

GLENORCHY CITY COUNCIL

ATTACHMENTS

MONDAY, 27 NOVEMBER 2023



TABLE OF CONTENTS:

COMMUNITY

9. Proposed Speed Limit Reductions

- 1: Proposed Locations 3
- 2: Stakeholder Feedback 13
- 3: Comments on Lets Talk 18

10. Community and Volunteer Awards

- 1: 2023 Community and Volunteer Awards Program 21

11. Appointment of Elected Member to Cycling South Committee

- 1: Committee Nominations and Appointments Policy 2023 25
- 2: Notice of Nominations for Appointments to Committees
and Other Bodies..... 32

GOVERNANCE

13. Customer Service Report 2022/23

- 1: GCC Customer Service Report 2022/23 35

14. Adoption of Customer Service Charter	
1: Customer Service Charter	73
2: GCC Service Level Commitment	75
3: Existing GCC Customer Service Charter	83
4: Customer Service Charter (Text only, tracked changes) ...	85
5: GCC Customer Service Level Commitment (Tracked Changes)	89
15. Complaints Management Policy	
1: Complaints Management Policy	98
17. Fire and Emergency Services Act Reform Submission	
1: Draft Tasmania Fire and Emergency Service Bill 2023	108
2: 2018 Issues Paper	211
3: Recommendations	284
4: Options Paper	296
5: Funding Options Detail Paper	316
18. Submission on the Development Assessment Panel Framework Position Paper	
1: Development Assessment Panel Framework Position Paper, October 2023	319
2: Feedback Response to the Development Assessment Panel Framework Position Paper	347
19. Financial Performance Report to 31 October 2023	
1: Attachment 1 - Financial Performance Report - October 2023	355
21. New and Updated Policies	
1: Stormwater Management Policy - Tracked Changes	363
2: Stormwater Management Policy - Final Version	377

Main Road, Austins Ferry from Abbotsfield Road to Stony Point Drive**Proposed Speed Limit Change from 60km/h to 50km/h****Background**

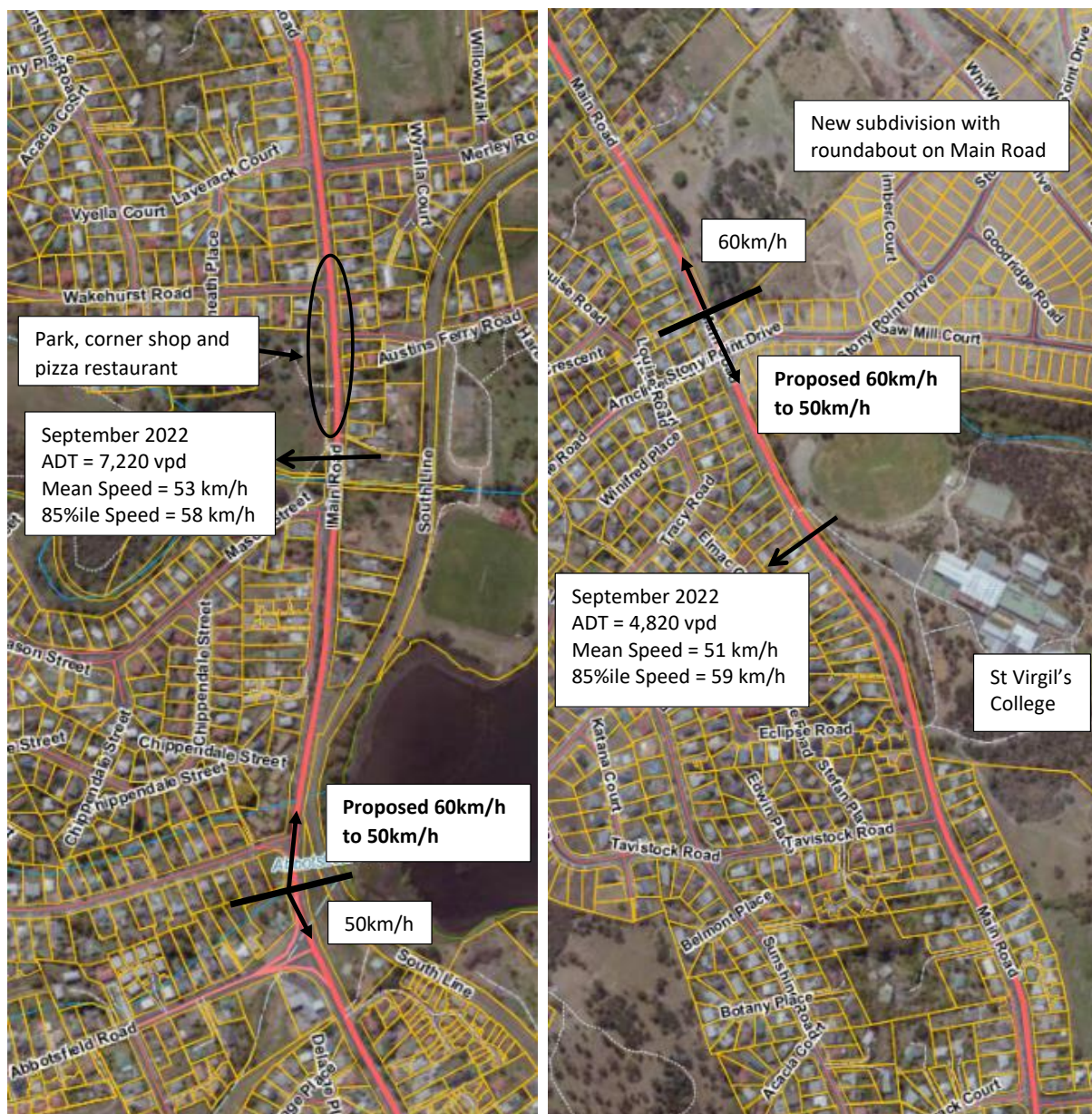
Main Road just north of Abbotsfield Road changes from 50km/h to 60km/h. It is proposed to change the speed limit to 50km/h from Abbotsfield Road to just north of a new roundabout for the recent subdivision at Stony Point Drive. The speed reduction for this 1.8km long section of road, will only add an extra 22 seconds to vehicle travel time while making the road environment safer for all road users.

In proposing to lower the speed limit, consideration was given to the characteristics of the road, including the new subdivision at Stony Point Drive with a roundabout on Main Road, improve safety all the time to St Virgil's College, making the road environment safer for all users practically at the Roseneath Park and shops and its crash history. A map of the proposed site is attached, along with traffic count data.

Assessment Against Tasmanian Speed Zoning Guidelines

Road function and traffic volume	Arterial road, carrying approximately 7,220 vehicles per day north of Abbotsfield Road and 4,820 vehicles per day south of Stony Point Drive
Road owner	Glenorchy City Council
Roadside development	New Whitestone Point subdivision with 213 residential lots off Stony Point Drive, with new a roundabout on Main Road and Stony Point Drive. High patronage at pizza and corner shop near the Roseneath Park, along with the playground to be ungraded. Increase to year 11 and 12 at St Virgil College.
Cross-section and road alignment	Road - single sealed carriageway in each direction, with K&C on both sides of road apart from between St Virgil's College school crossings. Road width varies from 7.5m (outside St Virgil's), 10m (outside Roseneath Park) to 14m. Geometry – mainly straight flat sections with a few sweeping bends. Footpaths – mostly on both sides of road but only on one side of road outside Roseneath Park and St Virgins Collage. In three sections the Main Road footpath continues along adjoining service roads. Buses – bus route and bus stops along Main Road. Bike Lanes – mostly on both sides of road but not outside Roseneath Park and St Virgins Collage due to road width and parking. Parking – varies along road but mostly on both sides of road.
Road accesses / intersections	Residential properties with direct access and three service roads onto Main Road. Two driveway access to St Virgil's college. Eight intersections, including new roundabout.
Pedestrians	Likely increase in pedestrians (and cyclists) from Whitestone Point subdivision and surrounding area, with a new subdivision off Mahoney Road and Bridgewater Bridge. Highly used bus route with pedestrians crossing road to get to bus stops.
Length	1.8km in length
Adjacent speed	50km/h to the south and 60km/h to the north
Crash history	Refer to Attachment

Attachment 1 – Site Map and Traffic Data



Attachment 2 – Crash Data

Over the past 5 years, the crash data to the Police provides the following statistics which indicates that a lower speed limit on the road would assist:

- 62 crashes occurring along the length of the road not at an intersection, of which **2 were fatal, 3 serious**, 4 first aid, 20 minor, 27 property damage only and 6 not know.
- 40 crashes at intersections to the north of Abbotsfield Road of which 4 were first aid, 11 minor, 23 property damage and 2 not known.

The detailed crash report is provided, noting that the speed limit is sometimes not correct in the data.

Marys Hope Road, Berriedale from Crosby Road to Berriedale Road**Proposed Speed Limit Change from 60km/h to 50km/h****Background**

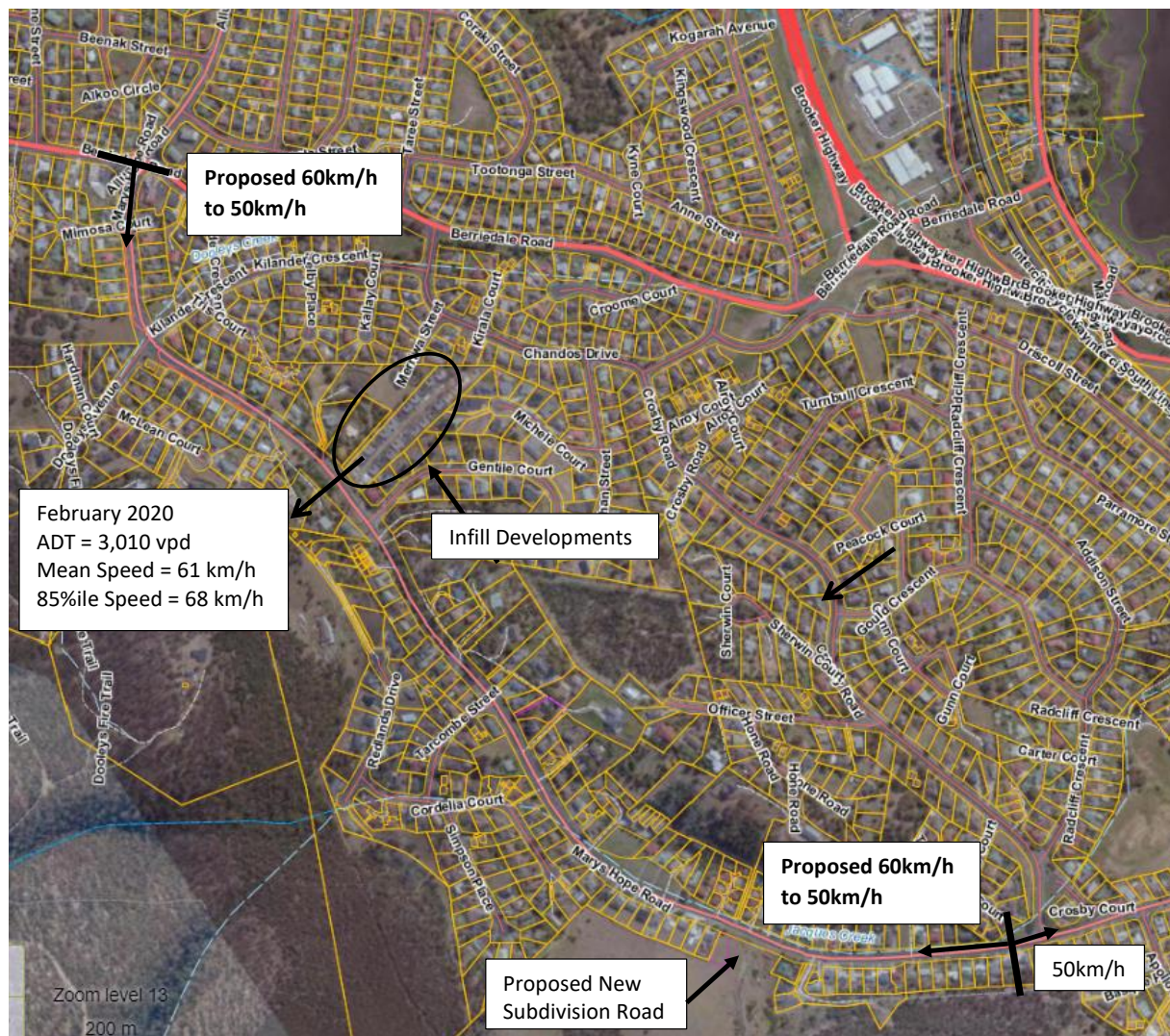
Marys Hope Road between Crosby Road and Berriedale Road has a posted speed limit of 60km/h. It is proposed to change this to 50km/h due to concerns from residents, crash history, infill development at 190 and 192 Marys Hope Road and proposed subdivision with new junction at 91 Marys Hope Road. Over the last few years Council has narrowed the road environment at the intersection with Gentile Court and Kilander Crescent through Blackspot funding. The speed reduction for this 1.7km section of road, will only add an extra 20 seconds to vehicle travel time while making the road environment safer for all road users.

In proposing to lower the speed limit, consideration was given to the characteristics of the road, including driveways access from large new unit developments, changes to road environment at junctions and its crash history. A map of the proposed site is attached, along with traffic count data.

Assessment Against Tasmanian Speed Zoning Guidelines

Road function and traffic volume	Collector road, carrying approximately 3,000 vehicles per day
Road owner	Glenorchy City Council
Roadside development	Infill development of units at 190 and 192 Marys Hope Road increase vehicles turning at the driveways. Proposed subdivision at 91 Marys Hope Road with new road and junction. Kerb extensions at junctions of Gentile Court and Kilander Crescent, narrow the road environmental along Marys Hope Road and improving safety of the junctions.
Cross-section and road alignment	Road - sealed carriageway of between 8m and 10m, with K&C on both sides of road. Geometry – some curves along the road and hill between Tarcombe Street and Gentile Court where road width narrows. Footpaths – mostly on both sides of road apart from between Gentile Court and Kilander Crescent where only footpath on one side of road. Buses – bus route and bus stops along Marys Hope Road. Bike Lanes – no bike lanes provided but popular on road cycling route. Parking – on both sides of road apart from between Tarcombe Street and Kilander Crescent where mostly just on one side of road.
Road accesses / intersections	Residential properties with direct access and two service roads onto Marys Hope Road. Currently four intersections onto road between Berriedale Road and Crosby Court.
Pedestrians	Likely increase in pedestrians (and cyclists) from infill developments, along with connecting pedestrian and cyclists in north-south direction. Bus route with pedestrians crossing road to get to bus stops.
Length	1.7km in length
Adjacent speed	50km/h to the south at Crosby Court and to north along Allunga Road. Currently 60km/h on Berriedale Road, although proposal to make this 50km/h to the east.
Crash history	Refer to Attachment.

Attachment 1 – Site Map and Traffic Data



Attachment 2 – Crash Data

Over the past 5 years, the crash data to the Police provides the following statistics which indicates that a lower speed limit on the road would assist:

- **49 crashes** occurring along the length of the road not at an intersection, of which 3 were minor, 38 property damage and 8 not know.
- 6 crashes at intersections between Berriedale Road and Crosby Road of which 2 minor and 4 property damage with one at Tarcombe St, two at Minosa Court, two at Kilander crescent and one at Gentile Court.
- 4 crashes at the intersection with Crosby Road.

The detailed crash report is provided, noting that the speed limit is sometimes not correct in the data.

Berriedale Road, Berriedale from Catherine Street to Marys Hope Road**Proposed Speed Limit Change from 60km/h to 50km/h****Background**

Berriedale Road just to the west of the Brooker Highway from Catherine Street to the roundabout at Marys Hope Road and Allunga Road has a posted speed limit of 60km/h. Allunga Road is 50km/h and it is proposed to make Marys Hope Road 50km/h. The continuation of Berriedale Road from the roundabout to the west is 50km/h and becomes a more rural environment.

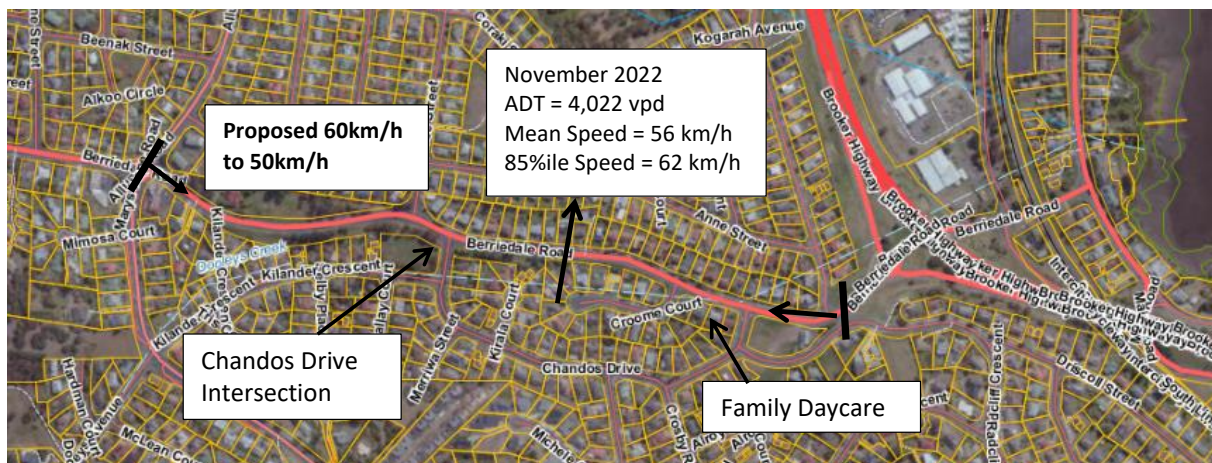
It is proposed to change the speed limit on Berriedale Road from Catherine Street to Marys Hope Road / Allunga Road to 50km/h, due to crashes at the intersection with Chandos Drive, reduced visibility to the west of the intersection with Chandos Drive from geometry and vegetation, increase safety for patrons of Little Sparrow Family Daycare at 31 Berriedale Road where kids and parents are getting in and out of cars along with crossing the road, and to provide consistency in the posted speed limit in the area. The speed reduction for this 0.9km section of road, will only add an extra 11 seconds to vehicle travel time while making the road environment safer for all.

In proposing to lower the speed limit, consideration was given to the characteristics of the road, including geometry of road and intersections, pedestrian access across the road and its crash history. A map of the proposed site is attached, along with traffic count data.

Assessment Against Tasmanian Speed Zoning Guidelines

Road function and traffic volume	Collector road, carrying approximately 4,000 vehicles per day
Road owner	Glenorchy City Council
Roadside development	Infill development and proposed subdivision off Officer Street, increasing usage of Chandos Drive with Berriedale Road. Daycare at 31 Berriedale Road.
Cross-section and road alignment	Road - sealed carriageway of between 12m and 10m, with K&C on both sides of road. Geometry – some curves and bends along the road. Footpaths – on northern side of road only and both sides between Catherine Street and Croome Court. Buses – bus route and bus stops along road. Bike Lanes – no bike lanes provided but popular on road cycling route. Parking – on both sides of road but predominately occurs at residential properties.
Road accesses / intersections	Residential properties with direct access on northern side of road from Taree Street to Catherine Street and on southern side from Catherine Street and Croome Court. Four intersections onto road between Catherine Street and Marys Hope Road.
Pedestrians	Pedestrians from south needs to cross the road to get to footpath on northern side and to access bus stops.
Length	0.9km in length
Adjacent speed	50km/h to the east on Berriedale Road and along Allunga Road. Proposed 50km/h on Marys Hope Road. 60km/h on Berriedale Road to the west of Marys Hope Road.
Crash history	Refer to Attachment.

Attachment 1 – Site Map and Traffic Data



Attachment 2 – Crash Data

Over the past 5 years, the crash data to the Police provides the following statistics which indicates that a lower speed limit on the road would assist:

- 11 crashes occurring along the length of the road not at an intersection, of which 1 was first aid, 1 serious, 7 property damage and 2 not know.
- **10 crashes at the intersection with Chandos Drive** of which 1 was first aid, 2 minor and 7 property damage.
- 2 crashes at the intersection with Taree Street of which 1 was minor and 1 property damage.
- 1 crash at the intersection with Cromme Court which was property damage.
- 9 crashes at the intersection with Catherine Street of which 1 was first aid, 3 minor and 5 property damage.

The detailed crash report is provided, noting that the speed limit is sometimes not correct in the data.

Barossa Road, Glenorchy between Tolosa Street and Bimburra Road**Proposed Speed Limit Change from 60km/h to 50km/h****Background**

Barossa Road from the roundabout with Tolosa Street is 60km/h. It is proposed to change the speed limit to 50km/h from Tolosa Street to just south of Bimburra Road. Barossa Road turns into Kalanga Avenue with less residential accesses and then becomes a rural road linking to the City of Hobart. There has been an increase in residential development and traffic volume along Barossa Road which is a bus route and pedestrian / cycling connection into Glenorchy CBD. The intersection of Nagel Place and Barossa Road was recently improved with a right turn facility through Black Spot funding. The speed reduction for this 1.1km long section of road, will only add an extra 13 seconds to vehicle travel time while making the road environment safer for all road users.

In proposing to lower the speed limit, consideration was given to the characteristics of the road, including new and existing accesses, increase in volume of traffic along road and at intersections, and its crash history. A map of the proposed site is attached, along with traffic count data.

Assessment Against Tasmanian Speed Zoning Guidelines

Road function and traffic volume	Major collector road, carrying approximately 6,500 vehicles per day.
Road owner	Glenorchy City Council
Roadside development	Increase in traffic on our road networks, including unit developed at 58 Barossa Road and currently under construct unit developed at 2 Nagel Place.
Cross-section and road alignment	Road - single sealed carriageway in each direction, with K&C on both sides of road. Road width generally 10m. Geometry – mainly straight flat sections with a few sweeping bends. Footpaths – on both sides of road apart from at creek reserve. Buses – bus route including express bus and bus stops along Barossa Road. Bike Lanes – no bike lanes provided but popular on road cycling route. Parking – varies along road but mostly on both sides of road.
Road accesses / intersections	Residential properties on both sides of road with access onto Barossa Road and ten intersections which include Devins Road and Nagel Place that carry substantial traffic.
Pedestrians	Connecting pedestrian (and cyclist) route from Glenorchy CBD to properties and highly used bus route with pedestrians crossing road to get to bus stops.
Length	1.1km in length.
Adjacent speed	50km/h onto Tolosa Street and 60km/h to the south in more rural road.
Crash history	Refer to Attachment.

Attachment 1 – Site Map and Traffic Data



Attachment 2 – Crash Data

Over the past 5 years, the crash data to the Police provides the following statistics which indicates that a lower speed limit on the road would assist:

- 12 crashes occurring along the length of the road not at an intersection, of which 1 was serious, 1 first aid, 4 minor, 5 property damage only and 1 not know.
- 11 crashes at intersections of which 2 were first aid, 1 minor and 8 property damage.

The detailed crash report is provided, noting that the speed limit is sometimes not correct in the data.

Main Road, Moonah CBD from Amy Street to Florence Street**Proposed Speed Limit Change to 40km/h all the time****Background**

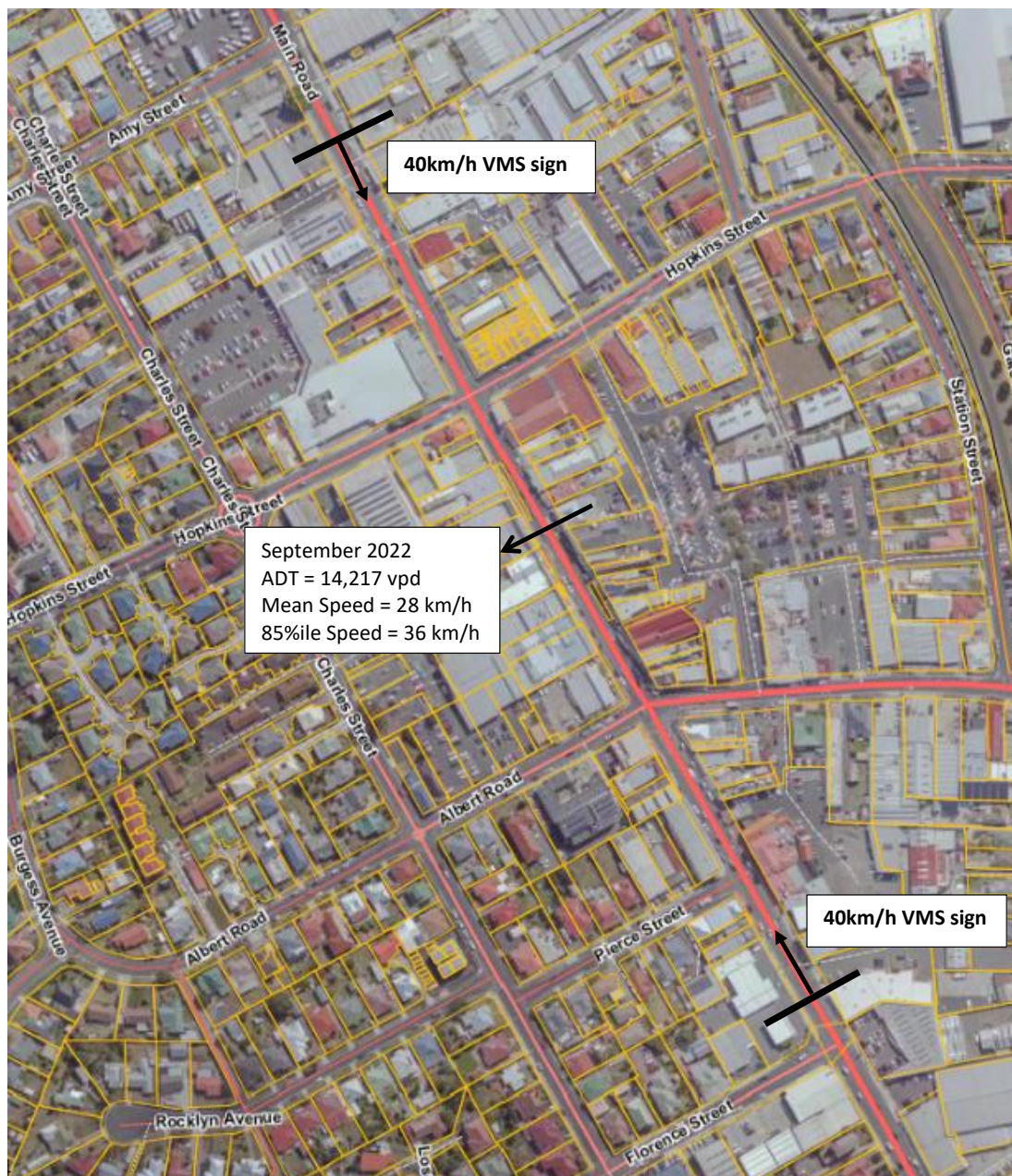
Main Road between Amy Street and Florence Street was one of the first shopping center zone to reduce the speed to 40km/h during the day (7.30am to 6pm Monday to Friday) about 10 years ago. Since then, traffic lights have been installed at the junction with Florence Street, more business have opened into the evening and on weekends, and surrounding CBD streets are 40km/h all the time such as the Glenorchy CBD. The crash data shows that over the last 5 years, there have been 13 reported pedestrian incidents of which 5 were outside the 40km/h times. The speed reduction for this 0.5km section of road, will be unlikely to add any additional travel time due to the traffic lights at the intersections but will make the road environment safer for all road users.

In proposing to make the speed limit 40km/h all the time, consideration was given to the characteristics of the road, speed limit on other CBD streets, increase in night-time opening of businesses and on weekends, along with its crash history particularly for pedestrian. A map of the proposed site is attached, along with traffic count data.

Assessment Against Tasmanian Speed Zoning Guidelines

Road function and traffic volume	Arterial road, carrying approximately 14,000 vehicles per day.
Road owner	Glenorchy City Council
Roadside development	Increase in opening hours of business in the evening and weekends. Traffic lights at Florence Street and Main Road
Cross-section and road alignment	Road - single sealed carriageway in each direction, with K&C on both sides of road and road width approximately 12m. Geometry – flat and straight with three sets of traffic lights. Footpaths –on both sides of road. Buses – bus route and bus stops along Main Road. Bike Lanes – no on-road cycle lanes. Parking – on both sides of road.
Road accesses / intersections	Property accesses onto Main Road with fewer in the Main CBD area between Albert and Hopkins Street. Four intersections with three with traffic lights.
Pedestrians	Very high pedestrian traffic with traffic lights at intersections and two pedestrian medium islands.
Length	0.5km in length
Adjacent speed	50km/h to south and north.
Crash history	Refer to Attachment.

Attachment 1 – Site Map and Traffic Data



Attachment 2 – Crash Data

Over the past 5 years, the crash data to the Police provides the following statistics which indicates that a lower speed limit on the road would assist:

- 265 crashes occurring along the length of the road not at an intersection of which 46 were between 6pm and 7.30am when the 40km/h is not in place.
- 129 crashes were at the intersections in which speeds should be lower.
- 13 crashes involved **pedestrians of which five of them were between 6pm and 7.30am** of which 1 was serious, 2 first aid and 2 minor. The other crashes involving pedestrians when the 40km/h was in place resulted in 5 minor and 3 property damage.

The detailed crash report is provided, noting that the speed limit is sometimes not correct in the data.



13 September 2023

Response to Glenorchy speed limit review

Glenorchy Council is to be commended for proposing a lowering of the speed limit on Main Road to 40 km and 50 km on other roads to improve road safety outcomes.

Bicycle Network would like to see the council make a commitment to lowering the city centre limit to 30 km in future, in line with best practice road safety research and the actions of other major towns in Australia.ⁱ

While 40 km is better than 50 km in terms of survival if a person is hit by a vehicle while walking and riding, 30 km is seen globally as the ideal speed limit in city centres with people walking, cycling and scooting to minimise death and injury.

- **Slower speeds save lives** – someone has a 70% chance of surviving if they are hit by a car travelling at 40 km, but at 30 km the chance of survival increases to 90 per cent. The fatality risk for a pedestrian hit by a car at 50 km is also more than five times higher than the risk at 30 km.ⁱⁱ

Higher Vehicle Speeds Increase Likelihood of Pedestrians/Cyclists Dying in Collisions



Source: Cities Safer by Design (2015)
wri.org/publication/cities-safer-design

WORLD RESOURCES INSTITUTE

- **Slower speeds improve stopping time** – The speed and volume of motor vehicles increase the risk of a crash and the severity of a crash. Driving at a

slower speed also helps drivers stop within a shorter distance.ⁱⁱⁱ At higher speeds, a car travels further during the reaction time from when the brakes are applied and the stopping distance is greater. This impacts the rate of momentum and energy at the point of the crash, impacting the severity of injury and chances of survival.

- **Slower speeds improve driver vision** – A driver's peripheral vision is reduced at higher speeds^{iv}. By proactively slowing speeds in complex road environments, we can influence safe driving behaviour by increasing driver depth perception and field of vision.
- **Slower speeds don't make trips longer** – In cities, average road speeds are more greatly determined by the frequency of intersections, rather than speed limits. For short sections such as the Glenorchy Main Road, the extra travel time would be low.

Kind Regards



Alison Hetherington
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ⁱ Other places implementing 30 km limits include City of Yarra, Newcastle, Wollongong, Western Australia's Active Streets,

ⁱⁱ <https://www.wri.org/insights/need-safe-speed-4-surprising-ways-slower-driving-creates-better-cities#>

ⁱⁱⁱ <https://www.wri.org/research/cities-safer-design>

^{iv} <https://nacto.org/publication/urban-street-design-guide/design-controls/design-speed/>

ract.com.au | 13 27 22



September 26, 2023

Emily Burch
Transport Engineer
Glenorchy City Council
PO Box 103
Glenorchy TAS 7010

By Email

Glenorchy speed limits

Dear Ms Burch,

Thank you for your invitation to provide feedback on the proposed speed limit changes for Glenorchy.

RACT supports the Glenorchy City Council proposal to lower speed limits on the following streets:

- Main Road, spanning from Abbotsfield Road to Stony Point Drive.
- Marys Hope Road, stretching between Crosby Road and Berriedale Road.
- Berriedale Road, covering the section between Catherine Street and Marys Hope Road.
- Barossa Road, extending from Tolosa Street to Bimburra Road.
- A permanent adjustment of the speed limit on Main Road, from Amy Street to Florence Street, to a consistent 40km/h. This proposed change seeks to replace the existing time-dependent speed limit (40km/h from 7.30am to 6pm, Monday to Friday, and 50km/h at other times) with a continuous 40km/h limit.

The RACT endorses the reasons for these changes, which are outlined comprehensively on Council website.

These proposals are sensible, modest, evidence-based initiatives that add to safety, amenity and liveability and will have minimal impact on travel times.

- They are in line with the Tasmanian Speed Zoning Guidelines, which the RACT supports.
- They are in line with the *Austroads Guide to Road Safety Part 3: Safe Speeds*, which guides RACT policy and advocacy on Safe Roads, Safe Speeds, Safe Vehicles and Safe Road Users.
- They are in line with the Safe Systems principles which guide best-practice speed management nationally.
- They are a significant move in delivering the RACT's 30-Year Mobility Vision for Greater Hobart, which calls for the pedestrianisation of CBD streets, including lowering speed limits to 30 km/h.
- They are in line with speed management through the movement and place strategy outlined in the National Road Safety Strategy, which has been endorsed by the State and Federal Governments.
- They are consistent with the speed limit changes in the Hobart and Launceston CBDs and selected arterial roads within the Hobart and Launceston local government area.

We support the independent and statutory duty of the Transport Commissioner as the final authority on the setting of speed limits in Tasmania.

Council endorsement of the speed limit recommendations and a subsequent application seeking the approval of the Transport Commissioner will be a significant step in establishing a more consistent regime in evaluating and setting speed limits on both state and local government roads.

Our advocacy focus has been, and will continue to be, the reform of our speed limit setting regime to deliver consistent speed limits on both state and local roads that reflect road conditions.

The inconsistency in speed setting, particularly between local government areas, has been highlighted by the Legislative Council Select Committees into Road Safety in 2011 and 2022.

A clear example of that inconsistency has been the differences in CBD speed limits in Tasmanian urban areas.

Our view is that all Tasmanian city speed limits should have been subject to review at the same time.

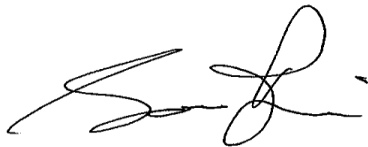
There should be an expectation by Tasmanians that when they drive their vehicle in any Tasmanian city they will have certainty about speed limits, particularly when the characteristics of the CBD streets and major, high-volume arterial roads in these centres are essentially the same.

The inquiry into the National Road Safety Strategy in 2018 said:

An audit of the road system is not required to realise that many speed limits currently across the Australian road network are not conducive to eliminating harm. Many local streets—which are often used by pedestrians and cyclists—have speed limits of 50km an hour, a limit well in excess of the biomechanical tolerances of pedestrians and cyclists of around 30km an hour.

The Glenorchy City Council, by addressing this important road safety issue, is helping create a streetscape that will enhance the city's liveability, safety and amenity.

Yours sincerely,



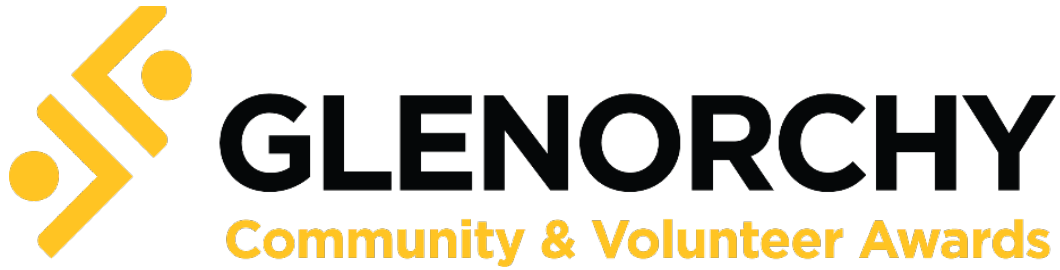
Garry Bailey
Chief Advocacy Officer
RACT

Comments on Let's Talk via the Survey and Map

Survey Contribution	
1	What does it matter? People still use Montrose Rd as though it were an 80km/h zone. Speed limits aren't effective if they're not enforced - it makes much more sense to introduce traffic calming infrastructure such as speed humps, roundabouts, and traffic lights.
2	I support the proposed reductions BUT they should be accompanied, at least in Marys Hope Road, with traffic calming measures.
3	Wha evidence is there to warrant a change? Without any factual evidence this is just another waste of ratepayers money
4	Berriedale Road is a hot spot for speeding and burnouts. I'd like to see traffic calming measures like speed humps, pedestrian crossings and chicanes to stop cars hooning and flying up and down the hill
5	The speed limits are just fine as they are. Don't fix something that's not broken
6	Has work well in other areas
7	slow speed often is an impediment, making ppl go faster .
8	Simpler approach makes it easier to focus on traffic and pedestrians and not traffic signs. Lower speed makes entry and exit from road easier There is insignificant change to travel time Don't use traffic calming measures, they are just frustrating during times of heavy traffic which always occur particularly around school hours. Frustrated drivers are more likely to do unsafe manouvers.
9	Unnecessary for already safe stretches of road. What issues have we been seeing? Ate these issues caused by incompetent drivers which lowering a speed limit will not fix?
10	The areas indicated have a much higher population than a few years ago and will continue to increase. There is also a lot more traffic on these roads.
11	I believe that 60kph is too fast for built up areas'.
12	Lower speed limits are proven to improve safety for all road users
13	I support Barossa Rod and Main Road Moonah I do not support Main road Austins Ferry and Marys Hope Road
14	Reduced vehicle speeds significantly increase safety of pedestrians and cyclists. More people will choose active transport and want to spend time in these areas. Will actually have minimal impact on vehicle journey times. As well as changing the nominal speed limit, it's important GCC redesigns the streets - narrower lanes, wider footpaths, bike lanes, street trees, etc - to slow drivers down.
15	I support the reductions in speed limit provisionally, as lower driving speeds will improve safety for all road users. However, in order to actually achieve lower driving speeds, there should be design changes or traffic calming measures to accompany the reduction in speed limit.
16	It's completely unnecessary.
17	I live in Kilander Cres, Berriedale and travel Berriedale Rd and Mary's Hope Rd regularly and see no reason to reduce the speed limits. In my view neither are dangerous enough to warrant the speed limit reduction.
18	The speed reeducation for Marys Hope Road will be good for the wildlife - far too many wallabies being killed.
19	Lower speeds mean safer roads, less noise, reduced road-kill, less pollution.
20	One speed limit for length of road in residential area.
21	No
22	There is no reason to change the limits other than to waste tax payers money
23	Safer for the community and may help reduce roadkill
24	I feel that the speed limits at present on Marys Hope Road, Berriedale Road and Main Road Austin's Ferry are safe enough. There is a 40 kmh speed limit near St Virgil's College at certain times on school days

25	I'm curious as to how these changes will increase safety. None of the roads indicated are what I'd consider high pedestrian thoroughfares, nor, accident hot spots. In particular the Barossa Road change may actually cause more confusion as motorists come down the hill from Kalang Ave into Barossa Rd changing from 60 to 50 (unless HCC are similarly planning to change Kalamang Ave speeds)
26	Travelling up hill Berriedale and Mary's Hope road easier on cars - arterial roads should be at a slightly higher speed
27	I drive this road everyday and don't see any need to reduce the limit.
28	The reduction in Claremont to Austins Ferry is unwarranted
29	I support the reduction along Mary's Hope Rd to stop the needless death of wildlife. Please also install some lighting along there too!!
30	Most of the areas suggested have low or no foot traffic, and minimal driveways! I travel 3 of them regularly, at all times of the day, and there are no issues with the "uniformity" of the limits! Please don't make us a Nanny State where there is no trust in your residents! It will be seen by your community as a "revenue raising" tactic and create more distrust in our community leaders!
31	60km is slow enough, going down to 50 people lose concentration and stop looking where they were going,
32	I support all reductions
33	The speeds are fine as they are now. Why change something that is fine. If you license then you should know to drive to the environment and watch out for hazards. There are more important issues to concentrate on.
34	It would be interesting to see the crash data for these speed changes. Where is the data analysis and statistical information to support these speed reductions?
Map Contribution	
1	Hi. If council wants to reduce the actual driving speeds on Marys Hope Rd between Crosby and the top of the hill, it should build some traffic calming infrastructure. The road is wide and high quality so it is perfectly safe to drive there at 70kph ... so merely putting up some signs will have little effect. Cheers.
2	More housing in area means more traffic and greater ease of entering and leaving main road is facilitated by lower speed limit
	Lots of people and business in area. Increase in food service with wider operating hours. Better to have lower speed limit all the time rather than limited time period
3	Road is adequately wide enough to do 60km/h safely, changing a sign with a reduced speed limit will not change engrained behaviours.
	This main road is adequately wide enough for 60km/h travel safely, there is a bike lane as well. I have no trouble merging from intersections along this stretch of road...would be interesting to see the accidents statistics here. Maybe we should be improving driver training rather than making unnecessary changes that won't solve the issue of people that have sub par driving skills.
4	This is an unneeded change on a safe and very wide stretch of road. There is already (correctly) a school zone in place for St. Virgil's, which would have been the only issue here. crossing infrastructure also exists around the shops giving a safe place for people to cross if needed
5	Perfectly fine and wide piece of road to continue being a 60kph speed limit.
	Just like Mary's Hope Road, this section of Berriedale Road is currently perfectly fine, reducing the speed limit here will only increase people tailgating and carrying out other dangerous behaviour.
6	Outside of school hour / peak hour let it flow at 50. Others everyone will just take Charles. In fact Charles St carries a good amount of the traffic anyway. Maybe Charles should be 40 at certain times. Charles is dangerous with all those stupid food vans at night time and people crossing dark streets to buy take away and can't be seen. This is a growing problem. And why buses use Charles Street is beyond me.
	Makes sense but only at certain times
	Only school hours. Doesn't need it the rest of the time. I only use sometimes and weekends and not needed then.
7	This road is wide well kept road. I don't see need to reduce speed limits here.

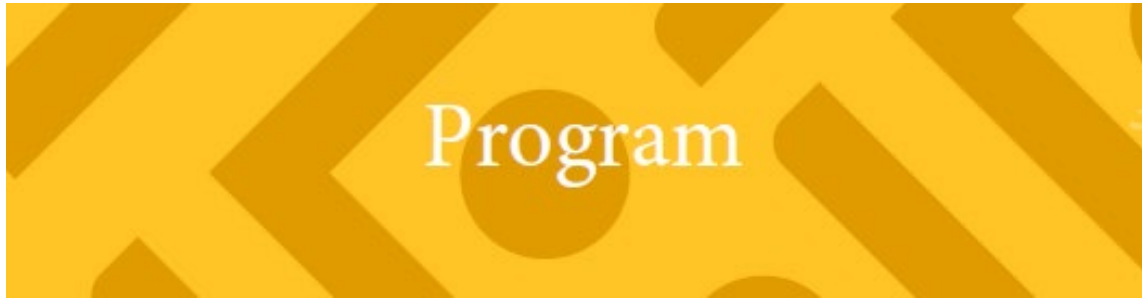
8	Reduction between Gormanston and Main Rd. Crossing Hopkins on the cycleway is not good, especially with the lack of site distance towards Gormanston. Could also be beneficial on Albert Rd, but this is already helped with the inclusion of a refuge island.
9	Does not need to be reduced as it will cause tailgating and disregard for new limit
	Will cause congestion
	No need to amend speed limit outside current times
10	Not needed in this location
11	Just adding to the multiple speed changes on main road in the Glenorchy council area.
	I suport what Jeff has written
	Travel this section of road dally and see no change needed.
	Council may need to review this map. The proposed change is from Crosby Road to Berriedale Road and Not Main road. What data has been recorded to warrant this change?
	This will make berriedale road from main road to Catherine Street 60 kph then from Catherine Street to Mary's hope road 50 kph then 60kph from Mary's hope road and beyond.... And that is consistency???? I don't under stand.
12	Absolutely ridiculous to try and get rid of majority of 60km/h zones
	Do not change the speed that's ridiculous.
	Dropping the speed limit will do nothing but cause inconveniences for people.
	No reason to change the speed limit.
	Just leave all the speed limits what they already are
13	I do not support the proposed speed reduction for this length of road? The road is safe, it's wide, it's well lit and there is no reason for it to be reduced except to raise more revenue from the speed camera that is constantly parked opposite the IGA store near Wakehurst Road!
14	Lowering the speed limit will not stop people doing 70kms+. Suggest yellow stripes on road at Tarcombe and MHR spur road indicating wildlife on road.



2023 Glenorchy Community and Volunteer Awards

**Thursday 18 May
5:30pm**





5:30pm **Welcome** – Mayor of Glenorchy, Bec Thomas
Welcome to Country - Charles Wolf, Chairperson First Tasmanians Aboriginal Corporation

5:40pm **Opening address** – Mayor of Glenorchy, Bec Thomas

5:45pm **Volunteer Recognition**

Recipients in our Volunteer Recognition categories are invited to go onto stage as your name is called to collect your certificate

Awards Ceremony

- Glenorchy Sports Achievement Award
- Glenorchy Business Person of the Year Award
- Glenorchy Local Hero Award
- Glenorchy Senior Citizen of the Year Award
- Glenorchy Young Citizen of the Year Award
- Glenorchy Citizen of the Year Award

Nominees in our Community Awards are invited to go onto the stage as your name is announced to collect your certificate.

Winners will be announced for each category after each nominee is recognised.

6:30pm **Refreshments**

7pm **Close**

Our Amazing Volunteers

Kay Allport

Kirsten Bailey

Sarah Briggs

Mark Brittain

Kristina Brown

Ben Cunningham

Kane Elliott

Glenorchy City Lions Club

Richard Kimber

Tania King

Vincenzo Merlo

Kishor Nepal

Mavis Sayer

Thank you for making the City of Glenorchy a better place, every day

**Glenorchy Sports Achievement Award:**

- Arielle Cannell
- Claremont Cricket Club

Glenorchy Business Person of the Year:

- Lucy Baker
- Bao Nguyen
- Belle Parker

Glenorchy Local Hero:

- Wendy Ladaniwskyj
- Belle Parker
- John Shoobridge

Glenorchy Senior Citizen of the Year

- Corrie Bartle
- Amanda Elliott
- Patricia Tomkinson

Glenorchy Young Citizen of the Year

- Aleira Chalker
- Emily Gamez

Glenorchy Citizen of the Year

- Lucy Baker
- Amanda Elliott

Congratulations on your achievements, and all that you do for the City of Glenorchy

COUNCIL POLICY

COMMITTEE NOMINATIONS AND APPOINTMENTS



PURPOSE

This policy sets out the procedures which Council will follow when making nominations and appointments to Committees and External Bodies.

The policy aims to ensure that nominations and appointments are fair, democratic, and transparent.

SCOPE

This policy applies to all nominations and appointments to Committees and External Bodies, other than the appointment of independent persons to Council's Audit Panel (the procedure for which is as set out in the Audit Panel Charter).

RELATED DOCUMENTS

- Committees Policy
- Media & Communications Policy
- Social Media Policy

STATUTORY REQUIREMENTS

Section 20 of the *Local Government Act 1993* (the Act) provides that one of the functions of a Council is to represent and promote the interests of the community.

Section 23 of the Act provides that Council may establish council Committees to assist it in carrying out its functions under the Act or any other Act, and that a Committee consists of councillors appointed by the Council.

Section 24 of the Act provides that a council may establish special Committees, which consist of such persons appointed by the Council as the Council considers appropriate.

Acts	<i>Local Government Act 1993</i> (Tas)
Regulations	<i>Local Government (Meeting Procedures) Regulations 2015</i>
Australian/International Standards	N/A

DEFINITIONS

Ballot means a ballot conducted in accordance with Part 3 of this Policy.

Chair means the person chairing a council meeting in accordance with the Regulations.

Committee means any Committee or other body established by Council over which Council has control, whether comprised of Elected Member, independent person, or both and includes, but not limited to:

- (a) A Council Committee
- (b) A Special Committee
- (c) An Internal Committee
- (d) An Audit Panel established under Section 85 of the Act.

Council Committee means Committees established by a Council resolution made under section 23 of the Act. Council Committees assist Council in carrying out its functions under the Act or any other Act. Council Committees are constituted by Elected Member only.

Council Election means an election held under Part 15 of the Act.

Council Meeting means an ordinary council meeting or special council meeting, unless expressly specified otherwise.

External Body means Committees or other bodies that are established and administered by an external organisation to which representatives of Council have been appointed and with which Council has a formal and ongoing relationship.

Internal Committee means Committees or other bodies established by Council over which Council has control. An Internal Committee is formed to oversee and implement a project, plan, strategy, or event. Internal Committees may be working groups, steering groups, organising Committees, taskforces, and other groups. Internal Committees can be constituted by Elected Members, Council staff and external representatives.

General Manager means the General Manager of Council, or delegate.

Regulations means the Local Government (Meeting Procedures) Regulations 2015.

Special Committee means Committees established by a Council resolution made under section 24 of the Act. A Special Committee is established to oversee or implement a project, plan, strategy, or event. Special Committees can be constituted by anyone, including Elected Members.



POLICY STATEMENT

From time to time, Council is required to appoint Elected Members and independent persons to Committees and External Bodies.

PART 1 – NOMINATIONS AND APPOINTMENTS OF ELECTED MEMBERS

Appointments Following Council Election

Council will appoint and re-appoint (and, where necessary, nominate or re-nominate) Elected Members to Committees and External Bodies at the first ordinary meeting of council following a council election (or at a special meeting of Council if a special meeting for that purpose is called).

Procedure

1. Where it is necessary to appoint Elected Members to Committees (including as a result of a casual vacancy), the General Manager will circulate a notice to Elected Members which—
 - (a) notifies Elected Members that appointments, re-appointments, and nominations for appointment to Committees and External Bodies are to be made at the relevant meeting, and
 - (b) lists the appointments and nominations to be made, and, for each, identifies—
 - i) the Committee or External Body
 - ii) the position available (including, for an External Body, whether Council will be making a nomination only)
 - iii) the nature of the duties to be undertaken
 - iv) the proposed term of the appointment
 - v) whether the position is to be held ex-officio by the Mayor or Deputy Mayor, and
 - vi) any other information the General Manager considers relevant.
 - (c) requests that Elected Members submit nominations for the available positions one (1) week before the next council meeting.
2. The notice is to be circulated to all Elected Members by email no later than five days before nominations close (or as soon as practicable if it is not possible to circulate the notice five days before nominations close), and
3. Nominations may contain a statement in support of the nomination, to a maximum of 150 words.
4. Nominations may be for a position or a proxy position.
5. The General Manager will present a report to Council for consideration at the relevant council meeting which will contain, for each available position—



- (a) the information specified in clause 2(1)(b), and
 - (b) a list of the nominations received, and the documentation provided in support of each.
6. Where the number of nominees for a position does not exceed the number of positions available, the Council will determine the appointment in accordance with its ordinary meeting procedures.
7. If the number of nominees for a position exceeds the number of positions available—
- (a) a ballot will be held to select the appointee or appointees (or nominees for a position on an External Body, if applicable), and
 - (b) once the result of the ballot is determined, the chair will call for the appointment to be confirmed in accordance with Council's ordinary meeting procedures.
8. Where Council's nominee for a position on an External Body is required to be confirmed by the External Body, the General Manager is to write to the External Body advising it of Council's decision.
9. For the avoidance of doubt, where a Committee detail sheet that has previously been adopted by Council provides for a position to be held ex officio by the Mayor or the Deputy Mayor, the appointment of the Mayor or Deputy Mayor to that position is automatic, and no other Elected Members are entitled to nominate for that position.

