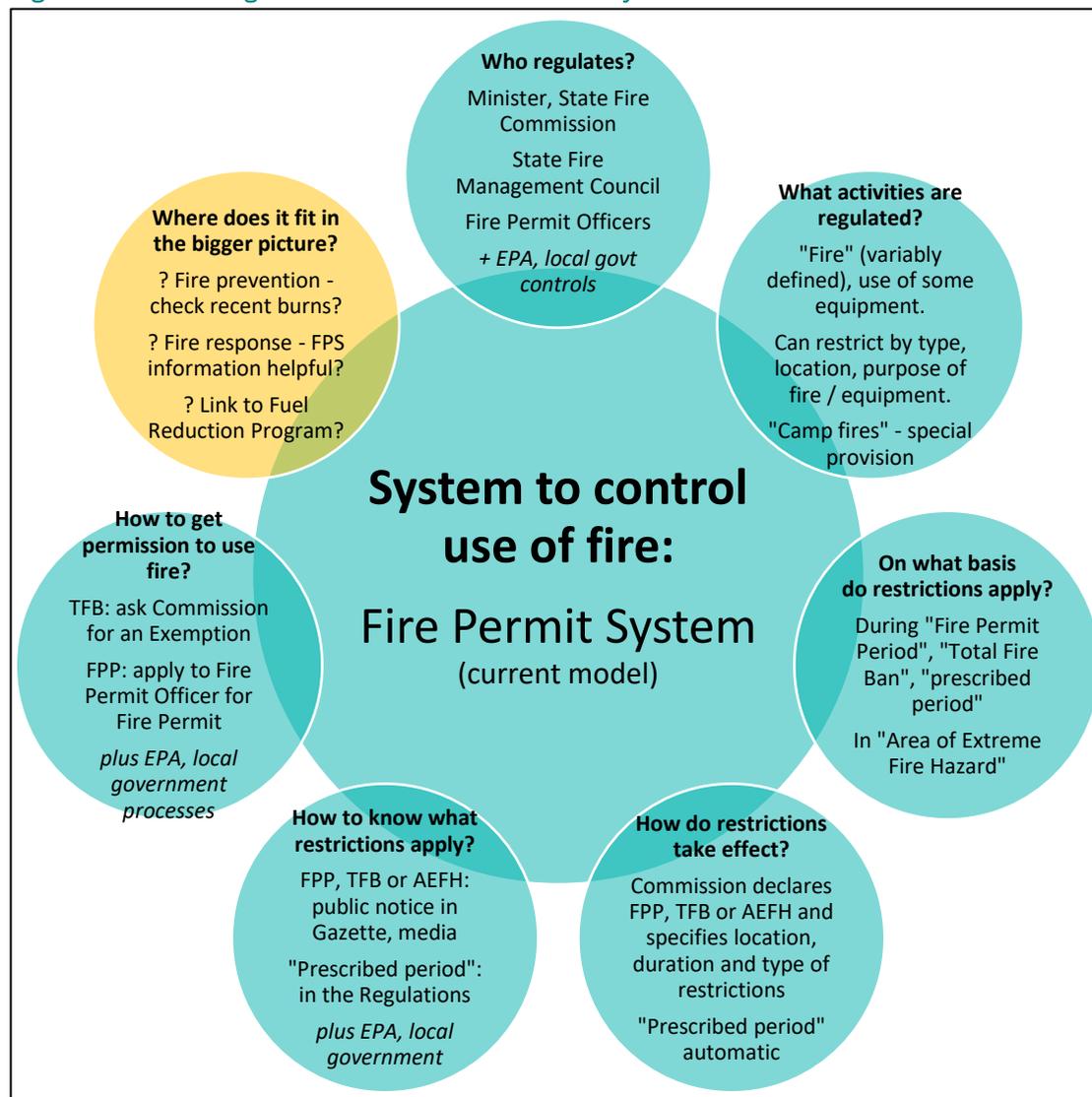
Section	Description of offence	Penalty
	Offences relating to Fire Permit Period (see also "Other offences" below)	
s. 69(4)*	Lighting a "camp fire" (as defined in s. 69) during a Fire Permit Period, unless all flammable material has been moved to a place that is at least 3 metres from the site of the fire.	50 penalty units*
s. 66(1)(a)*	Lighting ... a fire in a "fire protected area" (State forest, reserved land or Crown land) during a Fire Permit Period, except in accordance with Fire Permit	26 penalty units*
s. 66(1)(b)*, also s. 63*	Lighting ... a fire that is intended or likely to clear vegetation from land during a Fire Permit Period, except in accordance with Fire Permit	
s. 62(5)	Failure to comply with order, notice, or direction made or given by the Commission for the purpose of exercising its powers in relation to a Fire Permit Period	

Section	Description of offence	Penalty
	Offences relating to Total Fire Ban (see also "Other offences" below)	
s. 71(a)*	Lighting etc a fire in the open air on any land for any purpose during a Total Fire Ban	200 penalty units*
s. 71(b)*	Using etc any machine or apparatus in the open air on any land contrary to a Total Fire Ban	
s. 70(4)(c)	Failure by occupier of land to report fire and attempt to extinguish or prevent it from spreading (Defence: if the failure to comply arose from occupier being unaware of Total Fire Ban: s. 70(6))	50 penalty units
	Offences relating to Area of Extreme Fire Hazard	
s. 68(2)*	Entry into Area of Extreme Fire Hazard without a permit	26 penalty units*
	Other offences	
s. 128(2)(a)*	Failure by owner/occupier of land to take reasonable measures to prevent the escape of fire from that land	During Total Fire Ban: 100 penalty units or 12 months' imprisonment* During Fire Permit Period: 50 penalty units or 6 months' imprisonment* Other times: 26 penalty units*
s.128(2)(b)*	Igniting, using or carrying any flammable material so as to endanger another person's land or any Crown land	
s. 128(2)(c)*	Lighting etc or leaving unextinguished a fire in the open air without taking reasonable precautions for preventing the spread of the fire	
s. 128(2)(d) *	Failure to comply with an order, notice, direction, or requirement given under this Act	
s. 128(2)(e)*	Lighting etc a fire on land without authority of owner/occupier during a Fire Permit Period	
s. 128(2)(f)*	Causing any ignited material to be within 6 metres of any ripened agricultural crop, stubble, stack of or building containing flammable agricultural crops, stack of timber or vegetation during a Fire Permit Period	
s. 128(2)(g)*	Dropping etc any match, tobacco, cigar, or cigarette in an open space during a Fire Permit Period or Total Fire Ban without first extinguishing it	

Section	Description of offence	Penalty
s. 69(2)*	Light a "camp fire" (as defined in s. 69): (a) in or on peat, humus, or marram grass; or (b) within 3 metres of any stump, log, or standing tree.	50 penalty units*
s. 69(3)*	Leave "camp fire" (as defined in s. 69) unattended, unless it has been completely extinguished.	50 penalty units*
s. 128(1)(a)*	Wilfully obstructing, hindering or interfering with a member of the Fire Service who is performing any function or exercising any power under this Act	26 penalty units or 6 months' imprisonment*
S. 128(6)*	Repeat offenders: Where a person is convicted of an offence against this Act, having at any time previously been convicted of the same offence	Double the prescribed penalty*

5.2 Flower diagram analysis – Tasmania

Figure 5. Flower diagram – Tasmanian “Fire Permit System”



The flower diagram analysis (Figure 5) highlights the following features of the Fire Permit System:

Who: Governance by multiple organisations;

What:

- No consistent definition of the type of “fire” that is being regulated;
- Specific provision for “camp fires”;
- Power to regulate use of equipment with fire risk;
- Flexibility in nature and extent of restrictions;

Basis of restrictions and how they take effect:

- Temporal, declared: FPP, TFB; no statutory criteria for declaring;
- Temporal, automatic: “prescribed period” from 1 October-30 April (only applies to sawmills, wood-fuel mills and timber landings);
- Geographical, declared: AEFH; no statutory criteria;

How to know:

- Nature, extent and duration of FPP, TFB and AEFH restrictions are notified in the Gazette;
- “prescribed period” defined in Regulations;
- EPA, local government restrictions also apply;

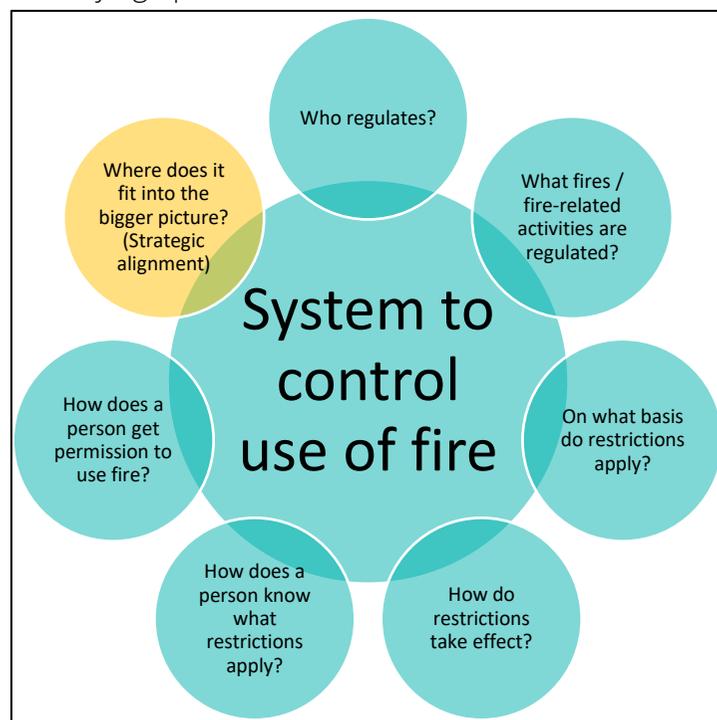
How to get permission:

- FPP – permit process specified in Act;
- TFB – no process specified for “exemption”;
- EPA, local government processes also apply;

Strategic alignment: Not specified.

5.3 Other jurisdictions

In this section of the report we identify the different approaches taken in other Australian jurisdictions, based on our desktop research of the respective legislative frameworks. The “flower diagram” analysis has been used to facilitate comparison of the different models and to assist in identifying options for reform.



5.3.1 Who regulates?

In Queensland, SA and the ACT, responsibility for decisions to impose restrictions and to grant permits is vested in a **single office-holder**, namely, the Chief Officer of the SA Country Fire Service, the Commissioner of the Queensland Fire & Emergency Service and the Emergency Services Commissioner (ACT).

In the ACT, the Commissioner has a **statutory requirement to consult** with the Bushfire Council before declaring a change of dates for the “bushfire season”.

In NSW, WA and the NT, the legislative framework confers responsibilities on **several office-holders and organisations** in relation to decisions to declare restriction periods/zones and to appoint permit officers (see further Figure 12 below).⁸ This is similar to the Tasmanian model.

Options for reform: Who regulates?

Single person responsible for declarations and permits	Single person responsible, mandatory requirement to consult	Several office-holders and organisations <i>(Tasmania current model)</i>
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Structures with responsibility shared between several office-holders and organisations may reflect the principle of shared responsibility for fires, or may simply reflect the historical development of the relevant framework. There may be opportunities to streamline such arrangements to ensure clear lines of responsibility. Single office-holder models (with or without a consultation requirement) clearly establish who has responsibility for decision-making and for supervising the issuing of permits.

5.3.2 What activities are regulated?

A balance needs to be struck between legislating for specific situations while avoiding unnecessary legislative complexity (Figure 6).



Broadly speaking, across Australia, four different approaches are taken – in various combinations – to define the types of fires and fire-related activities that are regulated. These are summarised in the table below (Figure 7).

In Queensland, **all fires in the open air are prohibited at all times**, unless fires of that type are authorised by proclamation in the Gazette or there is a permit for the particular fire. During a Local Fire Ban, all “authorised” fires are prohibited. In a “State of Fire Emergency”, variable restrictions including permit requirements can be imposed.

In the ACT, the legislation applies broadly to “**fires in the open air**” but special provisions apply to “**fires for cooking**”. Permits are required at certain times for “**burning off**” and for “**high risk activities**” (defined as welding, grinding, soldering, gas cutting and other prescribed activities). A similar approach is followed in SA.

In the NT, most provisions apply to a “**fire in the open air**” but special provisions apply to “**small fires**” and to certain fire risk activities. Interestingly, the definition of “**light a fire**” imposes special responsibility on landowners and occupiers: “a person is taken to light a fire if the person ... as the owner or occupier of the land on which the fire is lit – permits another person to light, maintain or use the fire” (s. 4(e), *Bushfires Management Act 2016* (NT)).

Victoria and WA follow a similar approach to the ACT but with very **detailed provisions regulating the use of several specific types of fire**, for example, fires for germinating clover (WA), “burning of plants to eradicate disease” (WA) or “for the purpose of extracting honey, relocating, bees, rail maintenance, heating bitumen, welding, gas-cutting, soldering, grinding or charring” (Vic).

In NSW, again, different requirements apply depending on the purpose for which the fire is lit. **Regulations apply year-round to activities** such as grinding, welding or the use of explosives are subject to regulation.

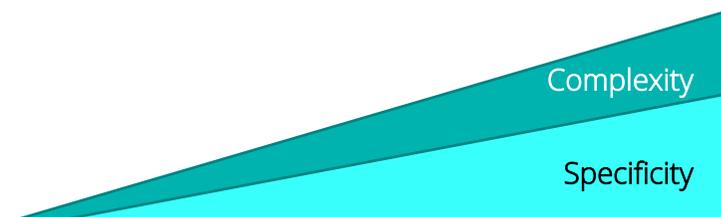


Figure 6. As specificity increases, so does complexity

Figure 7. What activities are regulated?	Tas	Qld	ACT	NT	Vic	WA	NSW	SA
Lighting any “fire in the open air”	TFB only	✓	✓	✓	✓	✓		✓
Lighting of fires for specified purposes	✓		✓		✓✓	✓✓	✓✓	✓
Lighting of cooking fires / small fires	✓		✓	✓	✓	✓	✓	✓
Activities that create a fire risk	✓		✓	✓	✓	✓	✓	✓

5.3.3 On what basis do restrictions apply?

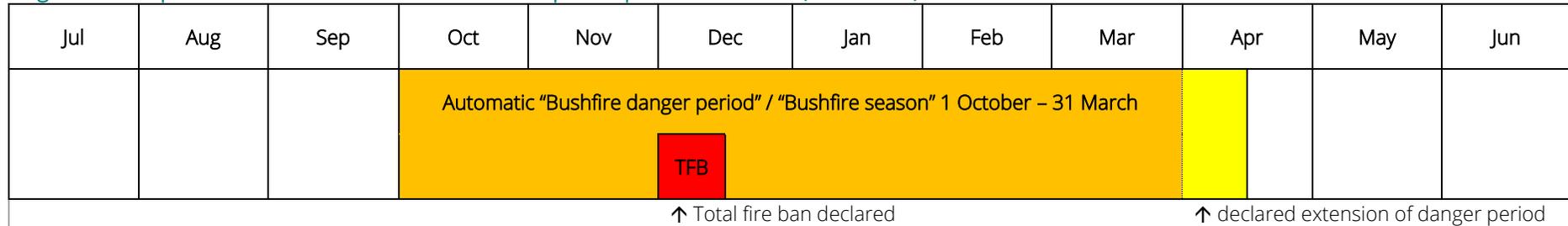


There are four bases on which restrictions are applied – again, in various combinations – across Australia. These are:

- Temporal;
- Meteorological;
- Geographical; and
- Year-round.