PART 2 – NOMINATIONS AND APPOINTMENTS OF INDEPENDENT PERSONS OR SUBJECT MATTER EXPERTS

Procedure

1. Where there is a vacancy for the position of an independent person or subject matter expert on a Committee or External Body, the General Manager is to circulate a notice calling for expressions of interest for appointment, containing the information specified in clause 2(1)(b)—
2. The notice is to be circulated by—
 - (a) publishing the notice on Council's website
 - (b) sending an email to all Council staff, and
 - (c) if the General Manager considers it necessary, publishing the notice in a local newspaper.
3. The General Manager must circulate the notice under 3(1) no later than five days before nominations close (or as soon as practicable if it is not possible to circulate the notice five days before nominations close).
4. Following the receipt of nominations, the appointment of the independent person is to be determined in accordance with the procedure set out in the Committee's Terms of Reference.
5. For nominations or appointments to External Bodies, or if no procedure is specified in the Committee detail sheet, the General Manager will assess each nomination on its merits and will make a recommendation to



Council seeking Council's endorsement and nomination or appointment (as applicable) of the preferred nominee.

PART 3 – BALLOTS

Application

Where the provisions of this policy require that a ballot is held, the ballot is to be conducted in accordance with this part.

Rules for Ballots

1. When a ballot is required under this policy, the chair of the council meeting will call a ballot.
2. Ballots are to be secret unless Council resolves otherwise.
3. Votes are to be cast on ballot papers distributed to Elected Members by the General Manager. Ballot papers may be distributed either prior to or at the relevant council meeting.
4. Elected Members are to place completed ballot papers in a ballot box which is to be visible to all attendees of the Council meeting during the process of casting the ballots.
5. The ballot box must not be opened until all Elected Members who intend to vote have cast their votes.
6. Votes will be counted by a Council officer nominated by the General Manager, with another Council officer acting as a scrutineer.
7. Where there are—
 - (a) two or more candidates for a single position, the candidate with the most votes will be the appointee, or
 - (b) more than two candidates for multiple positions (for example, two member spots on a council Committee), the successful candidates will be the candidates with the most votes, in descending order until the number of positions have been filled. For example, if there are 2 positions and 4 candidates, the successful candidates will be those with the highest and second highest number of votes.
8. The officer who counts the votes will advise the chair of the council meeting by writing the name of the successful candidate/s on a piece of paper and delivering it to the chair.
9. In the event of a tie, the chair (at their discretion) may determine the winner by:
 - (a) the toss of a coin (conducted by the chair), or
 - (b) a further ballot, in which the only candidates are those which were tied in the first ballot.
10. All ballot papers and other ballot material are to be destroyed as soon as practicable after the conclusion of the ballot.



Proxies

1. Where proxy positions for Committees or External Bodies are available, unsuccessful candidates will be offered the position of proxy in the order in which they placed in the ballot.
2. Where a proxy is required but there are not sufficient candidates for a proxy after positions have been filled, or if all unsuccessful candidates decline the proxy appointment, the chair may call for nominations for proxy positions.
3. Where the chair has called for nominations in accordance with subclause (2), the selection of the nominees is to be determined in accordance with Council's ordinary meeting procedures.

MISCELLANEOUS

Vacation of Positions on Leaving Office

An Elected Member's appointment to a Committee or External Body will cease immediately upon the person ceasing, for any reason, to be an Elected Member.

Nominations Need not be Personal

To avoid any doubt, a person may nominate another person for a position the subject of this policy, and the nomination need not be made by the person seeking nomination.

Refusal of Nominations or Appointments

1. An Elected Member or independent person may refuse any nomination or appointment made under this policy, including nomination or appointment as a proxy.
2. Council may refuse to appoint or nominate a person (including an Elected Member) to a position if it considers that the person is not suitably qualified for or is otherwise unable to provide satisfactory representation on the Committee or External Body.

Inconsistency with Meeting Procedures Regulations

If a provision of this policy is inconsistent with the Regulations, the Regulations will prevail to the extent of the inconsistency.

Attendance and Performance

If an Elected Member's attendance record at Committee or External Body meetings is unsatisfactory, or if Council receives notification from a Committee or External Body that the Elected Member is not properly discharging the duties required of the position, Council may resolve to withdraw the Elected Member's appointment and appoint another Elected Member as a replacement.

BACKGROUND

Council has established and maintains control over multiple Committees, special Committees, working groups, steering Committees, task forces and other bodies to assist in discharging its role and functions. Council is also, required to appoint (or nominate) representatives to External Bodies.



In making any nomination or appointment, Council must ensure that the process for determining appointees and nominees is fair, democratic, and transparent.

DOCUMENT CONTROL

Version:	3.0	Adopted	25 September 2023	Commencement Date	26 September 2023
Minutes Reference	Council Meeting, 25 September 2023 (Item 9)			Review Period	4 Years from adoption
Previous Versions:	v 1.0 adopted 19 December 2016 (Council meeting, Item 17) 2.0 adopted 19 December 2022 (Council meeting, item 8)				
Responsible Directorate	General Manager	Controller:		Executive Manager Stakeholder Engagement	
ECM Document No.:	Policies by Directorate				



Notice of Nominations for Appointments to Committees and Other Bodies

Committee Nominations and Appointments Policy

Background

1. As a result of the 2022 Local Government election, positions have become vacant on the following Committees and Other Bodies:
 - (a) Cycling South Management Committee

Call for Nominations

2. This notice is issued under clause 2 of Council's Committee Nominations and Appointments Policy (**Policy**).
3. In accordance with clause 2 of the Policy:
 - (a) Aldermen are invited to nominate for positions on the Committees and Other Bodies listed below.
 - (b) Nominations must be submitted by 6:00pm on Monday, 13 November 2023 for consideration at the Council meeting to be held on Monday, 27 November 2023 (see 'Submission of nominations', below, for details)
 - (c) Candidates may provide a statement in support of their nomination, to a maximum of 150 words
 - (d) Nominations may be for a position or for a proxy position.
 - (e) Where the number of nominees for a position does not exceed the number of positions, the Council will decide the nominees in accordance with its ordinary meeting procedures
 - (f) If the number of nominees for a position exceeds the number of positions available, a ballot will be held in accordance with the procedure set out in the Policy.



Open Positions

Cycling South Management Committee

Committee type	Cycling South is a regional organisation made up of the five Councils in the Greater Hobart area (Hobart, Glenorchy, Kingborough, Brighton and Clarence) to provide a collaborative approach to increasing recreational and transportation usage of bicycles.
Committee composition	The committee comprises elected representatives, council officers, Urban Mobility Planner from Department of State Growth and a representative from Bicycle Network
No. of Aldermanic positions	1 committee member
Meeting frequency	Quarterly
Ex-officio appointments	None
Proposed term of appointment	Duration of current Council term
Role and functions of Committee	<ul style="list-style-type: none"> • Review the progress of projects in the Greater Hobart Cycling Strategy • Make recommendations to the Regional Transport Group on changes to the priority list based on resourcing and progress being made on individual projects so that future funding applications align with the priority list. • Provide input and receive updates on state government transport policies and actions • Progress joint funding opportunities
Nature of duties to be undertaken	<p>Attending meetings of the Committee</p> <p>Discharging the role and functions of the Committee.</p>
Extent of delegated authority	No delegated authority.



Submissions of Nominations

1. Please submit your nominations using the attached Nomination Form.
2. Nominations forms are to be submitted to the General Manager through Council's Executive Manager Stakeholder Engagement, David Ronaldson.

Signed:

Date:

Tony McMullen
General Manager



Customer Service Report 2022/23

Contents

Introduction.....	3
Customer Satisfaction (CSAT) Score.....	4
Council-wide Highlights	7
Customer Complaints	13
Unreasonable Customer Conduct.....	16
Customer Service Strategy Update	17
Appendix A – CSAT comments.....	18
Appendix B – Customer Service Strategy Progress Snapshot.....	31

Introduction

Council, like all local government authorities, provides a range of services and functions to its local community. Key to the delivery of those services is how Council serves its community.

Council is committed to providing its 50,000+ residents with outstanding service across all areas of Council's operations. To achieve this, Council must understand the needs and expectations of our community and deliver in line with this commitment. Through the development of the Customer Service Strategy 2020-25, surveys, Customer Satisfaction (CSAT) Score, requesting feedback, complaints and community engagement, Council has sought to identify what excellent customer service looks like in Glenorchy, and how to provide it.

This report covers a number of these areas, providing insight and reflection on how well Glenorchy City Council is providing its community the level of customer service that we are aiming for. This is now the third consecutive year that the Customer Service Report has been produced.

Customer Satisfaction (CSAT) Score

Council is committed to providing our customers with outstanding service. To be able to listen to our customers, their needs and expectations, we needed to make it possible for them to leave feedback on their interactions with us. Together with the comments, we needed to evaluate our performance against a score, deciding on a target to aim for. We identified the Customer Service Satisfaction (CSAT) Score as the ideal mechanism to calculate this, and overall how satisfied our customers are with our service.

The CSAT Score is calculated by identifying the percentage of 'satisfied' customers from the total number of customers completing the survey. For Glenorchy City Council, the customer is offered a 4 or 5 option scale of satisfaction depending on how the survey is taken. For example, if asked 'how did we do today?' the scale may be 1-5, with 1 being extremely poor and 5 being excellent. The customers that responded with 4s and 5s would be calculated as a percentage. If the scale is 'poor', 'just ok', 'good' or 'excellent', then the 'good' and 'excellent' responses would be calculated as a percentage.

Bearing in mind the responsibility of Local Government and its requirements when completing its functions, the industry standard for an organisation such as Glenorchy City Council is a target CSAT Score of 75%.

Currently, Council provides the option for customers to leave a score via tablets in the Chambers' foyer and at the Moonah Arts Centre, after phone calls to the Customer Service Centre using an automated service, as an auto-response to emails sent through to the corporate email address (gccmail@gcc.tas.gov.au) and via the Customer Service Officers' email signature when they respond to enquiries.

Customers are also able to leave a comment when completing the survey via one of the tablets, the auto-response to corporate email, or the Customer Service Officers' email signature.

Scores left by customers are anonymous. The response system also allows the comments received to be left anonymously too, if preferred.

85.7%

Overall CSAT Score

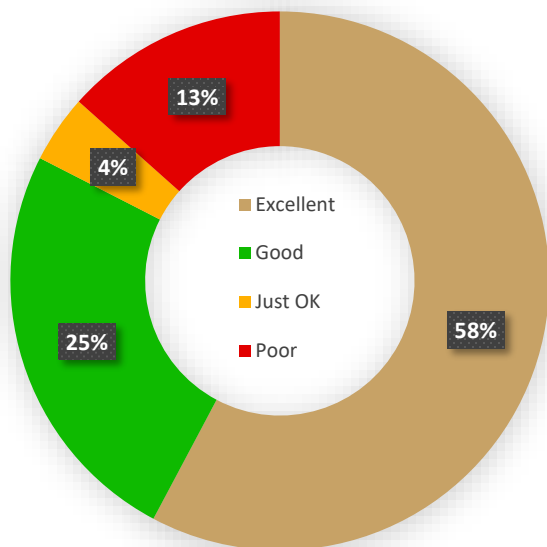
3017

Responses Received

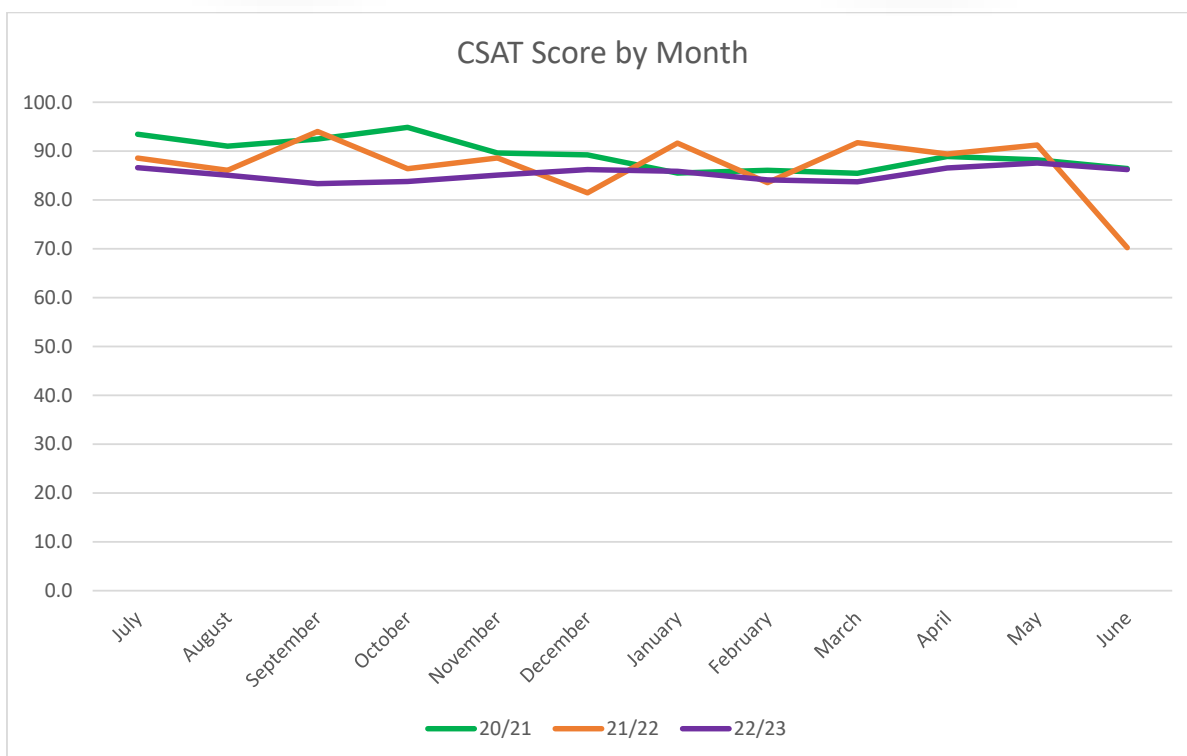
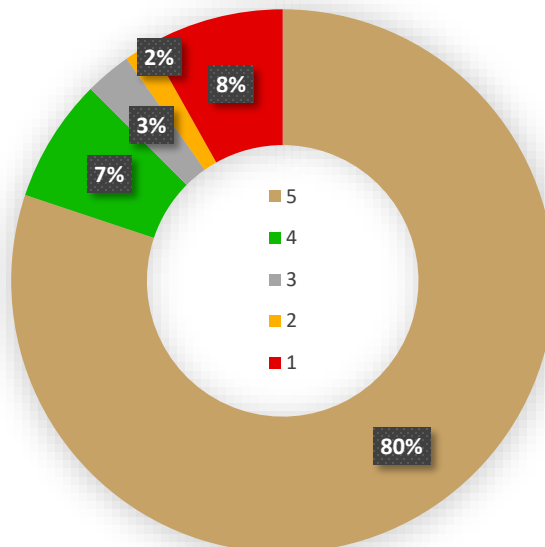
285

Comments Received

Responses from Tablets and Email Signatures



Responses from Post Phone Call Survey



Scores across the last three years have been consistently high, other than the previously reported dip during June 2022. This is most likely due to the fact that we were experiencing a very difficult period of COVID-related low staffing levels across Council, but most significantly in the Customer Service Centre. During this period, staffing levels were so low that we were forced to close Council Chambers to continue to be able to serve customers in the call centre. As you can see in the chart above, this had improved by

July 2022, and remained fairly constant throughout the year, even through the notoriously busy periods of rates and dog registration due dates, buoyed by the fact we were able to resource adequately. Through the CSAT Score responses, we also received 285 comments from customers. These are largely positive, however there were many that prompted process and procedural changes within Council. Every red light is also investigated, and responded to if they were not left anonymously. A full list of these comments and the survey response they are linked to can be found in **Appendix A**.

Council-wide Highlights

Again, it has been a very busy year for Council staff, investigating and responding to customers' enquiries, processing applications and maintaining assets. Customer Service is not solely the responsibility of the Customer Service Team, it is a responsibility of every staff member at Council. Every staff member, regardless of department, has a role to play in the provision of services to our community whether they directly interact with the customer or not. Gathering statistics from across the organisation shows how well we are serving our community as a whole, rather than relying solely on call centre statistics that don't show the whole story. Below are some highlights gathered from across the organisation. These will be grown from year to year as more are identified and/or recorded through system improvements.

58,277

Customers served via phone
and front counter

88%
Service Level

The 'Service Level' is the percentage of customers that are answered within 60 seconds when calling Council's call centre. Council's commitment is 80%, which was delivered.

31 SECONDS

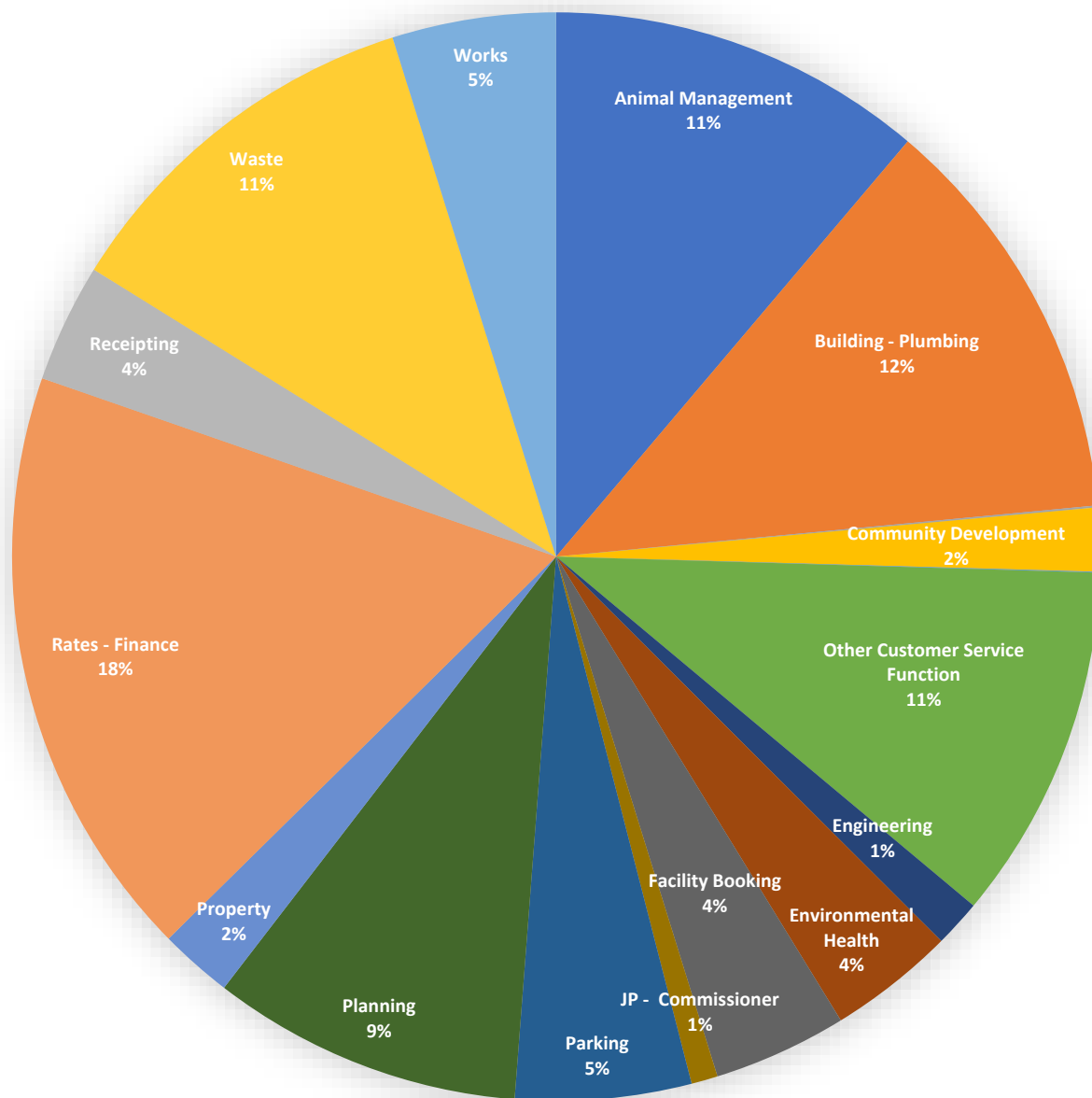
Average call centre wait time

3 MINS 18 SECONDS

Average call centre service time

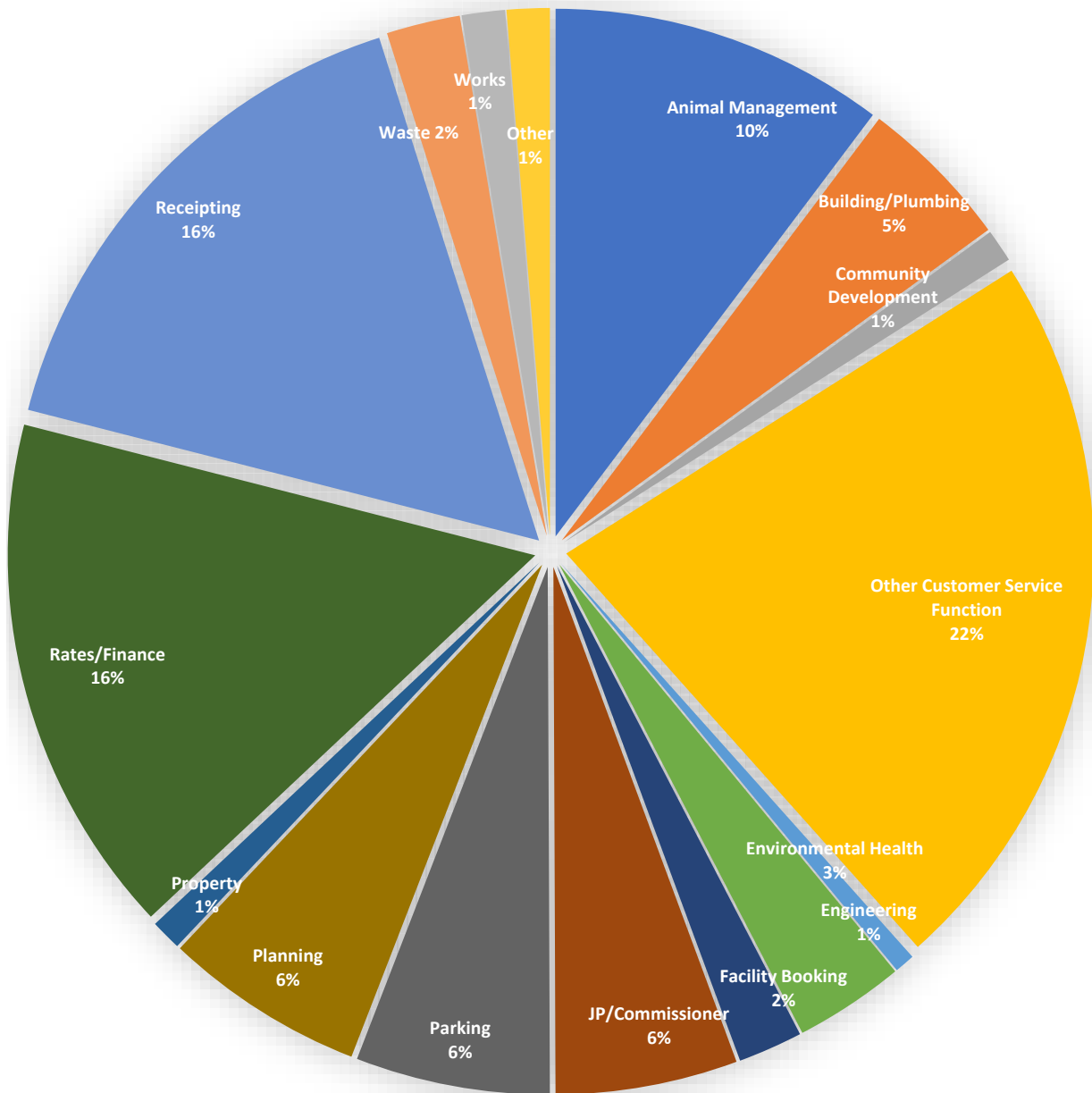
The 'Service Level' across the twelve months increased from 83% in the previous year, whilst the average call centre wait time decreased from 37 seconds. This is due to a period in the previous financial year where a reduction in the base number of Customer Service staff was trialled, and deemed unsuccessful. Although there were still times of low staff numbers due to COVID, the statistics improved with an adequately resourced Customer Service team.

Types of enquiries received in the call centre



Customer Service Officers receive calls about all sorts of Council's functions. This shows the breadth of enquiries we receive, with Planning, Rates, Building/Plumbing, Animals and Waste the most frequent. "Other Customer Service Function" is essentially anything that doesn't fit into the other categories, and are largely around providing the customer information on a subject. These are sometimes not Council related, but the Officers will assist in any way they can.

Types of enquiries received at the front counter



Customer Service Officers also deal with all sorts of enquiries regarding Council's functions at the front counter. This paints a similar picture to the call centre, with Planning, Rates, Building/Plumbing, Animals also the most frequent, but also includes a large portion of receipting enquiries.

14,475

Total Customer Service
Requests Created

Customer Service Requests are created when an action is required by Council following a customer enquiry. This might be a pothole repair, a call back, a stray dog or other Council functions.

24,457

Articles of correspondence received

Council receives a lot of emails, letters, and website submissions. During the 2022/23 financial year, Council received, registered and distributed 24,457 articles of incoming correspondence to the relevant departments to respond to.

1.74 days

Average time to respond to
incoming correspondence

97%

Incoming correspondence responded to
within Council's commitment

As per Council's Customer Service Charter, we commit to respond to all incoming correspondence within 10 working days. This has been the case for 97% of the correspondence received last year, with an average time to respond of about 1 and three-quarter days.

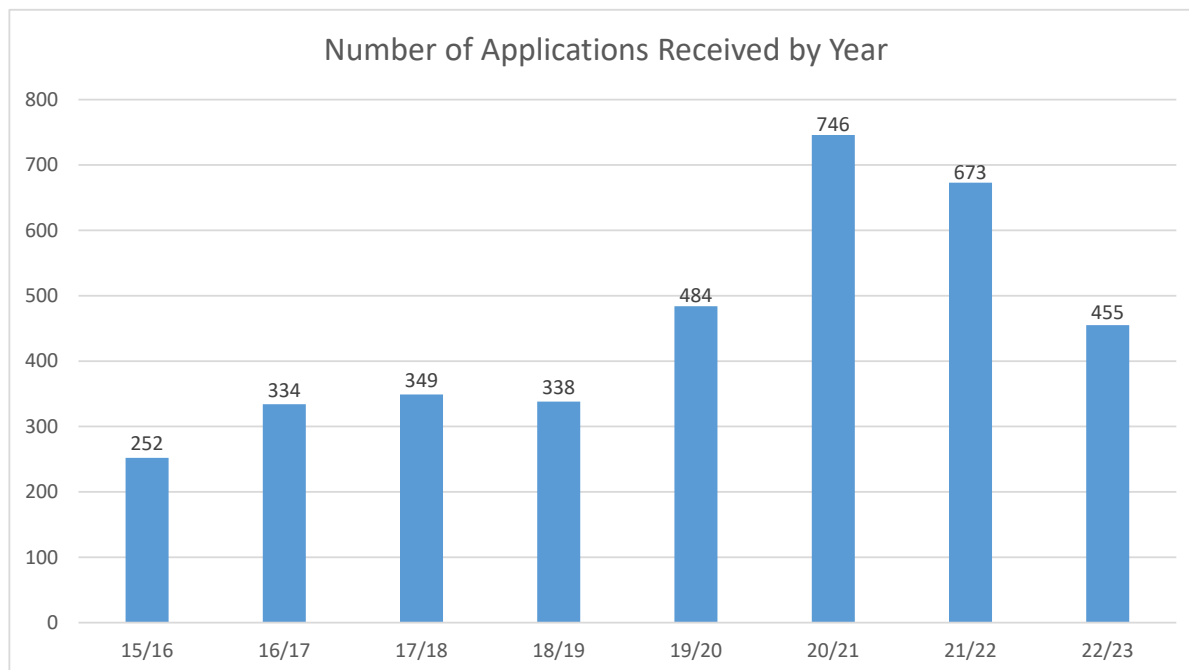
5,505

Number of call back
requests received

Council received 5,505 call back requests. These are requests created when a customer calls to speak to a staff member, but they are unavailable. A call back request is then submitted to the staff member to call the customer back. Council's commitment in the Charter is to return these calls by the end of the next business day. 60% of call back requests were completed within this timeframe, and 72% within three days. This is an area we can improve upon, however we are somewhat restricted by our core system in both completing the requests and reporting on them, so the statistics are not reliable.

455

Number of Development
Applications Received



Council's Development Department have been busy again, processing 455 applications this year. This year sees a slight dip in applications, but still a considerable amount to process. Discretionary Applications were processed, on average, within 38 days, whilst Permitted Applications were processed, on average, within 17 days. 98% of applications were processed within the statutory timeframes.

619

Food premises inspections

253

Environmental Health nuisances
investigated

Council regularly inspects food premises in the Glenorchy area to ensure businesses are serving food safely and in line with the *Food Act 2003*.

2,621

Works requests created

Works requests are created when a customer brings to our attention an issue with our assets. A works request is created for our staff to head out and complete the work, such as fill potholes, remove fallen trees, clear dumped rubbish, community hall maintenance etc. On average, these requests were completed within 7.4 workdays. About 48% of these related to roads.

Although unpopular with those who receive them, issuing parking infringements is essential to keep the community safe, and to ensure the intended turnover of vehicles to assist local businesses. Council Officers cover as much ground as possible, concentrating on the Moonah and Glenorchy CBDs, schools and car parks.

6,889

Parking infringements issued

7,804

Dogs registered

334

Roaming dog notifications

268

Barking dog requests

Glenorchy has one of the highest number of dogs per capita in the State, requiring constant resourcing to ensure the community is complying to the *Dog Control Act 2000* and Council's Animal By-Law. Council investigated 268 barking dog requests from the community, with a number of them needing sound recording equipment set up to monitor noise levels and frequency of the nuisance.

Customer Complaints

The *Local Government Act 1993 (the Act)* requires that the General Manager provides an annual report on customer complaints to Council. Specifically, section 339F(5) of the Act provides:

“The general manager is to provide the council with a report at least once a year of the number and nature of complaints received”

It is important to note that the ‘complaints’ documented in this report refers to formal complaints that have been made and subsequently investigated. It does not report on every item of negative feedback that Council receives falling below that threshold. This is impractical to track and would not provide an accurate measure of overall satisfaction with services. Initially, when a customer contacts Council, a ‘service request’ is lodged to report an issue with part of Council’s infrastructure or services provided (for example, a pothole, damage to playground equipment or a missed kerbside bin collection). Under Council’s Customer Service Charter (**Charter**), a ‘complaint’ is recorded when a ‘service request’ has been made but has not been actioned or where there is dissatisfaction with the outcome of the request.

For Council to monitor its performance against the Charter and meet its service level requirements, Council has established, and maintains, a complaints register. The information in this report is extracted from the register.

From 1 July 2022 to 30 June 2023, there were 47 items identified as ‘complaints’ recorded on the register. Council’s service level commitment for complaints is for them to be actioned or acknowledged within 10 working days.

A summary is provided in the tables below. It should be noted that changes to Council’s organisational structure mean that direct comparisons between Directorates from previous years is difficult. Complaints have therefore been reported against the team in which the relevant function sits too, to allow for a more informative report, while also allowing for more accurate reporting for future comparisons if functions within the Directorates change.

22/23 Performance

Total Complaints against Council	Response sent within Service Level
47	46

Summary & Comparison

	2022/23	2021/22	2020/21
Total Registered	47	15	39
Response sent within Service Level (10 working days)	46	14	32
Service Level %	97.9%	93%	82%

By Source	2022/23	2021/22	2020/21
Phone	2	0	2
Email	11	13	32
Letter	0	0	5
In Person	0	0	0
Internet	34	2	0
By Directorate			
Strategy & Development	N/A	4	3
Community & Customer Services	N/A	3	11
Infrastructure & Works	28	6	22
Corporate Services	19	1	0
By Area			
Planning	0	2	2
Building & Plumbing	5	0	3
Environmental Health	2	2	0
Parking/Compliance	4	3	9
Animal Management	8	0	2
Asset, Engineering & Design	10	3	9
Works Centre	7	3	10
Property	1	2	0
Waste	3	0	2
Landfill	0	0	1
Rates	3	0	1
Customer Service	3	0	0
Complaints escalated to Ombudsman	6	1	3

The previous data indicates there has been an increase in complaints received this year, and inconsistent over the last three. However, this is due to the administrative changes that have been made when determining what constitutes a complaint, and where we receive them from. Work on this was initiated in the 2020/21 financial year, and is still a 'work in progress'. A review of Council's Customer Service Charter, with its clearer definition of a complaint, along with additional training for Council Officers will have this more consistent for the next reporting year. Teams that are not listed did not receive any complaints in any of the last three years.

Whilst there has been a significant increase over the last year, it is more consistent with the initial work completed in the 2020/21 year, which is a more accurate comparison. It is also worth noting that the

number of service requests has significantly increased over the last few years, from 11,658 in 2018/19, to 14,475 in 2022/23, representing a 24% increase over the last five years.

Unreasonable Customer Conduct

Glenorchy City Council is committed to our community and to giving customers outstanding service in accordance with Council's Customer Service Charter. However, at times, Council's obligation to provide services or outcomes may be inconsistent with customers' requests or expectations. This may result in unpleasant dealings or interactions.

In 2018, Council adopted the *Dealing with Unreasonable Customer Conduct Policy*, to provide guidance to staff on how to deal with unreasonable conduct by customers, and set out the actions that Council will take in response to unreasonable customer conduct. This policy was reviewed and readopted in 2022.

As per the policy, unreasonable customer conduct is identified as any behaviour by a current or former customer which, because of its nature or frequency, adversely impacts the health or safety of Council's staff, other service users and customers or the customer himself/herself, or the ability of Council to equitably utilise its resources to provide services to the community.

Unreasonable customer conduct includes the following, as defined in the policy:

- unreasonable demands
- unreasonable persistence
- unreasonable arguments
- unreasonable lack of cooperation, and
- unreasonable behaviour.

Council maintains a register which documents each time the policy is applied. Each entry into the relevant database outlines the nature of the restrictions imposed, their duration and any other relevant information.

As per the *Dealing with Unreasonable Customer Conduct Policy*, Council has committed to report annually on the occasions that actions were taken under the policy.

During the **2022/23** financial year, Council acted under this policy on **four** occasions. On three of these occasions, Council issued a warning letter to the customer notifying them that further unreasonable conduct would result in a sanction. The fourth occasion saw a customer restricted to only being able to contact Council in writing, and would only receive a response for new enquiries that hadn't been dealt with previously. This restriction is for a period of 12 months.

Customer Service Strategy Update

In September 2020, Council approved the Customer Service Strategy 2020-25. Based on the feedback received throughout the project, the Strategy outlines the four pillars of customer service that our community value. From these four pillars, 48 actions were identified to be completed throughout the five-year life of the Strategy. The report that went to Council to approve the Strategy also committed to an annual update report on the progress of these actions.

In **Appendix B**, you will find the snapshot report from our reporting software (Cascade), of the Customer Service Strategy 2020-25's progress. Overall progress is as follows:

- Overall, progress is at 78% of the Strategy's action plan.
- 27 actions (56%) are complete.,
- 17 actions (35%) are in progress.
- 3 actions (6%) are yet to commence.

One action (3.3.2 - Implement improvements to the Customer Service Centre) is unlikely to be completed by the end of the Strategy as Council voted to cease stage one of the City Scape project.

Overall, progress is tracking very well, with over half of the actions already complete. Many of the actions are also directly linked to the Core Systems Review Project (Project Hudson), and will progress as the project progresses.

Appendix A – CSAT comments

Response	Response Date	Comment
Green Light	5 Jul 2022 11:29	My concern was addressed quickly and I am happy with the outcome, thank you :)
Gold Star	5 Jul 2022 12:29	The Finance Officer Ashley ##### is very prompt and provided excellent customer service. Thank you.
Gold Star	5 Jul 2022 17:04	Great service. Thank you
Gold Star	6 Jul 2022 15:28	Everyone I dealt with seemed eager to assist, a marked improvement from 18 months ago
Gold Star	7 Jul 2022 09:25	Best service I have had from GCC ! .Thanks the two customer service girls and the delivery driver
Red Light	7 Jul 2022 20:48	I live at ####,Claremont and waiting from 1 month to replacement of broken bin lid for Small Garbage Bin (General Waste)
Red Light	8 Jul 2022 20:42	So the person apologised which is nice but then you change the heading of the email to deceased dog. Seriously GCC get a clue?!?
Gold Star	11 Jul 2022 10:11	With a smile Thanks
Green Light	12 Jul 2022 14:59	Emma was very pleasant to deal with. Friendly, thorough and attentive.
Gold Star	12 Jul 2022 15:10	Thanks Mel for friendly and prompt support for my request.
Gold Star	13 Jul 2022 11:09	Happy with response
Gold Star	13 Jul 2022 17:38	Prompt response and very happy about your service!
Green Light	14 Jul 2022 14:31	My request was very promptly followed up. Thank you
Red Light	15 Jul 2022 09:14	We are having to chase council (Building Department) for updates on the Building Applications that we have lodged as Building Surveyors. On numerous occasions fees have been paid, but we have not been notified until we have contacted the council for an update weeks later..Our clients are unimpressed with the lack of communication between council and ourselves, we have been advised by ##### and ##### in the Building Department that we could not receive a copy of the plumbing approval for a Notifiable works, and that we would need to contact our client for a copy. I was advised that there is a process to advise the BS that council fees are paid for projects, but that has not been the case. Perhaps further training and a clear process for staff would benefit both the council and clients with their application. I hope that this feedback will be helpful and beneficial.
Gold Star	15 Jul 2022 16:17	Super
Red Light	16 Jul 2022 16:08	No realintertsh Shown
Gold Star	21 Jul 2022 10:37	prompt response - very much appreciated
Gold Star	21 Jul 2022 16:24	Very thoughtful and thorough assistants.
Gold Star	21 Jul 2022 21:04	Thank you for dealing with our query so fast and efficiently, also for dropping the bin off this afternoon.
Gold Star	21 Jul 2022 21:36	Had a few questions regarding rates on a sold property. Email responses were received without delay and with all the information I needed to know. Excellent customer service.
Red Light	22 Jul 2022 12:40	I wanted to register my new dog and take advantage of my recently acquired aged pension card. I am still working and according to your customer service person I have to bring in the forms in person...I find this unacceptable for 2 reasons 1. I am working from 8.30 - 5.00 2. In these times of covid you would think you would want less people in the chambers I was also advised that I could not get someone my behalf to bring the forms in either. Really bad service GCC, there are now programs that will collect and identify you with out having to go near the place in person, I suggest one of these programs would be helpful Thank you
Gold Star	22 Jul 2022 15:18	I got a pocked watch

Gold Star	25 Jul 2022 10:22	Thanks so much for your quick response to my matter.
Gold Star	25 Jul 2022 11:15	Thank you for your quick response in de-registering our dog after her passing.
Red Light	25 Jul 2022 13:06	Made a number of requests on phone and also email no response to having a sign put in place.
Red Light	25 Jul 2022 16:27	I called your 6216 6800 number for a timeline for when someone would get back to me. waited on hold for a while then got hung up on.
Red Light	26 Jul 2022 07:30	Hello - I've contacted the council numerous times about the fire risk and vermin at ####, Lutana. I've had nil response apart from an automated email. We're now approaching August and potentially an early fire season. Kind Regards Charlotte
Gold Star	26 Jul 2022 10:26	The staff person was very helpful and assisted me to the fullest very happy with the service
Gold Star	26 Jul 2022 11:23	Prompt response was great
Green Light	26 Jul 2022 13:05	Thank you for being so quick with this process
Green Light	26 Jul 2022 14:22	Very kind of the lady to say sorry about the passing of my dog.
Gold Star	26 Jul 2022 15:24	Friendly, efficient and professional service. Many thanks

Yellow Light 1 Aug 2022 11:22

I was in to dispute a parking ticket. I had accidentally forgotten to put up my disabled permit. Too many things going on. The First lady who gave me the form was lovely. She gave me an email address to send the photo too along with who to attention it too. I didn't get her name as I couldn't see that. When I handed the form in, it was to the young lass, I stated I had already sent off an email with the photo of the permit and gotten a bounce back confirmation. She couldn't find it in the system, then proceeded to say that I could bring it in. I stated that I was parked in a disabled space and to do that I would end up with another ticket. She informed me to just use a normal space. Now if you have a disabled permit, there is a reason for it. They are not given out like Candy. This left a bad taste in my mouth and made me feel like crap. I may not look disabled but I do have the permit. She's also the same one who upset my ex husband whom I care for, when he tried to pay the dog registration. Unfortunately due to his memory he had thrown out his new concession card and kept the expired one. It's clearly on the records for the past few years he's been paying for it and has the card. Instead of using common sense, she was rather rude to him which caused an anxiety flare up and his PTSD to also play up. Sometimes just a little bit of compassion goes along way. Working in customer service all of my life, I've never had such a woefully bad experience that has left me feeling so horrendous. I truly think that she needs empathy training and further training in customer service. No the customer is not always right, however there are ways and means around things to not make them feel stupid. I'm appalled that gcc doesn't just apply the concession for pensioners to the dog registration and that they have to be presented in person. There is no logic to this and it clogs up the counters with unnecessary people. Maybe once every other year a person has to show they still have a card. Or something like this. I'm so disappointed in GCC currently with all of th above and the debacle over the boundary adjustment between us and our neighbours.

Gold Star 1 Aug 2022 14:42

Very happy

Gold Star 4 Aug 2022 09:13

Glenorchy The

Gold Star	18 Aug 2022 15:39	The lady was extremely helpful. Not her fault , but I thought the \$42 to get an email with a few pictures that only needed forwarding, I am a rate payer here. I payed my yearly rates last week, Thank you, Kind regards, #####.
Red Light	22 Aug 2022 10:10	So disappointed that your team had the time to view my email regarding financial hardship and choose to ignore me than offer some form of feedback. Very poor form.
Gold Star	22 Aug 2022 11:46	service was very prompt and helpfull
Red Light	24 Aug 2022 10:00	Third complaint since July 2021 and still no action while my wife's Alzheimer's worsens and her anxiety levels rise. We've been waiting 3 weeks now for delivery of the requested complaint form. (I'm beginning to suspect the dog owner might know someone at GCC). We're now considering taking this matter further if there is no action in the near future.
Red Light	26 Aug 2022 14:09	Hello. Attempting to find out if a building and plumbing permit will be issued. Received planning approval March 22 applied for building permit June 2 and plumbing permit august 21. Still to hear back. Visited GCC customer service today spoke with ##### who said may have some answers by next week. Have contractors waiting to start. The lack of communication from council is frustrating and show a poor respect for customers of GCC.
Green Light	26 Aug 2022 14:37	Nil
Red Light	26 Aug 2022 15:42	Not helping to keep our streets clean, very poor service, Also ##### does not follow up.
Red Light	30 Aug 2022 10:25	Im still waiting for a response
Gold Star	31 Aug 2022 11:49	Prompt, polite, helpful response to my problem. Thank you!
Red Light	31 Aug 2022 15:12	No regard for the prime objective of council, more interested in revenue raising than focus on service, pathetic, excessive, unfair and unethical.
Green Light	1 Sep 2022 11:18	Was good
Red Light	1 Sep 2022 12:29	Not helpful what so ever
Gold Star	1 Sep 2022 13:06	very quick and helpful
Gold Star	1 Sep 2022 16:52	I asked for a copy of the rates, and Rebecca sent the copy and the email sign up link as well. All sorted, thanks!
Gold Star	6 Sep 2022 15:22	Alex was very helpful
Gold Star	7 Sep 2022 14:25	Everything was Great
Gold Star	8 Sep 2022 12:39	Great customer service
Gold Star	9 Sep 2022 18:29	hi - Thanks Matt an exceptionally efficient response it was appreciated - Geoffrey
Red Light	10 Sep 2022 11:26	one part of council saying one thing and the other saying something else
Gold Star	13 Sep 2022 17:27	Thank you for acknowledging my email so quickly.
Green Light	19 Sep 2022 12:24	Thank yousomuvh for the work and assistance done
Gold Star	19 Sep 2022 12:24	The General Manager was extremely helpful and was of great assistance
Gold Star	19 Sep 2022 14:01	Thank you for clear and fast response and information. And thank you for the pleasant interaction.
Gold Star	20 Sep 2022 10:30	Quick response from CSO's - Sarah & Cassie. Very efficient and provided me with the information I required.
Gold Star	20 Sep 2022 14:54	Very polite
Gold Star	21 Sep 2022 14:03	Good work
Red Light	21 Sep 2022 15:03	Flooding continues. We're drowning in water and dept due to council incompetence in the issue. Miserable.

Gold Star	23 Sep 2022 12:57	Easy website, quick answer to phone call, lovely polite staff.
Gold Star	26 Sep 2022 14:19	Very friendly staff
Red Light	27 Sep 2022 16:12	To many unanswerable questions asked, regarding my complaint.
Green Light	30 Sep 2022 22:17	Thanks Chantelle speedy response
Gold Star	10 Oct 2022 14:52	Excellent follow up
Gold Star	10 Oct 2022 15:05	Great service
Gold Star	11 Oct 2022 11:41	Keep up the great work
Gold Star	11 Oct 2022 12:31	Was answered really promptly, so refreshing.
Gold Star	12 Oct 2022 10:24	very helpful
Gold Star	13 Oct 2022 10:08	Eliza has been fabulous in keeping me up to date with my inquiry.
Red Light	14 Oct 2022 13:22	Service was good in that the job was done quickly but the trees were only trimmed in such a minimal way that the overhanging branches still lean across the footpath and out onto roadway and even touch the top of parked cars. They needed to be trimmed back much more than they were to address the safety issues.
Gold Star	14 Oct 2022 13:38	G
Green Light	14 Oct 2022 14:14	Voting
Red Light	16 Oct 2022 22:01	I haven't received my refund or any form of contact from the council
Gold Star	19 Oct 2022 15:33	Nice service!
Green Light	24 Oct 2022 15:42	Fixes main pot hole promptly but there are dozens of pitted and broken surfaces the whole road still need to be scheduled for further upgrades cheers
Gold Star	25 Oct 2022 14:15	Bathroom update enquire/asbestos removal:- Cassie was friendly, informative and went beyond to obtain correct information. thank you Cassie!
Red Light	26 Oct 2022 12:04	It took 3 phone calls and an email and a \$30 penalty to resolve my instalment not going through due to insufficient funds. I called to pay the next day after noticing and the people I talked with had no idea what the process was when a direct debit is missed and said to call my bank. On the second call I paid by direct debit and it came out of my account twice then I have to wait up to 10 days for a refund if it is approved. Pity I cannot charge the council a fee for incorrect payment. Also a pity that I have to move house to change councils. If there was a competitor I would change. Please return the \$30.00 for my inconvenience. You already charge too much for rates, so this is an insult for 1 day late. At least teach your office staff what to do when you get another call saying a missed direct debit.
Yellow Light	26 Oct 2022 14:52	Sorry for trying to help someone with a disability.
Gold Star	28 Oct 2022 20:14	Grace was lovely. Thanks for help at the end of the day. Appreciated.
Gold Star	1 Nov 2022 12:08	Doing a fantastic job.
Gold Star	1 Nov 2022 12:37	Great communication, thank you Ally ##### and GCC
Gold Star	1 Nov 2022 13:26	My request was fulfilled promptly and Eliza's customer service was polite and friendly.
Green Light	2 Nov 2022 10:41	I was disappointed in the result of not having an interest amount taken off my 2nd installment of Rates but I'm going into the chambers to pay that amount today 2nd Nov22. I have one query how often is a road sweeper allocated to Balmain Street? I seem to be forever cleaning up out the front of my premises
Gold Star	2 Nov 2022 14:59	Works department attended a fallen limb from a tree in record time Thanks for the quick response
Red Light	2 Nov 2022 15:55	No response and it has been over a month.
Gold Star	3 Nov 2022 07:57	Amazing
Gold Star	3 Nov 2022 10:29	Great service

Red Light	3 Nov 2022 11:10	I have been asking from the 16/8/2022 for my remittance notices to be delivered electronically.
Gold Star	3 Nov 2022 11:42	Very happy with the response and assistance from the planning and heritage division of the council.
Gold Star	3 Nov 2022 15:00	Lyndal is always very professional
Gold Star	4 Nov 2022 10:12	Thank you for fixing the pot holes on Glenlusk Road
Red Light	6 Nov 2022 21:35	This is an ongoing issue which is ignored.
Yellow Light	7 Nov 2022 17:34	Speed humps,put a flyer,or get in touch with goodwood locals,or, stand in park between 630 am till 930 am then 3 pm to 6 pm any week day , cars utes, all taking short cut through goodwood,going and coming from work,hitting 70 to 120 km hr atleast once every 5 minutes, right along a public park road,seriously go sit in the park see for ya self dave
Gold Star	11 Nov 2022 13:48	Great timely reply to my issue. Great service
Gold Star	14 Nov 2022 16:29	Best customer service always!
Gold Star	15 Nov 2022 10:41	Daniel, Natasha, Damian and Rhys have all been very helpful and extremely efficient with the processing of our strata title application and final certification of our development. Thank you.
Red Light	16 Nov 2022 08:57	Council caused the flooding on to our property and is threatening us to remediate it. They also deny the existence of water in the drain (the basis of what they want remediated)
Gold Star	16 Nov 2022 09:14	The green waste was collected thank you.
Green Light	16 Nov 2022 09:37	.
Gold Star	16 Nov 2022 10:16	Made my day!!
Gold Star	17 Nov 2022 15:18	Thanks Paul
Gold Star	17 Nov 2022 17:51	Thank you for process our food business application fast and responsive.
Green Light	18 Nov 2022 13:00	thanks for letting us know.
Red Light	21 Nov 2022 11:19	Council has yet to remediate this issue. It persists after 2 years and extensive emails. Council was meant to have contacted the owner of ##### to rectify the structure illegally built over our land and should either itself or compel the owner to build a sufficient drainage structure to minimise the damage done by this structure to our footings. We're still flooding and this is still urgent.
Gold Star	21 Nov 2022 16:42	Daniel in the building section is a very helpful officer; he has a human side to his method of delivery. He listens and responds to the customers' needs in a GENUINE attempt to resolve problems and support a positive outcome for both the customer and council. Highly recommend Daniel for recognition and he is the man who could assist other staff in their training on listening to the customer, being a problem solver and ethical business delivery. Thank you for this opportunity to express our appreciation to have Daniels help over the last 12 months. Shan and Diane.
Red Light	23 Nov 2022 09:18	Council has not addressed its obligations under Land Use Planning and Approvals Act 1993 and Urban Drainage ACT 2013 Please make contact with us urgently to discuss the matter #####
Gold Star	23 Nov 2022 10:13	Good constructive dialogue
Red Light	23 Nov 2022 10:38	Flooding continues. Illegal structure on our property still exists with the blessing of council.