Temporal restrictions apply either **when a period of restriction is declared** – such as the declaration of a fire danger period or total fire ban in Victoria (or FPP/TFB in Tasmania) – or as a **pre-defined calendar period of restriction that operates automatically**, as occurs in the NSW and ACT legislative frameworks where a “bushfire danger period” / “bushfire season” run from 1 October to 31 March, unless a different period is declared or an area is exempted.

Figure 8. Temporal restrictions – automatic calendar period plus declarations (ACT / NSW)



Meteorological criteria: In WA, some provisions apply only when the Bureau of Meteorology forecast fire danger rating is either *less than* or when it *reaches* a certain level (Figure 9). If the **forecast fire danger is ‘Catastrophic’, ‘Extreme’, ‘Severe’ or ‘Very High’**, the following additional restrictions apply:

- Garden refuse cannot be burned (s. 24D);
- Camping and cooking fires cannot be lit without the prior written approval of the local council (s. 25(1)(a));
- Permits for certain burns are effectively suspended until the next day on which the fire danger forecast is below “Very High” (regs 15B(7) and 33(13)); and
- Such other restrictions as may be prescribed in the regulations (s. 20(2)(c) and see eg reg. 21B).

WA also has a “limited burning time”, which is essentially the times during a declared Prohibited Burning Time or declared Restricted Burning Time when the forecast fire danger is either “Low-Moderate” or “High”, allowing garden refuse to be burned in certain circumstances (s. 24F).

Figure 9. Meteorological criteria in conjunction with declared periods of restriction (WA)

		declared Prohibited Burning Time (restrictions apply to fires in the open air)	declared Restricted Burning Time (restrictions apply to fires in the open air)	Other times
Bureau of Meteorology forecast fire danger	LOW – MODERATE or HIGH	Limited Burning Time		Burning of garden refuse permitted
	VERY HIGH, SEVERE, EXTREME or CATASTROPHIC	PBT / RBT restrictions apply, <u>plus</u> : <ul style="list-style-type: none"> Burning of garden refuse prohibited Camp fires / cooking fires require prior written approval of local council Permits suspended until next day with fire danger less than “Very High” (RBT) 		Burning of garden refuse prohibited

The NT uses a combination of temporal restrictions and **geographical restrictions** (see Figure 10). The Minister can declare an area to be a “fire protection zone” or a “fire management zone”. In a **fire protection zone**, owners and occupiers must create firebreaks; fire risk activities are restricted at all times and a permit is required at all times before lighting a fire. In a **fire management zone**, Bushfires NT must prepare an area fire management plan. Additionally, in both types of zone, further restrictions can be imposed at any time by public notice and owners/ occupiers may be required to prepare an enforceable “property fire management plan”.

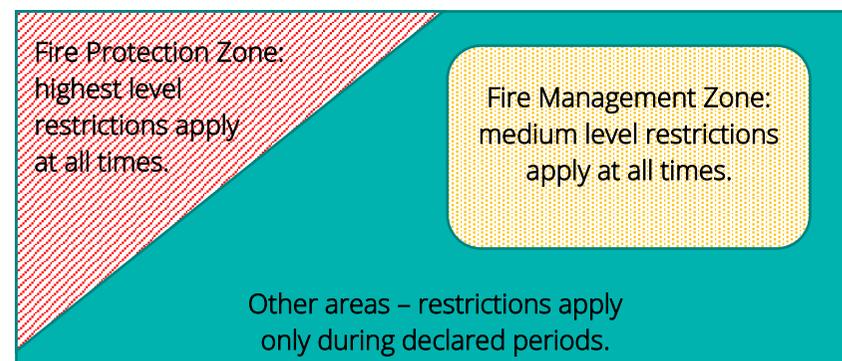
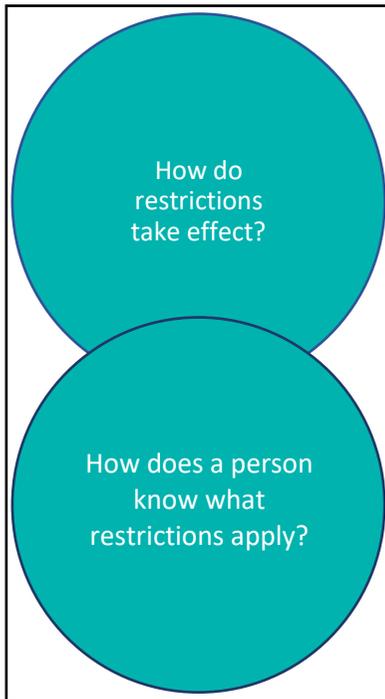


Figure 10. Geographical restrictions (NT)

Finally, as outlined in Figure 7 above, in Queensland all fires in the open air are prohibited **at all times**. This means that, to light any fire, a person must either light it in accordance with the requirements of a generally applicable “authorisation” (published by the Commissioner in the *Gazette*) or obtain a permit to light the fire from the Commissioner. Further restrictions (such as the suspension of authorisations) may be imposed by the Commissioner when declaring a Local Fire Ban or State of Fire Emergency.

5.3.4 How do restrictions take effect and how does a person know what restrictions apply?



There are three main ways that restrictions take effect:

- by operation of law;
- by declaration; or
- by prohibiting all fires, then authorising or granting permits for certain fires.

Restrictions that take effect **by operation of law** include the provisions outlined in the previous section that take effect according to fixed dates in the calendar (eg the ACT / NSW “bushfire season” / “bushfire danger period”) or whenever specified forecast fire danger levels are reached (as in WA). This category also includes restrictions that operate **whenever certain criteria are met**, for example, that a fire is lit for a certain purpose or is of a certain size (eg the provisions that apply to “camp fires” in Tasmania). The advantages of restrictions applying by operation of law is that, because the restrictions are set out in published legislation, they are **consistent, certain** and **discoverable**. However, the cost is **reduced flexibility** (Figure 11).

Restrictions that take effect **by declaration** include the declared danger periods in Tasmania, Victoria, WA, SA and the NT as well as the declared extensions of the automatic danger periods in NSW and the ACT. The NT’s geographical restrictions also apply by declaration. The advantage of declared restrictions is that they allow **flexibility as to the timing, nature, location and degree of restrictions**. There is, however, a **risk of inconsistent decision-making**. This can be addressed by using **criteria** to determine when to make a declaration and what restrictions to impose. In the ACT, criteria are listed in the legislation (s. 114). In other jurisdictions, internal guidelines are presumably relied on.

Another consideration is the need to ensure that declarations are **adequately publicised and easily discoverable**. Most jurisdictions require declarations to be notified in the government *Gazette*; some also require that they be published in newspapers or on the radio (as in ss. 61, 62 and 70, *FS Act*).

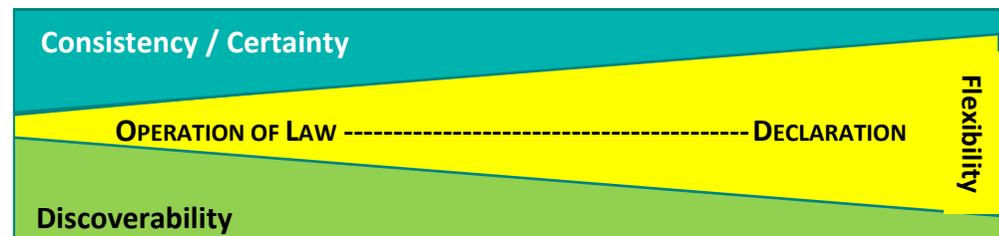


Figure 11. Balancing flexibility, consistency and discoverability

Finally, Queensland takes the converse approach of **prohibiting all fires**, so a fire can only be lit if the Commissioner has authorised fires of that type or a permit is obtained (Figure 12 below). This system may encourage people to contact fire services for information and permission before lighting a fire.

5.3.5 How does a person get permission to use fire?



There are two ways that permission to use fire is available:

- The fire is **authorised by or under the legislation** if the person complies with certain requirements; or
- The person **obtains a permit** to light the particular fire (or engage in a fire risk activity).

The authorisation/ permit requirement approaches differ in terms of **certainty, consistency of decision-making, flexibility and ease of discovering the relevant authorisation or permit conditions**. Other competing considerations are also relevant, discussed below and illustrated in Figure 13.

Authorised fires: for example, legislative provisions in most jurisdictions (including Tasmania) authorise fires for the purpose of cooking (variously described), provided that they are smaller than a certain size and that land around them is cleared to a certain distance. In Queensland, where all fires are prohibited unless authorised or permitted, the Commissioner can issue a notice authorising fires of a particular type. These authorities are published in the *Gazette*.

Permits: permit provisions typically state that a fire may be lit only **with the authority of and in accordance with the conditions of a permit**. In some jurisdictions, criteria for deciding whether to grant or refuse a permit are spelled out in the legislation. Similarly, permit conditions – or at least standard conditions – may be prescribed in regulations or left to the permit issuer's discretion. Figure 12 provides an overview of arrangements across Australia.

The allocation of **responsibility for issuing permits** reflects considerations of:

- **Expertise:** whether power to issue permits is conferred on people with knowledge of fires (ACT, NSW, NT, Qld, SA, Tas), the relevant land area (appointed from forestry / reserve management organisations – Vic, Tas) and/or local knowledge (appointed by local government – Vic, WA);
- **Stakeholder involvement:** whether power to issue permits is conferred only on officers of the fire service (ACT, NSW, Qld), specially appointed officers (NT, SA, Tas), or a mixture of officials from local government, forest and/or reserve land managers (Vic, WA); and
- **Consistency in decision-making:** whether there is a single reporting line for permit issuers (ACT, NT, Qld), or involvement of personnel from multiple organisations that may have differing operational priorities (NSW, SA, Vic, WA, Tas).

In contrast, for **fires authorised by legislation**, responsibility for deciding if a fire complies is placed, initially, on the person lighting it, whose expertise may be substantial (such as a landowner experienced in conducting controlled burns) or very limited (for example, tourists lighting a campfire).

Figure 12. Permit arrangements in each jurisdiction

	Tas	ACT	NSW	NT	Queensland	SA	Vic	WA
Who decides?	"Fire Permit Officer" from TFS, Forestry Tasmania or DPIPW	Commissioner	Rural Fire / Fire & Rescue Service personnel	"fire warden" appointed by Bushfires NT	Commissioner	"authorised officer" = authorised by Chief Officer or by council with Chief Officer approval	Chief Officer or "fire prevention officer" from by land management agency or local council	Local government "fire control officer" or local government CEO
When to grant	No legislated criteria	Criteria in Act	Broad criteria	No legislated criteria	No legislated criteria	Some criteria	No legislated criteria	No legislated criteria
Conditions	Discretionary	Discretionary	Discretionary	Discretionary	Discretionary	Prescribed + discretionary	Prescribed + discretionary	Prescribed + discretionary

Another difference between the legislative authorisation and permit requirement approaches is the extent of **opportunity for involvement by the regulator** – if a person has to apply for a permit or seek information from the fire service about what fires are authorised (as in Queensland), the fire service or permit issuer ("the regulator") is likely to become aware of fires before they are lit and have opportunities to impose controls, consider the needs of affected stakeholders, gather and analyse data about the fire location and its outcome, and ensure the fire is fully extinguished.

Opportunities for regulator involvement can also be created by requiring that **notice** be given to local fire services (and others) before lighting a fire, as occurs in NSW, SA, WA, Tasmania (through FireComm registration process) and, to a limited extent, the ACT (notification to neighbours only).

A related consideration is how to promote **compliance**. Where regulators are involved (permit processes, notice), they can monitor compliance with permit conditions and legislative requirements. The level and effectiveness of enforcement arrangements, including severity of penalties and frequency of prosecutions for non-compliance, needs to be considered.

In Queensland, a **compliance incentive** applies: a person is protected from liability for loss, injury or damage caused by a fire if they complied with the authorisation or permit (similar to Tas).

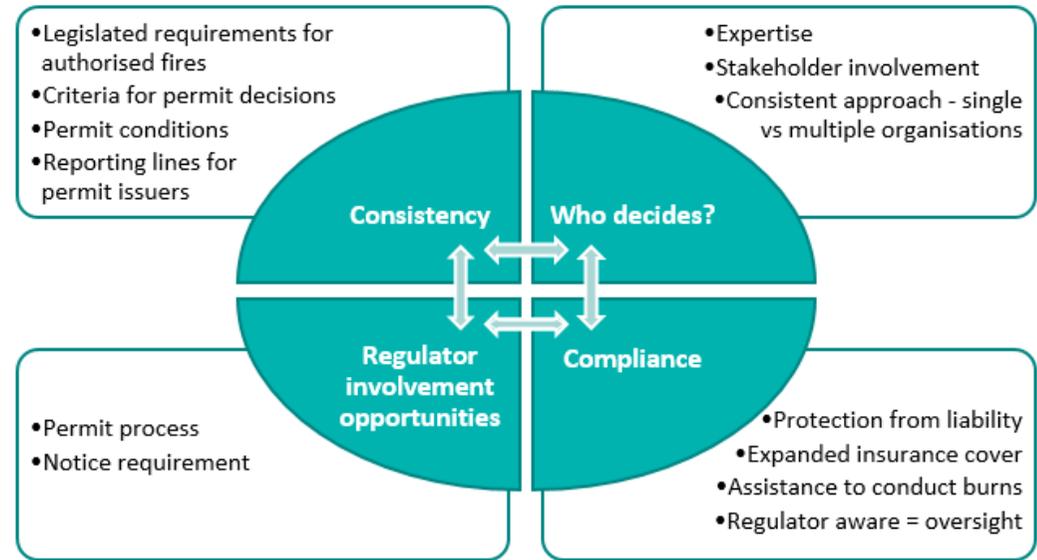
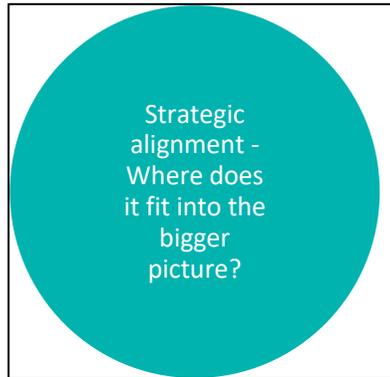


Figure 13. Competing considerations: permits vs legislative authorisation

5.3.6 Strategic alignment – Where does it fit in the bigger picture?



A final consideration is whether, and to what extent, the system to control the use of fire is or should be aligned with other strategic priorities. There are two main examples of this in other Australian jurisdictions, as follows.

In **NSW**, a strategic fuel reduction program is built into the *Rural Fires Act 1997*, which takes precedence over environmental and other legislation in certain circumstances (s. 100C). A prerequisite for granting a fire permit (and for the conduct of all burns) is a “bushfire hazard reduction certificate”, the issuing of which requires the hazard management officer (who is not the issuer of the fire permit) to take into account the relevant Bushfire Risk Management Plan.