Red Light	23 Nov 2022 11:41	Council has not responded to the majority of emails over the last two years. Responses have not addressed the concerns
Red Light	23 Nov 2022 17:11	GCC can't give permission for someone else to steal our land and drain from that illegal structure built on our land into our house. That is not legal
Gold Star	24 Nov 2022 08:32	Such a quick response and also such quick action, thank you so much!
Gold Star	28 Nov 2022 20:39	It's an absolute pleasure to welcome you to my kitchen anytime. Enjoyed your visit immensely. Cheers. Carol.
Gold Star	29 Nov 2022 18:19	Hi that was an excellent service to us. kind regards,
Gold Star	30 Nov 2022 13:25	prompt, efficient, polite service
Gold Star	30 Nov 2022 14:29	Gemma is a delight to work with.
Gold Star	4 Dec 2022 15:24	Cheeeeeers
Gold Star	6 Dec 2022 12:33	Very helpful and prompt with answers
Gold Star	6 Dec 2022 20:52	Thankyou Eliza for your quick action, response and kindness.
Gold Star	8 Dec 2022 15:33	So good!
Yellow Light	8 Dec 2022 15:53	Hey
Gold Star	8 Dec 2022 17:29	Love
Green Light	8 Dec 2022 17:31	Love
Red Light	8 Dec 2022 17:31	Fhgtrdhgxfdhdr
Yellow Light	8 Dec 2022 17:31	456)(\$4((*&*;/;"
Red Light	9 Dec 2022 09:27	Inaction has made a small problem taken to extreme. As a rate payer it is concerning that over the last 3 months and 9 calls the person in charge has neglected his responsibility to this request.
Gold Star	9 Dec 2022 10:48	Keep up the excellent work
Gold Star	9 Dec 2022 14:37	Thankyou
Gold Star	9 Dec 2022 16:03	I'm delighted that you're delighted however I'm more delighted
Gold Star	9 Dec 2022 17:50	Gin
Gold Star	9 Dec 2022 20:20	Supetamaxing
Gold Star	10 Dec 2022 10:55	Great facilities, easy parking and convenient location.
Red Light	10 Dec 2022 13:29	Bad
Green Light	10 Dec 2022 13:29	Not bad not bad
Red Light	13 Dec 2022 10:55	I asked for the vegetation around my property to be cleared 2 months ago, but I have not received communication from you and the job has not been done. this is very poor service
Gold Star	13 Dec 2022 16:18	Sarah was excellent communicator and handled the situation very professionally.
Gold Star	16 Dec 2022 19:58	GOOD very interesting
Red Light	17 Dec 2022 15:54	It smells of old farts and poverty in here. The art is mediocre and the theatre is abysmally reminiscent of how the performing arts are underfunded nationwide. Plus I ##### accidentally flooded the toilets trying to unclog it. Based venue 1/10
Gold Star	18 Dec 2022 17:28	Nailed it
Green Light	19 Dec 2022 14:41	Fabulous Lady who helped me.
Green Light	20 Dec 2022 15:41	Quick email response.
Gold Star	21 Dec 2022 09:21	Hi
Red Light	21 Dec 2022 09:21	U suck

Gold Star	21 Dec 2022 16:36	Our planning officer Imogen has been wonderful to work with. She has been very helpful. You're nailing it Imogen! Cheers
Gold Star	22 Dec 2022 08:57	Simone is always worthy of a gold star
Green Light	22 Dec 2022 13:42	Great response and follow up. Very friendly.
Red Light	3 Jan 2023 16:25	

Gold Star	2 Feb 2023 14:47	The response to my little request was exceptionally quick. Thank you to Hilary who sorted it out and to the two workmen who arrived so promptly to fix the problem.
Red Light	4 Feb 2023 18:46	I don't like the idea of having a big expense
Red Light	6 Feb 2023 07:43	I made an enquiry about an issue impacting one of my clients - I have not had any response apart from this feed back survey.
Gold Star	6 Feb 2023 15:08	James ##### really took the time today to talk me through an RFI, and explain exactly what it was that he was looking for in our plumbing drawings. Exceptional customer service.
Gold Star	6 Feb 2023 15:28	Great support and transparency thank you
Gold Star	7 Feb 2023 14:15	Great, quick service
Gold Star	7 Feb 2023 20:10	Hi, I was surprised to received this email and I didn't know t'was a quick response not like before it takes a couple of days to hear from you. And that was an excellent job. Thanks, Roly
Gold Star	8 Feb 2023 00:08	No Thanks
Gold Star	8 Feb 2023 10:46	The concierge/reception staff was very friendly and helpful. Despite the person I wanted to direct my query, not being available at the time, I was able to forward information to an email provided by the concierge staff. I was then contacted shortly after and received the information I needed.
Red Light	9 Feb 2023 12:01	Don't read emails and reply asking same questions already answered previously
Green Light	10 Feb 2023 21:25	Splendid.
Red Light	11 Feb 2023 09:53	

Red Light	10 Mar 2023 17:10	Appalling primary school. Discrimination, intimidating. Fake receptionists. Teachers sinking out public. Parents, children and carers. Utter disappointment editor, non safe environment. Third degree Appalling. Corrupt school
Gold Star	14 Mar 2023 08:59	Over the years as being a GCC ratepayer I have had a few issues that I have had personally or reported concerns that I considered Council needed to be aware of. In every occasion I have had nothing but excellent customer service and professionalism. I also do JP shifts twice a month at the Council chambers and am always helped by the customer service officers as needed.
Gold Star	21 Mar 2023 13:53	:)
Gold Star	22 Mar 2023 07:45	Very efficient receptionist Eliza, who asked intelligent questions and made an action plan for me, which was implemented by the Plumbing Department within minutes of ringing off the call. Thank you very much! Cheers, Leigh
Gold Star	22 Mar 2023 13:14	Thank you for the prompt replacement of our garbage bin lid last Friday morning! Warm regards, Lisa and Nigel #####
Gold Star	22 Mar 2023 19:11	Same day resolution and fixed after one contact.
Gold Star	24 Mar 2023 09:19	The lady att the counter was very good ..listened to what I had to say with a very nice smile
Green Light	24 Mar 2023 10:13	Mel was super helpful and efficient.
Yellow Light	28 Mar 2023 08:14	I couldn't find Career icon.
Gold Star	28 Mar 2023 08:46	Rob ##### was excellent very helpful
Gold Star	28 Mar 2023 10:21	Thanks for great no bs service. If only every council was run as well as this one - well done
Gold Star	28 Mar 2023 13:26	Nice help
Gold Star	29 Mar 2023 22:04	Clear concise answer to my questions thanx
Gold Star	30 Mar 2023 17:42	Mm mm mm
Gold Star	30 Mar 2023 17:45	Friend jaded good art :)
Gold Star	30 Mar 2023 17:49	Mmmmmmmmm very good, much thank
Gold Star	30 Mar 2023 20:19	Always on time and checks everything in a timely manner
Red Light	1 Apr 2023 18:49	Parade
Red Light	3 Apr 2023 17:46	More respect fir peoples property Bins , People

Gold Star	2 May 2023 17:59	David ##### response to my inquiry was excellent.
Red Light	3 May 2023 16:50	Emailed in February and it is now May and still nothing done..
Red Light	4 May 2023 16:24	:(
Green Light	4 May 2023 19:58	Professional and happy to discuss and answer questions.
Red Light	5 May 2023 05:11	Yet again a terrible experience as part of my retrospective building and plumbing approval
Gold Star	5 May 2023 15:02	Chelsea was very helpful and replied promptly to my email request. Thank you. That's very nice to know as we've just moved into the Glenorchy City Council area.
Gold Star	5 May 2023 18:40	Fantastic out of 10
Gold Star	5 May 2023 18:41	Beautiful work
Gold Star	5 May 2023 19:42	Beautiful exhibition with meaning. Well done Sara ##### for organising the workshops
Gold Star	5 May 2023 19:43	Well done Sara great art exhibition
Gold Star	5 May 2023 19:49	Amazing
Gold Star	5 May 2023 21:45	Helpful receptionist when I phoned, who guided me to online form and confirmed a next day response to my application. Application approved next day by return email. So easy. thank you
Gold Star	9 May 2023 14:20	Fixed my fine
Gold Star	10 May 2023 00:22	Good job, Paulene and helpers ... from #####
Gold Star	12 May 2023 18:52	Didn't expect such a prompt reply on a Friday
Gold Star	15 May 2023 11:09	Damian ##### has been excellent at guiding us through the DA process. He is very approachable and very responsive to our questions. Being new to this kind of process I found it comforting to know that I could call upon Damian for updates and guidance. As a Small Business owner I make it a point to acknowledge exceptional customer service. Please pass on my sincere gratitude to Damian. Kind Regards. #####
Gold Star	15 May 2023 15:46	Was looking for some basic BAL rating info. On a block and it was freely given and very quickly by planning which was greatly appreciated, thank you very much.
Gold Star	17 May 2023 09:35	Very helpful :)
Gold Star	22 May 2023 08:57	Thank you Peter and your Team.
Gold Star	22 May 2023 16:42	I really appreciated a willing and quick support from a lady for updating my kids overseas immunisation history. I'm sorry I forgot to get her name. Glenorchy support service is amazing. Thanks again.
Red Light	23 May 2023 11:05	We need a bigger bin but this was declined because 5 people dont live at the property. We have a young child in nappies and a baby on the way so will be using alot of nappies so really need the bigger bin.
Green Light	23 May 2023 14:14	Chelsea handed my request promptly and professionally. Excellent service.
Gold Star	25 May 2023 13:40	Great service on phone and via email, thank you!
Gold Star	25 May 2023 17:06	I have made contact with GCC twice over the last few weeks and have had a prompt and helpful response on both occasions. Thanks very much.
Red Light	27 May 2023 20:51	I had sent an email to you 28/10/2022 about waste management in commercial bird keeping and never received any reply or response. I know it's a little late to mention it now, but I came across the email with the faces, so thought perhaps I would mention it. Thank you.
Gold Star	29 May 2023 08:31	Thanks Allison ##### a lot for her quick support.

Gold Star	29 May 2023 11:53	thankyou for leaving my replacement bin with a big number on it at my gate. very timely response
Gold Star	29 May 2023 15:00	Very helpful and friendly service
Gold Star	31 May 2023 16:20	Great response from dog catcher to collect stray/ wandering dog in area
Gold Star	4 Jun 2023 12:14	Once again I would like to extend a warm thanks to you and your staff for the help and support we we're given during our time in business Olive ##### formaly #####
Red Light	7 Jun 2023 07:50	Your asked for an email you explain what's happening, as far as the lights are concerned that shine in my residence you know exactly which ones potential shine into residences from windows but the council put them in any way .Sorry but get off your behinds and have a look at the lights and traffic conditions and the parking.
Red Light	7 Jun 2023 13:14	I have been abused by ##### an ##### from the dog catchers department ...I have been brushed off by the council numerous times regarding my dogs ...this is just absolutely discusting...Ur staff should be discusted in their conduct
Red Light	7 Jun 2023 18:37	no one has been to see me for an explanation and see the mess these trees make apart from being a fire danger and filling our yards and spoutings with foliage as a rate payer i think a little service is required #####
Green Light	8 Jun 2023 19:34	Great
Gold Star	14 Jun 2023 14:37	simply brilliant
Red Light	14 Jun 2023 17:50	No response to 5 emails over 6 week time frame
Gold Star	16 Jun 2023 13:25	Yearning is amazing
Green Light	16 Jun 2023 21:44	Good
Gold Star	21 Jun 2023 13:42	Thanks Sandra for her great support.
Green Light	22 Jun 2023 18:35	Tania who i spoke with on the phone was friendly and knowledgeable. Keep up the good customer service work it is truly appreciated.
Gold Star	23 Jun 2023 14:50	quick reply , professional advice
Gold Star	23 Jun 2023 15:50	I wasn't sure if the "excellent" button was actually a part of the same scale as the faces. Maybe try keeping the symbols all of the same theme
Green Light	28 Jun 2023 11:16	Promised documents not left for collection
Gold Star	28 Jun 2023 19:03	Quick reply
Gold Star	30 Jun 2023 13:50	I loved it so much. What a valuable place to have in our community.
Red Light	30 Jun 2023 15:08	Sending out a threatening overdue notice when it is was not overdue.

[sic]

Denotes redacted content.














2022/23 comments word map









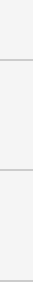


Appendix B – Customer Service Strategy Progress Snapshot











CUSS) CUSTOMER SERVICES PLAN












CUSS) DEPARTMENT STRATEGIES

Goal	2...	2021	2022	2023	2024	Update	Current Co...
Customer Service Strategy 2020-25							78% 78.22 / 100 18% ahead
→ CSS 1.1 - Close the loop with our customers							60% 60 / 100 4% behind
→ CSS 1.1.1 - Develop and implement a new procedure for closing the loop with customers, including acknowledgement of request and completion of action : 100%						Comments: Currently closing the loop with all enquiries apart from Works requests. More work to be done once a direction is known with core technology.	50% 50 / 100% 14% behind
→ CSS 1.1.2 - Investigate technologies to automate closing the loop with customers : 100%						Comments: Currently unavailable within our technology. Function identified as a requirement during scoping of core system review project. Awaiting outcome of project to implement.	50% 50 / 100% 1% behind
→ CSS 1.1.3 - Develop and implement a Council-wide Correspondence Management Framework : 100%						Comments: Complaints Management Policy drafted and ready for adoption. To be presented to Council in November 2023.	80% 80 / 100% 16% ahead
→ CSS 1.2 - Increase community engagement							90% 90 / 100 27% ahead
→ CSS 1.2.1 - Publish a Council-wide calendar of upcoming community engagement activities : 100%						Comments: We have identified the need for a Council-wide Corporate calendar, that not only includes engagement activities, but all Council events and important dates. Scope of project changed to include this, and work has commenced. Currently working out technology to facilitate.	70% 70 / 100% 11% behind
→ CSS 1.2.2 - For all community engagement activities, develop a plan in consultation with Customer Service Department, clearly outlining objectives, audiences and methods and publish to intranet : 100%						Comments: Plan between Customer Service and Community Engagement developed. The two teams meet monthly to discuss current and upcoming engagements.	100% 100 / 100%
→ CSS 1.2.3 - Roll out Council's new online engagement tool for community engagement : 100%						Comments: New online engagement tool went live November 2020.	100% 100 / 100%
→ CSS 1.3 - Extend knowledge management system Council wide : 100%							100% 100 / 100%

	2021	2022	2023	2024	Update	Current Score
→ CSS 1.3.1 - Implement a new centrally-managed knowledge management system across Council : 100%					Comments: Livepro (internally named GLENDIA) went live 12/10/22. The rest of the Council is using Sharepoint for a knowledgebase, and the Records Team are using Confluence.	100% 100 / 100%
→ CSS 1.3.2 - Provide training to content owners across services : 100%					Comments: Sharepoint training complete for key staff. Livepro training complete for CS staff.	100% 100 / 100%
→ CSS 1.3.3 - Develop processes to ensure content is regularly updated : 100%					Comments: Sharepoint content to be updated by key staff in departments. Livepro to be updated through internal process within Customer Service team, as part as BAU functions.	100% 100 / 100%
→ CSS 1.4 - Increase communication across channels : 100%						100% 100 / 100%
→ CSS 1.4.1 - Regularly communicate with the community using a range of formats in line with the Communications Strategy, including newsletters, public information sessions, website and radio : 100%					Comments: Continue to refine reporting mechanism - Annual Review of Comms Strategy	100% 100 / 100%
→ CSS 1.4.2 - Align social media usage with Social Media Strategy and Communications Strategy : 100%					Comments: Social Media aligns with Comms Strategy. Continually develop.	100% 100 / 100%
→ CSS 1.4.3 - Publish regular updates on Council's activities, such as implementation of Council's Annual Plan, Capital Works Program, Future Glenorchy and Economic Recovery Plan : 100%					Comments: Published through quarterly and annual reports, available on website, updates via social media.	100% 100 / 100%
→ CSS 1.4.4 - Publish a page on the website that lists services of Council and links to further information : 100%					Comments: Completed with the new website project. Went live October 2020.	100% 100 / 100%
→ CSS 2.1 - Improve self-serve options : 100%						58% 58.33 / 100% 6% behind
→ CSS 2.1.1 - Identify processes that can be offered as part of online self-service : 100%					Comments: Processes identified as part of the core systems review and ICT tender process for new systems.	100% 100 / 100%
→ CSS 2.1.2 - Explore technology to enable self-serve. This includes consideration of the broader Plan/Built capabilities (a portal for the electronic lodgement and processing of planning, building and plumbing applications) planned for public release by the State Government : 100%					Comments: Configuration workshops to commence in November 2023 for new core system. Customer portal will be part of this solution.	75% 75 / 100% 22% ahead

	2021	2022	2023	2024	Update	Current Score
→ CSS 2.1.3 - Implement self-serve options Council-wide, including lodging requests online : 100%					Comments: A lot of requests etc. can be completed online, but is not true self-serve. The customer portal will allow for this, which is part of Project Hudson. Awaiting commencement of configuration workshops for Project Hudson in November.	0% 0 / 100%
→ CSS 2.2 - Modernise payment options : 100%						100% 100 / 100%
→ CSS 2.2.1 - Review current payment methods across our services and explore the degree to which they meet customer expectations : 100%					Comments: Available payment methods identified. GCC currently provides the option of a wide array of options. Other than more contemporary, risky options, Council offers all available.	100% 100 / 100%
→ CSS 2.2.2 - Design a future payments framework and roadmap to streamline payments processes : 100%					Comments: Other than more contemporary, risky options, Council offers all available. No future planning required, other than investigating new options as they become available.	100% 100 / 100%
→ CSS 2.2.3 - Consider technology requirements and implement modernised payment options where possible : 100%					Comments: GCC currently provides the option of a wide array of options. Other than more contemporary, risky options, Council offers all currently available. Technology currently delivers options.	100% 100 / 100%
→ CSS 2.3 - Improve forms : 100%						93% 93.33 / 100% 29% ahead
→ CSS 2.3.1 - Implement Council's Style Guide, to be released 1 July 2020, to ensure consistent branding, tone, style and use of Easy English on forms and digital content : 100%					Comments: Style guide implemented. New website adheres to the guide, as do all corporate templates, letterheads, business cards, new uniforms etc. Most frequently used forms redesigned with style guide.	100% 100 / 100%
→ CSS 2.3.2 - Provide staff with training and implement a review process for all new forms and digital content : 100%					Comments: Annual review in place for all forms. Comms to review new forms. Digital content authorised by Comms.	100% 100 / 100%
→ CSS 2.3.3 - Update existing forms in line with the Style Guide, ensuring an interpretation service reference is also available on forms where appropriate : 100%					Comments: Forms updated where possible, however ownership of forms is not central. Discussions around process for future to be held to ensure forms are continuously updated.	80% 80 / 100% 12% behind
→ CSS 2.4 - Improve usability of website : 100%						100% 100 / 100%
→ CSS 2.4.1 - Redevelop website as planned to improve information architecture and usability, adhering to the Web Content Accessibility Guidelines 2.1 (WCAG 2.1), with the aim of improved customer service : 100%					Comments: Website designed, developed and created. Website went live October 2020.	100% 100 / 100%

	2021	2022	2023	2024	Update	Current Score
→ CSS 2.4.2 - Review and develop website content in alignment with the Communications Strategy so that it is clear, concise and consistent : 100%					Comments: Content reviewed and updated as part of the new website development. Website went live in October 2020.	100% 100 / 100%
→ CSS 2.4.3 - For ongoing website management, assign content owners who are trained and accountable for updating information regarding their departments : 100%					Comments: Comms team assessed possible frameworks for website management and have decided on a hybrid method of Comms completing the bulk of the website updates, with specific functions being updated by selected staff in selected departments. Content owners assigned and trained and process is in action.	100% 100 / 100%
→ CSS 3.1 - Personalise our Customer Service : 100%						35% 35 / 100% 29% behind
→ CSS 3.1.1 - Allow customers to choose how they communicate with Council and how they are updated on their request : 100%					Comments: Awaiting implementation of Project Hudson. Currently customers are able to choose to a certain extent, but further work needs to be done on closing the loop automatically, something that isn't available with current system.	0% 0 / 100%
→ CSS 3.1.2 - Improve accessibility of communications by providing information in different languages (where appropriate) and continuing to promote interpreter services : 100%					Comments: Working with website provider to incorporate translator into website. Possible cost that may need a POE.	85% 85 / 100% 7% behind
→ CSS 3.1.3 - Target new residents with a tailored information pack that focuses on informing new residents of Council's activities and services : 100%					Comments: Initial discussions have been held regarding the logistics of developing a welcome pack, and what would trigger one to be sent.	20% 20 / 100% 10% behind
→ CSS 3.2 - Seek regular, service-specific feedback from customers : 100%						88% 87.5 / 100% 23% ahead
→ CSS 3.2.1 - Proactively invite customers to provide feedback during their interaction with Council : 100%					<ul style="list-style-type: none"> Comments: Feedback is requested via: <ul style="list-style-type: none"> Tablets in the foyer of Council Chambers The auto-reply email once a customer sends an email to the corporate email address In the signatures of Customer Service staff when replying to enquiries An after call phone survey, offered after every call 	100% 100 / 100%
→ CSS 3.2.2 - Undertake an annual survey of our customers to capture feedback on our customer service : 100%					Comments: Conducted annual survey a year after the CS Strategy survey. Unfortunately the response rate was disappointing and therefore unusable for statistics. Identified that transactional feedback is far more relevant and fruitful, and will continue with this in the future, and not conduct any further annual surveys.	100% 100 / 100%
→ CSS 3.2.3 - Analyse results and re-assess service level commitments annually : 100%					Comments: Council-wide engagement is complete for service levels. Document updated and will be presented to Council at November's meeting.	90% 90 / 100% 29% ahead

	2021	2022	2023	2024	Update	Current Value
→ CSS 3.2.4 - Report on the implementation of Customer Service actions and service levels annually : 100%					Comments: 22/23 Annual Customer Service Report to be presented to Council at November 2023 Council Meeting.	60% 60 / 100% 20% ahead
→ CSS 3.3 - Improve Customer Service Area : 100%						50% 50 / 100% 14% behind
→ CSS 3.3.1 - Engage a specialist to review the Customer Service Centre, including an accessibility review to better meet the needs for customers with all abilities : 100%					Comments: Area reviewed and designed as part of the City Scape Project.	100% 100 / 100% -
→ CSS 3.3.2 - Implement improvements to the Customer Service Centre : 100%					Comments: Aldermen made decision to cease Stage 1 of the City Scape project, meaning the accessibility alterations to the Customer Service area will not be completed.	0% 0 / 100% 100% behind
→ CSS 4.1 - Ensure alignment of Customer Service Strategy with ICT Strategy : 100%						87% 86.67 / 100% 22% ahead
→ CSS 4.1.1 - Document the customer service technology needs in the ICT strategy development : 100%					Comments: Customer Service's technology needs documented as part of the scoping and requirements collated for the core systems review and tender process.	100% 100 / 100% -
→ CSS 4.1.2 - Develop a business case to understand the costs and benefits of refreshing core systems : 100%					Comments: Business case, scoping and individual departments' needs investigated and developed by consultant, with recommendation made to refresh core systems as part of core system project.	100% 100 / 100% -
→ CSS 4.1.3 - Plan and implement a refresh of systems in line with the ICT strategy and the Customer Service Strategy : 100%					Comments: Awaiting configuration workshops with software provider.	60% 60 / 100% 3% ahead
→ CSS 4.2 - Maximise usage of current Customer Relationship Management : 100%						50% 50 / 100% 14% behind
→ CSS 4.2.1 - Ensure the Customer Relationship Management System enables staff to see customer requests, which actions toward the completion of their request have been taken and when their request is likely to be completed : 100%					Comments: Currently, staff are able to see the updates for any request, although much of it is manual. This action will be left open until the new system is implemented, to ensure the same is available for the new system.	50% 50 / 100% -
→ CSS 4.2.2 - Use the system to facilitate acknowledgement of customer requests and updates on progress or finalisation : 100%					Comments: Current system does not allow for this. Awaiting new system to be implemented through Project Hudson.	0% 0 / 100% -

	2021	2022	2023	2024	Update	Current Value
<p>→ CSS 4.2.3 - Model customer data to ensure more meaningful information is captured and maintained, enabling a single source of truth for customer information : 100%</p>					<p>Comments: Identified during core system review. Currently, our system is property-centric. Relationships are created to the customer where they have links to functions with Council (dogs, properties, development applications etc.), allowing for us to collect relevant data for the customer, dependent on their interaction with Council. Currently one database that holds the "single source of truth" that connects all modules of our core systems.</p>	100% 100 / 100%
<p>→ CSS 4.3 - Improve Key Performance Indicators and service standards : 100%</p>						66% 66.25 / 100% 2% ahead
<p>→ CSS 4.3.1 - Develop Key Performance Indicators that have a greater emphasis on the customer and community, with accountability assigned to a specific team : 100%</p>					<p>Comments: Initially was to be looked at in conjunction with the activity based cost project (commenced but since ceased). KPIs to be reported against service levels in service level document with Customer Service Charter. Mechanism to report these stats to be developed.</p>	50% 50 / 100% 27% behind
<p>→ CSS 4.3.2 - Refine existing Service Levels in the Customer Service Charter : 100%</p>					<p>Comments: Council-wide engagement is complete for service levels. Document updated and will be presented to Council at November's meeting.</p>	90% 90 / 100% 40% ahead
<p>→ CSS 4.3.3 - Develop internal Service Level Agreements with Council's service providers to ensure delivery of timely and effective services : 100%</p>					<p>Comments: Partially complete, with some developed, some needing review, and some yet to be developed.</p>	25% 25 / 100% 25% ahead
<p>→ CSS 4.3.4 - Create service-specific customer service standards and share these with our community : 100%</p>					<p>Comments: Customer Service Charter. Will be reviewed as per legislation.</p>	100% 100 / 100%
<p>→ CSS 4.4 - Reinforce importance of customer service organisation wide : 100%</p>						96% 96.25 / 100% 32% ahead
<p>→ CSS 4.4.1 - Design and implement a Customer Service Training Framework, tailored to specific teams to improve the understanding and expectations of customer service : 100%</p>					<p>Comments: Content created, facilitators trained, first session booked in October 2023.</p>	95% 95 / 100% 3% ahead
<p>→ CSS 4.4.2 - Ensure all staff undertake all key trainings, including Customer Service Training, Disability Awareness Training, Cultural Awareness Training and Diversity and Inclusion Training : 100%</p>					<p>Comments: CS training to commence delivery in October 2023.</p> <p>All other training implemented by People & Culture and Community Departments.</p>	90% 90 / 100% 30% ahead

	2021	2022	2023	2024	Update	Current Score
→ CSS 4.4.3 - Introduce customer service as a component of the staff induction process, including an opportunity for inductees to shadow staff in the call centre : 100%					Comments: Call centre shadowing program commenced, working through Directors, then Managers, Coordinators and Officers. Once complete, new staff will be added as they start with Council.	100% 100 / 100%
→ CSS 4.4.4 - Continue to include customer service criteria in staff position descriptions and performance reviews : 100%					Comments: CS is a criteria in both Position Descriptions and Performance Reviews. Completed but to continue.	100% 100 / 100%

Glenorchy City Council Customer Service Charter

Council's Purpose and Values

Our Purpose

We are a welcoming Council, representing our community and providing services to make Glenorchy a better place every day.

Our Values

People

We value our diverse and welcoming community. We believe that each person is equal and has a positive contribution to make, with their rights respected and their opinions heard and valued.

Place

We work together to future proof our City so we can enjoy a good quality of life and a safe, sustainable and healthy environment. We respect our heritage and have pride in our City.

Opportunity

We value innovation, flexibility and imagination and strive to create social and economic choices and opportunities for all.

Together

We commit to work as a united Council team to build relationships and partnerships within and outside our community to make a difference in Glenorchy.

Accountable

We are accountable to each other and the Glenorchy community for the difference we make to the life of our City.

We value all customers to GCC and we will:

- Greet you in a friendly way
- Treat you with respect, courtesy and professionalism
- Be helpful, sensitive and listen to your needs
- Answer your telephone call to our Contact Centre on average within a minute
- Provide you a counter service time that is as efficient as possible, with minimal waiting times
- Answer your telephone message within 2 working days
- Acknowledge your letters or emails within 5 working days
- Action your requests in line with our Service Level Agreement's timeframes

How you can help us to help you:

- Treat our staff with mutual respect
- Respect the privacy and rights of other community members
- Give us accurate and complete information to work with
- Work with us to solve problems
- Give us feedback on how we can continue to improve our service

Complaint or Service Request?

When you contact us, most likely you will be lodging a service request with us. A service request is lodged when you would like action taken on an issue in our municipality. For example, a pothole in the road that needs repair, a missed waste bin collection, or to tell us about a barking dog that is causing a nuisance. We welcome any of your requests or suggestions. Council will track your request and will pass it onto the relevant department for action.

When you are not happy with the service you have received from Council, or how we handled the service request you lodged, you may lodge a complaint with us. You can make a complaint face to face over the counter, by telephone or in writing (by email or letter). We will treat all complaints seriously, confidentially, in a professional manner and in line with Council's Complaints Management Policy.

What does Council do with a complaint?

We will register your complaint and send it to the relevant department for investigation. We will make sure we acknowledge your complaint by phone or in writing within five working days. We will aim to provide a response to your complaint within 15 working days. While most issues can be fixed quickly, some may take time, so we will keep you informed about the progress of your complaint if it is likely to take longer to investigate.

What if you are not happy?

We are confident that most complaints will be fixed quickly. However, if you are not happy with the outcome of a complaint you may write to the General Manager of Glenorchy City Council and ask for the matter to be reviewed.

Reporting of complaints

The General Manager will provide an annual report to Council on the number and nature of complaints received as required under section 339F of the Local Government Act 1993.

What do you do if you are still not happy?

If you are still not happy with the result after the General Manager's review, you have the right to seek an external review from an outside agency. Agencies that may be able to assist are:

Ombudsman Tasmania

NAB House, L6, 86 Collins St, Hobart TAS 7000
E: ombudsman@ombudsman.tas.gov.au | Ph: (03) 6166 4566 or 1800 001 170 | Post: GPO Box 960, Hobart TAS 7001

Equal Opportunity Tasmania

Level 1, 54 Victoria Street, Hobart 7000
Ph: (03) 6165 7515 / 1300 305 062 | Text: 0409 401 083
E: office@equalopportunity.tas.gov.au
Post: GPO Box 197, Hobart TAS 7001

Commissioner for Children and Young People

Phone: (03) 6166 1366 | Email: childcomm@childcomm.tas.gov.au
childcomm.tas.gov.au

The Director of Local Government

Level 5, 15 Murray Street, Hobart 7000
Ph: (03) 6232 7022 | E: localgovernment@dpac.tas.gov.au

How to talk to us:

- In person, 8:30am - 5:00pm (Mon-Fri) at 374 Main Road Glenorchy
- By phone, 8:30am - 5:00pm (Mon-Fri) (03) 6216 6800
- Translating and Interpreting Service (TIS) is available in person or by phone
- By email to gccmail@gcc.tas.gov.au
- By letter to PO Box 103 Glenorchy TAS 7010
- Via Council's website at www.gcc.tas.gov.au



At Glenorchy City Council we are committed to our community and to giving our customers outstanding service. This Customer Service Charter outlines how we will endeavour to serve you and what you can do if you believe we have not delivered to those standards. We look forward to serving you well!



Glenorchy City Council
Service Levels



Animal Management

Activity	Response Time
Response to medium priority animal complaints – general animal noise, straying, and other nuisances	4 business days or earlier
Finalisation of medium priority animal complaints	15 business days
Response to high priority animal complaints – animal attacks	3 business days or earlier
Finalisation of high priority animal complaints	15 business days
Response to animals currently roaming or being contained	2 hours or earlier
Response to scene of dog attack and livestock on highways (24/7)	1.5 hours or earlier
Finalisation of Notice of Complaint investigation	30 business days

Building

Activity	Response Time
Period in which to grant a Building Permit application	7 days or agreed period

Bus Interchange Maintenance

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Oil leak damage to paved area	Inspect, assess risk and hazard	Repair and rectify any damage caused to the Glenorchy Bus Interchange	Make Safe	1 day

Bus Interchange Maintenance continued...

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Clean up litter	Inspect and assess amount and type	Remove litter	General area (not within shelters)	Daily
Damage caused by Metro	Inspect, assess risk and hazard	Make site safe	Make safe	1 day
		Repair and rectify any damage caused to the station	Full repair	14 days
Vandalism	Inspect, assess risk and hazard	Make site safe	Make safe	1 day
		Repair and rectify any damage caused to the station	Full repair	15 days
Repair or replace lighting	Inspect on regular audits and organise remedial works on defects	Repair as required	Shelters	30 days
Footpaths	Footpath has trip hazard > 15mm displacement	Re-lay pavers or infill with concrete	Paved footpaths	30 days
Footpath pavement cleaning	When fallen debris or slippery substances becomes a danger to pedestrians	Remove debris and high pressure clean	Paved footpaths	1 day
Road pavement damage	Inspect, assess risk and hazard	Re-lay pavers or infill with concrete	Road surface	30 days
Empty litter and butt bins	Daily excluding Sunday	Empty bins on a regular schedule	Fixed litter and butt bins	Daily
Roadsweeping	Daily inspections excluding Saturday and Sunday	Sweep road on a regular schedule excluding Sunday	Road	As per schedule
Footpath litter and debris	Daily inspections excluding Saturday and Sunday	Remove litter	Footpaths	Daily during Autumn leaf drop

Corporate Services

Activity	Response Time
Process 132 Certificate	5 business days
Process a 337 Certificate	10 business days
Pay accounts	Due date
Acknowledge receipt of job applications	2 business days

Engineering

Activity	Response Time
Respond to a general enquiry	10 business days
Respond to a complex enquiry	15 business days

Environmental Health

Activity	Response Time
Respond to reported issue	2 business days
Issue licence following lodgement of valid application	5 business days

General Customer Service

Activity	Response Time
Answer your phone call to our Contact Centre	Average less than 1 minute
Return phone calls	2 business days
Lodge a service request	5 business days
Respond to general correspondence	10 business days
Acknowledge complaint	5 business days
Investigate and provide a response to a complaint	15 business days (update every 10 business days if investigation is required to take longer)
Internal review of a complaint	10 business days

Parking Compliance

Activity	Response Time
Response and removal time of non-urgent abandoned vehicle – not immediate traffic or safety hazard <i>*subject to Tasmanian Police declaration and towing contractor availability</i>	10 business days or earlier*
Response and removal time of urgent abandoned vehicle – causing immediate traffic or safety hazard <i>*subject to Tasmanian Police declaration and towing contractor availability</i>	As soon as possible*

Parks and Recreation

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Tree trimming or removal	Reported or noted during inspection	Work practices subject to Aust. Std. Pruning of Amenity Trees Remove limbs/tree if required Dispose of waste material	Emergency	1 day
			High	5 day
			Medium	14 days
			Low	30 days
Brush cutting	3 monthly inspections carried out as part of maintenance schedule As reported	Brush cut only in designated areas with appropriate plant	High	10 days
			Medium	20 days
			Low	30 days
Fences and gates	Reported or noted during inspections	Repair or replace as required	High	2-3 days
			Medium	10 days
			Low	20 days
Weed spraying	Reported All areas treated a minimum of twice yearly	Spray fence lines Broad leaf turf areas	High	10 days
			Medium	20 days
			Low	60 days

Vandalism	Reported	Carry out works to make site safe temporarily or permanent repair if possible Respond to any other directions from the GCC, initiate permanent repair	High	1 day
			Medium	5 days
			Low	10 days
Public Toilets	Reported or noted during inspections	Isolate any potential hazards and repair or replace as required	High	< 1 day
			Medium	2 days
Playgrounds	Reported or noted during inspections	Repair damage to equipment or replace as required	High	1 day
			Medium	5 days
			Low	180 days

Planning

Activity	Response Time
Determine a valid 'permitted' Planning Application	28 days
Determine a valid 'discretionary' Planning Application	42 days

Plumbing

Activity	Response Time
Period in which to grant or refuse a Plumbing Permit Application	7 days or agreed period
Period in which to grant or refuse a Certificate of Likely Compliance Notifiable Plumbing	14 days or agreed period
Period in which to grant or refuse a Certificate of Likely Compliance Permit Plumbing work	21 days
Period in which to inspect plumbing work	12 business days after notification

Road Maintenance				
Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Potholes / patching	Failed area < 100 sq. m exhibiting major deformation and extreme severity crocodile cracking Potholes > 500mm wide and/or > 50mm deep	Dig-out pavement and patch existing surface with asphalt	Arterial and Collector (including CBD) Road	3 days
			Link Road	3 days
			Local Access Road	5 days
			Minor Access Road	5 days
Repair / replace sign	Sign missing or damaged	Reinstate sign, replace if badly damaged	Regulatory and Warning	5 days
			Street name signs	14 days
Dead animal pick-up	Multiple carcasses or large animal on road (excludes domestic animals)	Dispose of carcass	All	1 day
Clean up litter	Inspect and assess amount and type	Remove litter	Arterial and Collector (including CBD)	3 days
			Link Road	5 days
			Local Access Road	5 days
			Minor Access Road	7 days
			Open Space	7 days

Safety

Activity	Response Time
Reported safety hazard	Assessed and made safe as soon as possible

Stormwater Maintenance

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Creek vegetation control	As required by the Environmental Conditions	Vegetation will be cut as per program, reactive issues such as tree damage will be assessed and actioned according to severity.	Urgent Issues	15 days
			All others	Up to 3 months
Clear blocked main or pit	Blocked line reported by incident or inspected through CCTV inspection	Remove blockages by using GCC equipment or Contract drain cleaner / root cutter etc.	If flooding property	1 day
			If flooding roadside	5 days
			If not damaging assets / hazard	15 days
Repair pit or grate / lid	Repair broken pit lid	Make safe and replace with new surround	Make safe / repair	1 day make safe 14 days repair

Waste Management

Activity	Response Time
Collect household garbage, recycling and FOGO (standard service)	Fortnightly
Collect household garbage, recycling and FOGO (shared service for units)	Weekly
Missed bin requests	Return to collect within 48 hours
Repair, replace damaged bins or allocate new bins	Within 1 week of notification

Public litter bin collections High impact areas: CBD, Moonah, Glenorchy, Claremont	Daily
Public litter bin collections Low impact areas: Parks, Reserves, Bike track	Weekly
Public litter bin - repair or replace damaged bins	12 business days
General waste enquiries	Respond within 5 business days or earlier

Our Commitment to you...



At Glenorchy City Council we are committed to our community and to giving our customers outstanding service.

This Customer Service Charter outlines how we will endeavour to serve you and what you can do if you believe we have not delivered to those standards. We look forward to serving you well!

Council's Vision, Mission and Values

Our Vision

We are a proud city; a city of arts; of opportunity; of partnerships; a city that makes exciting things happen.

Our Mission

Glenorchy City Council will be a leader in local government, representing its local community and ensuring best value services.

Our Values

People: We believe that each person is equal and has a positive contribution to make. The rights and opinions of all are heard, valued and respected.

Diversity: We value differences that enrich our community and the positive contributions everyone can make in improving the quality of community life.

Progress: We value innovation, flexibility and imagination in building a better and sustainable community.

Prosperity: We commit ourselves to achieving social and economic prosperity for all.



We value all customers to GCC and we will:

- Greet you in a friendly way
- Treat you with respect, courtesy and professionalism
- Be helpful, sensitive and listen to your needs
- Answer your telephone call on average within a minute
- Provide you a counter service time that is as efficient as possible, with minimal waiting times
- Answer your telephone message before the end of the following working day
- Action or acknowledge your letters or emails within 10 working days

How you can help us to help you:

- Treat our staff with mutual respect
- Respect the privacy and rights of other community members
- Give us accurate and complete information to work with
- Work with us to solve problems
- Give us feedback on how we can continue to improve our service

How do you make a request or suggestion?

A service request is made when you would like action taken on an issue in our municipality. For example a pothole in the road that needs repair, a missed waste bin collection or why that dog keeps barking. We welcome any of your requests or suggestions. Council will track your request and will pass it onto the relevant department for action.



How do you make a complaint?

A complaint is if you are not satisfied with a service you have received. We will treat all complaints seriously, confidentially and in a professional manner. You can make a complaint face to face over the counter, by telephone or in writing (by email or letter).

What does Council do with a complaint?

We will register your complaint and send it to the relevant department for investigation. We will make sure we act on or acknowledge your complaint by phone or in writing within ten working days. While most issues can be fixed quickly, some may take time. We will keep you informed about the progress of your complaint if it is likely to take longer to investigate.

What if you are not happy?

We are confident that most complaints will be fixed quickly. However, if you are not happy with the outcome of a complaint you may write to the General Manager of Glenorchy City Council and ask for the matter to be reviewed.

Reporting of complaints

The General Manager will provide an annual report to Council on the number and nature of complaints received as required under section 339F of the *Local Government Act 1993*.



What do you do if you are still not happy?

If you are still not happy with the result after the General Manager's review, you have the right to seek an external review from an outside agency. Agencies that may be able to assist are:

- **The Ombudsman**
99 Bathurst Street, Hobart 7000
Ph: (03) 62336217
Free call: 1800 001 170
- **Equal Opportunity Tasmania - The Office of the Anti-discrimination Commissioner**
Level 1, 54 Victoria Street, Hobart 7000
Ph: (03) 6165 7515
Email: office@equalityopportunity.tas.gov.au
- **The Director, Local Government Division**
Level 5, 15 Murray Street, Hobart 7000
Ph: (03) 6232 7022
Email: igd@dpac.tas.gov.au

How to talk to us:

- In person at 374 Main Road Glenorchy Mon-Fri 8:30am - 5:00pm
- By phone (03) 6216 6800 Mon-Fri 8:30am - 5:00pm
- Translating and Interpreting Service (TIS) is available in person or by phone
- By email to gccmail@gcc.tas.gov.au
- By letter to PO Box 103 Glenorchy TAS 7010
- By Council's website at www.gcc.tas.gov.au



Glenorchy City Council Customer Service Charter

At Glenorchy City Council we are committed to our community and to giving our customers outstanding service.

This Customer Service Charter outlines how we will endeavour to serve you and what you can do if you believe we have not delivered to those standards.

We look forward to serving you well!

Council's ~~Vision, Mission Purpose~~ and Values

~~Our Vision~~

~~We are a proud city; a city of arts; of opportunity; of partnerships; a city that makes exciting things happen.~~

~~Our Mission~~

~~Glenorchy City Council will be a leader in local government, representing its local community and ensuring best value services.~~

Our Purpose

We are a welcoming Council, representing our community and providing services to make Glenorchy a better place every day.

Our Values

~~People: We believe that each person is equal and has a positive contribution to make. The rights and opinions of all are heard, valued and respected.~~

~~Diversity: We value differences that enrich our community and the positive contributions everyone can make in improving the quality of community life.~~

~~Progress: We value innovation, flexibility and imagination in building a better and sustainable community.~~

~~Prosperity: We commit ourselves to achieving social and economic prosperity for all.~~

People

We value our diverse and welcoming community. We believe that each person is equal and has a positive contribution to make, with their rights respected and their opinions heard and valued.

Place

We work together to future proof our City so we can enjoy a good quality of life and a safe, sustainable and healthy environment. We respect our heritage and have pride in our City.

Opportunity

We value innovation, flexibility and imagination and strive to create social and economic choices and opportunities for all.

Together

We commit to work as a united Council team to build relationships and partnerships within and outside our community to make a difference in Glenorchy.

Accountable

We are accountable to each other and the Glenorchy community for the difference we make to the life of our City.

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We value all customers to GCC and we will:

- Greet you in a friendly way
- Treat you with respect, courtesy and professionalism
- Be helpful, sensitive and listen to your needs
- Answer your telephone call to our Contact Centre on average within a minute
- Provide you a counter service time that is as efficient as possible, with minimal waiting times
- Answer your telephone message ~~before the end of the following~~ within 2 working days
- ~~Action or a~~ Acknowledge your letters or emails within ~~10-5~~ 10-5 working days
- Action your requests in line with our Service Level Agreement's timeframes

How you can help us to help you:

- Treat our staff with mutual respect
- Respect the privacy and rights of other community members
- Give us accurate and complete information to work with
- Work with us to solve problems
- Give us feedback on how we can continue to improve our service

Complaint or Service Request?

~~When you contact us, most likely you will be lodging a service request with us. A service request is lodged when you would like action taken on an issue in our municipality. For example, a pothole in the road that needs repair, a missed waste bin collection, or to tell us about a barking dog that is causing a nuisance. We welcome any of your requests or suggestions. Council will track your request and will pass it onto the relevant department for action.~~

~~When you are not happy with the service you have received from Council, or how we handled the service request you lodged, you may lodge a complaint with us. You can make a complaint face to face over the counter, by telephone or in writing (by email or letter). We will treat all complaints seriously, confidentially, in a professional manner and in line with Council's Complaints Management Policy.~~

~~How do you make a request or suggestion?~~

~~A service request is made when you would like action taken on an issue in our municipality. For example a pothole in the road that needs repair, a missed waste bin collection or why that dog keeps barking. We welcome any of your requests or suggestions. Council will track your request and will pass it onto the relevant department for action.~~

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What does Council do with a complaint?

We will register your complaint and send it to the relevant department for investigation. We will make sure we ~~act on or~~ acknowledge your complaint by phone or in writing within ~~fiveten~~ 15 working days. We will aim to provide a response to your complaint within 15 working days. While most issues can be fixed quickly, some may take time. ~~W~~so we will keep you informed about the progress of your complaint if it is likely to take longer to investigate.

What if you are not happy?

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Reporting of complaints

The General Manager will provide an annual report to Council on the number and nature of complaints received as required under section 339F of the Local Government Act 1993.

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What do you do if you are still not happy?

If you are still not happy with the result after the General Manager's review, you have the right to seek an external review from an outside agency. Agencies that may be able to assist are:

Ombudsman Tasmania

NAB House, L6, ~~NAB House~~, 86 Collins St, Hobart TAS 7000

Post: GPO Box 960, Hobart TAS 7001

Ph: (03) 6166 4566 or 1800 001 170

E: ombudsman@ombudsman.tas.gov.au

Equal Opportunity Tasmania ~~The Office of the Anti-discrimination Commissioner~~

Level 1, 54 Victoria Street, Hobart 7000

Post: GPO Box 197, Hobart TAS 7001

Ph: (03) 6165 7515 / 1300 305 062

Text: 0409 401 083

E: office@equalopportunity.tas.gov.au

Commissioner for Children and Young People

Phone: (03) 6166 1366

Email: childcomm@childcomm.tas.gov.au

W: childcomm.tas.gov.au

The Director of Local Government Division

Level 5, 15 Murray Street, Hobart 7000

Ph: (03) 6232 7022

E: ~~lgd~~localgovernment@dpac.tas.gov.au

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How to talk to us:

In person at 374 Main Road Glenorchy

Mon-Fri 8:30am - 5:00pm

By phone (03) 6216 6800

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Translating and Interpreting Service (TIS) is available in person or by phone

By email to gccmail@gcc.tas.gov.au

By letter to PO Box 103 Glenorchy TAS 7010

Via Council's website at www.gcc.tas.gov.au

Glenorchy City Council
Service Levels



Animal Management

Activity	Response Time
Response to medium priority animal complaints – general animal noise, straying, and other nuisances	4 business days or earlier
Finalisation of medium priority animal complaints	15 business days
Response to high priority animal complaints – animal attacks	3 business days or earlier
Finalisation of high priority animal complaints	15 business days
Response to animals currently roaming or being contained	2 hours or earlier
Response to scene of dog attack and livestock on highways (24/7)	1.5 hours or earlier
Finalisation of Notice of Complaint investigation	30 business days

Building

Activity	Response Time
Period in which to grant a Building Permit application	7 days or agreed period
Process a 337 Certificate	10 business days

Bus Interchange Maintenance

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Oil leak damage to paved area	Inspect, assess risk and hazard	Repair and rectify any damage caused to the Glenorchy Bus Interchange station occasioned by such oil	Make Safe Non-Metro vehicles	1 day

		leaks		
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Bus Interchange Maintenance continued...