The NSW scheme also provides for performance audits and imposes certain reporting requirements for bushfire hazard reduction activities, including a requirement that the Commissioner report to the Bush Fire

Coordinating Committee each year about the fire permits issued in the previous year, with “details of the circumstances surrounding the lighting of any bush fires ... that appear to have been caused by the lighting of a fire authorised by a fire permit” and “details of any action taken with respect to permits that is inconsistent with any bush fire risk management plan applying to the area”. In this regard, we note that the *2013 Tasmanian Bushfires Inquiry* made findings and recommendations about the benefits of reporting statistics on fuel reduction burning: see pages 223-224 and Recommendation 93.

In **WA**, there is legislative provision for cross-tenure burns to be conducted by neighbouring landholders and/or by local councils, brigades and landholders (s. 22). The *Perth Hills Bushfire Review* (WA 2012) noted the importance of having good data about local terrain and fire hazards to support fire-fighting operations and strategic burning programs (Recommendation 21 and pages 58-64, 74-80). The same inquiry also made recommendations about the skills needed for local bushfire control officers in relation to measuring and mapping fuel loads (Recommendations 15 and 53). It is not clear whether these recommendations have been implemented. However, the Department of Fire and Emergency Services website includes information about a program to assist pastoralists to develop fire management plans. Under this program, the Department works with the pastoralist to develop a detailed map of the station incorporating information about vegetation type, soil type, infrastructure, topography, cultural heritage, environmental issues, stock carrying capacity, and the fire history of the property. The pastoralist also informs the Department of their current fire management practices including firebreaks, fences and proposed burns. Presumably, this information remains available to the Department of Fire and Emergency Services for use in other fire-fighting and risk management activities (see «www.dfes.wa.gov.au/safetyinformation/fire/bushfire/pages/ruralandfarmfire.aspx#pastorallandmanagement» at 19 December 2016).

5.4 Other Observations from the Literature

We also considered the findings of several recent inquiries into bushfires in Tasmania and other Australian jurisdictions. We have already referred to several findings from the *2013 Tasmanian Bushfires Inquiry* in the discussion at 5.1 above, specifically in relation to:

- the lack of and need for over-arching leadership to ensure a risk-based strategic approach to fire risk management in Tasmania (p. 202-214 and associated recommendations);
- the need for rigorous investigation and enforcement to ensure compliance with the law (p. 215, Recommendation 89); and
 - the benefits of reporting statistics on fuel reduction burning (p. 223-224, Recommendation 93).

Additionally, we note the following:

- the *AFAC Independent Operational Review – A Review of the Management of the Tasmanian Fires of January 2016* (2016) found that there was good cross-agency collaboration between Tasmania Fire Service, Parks and Wildlife Service and Forestry Tasmania (now Sustainable Timber Tasmania) in the context of fire response (p. 30-33); and
- Tasmania's Fuel Reduction Program, based on the State Fire Management Council's report, *Bushfire in Tasmania: A New Approach to Reducing Our Statewide Relative Risk* (2014), appears to be an Australian first, best practice initiative; and
- these features of the Tasmanian context provide a strong platform from which to capitalise on any identified opportunities to enhance the Fire Permit System.

Inquiries following major fires in other Australian jurisdictions have made findings, which may also apply to the Tasmanian context, about:

- the importance of the existence of and adherence to policies and procedures that are evidence-based and contain an adequate level of detail in relation to risk assessment, burn planning and authorisation/oversight arrangements;
- the value of quality assurance mechanisms in terms of oversight, peer review and accountability mechanisms for burn plans;
- the importance of separation between the roles of planning, approving and conducting burns;
- the need for effective linkages between local, district, regional and State levels within fire agencies; and
 - the potential benefits of mechanisms to ensure effective utilisation of volunteer brigades' local knowledge and experience in making decisions about planned burns and fire response.

(See generally, Carter et al, *Independent Investigation of the Lancefield-Cobaw Fire* (2015); M Keelty, *Appreciating the Risk: Report of the Special Inquiry into the November 2011 Margaret River Bushfire* (2012); Department of Premier and Cabinet, *Implementation of Recommendations from Final Report – Victorian Bushfire Royal Commission* (2012), p. 23-26).

Finally, our review of the available literature also revealed a significant body of data, scientific research and well-developed understanding of fires and fire behaviour which is capable of being applied in the context of risk assessment, strategic fuel reduction planning and burn planning.

6 Fire Permit System Data

The Tasmania Fire Service supplied data about the operation of the Fire Permit System in Tasmania in recent years. The TFS' analysis indicates that:

- Since 2003/04, Fire Permits have declined both in terms of total number of permits issued (Figure 14) and the proportion of registered fires that relate to permit burns (Figure 15);
- Over the same period, there has been enthusiastic uptake of Registered Fires (Figure 15);
- For the period from 1993 to date, the average length of the Fire Permit Period through time for the whole State is 121 days. For the regions, the average for the South is 134 days, the North 139 days and the Northwest 126 days. The annual length of the Fire Permit Period has ranged from 58 (2010/11) to 220 days (1999/2000) (Figure 16); and
- Since 1980, Total Fire Bans have been most common in the months of December- February but a small number of Total Fire Bans have also been declared in the months before the Fire Permit Period has commenced (Figure 17).

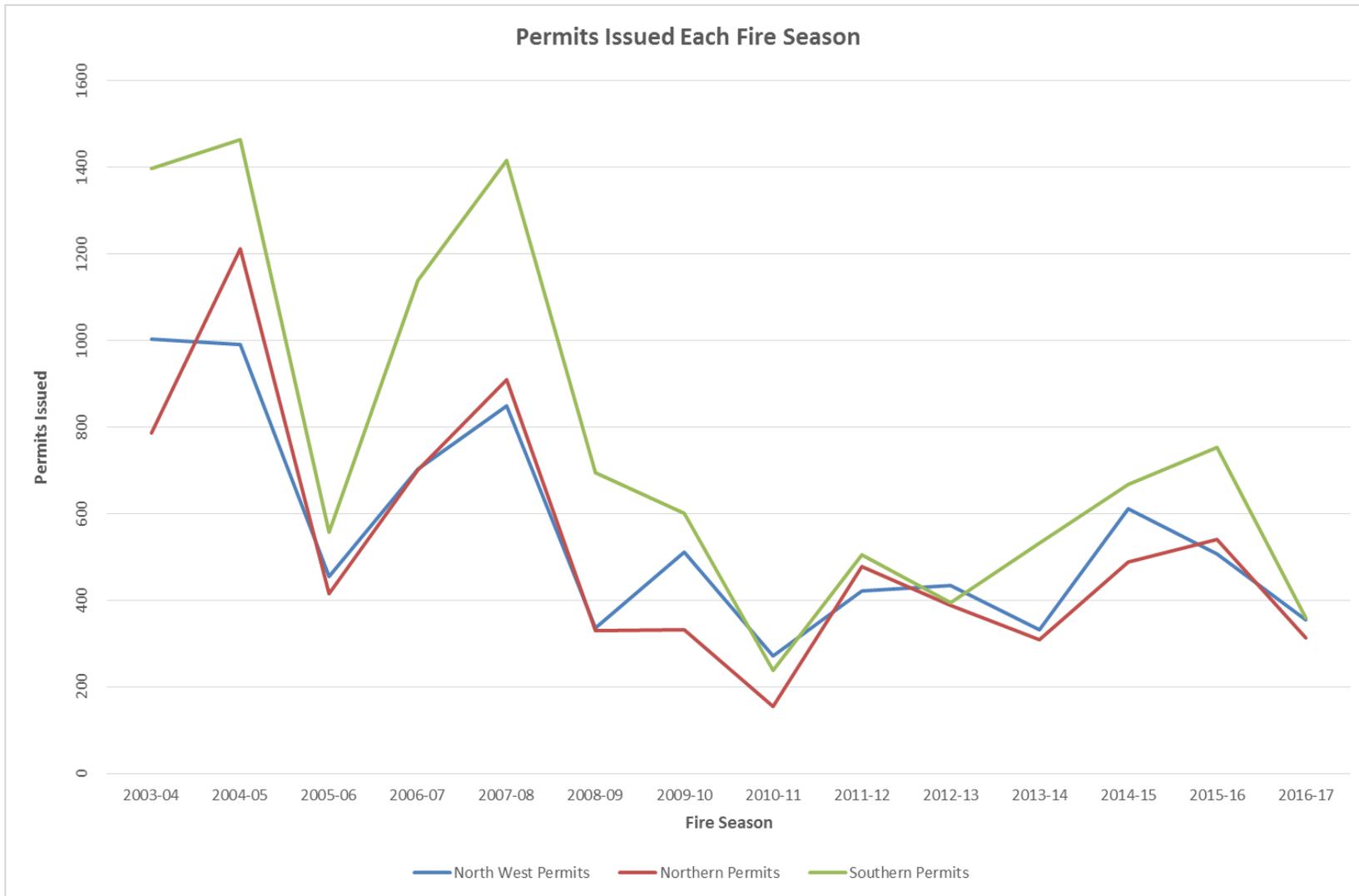


Figure 14. Number of Fire Permits Issued (supplied by Tasmania Fire Service)

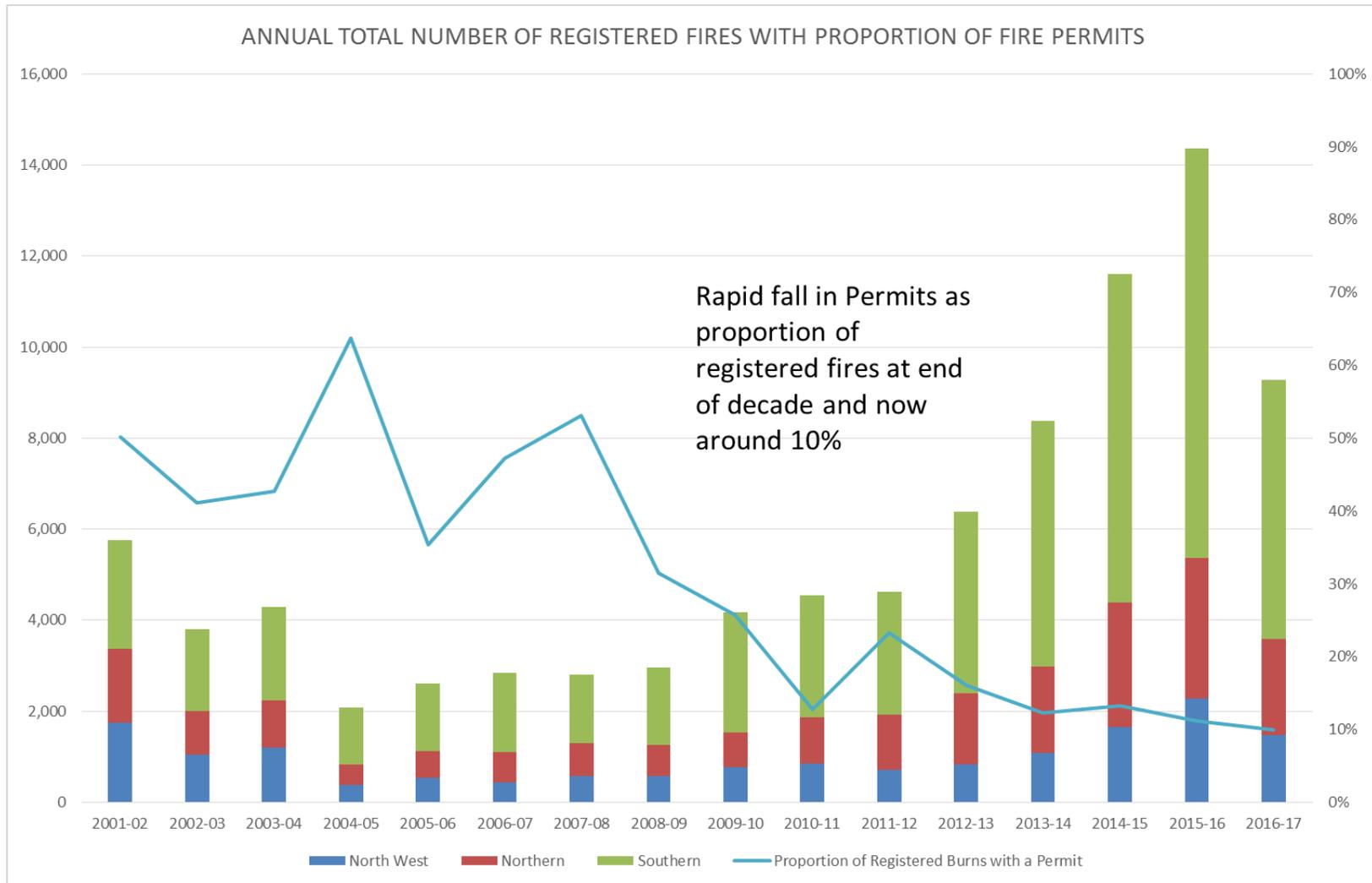


Figure 15. Comparison of Fire Permits and Registered Fires (supplied by Tasmania Fire Service)

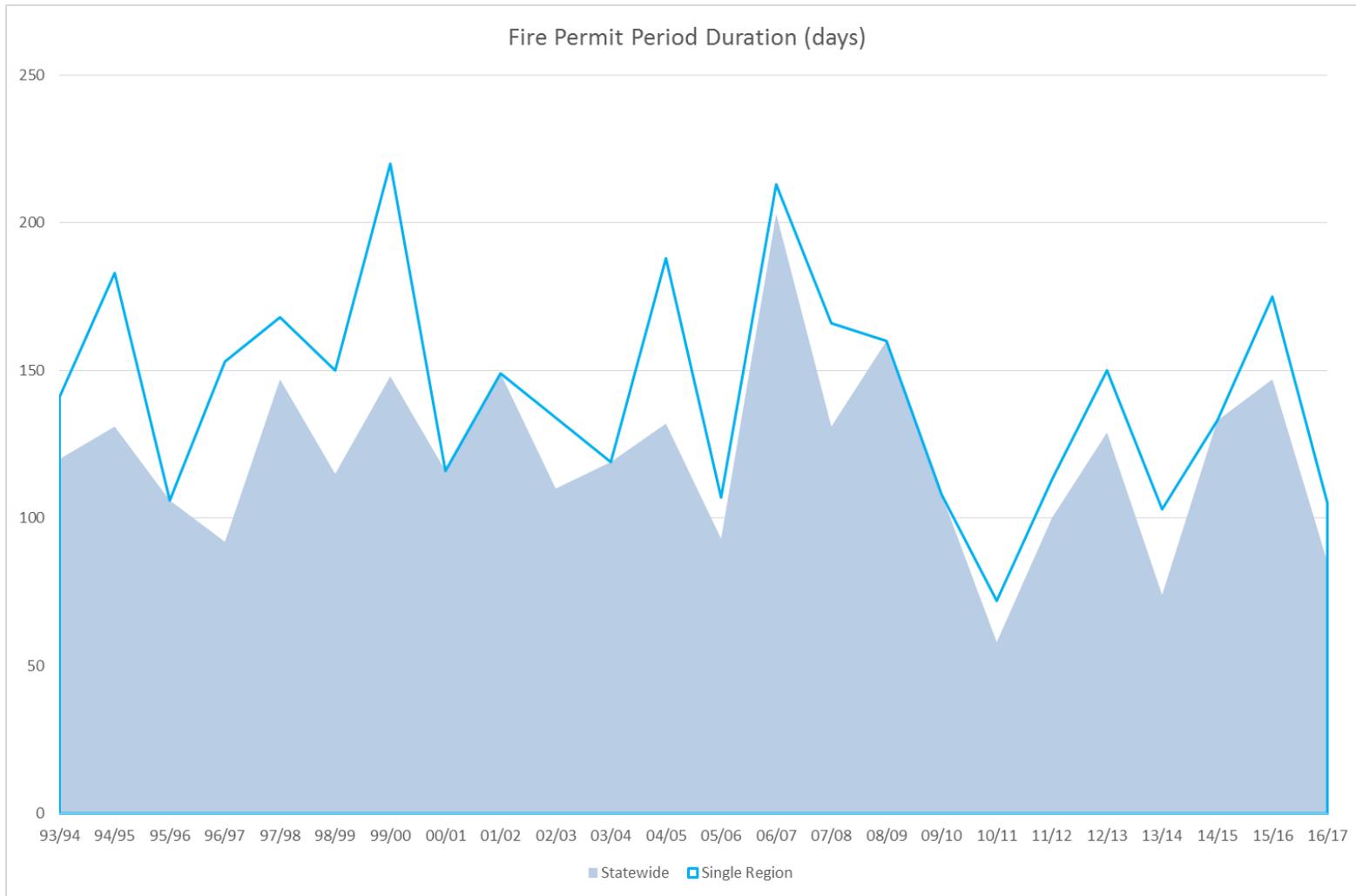


Figure 16. Annual Duration of the Fire Permit Period (days) (supplied by Tasmania Fire Service)

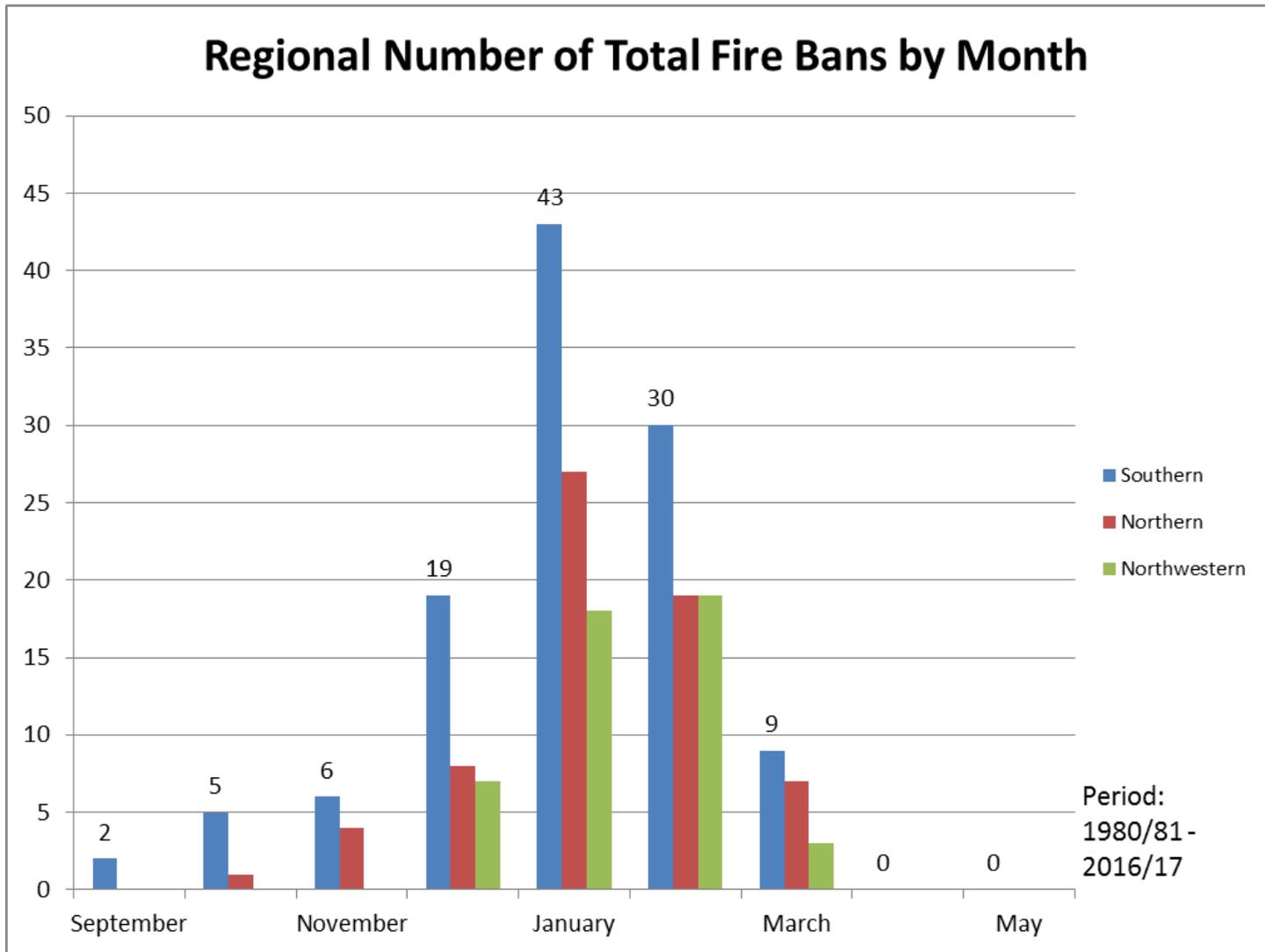


Figure 17. Monthly Distribution of Total Fire Bans (supplied by Tasmania Fire Service)

7 Benchmarking Analysis – Options for reform

The table in Figure 18 below summarises the current model operating in Tasmania (as outlined in the first section of this document) and the alternative models identified from the “flower diagram analysis” of the other Australian jurisdictions (as outlined in the preceding section).

We note that, for the matters addressed in each row of the table, the best approach for Tasmania may be based on a combination of elements from multiple models (including the existing model), rather than one single model.

We note also that options from one jurisdiction may have a different degree of effectiveness in Tasmania due to differences in climate, geography, population density, available resources and other factors.

Figure 18. Existing models across Australia

	Tasmanian model	Other models				
Who regulates?	<ul style="list-style-type: none"> Minister and SFC responsible for declaring FPP, TFB SFMC appoints FPOs from forestry, PWS, fire brigades 	Maintain but streamline involvement of several people / organisations	Single office responsible + mandatory consultation with specified stakeholders		Single office or position responsible for declarations, FPOs (or equivalent)	
What activities?	<ul style="list-style-type: none"> Variable definition of “fire”, usually by reference to purpose “Camp fires” Fire risk equipment 	“Any fire in the open air”	Defined by reference to purpose of fire	Defined by reference to size of fire	Defined by reference to material being burnt	Fire risk activities
On what basis ?	<ul style="list-style-type: none"> Temporal (FPP, TFB; “prescribed period”) Geographical (AEFH) 	Temporal	Geographical area	Meteorological criteria	Restrictions apply at all times	

	Tasmanian model	Other models				
How do restrictions take effect?	<ul style="list-style-type: none"> • Declared (FPP, TFB) • Automatic / by operation of law ("prescribed period") 	Automatic (by operation of law)		Declared		
How to know?	<ul style="list-style-type: none"> • Act / Regulations – "camp fires", "prescribed period" • Media/Gazette – declarations • EPA: Act / Regulations • Local council: by-laws 	Act / Regulations	Gazette notice	Media	All fires prohibited – need permission or published authorisation	
How to get permission?	<ul style="list-style-type: none"> • Permit from appointed Fire Permit Officer • Compliance incentives • ? TFB exemptions • ? EPA, local government processes 	Comply with Act / Regulations (fire authorised by or under the Act)	Permit from: <ul style="list-style-type: none"> • fire service • appointed permit officer • land manager • local government 	Notice requirement	Compliance / monitoring	Compliance incentives
Strategic alignment	Nil. (Exempt from EPA Act if acting in compliance with a fire permit)	Permit provisions integrated with statewide fuel reduction program	Annual reporting on fire permit / burn outcomes	Legislative provision for cross-tenure burns	Fire service assists with planning controlled burns on private land	

8 Stage One Consultation and Governance / Systems Review

This section of the Report summarises the findings of the process mapping, key stakeholder interviews and survey.

8.1 Stakeholder identification

The following categories of stakeholders were identified:

- Fire Permit System oversight
- Permit officer appointers
- Permit officers
- Tasmania Fire Service
- Fuel management
- Emergency management
- Government
- Local government
- Aboriginal
- Assets
- Forestry
- Land Owners, Occupiers and Managers
- Regulator
- Utilities
- Specialists
- Interstate - fire
- Insurers
- Interest groups:
 - Business sector
 - Community
 - Conservation
 - Health
 - Industry
 - Primary producers (including viticulture, apiculture, fruit growers)
 - Tourism

Individuals and organisations within each category were identified with input from the Steering Committee, previous consultation processes and desktop research.

8.1.1 Consultation methods

The consultation methods used were:

- Online survey for all stakeholders;
- 1:1 Interviews with selected stakeholders;
- Workshop with selected stakeholders;

The specifics in relation to the consultation strategy and survey are contained in Appendix 1.

8.2 Key survey findings

The strengths, key issues, opportunities and ideas identified by survey respondents were as follows.

Strengths, Key Issues, Opportunities and Ideas identified by survey respondents
Strengths:
Support for continued selection of Fire Permit Officers from a range of organisations (68% of respondents).
High level of utilisation of TFS website as a source of information (87% of respondents).
Support for the TFS to have overall responsibility for Fire Permit System decision-making, with a mixture of views as to whether this should be performed by the Chief Officer, Regional Chiefs or local Fire Permit Officers.
Key Issues:
Desire for change: <ul style="list-style-type: none"> • Two thirds of respondents did not support retention of the current rules about use of fire in Tasmania. • Decision-making criteria exist and are utilised for decision-making but both Fire Permit System personnel and other respondents indicated that the criteria need to be updated, are not risk-based and/or are not consistently applied. • Decision-making framework should be publicly available, risk-based and developed with expert input (over 70% of respondents). • Fire Permit System is seen as a barrier to fuel reduction – the most frequent comment in the final question of the survey (“Any other comments”).
Adapt restrictions to local conditions: declaring restrictions according to TFS Regional boundaries was said to lead to inappropriate levels of restriction in some areas at times due to significant diversity in climate, topography and risk within TFS Regions.
Outcome data collection, analysis and availability: currently limited but regarded as potentially useful for a wide range of purposes.
Compliance and enforcement: perceptions that non-compliance is unlikely to be detected; enforcement action unlikely to be taken; penalties not severe.
Opportunities and Ideas:
Information systems: mixed views about use and practicality of paper-based, electronic, online and/or app-based administrative processes.
New ways to obtain permission: suggestions for an “accreditation system”, “frequent user” authorisation, pre-authorisation of fires under specified conditions; mixed views about a licensing-based system.
Registration of fires: mixed views about a proposal to require year-round registration of all fires.
Burden on Fire Permit Officers: comments regarding time, effort, and expense incurred by volunteer Fire Permit Officers; suggestions that they be paid.

8.3 Governance and Systems Review

The Governance and Systems review was based on desktop research (see section 5.1 above), process mapping interviews with Fire Permit System personnel and review of documented policies and procedures that support the operation of the Fire Permit System.

8.3.1 Process Mapping Interviews

We conducted the following process mapping interviews, focussing on the elements of the existing process identified in the “Building Blocks” (see Figure 2 on page 14):

- Tasmania Fire Service Fire Permit Officers x 7 (including volunteer, retained volunteer and career members)
- Tasmania Fire Service State Operations (including overview of FireComm burn registration process)
- Forestry Tasmania Fire Permit Officer x 1

We were advised that Parks and Wildlife Service does not currently have any personnel appointed as Fire Permit Officers in their capacity as Parks and Wildlife Service employees. Instead, Tasmania Fire Service members nominated by the Secretary of DPIPWE are appointed as Fire Permit Officers in respect of areas of land managed by the Parks and Wildlife Service.

8.3.2 Documents

We received documents from Tasmania Fire Service, Forestry Tasmania and the Parks and Wildlife Service setting out the respective organisations’ policies and procedures for issuing / obtaining fire permits and for planning and conducting controlled burns. We also referred to relevant documents available on the organisations’ websites, including forms, guidance documents and annual reports.

8.4 Stage One Consultation and Independent Review of Governance and Systems – Findings

The findings of the Stage One Consultation and Governance/Systems review are presented below as “themes”, grouped as strengths, risks and opportunities. The summary below links these themes back to the “Building Blocks”, the elements of which have been numbered for ease of reference (“BB elements”; see Figure 2 on page 14).

Some of our findings are rated using ticks (✓) to indicate strengths and plus signs (+) to indicate opportunities. Examples of good practice are marked with an arrowhead (➤).

We have listed the identified risks and opportunities in order of priority from most to least significant.

8.4.1 Common Ground

Among the people we interviewed, there was a lot of common ground. In particular:

- Within the fire agencies, there is a common understanding of the purpose of the existing Fire Permit System, namely, to regulate fire in the landscape at times of elevated fire danger.
- Most people we interviewed considered that the Fire Permit System is largely working to achieve that purpose, but there is room to enhance existing processes.
- It was widely agreed that controlled burns are an important tool for managing fire risk and for other agricultural, forestry and ecological purposes.
- Many people recognised that there is a proportion of landowners who are reluctant to use the Fire Permit System – that is, to obtain permits for burns during the Fire Permit Period – for a range of reasons including privacy of personal information, fear of legal liability, perceptions that the fire permit application process is complex, burdensome or unnecessary and other reasons (see also also *2013 Tasmanian Bushfires Inquiry* p. 219-221). There has been a decline in use of fire permits over time (Figure 14 and Figure 15 on p. 37-38).
- Data indicates that a significant number of burns typically occur in the days immediately following the end of the Fire Permit Period (data not supplied). This is recognised and addressed by allocating additional resources to FireComm for these periods.

8.4.2 Stage One Consultation and Governance/Systems Review – Findings: Strengths

The following table outlines the strengths of the current governance and systems.