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Clean up litter	Inspect and assess amount and type	Remove litter	General area (not within shelters)	Daily
Damage caused by Metro	Inspect, assess risk and hazard	Make site safe	Make safe	1 day
		Repair and rectify any damage caused to the station	Full repair	14 days
Vandalism	Inspect, assess risk and hazard	Make site safe	Make safe	1 day
		Repair and rectify any damage caused to the station	Full repair	15 days
Repair or replace lighting	Inspect on regular audits and organise remedial works on defects	Repair as required	Shelters	30 days
Footpaths	Footpath has trip hazard > 15mm step displacement	Re-lay pavers or infill with concrete	Paved footpaths	30 days
Footpath pavement cleaning	When fallen debris or slippery substances becomes a danger to pedestrians	Remove debris and high pressure clean	Paved footpaths	1 day
Road pavement damage	Inspect, assess risk and hazard	Re-lay pavers <u>or infill with concrete</u>	Road surface	30 days
Empty litter and butt bins	Daily excluding Sunday	Empty bins on a regular schedule	Fixed litter and butt bins	Daily
Road and footpath sweeping	Daily inspections excluding Saturday and Sunday	Sweep road on a regular schedule excluding Sunday	Road	Daily As per schedule
<u>Footpath litter and debris</u>	<u>Daily inspections excluding Saturday and Sunday</u>	<u>Remove litter</u>	<u>Footpaths</u>	<u>Daily during Autumn leaf drop</u>

Corporate Services

Activity	Response Time
Process 132 Certificate	5 business days
<u>Process a 337 Certificate</u>	<u>10 business</u>

	<u>days</u>
Pay accounts	Due date
Acknowledge receipt of job applications	2 business days

Council's CommitmentsGeneral Customer Service	
Activity	Response Time
Answer your phone call to our Contact Centre	Average less than 1 minute
Return phone calls	By the end of the next 2 business days
Lodge a service request Respond to general correspondence	5 business days
Respond to general correspondence	10 business days
Acknowledge complaint	5 business days
Respond to Investigate and provide a response to a complaint	40-15 business days (update every 10 business days if investigation is required to take longer)
Internal review of a complaint	10 business days

Engineering	
Activity	Response Time
Respond to a general enquiry	10 business days
Respond to a complex enquiry	15 business days

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Parking Compliance	
Activity	Response Time
Response and removal time of non-urgent abandoned vehicle – not immediate traffic or safety hazard <i>*subject to Tasmanian Police declaration and towing contractor availability</i>	10 business days or earlier*
Response and removal time of urgent abandoned vehicle – causing immediate traffic or safety hazard <i>*subject to Tasmanian Police declaration and towing contractor availability</i>	As soon as possible*

Planning

Activity	Response Time
Determine a valid 'permitted' Planning Application	28 days
Determine a valid 'discretionary' Planning Application	42 days

Plumbing

Activity	Response Time
Period in which to grant or refuse a Plumbing Permit Application	7 days or agreed period
Period in which to grant or refuse a Certificate of Likely Compliance Notifiable Plumbing	14 days or agreed period
Period in which to grant or refuse a Certificate of Likely Compliance Permit Plumbing work	21 days
Period in which to inspect plumbing work	12 business days after notification

Parks and Recreation

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Tree trimming or removal	Reported or noted during inspection	Work practices subject to Aust. Std. Pruning of Amenity Trees Remove limbs/tree if required Dispose of waste material	Emergency	1 day
			High	5 day
			Medium	14 days
			Low	30 days
Brush cutting	3 monthly inspections carried out as part of maintenance schedule As reported	Brush cut only in designated areas with appropriate plant	High	10 days
			Medium	20 days
			Low	30 days
Fences and gates	Reported or noted during inspections	Repair or replace as required	High	2-3 days
			Medium	10 days
			Low	20 days
Weed spraying	Reported All areas done at least treated a minimum of twice yearly	Spray fence lines Broad leaf turf areas	High	10 days
			Medium	20 days
			Low	60 days

Vandalism	Reported	Carry out works to make site safe temporarily or permanent repair if possible Respond to any other directions from the GCC, initiate permanent repair	High	1 day
			Medium	5 days
			Low	10 days
Public Toilets	Reported or noted during inspections	Isolate any potential hazards and repair or replace as required	High	< 1 day
			Medium	2 days
Playgrounds	Reported or noted during inspections	Repair damage to equipment or replace as required	High	1 day
			Medium	5 days
			Low	180 days

Road Maintenance

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Potholes / patching	Failed area < 100 sq. m exhibiting major deformation and extreme severity crocodile cracking Potholes > 500mm wide and/or > 50mm deep	Dig-out pavement and patch existing surface with asphalt	Arterial and Collector (including CBD) Road/Main Road	15-3 days
			Link Road/Collector	15-3 days
			Local Access Road/Residential	15-5 days
			Minor Access Road/Rural	30-5 days
Repair / replace sign	Sign missing or damaged	Reinstate sign, replace if badly damaged	Regulatory and Warning	15-5 days
			Street name signs	14 days
Dead animal pick-up	Multiple carcasses or large animal on road (excludes domestic)	Dispose of carcass	All	1 day

	animals)			
Clean up litter	Inspect and assess amount and type	Remove litter	<u>Arterial and Collector (including CBD) Main Road</u>	15-3 days
			<u>Link Road Collector</u>	15-5 days
			<u>Local Access Road Residential / Rural</u>	15-5 days
			<u>Minor Access Road</u>	7 days
			Open Space	15-7 days

Stormwater Maintenance

Activity	Defect Intervention Level	Maintenance Criteria	Category	Response Time
Creek vegetation control	As required by the Environmental Conditions	<u>Vegetation will be cut as per program, reactive issues such as tree damage will be assessed and actioned according to severity.</u>	Urgent Issues	15 days
			All others	Up to 3 months
Clear blocked main or pit	Blocked line reported by incident or inspected through CCTV inspection	Remove blockages by using GCC equipment or Contract drain cleaner / root cutter etc.	If flooding property	1 day
			If flooding roadside	15 days
			If not damaging assets / hazard	15 days
Repair pit or grate / lid	Repair broken pit lid	Remove broken surround <u>Make safe</u> and replace with new <u>surround</u>	Make safe / repair	15 days <u>make safe 14 days repair</u>

Waste Management

Activity	Response Time
Collect household garbage, and recycling <u>and FOGO</u> (standard service)	Fortnightly
Collect household garbage, and recycling <u>and FOGO</u> (shared service for units)	Weekly
Missed bin requests	Same day as service was to

	be provided, or as soon as practical thereafter <u>Return to collect within 48 hours</u>
Repair, replace damaged bins or allocate new bins	Within 1 week of notification
Public litter bin collections High impact areas: CBD, Moonah, Glenorchy, Claremont	Daily
Public litter bin collections Low impact areas: Parks, Reserves, Bike track	Weekly
Public litter bin - repair or replace damaged bins	12 business days
General waste enquiries	Respond within 5 business days or earlier

Safety

Activity	Response Time
Reported safety hazard	Assessed and made safe as soon as possible

Environmental Health

Activity	Response Time
Respond to reported issue	2 business days
Issue licence following lodgement of valid application	5 business days

COMPLAINTS MANAGEMENT POLICY



PURPOSE

The aims of this Policy are to:

- a) recognise Council's commitment to providing a good service;
- b) increase the level of community satisfaction by resolving complaints in an effective, timely, fair, respectful, professional and objective manner.
- c) provide a flexible approach for complaint resolution which takes into consideration the individual, and special circumstances;
- d) build a positive culture and good systems around complaints management and encourage constructive feedback.
- e) recognise that complaints are best dealt with at the individual level, as soon as is practicable and to promote fairness for all parties;
- f) provide a framework for the management and review of feedback with a view to continually improving services, systems, and capabilities; and
- g) ensure all statutory requirements are satisfied and outcomes are communicated clearly, including review and escalation options.

SCOPE

- a) This Policy applies to all employees, volunteers, or authorised persons.
- b) This Policy does not cover or apply to complaints that:
 - i. are covered by another law, policy, or process that prescribes dispute management procedures.
 - ii. are directed at the conduct of Elected Members or the General Manager. A grievance where the office of the General Manager is named as a respondent must be dealt with by the "Grievances Involving the General Manager Policy". Complaints relating to the conduct of an Elected Member are handled in accordance with the Code of Conduct for Elected Members. If the complaint relates to the failure of Council, an Elected Member or the General Manager to comply with the requirements of the *Local Government Act 1993* or any other Act, that may be made to the Director of Local Government.
 - iii. are about a policy or strategy of the Council. They may be directed to the Mayor and/or individual Elected Members.
 - iv. relate to enforcement decisions, however the behaviour of staff in the conduct of their enforcement duties is covered by this Policy.

RELATED DOCUMENTS

Code of Conduct

Grievances against the General Manager Policy

Dealing with Unreasonable Customer Conduct Policy

Privacy Policy

Code for Tenders and Contracts

STATUTORY REQUIREMENTS

Acts	<i>Local Government Act 1993 (Tas)</i> <i>Public Interest Disclosure Act 2013</i> <i>Personal Information Protection Act 2004</i>
Regulations	N/A
Australian/International Standards	N/A

DEFINITIONS

Enforcement Decision means a decision of the Council or Council staff to undertake enforcement action including fines and prosecution, that is subject to the Council's enforcement policy.

Complaint means contact made by a member of the community to express dissatisfaction about the quality or timeliness of a Service Request, a Council provided service or an action of a Council staff member or contractor, where an expectation of a solution and response is requested or implied.

Other Persons at the Workplace Any person, other than an Elected Member, at the Workplace who is not a Worker.

Service Request is a request lodged with Council following contact made by the community to report the failure of a Council facility or service, or the request to provide a Council facility or service.



Worker A person, other than an Elected Member, who carries out work in any capacity for Council, including work as:

- (a) an employee;
- (b) a contractor or subcontractor;
- (c) an employee of a contractor or subcontractor;
- (d) an employee of a labour hire company who has been assigned to work at Council;
- (e) an outworker;
- (f) an apprentice or trainee;
- (g) a student gaining work experience; or
- (h) a volunteer.

Workplace A place where work is carried out for Council.

POLICY STATEMENT

1. CUSTOMER SERVICE COMPLAINTS RESOLUTION PRINCIPLES

Fairness

We treat all feedback we receive on its individual merits, through clear and consistent processes.

Commitment

We are committed to resolving complaints and have a culture that recognises an individual's right to provide feedback. We recognise feedback as being an important part of our business of serving our communities and improving service delivery.

Accessibility

People requiring assistance to provide feedback will be supported by Council staff to follow the complaints resolution process.

Transparency

We are committed to an open and transparent process. We will make it clear how to seek resolution of complaints, and explain the resolution process.

Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed using evidence-based, objective decision making.

Privacy

Customer information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle personal information. Feedback data is de-identified if reported more widely.



Accountability

We are accountable internally and externally for our decision making and complaint handling performance. We treat feedback fairly, provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes. We systematically record, analyse and report on complaints resolution.

Continuous improvement

We act on, and learn from, feedback. It helps us identify problems and improve services.

2. SERVICE COMPLAINT RESOLUTION PROCEDURE

2.1 STAGE ONE

Customer raises a complaint for resolution

2.1.1 Any member of the public can provide feedback by:

- Telephone: (03) 6216 6800.
- Online: www.gcc.tas.gov.au/contact-us/
- Email: [GCCMail@gcc.tas.gov.au/](mailto:GCCMail@gcc.tas.gov.au)
- Post: Glenorchy City Council PO Box 103 Glenorchy Tasmania 7010.
- In Person: Glenorchy City Council Chambers, 374 Main Road, Glenorchy, Tasmania.

We provide assistance to customers

2.1.2 If customers have specific communication needs or barriers, we can assist. Our staff will talk with customers if they have trouble reading or writing. For other support, this can be provided by:

- **National Relay Service**
Web: www.accesshub.gov.au (online chat and video calls available)
Phone: 1800 555 660
TTY: 1800 555 630 (Teletypewriter)
Fax: 1800 555 690
SMS: 0416 001 350
Email: helpdesk@relayservice.com.au
Post: PO Box 99, Mount Clear, VIC 3350
- **Interpreter Service**
Web: www.tisnational.gov.au
Phone: 131 450 (within Australia)
Phone: +613 9268 8332 (outside Australia)



2.2 STAGE TWO

Information Gathering

2.2.1 Customers are encouraged to raise concerns directly with the Council staff member or contractor involved. If the complaint is not resolved, the complaint can be escalated to a more senior person.

2.2.2 When providing more formal feedback, customers can help us to deal with a complaint by providing the following information:

- Name and contact details. People can raise complaints anonymously, but this may limit Council's ability to fully investigate the matter and respond.
- Identify the action, decision, service, or policy they are concerned about, and why they are dissatisfied.
- The relevant details, such as dates, times, location or reference numbers, third party and/or witness/es contact details, and documents that support the concern.
- The outcome the customer is seeking by raising the complaint.
- Whether the customer has any special communication needs.

2.2.3 We will record and acknowledge the complaint within five business days.

Initial Assessment

2.2.4 We will initially assess the complaint to decide how to respond. After an initial assessment, we may:

- Take direct action to resolve the complaint at the time the customer first contacted us.
- Refer the complaint to the relevant team or manager for investigation.
- Advise the customer how to redirect the complaint resolution request, if they have a right to a statutory review (such as a right of appeal under the *Land Use Planning and Approvals Act 1993* or other legislation).
- Provide information on how to seek a review otherwise dealt with through another process.
- Deal with any frivolous or vexatious request in accordance with the "Dealing with Unreasonable Customer Conduct Policy".



2.2.5 Service requests and complaints and the steps to resolution:

Service Requests – The enquiry is resolved at first point of contact, usually with the creation of a service request. For example: a Council-owned asset needs maintenance, or a collection of household waste was missed, which is resolved by a CSO creating a service request to have the issue attended to. Where an enquiry should be dealt with by an external body or through a statutory review process, we will provide guidance on how to progress the enquiry. If we decide not to take action, we will explain why, and, where possible, inform the customer about other options.

Complaints – When a complaint is received, it will be investigated by an officer from the area that provided the service. Any third party or witness/es involved will be informed they are now part of a formal process, and may be provided with a copy of this policy. The officer will gather additional information and make an evidence-based decision. We aim to complete investigations within 15 working days and will update the customer if the investigation will take longer. If this is the case, we will update the customer every 10 working days about progress until the investigation is completed. We will provide a written outcome of the investigation, and explain our reasons.

Internal Review – Where a customer believes the Council has made a wrong decision then they can request an internal review. An independent internal review is undertaken by the General Manager or their delegate who will consider whether the complaint should have been dealt with differently. The review may find that the original decision should be upheld, varied, or overturned.

External Review – Where a customer still believes that the Council has made a wrong decision, customers are to be advised that they can request an alternative external review, such as by contacting: The Ombudsman, Equal Opportunity Tasmania, or the Director of Local Government. Council will participate and cooperate in the external review process.

3. INVESTIGATION

3.1 As part of the complaint investigation process, we will:

- Assess the information against relevant legislation, policies, and procedures to determine how a complaint is to be managed. For example, a complaint about serious misconduct may need to be dealt with as a Public Interest Disclosure depending on who requests complaint resolution, or if a complaint will trigger a right of statutory review/appeal this would need to be considered under the provisions of the relevant legislation.
- Refer to relevant Council documents and records and third party/witness statements.
- Meet with affected parties to gain further insights and consider possible solutions.



- The General Manager may initiate independent mediation where the facts or substance of a complaint remain in dispute after all information gathered has been considered, further discussions have taken place with the complainant, and the investigating or review officer is unable to make an objective and fair decision.
- Make an objective and fair decision based on the available evidence and information.
- Advise the customer in writing of the outcome of the investigation and reasons for the decision made.

4. RESOLUTION

4.1 In finding a solution to a complaint we are committed to a range of options which may include:

- An acknowledgement and apology for an error
- An explanation of a decision or action
- A change of decision
- A change to policy or procedure
- Repair / rework / replacement / refund
- Counselling or disciplining of staff
- Mediation to resolve disputes arising from a complaint investigated under this policy

5. REVIEW

5.1 Where the customer believes the Council has made a wrong decision in dealing with their complaint then they can request an internal review. The review will be undertaken independently of the person who took the action, the person who made the decision and the person who provided the action, decision or service. This may be a member of the Management Team or the General Manager.

5.2 A customer can request a review of the decision by replying to the officer who dealt with the complaint.

5.3 The internal review will evaluate the complaint process and associated evidence collected to date and determine whether the outcome of the initial investigation decision should be upheld, varied, or overturned.

5.4 We aim to complete a review of an internal complaint within 10 working days and will tell the customer if the review will take longer. We will provide a written outcome of the internal review and explain our reasons.



5.5 A customer who remains dissatisfied with the outcome of a review is entitled to seek external review from:

- **The Ombudsman:**

NAB House, Level 6 86 Collins Street Hobart GPO Box 960 Hobart Tas 7001
Tel: 1800 001 170 (free call in Tasmania)
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au/home

- **Equal Opportunity Tasmania:**

Level 1 54 Victoria Street Hobart GPO Box 197 Hobart Tas 7001
Tel: 1300 305 062
Email: office@equalopportunity.tas.gov.au
Web: www.equalopportunity.tas.gov.au/home

- **Commissioner for Children and Young People**

Email: childcomm@childcomm.tas.gov.au
Tel: (03) 6166 1366
Web: childcomm.tas.gov.au

- **The Director of Local Government:**

GPO Box 123 Hobart Tas 7001
Tel: 03 6232 7022
Email: lgd@dpac.tas.gov.au
Web: www.dpac.tas.gov.au/divisions/local_government

A request made to the Director under section 339E of the Local Government Act 1993 must be:

- a) In writing; and
- b) identify the complainant and the person against whom the complaint is made; and
- c) give particulars of the grounds of the complaint; and
- d) be verified by a statutory declaration.

6. COMPLAINT ANALYSIS AND REPORTING

6.1 Complaints resolution provides us with valuable feedback about how we are performing.

6.2 We regularly analyse our complaints resolution data to identify trends and potential complaints that require further attention. We use this information to come up with solutions about how we can improve our administration and delivery of services.

6.3 Complaint information will be recorded and be uniquely categorised to enable retrieval, analysis and reporting of complaints.



6.4 The General Manager will provide an annual report to Council on the number and nature of complaints received as required under section 339F of the *Local Government Act 1993*

6.5 We are open and transparent about the complaints we have received, and what we have done to resolve them.

7. PRIVACY

7.1 We keep customer personal information secure and manage it in accordance with the requirements of the *Personal Information Protection Act 2004* and the *Right to Information Act 2009*.

7.2 We use customer information to respond to the complaint and may also analyse the information customers have provided for the purpose of improving services that relate to the complaint.

7.3 Where we publish complaint data, personal information is removed.

8. RESPONSIBILITIES

8.1 Managers and Coordinators

- Promoting positive behaviours and continual improvement practices relating to enabling, recording, responding to, and learning from complaints. Supporting service and administrative improvements that arise from complaints.
- ensuring appropriate management of complaints under the Complaint Resolution Procedure.
- Reviewing and publishing complaint data.
- Identifying and delivering staff training.
- Managing conflicts of interest in the complaint resolution process.
- Reporting on and identifying improvements from complaint data.
- Supporting staff who deal with complaints.

8.2 All Council Staff

- comply with this Policy, including reasonably raising or responding to and resolving complaints;
- Familiarising themselves with this Policy.
- Assisting members of the public to give feedback and raise complaints.
- Treating members of the public respectfully and professionally.
- Raising suggestions to continuously improve complaints resolution systems and administration.

DOCUMENT CONTROL

Version:		Adopted		Commencement Date	
Minutes Reference				Review Period	4 Years from adoption
Previous Versions:					
Responsible Directorate			Controller:		
ECM Document No.:					

Drafted in the Office of
Parliamentary Counsel

TASMANIA

**TASMANIA FIRE AND EMERGENCY SERVICE
BILL 2023**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Application of Act
5. Act binds Crown

PART 2 – TASMANIA FIRE AND EMERGENCY SERVICE

Division 1 – Tasmania Fire and Emergency Service established

6. Tasmania Fire and Emergency Service
7. Tasmania Fire Service continued
8. State Emergency Service continued

Division 2 – Operations of TFES

9. Objectives of TFES
10. Functions of TFES
11. Application of *State Service Act 2000* to certain members
12. Volunteer members of TFES

Division 3 – TFES Commissioner

13. Commissioner of Fire and Emergency Service
14. Functions of TFES Commissioner

Version 08
8 August 2023

15. TFES Commissioner may determine structure and chain of command
16. TFES Commissioner may delegate certain functions

Division 4 – Committees

17. State Fire and Emergency Service Committee established
18. Other committees

PART 3 – FUNCTIONS OF TFES AND OTHER PERSONS

Division 1 – General functions of TFES

19. Application of Part
20. Powers of entry of TFES
21. TFES may regulate traffic
22. Powers of responsible officers
23. TFES may take certain actions

Division 2 – Functions of specific persons

24. Police officers at emergency events
25. Police officer may arrest without warrant in certain cases
26. TFES Commissioner may authorise certain services
27. TFES Commissioner may install fire safety systems in public places
28. TFES Commissioner may take action in respect of certain substances
29. Electricity entities taken to be occupier in respect of certain premises

Division 3 – Fire permit periods

30. Fire permit periods
31. Powers of TFES Commissioner during fire permit periods
32. Restrictions on lighting fires during fire permit periods
33. Duties of occupiers of premises during fire permit periods
34. Fire permits

Division 4 – Total fire bans

35. Days of total fire ban
36. Effect of declaration of day of total fire ban

- 37. Power of TFES on days of total fire ban
- 38. Power to enter neighbouring lands to extinguish fires
- 39. Prohibition on fires, &c., on days of total fire ban
- 40. Duties of occupiers of premises during days of total fire ban

Division 5 – Firebreaks

- 41. TFES Commissioner or council may form firebreaks
- 42. Firebreaks on Crown land

Division 6 – Bushfire hazard documents

- 43. Interpretation of Division
- 44. Accreditation required to prepare certain documents under *Land Use Planning and Approvals Act 1993*
- 45. Accreditation to prepare bushfire hazard documents

PART 4 – TFES FUNDING

Division 1 – General

- 46. Funding of TFES

Division 2 – TFES – vehicle levy

- 47. TFES – vehicle levy

Division 3 – TFES – property levy

- 48. Interpretation of Division
- 49. TFES – property levy
- 50. Treasurer to determine AAV rates
- 51. Administration of TFES – property levy

PART 5 – OFFENCES

Division 1 – Offences

- 52. TFES may request name and address
- 53. TFES may request assistance
- 54. Failure to follow directions
- 55. Obstruction of members of TFES
- 56. False or misleading information or actions
- 57. Offences relating to TFES equipment

- 58. Offences relating to fire safety systems
- 59. Offences by owners or occupiers of premises
- 60. Offences relating to fires
- 61. Offences relating to fire permit periods
- 62. Offences relating to specified fires
- 63. Groups for salvage or private emergency management operations must be approved

Division 2 – Offence proceedings generally

- 64. TFES may bring proceedings
- 65. Additional penalties under this Act
- 66. Infringement notices
- 67. Offences by employers
- 68. Offences by employees or agents
- 69. Offences by bodies corporate

Division 3 – Evidentiary provisions, defences and appeals

- 70. Orders, notices, &c., made under this Act
- 71. Evidence as to certain other matters
- 72. Appeals under this Act

PART 6 – MISCELLANEOUS

Division 1 – Fees, charges and debts

- 73. Charges for services
- 74. Charges for actions taken in respect of certain premises
- 75. Charges for false alarms
- 76. Power to use water without charge
- 77. Recovery of debts

Division 2 – Liabilities and immunities

- 78. Certain actions taken to be fire-fighting operations
- 79. TFES member not liable in certain circumstances
- 80. Liability for death or injury in certain circumstances
- 81. Compensation payable in certain circumstances
- 82. Damage caused by members of TFES

83. Application of Division to certain persons

Division 3 – General

84. Service of directions, orders, notices, &c.
85. Removal of debris after emergency event
86. Regulations
87. Further amendment of regulations not prevented
88. Review of Act
89. Administration of Act
90. Legislation repealed

SCHEDULE 1 – MEMBERSHIP OF SFESC

SCHEDULE 2 – LEGISLATION REPEALED

Consultation Draft

TASMANIA FIRE AND EMERGENCY SERVICE BILL 2023

*(Brought in by the Minister for Police, Fire and Emergency
Management, the Honourable Felix Ashton Ellis)*

A BILL FOR

An Act to establish the Tasmania Fire and Emergency Service, to consolidate the Tasmania Fire Service and the State Emergency Service into a single service in order to respond better to fires and other emergency events and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Tasmania Fire and Emergency Service Act 2023*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

- (1) In this Act, unless the contrary intention appears –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 3

Part 1 – Preliminary

approved means approved by the TFES Commissioner;

authorised member, in relation to a function, means –

- (a) the TFES Commissioner; or
- (b) a member of the TFES who is authorised by the TFES Commissioner to perform the function;

Crown land has the same meaning as in the *Crown Lands Act 1976*;

day of total fire ban means a day declared under section 35 to be a day of total fire ban;

emergency has the same meaning as in the *Emergency Management Act 2006*;

emergency event means –

- (a) a fire; or
- (b) an emergency in relation to which the TFES has a role under an emergency management plan;

emergency management has the same meaning as in the *Emergency Management Act 2006*;

emergency management operations includes –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 1 – Preliminary

s. 3

-
- (a) fire-fighting operations; and
 - (b) operations, or actions, that are necessary, expedient or convenient for –
 - (i) the management of an emergency event and the performance of emergency management under this Act; and
 - (ii) protecting people or property, or rendering assistance, during an emergency event; and
 - (iii) carrying out activities for training, emergency safety or emergency prevention;
 - (c) such other operations, or actions, as are prescribed;

emergency management plan has the same meaning as in the *Emergency Management Act 2006*;

equipment includes –

- (a) appliances, buckets, engines, escapes, hoses, ladders, radio equipment, reels, tanks, tools and vehicles; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 3

Part 1 – Preliminary

- (b) machines, tools or other things used for, or in connection with, emergency management operations; and
- (c) any prescribed machines, tools or other things;

fire-fighting operations includes any act that is necessary, expedient or convenient for –

- (a) extinguishing, or preventing the outbreak or spread of, a fire; or
- (b) preventing, or dealing with –
 - (i) a spill of petrol or other flammable liquids; or
 - (ii) an escape of flammable gas; or
- (c) assisting another person, or entity, that is engaging in fire-fighting operations;

fire permit means a permit issued under the regulations, for the purposes of Division 3 of Part 3, in respect of a fire permit period;

fire permit officer means a person appointed as a fire permit officer under Division 3 of Part 3;

fire permit period means a period declared to be a fire permit period under section 30;

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 1 – Preliminary

s. 3

fire safety system has the same meaning as in the National Construction Code series published by the Australian Building Codes Board, as amended or substituted from time to time;

function includes power, responsibility and duty;

member, of the TFES, means –

- (a) the TFES Commissioner; and
- (b) a permanent member or volunteer member, regardless of whether appointed in a full-time or part-time capacity;

owner, in relation to premises, includes –

- (a) the person in whom the estate in fee simple is vested; and
- (b) the person who appears, from a folio of the Register kept under section 33 of the *Land Titles Act 1980*, to be the owner of the premises; and
- (c) a beneficial owner, trustee, executor, mortgagee in possession or other person with administration and control of the premises; and
- (d) a person or entity who has the legal authority, under an Act, to

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 3

Part 1 – Preliminary

administer or control the premises; and

- (e) such other persons as may be prescribed;

permanent member means a person who is appointed, employed or engaged, under section 11, as a member of the TFES;

potential emergency event means circumstances where an emergency event is possible or may occur;

premises includes –

- (a) any land, place or structure; and
(b) any part of such premises;

protected area means an area which includes the whole of, or any part of –

- (a) a State forest; or
(b) an area of reserved land, within the meaning of the *Nature Conservation Act 2002*; or
(c) an area of Crown land;

public street has the same meaning as in the *Traffic Act 1925*;

regulations means the regulations made under this Act;

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 1 – Preliminary

s. 3

scale of charges means the charges fixed by the TFES Commissioner in accordance with section 73;

SFESC means the State Fire and Emergency Service Committee established under section 17;

State forest has the same meaning as in the *Mineral Resources Development Act 1995*;

TASCAT means the Tasmanian Civil and Administrative Tribunal;

TFES means the Tasmania Fire and Emergency Service established under section 6;

TFES Commissioner means the Commissioner of Fire and Emergency Service appointed under section 13;

TFES Division means a part of the TFES as determined by the TFES Commissioner in accordance with section 15;

TFES officer means –

- (a) the TFES Commissioner; or
- (b) a person appointed as the head of a TFES Division; or
- (c) a person appointed to the rank of an officer within a TFES Division;

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 4

Part 1 – Preliminary

vegetation includes all, or any part, of a tree, bush, plant and undergrowth of any kind, whether dead or alive, other than something that is prescribed as not being vegetation for the purposes of this Act;

vehicle has the same meaning as in the *Emergency Management Act 2006*;

volunteer member means a person who is registered, under section 12, as a member of the TFES.

- (2) In this Act, a reference to performing a function includes a reference to –
- (a) exercising a power; and
 - (b) performing a responsibility or duty.
- (3) For the avoidance of doubt, emergency management operations do not include any actions taken in respect of –
- (a) actual combat against an enemy; or
 - (b) a riot or other civil disturbance; or
 - (c) bringing an end to a strike or lock-out.

4. Application of Act

- (1) Unless the contrary intention appears, this Act does not apply to –
- (a) the lighting of a fire, in a fully enclosed premises –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 1 – Preliminary

s. 5

-
- (i) in a properly constructed fireplace; or
 - (ii) for the purpose of igniting an appliance; or
 - (b) the lighting of a fire in prescribed circumstances, prescribed locations or in a prescribed manner;
 - (c) the performance of a function under any other Act that has effect in relation to emergency management operations or emergency management generally.
- (2) Despite subsection (1) –
- (a) the *Emergency Management Act 2006* prevails to the extent of an inconsistency between this Act and that Act; and
 - (b) this Act prevails to the extent of an inconsistency between this Act and another Act other than the *Emergency Management Act 2006*.

5. Act binds Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 6

Part 2 – Tasmania Fire and Emergency Service

**PART 2 – TASMANIA FIRE AND EMERGENCY
SERVICE**

***Division 1 – Tasmania Fire and Emergency Service
established***

6. Tasmania Fire and Emergency Service

- (1) On the day on which this section commences, the Tasmania Fire and Emergency Service is established.
- (2) The TFES consists of –
 - (a) the Tasmania Fire Service, as continued under this Division; and
 - (b) the State Emergency Service, as continued under this Division; and
 - (c) such other entities and divisions as the TFES Commissioner considers appropriate.
- (3) The TFES has the functions imposed on it under this or any other Act.

7. Tasmania Fire Service continued

- (1) The fire service established by the *Fire Service Act 1979*, and called the Tasmania Fire Service, is continued as a division of the TFES.
- (2) For the avoidance of doubt, the TFES Commissioner may determine divisions, and assign actions to divisions, of the TFES that are

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 2 – Tasmania Fire and Emergency Service

s. 8

solely comprised of members of the Tasmania Fire Service.

8. State Emergency Service continued

- (1) The State Emergency Service continued under the *Emergency Management Act 2006* is continued as a division of the TFES.
- (2) For the avoidance of doubt, the TFES Commissioner may make divisions, and assign actions to divisions, of the TFES that are solely comprised of members of the State Emergency Service.

Division 2 – Operations of TFES

9. Objectives of TFES

- (1) The TFES has the following objectives:
 - (a) to preserve human life and to protect property and premises, if an emergency event occurs;
 - (b) to support community resilience, in respect of an emergency event, so as to enable communities –
 - (i) to participate actively in the prevention of, and the preparedness for and responses to, the event; and
 - (ii) to prevent, or limit as far as is practicable, the economic,

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 10

Part 2 – Tasmania Fire and Emergency Service

environmental, social and
physical impacts of such an
event;

- (c) to recognise, when performing emergency management operations, that the environment has an inherent value for the Tasmanian community;
 - (d) to facilitate, and initiate if appropriate, effective interoperability between Agencies in this State, and in other jurisdictions, in respect of an emergency event, or potential emergency event, in either jurisdiction.
- (2) In performing a function under this Act, the TFES is to ensure that the performance of the function, as far as is practicable –
- (a) is in accordance with each applicable emergency management plan; and
 - (b) furthers the objectives of the TFES.

10. Functions of TFES

- (1) The TFES has the following functions:
- (a) to ensure that there is a consistent approach by the TFES in preventing, preparing for and responding to, and transitioning to recovery from, emergency events or potential emergency events;

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 2 – Tasmania Fire and Emergency Service

s. 10

-
- (b) to implement plans, arrangements, agreements and directives in respect of the TFES as required under this Act and any other Act;
 - (c) to determine command, and control, arrangements during an emergency event, or potential emergency event, if required;
 - (d) to assist in the provision of medical assistance, and provide medical assistance, if required;
 - (e) to make decisions under this Act in respect of an emergency event, or potential emergency event, that, as far as is practicable, protect all persons responding to the event under this Act;
 - (f) to oversee other authorities and resources used, in respect of an emergency event, and ensure that those authorities are complying with this Act;
 - (g) to establish protocols for interagency and interjurisdictional emergency management operations;
 - (h) such other functions as are prescribed.
- (2) In addition to the functions specified in subsection (1), the TFES has the following functions in respect of the *Emergency Management Act 2006*:

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 11

Part 2 – Tasmania Fire and Emergency Service

- (a) to provide advice and services, in respect of the TFES, in accordance with an emergency management plan;
- (b) to provide, or assist in, rescue and retrieval operations, within the meaning of the *Emergency Management Act 2006*;
- (c) to coordinate, or participate in, civil defence measures, within the meaning of the *Emergency Management Act 2006*, in time of enemy action or hostilities against the State.

11. Application of *State Service Act 2000* to certain members

- (1) Subject to and in accordance with the *State Service Act 2000*, a person may be appointed and employed as a member of the TFES.
- (2) In addition to subsection (1), the Secretary of the Department, or the TFES Commissioner, may make arrangements with a Head of a State Service Agency for State Service officers and State Service employees employed in that Agency to be made available to the TFES and those officers and employees are to, in conjunction with State Service employment, serve the TFES in any capacity.

12. Volunteer members of TFES

- (1) The TFES Commissioner may register a person as a volunteer member, as prescribed, who is

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 2 – Tasmania Fire and Emergency Service

s. 13

subject to the control and supervision of the TFES Commissioner while acting as such a member.

- (2) The TFES Commissioner is to ensure that a charter in respect of volunteer members, and volunteering within the TFES generally, is developed and maintained.
- (3) The regulations may prescribe –
 - (a) the process to apply for registration, and for registration itself, as a volunteer member; and
 - (b) the process for suspending, or deregistering, a volunteer member.

Division 3 – TFES Commissioner

13. Commissioner of Fire and Emergency Service

- (1) The Governor, on the recommendation of the Premier, may appoint a person as the Commissioner of Tasmania Fire and Emergency Service.
- (2) The Premier may only recommend a person for appointment under subsection (1) if the Premier is satisfied that the person has the technical expertise, and the management and professional skills, to perform the functions of the TFES Commissioner.
- (3) The TFES Commissioner is to be appointed to the position in accordance with the *State Service*

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 14

Part 2 – Tasmania Fire and Emergency Service

Act 2000 and subject to the terms and conditions
as specified in the instrument of appointment.

14. Functions of TFES Commissioner

- (1) The TFES Commissioner is responsible for performing the following functions:
 - (a) to manage and control the TFES in a manner that ensures that the TFES performs its functions efficiently and effectively;
 - (b) to establish and maintain, under this Act –
 - (i) the structure, and hierarchy, of the TFES; and
 - (ii) divisions of the TFES that may be entirely staffed by permanent members or volunteer members, or both; and
 - (iii) support services for the TFES;
 - (c) if an emergency event occurs –
 - (i) to be the head of the chain of command for the responses under this Act in respect of the emergency event; and
 - (ii) to establish the most appropriate chain of command for the emergency event;

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 2 – Tasmania Fire and Emergency Service

s. 14

- (d) to fix charges –
 - (i) specified under this Act as payable to the TFES; or
 - (ii) payable in respect of other services provided by the TFES, or by another person, under this Act;
- (e) to advise, and make recommendations to, the Minister in respect of –
 - (i) any matter under this Act; or
 - (ii) the operation of the TFES; or
 - (iii) any matter that may assist the Minister, or any other person, in the administration of this Act;
- (f) to establish charters in respect of all, or specified parts, of the TFES;
- (g) such other functions –
 - (i) as are prescribed; or
 - (ii) as are necessary or reasonable to perform the functions of the TFES Commissioner.

(2) The TFES Commissioner may –

- (a) issue such orders, directions, procedures and instructions as are necessary or reasonable for the TFES Commissioner to perform the functions of the TFES

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 15

Part 2 – Tasmania Fire and Emergency Service

Commissioner under this Act or any other Act; and

- (b) take any other action necessary, or reasonable, for the efficient and effective management and control of the TFES, and any other entity established under this Act.

15. TFES Commissioner may determine structure and chain of command

- (1) The TFES Commissioner is responsible for determining –
 - (a) the chain of command within –
 - (i) the TFES; and
 - (ii) each TFES Division; and
 - (b) the number, type and location of TFES Divisions; and
 - (c) the allocation of functions, if required, to –
 - (i) the TFES or a specified TFES Division; and
 - (ii) the members of the TFES or a specified class of members; and
 - (iii) persons, other than the TFES, who are responsible for performing emergency

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 2 – Tasmania Fire and Emergency Service

s. 16

management operations under
this Act.

- (2) For the avoidance of doubt –
 - (a) in determining the chain of command for the TFES, or a TFES Division, the TFES Commissioner may include individuals that do not form part of the TFES or Division, as the case may be; and
 - (b) a chain of command determined by the TFES Commissioner in accordance with this section is final and not subject to review by any other person.
- (3) A person must carry out such functions as the TFES Commissioner, from time to time, allocates or otherwise directs.

16. TFES Commissioner may delegate certain functions

- (1) The TFES Commissioner may delegate to any person –
 - (a) a function of the TFES Commissioner under this Act, or any other Act, other than this power of delegation; or
 - (b) a function of the TFES under this Act or any other Act.
- (2) For the avoidance of doubt, the performance by a person of any function, in good faith, delegated to the person under this section is as valid, and has the same consequences, as if it had been performed by the TFES Commissioner.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 17

Part 2 – Tasmania Fire and Emergency Service

Division 4 – Committees

17. State Fire and Emergency Service Committee established

- (1) The State Fire and Emergency Service Committee is established to advise the Minister in accordance with the terms of reference for the Committee.
- (2) The members of the SFESC are –
 - (a) the TFES Commissioner, who is the chair of the SFESC; and
 - (b) at least 8, and not more than 12, persons appointed by the Minister of which –
 - (i) at least one such person is nominated by the most relevant trade union, representing members of the TFES, as determined by the Minister; and
 - (ii) at least one such person is nominated by the most relevant association for volunteer members, as determined by the Minister.
- (3) The Minister is to provide the SFESC, in writing, with its terms of reference which may –
 - (a) broadly describe the functions of the SFESC; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 2 – Tasmania Fire and Emergency Service

s. 18

-
- (b) specify matters to be taken into account, or not to be taken into account, by the SFESC; and
 - (c) include, or exclude, such matters from the scope of the SFESC as the Minister considers appropriate.
- (4) The Minister is to ensure that the members of the SFESC have –
- (a) the skills and expertise required by the terms of reference for the SFESC; and
 - (b) such other skills and expertise that the Minister considers relevant to the terms of reference for the SFESC.
- (5) Schedule 1 has effect in respect of the members of the SFESC.

18. Other committees

- (1) The TFES Commissioner may establish such other committees as the TFES Commissioner considers appropriate.
- (2) In the instrument establishing a committee under subsection (1), the TFES Commissioner is to specify –
 - (a) the purpose of the committee; and
 - (b) the terms of reference for the committee.
- (3) If requested to do so by the Minister, the TFES Commissioner is to provide the Minister with a

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 18

Part 2 – Tasmania Fire and Emergency Service

copy of an instrument that establishes a
committee under this section.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 19

**PART 3 – FUNCTIONS OF TFES AND OTHER
PERSONS**

Division 1 – General functions of TFES

19. Application of Part

For the avoidance of doubt, the functions specified in this Part in respect of a person are in addition to, and do not derogate from –

- (a) any other functions that have been determined by the TFES Commissioner in accordance with section 15 in respect of the person; or
- (b) any prescribed functions that apply in respect of the person; or
- (c) any relevant functions that have been specified in respect of the person under any other Act.

20. Powers of entry of TFES

- (1) The TFES may enter premises for the purposes of performing emergency management operations in respect of an emergency event, or potential emergency event, on the premises or in the vicinity of the premises.
- (2) An authorised member may –
 - (a) enter premises for the purposes of determining whether this Act is being, or

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 20

Part 3 – Functions of TFES and Other Persons

- has been, complied with in respect of the premises; and
- (b) when entering such premises, take onto the premises such persons, and such equipment, as the member considers necessary to effect the purpose for which the member has entered the premises.
- (3) Before entering premises under this Act, an authorised member must produce identification, in an approved form, except where –
- (a) the premises are a public place within the meaning of the *Police Offences Act 1935*; or
- (b) the member has reasonable cause to believe that an emergency event is occurring on the premises; or
- (c) the member is dressed in an approved uniform for the TFES.
- (4) An authorised member who enters premises under this Act may make recommendations to the TFES Commissioner, in respect of the premises, in order to –
- (a) prevent, or minimise the risk of, an emergency event or potential emergency event; or
- (b) protect life and property.
- (5) After receiving recommendations under subsection (4) in respect of premises and if the

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 21

TFES Commissioner considers it in the public interest to do so, the TFES Commissioner may give an order to the owner or occupier of the premises specifying –

- (a) the recommendations of the authorised member; and
- (b) the steps to be taken by the owner or occupier, in respect of the premises, in respect of the recommendations.

21. TFES may regulate traffic

An authorised member may direct, or restrict, traffic if the member believes that it is necessary, or reasonable, due to an emergency event, or potential emergency event, in the area.

22. Powers of responsible officers

(1) In this section –

responsible officer includes –

- (a) a TFES officer; and
- (b) in the case of a State forest, an employee of the Forestry corporation, within the meaning of the *Forest Management Act 2013*; and
- (c) in the case of any other protected area, a person authorised by the Director, within the meaning of

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 22

Part 3 – Functions of TFES and Other Persons

the *Nature Conservation Act 2002*, as a responsible officer for the area.

- (2) A responsible officer may order an occupier of premises to take, or assist another person to take, such steps as are specified in the order in respect of an emergency event on the premises if the responsible officer believes that –
- (a) the emergency event constitutes a danger to the premises or neighbouring premises; or
 - (b) the emergency event, if it is not promptly managed or controlled, is likely to constitute a danger to the premises or neighbouring premises.
- (3) A person who is given an order under subsection (2) must comply with the order.

Penalty: Fine not exceeding 26 penalty units

- (4) It is a defence in proceedings for an offence under subsection (3) if the defendant establishes that –
- (a) the defendant took all reasonable steps to comply with the order; or
 - (b) it was reasonable in the circumstances that the defendant did not comply with the order; or
 - (c) the failure to comply with an order under subsection (2) in respect of premises was

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 23

a result of the defendant complying with the express directions given, to the defendant, by the owner or occupier of the premises.

- (5) For the avoidance of doubt, a person is not liable in respect of action, taken by the person in order to comply with an order under subsection (2), if the action is taken in respect of premises in a manner that is not contrary to the express directions given to the person by the owner or occupier of the premises.

23. TFES may take certain actions

- (1) An authorised member may take a prescribed action, or commence a prescribed process if, in the opinion of the member, the premises –
- (a) are in such a condition as to constitute a fire danger; or
 - (b) if no action were taken in respect of the premises, would become a fire danger.
- (2) The TFES Commissioner may, in the scale of charges, fix charges in respect of a prescribed action, or a prescribed process, that may be taken under subsection (1).

Division 2 – Functions of specific persons

24. Police officers at emergency events

- (1) In this section –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 24

Part 3 – Functions of TFES and Other Persons

appropriate TFES member, in relation to an emergency event, or potential emergency event, means the member of the TFES who –

- (a) is at the location of the emergency event; and
 - (b) is in charge of the emergency management operations at that location.
- (2) A police officer who is present at an emergency event, or at the location of a potential emergency event –
 - (a) is to provide such assistance, to the TFES, as is requested by the appropriate TFES member; and
 - (b) may close, or regulate the use of, any public street in the vicinity of the event; and
 - (c) may enforce compliance with orders and directions of the appropriate TFES member in respect of the event; and
 - (d) may order a person to leave the vicinity of the event, if the person –
 - (i) interferes with emergency management operations in respect of the event; or
 - (ii) is not a member of the TFES; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 25

- (e) may remove the person from the vicinity of the event, using such force as the police officer considers reasonable in the circumstances, if the person fails to comply with an order given to the person under paragraph (d).

25. Police officer may arrest without warrant in certain cases

A police officer may arrest a person without a warrant if the police officer believes, on reasonable grounds, that the person has committed, or is committing or is about to commit, a prescribed offence under this Act.

26. TFES Commissioner may authorise certain services

- (1) The TFES Commissioner may authorise –

- (a) a TFES Division to provide services other than emergency management operations; and
- (b) the use of the equipment of the TFES for services other than emergency management operations; and
- (c) the hiring out, lending or otherwise making available of the equipment of the TFES for use outside of the TFES.

- (2) The TFES Commissioner may, in the scale of charges, fix charges in respect of the use, hiring out, lending or making available of equipment under subsection (1).

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 27

Part 3 – Functions of TFES and Other Persons

(3) If a member of the TFES is providing services authorised under subsection (1), the member is taken to be engaged, while performing those services, in fire-fighting operations for the purposes of –

- (a) the *Workers Rehabilitation and Compensation Act 1988*; and
- (b) the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*.

27. TFES Commissioner may install fire safety systems in public places

(1) In this section –

public place includes –

- (a) a public place within the meaning of the *Police Offences Act 1935*; and
 - (b) such other premises, or place, as is prescribed for the purposes of this definition.
- (2) The TFES Commissioner may install and maintain such fire safety systems, in a public place, as the TFES Commissioner thinks necessary for the protection of life and property from fire.
- (3) Before installing a fire safety system in a public place under this section, the TFES Commissioner –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 28

-
- (a) is to consult with the Director, Environment Protection Authority appointed under section 18 of the *Environmental Management and Pollution Control Act 1994*; and
 - (b) may notify the authority which has management of the public place that the TFES Commissioner intends to install the system; and
 - (c) is to have regard to any reasonable objections made by or on behalf of the authority in respect of the installation of the system.
- (4) The decision of the TFES Commissioner in respect of the installation or location of a fire safety system installed under this section is final and is not subject to review or appeal by any other person.

28. TFES Commissioner may take action in respect of certain substances

- (1) In this section –

dangerous action, in respect of a substance, means the storage, transportation or use of the substance in such a place, and under such conditions, as to constitute a danger to life or property;

flammable substance has the same meaning as in the GHS;

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 28

Part 3 – Functions of TFES and Other Persons

GHS has the same meaning as in the *Work Health and Safety Act 2012*;

hazardous substance has the same meaning as in the GHS.

- (2) If the TFES Commissioner is satisfied that a person is taking, or has taken or is about to take, a dangerous action in respect of a hazardous substance, or flammable substance, the TFES Commissioner may, by written notice, to the person –

- (a) require the person to take such measures as may be necessary to ensure the safe storage, transportation or use of the substance; or
- (b) prohibit the storage, transportation or use of the substance by the person.

- (3) A person, given a notice under subsection (2) in respect of a hazardous substance, or flammable substance, must comply with the notice.

Penalty: Fine not exceeding 26 penalty units.

- (4) It is a defence in proceedings for an offence under subsection (3), in respect of a substance, if the defendant establishes that –

- (a) compliance with the notice under subsection (2) would have breached the *Work Health and Safety Act 2012*, the *Explosives Act 2012* or the *Dangerous Goods (Road and Rail Transport) Act 2010*; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 29

(b) the defendant took all reasonable steps to comply with the provisions of those Acts.

(5) For the avoidance of doubt, this section is in addition to, and does not derogate from, the *Work Health and Safety Act 2012*, the *Explosives Act 2012* and the *Dangerous Goods (Road and Rail Transport) Act 2010*.

29. Electricity entities taken to be occupier in respect of certain premises

(1) In this section –

electricity entity has the same meaning as in the *Electricity Wayleaves and Easements Act 2000*.

(2) For the purposes of this Act –

(a) the appropriate electricity entity is taken to be the occupier of such part of premises that is subject to a wayleave within the meaning of the *Electricity Wayleaves and Easements Act 2000*, including an easement created under section 10 of that Act; and

(b) that electricity entity may, if the entity thinks it necessary for the purpose of protecting any transmission lines, poles or other equipment or works of that electricity entity, cause any vegetation or flammable material on the premises to be burned off or removed.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 30

Part 3 – Functions of TFES and Other Persons

- (3) Nothing in subsection (2) removes an obligation imposed on an electricity entity under this Act or any other Act.

Division 3 – Fire permit periods

30. Fire permit periods

- (1) The TFES Commissioner may declare –
- (a) a day, or two or more consecutive days, specified in the declaration to be a fire permit period in all, or a specified part, of the State; or
 - (b) that a fire permit period has commenced throughout the State or in any specified parts of the State; and
 - (c) that a fire permit period has ended.
- (2) The TFES Commissioner is to ensure that each declaration made under subsection (1) is made available to the public, as soon as practicable –
- (a) in the prescribed manner; and
 - (b) in such other manner as the TFES Commissioner considers reasonable.

31. Powers of TFES Commissioner during fire permit periods

- (1) During a fire permit period, the TFES Commissioner may, in respect of such part of the State as the fire permit period applies –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 31

-
- (a) take all necessary steps to reduce the risk of fire including, but not limited to –
- (i) requisitioning the services of persons, animals, plant, machines, engines, articles, appliances or materials; and
 - (ii) prohibiting, or restricting, the use of any specified plant, machine, engine, article, appliance or material that the TFES Commissioner considers to be likely to cause a risk of fire; and
- (b) make such orders, give such notices and directions and take such other actions as the TFES Commissioner considers reasonable.
- (2) An order, notice or direction made or given under subsection (1)(b) –
- (a) may be made or given so as to apply in respect of –
 - (i) specified persons, fires, premises, animals, plant, machines, engines, articles, appliances or materials; or
 - (ii) specified classes of persons, fires, premises, animals, plant, machines, engines, articles, appliances or materials –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 31

Part 3 – Functions of TFES and Other Persons

as is specified in the order, notice or direction; and

- (b) may be made or given so as to apply in respect of all, or any specified part, of the State; and
- (c) may exempt from the operation of all or any of the provisions of the order, notice or direction –
 - (i) specified persons, fires, premises, animals, plant, machines, engines, articles, appliances or materials; or
 - (ii) specified classes of persons, fires, premises, animals, plant, machines, engines, articles, appliances or materials; and
- (d) may contain such other provisions as the TFES Commissioner considers to be necessary or reasonable for the purposes of the order, notice or direction.

(3) An order, notice or direction made or given under subsection (1) may be made or given in the prescribed manner.

(4) A person must comply with an order, notice or direction made or given under this section.

Penalty: Fine not exceeding 26 penalty units.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 32

32. Restrictions on lighting fires during fire permit periods

- (1) During a fire permit period, a person must not light or cause to be lit, or maintain or use, a fire –
- (a) in the open air on any premises for any purpose; or
 - (b) for a prescribed purpose; or
 - (c) in a protected area.

Penalty: Fine not exceeding 26 penalty units.

- (2) Subsection (1) does not apply to a person lighting, maintaining or using a fire if –
- (a) the person is acting in accordance with this Act; or
 - (b) the person –
 - (i) takes all reasonable precautions to prevent the fire from spreading to adjoining land; and
 - (ii) observes such precautions as are specified by a TFES officer; or
 - (c) the fire is lit, maintained and used under the authority of, and in accordance with, the conditions of a valid fire permit that is in force at the relevant time; or
 - (d) the fire is lit in a protected area in a place that has been specially designated for

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 33

Part 3 – Functions of TFES and Other Persons

fires by the person with the responsibility
for the management of the area.

33. Duties of occupiers of premises during fire permit periods

- (1) If a fire is burning on any premises during a fire permit period, the occupier of the premises must, immediately after becoming aware of the fire –
 - (a) take all reasonable steps to extinguish the fire or to prevent it from spreading; and
 - (b) report the fire to the TFES, on the telephone number used in emergency situations, to a police officer or to any member of the TFES.

Penalty: Fine not exceeding 26 penalty units.

- (2) Subsection (1) does not apply to –
 - (a) a fire lit under the authority of, and in accordance with, a fire permit; or
 - (b) a fire to which section 62 applies if that section is complied with in relation to the fire.

34. Fire permits

- (1) The TFES Commissioner may appoint a person, in the prescribed manner, as a fire permit officer.
- (2) A fire permit officer may issue a fire permit, in the prescribed manner, in respect of the area for

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 35

which the officer was appointed as a fire permit officer.

- (3) A person who lights and controls a fire in accordance with the conditions of a fire permit issued to that person –
- (a) is exempt from the *Environmental Management and Pollution Control Act 1994* in respect of that fire; and
 - (b) is not liable for any loss, injury or damage caused by that fire unless it is proven that the person acted maliciously or recklessly in respect of the fire.

Division 4 – Total fire bans

35. Days of total fire ban

- (1) The TFES Commissioner may declare –
- (a) a day, or two or more consecutive days, specified in the declaration to be a day of total fire ban in all, or a specified part, of the State; or
 - (b) that a day of total fire ban has commenced throughout the State or in any specified parts of the State; or
 - (c) that the declaration of a day of total fire ban has been revoked.
- (2) A declaration of a day of total fire ban under subsection (1) may do either or both of the following:

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 36

Part 3 – Functions of TFES and Other Persons

- (a) specify fires, or specified classes of fires, that are exempt from the operation of the declaration;
- (b) prohibit or restrict the use of specified machines or apparatus, or specified classes of machines or apparatus, in the open air on that day.
- (3) The TFES Commissioner is to ensure that each declaration made under subsection (1) is made available to the public, as soon as practicable –
 - (a) in the prescribed manner; and
 - (b) in such other manner as the TFES Commissioner considers reasonable.