Governance and Systems Review - Strengths		
Rating	Finding	BB elements
	<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
✓✓✓	1. There is a system to regulate fire at times of elevated fire danger.	F1, P1
✓✓✓	2. Volunteer Fire Permit Officers (including retained volunteers) constitute the overwhelming majority of Fire Permit Officers in Tasmania. Their contribution of significant amounts of time and expertise is important to the success of the Fire Permit System.	F4, P1
✓✓✓	3. There is a system for registering fires through FireComm. Real-time information about registered burns is published on the Tasmania Fire Service website. 4. There is good uptake of the registration process, even for burns for which registration is voluntary (see Figure 15 on p. 38). 5. Information on the Tasmania Fire Service website is widely used and regarded as very useful for informing decisions about fire permits, fire response and responding to queries and complaints about burns / smoke.	P3, P4, P1, P2
✓✓+	6. A large body of scientific knowledge exists in relation to fire behaviour and fire risk management. 7. There are personnel within the fire agencies and the broader Tasmanian community with knowledge and experience in the practical application of this science to the planning and conduct of controlled burns.	A2, A3, G3
✓✓+	8. Practical science-based risk management tools have been developed and are used by Forestry Tasmania and the Parks and Wildlife Service in relation to controlled burns. Forestry Tasmania also has, and uses, risk-based shut-down protocols. Machinery Operations Guidelines have recently been developed by TFS in consultation with the agricultural sector.	G2, G3, A3
✓+	9. Some Fire Permit Officers have extensive practical knowledge of both fire behaviour and their local area acquired through decades-long experience as fire-fighters and Fire Permit Officers.	A1
✓+	10. Some training is provided to newly appointed Fire Permit Officers.	P5
✓+	11. Some policy documents exist to provide guidance to Fire Permit Officers.	A5
✓	12. Clear reporting lines for Fire Permit Officers exist within the respective fire agencies.	G5

Governance and Systems Review - Strengths

Rating	Finding	BB elements
	<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
✓	13. Fire permit forms facilitate compliance by referring to a wide range of relevant considerations.	P2, A3
✓+	14. Inspection of the proposed burn site occurs as part of the process to obtain a fire permit. This provides important information about assessing the risks and risk management strategies for the proposed burn.	P2, A3

8.4.3 Stage One Consultation and Governance/Systems Review – Findings: Risks

The following table outlines the risks of the current governance and systems.

Governance and Systems Review - Risks	
Finding	BB elements
<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
1. Governance	
a. The <i>Fire Service Act 1979</i> does not establish a clear governance structure for the Fire Permit System.	F1
b. There is no-one with overall oversight of the Fire Permit System across the three fire agencies. (See also <i>2013 Tasmanian Bushfires Inquiry</i> p. 202-214 and associated recommendations.)	G4
c. There are insufficient cross-organisational linkages between Tasmania Fire Service, Forestry Tasmania and Parks and Wildlife Service in relation to the Fire Permit System (in contrast with the documented strong, effective working relationships that exist between the three agencies in the context of fire response: see section 5.4 on p. 35).	P4, G6, R1
d. There are limited intra-hierarchical and cross-organisational communication channels and feedback loops in relation to the Fire Permit System (see findings of interstate reviews discussed in section 5.4 on p. 35).	P4, G6, R1, R5
e. There is limited proactive stakeholder management in relation to the Fire Permit System.	R(all)
f. Although the fire agencies do not regard smoke management as being a purpose of the Fire Permit System, the smoke impacts of controlled burns are of concern to some community stakeholders. There is a need to manage stakeholder expectations and to ensure that mechanisms for smoke regulation do not undermine the Fire Permit System.	G1, R6, R7, R9

Governance and Systems Review - Risks

Finding	BB elements
<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
2. Decision-making	
a. There is a lack of transparency both within and outside Tasmania Fire Service about how decisions to declare Total Fire Bans, Fire Permit Periods and fire permit embargoes are made. Risks: reduced stakeholder support; limited ability of other fire agencies to contribute relevant information to decision-making processes; potential for political pressure.	P2, G2, G3
b. There is no over-arching, agreed risk management framework across the Fire Permit System or within the Tasmania Fire Service to underpin Fire Permit System decision-making. (See also discussion in <i>2013 Tasmanian Bushfires Inquiry</i> at p. 202-214 and associated recommendations and see interstate review findings in section 5.4 on p. 35.)	G2, G3
c. Limited scaling of decision-making processes within Tasmania Fire Service to reflect different degrees of risk according to fire size, type, user etc (see interstate review findings discussed in section 5.4 on p. 35).	G2, G3
d. Geographical differences in fire risk factors are not sufficiently taken into account in decisions about declaring Total Fire Bans, Fire Permit Periods and fire permit embargoes. (See also <i>2013 Tasmanian Bushfires Inquiry</i> at p. 217, 222 and interstate review findings in section 5.4 on p. 35.)	A2, A3, G3
e. Tasmania Fire Service guidance documents, such as the <i>Guidelines for Issuing Fire Permits</i> , do not provide sufficient direction about how to make decisions, in particular, about how the various factors are to be weighed to manage risk within defined parameters (see also interstate review findings in section 5.4 on p. 35).	A2, A3, P5, G2
➤ Forestry Tasmania and Parks and Wildlife Service have detailed policies and procedures incorporating risk-based decision-making tools and defined thresholds linked to required authorisations and specified risk controls.	
f. Tasmania Fire Service does not have a policy or procedures for compliance and enforcement of the Fire Permit System. (See also <i>2013 Tasmanian Bushfires Inquiry</i> at p. 215.)	A4, A5, P1, P3
g. No quality assurance processes exist to ensure consistent decision-making in relation to the Fire Permit System (see also interstate review findings in section 5.4 on p. 35). ➤ Forestry Tasmania has a system of annually reviewing a sample of burn plans. Reviews are conducted by personnel from head office and a different region from the region that produced the plans.	P6
h. There are some reports of inconsistency in decision-making between Fire Permit Officers.	A3, P6

Governance and Systems Review - Risks

Finding	BB elements
<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
3. Fire Permit Officer appointment and training	
<p>✓✓✓ Significant contribution of predominantly volunteer Fire Permit Officers.</p> <p>a. Need to ensure sustainability of Fire Permit Officer workforce.</p>	F4
<p>b. There are no formal selection criteria or prerequisites for appointment of Fire Permit Officers.</p> <p>➤ Forestry Tasmania applies some prerequisites to its Fire Permit Officers (specified Units of Competency).</p>	A1
<p>c. Current process for appointments requiring sign-off by Fire Management Area Committee(s) and State Fire Management Council is regarded as problematic, with FMACs lacking direct knowledge of proposed Fire Permit Officers to support sign-off decisions and delays due to requirement for sign-offs by multiple FMACs.</p>	F1, F4, A1
<p>d. Some training occurs but content is not consistent across the fire agencies or across different Tasmania Fire Service districts. Training is generally conducted within each fire agency.</p>	P4, P5, G3
<p>e. Content of training of Fire Permit Officers within Tasmania Fire Service is of limited scope with an emphasis on the requirements of the fire permit form and permit application process. Limited coverage of other relevant topics such as fire behaviour, different types of fires, fire risk factors and interpreting weather forecasts.</p>	
<p>f. Fire Permit Officers are appointed for an unlimited period of time.</p>	F2
<p>g. There is no consistent approach to refresher training for existing Fire Permit Officers in terms of timing or content of refresher courses.</p>	A1, A3 P4, P5, P6
<p>h. There are no formal requirements within the Fire Permit System for Fire Permit Officers to demonstrate maintenance of relevant knowledge and skills or of continued performance of the role.</p> <p>➤ Forestry Tasmania Fire Permit Officers are required to maintain certain Units of Competency to maintain their role as a Fire Permit Officer.</p>	G3

Governance and Systems Review - Risks

Finding	BB elements
<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
4. Information systems	
<p>✓✓✓ FireComm registration of fires and real-time information on Tasmania Fire Service website</p> <p>✓✓✓ good uptake even when registration is voluntary</p>	P2, P3, P4
a. No auditing or tracking of Fire Permit books.	P3, P6, G4, G5
b. No centralised record of fire permits that have been issued or refused (as distinct from the centralised registration of burns).	A4, P3, P4
c. Fire Permit System is wholly paper-based.	P2, P3
d. Reliance on fire permit user to provide fire permit content, including conditions, to FireComm.	P1, P2, P3, P6
e. No record of burn plan contents – which form part of the conditions of the permit – except for burns conducted by fire agencies (FRU, Forestry Tasmania and Parks and Wildlife Service).	A4, P3, P6
f. Whilst District Officers sometimes consult Fire Permit Officers about local conditions, there are no formal systems to draw on the “local knowledge” of Fire Permit Officers to inform decision-making processes about whether and when to impose Fire Permit Periods, Total Fire Bans and other restrictions (see also interstate review findings in section 5.4 on p. 35).	P3, P4, G5, G6
g. FireComm telephone system capacity issues – system becomes overloaded in high volume periods.	P2, P3, R4
h. Some stations have no internet facilities to access up to date information about current burns / incidents, weather and other information relevant to decisions about whether to issue a fire permit.	P2, P3, P4

Governance and Systems Review - Risks

Finding	BB elements
<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
5. Evidence-based approach and continuous improvement	
<p>✓✓+ A large body of scientific knowledge exists in relation to fire behaviour and fire risk management. There are personnel within the fire agencies and the broader Tasmanian community with knowledge and experience in the practical application of this science to the planning and conduct of controlled burns.</p> <ul style="list-style-type: none"> a. However, scientific expertise within Tasmania Fire Service and other fire agencies is not routinely used / available in practical form to Tasmania Fire Service Fire Permit Officers and other Fire Permit System decision-makers (see also interstate review findings in section 5.4 on p. 35). ➤ Practical science-based risk management tools have been developed and are used by Forestry Tasmania and the Parks and Wildlife Service in relation to controlled burns. ➤ Detailed <i>Planned Burning Manual</i> developed by State Fire Management Council. Similar content but in some areas more detailed than Tasmania Fire Service <i>Guide to Vegetation Burning</i>. 	<p>A2, A3 G2, G3 R5</p>
<p>b. Need for more robust systems for review of escaped permit burns (see also interstate review findings in section 5.4 on p. 35). Tasmania Fire Service does not have a formal policy about how escaped permit burns are to be reviewed. Fire causes are, however, identified and documented through other statistical collection processes.</p> <p>Forestry Tasmania has a procedure for reviewing and documenting the findings in relation to escaped burns. These findings sometimes lead to changes to Standard Operating Procedures. However, it appears that each escaped burn is considered in isolation, with no system for periodically reviewing all escapes to identify common issues.</p>	<p>P6, G3</p>
<p>c. Lack of systems for routine collection, review and analysis of Fire Permit System outcome data. <i>(Impeded by lack of centralised record of fire permits (see Information Systems, finding 4.b above) and limited collection / reporting of data about outcome of burns unless burn escapes.)</i></p>	<p>P6, G3</p>
<p>d. Lack of quality assurance processes <i>(see good practice example at 2.g above)</i> (see also interstate review findings in section 5.4 on p. 35).</p>	<p>P6</p>

These strengths and risks have been utilised to inform the findings below.

8.4.4 Stage One Consultation and Governance/Systems Review – Findings: Opportunities

In the following table, we identify opportunities to enhance the current governance and systems.

Stage One Consultation and Governance/Systems Review – Findings: Opportunities	
Finding	Link to Recommendations
<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
<p>1. Governance</p> <p>Identify a single office or organisation with over-arching responsibility for the Fire Permit System to address governance-related risks (see Risk 1 above).</p>	R2
<p>2. Risk-based framework</p> <p>A risk-based decision-making framework could be used to inform:</p> <ul style="list-style-type: none"> • Decisions about declaration of Total Fire Bans, Fire Permit Periods, fire permit embargoes and granting of fire permits, with defined levels of control identified for defined levels of risk; • Level of authority required for granting different fire permits (higher risk = higher level of authority required); • Regulation of activities that may cause fire, including self-regulation based on publicised thresholds • Development of different processes for lower risk fires, lower risk (sophisticated/ experienced/ well-equipped) users • Consideration of ideas proposed including accredited users, issuing of permits for longer periods (eg permit for whole Fire Permit Period), formal recognition of contents of burn plans <p>The development of a risk-based framework could incorporate input from experienced Fire Permit Officers and scientific expertise across the three fire agencies.</p> <p>The framework should reflect the differences in risk that arise from:</p> <ul style="list-style-type: none"> • Size of fire • Type of fire • Geographical differences (climate, topology, fuels, assets etc) • Sophisticated / less sophisticated users • Number of other fires already burning • Availability of fire response resources • Activities that may cause fire 	R3, R6, R7, R11

Stage One Consultation and Governance/Systems Review – Findings: Opportunities

Finding	Link to Recommendations
<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
<p>3. Information systems especially centralisation of fire permit records</p> <p>Develop mechanisms to ensure there is a centralised record of fire permits issued. Explore options for electronic systems to supplement existing paper-based systems to apply for, issue and register permits / burns. Potential benefits in:</p> <ul style="list-style-type: none"> • Efficiency • Data integrity – reliable record of contents of fire permits and burn plans • Timely access to information about fire permits by Fire Permit System decision-makers and fire response personnel • Ability to implement quality assurance processes • Facilitate collection and analysis of outcome data • Utilise scientific expertise across the fire agencies to maximise value of outcome data to build evidence base and identify opportunities for continuous improvement • Strategic alignment – availability of Fire Permit System data for fire response, strategic fuel reduction program, research ... 	<p>A4, P3, P4, P6, G1, G3</p>
<p>4. Integration / unification of Fire Permit System organisations</p> <p>Implement cross-organisational communication channels / processes. Potential benefits:</p> <ul style="list-style-type: none"> • Sharing data about fire risk factors in areas managed by Forestry Tasmania and Parks and Wildlife Service • Develop a “community of practice” – sharing of knowledge, expertise and good practice between Tasmania Fire Service, Forestry Tasmania, Parks and Wildlife Service and the State Fire Management Council • Establishing communication channels between Fire Permit Officers and the Fuel Reduction Unit to facilitate cross-tenure fuel reduction burns involving private land • Consistency 	<p>P4, G4, G6, R1, R2, R5</p>

Stage One Consultation and Governance/Systems Review – Findings: Opportunities

Finding	Link to Recommendations
<i>BB elements: F = legislative framework; A = administer the Act; P = administrative processes; G = governance; R = effective relationships</i>	
<p>5. Consideration of amendment to the <i>Fire Service Act 1979</i> and/or Regulations</p> <p>Whether legislative changes may be needed to:</p> <ul style="list-style-type: none"> • Clarify overall responsibility for and governance structure of the Fire Permit System • Implement or support a risk-based decision-making framework • Implement any changes to the process for appointment of Fire Permit Officers • Provide additional support for and/or expand existing requirements to register fires • Standardise common / minimum conditions for safe conduct of planned burns • Implement year-round minimum requirements to ensure the safe conduct of planned burns 	F1

9 Stage Two Consultation – Workshop

A workshop, *Options to Enhance the Fire Permit System* (“the Workshop”), was facilitated by WLF Accounting & Advisory for the Tasmania Fire Service at The Grange, Campbelltown on 14 August 2017. The purpose of the Workshop was to develop and evaluate options to address the issues identified in the Governance/ Systems Review and the Consultation process. To assist participants to keep an open mind and “think outside the square”, reference was made during the Workshop to “the System”, meaning, “the System to regulate fire in the landscape”.

Workshop participants (complete list in Appendix 2 – Workshop Details) were selected for their high level of relevant knowledge and experience of the Fire Permit System, fire behaviour and/or the use of fire as a tool for hazard reduction and for their perspectives as representatives of different stakeholder groups.

At the workshop, participants were firstly asked to formulate a purpose statement for the System.

Secondly, participants were asked to consider issues and options for change at three levels:

- **Whole System** – that is, the overall design of a system to regulate fire in the landscape;
- **Policy / Approach** – the way in which the System is implemented; and
- **Administrative Processes** – the machinery of how the System operates.

To assist in identifying options for change, participants were provided with lists of options and ideas arising from the Literature Review, Benchmarking Analysis, Survey, Governance/Systems Review and Key Stakeholder Interviews.

Participants then voted for the identified options by indicating whether they supported, cautiously supported or did not support the options. Participants could vote as many times as they wished.

Finally, participants were asked to give two “key messages” to assist the Steering Committee in formulating its recommendations. These were collated into Principles to Guide Reform.

The participants’ purpose statements, identified options, indicative levels of support and “key messages” are in appendix 2. These outputs form the basis of the Steering Committee’s recommendations.

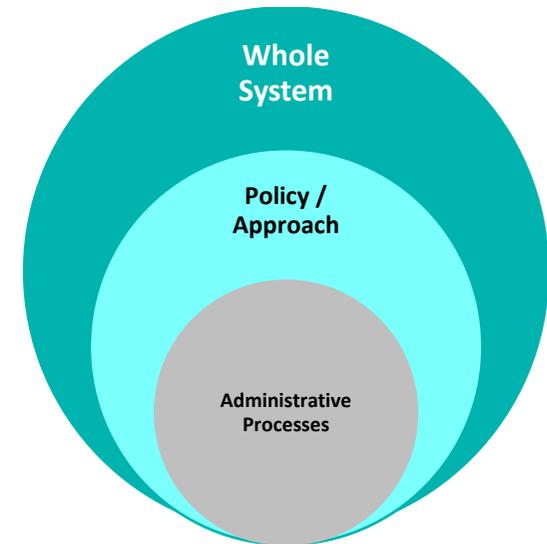


Figure 19. Viewing the System at three levels

10 Recommendations

The Steering Committee has formulated 18 recommendations based on:

- the options that received the highest level of support at the Workshop;
- the Steering Committee's views; and
- the findings and recommendations of WLF's independent Governance and Systems review.

Recommendations

Purpose and Governance of the System

- R1.** 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.
- R2.** Develop a governance structure for state-wide coordination and management of the System.
The governance structure should address:
- a. Mechanisms for communication between fire agencies;
 - b. Fire Permit Officer recruitment, selection, appointment and training;
 - c. Quality assurance processes and continuous improvement; and
 - d. Stakeholder management.
- R3.** Create a tiered system for decisions about authority to burn, based on the differences in risk arising from differences in:
- a. User sophistication and resources;
 - b. Scale and attributes of activity; and
 - c. Level of approval required.
- The tiered system should be developed with input from experienced Fire Permit Officers and scientific expertise across the three fire agencies.

Recommendations

Elements of the System

- R4.** The System should continue to include the following elements:
- Fire Permit Officers (personnel with authority to grant or refuse permission to conduct a burn);
 - Fire Permit Periods (declared periods during which authority to burn is restricted); and
 - Total Fire Bans (declared periods during which burning and Activities that May Cause Fire are not permitted).
- R5.** The System should include year-round mandatory registration of all burns (relevant types of “burn” to be defined).
- R6.** The System should include risk-based self-regulation mechanisms (similar to current Machinery Operations Guidelines) that are subject to overarching controls such as bans.
- R7.** Create a pre-approval system for registered users (eligibility and responsibilities to be defined).
- R8.** The System should include a process for continuous development and review, with stakeholder input. The process should be appropriate to the stage of maturity of the System, with iterative evaluation during implementation, transitioning to periodic review once the System is established.
- R9.** Change high level terminology so that the elements of the System are named in ways that are less authoritarian and better reflect the purpose of the System.

Embrace Technology

- R10.** Create an online system for:
- burn registration;
 - applying for, granting and recording permits and burn plans;
 - multiple access, including sharing of data between fire agencies and other stakeholders and access via tablet, smartphone and other devices;
 - weather data;
 - reporting; and
 - data analysis.
- The online system should be designed to facilitate alignment with fire response, strategic fuel reduction, research and other strategic priorities and programs.

Recommendations

Consistent, Risk-Based Decision-Making

- R11.** Review and improve policy and process for making decisions about declaring Fire Permit Periods, Total Fire Bans and other restrictions, in relation to matters such as:
- a. specifying responsibility for the decision;
 - b. use of actual vs forecast weather;
 - c. risk-based framework;
 - d. factors considered;
 - e. local variation in conditions;
 - f. duration and location of restrictions; and
 - g. consultation with other partner agencies.
- R12.** Review decision-making process for Fire Permits, including in relation to: (a) burn plan requirements; (b) windspeed limits; (c) site inspection; (d) scope for self-regulation; and (e) how decisions are documented.

Fire Permit Officer Appointment and Training

- R13.** Develop a skills matrix for Fire Permit Officers that identifies the training and assessment or skills and knowledge that must be achieved and maintained in order to be appointed and continue to perform the functions of a Fire Permit Officer. Arrangements should be made to recognise the skills and experience of existing Fire Permit Officers through Recognition of Prior Learning or other appropriate means.
- R14.** Change the process for Fire Permit Officer appointment so that:
- a. it is more efficient;
 - b. responsibility for appointment decisions is vested in an appropriate office-holder or body;
 - c. Fire Permit Officers are appointed for a defined period of time;
 - d. the appointment clearly identifies the geographical area(s) within which each Fire Permit Officer has jurisdiction; and
 - e. appointment and renewal of appointment is subject to the Fire Permit Officer demonstrating competency in accordance with the skills matrix.

Recommendations

Compliance and Enforcement

R15. Improve education and training for System users and implementers, including about how the System enables fuel management by means of responsible burning.

R16. Develop policies, processes and procedures to support compliance with and enforcement of the System.

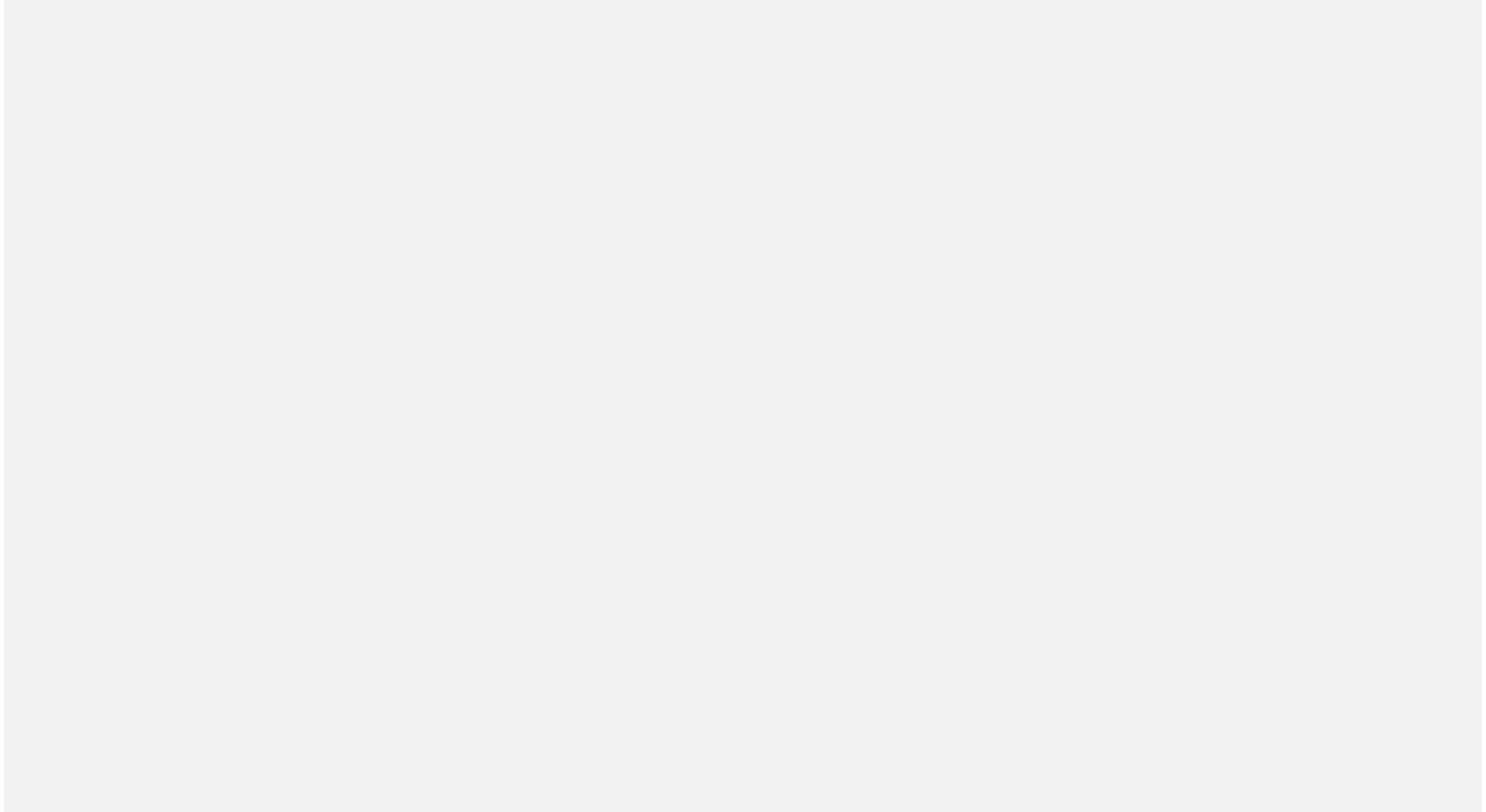
R17. Change offence, enforcement and authority provisions in the Act to ensure they are effective.

Quality Assurance and Continuous Improvement

R18. Create a system for quality assurance which incorporates:

- a. routine collection and analysis of outcome data across the fire agencies;
- b. mechanisms for oversight of decision-making to ensure consistency; and
- c. focus on using data, scientific expertise and information from other jurisdictions to identify opportunities for continuous improvement.

11 Appendices



11.1 Appendix 1 - Consultation Strategy and Survey

Each stakeholder was ranked as “High” or “Low” in terms of “Relevance” (depth of knowledge of the subject matter) and “Influence” (ability to effect change). Different consultation strategies were applied to stakeholders depending on whether they were ranked as “High-High”, “High-Low”, “Low-High” or “Low-Low”, as explained in Figure 20.

Figure 20. Consultation strategies according to Relevance / Influence ranking

		Relevance	
		High	Low
Influence	High	<ul style="list-style-type: none"> • Online survey. • 1:1 interviews with 6 selected, broadly representative stakeholders. • Remaining stakeholders invited to Workshop. 	<ul style="list-style-type: none"> • Online survey.
	Low	<ul style="list-style-type: none"> • Online survey. • Invited to Workshop. 	<ul style="list-style-type: none"> • Online survey.

This approach is based on research which demonstrates that, where a good stratified sample of respondents is used, each of the first six interviews in each category increases learning and understanding. Thereafter, however, there is a law of diminishing returns, with every interview beyond the sixth increasing the cost without a commensurate increase in value (Rappapor and Rappapor).

11.1.1 Key Stakeholder interviews

We conducted the following key stakeholder interviews, focussing on the “big picture” questions identified in the “Flower Diagram” (Figure 1 p.13):

- Tasmania Fire Service: Administrative Users Group and Practical Users Group
- State Fire Management Council
- Forestry Tasmania (now Sustainable Timber Tasmania)
- Parks and Wildlife Service
- Forest Practices Authority
- Tasmanian Farmers and Graziers Association
- Local Government Association of Tasmania

11.1.2 Survey

The survey was designed using SurveyMonkey. It was a branched survey so that different questions were asked (or not) depending on the answers respondents gave to questions about themselves or their knowledge of the Fire Permit System. The questions were developed based on the “building blocks” and “flower diagram” analytical tools and the literature review and benchmarking analysis.

The questions focussed on the following broad topics:

- Demographic information to identify the respondent’s position in or in relation to the Fire Permit System;
- Fire permit use – purpose, frequency and size of burns;
- Understanding of and perceived transparency of existing Fire Permit System processes, such as awareness of decision-making criteria;
- Efficiency, effectiveness and convenience of current Fire Permit System processes, such as applying for a permit and registering a burn;
- Appetite for changes to the Fire Permit System framework, including what is regulated, who regulates it and how this occurs; and
- Strategic alignment of the Fire Permit System with other fire management-related processes.

The survey questions were either tick-box (usually with the option to select multiple boxes) or rating agreement with a series of statements. Most questions included a space for optional comments and there was a final question at the end for any additional comments that respondents wished to make.

The survey was anonymous, with no personal information (such as IP address, email etc) collected by the SurveyMonkey tool. In the final question of the survey, respondents were invited to provide their contact details to enable them to be invited to participate further in the consultation process. This information was segregated from the survey responses before those responses were analysis. 89 respondents provided their contact details.

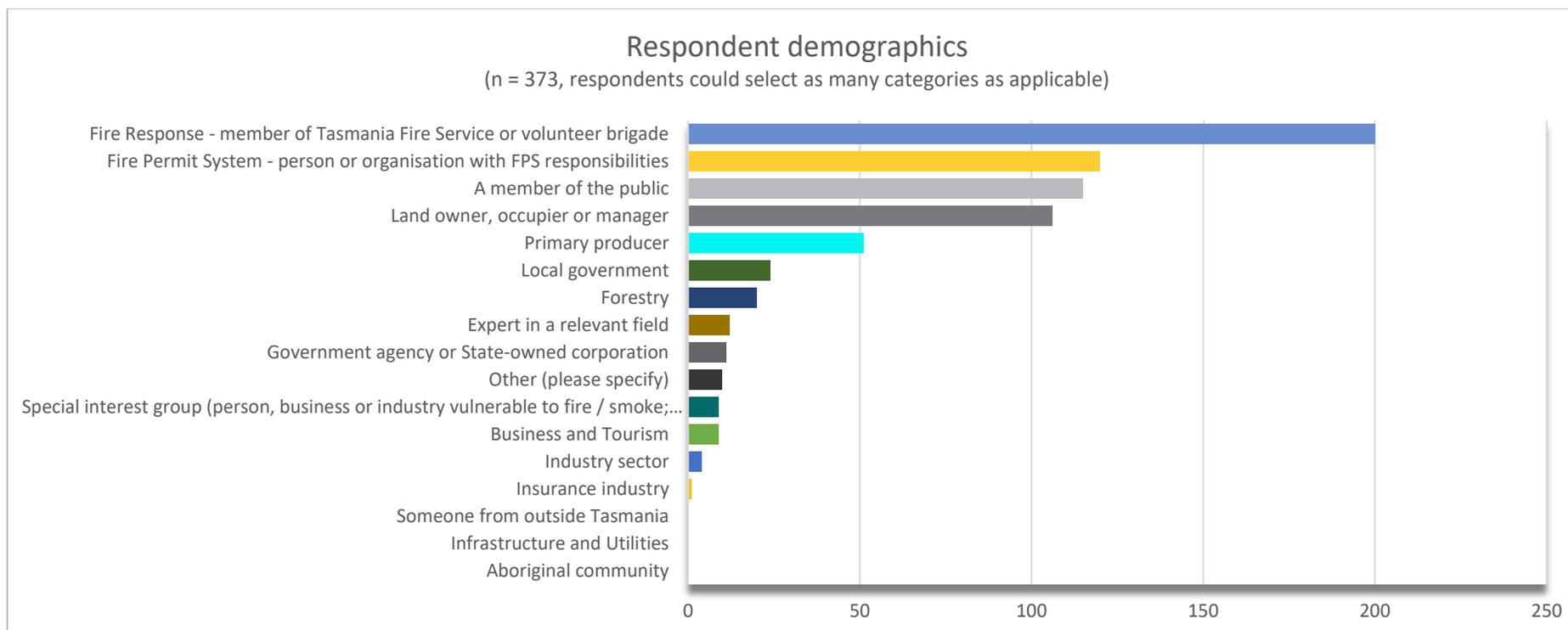
The survey was widely distributed, with a link and information about the survey published:

- on the Tasmania Fire Service website;
- on the Tasmania Fire Service Facebook page;
- via email to identified stakeholder organisations, with a request that it be circulated to each organisation's mailing lists;
- in articles in rural newspapers; and
- via leaflets at Agfest.