36. Effect of declaration of day of total fire ban

- (1) Subject to subsection (2), if a day of total fire ban is declared under section 35 –
 - (a) all fire permits in force in respect of the day of total fire ban, in relation to premises in any part of the State to which the declaration relates, are revoked; and
 - (b) no fire permits are to be issued in respect of the day of total fire ban in relation to premises in any part of the State to which the declaration relates.
- (2) Subsection (1) does not apply to –
 - (a) a fire exempt from the day of total fire ban by virtue of section 35(2)(a); or

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 37

- (b) a fire permit in so far as it authorises the lighting of a fire so exempt from the day of total fire ban.

37. Power of TFES on days of total fire ban

If a TFES officer finds a fire burning on a day of total fire ban that applies in the part of the State where the fire is located, the officer may, for the purpose of extinguishing the fire or preventing it from spreading –

- (a) perform such functions, or take such actions, as the officer thinks necessary or reasonable; and
- (b) make or give, either orally or in writing, any order, notice or direction, that may be made or given by the TFES Commissioner, under this Act, in the circumstances.

38. Power to enter neighbouring lands to extinguish fires

- (1) A person who finds a fire burning within 1.5 kilometres of any premises of which the person is the owner or occupier may enter onto the premises on which the fire is burning, with such persons and equipment, and do all such acts, as may reasonably be necessary for extinguishing the fire or preventing it from spreading, if –

- (a) the fire –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 39

Part 3 – Functions of TFES and Other Persons

- (i) is burning on a day of total fire ban in the part of the State where those premises are situated; and
 - (ii) is not exempt from the ban; or
- (b) the person believes, on reasonable grounds, that the fire has been lit or is burning in contravention of this Act.
- (2) A person must not enter onto premises under the authority of subsection (1) on a day other than a day of total fire ban, which applies in the part of the State where the premises are situated, unless the person first notifies the TFES of the person's intention to do so, if it is reasonably practicable for that notice to be given.

Penalty: Fine not exceeding 26 penalty units.
- (3) On receipt of a notice given by a person under subsection (2), a member of the TFES may give to the person such directions as the member considers desirable to –
 - (a) prevent unnecessary damage; and
 - (b) properly extinguish the fire; and
 - (c) prevent the fire from spreading.

39. Prohibition on fires, &c., on days of total fire ban

Subject to this Division, a person must comply with a declaration of a day of total fire ban if the person is in the area of the State in respect of which the declaration is in force.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 40

Penalty: Fine not exceeding 200 penalty units.

40. Duties of occupiers of premises during days of total fire ban

- (1) If a fire occurs on premises on a day on which a day of total fire ban is in force in respect of the area of the State in which the premises are located, the occupier of the premises must, immediately after becoming aware of the existence of the fire –
 - (a) take all reasonable steps to extinguish the fire or to prevent it from spreading; and
 - (b) report the fire to the TFES, on the telephone number used in emergency situations, to a police officer or to any member of the TFES.

Penalty: Fine not exceeding 50 penalty units.

- (2) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that the defendant did not know, and could not reasonably have been expected to know, that a day of total fire ban had been declared.

Division 5 – Firebreaks

41. TFES Commissioner or council may form firebreaks

- (1) In this section –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 41

Part 3 – Functions of TFES and Other Persons

formation of a firebreak includes, but is not limited to, the clearing of the means of access to a firebreak that has been formed or is to be formed.

- (2) The TFES Commissioner may cause the formation of such firebreaks as the TFES Commissioner considers necessary or reasonable –
 - (a) to arrest the spread of fires that may occur in any part of the State; or
 - (b) to facilitate the suppression of any such fires.
- (3) A council may, in its municipal area, cause the formation of such firebreaks as it considers necessary or reasonable to arrest the spread, or to facilitate the suppression, of fires.
- (4) Before causing the formation of a firebreak under this section on premises, the TFES Commissioner or council may serve a notice on the occupier of the premises that requires the occupier to form a firebreak on the premises in such manner, and within such time, as is specified in the notice.
- (5) If an occupier of premises refuses to comply with a notice served on the occupier under subsection (4) in respect of those premises, the person who served the notice –
 - (a) may enter onto the premises and do such things as are necessary to form the firebreak; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 42

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- (b) in taking an action under paragraph (a), may not destroy, injure or remove any living trees that –
 - (i) are required for the purposes of shade, shelter or a windbreak; or
 - (ii) are required for the production of food for human beings or animals; or
 - (iii) have been grown for the commercial value of the timber they contain.
 - (6) The TFES Commissioner may, in the scale of charges, fix charges in respect of an action that may be taken by the TFES under subsection (5).
 - (7) A person who serves a notice under subsection (4) in respect of premises may –
 - (a) recover all, or part, of a charge that is payable in respect of an action taken by the person under subsection (5) in respect of the premises; or
 - (b) waive all or part of a charge so payable.

42. Firebreaks on Crown land

- (1) Subject to this section, a person who occupies premises that are adjacent to Crown land may take, or cause to be taken, such steps as are necessary to form a firebreak on the Crown land –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 42

Part 3 – Functions of TFES and Other Persons

- (a) that is designed to arrest fires that may spread onto the premises; or
 - (b) to otherwise facilitate the suppression of fires that are likely to spread onto the premises.
- (2) Subsection (1) does not authorise the entry onto, or the formation of a firebreak on, Crown land –
 - (a) if the Minister administering the *Crown Lands Act 1976* has not given consent to the formation of the firebreak on the Crown land; or
 - (b) that is occupied or being used or managed by, or on behalf of, a department or instrumentality of the State; or
 - (c) that is subject to an estate, interest or right under which the holder of the estate, interest or right has the right –
 - (i) to occupy or use the Crown land; or
 - (ii) to carry out any operations on the Crown land; or
 - (iii) to take any products of the materials in the Crown land, including materials beneath the surface.
- (3) For the purpose of taking such steps as are referred to in subsection (1), a person may enter

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 3 – Functions of TFES and Other Persons

s. 43

onto Crown land with such vehicles and other equipment as may be required for the purpose.

Division 6 – Bushfire hazard documents

43. Interpretation of Division

In this Division –

bushfire hazard document, in respect of land, means a document required under the *Land Use Planning and Approvals Act 1993* to be prepared, approved, issued or otherwise provided by an accredited person under that Act.

44. Accreditation required to prepare certain documents under *Land Use Planning and Approvals Act 1993*

- (1) For the purposes of the *Land Use Planning and Approvals Act 1993*, the following persons are prescribed as accredited persons:
 - (a) an authorised member;
 - (b) a person holding accreditation under this Part.
- (2) Except in accordance with the *Land Use Planning and Approvals Act 1993*, a person must not prepare a bushfire hazard document if the person is not prescribed under this section as an accredited person.

Penalty: Fine not exceeding 26 penalty units.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 45

Part 3 – Functions of TFES and Other Persons

45. Accreditation to prepare bushfire hazard documents

- (1) The TFES Commissioner may issue accreditation to a person, in the prescribed manner, which authorises the person to prepare, approve, issue or otherwise provide bushfire hazard documents.
- (2) A person granted accreditation under this Division must comply with the conditions of, or restrictions on, the accreditation.

Penalty: Fine not exceeding 26 penalty units.

- (3) If, for any period, a person accredited under this section is not covered by the type, and level, of prescribed insurance for accredited persons, the person's accreditation under this section is suspended for that period.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 4 – TFES Funding

s. 46

PART 4 – TFES FUNDING

Division 1 – General

46. Funding of TFES

- (1) The Treasurer is to ensure that the following amounts are only to be used for the purposes of the TFES, its functions under this Act and for any other prescribed function or purpose relating to emergency management:
 - (a) any amount paid in respect of the TFES under this Act including, but not limited to, the charges and levies paid under this Act or any other Act;
 - (b) any debts due and owing to the TFES under this Act or any other Act;
 - (c) any other prescribed amounts.
- (2) The annual report for the Department, prepared in respect of a financial year under the *State Service Act 2000*, is to include, in the manner determined by the Treasurer, a reconciliation of the finances of the TFES for that financial year including –
 - (a) the amounts specified in subsection (1); and
 - (b) the functions, or purposes, for which those amounts have been applied.
- (3) If requested to do so by the Treasurer, the accountable authority of the Department, within

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 47

Part 4 – TFES Funding

the meaning of the *Financial Management Act 2016*, is to provide such information in respect of the finances of the TFES in such manner as the Treasurer specifies in the request.

Division 2 – TFES – vehicle levy

47. TFES – vehicle levy

(1) In this section –

CPI figure for Hobart means the Consumer Price Index: All Groups Index Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth;

eligible motor vehicle means a motor vehicle, within the meaning of the *Vehicle and Traffic Act 1999*, that is not an exempt motor vehicle;

exempt motor vehicle means a vehicle that is exempt from the requirement to pay the fee for registration that is prescribed, under the *Vehicle and Traffic Act 1999*, for that vehicle;

Registrar has the same meaning as in the *Vehicle and Traffic Act 1999*;

TFES – vehicle levy means the levy chargeable under subsection (2) in respect of an eligible motor vehicle.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 4 – TFES Funding

s. 47

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- (2) The Registrar is to charge the levy, calculated under this section, in respect of each eligible motor vehicle registered in the relevant financial year.
- (3) The TFES – vehicle levy chargeable in respect of the 2024-25 financial year, and for each subsequent financial year, is to be calculated in accordance with the following formula and rounded off in accordance with subsection (4):

$$A = B \times \frac{C}{D}$$

where –

A is the value in dollars of the levy for the relevant financial year;

B is \$21;

C is the value of the CPI figure for Hobart for the December quarter immediately preceding the financial year in which the levy is chargeable;

D is the value of the CPI figure for Hobart for the December quarter 2022.

- (4) If the amount calculated in accordance with the formula specified in subsection (3) results in an amount which is dollars and a number of cents, the amount is to be rounded to the nearest whole dollar.
- (5) The Registrar –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 48

Part 4 – TFES Funding

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- (a) is to provide the TFES Commissioner with the TFES – vehicle levy, collected by the Registrar, in the prescribed manner and at the prescribed intervals; and
 - (b) by 1 February in any calendar year, is to provide the TFES Commissioner with –
 - (i) an estimate of the TFES – vehicle levy likely to be payable in the financial year commencing on 1 July in that calendar year; and
 - (ii) such other information in respect of the TFES – vehicle levy as the TFES Commissioner requests.
 - (6) The regulations may prescribe –
 - (a) the manner in which the TFES – vehicle levy is to be collected; and
 - (b) a concessional amount of TFES – vehicle levy payable under this section; and
 - (c) the circumstances in which the concessional amount is so payable.

Division 3 – TFES – property levy

48. Interpretation of Division

In this Division –

AAV, in respect of an eligible property, means the assessed annual value, as defined in

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 4 – TFES Funding

s. 48

the *Valuation of Land Act 2001*, for the eligible property;

AAV rate, in relation to a land classification in a financial year, means the rate determined by the Treasurer under section 50 in respect of the land classification for the financial year;

eligible property means –

- (a) all areas of land other than exempt property; and
- (b) exempt property if all, or any part, of the exempt property is let, or sublet, to a private tenant;

exempt property means land, or classes of land, prescribed as exempt property for the purposes of this Division;

land classification means the prescribed classes, or categories, of land;

private tenant, in respect of land, means a tenant other than –

- (a) the Crown in right of the Commonwealth, or in right of any State or Territory; or
- (b) a prescribed entity or person;

TFES – property levy means the levy chargeable under section 49(1) in respect of an eligible property.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 49

Part 4 – TFES Funding

49. TFES – property levy

- (1) A council is to charge the levy, calculated under this section, in respect of each eligible property in the municipal area of the council for a financial year.
- (2) The TFES – property levy chargeable under this section in respect of an eligible property in the municipal area of the council for a financial year (the *relevant financial year*) is to be calculated in accordance with the following formula and rounded off in accordance with subsection (3):

$$A = B \times C$$

where –

A is the value in dollars of the levy for the eligible property in the relevant financial year;

B is the most recent AAV, in respect of the eligible property, as last provided by the Valuer-General before the commencement of the relevant financial year;

C is the AAV rate determined, for the relevant financial year, in respect of the land classification that applies in respect of the eligible property.

- (3) If the amount calculated in accordance with the formula specified in subsection (2) results in an amount which is dollars and a number of cents,

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 4 – TFES Funding

s. 50

the amount is to be rounded to the nearest whole dollar.

50. Treasurer to determine AAV rates

- (1) Before 31 May in any year, the Treasurer is to publish in the *Gazette* the AAV rate determined in respect of each land classification for the financial year starting on 1 July in that year.
- (2) A rate determined under subsection (1) in respect of a land classification for a financial year –
 - (a) is to be determined by the Treasurer after taking into account such matters, and factors, as the Treasurer considers relevant; and
 - (b) may be determined differently based on such factors as the Treasurer considers appropriate in the circumstances.
- (3) Before making a determination under subsection (1) in respect of a financial year –
 - (a) the Valuer-General, within the meaning of the *Valuation of Land Act 2001*, is to provide the Treasurer with the prescribed information, or such other information as the Treasurer requires to make a determination under this section for the financial year; and
 - (b) the Treasurer may require such other persons to provide information, as the

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 51

Part 4 – TFES Funding

Treasurer requires to make a determination under this section for the financial year.

- (4) If the Treasurer does not publish an AAV rate for a financial year before 31 May as required under subsection (1), the AAV rate that applies for that financial year is the AAV rate that applied in the immediately preceding financial year.

51. Administration of TFES – property levy

- (1) In each financial year, a council –
- (a) is to provide the TFES Commissioner with the TFES – property levy, collected by the council, in the prescribed manner and at the prescribed intervals; and
 - (b) may retain such amount of a TFES – property levy, collected by the council in that financial year, as is prescribed.
- (2) A council must provide the TFES Commissioner with such information, in respect of the TFES – property levy payable for the relevant municipal area, as is prescribed.
- (3) The regulations may prescribe –
- (a) the method for reconciling the TFES – property levy payable by the council in any financial year; and
 - (b) the period during which such a reconciliation may occur; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 4 – TFES Funding

s. 51

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- (c) information that may be required to be provided, or required to be retained, in respect of the TFES – property levy or a reconciliation of the levy; and
 - (d) a concessional amount of TFES – property levy payable under this Division; and
 - (e) the circumstances in which the concessional amount is so payable.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 52

Part 5 – Offences

PART 5 – OFFENCES

Division 1 – Offences

52. TFES may request name and address

- (1) An authorised member may request that a person give the person's full name and residential address if the authorised member believes, on reasonable grounds, that the person has committed an offence against this Act.
- (2) A person must comply with a request made of the person under subsection (1).

Penalty: Fine not exceeding 26 penalty units.

53. TFES may request assistance

- (1) An authorised member may request that a person provide assistance –
 - (a) to the authorised member or the TFES; or
 - (b) as part of emergency management operations.
- (2) A person must not fail, without reasonable excuse, to provide assistance that has been requested from the person under subsection (1).

Penalty: Fine not exceeding 26 penalty units.

- (3) A person must not, either directly or indirectly, prevent, hinder, impede or obstruct another person from providing assistance that has been

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 5 – Offences

s. 54

requested from the other person under subsection (1).

Penalty: Fine not exceeding 26 penalty units.

54. Failure to follow directions

A person must not fail, without reasonable excuse, to comply with an order, notice, direction or requirement that is given to the person in accordance with this Act.

Penalty: Fine not exceeding 26 penalty units.

55. Obstruction of members of TFES

A person must not obstruct or hinder, or interfere with, a member of the TFES while the member is performing a function under this Act.

Penalty: Fine not exceeding 26 penalty units.

56. False or misleading information or actions

- (1) A person must not knowingly provide false or misleading information, under this Act, to a member of the TFES.

Penalty: Fine not exceeding 26 penalty units.

- (2) A person must not trigger an alarm for an emergency event, or report an alleged emergency event, under false pretences.

Penalty: Fine not exceeding 26 penalty units.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 57

Part 5 – Offences

57. Offences relating to TFES equipment

- (1) A person must not injure, damage or interfere with –
- (a) any building, premises or equipment of the TFES; or
 - (b) any building, premises or equipment being used by, or on behalf of, the TFES.

Penalty: Fine not exceeding 26 penalty units.

- (2) A person must not take any action in respect of a fire hydrant that would result in –
- (a) the covering up, or closing, of the hydrant so as to obscure or hide the position of the hydrant; or
 - (b) damage or injury to the hydrant; or
 - (c) the obliteration, or removal, of any mark used to indicate the position of the hydrant.

Penalty: Fine not exceeding 26 penalty units.

- (3) A person must not destroy, damage or interfere with any works executed or carried out by the TFES Commissioner, the TFES or any other person under, or for the purposes of, this Act.

Penalty: Fine not exceeding 26 penalty units.

- (4) A person must not drive a vehicle –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 5 – Offences

s. 58

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- (a) over a fire hose or other equipment of the TFES; or
 - (b) so as to interfere with, or obstruct, the operations of the TFES or the use of equipment of the TFES.

Penalty: Fine not exceeding 26 penalty units.

- (5) A person must return any equipment of the TFES that is in the person's possession, or control, if the person is requested to do so by the TFES Commissioner.

Penalty: Fine not exceeding 26 penalty units.

58. Offences relating to fire safety systems

- (1) Unless otherwise approved in writing, a person must not tamper, or interfere, with a fire safety system or systems for the detection of other emergency events.

Penalty: Fine not exceeding 26 penalty units.

- (2) A person must not install, maintain or repair fire safety systems, or other equipment for fire protection, other than in accordance with this Act.

Penalty: Fine not exceeding 26 penalty units.

59. Offences by owners or occupiers of premises

- (1) In this section –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 60

Part 5 – Offences

owner, in relation to premises, includes each person having possession, control or occupation of the property.

- (2) An owner of one of the following premises must comply with a request of an authorised officer to provide information:
- (a) premises that have been destroyed, or damaged, by an emergency event;
 - (b) premises in, or at which, an emergency event occurred;
 - (c) premises in, on or attached to –
 - (i) any structure in which an emergency event occurred; or
 - (ii) premises on which an emergency event occurred.

Penalty: Fine not exceeding 26 penalty units.

- (3) If an owner or occupier of premises becomes aware of a fire on the premises, the owner, or occupier, of the premises must not fail to take all reasonable measures to prevent the fire from escaping from the premises.

Penalty: Fine not exceeding 26 penalty units.

60. Offences relating to fires

- (1) A person must not take any of the following actions if the action endangers any premises:

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 5 – Offences

s. 61

- (a) ignite any matter or material;
- (b) use or carry any matter, or material, that is alight.

Penalty: Fine not exceeding 26 penalty units.

- (2) A person must not –
 - (a) light a fire, or cause a fire to be lit, in the open air; or
 - (b) leave a fire in the open air –
 - (i) unextinguished; or
 - (ii) unsupervised by a person who is aged at least 14 years or older.

Penalty: Fine not exceeding 26 penalty units.

- (3) Subsection (2) does not apply to person, in respect of a fire, if the person has taken all prescribed precautions and all other reasonable precautions to prevent the fire from spreading.

61. Offences relating to fire permit periods

- (1) A person must not light a fire or cause a fire to be lit, during a fire permit period, on premises –
 - (a) without the authorisation of the owner or occupier of the premises; or
 - (b) if all or part of the premises are unoccupied Crown land, in accordance with the conditions of a fire permit granted to the person under this Act.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 62

Part 5 – Offences

Penalty: Fine not exceeding 26 penalty units.

- (2) A person must not, during a fire permit period, cause there to be any ignited matter, or material, within 6 metres of prescribed material, prescribed vegetation or prescribed items.

Penalty: Fine not exceeding 26 penalty units.

- (3) A person must not, during a fire permit period or a day of total fire ban, drop, throw down or leave, in an open space, any match, tobacco, cigar or cigarette, if it has been lit and has not been extinguished.

Penalty: Fine not exceeding 26 penalty units.

62. Offences relating to specified fires

- (1) In this section –

utility fire means a fire, other than a fire within a fully enclosed building –

- (a) for cooking or warmth; or
- (b) for the burning of a carcass; or
- (c) for a prescribed purpose.

- (2) A person must not light a utility fire –

- (a) in, or on, peat, humus or marram grass; or
- (b) within 3 metres of any stump, log or standing tree.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 5 – Offences

s. 63

Penalty: Fine not exceeding 50 penalty units.

- (3) A person must not leave a utility fire –
- (a) unextinguished; or
 - (b) unsupervised by a person who is aged at least 14 years or older.

Penalty: Fine not exceeding 50 penalty units.

- (4) During a fire permit period a person must not light a utility fire unless all flammable material has been moved to a place that is at least 3 metres from the site of the fire.

Penalty: Fine not exceeding 50 penalty units.

63. Groups for salvage or private emergency management operations must be approved

- (1) A person must not, without the approval of the TFES Commissioner, constitute or maintain a group of people for the purpose of –
- (a) salvaging property at emergency events; or
 - (b) performing emergency management operations, other than on premises –
 - (i) owned, or occupied, by the person; or
 - (ii) where the person is employed, or engaged, to work.

Penalty: Fine not exceeding 26 penalty units.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 64

Part 5 – Offences

- (2) For the avoidance of doubt, subsection (1) does not apply in respect of a group of persons if the group of persons is acting under the authority of the *Emergency Management Act 2006*.

Division 2 – Offence proceedings generally

64. TFES may bring proceedings

For the avoidance of doubt, the TFES may commence proceedings, and participate in proceedings, in its own name.

65. Additional penalties under this Act

In addition to any other penalty or sanction imposed in respect of an offence under this Act, the court determining proceedings for the offence may do one or more of the following:

- (a) impose an additional fine or term of imprisonment of –
 - (i) if the offence occurred on a day of total fire ban – a fine not exceeding 100 penalty units or a term of imprisonment of 12 months, or both; or
 - (ii) if the offence occurred during a fire permit period – a fine not exceeding 50 penalty units or a term of imprisonment of 6 months, or both; or

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 5 – Offences

s. 66

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- (iii) if the defendant has a previous conviction in respect of the same offence – impose a penalty for the subsequent offence that is not more than double the fine or double the term of imprisonment, or both;
 - (b) order the defendant, in respect of the offence, to pay an amount, in accordance with the scale of charges, for any emergency management operations performed by the TFES as a result of –
 - (i) the offence; or
 - (ii) the defendant's actions that made up one or more elements of the offence.

66. Infringement notices

- (1) In this section –

infringement offence means an offence under this Act that is prescribed to be an infringement offence.

- (2) The TFES Commissioner may issue and serve an infringement notice on a person if the TFES Commissioner reasonably believes that the person has committed an infringement offence.
- (3) An infringement notice may not be served on an individual who has not attained the age of 14 years.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 67

Part 5 – Offences

- (4) An infringement notice –
 - (a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and
 - (b) is not to relate to 4 or more offences.
- (5) The regulations may prescribe –
 - (a) for infringement offences, the penalties payable under infringement notices; and
 - (b) different penalties for bodies corporate and individuals.

67. Offences by employers

- (1) If an employee or agent commits an offence under this Act, the employer of the employee, or the principal of the agent, is taken to have committed the same offence.
- (2) Despite subsection (1), it is a defence in proceedings against an employer, or principal, for an offence taken to have been committed under that subsection, if the employer or principal proves that –
 - (a) the employer, or principal, did not know, and could not reasonably be expected to know, that the employee or agent was committing the offence; or
 - (b) the employer or principal took all reasonable precautions, and exercised all

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 5 – Offences

s. 68

due diligence, to prevent the commission of the offence.

- (3) An employer or principal may be proceeded against and convicted for an offence pursuant to this section whether or not the relevant employee, or relevant agent, has been proceeded against or convicted for that offence.

68. Offences by employees or agents

- (1) It is not a defence in proceedings for an offence under this Act that the defendant was, at the time of the commission of the offence, an employee or agent of another person and was acting for, or on behalf of, the other person.
- (2) Despite subsection (1), it is a defence in proceedings for an offence under this Act if the defendant establishes that –
- (a) at the time of the commission of the offence, the defendant was acting under the direction or supervision of –
- (i) the owner of, or the person in charge of, the premises where the offence occurred; or
- (ii) the person who employed, or engaged, the defendant to perform the act that, either directly or indirectly, was the act that constituted the offence; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 69

Part 5 – Offences

- (b) the defendant's actions were a direct result of that direction or supervision; and
- (c) the defendant could not have reasonably known that those actions would constitute an offence under this Act.

69. Offences by bodies corporate

- (1) If a body corporate contravenes, whether by act or omission, a provision of this Act, each person who is a member of the government authority of the body corporate, or who is concerned in the management of the body corporate, is taken to have contravened the same provision if the person knowingly or negligently authorised or permitted the contravention.
- (2) A person may be proceeded against for, and convicted of, an offence pursuant to this section whether or not the body corporate, or any other relevant person, has been proceeded against for, or convicted of, the offence.
- (3) Nothing in this section affects any liability imposed on a body corporate for an offence committed under this Act by the body corporate.

Division 3 – Evidentiary provisions, defences and appeals

70. Orders, notices, &c., made under this Act

- (1) An order or notice made, or direction given, by the TFES Commissioner under this Act, that is

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 5 – Offences

s. 70

signed by or on behalf of the TFES Commissioner –

- (a) is admissible in legal proceedings as evidence of the matters specified in the order, notice or direction; and
 - (b) in the absence of evidence to the contrary, is proof of those matters.
- (2) If the TFES Commissioner certifies, in writing, that a specified day was declared to be a day of total fire ban, or that a specified period was declared to be a fire permit period, the certificate is –
 - (a) admissible in legal proceedings as evidence of the matters so certified; and
 - (b) in the absence of evidence to the contrary, is proof of those matters.
- (3) If a report, or recommendation, was made to or by the TFES Commissioner in accordance with this Act, a copy of the report or recommendation –
 - (a) is admissible in legal proceedings as evidence of the matters specified in the report or recommendation; and
 - (b) in the absence of evidence to the contrary, is proof of –
 - (i) those matters; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 71

Part 5 – Offences

- (ii) the date on which the report or recommendation was made to, or by, the TFES Commissioner.

71. Evidence as to certain other matters

- (1) In this section –

relevant proceedings means proceedings for –

- (a) an offence alleged to have been committed under this Act; or
 - (b) the recovery of any amount, or charge, alleged to be due to the TFES under this Act.
- (2) In proceedings for a relevant proceeding, a statement in the document, commencing the relevant proceedings, in respect of the following matters is, in the absence of evidence to the contrary, proof of those matters:
- (a) that premises are, or were at a specified time, situated inside or outside of a specified area for the purposes of this Act;
 - (b) that a person is, or was at a specified time, the owner or occupier of premises for the purposes of one or more provisions of this Act;
 - (c) that a person is, or was at a specified time, an agent of the owner or occupier of premises;

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 5 – Offences

s. 72

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- (d) that a person is, or was at a specified time, the person in charge of premises for the purposes of one or more provisions of this Act.

72. Appeals under this Act

- (1) Unless otherwise specified, an appeal or review of a prescribed decision, or prescribed matter, under this Act is to be made to TASCAT.
- (2) The regulations may prescribe such matters as are necessary, or reasonable, to ensure that an appeal or review may occur in respect of this Act.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 73

Part 6 – Miscellaneous

PART 6 – MISCELLANEOUS

Division 1 – Fees, charges and debts

73. Charges for services

- (1) The TFES Commissioner may, by notice published in the *Gazette*, fix a scale of charges for the services rendered under this Act.
- (2) For the avoidance of doubt, a scale of charges under subsection (1) may include a charge –
 - (a) for damages to TFES equipment or other TFES assets; or
 - (b) to recover the cost of consumable items if the TFES Commissioner is satisfied that the use of the items –
 - (i) was required due to a fire that was deliberately lit; or
 - (ii) was at the direct request of an owner of premises and the TFES Commissioner is satisfied that the use of the items was not required as part of standard emergency management operations.
- (3) If a person provides services under this Act in respect of which a charge is published under subsection (1), the charge for the service is payable to the TFES, unless otherwise specified in the scale of charges.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 74

- (4) The TFES Commissioner may waive all, or any part, of a charge payable in respect of a service under this Act if the TFES Commissioner considers it reasonable to do so.

74. Charges for actions taken in respect of certain premises

- (1) The TFES Commissioner may recover a charge for a service provided by the TFES, determined in accordance with the scale of charges, from the owner of premises if –
- (a) an abatement notice has been served by a council under section 200 of the *Local Government Act 1993* in respect of the premises; and
 - (b) the services have been provided by the TFES at a fire on that premises; and
 - (c) the abatement notice had not been complied with immediately before the rendering of those services by the TFES at that fire.
- (2) In any proceedings to recover a charge under subsection (1), the relevant court may decline to make an order for the recovery of the charge if the court is satisfied that –
- (a) the person, against whom the proceedings were brought, took all reasonable steps to comply with the relevant abatement notice; or

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 75

Part 6 – Miscellaneous

- (b) it was reasonable in all the circumstances that the person, against whom the proceedings were brought, did not comply with the abatement notice.

75. Charges for false alarms

- (1) In this section –

automatic, in relation to a fire safety system, means that the system is designed to operate when activated by a device that senses heat, smoke or fire;

false alarm includes –

- (a) the activation of an automatic fire alarm system that is caused by reasons other than fire; or
 - (b) a request for the TFES to attend at premises where there is no reasonable suspicion that a fire is present on the premises.
- (2) The TFES Commissioner may fix a charge for the TFES attending at premises in response to a call arising out of a false alarm.
- (3) If an authorised member determines that a call is a false alarm, the member must provide a written report, in an approved form, to the TFES Commissioner, if the member is satisfied that the false alarm –
 - (a) has been caused by –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 76

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- (i) a person failing to notify the TFES of testing, or maintenance work, being performed or about to be performed on the automatic fire alarm system that caused the false alarm; or
 - (ii) the owner of the premises, at which the automatic fire alarm system that caused the false alarm is installed, failing to notify the TFES of works being performed on the premises that may result in a false alarm being transmitted by the system; or
- (b) is the result of a person, who has been employed or engaged to monitor the premises, in respect of which the false alarm was made, not inspecting the premises to determine what triggered the alarm; or
- (c) is the third false alarm, transmitted by the same automatic fire alarm system within a period of 60 days, regardless of the reason for the false alarm.

76. Power to use water without charge

- (1) In this section –

regulated entity has the same meaning as in the *Water and Sewerage Industry Act 2008*.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 77

Part 6 – Miscellaneous

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- (2) The TFES has, at all times, the right –
- (a) to use, free of charge, for the purpose of extinguishing any fire, all reticulated water mains, water hydrants, valves, pipes, and works or water supply vested in, or under the control of, any regulated entity, council or other public body, and all water in any dam, tank or well belonging to any person; and
 - (b) to the reasonable use, free of charge, of any of those reticulated water mains, water hydrants, valves, pipes and works or water supply for the purpose of any drill, demonstration, practice or competition carried out by the TFES.

77. Recovery of debts

- (1) The TFES, or the TFES Commissioner, may recover in a court of competent jurisdiction a debt that is due to the TFES, or TFES Commissioner, under this Act.
- (2) All debts recoverable under this Act are to be applied in, and towards, defraying the expenses of the TFES under this Act or any other Act.

Division 2 – Liabilities and immunities

78. Certain actions taken to be fire-fighting operations

- (1) For the purposes of the following Acts, all actions taken by a member of the TFES under the authority of this Act, including but not

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 79

limited to all emergency management operations, are taken to be actions taken as part of fire-fighting operations:

- (a) the *Workers Rehabilitation and Compensation Act 1988*;
 - (b) the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*.
- (2) For the avoidance of doubt, administrative actions taken, or maintenance performed, by a member of the TFES for and on behalf of the TFES are taken to be actions taken under the authority of this Act.

79. TFES member not liable in certain circumstances

- (1) A member of the TFES does not incur any civil or criminal liability in respect of any act done, or omitted to be done, by the member in good faith –
- (a) in performing emergency management operations; or
 - (b) in performing, or purportedly performing, a function imposed under, or conferred by, this Act; or
 - (c) in the administration or execution, or the purported administration or execution, of this Act.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 80

Part 6 – Miscellaneous

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- (2) A member of the TFES is not liable in respect of an action taken, or not taken, by the member under this Act or any other Act if –
- (a) the member –
 - (i) fails to perform properly a function under this Act, including a function conferred on, or delegated to, the member under this Act; or
 - (ii) contravenes a provision of this Act; and
 - (b) no penalty is specified, under this Act or any other Act, for the failure to perform the function or for a contravention of this Act.
- (3) Nothing in this section affects the application of the *State Service Act 2000* to a member for a failure to perform a function or for a contravention of this Act.

80. Liability for death or injury in certain circumstances

- (1) The Crown may be liable in tort in respect of the death of, or injury to, a person other than a member of the TFES, subject to the defences and other incidences that ordinarily apply in proceedings in tort, if the death or injury is the result of –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 81

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- (a) a member of the TFES or another person –
 - (i) failing to perform a function imposed under, or conferred by, this Act; or
 - (ii) improperly performing a function imposed under, or conferred by, this Act; or
 - (iii) performing a function imposed under, or conferred by, this Act; or
 - (b) a member of the TFES contravening a provision of this Act while acting as such a member.
- (2) An award of damages against the Crown under subsection (1) is payable out of money provided by Parliament for the purpose.

81. Compensation payable in certain circumstances

- (1) The Crown may be liable to pay compensation in respect of property that is lost, destroyed or damaged as a result of an act, or omission, performed by a member of the TFES in the performance, or purported performance, of –
 - (a) a function of the TFES under this Act; or
 - (b) emergency management operations under this Act.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 82

Part 6 – Miscellaneous

- (2) A claim for compensation under subsection (1) is to be made to the TFES Commissioner at first instance.

82. Damage caused by members of TFES

For the purposes of any policy of insurance that provides cover in respect of damage to premises by an emergency event, any damage to the premises caused by one of the following persons during such an emergency event is taken to be damage caused by the emergency event:

- (a) a member of the TFES in the lawful performance of any function conferred by this Act;
- (b) a person lawfully assisting, under this Act, a member of the TFES in the lawful performance of any function conferred by this Act.

83. Application of Division to certain persons

- (1) If an interagency or interjurisdictional agreement exists in relation to emergency management operations, a person is taken to be a member of the TFES for the purposes of this Division –
- (a) while the person performs emergency management operations in accordance with such an agreement; and
 - (b) unless the agreement provides otherwise.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 84

- (2) If a person is responsible for performing functions, or emergency management operations, under this Act, the TFES Commissioner may determine that the person is taken to be a member of the TFES, for the purposes of this Division, while the person performs those functions or emergency management operations.
- (3) A determination under subsection (2) is to be in writing and in an approved form.

Division 3 – General

84. Service of directions, orders, notices, &c.

A direction, order or notice under this Act is taken to be given to, or served on, a person if –

- (a) the direction, order or notice is delivered to –
 - (i) the person; or
 - (ii) a nominee or agent of the person; or
- (b) the direction, order or notice is sent by certified mail to the address of the person, or a nominee or agent of the person; or
- (c) if the direction, order or notice is to be given to, or served on, the owner of premises and the owner cannot be ascertained or found, the direction, order or notice is displayed in a prominent position on those premises.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 85

Part 6 – Miscellaneous

85. Removal of debris after emergency event

- (1) If an emergency event occurs on or in any premises, the owner of the premises must remove, when safe to do so, any debris or flammable material which may be in or on such premises and which constitutes a fire hazard or a danger to life or property.
- (2) If an owner of premises fails to comply with the requirements of subsection (1), the TFES Commissioner may, by notice in writing to the owner, require the owner to remove the debris, or flammable material, specified in the notice within the period specified in the notice.
- (3) If an owner of premises fails to comply with a notice given to the owner under subsection (2), the TFES Commissioner may –
 - (a) cause the debris or flammable material, specified in the notice, to be removed; and
 - (b) recover in any court of competent jurisdiction, as a debt due to the TFES, the expenses actually incurred –
 - (i) in removing the debris or flammable material; and
 - (ii) if necessary, in employing persons to protect the premises until the debris or flammable material is removed.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 86

86. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may –
 - (a) specify the process for –
 - (i) applying for, issuing, suspending, varying or cancelling a fire permit, including the imposition of conditions on a fire permit; and
 - (ii) appointing, suspending or cancelling the appointment of a fire permit officer, including the imposition of conditions or restrictions on such an appointment; and
 - (iii) applying for, issuing, suspending, varying or cancelling a permit, approval or other matter under this Act; and
 - (b) provide for the application process, granting process or review process for any permit or other matter under this Act, including the imposition of conditions; and
 - (c) provide for the installation of equipment, including equipment for fire detection or fire prevention; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 86

Part 6 – Miscellaneous

- (d) provide for the regulation, or prohibition, of –
 - (i) the use of certain equipment without a specified device, or equipment, installed; and
 - (ii) the lighting, maintenance or use of fires in specified circumstances, or for a specified purpose, including, but not limited to, the requirement to give notice in certain circumstances; and
 - (iii) the operation of specified engines, motors, machines, equipment, apparatus or devices, either generally or during fire permit periods or days of total fire ban; and
 - (iv) the disposal of specified substances; and
- (e) provide for the inspection of specified premises and things by specified persons; and
- (f) provide for any matter relating to the prevention, minimisation, control or management of an emergency event or potential emergency event; and
- (g) provide for –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 86

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- (i) fees and charges payable in respect of any matter under this Act; and
 - (ii) the liability of certain persons to pay the fees and charges under this Act; and
 - (iii) the method of calculating levies, fees, charges and other costs under this Act; and
 - (iv) the recovery of fees, charges and other costs under this Act; and
 - (v) the payment of levies, fees, charges and other costs under this Act, other than into the Public Account; and
- (h) provide for the payment of special allowances or gratuity by the TFES Commissioner to members of the TFES in prescribed circumstances or to a class of members of the TFES; and
- (i) specify –
- (i) the qualifications, functions, identification or other matters that are required, or desirable, in respect of persons under this Act, including the issuing of identification to such persons; and

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 86

Part 6 – Miscellaneous

- (ii) the requirements for, and information to be contained in, advice, reports, schemes, plans, permits and any other document or information under this Act; and
- (j) provide for the destruction, disposal or appropriation of any matter, structure or thing under this Act; and
- (k) prescribe additional functions that may be performed by persons under this Act; and
- (l) specify evidentiary presumptions in respect of any matter or thing under this Act; and
- (m) specify that a person or class of persons is exempt from a provision of this Act or the regulations, in specified circumstances or completely; and
- (n) specify the requirements –
 - (i) for existing premises to provide for the reasonable means of prevention of fire, minimising of fire risk, protection of life and property from fire and the prescribed ways and means of escape; and
 - (ii) that premises or a room with prescribed characteristics within

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 86

premises are not to be used for a prescribed purpose; and

- (iii) for the maintenance and testing in premises of specified infrastructure and equipment, including the ability for persons to inspect and test the infrastructure and equipment; and
 - (o) prohibit the interference with or removal or obstruction of any fire protection or fire prevention device installed in premises, except where an authorised member isolates, or causes to be isolated, an alarm system or part of an alarm system that contains a fault for the purpose of enabling that fault to be rectified; and
 - (p) require that a petrol tank vehicle, acid tank vehicle or vehicle carrying liquefied energy gas or cylinders of flammable gas in cities and towns –
 - (i) be parked only as prescribed; and
 - (ii) may only travel on routes as prescribed; and
 - (q) prescribe any other matter that is required, permitted or necessary to be prescribed under this Act.
- (3) The regulations may be made so as to apply differently according to matters, limitations or

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 86

Part 6 – Miscellaneous

restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

- (4) Without limiting subsection (3), the regulations may be made so as to apply –
 - (a) throughout the whole of Tasmania or in a region, place or area specified in the regulations; and
 - (b) differently according to such other factors as are specified in the regulations.
- (5) The regulations may –
 - (a) provide that a contravention of any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
- (6) The regulations may authorise any matter to be from time to time approved, determined, applied or regulated by any person or body as specified in the regulations.
- (7) The regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference, any standard, rule, code or specification, whether the standard, rule, code or specification is published or issued before or after the commencement of this section.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 87

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- (8) A reference in subsection (7) to a standard, rule, code or specification includes a reference to an amendment of that standard, rule, code or specification, whether the amendment is published or issued before or after the commencement of this section.
- (9) The regulations may –
- (a) provide for savings or transitional matters necessary or expedient for bringing this Act into operation; and
 - (b) provide for any of those savings or transitional matters to take effect when this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

87. Further amendment of regulations not prevented

If an Act amending this Act also amends a provision of any regulations made under this Act, the amendment of the provision of the regulation does not prevent that provision, or any other provision, of the regulations from being amended or rescinded by a subsequent regulation.

88. Review of Act

- (1) In this section –

independent review means a review carried out by persons who –

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

s. 88

Part 6 – Miscellaneous

- (a) in the Minister's opinion, are appropriately qualified for that task; and
 - (b) include one or more persons who are not members of the Department or the TFES.
- (2) The Minister is to cause an independent review of the operation of this Act to be completed before the 5th anniversary of the commencement of this section.
- (3) As soon as practicable after an independent review is completed under subsection (2), the persons who undertake the independent review are to give the Minister a written report on the outcome of the review.
- (4) The Minister is to cause a copy of the report given to the Minister under subsection (3) to be tabled in each House of Parliament within 10 sitting-days of that House after the report is so received by the Minister.
- (5) This section does not apply if a committee of either House of Parliament, or a joint committee of both Houses of Parliament –
 - (a) has reviewed the operation of this Act; or
 - (b) has started such a review –after a provision of this Act has commenced but before the 5th anniversary of the commencement of this section.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

Part 6 – Miscellaneous

s. 89

89. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of –
 - (i) this Act, other than Part 4, is assigned to the Minister for Police, Fire and Emergency Management; and
 - (ii) Part 4 of this Act is assigned to the Treasurer; and
- (b) the department responsible to the Minister for Police, Fire and Emergency Management in relation to the administration of this Act is the Department of Police, Fire and Emergency Management; and
- (c) the department responsible to the Treasurer in relation to the administration of this Act is the Department of Treasury and Finance.

90. Legislation repealed

The legislation specified in Schedule 2 is repealed.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

sch. 1

SCHEDULE 1 – MEMBERSHIP OF SFESC

Section 17

1. Term of office

A member of the SFESC is appointed for the period, not exceeding 3 years, as is specified in the member's instrument of appointment and, if eligible, may be reappointed.

2. State Service employment

For the avoidance of doubt, a person may hold the office of member of the SFESC in conjunction with State Service employment.

3. Remuneration and conditions of appointment

- (1) A member of the SFESC is entitled to be paid such remuneration and allowances as the Minister determines.
- (2) A member of the SFESC who is a State Service employee, or State Service officer, is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.
- (3) A member of the SFESC holds office on such conditions in respect of matters not provided for by this Act as are specified in the member's instrument of appointment.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

sch. 1

4. Vacation of office

- (1) A member of the SFESC vacates the office of member if the member –
- (a) dies; or
 - (b) resigns by notice given to the Minister; or
 - (c) holds the office of member by virtue of a qualification or role held by the member, and the member ceases to hold that qualification or role; or
 - (d) is removed from office under subclause (2).
- (2) The Minister may remove a member from office if –
- (a) the member is absent from 3 consecutive meetings of the SFESC without the permission of the chair; or
 - (b) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
 - (c) the member is convicted, in Tasmania or elsewhere, of a crime or an indictable offence; or

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

sch. 1

- (d) the member fails to disclose a pecuniary interest, or other interest, in respect of a matter being considered by SFESC; or
 - (e) the Minister is satisfied that the member is unable to perform adequately or competently the duties of the office of member.
- (3) A member of the SFESC must not be removed from the office of member otherwise than in accordance with this clause.

5. Filling of vacancies

If the office of a member of the SFESC becomes vacant, the Minister may appoint a person to the vacant office for any period up to the remainder of that member's term of office.

Tasmania Fire and Emergency Service Act 2023
Act No. of 2023

sch. 2

SCHEDULE 2 – LEGISLATION REPEALED

Section 90

Fire Service Act 1979 (No. 35 of 1979)

Fire Service Amendment Act 1997 (No. 40 of 1997)

Fire Service Amendment Act 1999 (No. 72 of 1999)

Fire Service Amendment Act 2001 (No. 37 of 2001)

Fire Service Amendment Act 2005 (No. 36 of 2005)

Fire Service Amendment Act (No. 2) 2005 (No. 79 of 2005)

Fire Service (Continuity of Regulatory Arrangements) Act
2006 (No. 41 of 2006)

Fire Service Amendment (Bushfire-Prone Areas) Act 2011
(No. 32 of 2011)

Fire Service Amendment (Fire Infringement Notices) Act 2016
(No. 8 of 2016)

Fire Service (Extension of Regulations) Act 2017 (No. 27 of
2017)

Issues Paper

Review of the *Fire Service Act 1979*

June 2018

Contents

CONTENTS.....	2
PURPOSE OF THE REVIEW.....	5
REVIEW SCOPE	5
SUBMISSIONS	5
TASMANIA FIRE SERVICE CONTEXT	7
ESTABLISHING A CLEAR MANDATE AND OPERATING PLATFORM... 8	
Contemporary Governing legislation	8
Emergency Service Legislative Environment	9
Validating the Mandate of the Tasmania Fire Service.....	9
integration of the State Emergency Service	12
Volunteers	13
Other Fire Agencies.....	13
GOVERNANCE ARRANGEMENTS	16
Good Governance in the Twenty First Century	16
Role of the Minister	17
State Fire Commission as a Statutory Authority.....	17
Governance Arrangements – State Fire Commission.....	18
Membership of State Fire Commission.....	19
Scope of the State Fire Commission	20
The Role of the Secretary of the Department.....	21
The Role of the Chief Officer, Tasmania Fire Service.....	22
Governance Arrangements – Tasmania Fire Service and State Emergency Service	23
Role and Function of the State Fire Management Council.....	23
Role and Function of the Fire Management Area Committees.....	24
A SUSTAINABLE FUNDING MODEL.....	27

Current Model in Tasmania	27
Current Revenue	30
Models in other Jurisdictions.....	30
Issues with the Current Model	31
Funding the State Emergency Service.....	32
Issues and Risks with Current Funding Model	34

OPERATIONAL CONSIDERATIONS 37

Legislation that Binds the Crown	37
Response Command and Control	37
Chain of Command	37
Endorsement of Incident Controllers.....	38
Brigade Management.....	38
Salvage Corps and Industry Brigades.....	39
Fire Hazards	40
Total Fire Bans.....	40
Fire Permit System	41
Community Education	43
The Built Environment	43
Permits to Install, maintain or Repair Fire Protection Equipment.....	43
Evacuation Plans.....	44
Offences and Enforcement	45
Protection from Liability.....	46

APPENDICES 48

Appendix A Terms of Reference for the Review	48
Appendix B Other Relevant Legislation	54
Appendix C Fire and Emergency Service Structures in other Jurisdictions.....	56
Appendix D Departmental Structure	59
Appendix E State-Level Governance Structure.....	60
Appendix F SES Funding and Structural ns.....	60
Appendix F Emergency Services Structures in other States	61
Appendix G Permit System Review Recommendations.....	65

Appendix H	List of Acronyms and Abbreviations	68
Appendix I	Summary of Questions.....	70

Purpose of the Review

The Fire Service Act was proclaimed in 1979 following the amalgamation of the Rural and Urban Fire Services into the Tasmania Fire Service (TFS). The Act has never been comprehensively reviewed since proclamation. Over the years, the current legislative framework has become fragmented, overly complex and process driven. A comprehensive review of the Act and all subordinate legislation is now considered timely. The aim is to simplify and modernise the legislation to be more reflective of how TFS and the State Fire Commission serve the community today.

Review Scope

The deliberately wide Terms of Reference for this Review provide the opportunity to make broad ranging recommendations to enhance the operation of TFS and the State Fire Commission and to deliver benefits to the community. In accordance with the Terms of Reference the Review will focus on four main outcomes:

Outcome 1: that TFS has a clear mandate and operating platform for the functions it performs, and that it is clear how those align with functions performed by other emergency services providers, in particular, the State Emergency Service (SES). This will include analysis of any gaps or overlays in the delivery of any TFS / SES services and identify the future role and functions for TFS / SES.

Outcome 2: that the Commission and TFS are organised and operating as effectively and efficiently as possible to provide the best outcomes to the community in terms of prevention, preparedness, response and community stabilisation and will provide value for money in the future.

Outcome 3: that there is sustainable, stable and equitable funding for TFS and SES, with the sources of that funding aligning with the functions that they need to perform.

Outcome 4: that governance, accountability and financial management arrangements for the Commission are renewed to facilitate the most effective management of the Commission's resources and the meeting of community and government expectations.

The complete Terms of Reference are at Appendix A.

Submissions

The Steering Committee will engage with all interested stakeholders. Given how important the fire service is to Tasmania, it is important that the wide range of people and organisations impacted by, or involved in, the fire service have their say about the future of the sector. These include the public, firefighters, members of rural communities, workforce representatives, community members and representatives, businesses, forest, land and farm owners and their representatives, people who pay fire levies or insurance, local government and fire and emergency service providers.

Extensive consultation will be held following the release of both this Issues Paper and the Draft Report including forums, written submissions and feedback from interested parties. Further advice on the Review and its progress, including consultations, will be posted regularly on the Review website: www.fire.tas.gov.au.

This Issues Paper provides guidance on making a submission. There are a series of high level questions throughout the document that seek views on the overall direction of the Review. There are also questions on particular issues that may assist the focus of submissions. It is not expected that all submissions will cover all issues – the Issues Paper has been written to allow you to focus on areas of particular interest. Nor should your submission be limited by the issues or questions contained in this Issues Paper. The Committee wants to hear from all interested parties on any issues that affect the delivery of fire and emergency services in Tasmania.

A number of possible amendments to the Act have been suggested that have not been discussed in the Issues Paper. The Review Team is keeping a detailed register of these issues and they will be considered at an appropriate stage of the Review process. It is important to note that the revised legislation will not be intended to cover every policy decision, nor will it contain details around how policy will be implemented. These details may be managed at an operational level through policy, doctrine and procedures.

Formal submissions may be lodged in the following ways:

By email to Act.Review@fire.tas.gov.au or

By mail to:

Fire Service Act Review
GPO Box 1526
HOBART TAS 7001

Submissions close on 7 September 2018.

What will happen to your submission?

The Steering Committee will publish the submissions it receives and provide a summary of them on the Review web page. This would include your name or the name of your Organisation but not your contact details. Submissions may be subject to a request to the Department under the *Right to Information Act 2009*. Personal details can be withheld under this Act.

Tasmania Fire Service Context

Tasmanian firefighters have served the Tasmanian community since the earliest days of European settlement. Maintaining a legislative responsibility since 1883, the present day Tasmania Fire Service (TFS) was established by the *Fire Service Act 1979* which establishes the State Fire Commission (the Commission) as a Crown entity and the TFS, as the operational arm, for which the Commission is responsible.

The workforce consists of a mix of career, retained ¹ and volunteer members and support staff. As at December 2017, there were 4090 volunteer fire-fighters, 319 career firefighters and 120 support staff². There are over 230 brigades throughout the state.

TFS career workforce provides a multifaceted service. Strategic risk reduction planning, all-hazard response, community education and organisational governance are key service delivery areas. TFS operational personnel are equipped and trained for structural firefighting, bush firefighting, vehicle and transportation incidents, road crash rescue, urban search and rescue, hazardous materials and the effective deployment of resources and information through the fire communication centre. Importantly, the community fire safety personnel contribute directly to the resilience of the State through education and community engagement. It is important that the governing legislation supports and reflects this multifaceted service.