11.1.3 Survey responses

The survey was open for 3 weeks. There were 373 responses to the survey, which was available on the TFS website for three weeks as well as being advertised / distributed through various public fora and stakeholder organisations.

The top 5 categories of respondents (all of whom were able to select more than one category) were Fire Response personnel (54%), Fire Permit System personnel (32%), Public (31%), Land Owners Occupiers and Managers (28%), and Primary Producers (14%).



Among the Land Owners, Occupiers and Managers, 84% were private landowners, 24% business/commercial and 4% from public agencies. The land size is illustrated in 0, below. Most live on the land (78%) and use it for some form of primary production (75%); forestry accounts for 10% of the land. In relation to fire permits, the types of land that respondents indicated were most relevant to them were rural bushland (64%), rural open farmland (53%) or suburban/ semi-rural areas (47%). Other land types (forestry, national parks/reserves, coastal, urban) were each selected by about 15% of respondents.

About half of respondents had previously applied for a Fire Permit in Tasmania, with 26% having applied in the past 12 months (Figure 23). Respondents' permit applications were primarily for fuel/hazard reduction (63%), burning household/ garden waste (34%), agriculture (21%) or forestry (10%). The sizes of the burns are illustrated in the graphs below (Figure 22, Figure 24).

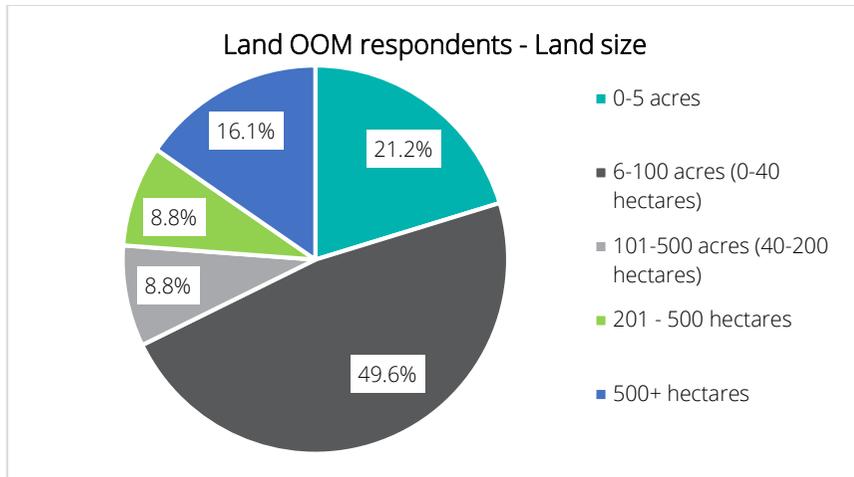


Figure 21. Land owners, occupiers and managers – land size

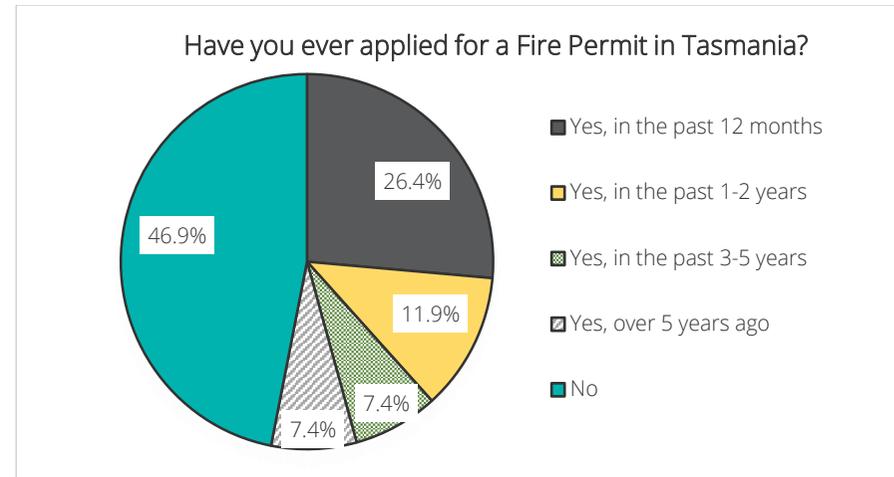


Figure 23. Experience of applying for Fire Permits

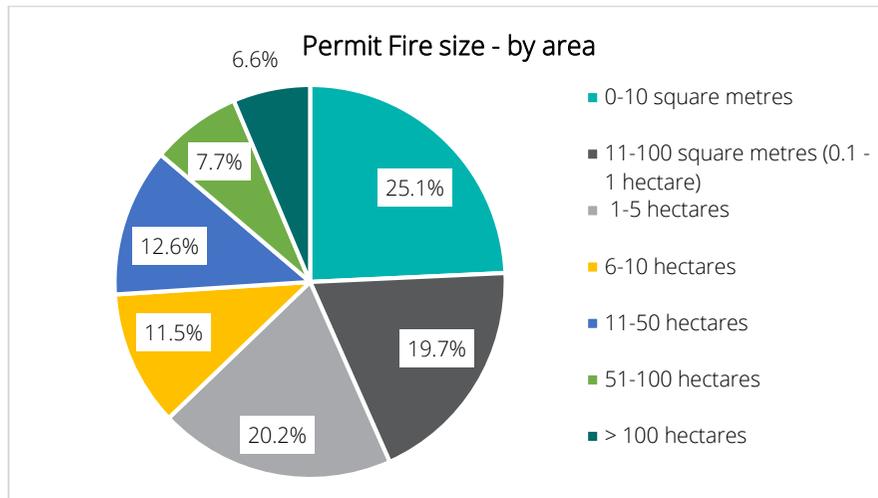


Figure 22. Permit Fire size by area

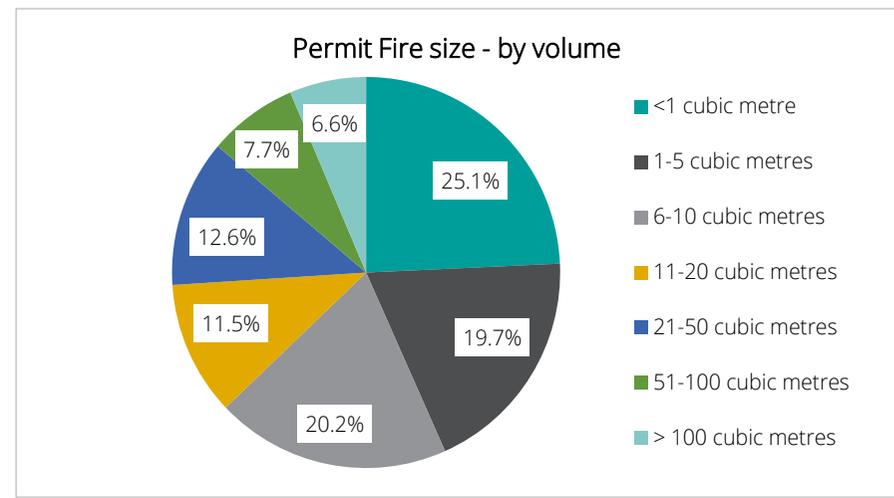


Figure 24. Permit fire size by volume

11.2 Appendix 2 – Workshop Details

Agenda

The Agenda for the Workshop was as follows:

1. Welcome (Steering Committee Chair)
2. Purpose of workshop (Steering Committee Chair)
3. Activity: What is the purpose of the System? (WLF Accounting & Advisory)
4. What do we know?
5. Activity: Options to enhance the System – Whole of System level (WLF Accounting & Advisory)

Lunch break

6. Activity: Options to enhance the System – Policy / Implementation (WLF Accounting & Advisory)
7. Activity: Options to enhance the System – Administrative Processes (WLF Accounting & Advisory)
8. Activity: Traffic Lights
9. Closing remarks (WLF Accounting & Advisory on behalf of Steering Committee Chair)

Inputs

Workshop participants were provided with two documents ahead of the workshop:

- *Information for Workshop Participants* (prepared by WLF Accounting & Advisory), setting out Context of the Review, The Review Process, Key Findings and Themes from Governance / Systems Review and Consultation Process and an overview of the Workshop.
- Appendices: Assessment Criteria; Conceptual Frameworks; and Governance / Systems Review and Consultation Process Methodology
- *Fire Permit System Data* (prepared by M Chladil and D van Geytenbeek, Tasmania Fire Service).

Copies of these documents were available at the workshop and their key points were also displayed on wall sheets. At the workshop, Fire Permit System Review Steering Committee Chairperson Sandy Whight spoke to the workshop participants about the purpose of the workshop and “what we know”. Additionally, options for change that were identified in the Consultation Process were provided to participants during the “Options to enhance the System” activities.

Workshop participants

The following table lists the workshop participants and the organisations and/or stakeholder categories they represent.

At the Workshop, participants were divided into four groups, each with a mixture of stakeholder perspectives.

Name	Stakeholder category or Organisation	Name	Stakeholder category or Organisation
Andrew Emery	Tasmania Fire Service	Julie Bernhagen	West Coast Fire Management Area Committee – Chair
Chris Emms	Parks and Wildlife Service	Jye Hill	Forest Industry Fire Management Committee
Craig Woolford	Tasmania Fire Service (Fire Permit Officer)	Lindsay White	East Coast Fire Management Area Committee – Chair
Danielle Denning	Tamar Fire Management Area Committee – Chair	Mark Brownrigg	Tasmania Fire Service – District Officer
Dean Sheehan*	Sustainable Timber Tasmania	Mark Chladil*	Tasmania Fire Service – Planning Officer
Debra Pope*	State Fire Management Council – Executive Officer	Michael Jones	Tasmania Fire Service – FireComm
Felicity Novy	Tasmania Fire Service	Paul Black*	Parks and Wildlife Service
Gerald Crawford	Tasmania Fire Service – District Officer	Paul Salter	Tasmania Fire Service
Gilbert Taylor	Tasmanian Farmers and Graziers Association	Peter Rowlands	Sustainable Timber Tasmania
Greg Butters*	Tasmania Fire Service – Operational Training	Phil Reader	Tasmanian Farmers and Graziers Association
Ian Bounds	Tasmania Fire Service	Rob Whittle	Local Government – Glenorchy City Council
Ian Sauer*	State Fire Management Council – Chair	Robert Elliott	Wine Growers; Tasmania Fire Service (Fire Permit Officer)
James Newstead	Tasmania Fire Service – District Officer	Sandra Whight**	Tasmania Fire Service – Fuel Reduction Unit
John Atkinson	State Fire Management Council	Shane Batt	Tasmania Fire Service
John Hazzlewood	Tasmania Fire Service		

* Steering Committee Member

** Steering Committee Chair

Workshop outputs

The Workshop outputs are listed in the following tables.

What is the purpose of the System?
"Allow and encourage stakeholders through a formal framework to manage the risk of using fire as a land management tool."
"The purpose of the Fire Permit System is to manage the risk of fire in the landscape through education, effective systems and community awareness of planned burning."
"System to mitigate risk in an uncontrollable environment during periods of high fire danger."
"A system to monitor and regulate fires in the landscape in order to manage / mitigate the risk of uncontrolled fires and to encourage responsible burning practices."

Options to enhance the System

The following tables summarise the options for Whole System, Policy/Approach and Administrative Processes changes that were identified at the Workshop.

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Whole System	<i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>						
A system to regulate fire in the landscape	WS	Keep	Permit system	11			Strong support (11) to retain the "permit system".
	WS	Change	Inconsistencies – TFS / By Laws / EPA	2			
	WS	Keep	Legislation	-	-	-	
	WS	Change	Governance / Legislation	-	-	-	

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Whole System <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
Governance	AP	Create	A management structure	3			Moderate support (8+) to develop a governance structure for statewide coordination and management of the System
	PI	Create	Statewide permit coordination & management	3			
	PI	Change	Governance - Structures - Roles / responsibilities	2			
	PI	Create	Resources for the development & administration of the system	2			
	PI	Change	Review policy structure / doctrine – Recognise & relevant to other policies	1			
	PI	Create	Funding research & development	1			
	PI	Create	State-wide policy		1		
	WS	Keep	Multi agency – consultation & approach				
	WS	Change	[Governance ...]				
	WS	Create	State fire permit coordination				
	PI	Keep	Communication channels across agencies				
	PI	Keep	Governance / systems				
	PI	Keep	Multi agencies are consistent (framework)				
	PI	Chuck	Current governance (Hazard Abatement)				
AP	Create	Consistency with processes					

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Whole System <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
Tiered approach based on risk	WS	Create	Tier system (risk based / user) - Pre-approval (registered users)	9			Emphatic support (17+) for creating a tiered system based on risk Moderate support (9) for creating a pre-approval system for registered users Divergent views (6) on abolishing 1 cubic metre provision
	AP	Create	A tiered system / risk matrix	8			
	WS	Change	1m3 needs to go (2ha?)	1	3	2	
	WS	Change	Tiered system of user level (Agricultural. Landsize. Regular – experience)		1		
	PI	Chuck	Mandatory site inspections - Other technology / means - Tiered system - Agree with “mandatory” site inspections, as long as it is a tiered system		1		
	WS	Keep	Categories of fire / fuel type				
	WS	Keep	Tiered approach to permit application process				
Elements of the System	PI	Keep	Permit officers	7			Strong support (10) to keep Fire Permit Officers <i>Note: Although the other elements of the existing Fire Permit System received only a small number of votes, other workshop statements imply retention of at least the Fire Permit Period and the Total Fire Ban. See also Machinery Operations Guidelines, below.</i>
	WS	Keep	Volunteer permit officers & multi agency & career	3			
	WS	Keep	TFB	3			
	PI	Keep	Declaration period	1			
	WS	Keep	Areas of extreme fire hazards				