The TFS assists the community to reduce the incidence and impact of unwanted fires, and to empower people to act safely when fire threatens. TFS pursues these goals through:

- advertising and publicity, training and community development programs
- emergency warnings
- the sale and maintenance of fire protection equipment
- the development and promotion of community protection plans, and
- monitoring and administering the application of fire safety legislation, codes and standards.

The TFS undertakes emergency response through its career brigades in Hobart, Launceston, Devonport and Burnie and its volunteer brigades throughout the State with support from trained non-operational staff. Emergency call receipt and dispatch of fire brigades are centrally managed through FireComm which is located in Hobart. Training is provided to both career and volunteer firefighters enabling them to be safe and effective members of TFS. Training is delivered on-station, in local venues and at TFS' hot-fire training facilities at Cambridge, Launceston and Burnie.

¹ Members of retained brigades receive a small payment to compensate for the inconvenience and expenses due to the level of brigade risk and activity.

² This does not include support staff previously located in TFS and who have transferred into Business and Executive Services as part of the Departmental integration of Corporate Services.

In addition to responding to fire incidents the State Fire Commission now financially supports the State Emergency Service. These arrangements build upon existing relationships between volunteer organisations across the broader Emergency Services spectrum, and reflect the close alignment and opportunities for synergies in the delivery of these services.

Volunteers are multi-skilled and undertake a range of planning and prevention activities to ensure communities are ready for the impact of fire. Importantly they respond, in conjunction with career firefighters, to incidents and emergencies within their respective communities. Indeed, volunteers are the very fabric of the community and their commitment of time and effort in maintaining competence and training levels promotes a sense of teamwork, respect and community spirit.

Establishing a Clear Mandate and Operating Platform

This section examines how a clear mandate and operating platform can be established for TFS and the functions it performs. It discusses the following:

- problems identified with the current Fire Service Act
- the issue of mandate, and
- how better coordination and collaboration across the emergency services can be achieved.

CONTEMPORARY GOVERNING LEGISLATION

The *Fire Service Act 1979* was enacted “to amalgamate fire services in the State, to consolidate and amend the law relating to preventing and extinguishing fires and the protection of life and property from fire, to make provision with respect to incidental matters, and to amend and repeal certain enactments.”³ In the 38 years since the proclamation of the Act, TFS has been through a significant change management process to integrate Tasmania’s urban, rural, volunteer and career services. No other jurisdiction in Australia has managed to achieve this level of integration for the fire services.

The current model of integration represents structural and management efficiency that is highly respected across fire and emergency services nationally and is a significant achievement. There will be, at the direction of the government, no consideration of a reversion to an urban/rural fire service.

The State Fire Commission’s primary purpose is to minimise the social, economic and environmental impact of fire on the Tasmanian community⁴. This will be achieved through TFS implementing strategies to develop community self-reliance to prevent and prepare for fires, supported by a timely and effective response to emergencies. However, the TFS is also responsible for road accident rescue in assigned areas, managing incidents

³ *Fire Service Act 1979*, Long Title.

⁴ Section 8


involving hazardous materials, undertaking urban search and rescue (USAR), and providing a response to terrorist incidents involving chemical, biological and radiological agents. As noted by the House of Assembly Standing Committee on Community Development's Inquiry into the State Fire Commission, the Act does not currently reflect the contemporary operations of firefighting and emergency management in Tasmania. TFS also provides national and international response to wildfires and other emergencies in other states of Australia and internationally. The consequences of these changed expectations are increasing commitments in terms of resources, training and on-going support for non-fire services.

The additional roles and functions that the TFS now undertakes which were not foreseen when the Act was written has led to a wider range of service delivery being expected by the community which in turn puts increasing pressure on the organisation to respond and highlights the deficiencies in the supporting legislative framework.

Societal expectations have also changed since the 1970s when the Fire Service Act was enacted. For example, there is new legislation on resource and land management, local government, employment and workplace health and safety accountability and responsibility. These expectations put TFS under increasing financial pressure and the prescriptive nature of its legislation makes it difficult for TFS to change to meet these expectations in innovative and more flexible ways.

The existing legislation is complicated, unwieldy, confusing and out dated. This is due in part to its creation in an era of prescriptive and over-detailed legislation. However, ad hoc drafting of amendments has also contributed to the confusing nature of the legislation.

There is therefore an overwhelming need to modernise and contemporise the legislation. This will be one of the key outcomes from this Review process.

	1	Should the purpose of the legislation more accurately reflect the range of activities undertaken?
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EMERGENCY SERVICE LEGISLATIVE ENVIRONMENT

The Fire Service Act also impacts on a range of other, often more modern legislation. Any changes to the Fire Service Act will need to take into account possible implications for other legislation. Conversely, the impact of relevant provisions in other legislation will need to be considered during the Review process. A list of relevant legislation is at Appendix B.

VALIDATING THE MANDATE OF THE TASMANIA FIRE SERVICE

As noted above, the *Fire Service Act 1979* was enacted “to amalgamate fire services in the State, to consolidate and amend the law relating to preventing and extinguishing fires and the protection of life and property from fire, to make provision with respect to incidental

matters, and to amend and repeal certain enactments.” The Act established the Tasmania Fire Service, which is under the control of the State Fire Commission.

Section 8 of the Act specifies the functions and powers of the Commission which include:

- coordinate and direct the development of fire services throughout the State
- develop effective fire prevention and protection measures
- develop and promulgate a State fire protection plan
- establish and maintain training facilities for brigades
- conduct investigations into fires, and
- advise the Minister on matters relating to the administration of the Act.

Section 77A states that the operating costs of all brigades shall be defrayed out of contributions to be paid to the Commission by insurance companies, the Treasurer and local councils.

In addition, Section 41 of the Act currently provides for a brigade chief, with the approval of the Chief Officer, to employ or allow to be employed any brigade under his command in the performance of services other than fire-fighting and section 40 allows for a brigade chief to use the brigade under his command to render assistance in respect of a civil emergency. Civil Emergency is defined in the Act to include:

- (a) the escape or potential escape of a non-flammable gas, chemical or other potentially hazardous substance
- (b) the flooding of a building or public place
- (c) the stranding or entrapment of a person or animal, and
- (d) such other dangerous or potentially dangerous circumstances as may be prescribed.

In 2016-17, TFS members attended 1,299 bushfires, 548 structural fires, 78 Road Crash rescues and 1,143 Motor Vehicle Accidents.⁵

As it stands at the moment, the Act does not reflect the wide variety of roles that the TFS undertakes.

⁵ For TFS, Road Crash Rescues are Motor Vehicle Accidents where Road Crash Rescue Equipment is used to gain access to the driver or passenger.

Lack of a clear mandate of TFS to respond to non-fire emergencies

The limited discretion for TFS to attend and to respond to non-fire emergencies presents a number of problems:

- under current legislation broad interpretation is required to allow TFS to prepare for, or respond to, non-fire emergencies.
- no person or agency is formerly authorised to establish service delivery standards for the type of response provided at these non-fire emergencies.
- greater clarity is required as to the authority to expend funds on training and equipment intended solely for the purpose of responding to non-fire emergencies.
- there may be confusion with other emergency service providers as to which is the mandated agency at an incident.
- In the event that there is no response, or a delayed or ineffective response, to a non-fire emergency, no-one can be held to account for the failure to deliver the service.

?	2	How should legislation validate the delivery of the current range of non-fire services that communities and government expect TFS to deliver?
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Emergency Medical Response


One further area that could be considered for inclusion in a TFS mandate is Emergency Medical Response.

TFS has, over the past few years, initiated medical response arrangements in the form of supporting Ambulance Tasmania's Early Access to Defibrillator Program and its own Emergency Medical Response in rural and isolated areas. These are characterised as "Community First Response". TFS has supported the purchase of Automatic External Defibrillators (AEDs) by its volunteers and has trained and assisted in equipping willing volunteer firefighters to respond to emergency medical incidents. This is an "opt-in" program for brigades and their members. Currently 65 TFS brigades are considered approved Medical Brigades. In 2016-17, these brigades responded to 59 emergency Medical call outs.

Firefighters, mainly in urban areas, are also called to "Ambulance Assist" calls. However, these incidents are generally of a support nature.

There may be benefits in appropriately trained firefighters undertaking more formalised response programs to initiate pre-hospital care on suitable patients before a higher medical authority arrives to intervene.

Emergency Medical Response would utilise firefighters to respond to medical emergencies if they are available, close, trained and equipped to attend. Unlike Community First Response, Emergency Medical Support is designed to be utilised where Ambulance resources already exist.

	3	Do TFS firefighters have a role in Emergency Medical Response and, if so, should that role be reflected in legislation?
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INTEGRATION OF THE STATE EMERGENCY SERVICE

Throughout Australia there is a wide variety of structures for emergency services. These are more fully outlined in Appendices C and F.

As part of the 2014 state budget, the Minister announced that there would be a change for TFS and SES in that the SES Director would report to the TFS Chief Officer rather than the Secretary of the Department of Police, Fire and Emergency Management⁶.

Annual resourcing for the SES is now incorporated into the State Fire Commission budget.

The House of Assembly Standing Committee on Community Development's Inquiry into the State Fire Commission noted that the *Fire Service Act 1979* should recognise the State Emergency Service and incorporate sections of the Emergency Management Act.⁷

Provisions regarding the SES are currently contained in the *Emergency Management Act 2006*. Division 4 Part 2 of that Act outlines the functions of the SES and the function and powers of the Director SES including the power to establish and maintain volunteer units and training facilities.

Already, the SES and TFS work together and have many synergies; both have a large pool of dedicated volunteers, respond to emergency incidents, operate within the same regional boundaries and have many collocated premises. SES has 31 premises which are owned by councils, TFS, Ambulance Tasmania or Tasmania Police. 13 of these premises are collocated with TFS. In 2015, SES moved into the new Devonport Police Station and there may be more opportunities for the sharing of facilities in the future.

Many initiatives for closer collaboration and resource sharing have already been identified within the areas of emergency management policy and planning, operations and training, facilities and assets, learning and development and community education and awareness. In addition, the SES and TFS volunteers now have the opportunity to benefit from the additional support of the collective SES and TFS volunteer management system.

⁶ Issues concerning governance arrangements are discussed more fully on page 15 ff.

⁷⁷ House of Assembly Standing Committee on Community Development Inquiry into the State Fire Commission 6.40.

?	4	Should the State Emergency Service be included in the new legislation and removed from the Emergency Management Act in order to support personnel in emergency management?
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VOLUNTEERS

The House of Assembly Standing Committee on Community Development's Inquiry into the State Fire Commission noted that volunteer firefighters are at risk of being undervalued and underrated and recommended that the Government should use best endeavours to ensure the full acknowledgement and recognition of these services.⁸

Volunteers provide critical fire and rescue cover in rural townships and smaller more remote communities. Volunteers also provide contingent capability in urban centres in support of career brigades. In some classes of emergencies, such as road crash rescue, volunteers attend the majority of call outs. Volunteer brigades comprise approximately 90 per cent of the total TFS brigades and personnel. The Fire Service Act makes provision for the establishment of Brigades that may be permanent, composite or volunteer⁹ and outlines the powers and functions of brigade chiefs. It has been suggested that the revised legislation should contain a statement of commitment to volunteers and require a framework for consultation to be developed with volunteer Associations and their members to promote the contributions made by volunteers to the safety of their communities.

?	5	Should a statement of commitment to volunteers be included in the new legislation and, if so, who and what should it cover?
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OTHER FIRE AGENCIES

TFS is recognised as a leader nationally in the area of interoperability. Protocols¹⁰ with key land management agencies – Sustainable Timber Tasmania (STT) and Parks and Wildlife Service (PWS), together with TFS/Tasmania Police Bushfire Arrangements¹¹ are strong evidence of operational efficiency and effectiveness in ensuring excellent and efficient service is provided to the Tasmanian community.

The Fire Service Act makes specific reference to forest and national parks officers and conveys powers to those officers.¹² There is no consistency between the two sets of powers. Forest officers have greater and wider ranging powers than employees of PWS.

⁸ Recommendation 9

⁹ *Fire Service Act 1979* Section 26.

¹⁰ *Inter-Agency Fire Management Protocol 2017-18*. This is the fourteenth edition of the Protocol which is the operating agreement between the three organisations most closely involved with the management of bushfires in Tasmania.

¹¹ *Joint Bushfire Arrangement Tasmania Fire Service and Tasmania Police 2017-18* outlines the joint arrangement for TFS and Tasmania Police to prepare and respond to bushfires.

¹² Sections 43 and 45.

This reflects the history of the then Forestry Tasmania and the PWS, the different ways in which their involvement in fire management and suppression evolved and the different times at which these roles were set out in legislation.

Section 45 of the Act specifies the powers of authorised national park officers on PWS reserved land. A PWS employee has no legislative authority to initiate works as a first responder, or to direct others to undertake work, on land other than that managed by PWS. This becomes problematic when a PWS employee initiates or is in charge of operations not wholly on land managed by PWS, in particular in those circumstances where damage is caused.

The powers of a forest officer are set out in section 43 of the Act are more comprehensive, but still closely defined. A forest officer may:

- Enter upon any land in, or within three kilometres of the boundaries of, any State Forest to ascertain whether a fire is burning and to take action to control or extinguish any fires so burning, and
- When present at a fire at which there is not present a person having supreme charge of the operation of extinguishing the fire may, if he considers the fire a threat to any State Forest or Crown Land, assume charge of extinguishing or controlling the fire.

A forest officer has no legislative authority to initiate works as a first responder, or to direct others to undertake work in connection with a fire which is not, in his opinion, a threat to State Forest or Crown Land.

A brigade chief has more comprehensive powers than a forest officer who has, in turn, more comprehensive powers than an authorised national parks officer. In the case of a PWS employee the critical powers which are lacking are a subset of those by brigade chiefs which include:

- Shutting off or disconnecting gas, electricity or other forms of energy
- Remove or destroy vegetation or flammable material in the vicinity of a fire
- Make firebreaks, and
- Cause access to any place threatened or likely to be threatened by fire to be made or improved.¹³

Therefore, it appears that advances in inter-agency cooperation which have been enshrined in the Protocols and demonstrated by the establishment of Inter-Agency Incident Management Teams have outstripped the provisions of the Fire Service Act. This

¹³ Fire Service Act Section 29(3)(i), (j), (k) and (l)

is further evidenced by the Fuel Reduction Program which sees the three Agencies cooperating in a tenure blind approach to bushfire risk mitigation.

This is also apparent through the issue of traffic management at incidents. Section 47 of the Act states that a police officer can close and regulate the use of roads in the vicinity of a fire. TFS may close roads but are not legislated to regulate traffic and PWS officers have no authority to close roads, other than reserved roads on reserved land. This can be an issue when PWS officers are managing a fire in a remote location where Tasmania Police are not on site. This is also an issue for STT officers managing fires on their land.

?	6	Should the legislation provide PWS and forest officers with appropriate legislative authority to undertake fire control work and reflect contemporary Tasmanian practice in relation to Inter-Agency Incident Management?
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Governance Arrangements

The House of Assembly Standing Committee on Community Development's Inquiry into the State Fire Commission recommended, inter alia, that the governance arrangements of the State Fire Commission should be included in the reform of the governing legislation.¹⁴ An organisation structure chart for the Department is at Appendix D and a diagram of the current governance arrangements is at Appendix E.

GOOD GOVERNANCE IN THE TWENTY FIRST CENTURY

Corporate governance describes the processes and structures for overseeing the direction and management of an enterprise so that it effectively achieves its objectives. Good corporate governance practices have the potential to enhance business performance, improve risk management and augment business integrity and reputation.¹⁵

In the public sector, corporate governance is also concerned with the interaction of the enterprise and Parliament, the Minister, and board of directors (or Commissioners) in stewardship and accountability matters.¹⁶

There is no universal formula for good corporate governance. Organisations vary considerably in size, complexity and ownership structures and operate in varying business environments, so that each must develop, using the appropriate legislative framework, the corporate governance structure that best meets its needs. In short, one size does not fit all. Often a structure highly suitable at a point in time becomes less suitable as the organisation evolves.

The ASX Corporate Governance Council's eight corporate governance principles and recommendations form the basis of good corporate governance practices that can be adopted by authorities even though they were developed for listed companies.¹⁷ The Principles are:

1. Lay solid foundations for management and oversight
2. Structure the board to add value
3. Promote ethical and responsible decision making
4. Safeguard integrity in financial reporting
5. Make timely and balanced disclosure
6. Respect the rights of shareholders (owners)
7. Recognise and manage risk
8. Remunerate fairly and responsibly

A full discussion on the ASX Principles and Recommendations can be accessed at <http://www.asx.com.au/documents/asx-compliance/final-revised-principles-complete.pdf>.

¹⁴ Recommendation 10

¹⁵ Department of Treasury and Finance, *Corporate Governance Principles*, October 2008, p. 1

¹⁶ *ibid*

¹⁷ ASX Corporate Governance Council, *Corporate Governance Principles and Recommendations*, August 2007.

ROLE OF THE MINISTER

The role of the Minister is established by the legislative framework. Under the Act the Minister has the power to direct the Commission regarding the performance and exercise of its functions and powers as defined in the Act. This is because, under our Westminster system of government, Ministers act in the public interest and are accountable to Parliament.

The Ministerial Charter¹⁸ outlines relevant government policies, including the Government's current objectives and expectations as to how the Commission should conduct its operations. The Commission responds with the preparation of a Corporate Plan for endorsement by the Minister and the subsequent issue of a Statement of Corporate Intent.

STATE FIRE COMMISSION AS A STATUTORY AUTHORITY

While the Commission is a statutory authority under the *Fire Service Act 1979*, it is not recognised as a statutory authority under the *State Service Act*. As such, the Chief Officer TFS is not a Head of Agency and, for State Service matters, reports to the Secretary of the Department of Police, Fire and Emergency Management (DPFEM). In effect, the Secretary has delegated a range of functions and powers to the Chief Officer, but the Secretary retains ultimate responsibility.

The Commission's status as a Statutory Authority allows it to be scrutinised by the Minister, the Parliament and the Auditor-General. More informally, there are other forms of scrutiny including analysis by academics, and the media as well as by sections of the community affected by the operations of the Commission. Its status as a statutory authority reflects a decision by Government, and legislated by Parliament, that it was deemed desirable for the Commission to operate outside a traditional departmental structure. As a general rule, the services provided by a statutory authority remain the same regardless of the government of the day. The boards of statutory authorities tend to be governing boards, that is, they are decision makers for the organisation they govern and are held responsible for those decisions. In the case of the State Fire Commission, many of its powers and functions have been delegated to the Chief Officer or are in fact governed independently of the Commission through delegations to the Secretary under the *State Service Act*.

?	7	Should the State Fire Commission remain as a Statutory Authority?
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¹⁸Fire Service Act Part VA Division 1

GOVERNANCE ARRANGEMENTS – STATE FIRE COMMISSION

As stated above, the Commission is currently a statutory authority created under the *Fire Service Act 1979*. The TFS is the operational arm of the Commission, delivering services to the community through career and volunteer brigades and Community Fire Safety.

The portfolio Minister must issue a ministerial charter specifying his or her broad policy expectations for the Commission, and the processes for developing corporate and strategic plans.

The Commission has many attributes of a governing board but does not neatly conform to a specific board category despite it being assessed as a policy board operating in an area of whole of community effect.¹⁹ According to the Government Board Policy a Policy/Review/Specialist Board is characterised by:

- the predominate influence of the Board is on policy direction
- its employees are employed under the State Service Act 2000
- budgetary freedom is constrained by a public service department
- it is subject to Ministerial direction
- it directly advises government on substantive Government policy issues, and
- requires specialist professional appointees.

While some of these characteristics apply to the State Fire Commission, others do not. It is not easy to categorise which characteristics specifically apply to the SFC and which do not. For example, the Commission can influence policy but under the Act it also has responsibility for many operational aspects of TFS.

Again, according to Government Board Policy, the nature of Board accountability for a Governing Board is:

- it has its own Act
- it sets its own policies
- it is subject to broad Ministerial direction
- the CEO is accountable to the Board
- it has a financial impact on the State Government

¹⁹ Sizing Statement State Fire Commission, Department of Premier and Cabinet

- Directors are fully accountable for the actions of the Board and organisation
- It is not a trading enterprise
- Funds are predominantly provided by Government.

Again, while some of these characteristics apply to the Commission, others do not.

?	8	Should the State Fire Commission have the role of a governing Board?
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MEMBERSHIP OF STATE FIRE COMMISSION

The Commission currently consists of:

- An independent Chair²⁰
- the Chief Officer
- a person nominated by the United Firefighters Union (Tasmania Branch)
- a person nominated by the Retained Volunteer Firefighters Association
- a person nominated by the Tasmanian Volunteer Fire Brigades Association
- a person nominated by the Secretary of the responsible Department in relation to the *Public Account Act 1986*
- 2 persons nominated by the Local Government Association of Tasmania

As such, the Commission is largely composed of nominees of interest groups, particularly employee associations and local government, which is inconsistent with it exercising the role of a governing board. There is the potential for these appointees to be primarily concerned with the interests of those they represent rather than the best interests of the Commission/TFS. Representative Boards can create tension between the needs of the whole organisation as opposed to the needs of the constituency they represent. This often exhibits itself in conflicts between the need of the Board to operate in confidence and demands from constituencies for reporting back.

However, representative boards can have some strengths. Through personal connection to the fire-fighting industry directors can be committed and enthusiastic contributors and a healthy diversity of views and experience is possible. Having directors that are respected within their constituencies can provide credibility and ownership amongst stakeholders and may be able to predict whether management strategies and proposals will be acceptable to stakeholders.

²⁰ The Independent Chair was created by the *Fire Service (Amendment) Act 2016*. Prior to this amendment, the Chair of the Commission was the Chief Officer, TFS.

An alternative would be for the Commission to be constituted by members appointed for their particular skills and/or experience. Skills based Boards are composed of members who possess the skills and knowledge to provide effective oversight and to identify and assist in meeting the strategic priorities of the organisation. A skills based board can still maintain links with stakeholders without having representative directors. This could include strengthening the board's visibility and presence in communication with stakeholders, involving stakeholders in strategic planning or undertaking CEO-board member stakeholder visits.

?	9	Should members of the Commission be appointed as representatives of their organisation or on the basis of skills/knowledge that they possess?
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SCOPE OF THE STATE FIRE COMMISSION

The *Fire Service Act 1979* was written to bring urban brigades and rural brigades together administratively. There is now a need to move beyond this narrow focus. The current scope of the Commission is a mix of strategic and narrow operational roles and functions. For example, one role is to formulate policy in respect of the administration and operation of the Fire Service while another is to standardise fire brigade equipment throughout the State. The current scope of the Commission does not provide explicit recognition of the TFS as a prevention and preparedness entity rather than merely a response entity. The Commission's role as a conduit to the Minister, in providing high level governance, financial and strategic oversight is not explicit.

It has been discussed previously whether or not the SES should be removed from the Emergency Management Act and included in the reformed legislation. If this is the case, then some consideration will need to be given to whether the powers and functions of the Commission are expanded to include responsibility for the SES. As it stands at the moment there is potential tension in determining how far the Commission or the Chief Officer should become involved in the operations of the SES.

?	10	What should be the State Fire Commission's role and function and should it include the strategic policy setting and administrative oversight of the State Emergency Service.
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THE ROLE OF THE SECRETARY OF THE DEPARTMENT²¹

Under the *State Service Act 2000*, the Secretary of the Department is the Head of Agency, the powers and functions of which are set out in section 34 of the *State Service Act*. The Head of Agency is responsible for the efficient and effective running of the Government Department. In the case of DPFEM, the Secretary has ultimate responsibility for Police, TFS, SES and Forensic Science Service Tasmania (FSST). The Secretary is able to delegate a range of his powers and functions to other officers (for example the Chief Officer TFS) but he can also rescind these delegations at any time. The Secretary is not able to delegate his power of delegation, the power to terminate a State Service employee or the power to appoint senior executive officers.

The Secretary has to reconcile a range of competing priorities, including providing support to the Minister and the Government in fulfilling their policy objectives, evaluating the effectiveness of policy, evaluating the performance of the portfolio in achieving government priorities as well as providing a range of services. The Secretary and the department are the Minister's principal source of advice on the performance of the portfolio and on emerging risks. The Secretary also facilitates liaison between the Commission and the Minister and between the Commission and central agencies.

Under the current legislative framework, there is no formal mechanism for the Secretary and the Commission to manage the relationship to ensure the objectives of Commission and the Department are aligned. A Report into governance arrangements undertaken by Wise, Lord and Ferguson recommended that the review of the Fire Service Act will need to address the governance arrangements between the Department and the SFC to ensure that the legislative framework provides greater clarity on the governance arrangements and authority of the SFC and the Secretary.²²

The relationship is further complicated in that the Secretary, DPFEM is also the Commissioner of Police, State Controller and the Chair of the State Emergency Committee, the Executive Officer of which is currently the Director SES. It is somewhat problematic and unusual that the individual who holds the role of State Controller remains unable to exercise organisational influence or control over the entity that is responsible for Tasmania's most frequent emergency management situation – fire. The Department of Justice's Independent Review of Tasmania's Emergency Management Arrangements suggested that further work be undertaken to consider what best practice in governance arrangements are necessary and appropriate for TFS and DPFEM to operate effectively.²³ It went on to state that a closer examination of the SFC/TFS/DPFEM arrangements should be considered to ensure that Tasmania is optimising the use of resources. The current

²¹ Under current arrangements the Secretary of the Department is concurrently the Commissioner of Police. These roles should not be confused. While the Secretary of the Department has a role in the governance of the Commission and TFS, the Commissioner of Police does not and it is possible that, at some time in the future, the roles are undertaken by two appointees not one.

²² Wise, Lord and Ferguson, *Project 9, Governance Draft Report*, February 2017, p. 6

²³ The Department of Justice's Independent Review of Tasmania's Emergency Management Arrangements, p. 54

level of uncertainty may have implications for the establishment of clear lines of responsibility and accountability in relation to both administrative and operational issues.

The role of portfolio departments as the principal source of advice to the Minister should be reinforced by requiring the statutory authority and office holders to provide relevant information to the Secretary in parallel to that information being provided by the Commission and the Chief Officer to the Minister.

?	11	What structural arrangements would best allow the Commission and TFS to achieve their objectives while operating in a departmental environment?
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THE ROLE OF THE CHIEF OFFICER, TASMANIA FIRE SERVICE

The Chief Officer is the chief executive officer of the Fire Service as set out in the *Fire Service Act 1979*. He is responsible, amongst other things, for the control and management of the fire-fighting resources of the Fire Service and the training of officers and fire-fighters. On operational matters concerning TFS, the Chief Officer reports directly to the Minister for Police, Fire and Emergency Management.

The Chief Officer is currently appointed by the Governor. Under the provisions of the Act, the Governor may appoint a State Service officer or employee to be Chief Officer. He is currently appointed as a State Service Officer by the Minister administering the State Service Act through the Secretary of the Department. There are a number of implications and consequence arising from this type of appointment:

- as the head of the TFS, the operational arm of the Commission, the Chief Officer technically reports to the Commission.
- under a pure Statutory Authority model, the Commission would have the power to appoint or to remove the Chief Executive Officer, however, the Commission has no employment powers.
- where the day-to-day relationship with government is primarily between the CEO and the Minister (rather than between the Chair and the Minister) the Commission's ability to influence is lessened.

?	12	How should the Chief Officer be appointed and to whom is he responsible?
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Section 10(1A) of the Fire Service Act states that the person appointed as Chief Officer is to be a person who appears to the Governor to have expertise and experience in fire service administration and in the management of firefighting operations. If the legislation is reformed to include the SES and to reflect the non-fire related operations of TFS this may be too narrow and may exclude individuals experienced in other forms of emergency management or other experienced CEOs.

?	13	Should it still be specified that the Chief Officer is to have expertise and experience in fire service administration and in the management of fire-fighting operations?
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GOVERNANCE ARRANGEMENTS – TASMANIA FIRE SERVICE AND STATE EMERGENCY SERVICE

Currently SES works within a number of governance arrangements of the DPFEM including both Business and Executive Services and TFS while still maintaining statutory functions specific to SES. The Director SES currently reports to the Chief Officer TFS; however, under the Emergency Management Act the Director SES reports to the State Controller (the Commissioner of Police), primarily in the capacity as Executive Officer of the State Emergency Management Committee. The financial accountabilities and reporting frameworks require further resolution in line with discussions concerning the most appropriate funding model.²⁴ For example, the financial statements of the SES are reported in the DPFEM Annual Report while the achievements of the SES against the Strategic Directions document are reported in the TFS Annual Report.

Furthermore, under Workplace Health and Safety Legislation the Crown is the person conducting a business or undertaking (PCBU) for the SES, while the Commission is the PCBU for the TFS. Specific consideration will need to be given to how the SES interacts with the Workplace Health and Safety framework of TFS and, more broadly, the DPFEM.

?	14	How should potential tensions between the roles and accountabilities of the Chief Officer TFS, the Director SES and the State Controller be best resolved?
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ROLE AND FUNCTION OF THE STATE FIRE MANAGEMENT COUNCIL

The State Fire Management Council (SFMC) is established under Section 14 of the *Fire Service Act 1979*.

It is an independent body that has the responsibility of providing advice to the Minister and the State Fire Commission about the management of vegetation fire across Tasmania, particularly in the areas of prevention and mitigation of fires. It also formulates and promulgates policy in relation to vegetation fire management within Tasmania in relation to bushfire fuels and mitigation.

The primary function of the SFMC is to develop a State Vegetation Wild Fire Management Policy that is used as the basis for all fire management planning.

²⁴ This is discussed more fully below.

The SFMC also advises and reports to the Minister for Police, Fire and Emergency Management on matters that relate to the administration of the Act as it applies to vegetation fire management. The Minister may also ask the SFMC to perform other functions relating to the prevention or extinguishment of vegetation fires.

This includes the development of a strategically managed fuel reduction program, designed to mitigate the risk of catastrophic vegetation fires in Tasmania.

SFMC may also provide advice to the State Fire Commission on matters relating to the prevention and extinguishment of vegetation fires. There should be formalised and strong consultative mechanisms between the SFC and the SFMC need to be formalised and strengthened.

?	15	What is the appropriate role and function of the SFMC and what should the relationship be with the State Fire Commission/TFS?
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The Fire Service Act currently prescribes the membership of the SFMC which consists of a person nominated by the Minister, the Chief Officer TFS and one other member of TFS, the CEO of Sustainable Timber Tasmania, Director, Parks and Wildlife Service plus another representative from Parks, and a nominee from each of Tasmanian Farmers and Graziers Association, Forest Industry Association of Tasmania and the Local Government Association of Tasmania. Given its role as an Advisory body and its value as a vehicle to enable all stakeholders to have input, it may be beneficial if membership was broadened and to remove potential duplication in representation of TFS and PWS – each currently having two representatives.

?	16	What is the appropriate membership of the SFMC and should the membership be prescribed in legislation?
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Section 65 of the Act specifies that the [State Fire Management] Council, on the recommendation of a [Fire Management Area] Committee may appoint fire permit officers in respect to land within the Committee's Fire Management Area. It would appear to be incongruous that an Advisory Council has the power to make such appointments which may more appropriately rest with the Chief Officer.

?	17	Should the State Fire Management Council have the power to appoint permit officers?
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ROLE AND FUNCTION OF THE FIRE MANAGEMENT AREA COMMITTEES

After a review of the strategic arrangements for bushfire fuel management in Tasmania, in 2012 changes were made to the *Fire Service Act 1979*. The changes administratively


aligned the responsibility for the management of bushfire fuels across the State in recognition that it is a shared responsibility across all sectors including the public arena.

The fire management area committee (FMAC) structure was reviewed and there are now 10 fire management areas for the State, reflecting the broader landscape and strategic focus that is required. The final boundaries were in the *Gazette* on 11 September 2013.

The principal aim was to bring together the various stakeholders that manage land use across the State, to work together to effectively manage vegetation fuels for the mitigation of bushfires.

Section 18 of the Act specifies the membership of the Committees which consist of:


- The Chief Officer or an officer of the TFS nominated by the Chief Officer
- A representative of each local council whose municipal area lies wholly or partially in the Fire Management Area
- A person nominated by the CEO of the Forestry Corporation if the Area contains or is adjacent to State forest
- A person nominated by the Secretary of the Department responsible for National Parks and Reserved Management Act 2002 if the Area contains or is adjacent to any reserved land
- A person nominated by the Wellington Park Management Trust if the area includes any part of Wellington Park
- A person jointly nominated by the brigade chiefs of the brigades wholly or partly within the Area.

	18	Are the Fire Management Areas and the composition of the Fire Management Area Committees still appropriate?
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The focus of each FMAC is to prepare a fire protection plan for the Fire Management Area and to identify and prioritise bushfire vegetation risks and prioritise strategic works to mitigate any perceived risks. These plans are submitted to the SFMC for approval.

The role of FMACs should not be considered in isolation from the structures established under the Emergency Management Act. Under that Act there are established three Regional Emergency Management Committees and 29 Municipal Emergency Management Committees. Emergency Management Plans are produced at both the Regional and Municipal levels. In some cases there is a high level of shared membership between the three Committees. While Fire Management Area Committees are primarily focussed on prevention and mitigation strategies and the Emergency Management Committees are focussed on response and recovery, the opportunity to remove potential

duplication and to streamline operations in the new legislation should not be lost. This includes defining how Fire Protection Plans relate to Emergency Management Plans.

	19	What opportunities exist to streamline Fire Management Area Committees with Emergency Management Committees?
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A Sustainable Funding Model

The Terms of Reference for the Review state that the Commission's funding base data should be assessed and future funding options identified. Furthermore, an analysis of future funding options should be undertaken against the following criteria:

- provide sufficient funding to ensure the fire services can perform the functions agreed by Government
- be administratively simple to calculate and collect
- be stable and predictable, and
- be equitable so that:
 - those who receive the various services performed by the TFS contribute to the costs for both fire and non-fire related activities;
 - levy payers in rural fire districts receive benefits that reflect their needs and contribution; and
 - minimise distortions in investment decisions, insurance price and coverage.
- provide recommendations for the Commission's future funding base so it can be more sustainable, stable, equitable and commensurate with future functions and business operating model.

CURRENT MODEL IN TASMANIA

Provisions for the finances of the State Fire Commission are contained in Part VI of the *Fire Service Act 1979*. Tasmania currently has a hybrid system using a property services levy for households with a tax imposed against commercial and motor vehicle insurance. The Act specifies that the operating costs of all brigades shall be defrayed out of contributions from:

- An Insurance Fire Levy charged on commercial insurance premiums
- The Motor Vehicle Fire Levy payable on vehicle registration each year
- The Fire Service Contribution collected by local councils from ratepayers, weighted according to the assessed annual value of properties and the fire services available

The operating costs of a brigade include the costs associated with servicing the Brigade and ensuring it is maintained at an appropriate level of operational

efficiency and readiness.²⁵

- The Fire Service contribution provides 45.7 per cent of the SFC budget, the Insurance Levy provides 19.1 per cent and the Motor Vehicle Levy 8.9 per cent.

The Commission also receives contributions from State/Australian governments and raises revenue through the sale and maintenance of fire equipment, the provision of training services to both the public and private sectors, alarm monitoring fees, plan approval fees, avoidable false alarm charges and fire investigation reports.

The pricing and costing policies of the Commission are expected to be determined primarily by outside market forces and the ability of the user to pay for services. Wherever possible the Commission bases its price increases on changes to the Consumer Price Index (CPI). The only major revenue source that the Commission has direct control over and has increased more than CPI, in recent years, is the Fire Service Contribution where larger increases have been provided to cover operational costs.

Fire Service Contribution

The Fire Service Contribution (FSC) is paid by land owners and it is collected by local councils on behalf of the Commission for which it pays Councils a four per cent collection fee. Theoretically it is a balancing item that enables the Commission to recover its brigade operating costs, once all other funding has been taken into account. The total annual increase is determined in the TFS budget and allocated across properties according to their annual assessed values and the type of fire service their area receives. Land is classified into three rating district: permanent brigade rating district, composite brigade rating district or volunteer brigade rating districts.

The Fire Service Contribution does not apply to a broad range of land, including that owned by local council, the Crown, most Government Business Enterprises or to Commonwealth land, to which a fire protection services agreement applies.

It is the most stable of the levies as the amount to be collected is certain.

A minimum levy has applied since 1990-91 in order to provide additional funds to re-equip volunteer brigades. A legislative change to the Act in 1999 resulted in the indexation of the minimum fire service contribution in line with movements in the consumer price index. For 2017-18 the minimum fire service contribution was \$39.

Increases in the Fire Service Contribution are approved by the Minister annually, after consideration of the Commission's Corporate Plan, in accordance with the Act.

Pensioners and Health Card holders receive discounts on the fire service contribution from the Commission.

²⁵ Section 74

Insurance Fire Levy

Contributions are received from insurance companies in respect of premium income on certain prescribed classes of insurance where the risks insured are situated in Tasmania. It only applies to businesses not households. Contributions are received monthly with an approved lodgement return. The current insurance fire levy is 2 per cent on marine cargo insurance, 14 per cent on aviation hull insurance, and 28 per cent on other classes of insurance. The first two rates were established in November 1986 and the last was increased from 14 per cent in October 1990.

Motor Vehicle Fire Levy

The Commission receives income raised through a fire levy applied to most registered vehicles (caravans, horse floats, motorcycles and trailers are exempted). This is collected by the Department of State Growth as part of the vehicle registration fee and forwarded to the Commission. For 2017-18 the motor vehicle fire levy is \$17 per vehicle.

The levy is subject to movements in the Consumer Price Index and a formula in the Act that calculates the amount to be charged to each vehicle registration each financial year.

Pensioners and Health Card holders receive discounts on the motor vehicle fire levy from the Commission.

Payments from State and Australian Governments

Under Section 101 of the Act, the Treasurer is required to pay out of moneys appropriated by Parliament, such amounts as the Treasurer determines is appropriate towards defraying the operating costs of the Commission. It funds specific program costs that are not funded by the Fire Service Contribution.

The Australian Government pays to the Commission an annual contribution towards the operating cost of brigades under a Memorandum of Understanding for Fire Protection of Commonwealth Land. This funding is not legislated in the Fire Service Act. The funding level is determined by a formula that is standard across all jurisdictions and is indexed to the CPI. Commonwealth contributions also include a subsidy from the National Aerial Firefighting Centre to assist with the hiring of aircraft used for aerial reconnaissance and water bombing during the fire season.

Payments from the Motor Accident Insurance Board (MAIB)

In June 2006, the state Government approved the transfer of Road Crash Rescue in urban areas from Ambulance Tasmania to TFS. A Memorandum of Understanding (MOU) between the MAIB and TFS states that the MAIB will pay a charge for each motor vehicle accident that TFS attends. The underlying principle which underpins these payments is the MAIB's legislative responsibility to make reimbursement of expense incurred in providing the service to eligible MAIB claimants. The SES has a separate MOU with MAIB that supports its road crash rescue capability.

Fire Prevention Charges

Revenue is raised by the Commission's TasFire Equipment and Brigades through the sale, inspection, recharging and repair of fire safety equipment throughout the State.

TasFire Training (TFT) and TasFire Equipment (TFE)

Outside market forces determine the pricing policy for TFE and TFT units. Both are required to recover costs for their commercial operations and operate as independent financial units. Both provide valuable fire safety services and education to the community. To date, the indirect benefit to the Commission and the community has not been measured. Pricing for both units is commercially based.

Wildfire Reimbursement

The costs associated with wildfires are collated by the TFS and funded through state and federal funding mechanisms.

CURRENT REVENUE²⁶

Income	2017 Actual \$'000
Fire Service Contribution	41, 009
Insurance Fire Levy	17, 141
State Government Contribution	9, 818
Bushfire Reimbursements from other Tasmanian Agencies	140
Motor Vehicle Fire Levy	7, 979
Fire Prevention Charges	6, 068
Sundry Income	5, 992
Australian Government Contribution	1, 437
Total Income	89, 584

MODELS IN OTHER JURISDICTIONS

There are a range of funding and structural models in other jurisdictions with the predominant trend being towards a property based levy. Tasmania and South Australia are the only jurisdictions to have a Motor Vehicle Fire Levy. Arrangements in other jurisdictions are detailed more fully in Appendix F.

²⁶ State Fire Commission Annual Report 2016-17.

ISSUES WITH THE CURRENT MODEL

Insurance Levy

Other than New South Wales, where the implementation of a fire and emergency service levy has been postponed due to unintended consequences for some small to medium businesses, Tasmania is the only jurisdiction across Australia to impose a levy on insurance premiums.

Insurance based levies can create a disincentive for commercial insurance or an incentive to under insure. Unlike the Fire Service Contribution, where the State Fire Commission advises each council how much it is to collect and for what classes of land, the insurance fire levy is determined by market forces and the Commission does not set an amount to be collected. It is therefore the most volatile of the levies with price and volume variances which can make it difficult to forecast.

Cascading taxes (stamp duty and goods and services taxes – plus any fire and emergency services levy) was acknowledged by the Henry Review ²⁷ and the Victorian Bushfires Royal Commission to be a significant problem. These Reports recognised that it was a quintessential problem for insurance because the taxes, once added to the insurance component, could double the cost of insurance coverage. This could be a considerable incentive to not insure or to under insure. Following the Victorian bushfires in 2009, it was found that many properties were either under-insured or not insured at all and the Royal Commission recommended that the insurance industry contributions should be replaced with a property levy.²⁸

For these reasons there has been a nation-wide trend away from insurance based levies and a general move towards property based levies.

Under the current arrangements, the Fire Service Levy is only liable to be paid by those who have a traditional insurance policy. Those who maintain a mutual fund or who insure offshore are often able to avoid a contribution due to legislative loopholes. This arises from the fact that mutual insurance companies are not currently governed by the Australian Prudential Regulatory Authority (APRA) controls.

Motor Vehicle Levy

This levy has marginal volatility. While there is no price variance, there are variances in the number of vehicle registrations.

The Motor Vehicle Levy does not apply to all vehicles (it excludes caravans, horse floats, motorcycles and trailers). Charging the levy on these vehicles would bring the levy more into line with the road safety levy, registration fees, motor tax and the MAIB premium.

²⁷ Recommendation 79 stated “All specific taxes on insurance products, including the fire services levy, should be abolished. Insurance products should be treated like most other services consumed within Australia and be subject to only one broad-based tax on consumption.”

²⁸ Royal Commission Recommendation 64.

Fire Service Contribution

The FSC does not reflect the scope of services carried out by the Commission. A rising proportion of activities undertaken by TFS involves responding to non-fire emergencies. Furthermore, the FSC is based on a premise of paying more for an improved quality and timeliness of service, with response by urban brigades attracting the highest contribution, followed by composite brigades and then rural. This was originally designed to reflect the cost of providing the service but costs are not allocated among these types of brigades.

Rate payers who own more expensive houses pay a higher level of FSC than those with less expensive houses, yet the service they receive is very similar. It is arguable that the risk in more expensive properties is less as they may be more likely to have sophisticated fire alarms linked to monitoring services. The FSC is also not calculated according to the level of risk. For example, rural properties may be in a high risk area for bushfire but pay a relatively low FSC as they are serviced by a rural volunteer brigade.

FUNDING THE STATE EMERGENCY SERVICE

Tasmania's SES maintains a skilled, motivated and well-equipped volunteer work force to provide frontline emergency services, such as storm or flood response, road crash rescue, search and rescue and many emergency support functions.

SES provides many broader emergency management functions involving emergency management planning, education/awareness, emergency risk management support and the coordination of various projects or support programs that help build community resilience against natural disasters.

The SES volunteer workforce comprises 34 SES volunteer units, 600 active volunteers and a fleet of over 72 SES emergency response vehicles. SES also employs 24 permanent staff.

SES also supports police, fire, ambulance agencies and local government during disasters and other emergencies including, search and rescue, general rescue, and bushfires.

Australian States and Territories have a variety of structures and funding mechanisms for their emergency services sectors. These are outlined more fully in Appendix F.

Current Funding Model for the State Emergency Service in Tasmania

Prior to becoming the funding responsibility of the State Fire Commission, the majority of resourcing for SES was provided by the (then) Department of Police and Emergency Management, with multiple other funding sources from all levels of government. Based on 2015 numbers reported in a review by Wise Lord and Ferguson (WLF), *Costing Analysis of the SES in Tasmania*, February 2016, the total contribution to the operation of the SES was \$4, 111, 464 which includes contributions from local government, TFS, MAIB, donations and fundraising events

State Fire Commission Allocation

SES currently operates with a State Fire Commission allocation which has been facilitated by virtue of section 107 of the Fire Services Act which states the '*Chief Officer can expend out of the funds of the Commission any sum of money for any purpose approved by the Minister, notwithstanding this expenditure may not be authorised under any provision of this Act.*' The Minister approved this expenditure on 5 January 2015.

Funding from Local Councils

Under the *Emergency Management Act 2006*, the councils are responsible for the establishment and maintenance of municipal SES volunteer unit facilities. Councils must also support the operations of these units to provide a capability to assist the community in an emergency, this may include taking ownership of the SES unit vehicles and funding vehicle maintenance, fuel, insurance, etc. SES manages these arrangements by negotiating and establishing Memoranda of Understanding with each council to clarify support arrangements and any standards.

A strategic asset review conducted by SES in 2011-12 and updated in September 2014 revealed that, on average, each council contributes between \$14,000 and \$20,000 towards their SES Unit each year (this does not include depreciation or associated council staff and on-costs). The actual level of funding by each local Government authority varies significantly.

These contributions primarily cover operational expenses, such as vehicle and unit facility operating and administrative expenses. While seven councils allocate funds directly to SES to manage on their behalf, most manage this expenditure internally; hence SES has little or no control of this expenditure.

SES does not have a SES Unit facilities budget and is totally reliant on external bodies to maintain its facilities. When improvements to facilities are required, SES must seek additional funding or support from the councils, competitive grant programs or one-off budget initiatives or election commitments.

MAIB Funding

SES receives an annual allocation of \$300,000 per annum from the MAIB to support road crash rescue capacity.

Commonwealth Funding

Commonwealth funding is provided to SES under the National Partnership Agreement (NPA) on Natural Disaster Resilience (NDR) in accordance with the agreed Tasmania Implementation Plan. The estimated financial contribution to Tasmania by the Commonwealth under the 2015-2018 NPA NDR is \$3.9M over three years. Under this plan, SES receives \$0.135M per year for the Emergency Management Framework Support Program - to administer and manage the distribution of Commonwealth funding

per year for three competitive grants programs (Emergency Volunteer Fund, Natural Disaster Resilience Grants Program and State Emergency Management Program). A round of NPA grants is currently open and will see \$1.165M allocated to approved projects in early 2018 with a further round of \$1.165M being allocated around the middle of 2018. The future of the NPA program is the subject of an ongoing Australian Government led review and is unclear at this time.

ISSUES AND RISKS WITH CURRENT FUNDING MODEL

Wise Lord and Ferguson was engaged to conduct an independent strategic review of the funding arrangements of the SES in June 2013²⁹. The Review highlighted that the funding of the SES currently occurs from a number of sources and through various means including, but not limited to:

- funding through contributions from the State Fire Commission
- in-kind, assets and some funding support provided by local Councils to their local SES Unit
- in-kind support, primarily through facilities, provide by Tasmania Police, TFS and in some cases Ambulance Tasmania, and
- fundraising and in-kind support from the SES volunteer base.

Due to these funding arrangements, the ability to assess the full cost structure of the SES is complex and cannot be ascertained from one financial system.

There is currently no means to report a 'full cost' analysis of the SES as these contributions cannot be measured in full. Likewise, the total cost of equipping and managing the volunteer units is also not tracked consistently.

The Review also confirmed that there were a number of related organisational risks. These risks included:

- current governance and financial arrangements with local government limit the ability of SES to strategically manage their financial assets.
- SES is unable to budget effectively as it is unable to forecast revenue streams or contributions from local government. Local Government contributions vary under current arrangements.
- there are a number of risks associated with Workplace Health and Safety.
- ability of SES to respond to large scale prolonged incident is limited under current arrangements. The SES traditionally has not obtained additional funding to cover

²⁹ Wise, Lord and Ferguson, SES Strategic Review, December 2013

for major incident response.

- with the national agenda placing greater emphasis on risk assessments, community resilience, and disaster planning, there is a risk under the current resourcing of SES that planning requirements, both statutory and delegated, may not be able to be met. There is an increasing expectation that SES will play a significant role in emergency management planning and community engagement within the State.
- There is a risk that the financial and resourcing levels required to meet the training and support obligations to the volunteer force may be insufficient, putting at risk the RTO status of the SES, and increasing risks associated with work health and safety obligations.

The Report confirmed that the current governance arrangements with council ownership and control of key SES assets, such as facilities and vehicles, were not sustainable. Some councils support SES units very well, financially or in-kind, but others struggle due to competing priorities, often despite a great deal of good will.

Ultimately, the risks associated with this model are reflected in the first three risks identified by Wise Lord and Ferguson, as outlined above. The funding of the various SES units is dependent on the financial situation of their local councils. This creates an additional layer of funding risk which is higher than most other government funding sources. Given there are 29 councils in Tasmania there will often be some that are struggling to fund their commitment to SES.

Furthermore, while local councils are required to establish units and provide certain levels of equipment and/or facilities, it is the Director SES who is responsible for the units and the outcomes. This creates a potential conflict with the Director potentially having limited capacity to influence the appropriateness of resourcing yet being accountable for outcomes.

Other issues associated with this funding model include:

- the vehicular fleet operated by SES is variable. The mixture of ownership is not conducive to consistency of service delivery or in accordance with community risk.
- the model is not sustainable. It treats volunteers of SES Units in a different way to volunteer fire-fighters or volunteer ambulance officers. There needs to be consistency in capacity, equipment and training across the State. Local government's relationship with SES Units is different to its relationship with Ambulance Tasmania or TFS in that it is not required to fund these Units beyond voluntarily providing grants and donations as it does to other local community service organisations. Furthermore, there is an increasing trend to combining SES unit facilities with other emergency service organisations, in particular the TFS. As a result, only half of the existing SES facilities are currently owned by Councils.

With plans for more combined unit facilities with TFS, Police or Ambulance Tasmania the level of council involvement is expected to continue to decline.

- under the current model, SES struggles to meet government and community expectations particularly with regard to volunteer support and community engagement, preparedness, planning, education and awareness. This may result in a decline in volunteer numbers and community resilience against future disasters.

?	20	Should fire and emergency services be funded through a single mechanism? If so, what is the appropriate model?
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?	21	Should SES centrally manage and fund its volunteer unit facilities, its fleet and its operational expenses?
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Operational Considerations

LEGISLATION THAT BINDS THE CROWN

The current Fire Service Act binds the Crown. This means State Government agencies are bound by the provisions of the Act. Non-binding legislation can create ambiguity in respect to responsibilities for risk management across land tenure. If bound the Crown would have to meet any obligations placed on 'landowners/occupiers' unless specifically excluded. This could include risk planning, risk mitigation and obligations to put fires out on State land. This would not apply to Commonwealth land as the State cannot create legislation that would bind the Commonwealth.

?	22	Should any new legislation bind the Crown?
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RESPONSE COMMAND AND CONTROL

The authority to control a fire incident in Tasmania is designated according to the tenure of the land on which the fire burns. Currently a number of elements of command and control are prescribed outside legislation including TFS Doctrine, the Inter-Agency Fire Management Protocol and the Australasian Inter-Service Incident Management System (AIIMS).

A basic principle of incident control is that only one person should be in command at any time. Whilst other persons will have responsibilities and provide advice, the person controlling the incident must have a legal basis of authority and be provided with guidance on what can and cannot be delegated. An incident Controller should have appropriate experience, and training and is not necessarily appointed on seniority.³⁰

?	23	How should response, command and control arrangements be handled in new legislation?
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CHAIN OF COMMAND

Section 42 of the Fire Service Act states that the Commission shall determine the chain of command and order of seniority of members of the Fire Service and members of brigades that applies during fire-fighting operations. According to TFS Doctrine³¹, the Chain of Command provides the order in which authority, responsibility and accountability

³⁰ The AFAC Review into the 2016 Bushfires recommended that the Tasmanian fire agencies develop a multi-agency position to ensure that training for Incident Controllers includes training in how the transition from local incident control to Divisional Command is managed. Recommendation 3

³¹ TFS Doctrine S1.1 *TFS Chain of Command*

are arranged and delegated from the Chief Officer to every member at every level of the TFS operational workforce. Essentially, it is a system empowering designated personnel to exercise authority and direction over people and other resources for the accomplishment of missions and tasks. Under section 28 of the Emergency Management Act, the Director SES is responsible for the management of the SES, any functions imposed by this or any other Act and prescribed functions.

?	24	Should the Chain of Command be included in legislation with accountabilities included?
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ENDORSEMENT OF INCIDENT CONTROLLERS

Currently, Incident Controllers are endorsed through a state wide process that includes TFS, Parks and Wildlife and Sustainable Timber Tasmania staff. The Act does not reference Incident Controllers and they are appointed under the more general powers and functions of the Chief Officer or the Commission.

The Act says little about the manner in which the purposes of the Act are to be achieved, and nothing which prohibits the assignment of duties to an Incident Controller from either another agency or from interstate. The Act is largely silent as to how the TFS is to be operated and much is left to the discretion of the Commission and the Chief Officer in the exercise of specific and general powers and responsibilities.

Section 42 of the Act states that the Chain of Command is “restricted to members of the Fire Service and members of Brigades.” This does not include people assisting the TFS in any other capacity, such as people from other agencies or inter-state personnel.

The current process for endorsing Incident Controllers could be enshrined in legislation to provide stronger authority and more permanently establish the process. If the Chief Officer, TFS were to be the authorising authority, the power to authorise could be delegated to PWS and STT as appropriate.

?	25	Should endorsement of Incident Controllers be legislated? Making it clear that all emergency responders present at an incident are in all respects subject to the Incident Controller’s direction or should Incident Controllers be endorsed through policy?
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BRIGADE MANAGEMENT

Part III of the Act provides for the establishment and composition of brigades. The Commission may establish permanent, composite or volunteer brigades and appoint brigade chiefs, fire officers and fire-fighters as necessary or expedient. The Commission also determines the operational district within which a brigade is to operate. Section 29 outlines the powers and functions of brigade chiefs including taking any action considered

necessary for extinguishing, or preventing the extension of a fire, to protect life and property, cause water to be shut off and give directions to others.

Part III also specifies certain facets of brigade management including the maintenance of a register of brigade members, training requirements and equipment control.

?	26	Are the provisions relating to the establishment and composition of brigades still appropriate?
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SALVAGE CORPS AND INDUSTRY BRIGADES

The Act provides for the constitution of Salvage Brigades with the authority of the Commission, to salvage property at fires or to extinguish fire on the premises or land owned or occupied by that person or at which that person is employed.³² This would encompass Industry Brigades formed by private industries such as mining or large manufacturers for the purpose of providing services in respect of their organisation's premises and land. Under the current provisions of the Act, these brigades are not authorised to attend other incidents if they are not on their property. This does not reflect current practice where these brigades may be used outside their industry boundaries to assist in emergency response.

In the past, the TFS has had a number of "industry brigades" registered; however, these brigades have been formed with the intention of providing additional trained firefighting resources to the property of the person who maintains the brigade.

In 2001, the Fire Service Act 1979 was amended to change the terminology in the Fire Service (Miscellaneous) Regulations from "auxiliary brigade" to "industry brigade". In 2007 section 36 of the Act, allowing for the registration of Industry Brigades, was repealed. According to Hansard,³³ the Commission sought the repeal of section 36 of the Act which provided for the registration, inspection, direction and conduct of industry brigades. The Commission believed it was no longer necessary to regulate the operation of these brigades, as they had operated to the satisfaction of the Commission without Commission intervention since their registration. It was thought that Industry brigades derived no benefit from registration.

One of the current functions of the Commission is to coordinate and direct the development of all fire services throughout the State.

The new legislation could provide recognition of Industry Brigades in cases where agreement is reached between the entity and the TFS. The Act still has reference to

³² Fire Service Act 1979, Section 37

³³ Hansard, House of Assembly, debate on the Fire Service (Amendment) Bill 2007.

Industry Brigades where in Section 29(3)(f) a Brigade Chief shall have control and direction of any industry fire brigade present at any fire

?	27	Should Industry Brigades be recognised in legislation and have the ability to assist in emergency response outside the industry boundaries?
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FIRE HAZARDS

The current Fire Service Act includes provision for the Commission to enter onto land and undertake all necessary acts to remove fire danger.³⁴ In addition, there are powers for the Commission and Councils to create fire breaks.³⁵ It is not particularly clear in what circumstances the TFS has the authority to undertake hazard mitigation activities in non-emergency situations under the Act without needing additional approvals from either the Forest Practices Authority or Local Government. The issues seem to apply when TFS is burning on private land with the permission of the landowner. There is a school of thought that a Development Application would be required for every burn which would be a significant impediment to some of TFS' mitigation activities. This stems from the potential application of the *Land Use Planning and Approvals Act 1993* (LUPAA) which provides for the general control and management of land use and development in Tasmania, especially through the agency of local government and planning schemes. Consideration of the interaction of fuel reduction burning, any legitimate fuel management works and LUPAA is dependent on the way activities are defined and regulated in LUPAA. Some people think that fuel reduction burning could be considered as works as defined in LUPAA³⁶. Within LUPAA, works are described as development and the control of development is a proper function of a planning scheme.

?	28	Should the Act be amended to specify these activities are exempt from the provisions of the LUPAA?
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TOTAL FIRE BANS

The Act currently provides for the declaration of a total fire ban throughout the State or in any parts of the State.³⁷ A Total Fire Ban is generally declared when the expected conditions mean that any fire ignitions are likely to be uncontrollable or when fire

³⁴ Section 49

³⁵ Section 56

³⁶ Works include any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices as defined in the Forest Practices Act 1985, carried out in State forests. Section 3 LUPAA

³⁷ Section 70

operations are so extensive that a total fire ban may be declared on the basis of limited capacity to provide a fire response. The declaration may specify fires that are not subject to the ban and may prohibit or restrict the use of specified machines or apparatus in the open air on days of total fire ban.

For several years there has been a practice of banning agricultural and other machinery operations during days of Total Fire Ban. While there is potential for damage or loss if a fire starts, there is currently no economic case for increasing regulatory controls on machinery operations. In late 2016, TFS issued the Machinery Operations Guidelines as a voluntary code which revised the automatic bans on machinery operations during Total Fire Ban periods to adopt the harvesting Guidelines used on the mainland where harvesting is suspending when relative humidity, temperature and wind speed combine to exceed designated thresholds. These guidelines were designed to mitigate the considerable economic impact that days of Total Fire Bans could have on harvesting operations while still taking into account suitable bushfire risk mitigation practices.

?	29	Are the provisions relating to the declaration of Total Fire Bans still appropriate?
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FIRE PERMIT SYSTEM

The role of the Tasmania Fire Service (TFS) is to protect life, property and the environment from the impact of fire and other emergencies. The TFS Fire Permit System (FPS) plays an important role in this context and enables monitoring and control of use of fire within Tasmanian communities.

The Fire Service Act does not specify which person or organisation has overall responsibility for the Fire Permit system. Nor does it expressly allocate responsibility for directing, supervising and/or controlling Fire Permit Officers, who may presumably include Sustainable Timber and Parks and Wildlife employees in addition to TFS employees and volunteers.

The Commission has the power, with the approval of the Minister, to declare a Fire Permit Period. No criteria are specified for deciding whether to declare a Fire Permit Period or the nature or extent of the restrictions to be imposed.³⁸ Fire Permits may be granted by a Fire Permit Officer, subject to such conditions as the Fire Permit Officer or the Commission may determine. 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.

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, and

³⁸ TFS has an internal Chief Officer's Command Doctrine about declaring Fire Permit Periods.

- Provided 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.”

Other Tasmanian legislation, other than the Fire Service Act, also restrict the use of fire in certain circumstances. Local governments have powers to abate, or order the occupier to abate, a “nuisance and under Environmental Protection Regulations there are restrictions on the production of smoke and burning of waste and fuel.

As a result of the January 2013 bushfires, the Tasmanian Bushfire Inquiry (TBI) recommended that the TFS review the current Fire Permit System (Recommendation 91):

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:

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

The review project commenced in late 2016, and a steering committee was established with representatives from TFS, SFMC, STT and PWS.

The review of the FPS was conducted by Wise Lord and Ferguson. The review had the following stages:

1. Establishing the context and methodology
2. Undertaking a literature review
3. Engage with stakeholders either one-on-one or in small meetings to explore their current concerns with the permit system and opportunities for change
4. Review the systems and governance of the FPS
5. Undertake a full stakeholder workshop to provide consensus recommendations for change
6. Report on findings and make recommendations.

The report provides a very comprehensive analysis of the FPS in context, as well as capturing the considerable input made by a large group of stakeholders. The recommendations have been endorsed by the State Fire Management Council and the TFS/SES Executive Leadership Team. Given the comprehensive nature of the Review, it is not intended to revisit the issues associated with the Permit System in the Issues Paper. However, in order to implement a number of the recommendations, changes to the current legislation change will be required and these will be considered during the next stage of the Fire Service Act Review.

The Recommendations from the Review are at Appendix G.

COMMUNITY EDUCATION

The Parliamentary Inquiry found that the SFC should assess whether community engagement programs of TFS and SES should be centralised. The Flood Review agreed with this, stating at Recommendation 7 “*That SES and Tasmania Fire Service (TFS) share resources and align their community education programs and adopt an all-hazards approach to awareness.*” While this can be implemented without legislative or regulatory change, the Review provides an opportunity for legislative amendments to enhance the implementation of the recommendation.

?	30	Should Community Education be an explicit function of SFC/TFS and should it include the SES?
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THE BUILT ENVIRONMENT

The Department of Justice is responsible for building control legislation in Tasmania and is also responsible for ensuring the development and implementation of relevant building control legislation. Through the Building Regulations 2016 the Department enforces compliance with the Building Code of Australia, and TFS, who provides a vital support role in relation to building safety, works closely with the Department of Justice. There is potential conflict between the Building Act and the General Fire Regulations.


Under the current Fire Service Act, the Commission can authorise an officer of the TFS to enter and inspect land or premises to prevent fire, minimise fire risk or protect life and property.³⁹ Through its Building Safety Branch, the TFS provides advice to building surveyors and other fire safety practitioners to make sure plans for new buildings meet the fire safety requirements set out in the Building Code of Australia and other relevant standards and legislation.

PERMITS TO INSTALL, MAINTAIN OR REPAIR FIRE PROTECTION EQUIPMENT

Under the General Fire Regulations 2010⁴⁰, the Chief Officer may issue a permit authorising its holder to do a restricted activity or any combination of activities if he has the relevant competence. At the same time, TFS has a role in ensuring compliance which may lead to a perceived or actual conflict of interest between the regulatory and compliance role and the operational role.

³⁹ Fire Service Act Section 48

⁴⁰ Regulation 8

	31	Is it still appropriate that TFS issues permits to install, maintain or repair fire protection equipment?
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EVACUATION PLANS

The Work Health and Safety Regulations provide for⁴¹

1) A person conducting a business or undertaking at a workplace must ensure that an emergency plan is prepared for the workplace that provides for the following:

(a) emergency procedures, including –

- (i) an effective response to an emergency; and
- (ii) evacuation procedures; and
- (iii) notifying emergency service organisations at the earliest opportunity; and
- (iv) medical treatment and assistance; and
- (v) effective communication between the person authorised by the person conducting the business or undertaking to coordinate the emergency response and all persons at the workplace;

(b) testing of the emergency procedures, including the frequency of testing;

(c) information, training and instruction to relevant workers in relation to implementing the emergency procedures.

The decision to evacuate or exclude people from an area is made with due consideration of the dangers and difficulties inherent in evacuation and the likelihood of evacuated people being injured. The decision to evacuate people is made by the Incident Controller, who should consult with TASPOL and other experts. In the instance of fire or potential fire, the TFS is responsible for making decisions with respect to evacuation of people. TASPOL is responsible for the overall coordination on an evacuation. The way this is managed for bushfire is described by the Joint Bushfire Arrangements between TASPOL and TFS in 2014. To assist TASPOL in this role emergency management planning should consider the identification and needs of vulnerable groups within communities as outlined in the Emergency Management Framework for Vulnerable People.

The Fire Service Act provides for evacuation plans in the event of a fire related emergency. Part 3 Division 2 of the General Fire Regulations provides for Fire Evacuation Plans for specified buildings. Specified buildings are defined in Regulation 5 and include buildings capable of accommodating more than 200 people, residential accommodation for persons requiring medical, psychiatric or geriatric care, residential part of motel or hotel or a child care center. There are currently approximately 10,000 specified buildings in the State which place significant operational/management requirements on TFS. These building

⁴¹ Work Health and Safety Regulations 2012 section 43.

are not categorized according to risk of potential hazard. Furthermore, no other State or Territory continues to do standalone fire evacuation plans that are undertaken in Tasmania. Currently TFS only considers evacuation in relation to fire but evacuation procedures should also include assessment of procedures to ensure other emergency risks, other than fire, are also covered, for example bomb threats, active shooter or building infrastructure failure.

Furthermore, the current General Fire Regulations place considerable operational requirements on TFS. Due to the high number of specified buildings, it is difficult at times for a facility operator to receive the timely assistance they need in approving or endorsing their emergency procedures.

?	32	<p>Should there be a whole of government Emergency Evacuation System that deals with all threats, not just fire risks, in the built environment?</p> <p>Should prescribed buildings be categorised by risk potential?</p>
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OFFENCES AND ENFORCEMENT⁴²

Currently, offences and corresponding penalties are spread throughout the Act and accompanying Regulations. These offences include, but are not limited to, operation of vehicles and machinery, burning rubbish, obstruction, interference and damage to property and the storage of hazardous or flammable materials. The basic model for issuing penalties under the current legislation is largely through the issue of an Infringement Notice for non-compliance and, depending on the outcome, court action may follow to enforce the penalty.

In the current legislation there is no provision for daily penalties where there is an ongoing offence, such as failure to undertake hazard mitigation activities. Nor is there provision for graduated penalties for repeat offenders. Daily penalties for on-going non-compliance may serve as an incentive to take remedial action in a timely manner. This would be particularly important in situations that involve public safety and risk mitigation.

The current Act also does not provide for graduated or increased penalties for repeat offences. This may act as increased deterrent if graduated penalties were applied to first, second or third offences.


⁴² The Fire Service Amendment (Fire Infringement Notices) Bill 2015 passed both Houses of Parliament in April 2016. The Bill is yet to be proclaimed. The Bill provides TFS with more effective options to enforce minor breaches of the Fire Service Act and offers another means of reducing fire-offending behavior. The Bill reflects the principles of restorative justice, recognizing the importance of educating individuals and raising community awareness of fire safe practices, rules and responsibilities. The Bill offers processes to inform and if necessary penalise offenders aiming to prevent further offending. .

	33	Are the current levels and structure of penalties appropriate?
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The current Act does not provide for offences relating to the disposal of cigarettes, cigars or matches. A general offence could be included in the new legislation that could apply to dropping or throwing a burning object or material from a vehicle in circumstances where it may cause a fire. The effectiveness of such a provision as a deterrent would be dependent on the level of community awareness of the provision and the enforcement of the offence. The majority of interstate jurisdictions have these provisions in their legislation.

Other offences that could be included are:

- Stealing of water stored for fire-fighting
- Failure to maintain unoccupied buildings
- Failure to adequately supervise a fire that was intentionally lit, a camp fire for example


	34	Are there other offences that should be considered for inclusion in new legislation?
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PROTECTION FROM LIABILITY

Section 121 of the Act provides protection from liability in respect of death, injury, or damage, if a brigade, officer, fire-fighter, employee, or agent acted, or, as the case may be, failed to act, in good faith. Protection from liability applies to the performance of any function imposed under the Act. Similar protections exist for 'emergency management workers' under Part 4 of the Emergency Management Act. The definition of an 'emergency management worker' includes, inter alia, a member of a statutory service whether for payment of other consideration or as a volunteer.

Clause 121 in its current form does not deal with any specific activities and there has been some doubts raised as to whether this clause applies to non-fire-fighting operations that TFS now engages in, for example Road Crash Rescue etc. Furthermore, it is not particularly clear whether risk mitigation activities are covered as mitigation is not a function specified in the Act.

Furthermore, it is not totally clear whether employees or STT or PWS, when assisting TFS at a fire event would be considered to be an “agent of the Commission” as so attract protection.⁴³

	35	Are the current protection from liability provisions appropriate?
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⁴³ The endorsed Policy for the grant of indemnities and legal assistance to Public Officers of the State of Tasmania is that: (i) Public Officers are eligible for an indemnity and/or legal assistance in respect of civil proceedings, arising out of their acts or omissions done in good faith in the course of their public office unless one or more exclusions apply. *Employment Direction 16*.

Appendices

APPENDIX A TERMS OF REFERENCE FOR THE REVIEW

Approved by Cabinet 24 April 2017

Purpose:

The Steering Committee is appointed to provide independent advice to the Minister for Police, Fire and Emergency Management (the Minister) about how the Government can achieve:

- a clear mandate and operating platform for fire services' functions;
- an effective and efficient fire service operation that will provide value for money in the future; and
- a sustainable, stable and equitable funding system for fire services.

Context:

There is an expectation that modern twenty-first century fire services operates effectively, efficiently, and seamlessly with the roles performed by other emergency service providers. Cabinet has approved a review of the *Fire Service Act 1979* (the Act) to ensure the fire service works effectively and efficiently and continues to provide value for money in the future.

Tasmania remains the sole jurisdiction in Australia to have a fully integrated fire service, career and volunteer, urban and rural and is governed by the Act. The Act establishes the State Fire Commission (the Commission) as a Crown entity and the Tasmania Fire Service (TFS), for which the Commission is responsible.

The House of Assembly Standing Committee on Community Development's Inquiry into the State Fire Commission recommended that, on the evidence presented, a review of the Act is necessary. The Committee recommended that the Act must be reformed or replaced to allow for:

- (1) A centralised funding model for the State Emergency Services (SES);
- (2) Streamlined approach to fire fighting between Tasmania Fire Service, Tasmania Parks and Wildlife Service, Forestry Tasmania and other relevant agencies;
- (3) Resources to be allocated according to the risk and not according to local government municipal boundaries;
- (3) The continuation of Tasmania having a singular fire service;
- (4) Clear reporting lines;
- (5) Improved governance structure; and
- (6) Include the fire permit system and inter- agency protocols.

The Problem:

The Act was proclaimed in 1979 following the amalgamation of the Rural and Urban Fire Services into the Tasmania Fire Service. The Act has never been comprehensively

reviewed since proclamation. A Minor Review of the Act was undertaken in 1999 in order to comply with the Competition Principles Agreement which required the State Government to review and, where appropriate, reform all legislation which restricted competition. The Minor Review of the Act was compliant with the Principles as outlined in the Legislation Review Program.

Over the years, the current legislative framework has become fragmented, overly complex and process driven.

A comprehensive review of the Act, and all subordinate legislation is now considered timely. This is particularly the case with the SES now reporting through to the Chief Officer, TFS and the resultant opportunities for further alignment of TFS and SES to be reflected in legislation.

Functions of State Fire Commission:

The Commission is a statutory authority created under the Act. The TFS is the operational arm of the Commission, delivering services to the community through career and volunteer brigades and Community Fire Safety. The Commission currently consists of:

- (a) the Chief Officer;
- (b) a person nominated by the United Firefighters Union of Australia (Tasmania Branch);
- (c) a person nominated by the Retained Firefighters Association;
- (d) a person nominated by the Tasmanian Volunteer Fire Brigades Association;
- (e) a person nominated by the Secretary of the responsible Department in relation to the *Public Account Act 1986*; and
- (f) two persons nominated by the Local Government Association of Tasmania.

Legislation has recently passed both Houses of Parliament to enable the appointment of an independent Chair of the Commission by the Governor on the recommendation of the Minister. Mr Rod Sweetnam has been appointed as the independent Chair of the Commission. The Chief Officer will remain Chief Executive Officer of TFS and in accordance with section 7(3)(a) of the *Fire Service Act 1979*, the Chief Officer would remain a member of the Commission.

The functions and powers of the Commission are to:

- (a) formulate the policy in respect of the administration and operation of the Fire Service;
- (b) co-ordinate and direct the development of all fire services throughout the State;
- (c) develop effective fire prevention and protection measures throughout the State;
- (d) develop and promulgate a State fire protection plan;
- (e) standardize, as far as is practicable, fire brigade equipment throughout

- the State;
- (f) establish and maintain training facilities for brigades;
 - (g) conduct such investigations into fires as it considers necessary, and to prepare reports and recommendations to the Minister arising from those investigations;
 - (h) conduct such investigations into the use of fire as it considers necessary, to instruct the public in the wise use of fire, and to disseminate information regarding fire protection measures and other related matters; advise the Minister on such matters relating to the administration of this Act as may be referred to it by the Minister, and on matters that, in the opinion of the Commission, should be brought to the attention of the Minister; and
 - (i) exercise such other functions vested in or imposed on it by this Act or such other functions relating to the preventing or extinguishing of fires as may be imposed on it by the Minister from time to time.

Finances of the State Fire Commission:

The major sources of revenue to the Commission are contributions from landowners (fire service contribution), insurance policy holders (insurance fire levy), motor vehicle owners (motor vehicle fire levy) and the State Government. In addition, the Commission raises revenue through the sale and maintenance of fire equipment, the provision of training services to both the public and private sector, alarm monitoring fees, plan approval fees, avoidable false alarm charges and fire investigation reports.

As part of the 2014 state budget announcements, the Minister announced that there would be a change for TFS and SES in that the SES Director would report to the TFS Chief Officer (who in turn reports to the Secretary DPEM).

Annual resourcing for the SES is now incorporated into the State Fire Commission budget. The current funding model for SES relies on a number of revenue streams across local, state and federal government levels and also the Motor Accident Insurance Board. Work is currently being undertaken on the development of a sustainable funding model for the SES and this will have ramifications for the SFC and will need to be considered in the context of the Review of the Fire Service Act.

Governance Arrangements for the Review:

The Review of the Act will be overseen by a Steering Committee consisting of:

- An independent Chair;
- Chief Officer, Tasmania Fire Service;
- Chair, State Fire Commission;
- Deputy Chief Officer, Tasmania Fire Service;
- Deputy Secretary, Business and Executive Services, DPFEM;
- Director, State Emergency Service;
- A representative of the Department of Premier and Cabinet;
- A representative of the Department of Primary Industries, Parks, Water and Environment;
- A representative of the Department of State Growth; and
- A representative of the Department of Treasury and Finance.

Administrative support will be provided by a Project Team from TFS and with the support of the Legislation Development and Review Unit of DPFEM.

Scope of work:

Cabinet has approved the Steering Committee to provide advice on how the following outcomes might be achieved:

Outcome 1: that TFS has a clear mandate and operating platform for the functions it performs, and that it is clear how those align with functions performed by other emergency

services providers, in particular, the SES. This will include analysis of any gaps or overlays in the delivery of any TFS / SES services and identify future role and functions for TFS / SES.

Outcome 2: that the Commission and TFS are organised and operating as effectively and efficiently as possible to provide the best outcomes to the community in terms of prevention, preparedness, response and community stabilisation and will provide value for money in the future.

Outcome 3: that there is sustainable, stable and equitable funding for TFS and SES, with the sources of that funding aligning with the functions that they need to perform.

Outcome 4: that governance, accountability and financial management arrangements for the Commission are renewed to facilitate the most effective management of the Commission's resources and the meeting of community and government expectations.

Outcome 1: TFS functions and Operating Platform

The Steering Committee will:

- Assess the current TFS functions and how these align with roles of other emergency management agencies and service providers.
- Provide recommendation on future statutory and non-statutory functions for TFS, including the impacts of those recommendations on other services and how they might be managed.

Outcome 2: Effective and Efficiently Organised Tasmania Fire Service.

The Steering Committee will:

- Consider and analyse options for governance and structure that would enable TFS to operate as efficiently and effectively as possible to provide the best outcomes to the community in terms of prevention, preparedness, response and community stabilisation while taking into account:
 - the economic value that government and communities receive from volunteers in our fire services, and measures to enable and encourage volunteers' service;
 - the Commission's capital investments including the building types and

location of fire stations, and the types of fire appliances, communications systems and other investments; and

- the appropriate mechanism for asset management (including depreciation) and renewal, including the level of reserve funds recognising the cyclic nature of income streams.
- Provide recommendations on how the Commission's business operating model could be improved, as well as when and how any such changes could be improved and when, and how, any changes could be implemented. This may include changes to accelerate the integration of TFS/SES.

Outcome 3: State Fire Commission Funding

The Steering Committee will:

- assess the Commission's funding base data and identify future funding options;
- undertake an analysis of future funding options against the following criteria:
 - provide sufficient funding to ensure the fire services can perform the functions agreed by Government;
 - be administratively simple to calculate and collect;
 - be stable and predictable; and
 - be equitable so that:
 - (a) those who receive the various services performed by the TFS contribute to the costs for both fire and non-fire related activities;
 - (b) levy payers in rural fire districts receive benefits that reflect their needs and contribution; and
 - (c) minimise distortions in investment decisions, insurance price and coverage.
- provide recommendations for the Commission's future funding base so it can be more sustainable, stable, equitable and commensurate with future functions and business operating model, including:
 - how improvements could be made to the current insurance-based levy; and
 - whether there are other viable funding sources.

Outcome 4: Governance, Accountability and Financial Management Arrangements

The Steering Committee will:

- ensure that governance, accountability and financial management arrangements for the Commission are renewed to facilitate the most effective management of the Commission's resources and the meeting of community and government expectations.

In addition to the above, the Steering Committee may also provide advice on any other

issues it determines are relevant.

Outside Scope:

- TFS should maintain its core fire-related role.
- Tasmania should continue to have a single fire service.

Scope Clarification:

Where the SC and Department of Police, Fire and Emergency Management (the Department) are unable to determine whether an issue is within scope, or become aware that an interested party has a different view than the Steering Committee and the Department on whether an issue is within scope, the Steering Committee Chair and Department may jointly seek a determination from the Minister as to whether he considers the issue to be within scope.

Deliverables:

The Steering Committee will develop a project plan to meet four stages of work:

- Problems identified and substantiated by evidence;
- Range of potential options identified;
- Key options identified; and
- Options fully developed and assessed, and recommendations drafted.

Issues Paper

The Steering Committee will provide the Minister with an Issues Paper within six months of the appointment of an independent Chair, outlining the analysis undertaken to date under the stages of work outlined above.

Draft report

The Steering Committee will provide a draft report to the Department within six months of the closing date for public submissions on the Issues paper.

Final report

The Steering Committee will provide advice to the Minister no later than six months of the closing date for public submissions on the Draft report, in the form of a final report with recommendations.

The Steering Committee is to ensure thorough engagement with all interested stakeholders. Following the release of the Issues Paper there is to be full public consultation and the Steering Committee is to receive written submissions from all interested parties. In accordance with Government Policy, these submissions are to be published on the TFS internet site.

The Steering Committee should subsequently publish a draft report and hold further public consultations, before providing a final report to the Government.

APPENDIX B OTHER RELEVANT LEGISLATION

Aboriginal Relics Act 1975	The Act to make provision for the protection and management of aboriginal relics.
Building Act 2016	An Act to ensure building work meets the national construction standards and that health and safety standards are maintained.
Climate Change (State Action) Act 2008	An Act for certain measures to help the State address the challenges of climate change and contribute to the broader national and international response to those challenges and for related purposes.
Crown Lands Act 1976	An Act to make fresh provisions with respect to the management, sale, and disposal of the lands of the Crown.
Electricity Supply Industry Act 1995	An Act to promote efficiency and competition in the electricity supply industry, to provide for a safe and efficient system of electricity generation, transmission, distribution and supply, to provide for the safety of electrical installations, equipment and appliances, to enforce proper standards in the performance of electrical work, to protect the interests of consumers of electricity and for related purposes. This Act enables the Tasmanian Electricity Code.
Emergency Management Act 2006	The Act to provide for the protection of life, property and environment in the event of an emergency, to establish emergency management arrangements and to provide for certain rescue and retrieval operations.
Environmental Management and Pollution Control Act 1994	An Act to provide for the management of the environment and the control of pollution in the State. It enables the development of environmental protection policies to further the objectives of the Act.
Forest Management Act 2013	An Act to provide for the management of permanent timber production zone land to repeal the <i>Forestry Act 1920</i> and for related purposes.
Forest Practices Act 1985	An Act to ensure that all forest practices are conducted in accordance with the Forest Practices Code and to provide for the issue of that Code. The Forest Practices Code provides operational standards applicable to vegetation fire management.
Land Use Planning and Approvals Act 1993	An Act to make provision for land use planning and approvals.
Local Government Act 1993	An Act to provide for local government and establish councils to plan for, develop and manage municipal areas in the interests of their communities.

Local Government (Building and Miscellaneous Provisions) Act 1993	An Act providing for various provisions regarding planning.
Nature Conservation Act 2002	An Act to make provision with respect to the conservation and protection of the fauna, flora and geological diversity of the State, to provide for the declaration of national parks and other reserved land and for related purposes.
National Parks and Reserves Management Act 2002	An Act to provide for the management of national parks and other reserved land.
State Policies and Projects Act 1993	<p>An Act to provide for Tasmanian Sustainable Development Policies, to provide for the integrated assessment of projects of State significance, to provide for State of the Environment Reporting and for related purposes. Policies prepared under this act bind local government and the Crown and currently include:</p> <ul style="list-style-type: none"> • State Policy on the Protection of Agricultural land 2009 • State Coastal Policy 1996 • State Policy on Water Quality Management 1997.
Threatened Species Protection Act 1995	The Act to provide for the protection and management of threatened native flora and fauna to enable and promote the conservation of native flora and fauna.
Water Management Act 1999	The Act to provide for the management of water resources.
Wellington Park Act 1993	An Act to establish Wellington Park, to provide for its protection, use and management and for the assessment of major projects affecting it and to make provision for incidental and consequential matters.

APPENDIX C FIRE AND EMERGENCY SERVICE STRUCTURES IN OTHER JURISDICTIONS

Western Australia

Department of Fire and Emergency Services is a government department headed by a Fire and Emergency Services Commissioner who is responsible for the organisation's strategic direction, operations and functions. The Commissioner reports to the Minister for Emergency Services and is appointed under the Public Sector Management Act 1994. There are four commands that coordinate and deliver DFES' key services to the community.

The *Emergency Management Act 2005* is administered by the State Emergency Management Committee.

DFES is progressing a review of the Acts to create a single comprehensive Emergency Services Act which will improve community safety and better support emergency service workers into the future.

New South Wales

Fire & Rescue NSW (FRNSW) is the state government department responsible for the provision of fire, rescue and hazmat services in New South Wales. It is headed up by a Commissioner, employed under the provisions of the Public Sector Employment and Management Act 2002 and is part of the Department of Attorney General and Justice. The Commissioner reports to the Minister for Police and Emergency Services.

NSW Rural Fire Service is also lead by a Commissioner appointed under the Public Sector Employment and Management. The Commissioner is subject to the control and direction of the Minister.

Victoria

Metropolitan Fire Brigade is a statutory authority that is responsible for the Melbourne metropolitan area. It is overseen by a Board of Management. There is also a Fire Service Commissioner appointed by the Governor. The majority of funding for the MFB comes from the Property Levy supplemented by the government through the consolidated fund.

Country Fire Authority is a statutory authority overseen by a Board and is accountable to the Minister.

Emergency Management Victoria (EMV) was established in July 2014 and plays a key role in implementing the Victorian Government's emergency management reform agenda.

EMV supports the Emergency Management Commissioner, who has overall responsibility for coordination before, during and after major emergencies including management of consequences of an emergency.

South Australia

The sector operates under the guidance of the South Australia Fire and Emergency Services (SAFECOM) Board whose members include the Chief Officers of the Country Fire Service (CFS), the Metropolitan Fire Service (MFS) and State Emergency Service (SES) and the Chief Executive, SAFECOM and the agencies report to the Minister for Emergency Services. The Chief Executive is appointed by the Minister on terms and conditions determined by the Minister.

The Chief Officers of the CFA, MFA and SES are appointed by the Minister in consultation with the Chief Executive of SAFECOM on terms and conditions as determined by the Minister in consultation with the Commissioner for Public Sector Employment.

SAFECOM Board may give directions to the CFS, MFS or SES except in relation to any matter concerning procedures that are relevant to responding to an emergency situation.

Queensland

Queensland Fire and Emergency Services (QFES) is the primary provider of fire and emergency services in Queensland. QFES is headed up by the Commissioner for Fire and Emergency Services. The Commissioner is appointed by the Governor on the recommendation of the Minister and is appointed under the Fire and Emergency Services Act 11990 not the Public Service Act 2008. QFES delivers its emergency management services through the Fire and Rescue Service, Rural Fire Service Queensland and the State Emergency Service

The Rural Fire Service (RFS) is the volunteer arm of the QFES operating in rural, semi-rural and urban fringe areas where there is no urban fire service coverage.

Australian Capital Territory

In 2006, the ACT Emergency Services Authority was renamed The ACT Emergency Services Agency, and responsibility was moved to the Department of Justice and Community Safety. The Director-General of the Department may appoint a public servant to be the Emergency Services Commissioner. The Director-General, in consultation with the Commissioner may appoint a public servant to be Chief Officer (Ambulance Service) and Chief Officer Fire and Rescue service and Chief Officer (Rural Fire Service) and Chief Officer (SES).

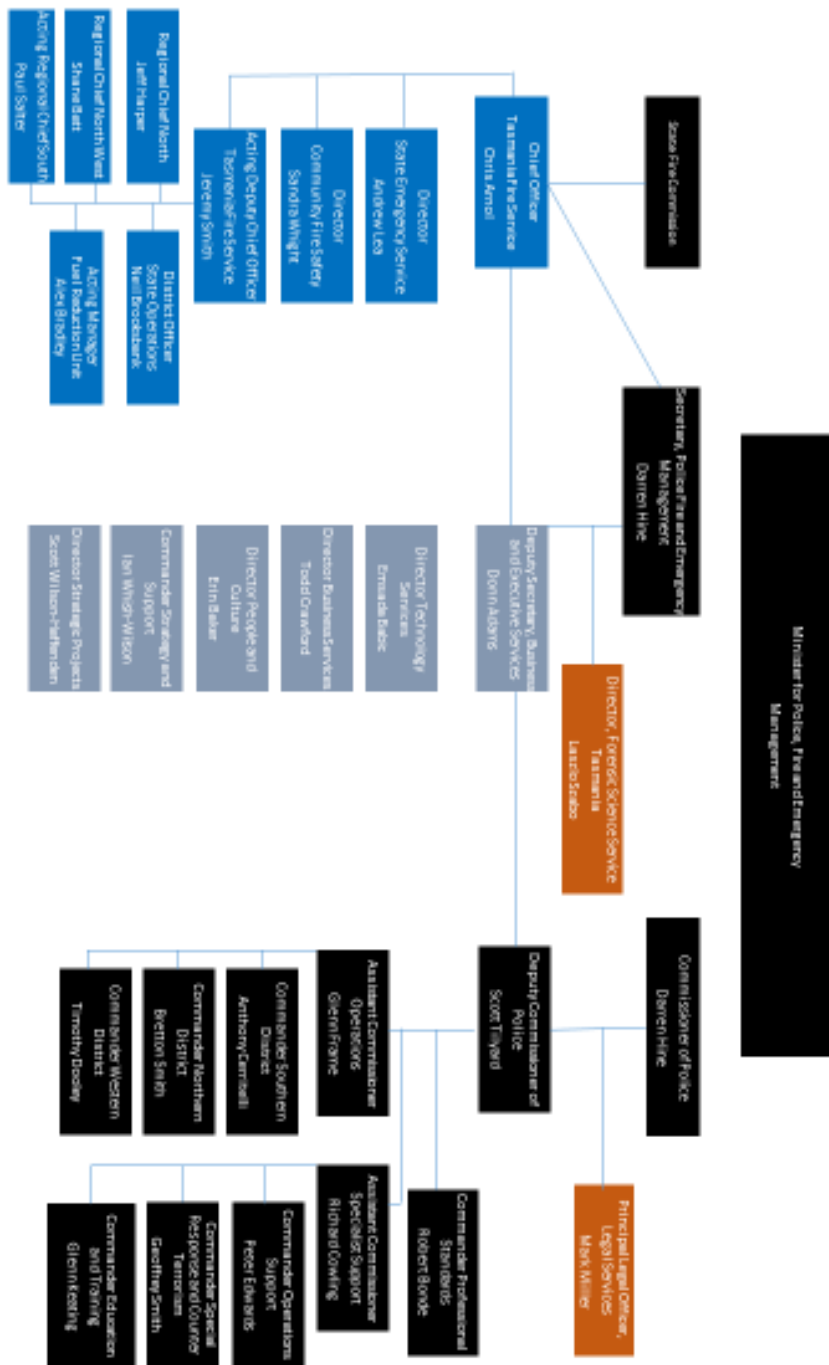
The ACT Rural Fire Service (ACTRFS) is one of four services that make up the ACT Emergency Service Agency (ESA). The others being ACT Ambulance Service, ACT Emergency Service and ACT Rural Fire Service. The Commissioner, ESA reports to Director-General of the Department of Justice & Community Safety, who is responsible to the Minister for Police and Emergency Services.

Northern Territory

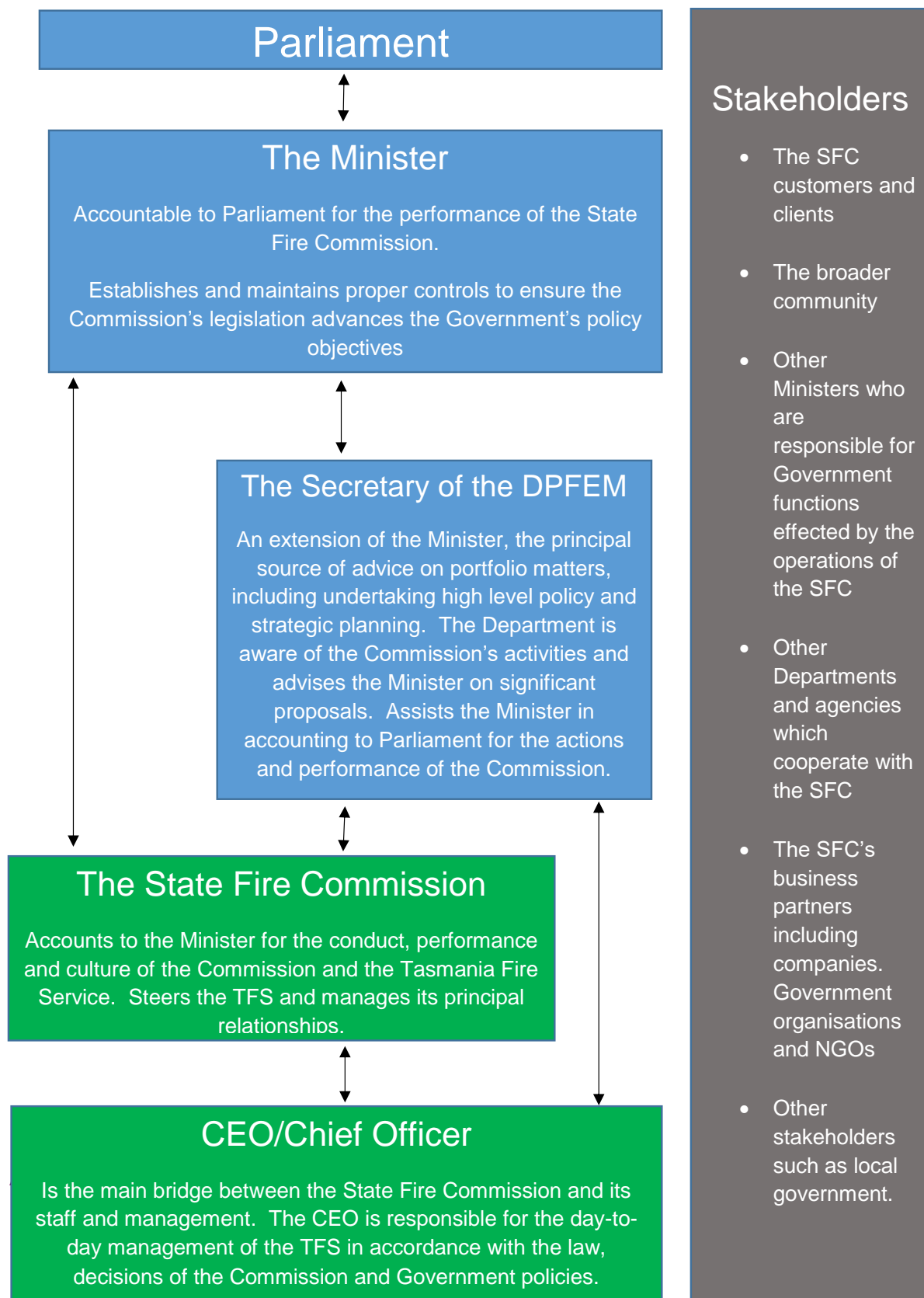
The Northern Territory Emergency Service (NTES), Fire and Rescue and Police are divisions of the Northern Territory Police, Fire and Emergency Services (NTPFES). Under

legislation the Commissioner of Police is the CEO of Fire and Rescue Services. Northern Territory Fire and Rescue Service is a government agency.

APPENDIX D DEPARTMENTAL STRUCTURE



APPENDIX E STATE-LEVEL GOVERNANCE STRUCTURE



APPENDIX F EMERGENCY SERVICES STRUCTURES IN OTHER STATES

Australian States and Territories have a variety of structures and funding mechanisms for their emergency services sectors. NSW SES is a government entity attached to the Department of Justice. In Victoria, SES is a statutory authority governed by a board and responsible to the Minister. Queensland Fire and Emergency Services is a government department and includes Fire and Rescue Service, Rural Fire Service and the SES. The Western Australian Department of Fire and Emergency Services comprises SES, Career and Volunteer Fire and Rescue Services, Volunteer Marine Rescue Service and Volunteer Fire and Emergency Service. In South Australia, SES is a government department. A separate organisation, SA Fire and Emergency Services Commission provides strategic, administrative and support services to the emergency services sector. The Northern Territory Emergency Service is a Division of the Northern Territory Police, Fire and Emergency Services. The ACT Emergency Services Agency is a part of the ACT Justice and Community Safety Directorate which incorporates SES, Fire and Rescue, Rural Fire Service, Ambulance and support services.

STATE AND TERRITORY EMERGENCY SERVICE RESPONSIBILITIES, BY STATE (2012) ⁴⁴								
Responsibilities of State and Territory Emergency Services	NS W	VIC	QL D	SA	WA	TAS	NT	ACT
Storm Damage	Y	Y	Y	Y	Y	Y	Y	Y
Flood Response	Y	Y	Y	Y	Y	Y	Y	Y
Road Rescue	Y	Y	Y	Y	Y	Y	Y	N
Earthquakes	Y	Y	Y	Y	Y	Y	Y	Y
Civil Defence	Y	Y	Y	Y	Y	Y	Y	Y
Land search & rescue	Y	Y	Y	Y	Y	Y	Y	Y
Inland marine search & rescue	Y	Y	Y	Y	Y	N	Y	Y
Offshore marine search & rescue	N	Y	N	Y	N	N	N	Y
Support to emergency service organisations	Y	Y	Y	Y	Y	Y	Y	Y
Support to non-emergency service organisations	Y	Y	N	Y	Y	Y	Y	Y
Assistance for municipal planning	Y	Y	N	Y	Y	Y	Y	Y
Conduct of emergency management courses	N	Y	Y	Y	Y	Y	Y	Y
Air observer	Y	Y	Y	Y	Y	Y	Y	Y
Vertical rescue	Y	Y	Y	Y	Y	Y	Y	N
Public safety awareness and education	Y	Y	Y	Y	Y	Y	Y	Y
Tropical cyclone response	Y	N	Y	N	Y	N	Y	N
Tsunami response	Y	Y	Y	N	Y	N	Y	Y

⁴⁴ Australian Council of State Emergency Services, *State and Territory Emergency Services National Performance Indicators*, November 2012

Funding Structures in Other States

New South Wales

The cost of the fire and emergency services agencies is fully funded from the NSW Budget. The government recovers 73.7 per cent of the net cost from levies on insurers 11.7 per cent from local government contributions. The balance is provided by way of other general state government revenues. The implementation of a fire and emergency service levy has been delayed pending further review.

Victoria

In Victoria, prior to 2013-14, funding for fire services was provided through a fire services levy on insurance premiums. The levy funded 75% of the net cost of Melbourne Fire and Emergency Services Board (MFESB) and 77.5% of the net cost of Country Fire Authority.

Metropolitan councils contributed 12.5% of the requirements of the MFESB with the State government funding the remainder.

From July 2013, Victorian councils began collecting the fire services levy through property rates rather than taxing insurance policies.

A Fire Services Property Levy applies to all leviable properties to support the Metropolitan Fire Brigade (MFB) and the Country Fire Authority (CFA).

A fixed charge and variable component applies based on the property's capital improved value. The levy varies depending on property use and location. For properties located within a CFA district, a higher variable rate applies reflecting the higher costs of that service.

The levy is collected by councils on behalf of the State Government and funds 87.5% of the net cost of the MFB and 77.5% of the net cost of the CFA with the remainder sourced from other state government revenues.⁴⁵

Other emergency services are provided by Emergency Management Victoria.

The Victorian Treasury noted that the model was premised upon equity and removed flawed and unfair mechanisms. The Insurance Council of Australia endorsed the move claiming it to be "the biggest tax reform since the introduction of the GST"⁴⁶.

Queensland

Prior to 1984, fire and rescue services were funded by contributions from insurers, local government and the State government.

⁴⁵ New South Wales Department of Treasury – Summary of Funding Arrangements of fire and Emergency Service in Australian Jurisdictions

⁴⁶ Insurance Council of Australia, Media Statement, 18 June 2013

Between 1984 and 2014, a property-based Urban Fire Levy applied in urban areas. The levy varied depending on property use and location.

Today, an Emergency Management Levy applies to all properties to support Queensland Fire and Emergency Services. A fixed levy varies applies depending on property use and location.⁴⁷

The levy funds 6/7 of the net cost of Queensland's fire and whole-of-state emergency services. The State provides funding for the remaining 1/7.

The levy is collected by local government on behalf of the State government.

Local councils can raise a self-determined rural fire levy to fund the operational costs of rural fire brigades. The State Government funds certain costs of the rural fire brigades costs.

Western Australia

Prior to 2003-04, career fire and rescue services were funded by contributions from insurers, local government and the State government. Volunteer fire and rescue services were funded entirely by the State while other emergency services were funded through various sources including State and local government grants and local community fund raising.

Today, an Emergency Services Levy applies to all properties and certain Mining Tenements to support fire and emergency services. The Levy is currently being reviewed.⁴⁸

In urbanised areas, a variable charge applies depending on the property's location, type and Gross Rental Value and is subject to minimum and maximum charge thresholds. A fixed charge applies in rural/remote areas and to assessable Mining Tenements.

The levy will fund approximately 90 per cent of the net cost of fire and emergency services in 2017-18 with the State Government funding the remainder.

The levy is collected by the local government authorities on behalf of the State.

South Australia

South Australia was the first state to embrace a property based model in 1999. Prior to 1999, a levy on insurance raised approximately 70 per cent of the net cost of fire services. The remainder (nearly 30 per cent) was funded from local government and state government contributions with a small amount coming from fund raising.

Today, an Emergency Services Levy applies to all fixed property (including government property), motor vehicles and vessels and funds the net cost of emergency services including fire, search and rescue services.

⁴⁷ NSW Department of Treasury, op. cit.

⁴⁸ Western Australia Economic Regulation Authority, *Issues Paper for the Review of the Emergency Service Levy*, 2017.

The levy on fixed property comprises a fixed charge and ad valorem charge based on the property's location, type and capital value.

The fixed property levy is collected by Revenue SA and the mobile property levy is collected by the Department of Planning, Transport and Infrastructure.

Australian Capital Territory

The Fire and Emergency Services Levy is imposed to cover costs associated with all fire and emergency services for the ACT, the levy is charged on all rateable properties in the ACT.

The amount payable for the Fire and Emergency Levy commencing 1 July 2017 for properties in the ACT are detailed in the Rates Assessment Notice, Rural and Residential properties pay a fixed charge of \$294.

Northern Territory

There is no fire or emergency service levy in the Northern Territory. Fire and Emergency Services are funded directly from the Consolidated Fund.

APPENDIX C PERMIT SYSTEM REVIEW 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.

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 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: (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.
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.