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Whole System <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
	WS	Keep	Embargos – capacity to implement based on risk				
Registration of burns	WS	Keep	Registration of burns	9			Emphatic support (17) for registration of burns. Strong support (10+) for mandatory year-round registration of burns Moderate support (6+) for simplifying registration process
	AP	Keep	Requirement to register permit	4			
	PI	Keep	Notification process	3			
	PI	Keep	Keep a central point of registration	1			
	AP	Change	Requirement to register burns all year – (currently not a requirement)	10	1		
	WS	Change	Voluntary !! registration (needs to be mandatory)	1			
	WS	Change	Registration of fire (burns) year-round (SIMPLE)	-	-	-	
	AP	Change	Registration process – simplify	6			
Machinery Operations Guidelines	WS	Keep	Machinery operation in dry & combustible materials	6			Strong support (13+) to keep Machinery Operation Guidelines <i>Notes:</i> <ul style="list-style-type: none"> • <i>May relate to broader category of Activities That May Cause Fire.</i> • <i>The Guidelines are based on actual weather conditions and a degree of self-regulation.</i>
	PI	Keep	Machinery operation guidelines (combustible materials)	7? 8?			
	PI	Keep	FIFMC shutdown procedures	2			
	PI	Change	Machinery operations controls consistent for permit periods / TFB's	2			

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support	
	Level	Action		S	CS	NS		
Whole System <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>								
Education marketing	and	WS	Change	Marketing & education strategy	6			Strong support (10+) for: <ul style="list-style-type: none"> Improving education and training for Fire Permit System users; and/or Creating or improving marketing around the relationship between the (revised) System and fuel management Multiple references to stakeholder engagement.
		WS	Change	Education of users	4			
		AP	Create	Marketing strategy to promote benefits of 'new' permit system and fuel management	4			
		WS	Keep	Education / awareness	3			
		WS	Keep	Training – for burners [...]	3			
		WS	Change	Training – community	1			
		WS	Chuck	Perception that you can't burn during a permit period				
		PI	Change	Change negative perceptions – admin process – ie. Liability				
		PI	Chuck	Chuck the perception that permit system is a tool for smoke regulation				
		PI	Create	Continuity between stakeholders				
		PI	Create	Stakeholder engagement				
		PI	Create	Create a policy on community & stakeholder engagement				
AP	Change	Have more engagement with stakeholders						

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Policy / Implementation and Administrative Processes <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
Technology	AP	Create	Online permit system - burn registration - permits - multiple access - reporting & data analysis	15			Emphatic support (15+) to create an online permit system for: - burn registration - permits - multiple access - reporting and data analysis
	AP	Change	Use technology to get efficiency	8			
	AP	Create	An online system	4			
	WS	Create	Link permit application to emerging technology	2			
	WS	Keep	Web site registration – mapping capability	2			
	PI	Change	Permit information & requirements – simplify - [...] - Photos ? - Electronic	2			
	AP	Keep	Physical permit		2		
	WS	Create	Cloud based system	1			
	PI	Create	Appropriate technology & applications to support Fire Permit System	1			
	WS	Create	Automated permit & registration system				
	WS	Create	Harnessing existing special info platforms – increased accessibility				
	WS	Change	Embrace technology – various ways to submit “Application to burn”				

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Policy / Implementation and Administrative Processes <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
Review of the System	WS	Create	System for quality assurance & review	4			Strong support (10) for creating a review process, possibly at 5-yearly intervals and/or with stakeholder input Moderate support (7) for creating a system for quality assurance
	PI	Create	Quality assurance & continuous improvement process & review	3			
	AP	Change	5 year mandatory review	2			
	PI	Create	Funding research & development	1			
	AP	Create	End of Fire Permit Period review	1			
	WS	Change	Review period – 5 year stakeholder review process including monitoring and evaluation gathering and using measurable data	1			
Language	PI	Change	Key terminology – less authoritarian simple language - Permit vs. application to burn - Embargo vs. restriction (fuel type)	9			Moderate support (9) to change terminology – less authoritarian, related to purpose
	WS	Change	Change title (remove old slogan)				

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Policy / Implementation and Administrative Processes <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
Fire Permit Officers	WS	Create	Skills matrix for key roles, ie: permit officers [...]	5			Moderate support (8) for developing a skills matrix for Fire Permit Officer appointment Moderate-strong support (6-12) to change the process for Fire Permit Officer appointment Cautious support (5+) to develop a retained system for permit officers
	PI	Create	Training & skills matrix	3			
	WS	Keep	Training – for [...] permit officers	3			
	AP	Change	Streamline PO appointment – skills based, local knowledge	2			
	PI	Change	Change policy around PO appointment, to ensure appropriate appointments	1			
	WS	Create	Education in using available information – weather, ground conditions etc.	1			
	AP	Change	Training structure to ensure consistently	1			
	AP	Change	PO training & skills maintenance requirements				
	WS	Keep	Appointment process (FMAC)		2	6	
	WS	Change	Permit officer appointment process	2			
	WS	Chuck	Process for P.O. approval	1			
	AP	Change	Process to become a permit officer	3			
	AP	Create	Retainer for permit officers	2	4		
WS	Create	Retained system for PO		1			
Other key roles	WS	Create	Skills matrix for key roles, ie: permit officers; planned burners; IC / OPS etc	5			Moderate support (5) to create a skills matrix for other key roles

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Policy / Implementation and Administrative Processes <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
Decision-making: Total Fire Bans and Fire Permit Periods	PI	Change	Policy and process determining permit period and permit areas	2			Moderate support (7+) to review and improve policy and process for decision-making, in relation to matters such as: - Use of actual vs forecast weather - Risk-based framework - Factors considered - Local variation in conditions - Duration and location of restrictions
	WS	Change	Based on weather / location actuals (not regional)	2			
	WS	Change	Change the items considered when declaring permit period & TFB's.	1	1		
	WS	Create	Develop finer scale permit areas / boundaries based on improving satellite (remote sensors) soil dryness or drought indexes - BOM modelling	1	1		
	PI	Chuck	Current requirement to advertise in newspapers specifically - more broader communication - method & policy development	1	1		
	PI	Change	Risk management framework for permit period & TFB's	1			
	PI	Create	KISS principle	1		1	
	WS	Change	Criteria for a permit period to be reviewed				
	WS	Create	Weather data actual (as opposed to predictive)				
	PI	Change	Policy re TFB & fire permit notifications				
	PI	Change	Prescriptive policies to be more flexible & adaptive				
	AP	Create	Transparency				

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Policy / Implementation and Administrative Processes <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
Decision-making: Fire permits	AP	Chuck	Red tape	4			Strong appetite (8+) to review decision-making for fire permits, including in relation to: - Burn plan requirements - Windspeed limits - Site inspection - Scope for self-regulation
	WS	Keep	Discretionary decision making by permit officers	3	1		
	PI	Change	Permit information & requirements – simplify - relevance - Template - Photos ? - Electronic	2			
	AP	Change	Engagement with permit officers – go through program of burns (major land managers)	1			
	AP	Keep	Requirement for a burn plan	1	2		
	WS	Create	Self-regulating permit system	1	1	2	
	PI	Create	KISS principle	1		1	
	AP	Chuck	Get rid of 15 km / h limit on permits		4		
	AP	Chuck	Permit requirement for an approved plan burn (eg PWS / FT)		2		
	PI	Chuck	Mandatory site inspections - Other technology / means - Tiered system - Agree with “mandatory” site inspections, as long as it is a tiered system		1		
	WS	Create	User friendly risk assessment tools for planned burns				
PI	Change	Prescriptive policies to be more flexible & adaptive? what in particular					

Theme	Where?		Workshop Statements	Votes			Outcome: Proposals and Level of Support
	Level	Action		S	CS	NS	
Policy / Implementation and Administrative Processes <i>WS = Whole System; PI = Policy / Implementation; AP = Administrative Processes</i> <i>S = support; CS = cautious support; NS = not supported</i> <i>Emphatic support = 15+ votes; Strong support = 10-14 votes; Moderate support = 5-9 votes; Weak support = 1-4 votes</i>							
Enforcement	WS	Change	Prosecution	2	1		Weak support (4+) for retaining / improving compliance and enforcement Weak / cautious support (4) for changes to offence/enforcement provisions in the Act
	PI	Keep	Enforcement & penalties – Fire Offences Bill	2			
	WS	Chuck	Defence of ‘not knowing’ within Fire Services Act needs to be removed		2		
	WS	Keep	The “stick” (prosecution)	1			
	PI	Keep	Compliance	1			
	PI	Change	Policy & legislation around penalties & burden of proof				
	PI	Chuck	Compliance & enforcement under the “Act” (??)				
Data collection	WS	Create	Record management for permits – data for the future	1			Weak support (3) for keeping / improving data collection, including in relation to permits and weather
	WS	Change	Review period [...] including monitoring and evaluation gathering and using measurable data	1			
	AP	Create	Better weather data	1			
	PI	Keep	Share database (registrations / permit)		1		
	WS	Keep	Data collection / sharing				
	PI	Keep	Documentation / recording - <i>IMPROVE</i>				
	PI	Create	Real time weather / location data entry				
	AP	Keep	Admin with TFS				

Workshop Participants' Key Messages to Guide Reform

At the end of the Workshop, the four groups were asked to write two key messages for the Steering Committee to consider in formulating its recommendations. These messages are quoted in the left-hand column of the following table, then summarised as Principles to Guide Reform.

Participant Messages	Principles to Guide Reform
"Embrace technology"	Embrace technology
"Embrace technology"	
"Consider technology – <ul style="list-style-type: none"> • online permit • flexible process" 	
"Be brave & grasp the opportunity to change system"	Grasp the opportunity
"Make real improvements!"	
"Keep it simple "	Simplicity
"K.I.S.S."	
"User friendly"	User friendly
"Create a system that people 'want' to embrace, not 'have' to embrace"	
"Be consistent: <ul style="list-style-type: none"> • efficient processes using technology • policy alignment – TFS / all of government" 	Consistency
"Communicate <ul style="list-style-type: none"> • train • educate • implementation plan" 	Communicate
"Create a system that allows adaptation & change"	Adaptability

11.3 Appendix 3 – Criteria for assessing options for reform

Assessment Criteria	Content
Practicality	The option will make the System more user-friendly and efficient for fire permit users and for fire agencies.
Acceptability	The option will be meet the reasonable expectations of Fire Permit System users and the broader Tasmanian community.
Legality	The option is permissible under current legislation OR The option will require legislative change
Objectives and purposes	The option will be effective in fulfilling the purpose of the Fire Permit System.
Administrative burden	The option imposes an equal or lesser administrative burden than the existing Fire Permit System.
Cost	The option represents equal or better value for money than the existing Fire Permit System.
Timeliness	The option will enable permission to use fire to be obtained in a timely way, that is, in a way that enables fire users to utilise the periods when necessary resources are available, and the weather conditions are suitable to conduct the burn.
Consistent	The option is consistent with and furthers the aims of related policies, systems or programs in Tasmania.
Consequence management	The option will assist with mitigating consequences from fire.
Participant Messages	
Embrace technology	Embrace technology (x2); Consider technology - online permit, flexible process; Be consistent – efficient processes using technology
Grasp the opportunity	Be brave & grasp the opportunity to change system; Make real improvements!
Simplicity	Keep it simple; KISS
User friendly	User friendly; Create a system that people 'want' to embrace, not 'have' to embrace
Consistency	Be consistent – policy alignment – TFS / all of government
Communicate	Communicate – train, educate, implementation plan
Adaptability	Create a system that allows adaptation & change

11.4 Appendix 4 – References

Documents
Legislation
Tasmania
<i>Fire Service Act 1979</i> at 21 November 2016 <i>Fire Service (Miscellaneous) Regulations 2007</i> <i>Emergency Management Act 2006</i> <i>Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007</i> Environment Protection Authority, <i>Smoke Regulations Regulatory Impact Statement May 2017</i> <i>General Fire Regulations 2010</i> Glenorchy City Council, <i>Environment and Health Services By-Law</i> (No. 10 of 2010) <i>Local Government Act 1993</i> <i>National Parks and Reserves Management Act 2002</i> <i>Work Health and Safety Act 2012</i> <i>Work Health and Safety Regulations 2012</i>
Other jurisdictions
<i>Emergencies Act 2004</i> (ACT) <i>Environmental Protection Regulation 2005</i> (ACT) <i>Rural Fires Act 1997</i> (NSW) <i>Rural Fires Regulation 2013</i> (NSW) <i>Bushfires Management Act 2016</i> (NT) <i>Fire and Emergency Act</i> (NT) <i>Territory Parks and Wildlife Conservation By-Laws</i> (NT) <i>Fire and Emergency Services Act 1990</i> (Qld) <i>Fire and Emergency Services Regulation 2011</i> (Qld) <i>Fire and Emergency Services Act 2005</i> (SA) <i>Fire and Emergency Services Regulations 2005</i> (SA) <i>Forestry Regulations 2013</i> (SA) <i>National Parks and Wildlife (National Parks) Regulations 2006</i> (SA) <i>Wilderness Protection Regulations 2006</i> (SA)

Documents

Legislation – Other jurisdictions (continued)

Country Fire Authority Act 1958 (Vic)
Country Fire Authority Regulations 2014 (Vic)
Dangerous Goods (Explosives) Regulations 2011
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Council of Australian Governments (COAG), *Inquiry on Bushfire Mitigation and Management* (2004)
R McLeod, *The Inquiry into the Operational Response to the January 2003 Bushfires* (2004)

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Agency public documents

Tasmania

State Fire Commission, Corporate Plan 2015/16 – 2018/19 (2015)

Tasmania Fire Service, Organisational Chart (from TFS website 21/11/16)

State Fire Commission, *State Bushfire Safety Policy*, Version 1.0 (2014)

State Fire Commission, *State Fire Protection Plan*, Version 2.2 (2013)

State Fire Management Council, [State Vegetation Fire Management Policy 2012](#) (Appendix 1 of State Fire Management Council, *Bushfire in Tasmania: A new approach to reducing our statewide relative risk* (2014))

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Documents

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Endnotes

¹ See State Fire Management Council, *Bushfire in Tasmania: A New Approach to Reducing our Statewide Relative Risk* (2014) and «www.sfmc.tas.gov.au/fuel-reduction-program-0».

² State Fire Management Council, *State Vegetation Fire Management Policy 2012* («www.sfmc.tas.gov.au/document/state-fire-management-council-state-vegetation-fire-management-policy» at 31 January 2018); revised policy developed in 2017-18 is currently in press.

³ Based on value of \$157 / penalty unit, 1 July 2016 – 30 June 2017: «www.justice.tas.gov.au/about/legislation/value_of_indexed_units_in_legislation» (at 9 February 2017).

⁴ Use of a “solid-fuel engine outside an enclosed building” is prohibited on days of Total Fire Ban: *FSM Regulations* reg. 10.

⁵ Eg Glenorchy City Council *Environment and Health Services By-Law No. 10 of 2010*, Part 6 («www.gcc.tas.gov.au/content/upload/20110111075156438_1238.pdf» at 8 Feb 2017).

⁶ *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* Parts 3-5.

⁷ See Environment Protection Authority (Tas), *Regulatory Impact Statement for the proposed Environmental Management and Pollution Control (Smoke) Regulations 2017* («<http://epa.tas.gov.au/pages/News.aspx?newsstory=3732>» at 26 May 2017).

⁸ NSW: Minister, Bushfire Coordinating Committee, Commissioner of the Rural Fire Service, Rural Fire Service / Fire & Rescue Service officers, hazard management officers; NT: Minister, Executive Director of Bushfires NT, Director of Fire & Rescue Services, Territory Parks & Wildlife Commission; WA: Commissioner of Fire and Emergency Services, local governments, “bushfire control officers”.