APPENDIX H LIST OF ACRONYMS AND ABBREVIATIONS

ABS	Australian Bureau of Statistics
AFAC	Australasian Fire and Emergency Service Authorities Council
AIIMS	Australasian Inter-service Incident Management System
AIRS	Australian Incident Reporting System
DPFEM	Department of Police, Fire and Emergency Management
FireComm	State Operations Call Receipt, Dispatch and Communications Centre
FMAC	Fire Management Area Committee
Hazmat	Hazardous Materials
ICS	Incident Control System
IMT	Incident Management Team
LGAT	Local Government Association of Tasmania
MAC	Multi Agency Coordination Group
MEMC	Municipal Emergency Management Committee
MoU	Memorandum of Understanding
MVA	Motor Vehicle Accident
NAFC	National Aerial Firefighting Centre
NDR	National Disaster Resilience
NPA	National Partnership Agreement
PWS	Parks and Wildlife Service
RAT	Remote Area Team
REMC	Regional Emergency Management Committee
SEMC	State Emergency Management Committee
RCR	Road Crash Rescue

SES	State Emergency Service
SFMC	State Fire Management Council
STT	Sustainable Timber Tasmania
TasPol	Tasmania Police
TFB	Total Fire Ban
TFE	TasFire Equipment
TFS	Tasmania Fire Service
TFT	TasFire Training
The Commission	State Fire Commission
USAR	Urban Search and Rescue

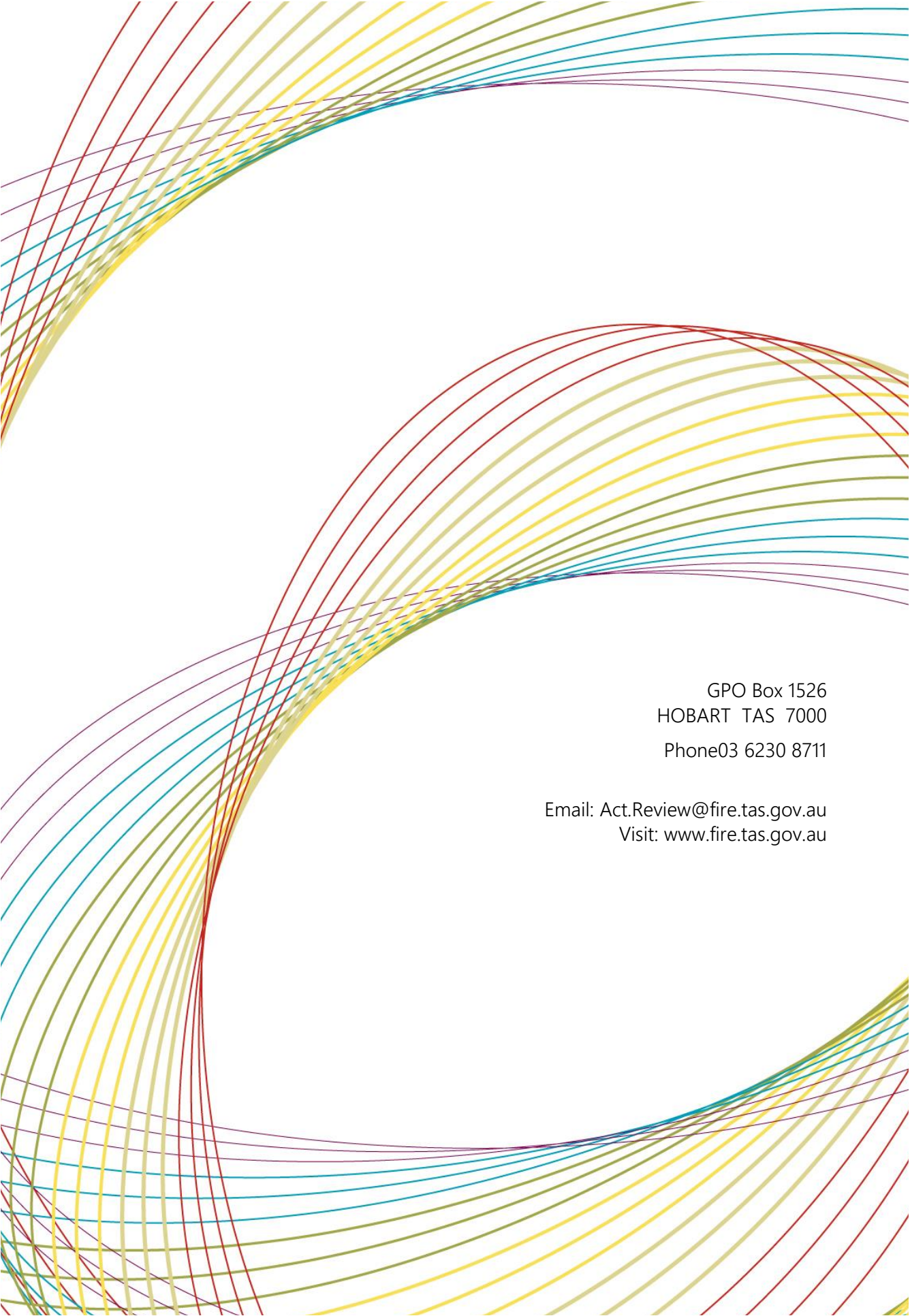
APPENDIX I SUMMARY OF QUESTIONS

1	Should the purpose of the legislation more accurately reflect the range of activities undertaken?
2	How should legislation validate the delivery of the current range of non-fire services that communities and government expect TFS to deliver?
3	Do TFS firefighters have a role in Emergency Medical Response and, if so, should that role be reflected in legislation?
4	Should the State Emergency Service be included in the new legislation and removed from the Emergency Management Act?
5	Should a statement of commitment to volunteers be included in the new legislation and, if so, who and what should it cover?
6	Should the legislation provide PWS and forest officers with appropriate legislative authority to undertake fire control work and reflect contemporary Tasmanian practice in relation to Inter-Agency Incident Management?
7	Should the State Fire Commission remain as a Statutory Authority?
8	Should the State Fire Commission have the role of a governing Board?
9	Should members of the Commission be appointed as representatives of their organisation or on the basis of skills/knowledge that they possess?
10	What should be the State Fire Commission's role and function and should it include the strategic policy setting and administrative oversight of the State Emergency Service?
11	What structural arrangements would best allow the Commission and TFS to achieve their objectives while operating in a departmental environment?
12	How should the Chief Officer be appointed and to whom is he responsible?
13	Should it still be specified that the Chief Officer is to have expertise and experience in fire service administration and in the management of fire-fighting operations?
14	How should potential tensions between the roles and accountabilities of the Chief Officer TFS, the Director SES and the State Controller be best resolved?
15	What is the appropriate role and function of the SFMC and what should the relationship be with the State Fire Commission/TFS?
16	What is the appropriate membership of the SFMC and should the membership be prescribed in legislation?

17	Should the State Fire Management Council have the power to appoint permit officers?
18	Are the Fire Management Areas and the composition of the Fire Management Area Committees still appropriate?
19	What opportunities exist to streamline Fire Management Area Committees with Emergency Management Committees?

20	Should fire and emergency services be funded through a single mechanism? If so, what is the appropriate model?
21	Should SES centrally manage and fund its volunteer unit facilities, its fleet and its operational expenses?
22	Should any new legislation bind the Crown?
23	How should response, command and control arrangements be handled in new legislation?
24	Should the Chain of Command be included in legislation with accountabilities included?
25	Should endorsement of Incident Controllers be legislated? Making it clear that all emergency responders present at an incident are in all respects subject to the Incident Controller's direction or should Incident Controllers be endorsed through policy?
26	Are the provisions relating to the establishment and composition of brigades still appropriate?
27	Should Industry Brigades be recognised in legislation and have the ability to assist in emergency response outside the industry boundaries?
28	Should the Act be amended to specify these activities are exempt from the provisions of the LUPAA?
29	Are the provisions relating to the declaration of Total Fire Bans still appropriate?
30	Should Community Education be an explicit function of SFC/TFS and should it include the SES?
31	Is it still appropriate that TFS issues permits to install, maintain or repair fire protection equipment?
32	Should there be a whole of government Emergency Evacuation System that deals with all threats, not just fire risks, in the built environment? Should prescribed buildings be categorised by risk potential?

33	Are the current levels and structure of penalties appropriate?
34	Are there other offences that should be considered for inclusion in new legislation?
35	Are the current protection from liability provisions appropriate?

An abstract graphic consisting of numerous thin, curved lines in shades of red, orange, yellow, green, and blue. These lines sweep across the page from the left side, creating a sense of movement and depth. They are arranged in a way that suggests a stylized 'S' or a series of overlapping waves.

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Fire and Emergency Services Act Reform Recommendations



Resilience and Recovery Tasmania
Department of Premier and Cabinet



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Resilience and Recovery Tasmania
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The following table provides a summary of the Tasmanian Government's position in relation to recommendations contained in the Stevens' report.

Number	Recommendation	Position
1	Legislate to integrate the organisation, functions and activities of TFS and SES. Make consequential amendments to the Emergency Management Act 2006, having regard to Recommendation 26 that the new integrated service preserve and recognise the role of volunteers/units in order to ensure future capability at a community level.	Accept
2	Ensure that the functions carried out by the Director SES continue to be performed as outlined in the <i>Emergency Management Act 2006</i> , in particular sections 25-28 inclusive of that Act.	Accept
3	Prescribe in the regulations to the new legislation – or equivalent mechanism – the following as functions of the proposed new Tasmania Fire and Emergency Services (TFES) entity (subject to appropriate resource allocation and training): <ul style="list-style-type: none"> activities currently undertaken by SES (flood, storm/tempest, earthquake, tsunami, space debris re-entry, and search and rescue) provision of support at events like road crash rescue, response to heatwaves, and counter-terrorism. 	Accept
4	Legislate to confirm: <ul style="list-style-type: none"> the functions for Tasmania Fire and Emergency Services (TFES) as outlined in Section 3 of the Report (subject to finalisation of governance recommendations outlined in Section 4 of the Report), the functions and roles of the Chief Officer (or equivalent) as outlined in Section 3.5.3 of this Report, but having regard to the alternative view offered in Section 3.5.4. of the Report 	Accept
5	<ul style="list-style-type: none"> Do not combine the firefighting capabilities of Parks and Wildlife Service (PWS) and Sustainable Timber Australia (STT) with those of Tasmania Fire and Emergency Services (TFES). 	Accept
6	<ul style="list-style-type: none"> Include all relevant emergency management entities in negotiations toward the Inter-Agency Fire Management Protocol, with approval and/or oversight by the State Controller. 	Accept
7	<ul style="list-style-type: none"> Ensure the role in recovery of the Department of Premier and Cabinet (DPAC) remains unchanged. Acknowledge the support role in recovery to be taken by Tasmania Fire and Emergency Services (TFES), as outlined in Section 3.6.5 of the Report. 	Accept



Number	Recommendation	Position
8	<p>Develop a governance model for Tasmania Fire and Emergency Services (TFES) that transitions it to a division within the Department of Police, Fire and Emergency Management (DPFEM) that includes:</p> <ul style="list-style-type: none"> • suitable ring-fencing arrangements for levies raised to fund TFES • appropriate reporting arrangements between the head of TFES and the Minister • broadening the role, and revisiting the membership, of the State Fire Management Council (SFMC). Revisiting membership should include relevant membership transitioned from the State Fire Commission (SFC) abolishing the SFC. 	<p>Reject</p> <p>Alternative proposed</p>
9	<p>Confirm in legislation the continued existence of the State Fire Management Council (SFMC) under a charter to be approved by the Secretary Department of Police, Fire and Emergency Management (DPFEM) and the Minister.</p>	<p>Reject</p> <p>Support the establishment of a statutory advisory committee.</p>
10	<p>Broaden the definition in the Fire Service Act of 'brigade costs' to include non-brigade costs.</p>	<p>To be considered in 2023-24 Budget process</p>
11	<ul style="list-style-type: none"> • Replace all current sources of State Emergency Service (SES) funding with a single, property-based levy. <p>Explore Appropriation-based funding for SES as an alternative if a single, property-based levy is not supported or sustainable.</p>	<p>To be considered in 2023-24 Budget process</p>
12	<ul style="list-style-type: none"> • Replace the Insurance Levy with a property-based levy or another funding source providing similar, and consistent (predictable), levels of funding. <p>Ensure that the Insurance Levy continues to be charged and collected until suitable transition arrangements are identified and implemented.</p>	<p>To be considered in 2023-24 Budget process</p>
13	<ul style="list-style-type: none"> • Continue the Motor Vehicle Levy. <p>Base any expansion of the Motor Vehicle Levy to other types of vehicles on a cost-benefit analysis.</p>	<p>To be considered in 2023-24 Budget process</p>
14	<p>Continue contributions from the Australian Government but do not regard this as a source of base-level funding for Tasmania Fire and Emergency Services (TFES).</p>	<p>To be considered in 2023-24 Budget process</p>
15	<ul style="list-style-type: none"> • Continue to source funding from the marketing and fire prevention functions of TFES and miscellaneous revenue, with these being self-funding and not part of base-level funding. 	<p>To be considered in 2023-24 Budget process</p>



Number	Recommendation	Position
	Discontinue revenue streams from the Motor Accident Insurance Board for both TFS and SES.	
16	<ul style="list-style-type: none"> Continue contributions from the State Government but do not regard this as a source of base-level funding for TFES. 	To be considered in 2023-24 Budget process
17	<ul style="list-style-type: none"> Include up to \$5 million per annum in levy or Appropriation sources of revenue for Tasmania Fire and Emergency Services (TFES) to pay for those State Emergency Service (SES) related functions and services transitioned from local government to TFES. 	To be considered in 2023-24 Budget process
18	<ul style="list-style-type: none"> Continue a property-based levy to provide the bulk of funding for Tasmania Fire and Emergency Services (TFES), basing it on a property's Average Annual Value (AAV) as determined by the Valuer-General from time to time, with movements in the levy determined by Treasury annually. Determine the make-up of the levy, including consideration of fixed and variable components. 	To be considered in 2023-24 Budget process
19	<ul style="list-style-type: none"> Quantify and fund current concessions as a Community Service Obligation. Quantify and remove current exemptions for payment of the Fire Service Contribution (FSC) levy, except for Crown Land, land managed by Sustainable Timber Tasmania (STT) and land and buildings owned by Councils and by Government entities funded predominantly by Appropriation. 	To be considered in 2023-24 Budget process
20	<ul style="list-style-type: none"> Ensure that funds raised for the TFES are paid into the Consolidated Fund and then ring-fenced for use by TFES. 	To be considered in 2023-24 Budget process
21	<ul style="list-style-type: none"> Develop transition arrangements that mitigate the impacts on property owners of an increase in a property-based levy. Engage with the Insurance Council of Australia and property owners to quantify benefits from lower insurance premiums and consider how these might be shared with the broader community. 	To be considered in 2023-24 Budget process
22	<ul style="list-style-type: none"> Discontinue local government funding of SES and their support for local units. Transition all Councils' associated resources to TFES. Develop a transition plan with Councils. 	To be considered in 2023-24 Budget process
23	<ul style="list-style-type: none"> Do not fund TFES by Appropriation – because doing so may disincentivise property owners from properly insuring their properties or being appropriately prepared. 	To be considered in 2023-24 Budget process



Number	Recommendation	Position
24	<ul style="list-style-type: none"> Have Treasury be responsible for calculating, but not on its own determining – determination will require input from TFES – the amount to be collected by local government from the property-based levy annually. 	To be considered in 2023-24 Budget process
25	<ul style="list-style-type: none"> Continue to have local government collect the proposed TFES property-based levy and be paid a renegotiated collection fee for doing so. Have the Head of the TFES and the Minister make clear annually, in a public manner, how the levy is constructed, reasons for increases, and the fact that it is collected by local government for a fee. Pay levies collected by local government into the Consolidated Fund but ring-fence them for use by TFES. 	To be considered in 2023-24 Budget process
26	<ul style="list-style-type: none"> Recognise and enshrine in legislation the contribution of volunteers and volunteering (including SES units) and include a requirement for a Volunteer Charter to be developed by Tasmania Fire and Emergency Services (TFES) and endorsed by the Volunteer Associations and the Minister. Legislate to provide good faith protection from liability for TFES volunteers/units, authorised volunteers and permanent staff. Ensure there are no legislative barriers that would preclude the expansion of volunteer/unit roles to include both response and non-response roles. 	Accept
27	<ul style="list-style-type: none"> Do not include a legislated provision for emergency medical response in the mandate of Tasmania Fire and Emergency Services (TFES); this should be entirely a matter of policy. Ensure legislation allows for additional functions that fire and emergency services personnel may perform, subject to appropriate training and credentialing, with an overarching responsibility for public safety, property and the environment. Ensure that, while Ambulance Tasmania remains the primary agency for emergency medical response, legislation does not prohibit it from entering into arrangements with TFES for training and credentialing relevant emergency response activities. 	Accept
28	Develop legislation that empowers Tasmania Fire and Emergency Services (TFES) with functions, powers and	Accept



Number	Recommendation	Position
	<p>indemnities that reflect its broader role in emergency management and response, and which:</p> <ul style="list-style-type: none"> • maintains current levels of indemnity • broadens TFES' mandate to include the power to confer specified functions, powers and indemnities on individuals and organisations inside and outside TFES, including interstate and international personnel • provides authority and indemnity that allows for quick response to fires in the landscape without waiting for formal instruction from TFES, and approval to enter private land to address fire response. This should apply not just for Sustainable Timber Tasmania (STT) and Parks and Wildlife Service (PWS), but also the private forest industry and any other potential first responders, e.g. appropriately resourced private land managers • provides clarity regarding authority to act and indemnity, including linkages with existing Memorandum of Understanding (MoU) arrangements with private forests and in circumstances where authority to act may be automatic, such as fires reported through FireComm. 	
29	<p>Legislate to:</p> <ul style="list-style-type: none"> • address conflicting, duplicated or gaps in the roles of the proposed TFES, Parks and Wildlife (PWS), Sustainable Timber Tasmania (STT) and private entities involved in dealing with fires • allow non-TFES officers in charge of fire suppression to have access to, and to deal with, a fire as soon as possible • include in the mandate of TFES the power to confer specified functions and powers on individuals and organisations, including interstate or international personnel, inside or outside of the entity • include a Head of Power, exercisable at the discretion of TFES, allowing protocols to be developed to manage the relationship between the entity and other land management agencies and emergency services agencies, including Tasmania Police • provide firefighters, SES workers and other delegated agencies/people with protection from liability (as occurs currently through section 51 of the Emergency Management Act). Other delegated agencies/people to be 'loosely' defined so as to provide protection for the range of persons involved in the provision of fire and emergency 	Accept



Number	Recommendation	Position
	<p>services but who may be non-firefighters/non-emergency workers/not public servants.</p> <p>authorise TFES, PWS and STT to close roads to protect public safety during a fire, flood or storm hazard and to have a power to regulate traffic, not just close a road.</p>	
30	<p>Leave the decision-making and nomination process to appoint fire permit officers to the senior management of the relevant responsible agencies, depending on their specific responsibilities in regards, for example, to the land tenure with which it is concerned.</p>	Accept
31	<ul style="list-style-type: none"> • Include, in the Terms of Reference for the State Fire Emergency Management Sub-Committee, provision for the establishment of Fire and Emergency Risk Area Committees (FERAC), including the number and geographical boundaries of these committees. • Enhance community engagement through community representation on FERACs, without increasing numbers on these committees. • Remove the requirement to Gazette geographical boundaries. • Continue to identify synergies between FERACs and Regional and Municipal Emergency Management Committees. <p>Note that these arrangements do not require legislative support and could instead be promulgated under a Head of Power and detailed, where necessary, in doctrine/Tasmanian Emergency Management Arrangements (TEMA).</p>	Accept
32	<p>Consider, as an alternative to, or in addition to, Recommendation 31:</p> <ul style="list-style-type: none"> • having the secretariat function currently fulfilled by SES performed instead by relevant administrative personnel within an agency with primary responsibility for statewide emergency management, such as the Department of Premier and Cabinet (DPAC) or the Department of Police, Fire and Emergency Management (DPFEM) • transferring SES's Emergency Management Unit (EMU) functions associated with statewide risk assessments, emergency planning, and emergency management policy to either DPAC or DPFEM. 	Accept subject to further consideration as noted in Stevens Report
33	<p>Legislate to provide a Head of Power for Tasmania Fire and Emergency Services (TFES) to:</p> <ul style="list-style-type: none"> • establish and abolish brigades/units • determine the membership of brigades/units 	Accept



Number	Recommendation	Position
	<ul style="list-style-type: none"> • recommend locations of brigades/units • define the structure, functions, powers and responsibilities of brigades/units • exercise such other powers and functions as may be necessary for the effective management of, and response to, fire and other prescribed emergencies. • Legislate to provide TFES with the power to: • register/de-register volunteer/unit members • appoint unit managers, brigade chiefs, and establish standards, for things like equipment, training, facilities, etc. • establish protocols for cooperation <p>appoint industry brigades, making clear that they be under the control of TFES.</p>	
34	<ul style="list-style-type: none"> • Include the recommendations of the review of the fire permit system into new legislation as appropriate, including arrangements for total fire bans. • Ensure that new legislation includes scope to modify or change these arrangements if once implemented it is determined adjustments to processes are required. <p>Ensure that, subject to exemptions granted by the Chief Officer, no fire permits are issued when total fire bans are in place.</p>	Accept
35	<ul style="list-style-type: none"> • Expect, but do not legislate for, Tasmania Fire and Emergency Services (TFES) to provide education to the community on how best to prepare for fire and relevant emergency risks. 	Accept
36	<p>Legislate for Tasmania Fire and Emergency Services (TFES) responsibility for issuing permits to install, maintain or repair fire protection equipment, subject to a review of:</p> <ul style="list-style-type: none"> • the current regulatory arrangements • conflict-of-interest arrangements. 	Accept
37	<p>Do not provide for building fire evacuation systems in any new legislation; instead, establish in law or regulation that high-risk facilities should have their emergency response procedures reviewed and approved by WorkSafe Tasmania and that, in view of its contemporary knowledge and experience in emergency response, advice be sought where needed from Tasmania Fire and Emergency Services (TFES).</p>	Reject Maintain current position
38	<p>Review current offence and penalty provisions to determine if they remain appropriate, enforceable and contemporary and reflect the expanded roles of TFS and SES and, therefore, Tasmania Fire and Emergency Services (TFES). In doing so, consider provisions in the Police Offences Act 1935.</p>	Accept



Number	Recommendation	Position
39	<p>Legislate to:</p> <ul style="list-style-type: none"> provide for Tasmania Fire and Emergency Services (TFES) to establish a chain of command for response (including appointment of Incident Controllers) by means of regulations or a statutory instrument, which can, when necessary, be amended make clear that all emergency responders who are present at an incident are, in all respects, subject to the Incident Controller's direction give power to, or require, TFES to ensure that an endorsement or accreditation process is in place for incident management staff that provides authority, accountability, indemnity, consistency and efficiency of process <p>update the roles and responsibilities for emergency management to be consistent with those prescribed in the Emergency Management Act 2006 (because command and control arrangements will apply to SES as well as TFS, and therefore to TFES).</p>	Accept
40	Expect Tasmania Fire and Emergency Services (TFES) to have capability, or access to capability, to advise on, or participate in the development of, strategies aimed at identifying risks associated with changes in our climate and proposed mitigations.	Accept
41	Undertake a review of contemporary and suitable legislation from other fire jurisdictions across Australia to consider, within the Tasmanian context, how best to allow a more proactive and pragmatic approach to fire safety compliance in the built environment.	Accept
42	<p>Draft new legislation to replace the Fire Service Act 1979, keeping in mind that:</p> <ul style="list-style-type: none"> in order for any proposed legislation to be contemporary, flexible and sufficiently forward-looking, it needs to be principles-based, providing a Head of Power to Tasmania Fire and Emergency Services (TFES) <p>the functions and mandate of the new entity should deliver an authorising and enabling environment facilitating a broad range of fire and prescribed non-fire related emergency services activities, including multi-hazard, that are aligned with and support the Emergency Management Act 2006 in legislation.</p>	Accept
43	Legislate to make provision for a secondary process to change or add mandated functions in the future without the need to amend legislation, but on the proviso that the core legislation cannot be undone without full review by the Parliament, and with public input.	Accept



Number	Recommendation	Position
44	<p>Develop new legislation to establish an integrated fire and prescribed emergency services entity, the principal objectives of which are:</p> <ul style="list-style-type: none"> • to preserve human life • to build resilient communities that actively participate in prevention, preparedness and response to fire and other relevant emergencies or to limit the economic, environmental (including climate change), social and physical impacts of fire and other emergencies on the Tasmanian community • to recognise that our environment has inherent value for the Tasmanian community • to ensure/facilitate effective inter-agency interoperability both inter and intra State. <p>Clarify, in the new legislation, that the proposed entity is not the lead agency responsible for recovery.</p>	Accept
45	Draft new legislation to be short, forward-looking and principles-based, with detail addressed in regulations.	Accept





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Review of the *Fire Service Act 1979*

OPTIONS PAPER: FIRE SERVICE FUNDING ARRANGEMENTS

Department of Treasury and Finance



Contents

Background	2
Purpose of this paper	2
Current funding arrangements	2
Blake Fire Service Act Review - financial management recommendations	4
Modelling of options	6
Option 1: Retain current arrangements	7
Option 2: A single property-based levy	9
Option 3: Property and motor vehicle-based levies	11
Option 4: Annual appropriation	13
Comparison of options	13
Conclusion	14
Attachment A: Current funding arrangements	15
Attachment B: Funding arrangements in other jurisdictions	17

BACKGROUND

In the lead up to the 2021 State election, the Tasmanian Government committed to initiating a consultation process on the development of a contemporary new Fire Service Act within 100 days of being elected. The aim of this commitment was to ensure that the Tasmanian Fire Service (TFS) is underpinned by contemporary legislation that reflects the service delivery that is expected by the community now and into the future.

As part of this commitment, the Government is undertaking community consultation. Significant work has already been undertaken through the Review of the *Fire Service Act 1979* led by Mr Mike Blake (the Blake Fire Service Act Review (Blake Review)) and the previous work undertaken by the House of Assembly Standing Committee Inquiry into the State Fire Commission (SFC).

Due to the alignment of roles and functions, the Blake Review also included consideration of future arrangements for the State Emergency Service (SES).

The Blake Review includes 45 recommendations for reform, including 16 Financial Management Recommendations (Recommendations 10-25). A copy of the Blake Review is available at <https://www.dpfem.tas.gov.au/consultation-fire-service-act.html>.

The Blake Review was released for consultation on 26 August 2021. At the time, the Government also committed that, as part of the consultation process, the Department of Treasury and Finance (Treasury) would release a separate Options Paper for consultation on potential funding models for the TFS and SES to ensure that fire and emergency services are funded in an equitable, transparent and sustainable way.

PURPOSE OF THIS PAPER

This options paper has been developed following the release of the Blake Review for public consultation. Given the Blake Review contained 16 financial management recommendations, Treasury is seeking specific feedback on the most appropriate funding model for an integrated fire and emergency services function, taking into account the objective of ensuring future funding arrangements that are more sustainable, equitable and commensurate with future functions and the business operating model.

The purpose of this paper is to outline the current operation of the *Fire Service Act 1979* as it relates to funding arrangements, detail the various alternative funding models raised in the Blake Review, and raise a number of issues and questions for consideration.

Interested parties are invited to comment on the issues and questions raised in this paper.

Submissions should provide evidence and reasoning as to the support/non-support of the Blake Review recommendations.

Submissions on the potential funding models are to be provided to act.review@fire.tas.gov.au by 5pm on 6 December 2021 and may be published.

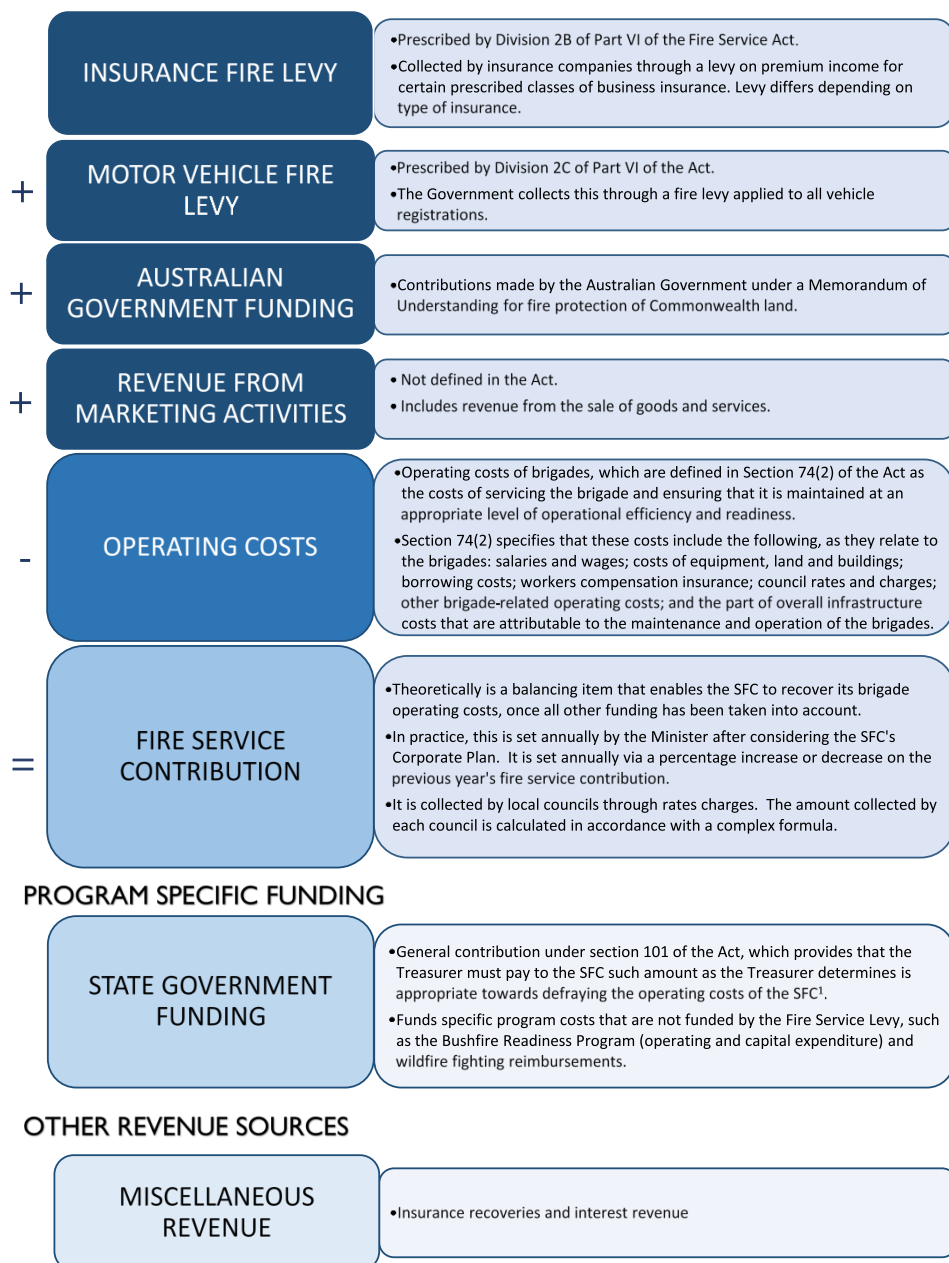
CURRENT FUNDING ARRANGEMENTS

The Fire Service Act prescribes the current funding arrangements for the SFC, which is the governing body for the TFS.

Treasury and Finance - Fire Service Funding Arrangements 3

As noted in the Blake Review, these arrangements are extremely complex and highly prescriptive, with funding being provided from a range of sources. This includes the Fire Service Contribution, the Motor Vehicle Fire Levy and the Insurance Fire Levy, together with funding from a number of other sources, including the Australian Government, State Government and internally generated income. The Fire Service Contribution and the two levies made up 82 per cent of the SFC's total revenue of \$122 million in 2020-21.¹ The levies are expected to make up a similar percentage of revenue in 2021-22.²

The interactions between the funding sources are shown in the following diagram.



¹ Based on the SFC's Statement of Comprehensive Income for the year ended 30 June 2021.

² Based on the SFC's 2021-22 Corporate Plan.

Treasury and Finance - Fire Service Funding Arrangements 4

Further detail in relation to the Insurance Fire Levy, the Motor Vehicle Fire Levy and the Fire Service Contribution is included in Attachment A, including revenue collected from each of these sources in 2020-21.

Funding arrangements for the SES also lack clarity and are uncertain. As with the State Fire Commission, funding also comes from a range of sources, including from local government via provisions in the *Emergency Management Act 2006*, which stipulates that councils are responsible for the establishment and maintenance of local SES units. The remaining funding sources are largely via annual appropriation to the Department of Police, Fire and Emergency Management. Funding for the SES is expected to be in the order of \$2.9 million in 2021-22.³

BLAKE FIRE SERVICE ACT REVIEW - FINANCIAL MANAGEMENT RECOMMENDATIONS

The Blake Review was required, among other things, to assess the SFC's funding base and identify future funding options and undertake an analysis of those options against the following criteria.

Provide sufficient funding to ensure the fire and emergency services can perform the functions agreed by Government.

Be administratively simple to calculate and collect.

Be stable and predictable.

Be equitable so that those who receive the various services contribute to the costs; levy payers in rural fire districts and all other asset owners receive benefits that reflect their needs and contribution; and minimise distortions in investment decisions, insurance price and coverage.

Provide recommendations for the SFC's future funding base so it can be more sustainable, stable, simple, equitable and commensurate with future functions and the business operating model, including how improvements could be made to the current insurance-based levy; and whether there are any other viable funding sources.

The Blake Review recommended that any model should raise sufficient revenue to pay for the services of an integrated fire and emergency services function. It was also proposed that such a model should also include the full range of activities undertaken by the entity, including administration costs.

The Blake Review recommended the following four funding models.

1. Base case - continuation of the current model.
2. A single property-based levy.
3. A property-based levy combined with a vehicle levy.
4. Fully funded by annual appropriation.

With the underlying assumption that funds raised are fully ring-fenced for use by the entity.

³ Based on the SFC's 2021-22 Corporate Plan.

Treasury and Finance - Fire Service Funding Arrangements 5

The Blake Review includes discussion of the four options at a high level. As part of this, it is acknowledged that the current system is complex and not fit-for-purpose, but it is likely there will be winners and losers as a result of any proposed reform.

The current funding arrangements were developed in 1979 and do not take into consideration recent developments, including greater interoperability, technology changes, longer fire seasons and the impact of climate change.

The Blake Review notes that any future funding model needs to take into account these differing circumstances and, at the same time, be future-proof.

It is also noted in the Review that the Insurance Fire Levy should be replaced with a single property-based levy or another funding source. This is generally consistent with arrangements in other jurisdictions, where most jurisdictions use property-based levies to at least partially fund fire service costs.

Arrangements in other jurisdictions are summarised in Attachment B, together with a brief discussion in relation to recent commentary around insurance levies.

The Blake Review also acknowledges that, while there is a case for retaining the current Motor Vehicle Levy, a single property-based levy is preferred.

The Review indicated that further modelling would be required to determine the quantum of the impact on businesses and individuals for each of the options.

The Blake Review also proposed that local government continue to collect any new property-based levy and be paid a renegotiated collection fee for doing so. The current fee is 4 per cent of the Fire Service Contribution collected, which is approximately \$2 million per annum.

An alternative approach may be for the levy to be collected by the State Revenue Office, which may result in some savings due to internal efficiencies, and allow for greater control and transparency over the collection and distribution of the levy. However, the SRO does not currently invoice all property owners and mechanisms would need to be developed.

MODELLING OF OPTIONS

Modelling limitations

Treasury has undertaken high-level modelling of the options proposed in the Blake Fire Service Review. The results of this are detailed below.

There is a range of significant limitations in relation to the outcomes of this modelling and the results are therefore only indicative of the potential impact on individual taxpayers.

A significant limitation of the modelling undertaken by Treasury is the inability to accurately model the impact of a change in the funding model for individual stakeholders. Treasury does not hold all necessary information in relation to the actual cost for individual ratepayers under each of the three elements of the current funding model, given this revenue is collected by third parties. For instance, as the current Fire Service Contribution is collected by local councils, Treasury does not have access to information or data in relation to amounts charged to individual ratepayers.

Similarly, the current Insurance Fire Levy is collected by insurance companies and passed directly to the SFC, meaning Treasury also does not hold this data. However, given the current Insurance Fire Levy rate of 28 per cent for some insurance policies, this is likely to significantly impact on the cost of insurance for businesses that are insured and in some cases, act as a deterrent to businesses being appropriately insured.

Key assumptions

Given the limitations detailed above, indicative modelling has been undertaken of the expected impact on groups of taxpayers arising under Options 2 and 3, based on average residential property values and average commercial property values.

The Treasury modelling assumes that in the order of \$100 million would need to be raised under each option, which broadly includes current revenue collected from the Fire Service Contribution, the Motor Vehicle Fire Levy and the Insurance Fire Levy. It is assumed that revenue from other sources, such as the Australian Government and internal activities, would continue at their existing levels. It is also assumed that existing support measures from local councils would continue in relation to the operation and maintenance of SES assets and functions.

The modelling does not make any assumptions around the future cost of an integrated fire and emergency services function, and the costs largely reflect current arrangements. Treasury has not undertaken any type of analysis in relation to ongoing or future expenditure needs of an integrated fire and emergency services function to verify this assumption.

It is also assumed that a property-based levy will continue to be collected by local government and the costs for collection would continue at the existing rate of 4 per cent of the total revenue collected. As noted above, an alternative approach may be for the levy to be collected by the State Revenue Office, which could result in some savings, although this is unlikely to materially impact the outcomes of the modelling.

It is assumed that any existing exemptions and concessions will remain under any new funding arrangement. This includes the existing 20 per cent discount for eligible pensioners on residential properties.

Treasury and Finance - Fire Service Funding Arrangements 7

The property-based levies outlined in Options 2B and 3B propose a differential rate dependent on property classification. The rate applied in Treasury modelling is highest for industrial and commercial properties.

Similarly, Treasury modelling proposes a higher bushfire prone area (BPA) charge rate for industrial, residential and primary production classifications, with lower rates for community services and other categories. This is for demonstrative purposes only and subject to further consultation.

Transition measures will be an important part of implementing any new funding arrangement. It is expected that such measures would be phased in over a reasonable period to support those persons or entities that are most affected by the change. However, the impacts of any targeted transition measures are not reflected in the modelling.

As noted previously, the modelling has been undertaken at a high level based on a range of assumptions. In the event a decision is made to proceed with reform of the funding arrangements, specific details would need to be considered, including the impact on individual taxpayers.

OPTION 1: RETAIN CURRENT ARRANGEMENTS

Option 1 is provided for comparative purposes.

This option assumes the continuation of current arrangements. However, it is assumed that funding is extended to cover the cost of an integrated fire and emergency services function. Existing exemptions and concessions would also continue.

As noted previously, Treasury does not hold detailed information in relation to amounts charged to individual ratepayers for the Fire Service Contribution. Treasury also does not have access to Insurance Fire Levy amounts levied on individual business's insurance policies.

Based on Treasury's modelling, it is expected that the Fire Service Contribution on a mid-range residential property would be in the range of \$54-\$303, and a mid-range commercial property would be in the range of \$131-\$689,⁴ noting that the actual amount will vary depending on the municipality, assessed annual value (AAV) of the property and the type of fire brigade service (permanent, composite or volunteer). The minimum Fire Service Contribution, which is indexed in line with movements in the consumer price index (\$42 in 2021-22), would also apply.

It is assumed that the Motor Vehicle Fire Levy continues at the flat rate of \$19 per vehicle (based on 2021-22 costs). As such, the total contribution from a household or business will depend on the number of vehicles owned.

While Treasury is not able to provide any indication of the likely cost to businesses on their insurance, for some businesses it is likely to be material, particularly for those with high value properties or those in high risk industries or high risk locations.

⁴ Based on mid-range residential property AAV of \$11 960, and mid-range commercial residential property AAV of \$25 840.

Commentary

As noted previously, the Blake Review found that the current arrangements are unclear, complicated and made it difficult for both the TFS and the SES to appropriately plan. Given the complexity of the funding arrangements, there is also an overall lack of transparency of the fire service funding model.

The current arrangements place a higher burden on businesses, with some businesses likely to be paying the Fire Service Contribution, the Motor Vehicle Fire Levy and the Insurance Fire Levy. For some of those businesses, the Insurance Fire Levy may be a material annual expense, particularly at a time when insurance costs are rising due to the increase in frequency of natural disasters and the impacts of climate change. This cost may act as a disincentive for businesses to adequately insure, with the potential for some businesses choosing non-insurance or self-insurance.

The Insurance Fire Levy also fails to take into account that a number of businesses may also have sophisticated in-house fire risk mitigation arrangements in place.

Further, the Insurance Fire Levy is only payable on traditional insurance policies, meaning those who maintain a mutual fund or who insure offshore are able to avoid a contribution due to legislative loopholes; thereby not contributing to the cost of fire services in the same manner as other businesses.

The brigade rating districts (permanent, composite or volunteer) used to calculate individual property owner's contributions for the Fire Service Contribution lack relevance and do not adjust over time with changes in actual resource allocation. This is an outdated approach that does not take into account more modern mobile firefighting capabilities such as the ability to deploy brigades between districts state-wide, both via road and air. Brigade rating districts also do not reflect the level of fire risk attached to a property.

These arrangements do not meet the sustainability, stability, simplicity or equity criteria against which the models are being assessed.

Questions

1. Do you support retaining the current arrangements? If not, why?
2. Does the Insurance Fire Levy act as a disincentive to your business being appropriately insured?

OPTION 2: A SINGLE PROPERTY-BASED LEVY

Instead of the three levies currently in operation, an alternative is to introduce one levy which is calculated based on the value of a property.

There are a range of alternatives for the calculation of a single levy that is solely property-based.

Treasury has developed two single property-based levy options based on a property's AAV. The options include:

- *Option 2A:* a single fixed charge and a single variable rate applied to all properties; and
- *Option 2B:* a differential fixed charge and a differential variable rate applied on the basis of a property's classification.

In Tasmania, 41 per cent of properties are classified as being in bushfire prone areas.⁵ As such, both Option 2A and 2B also include an additional variable charge on properties that are considered to be in a bushfire prone area (BPA charge).

As noted previously, all exemptions would continue to apply, noting that the current Fire Service Contribution does not apply to State and local governments, Government businesses and religious and charitable bodies. Property owned by the Australian Government is also exempt. To minimise the impact on existing property owners from any changes, consideration could be given to extending the new property-based levy to a broader range of property owners.

Option 2A - single fee structure

Under option 2A, each property, regardless of its classification, would be subject to an annual amount that includes a fixed and a variable charge. The variable charge is calculated using a single rate based on the AAV of the property.

For those properties in bushfire prone areas a further variable charge would also apply, calculated using a single rate on the AAV of the property.

Under option 2A, the average residential property owner would pay a property-based levy of \$273. This would increase to \$335 for those subject to the BPA charge.

The average commercial property owner would pay a property-based levy of \$473; or \$607 for those subject to the BPA charge.

Option 2B - differential fee structure based on land classification

Under option 2B, a differential fixed charge and a differential variable rate would be payable on the AAV of properties based on the property classification.

Property classifications include:

- residential;
- commercial;

⁵ Further information regarding bushfire prone areas is available at:
<http://www.fire.tas.gov.au/Show?pagelD=colBushfireProneAreas>

Treasury and Finance - Fire Service Funding Arrangements 10

- industrial;
- primary production;
- community services (ie community halls and sporting facilities); and
- other (ie vacant land and recreation land).

Properties in bushfire prone areas would also be subject to the additional BPA charge. The BPA charge would also be levied at a variable rate, depending on a property's classification.

Under option 2B, the average residential property would pay a property-based levy of \$288. This would increase to \$348 for those properties subject to the BPA charge.

The average commercial property owner would pay a property-based levy of \$450; or \$528 if subject to a BPA charge.

Commentary

Both options 2A and 2B use a combination of fixed and variable charges to ensure that all property owners, regardless of the value of property, are contributing to the funding of an integrated fire and emergency services function.

Both options also include a BPA charge to account for the increased fire risk in bushfire prone areas. This also takes into account the fact that bushfire prone areas can also be harder for fire crews to access and resource in the event of an emergency.

The key difference between option 2A and option 2B is the fact that option 2B applies a differential rate depending on the property classification.

Option 2A is simple to calculate. However, the levy applies an equal rate to all property classifications, which means a higher burden is placed on residential and primary production property owners compared to the current arrangements.

The variable rate applied in option 2B applies a lower rate to residential properties compared to commercial properties, consistent with the current funding arrangements. However, given the relatively high rate of the current Insurance Fire Levy, option 2B may still result in savings for businesses compared to the current arrangements.

Overall, a single property-based levy would generally be considered an efficient tax, given it does not tend to alter business or individual behaviours and would provide stable revenue growth based on property value growth. Tying funding arrangements to property values is equitable and sustainable, would simplify the administration and collection of fire service funding, and would ease complexity for all stakeholders.

A single property-based levy meets the sustainability, stability, simplicity and equity criteria and provides a growing source of revenue to ensure that adequate resources continue to be available in the future to maintain an appropriate level of fire and SES capability in Tasmania. Option 2A is a simpler model and is likely to be more equitable across all property owners, irrespective of property usage.

OPTION 3: PROPERTY AND MOTOR VEHICLE-BASED LEVIES

Option 3 proposes that the existing Motor Vehicle Levy is retained in conjunction with a property-based levy.

The approach explored in option 3 is consistent with the options under option 2. However the variable rates and the fixed charges applied are lower to reflect the lower amount of revenue to be collected through the property-based levy. This is because the property-based levy in option 3 will be supplemented by the motor vehicle levy, compared to option 2 which relies solely on a property-based levy.

The two alternatives include:

- *Option 3A*: a single fixed charge and a single variable rate applied to all properties, plus the existing motor vehicle levy; and
- *Option 3B*: a differential fixed charge and a differential variable rate applied on the basis of a property's classification, plus the existing motor vehicle levy.

The BPA charge applied under options 2A and 2B would similarly apply to options 3A and 3B, to reflect the inherent risk in properties located in bushfire prone areas.

The motor vehicle levy would apply in the same manner as it does under the current funding arrangement. Note that once again, all exemptions and concessions would continue to apply.

Option 3A - single fee structure

Under option 3A, each property, regardless of its classification, would be subject to an annual amount that includes a fixed and a variable charge. The variable charge is calculated using a single rate on the AAV of the property.

Option 3A also imposes a BPA charge on those properties located in a bushfire prone area.

The motor vehicle charge, currently levied at \$19 per vehicle, would also be payable. The total contribution from a household or business will depend on the number of vehicles owned.

Under option 3A, the average residential property owner would pay an annual property-based levy of \$249. This would increase to \$311 for properties subject to a BPA charge.

The average commercial property owner would pay a property-based levy of \$403; or \$538 for those subject to a BPA charge.

Option 3B - differential fee structure based on land classification

Under option 3B, a differential fixed charge and a differential variable rate would be payable on the AAV of properties based on the property classifications detailed under option 2B. The BPA charge would also be levied where applicable.

The motor vehicle charge, currently levied at \$19 per vehicle, would also be payable. The total contribution from a household or business will therefore depend on the number of vehicles owned.

Treasury and Finance - Fire Service Funding Arrangements 12

Option 3B would result in the average residential property owner paying an annual property-based levy of \$261, plus \$19 per motor vehicle. The property-based levy would increase to \$320 with a BPA charge.

The average commercial property owner would pay a property-based levy of \$388, plus \$19 per motor vehicle. The property-based levy would increase to \$465 with a BPA charge.

Commentary

Comparisons between the property-based levy under option 3A compared to 3B will be in line with the commentary above in respect of options 2A and 2B.

The key question in comparing these approaches is whether it is equitable to levy a differential rate based on property classifications, particularly given the manner in which this shifts the financial burden between different classes of taxpayers. The differing rate is also more complex compared to the standard single rate for all property classifications.

The Blake Review acknowledged that the continuation of the motor vehicle levy may detract from transparency, add complexity and raise equity considerations. On the other hand, it reduces the amount of revenue needed to be raised from the property-based levy, which results in the benefit of being able to lower property-based levy rates, relative to options 2A and 2B.

The Blake Review also found that the motor vehicle levy had only marginal volatility and represented a fair contribution to an integrated fire and emergency services function given the number of car-related incidents that either the SES or TFS are required to attend.

Questions

3. Do you consider that a single property-based levy would provide a more stable, simple and equitable approach to funding an integrated fire and emergency services function?
4. If so, do you support a standard single-fee structured property-based levy as proposed in options 2A and 3A, or the differential rates based on a property's classification as proposed in options 2B and 3B?
5. If differential rates based on a property's classification are adopted, which classifications do you think should have higher rates when compared to others?
6. Do you support the use of a bushfire prone area charge for higher risk fire areas?
7. If a property-based levy was introduced, is it also appropriate to retain the Motor Vehicle Levy?

OPTION 4: ANNUAL APPROPRIATION

Consistent with other publicly provided services, option 4 proposes that emergency services be funded by an annual appropriation from the State Government via the Department for Police, Fire and Emergency Management.

The implementation of this model would mean significant change, both legislatively and administratively. This model would ensure that the SFC budget is consistent with overall Government budget policy. This would require annual expenditures to be appropriated by Parliament, thus enhancing clarity and accountability.

However, an integrated fire and emergency services function would be dependent on annual budget processes and would not have dedicated funding available each year. The Government would also lose a significant source of revenue with around \$100 million collected from the Fire Service Contribution, Insurance Fire Levy and Motor Vehicle Fire Levy per annum. Other sources of revenue would need to be considered, or services reduced in other important areas of Government service delivery.

Alternatively, options 1, 2 or 3 could be adopted, with funding directed to the Public Account rather than directly to the integrated fire and emergency services function.

Question

8. Should an integrated fire and emergency services function receive dedicated funding each year rather than being subject to annual budget processes?

COMPARISON OF OPTIONS

The tables below compare the estimated cost to residential and commercial property owners under options 1, 2 and 3, as per Treasury modelling.

Table 1: Residential property owners

	Option 1	Option 2A	Option 2B	Option 3A	Option 3B
Property-based levy	\$54 - \$302	\$273 - \$335*	\$288 - \$348*	\$249 - \$311*	\$261 - \$320*
Motor vehicle-based levy	\$19 per vehicle	N/A	N/A	\$19 per vehicle	\$19 per vehicle
Insurance-based levy	Unknown	N/A	N/A	N/A	N/A

* Note the higher range amount is for those properties subject to a bushfire prone area charge.

Table 2: Commercial property owners

	Option 1	Option 2A	Option 2B	Option 3A	Option 3B
Property-based levy	\$130 - \$685	\$473 - \$607*	\$450 - \$528*	\$403 - \$538*	\$388 - \$465*
Motor vehicle-based levy	\$19 per vehicle	N/A	N/A	\$19 per vehicle	\$19 per vehicle
Insurance-based levy	Unknown	N/A	N/A	N/A	N/A

Treasury and Finance - Fire Service Funding Arrangements 14

* Note the higher range amount is for those properties subject to a bushfire prone area charge.

Questions

9. Which of the proposed funding model options in this paper do you prefer, and why?
10. Are there any other funding models which you would propose instead?
11. Are there any other sources of funding that haven't been considered?
12. Do you have any other feedback for the Government in relation to the funding model?

CONCLUSION

This Options Paper demonstrates the outcome of high-level financial modelling of the impact of the four options for funding an integrated fire and emergency services function detailed in the Blake Review.

As noted previously, there are a range of limitations in relation to the outcome of this modelling and the results are therefore only indicative of the potential impact on individual taxpayers.

Notwithstanding this, based on the outcomes of this modelling, it is likely that there would be an increase in the property-based levy for residential properties under options 2 and 3, compared to the current arrangements.

However, businesses that are required to pay the Insurance Fire Levy under the existing model would be likely to receive a significant benefit under options 2 and 3. Taxes on insurance products are generally inequitable, make insurance more expensive and act as an incentive for businesses to under-insure or self-insure.

Options 2 and 3 are more likely to meet the criteria of administrative simplicity, equity, stability and sustainability, compared to the current arrangements.

However, any change is likely to be complex. Even if a new funding model is implemented on a revenue-neutral basis, any change will shift the burden from one group to another, thereby creating winners and losers.

Transition measures may need to be considered in the event of a change in the funding model. The Blake Review recommended that, in the event that the Review's recommendations are accepted, suitable transition arrangements should be identified and implemented over a reasonable period. This would assist in supporting those who are most affected by any change in regime, and help minimise any cash flow impacts on taxpayers. This could include consideration of current concession arrangements.

ATTACHMENT A: CURRENT FUNDING ARRANGEMENTS

The current funding arrangements were developed in 1979 and are no longer fit for purpose. They do not take into consideration recent developments, including greater interoperability, technology changes, demographic changes, longer fire seasons and the impact of climate change.

The Blake Review notes the funding model needs to take into account these differing circumstances and, at the same time, be future-proof.

Insurance Fire Levy

The Insurance Fire Levy is collected by insurance companies through a levy on premium income on certain prescribed classes of business insurance. Contributions are received monthly with an approved lodgement return. The Insurance Fire Levy is paid directly to the SFC by insurers.

The current Insurance Fire Levy is 2 per cent on marine cargo insurance, 14 per cent on aviation hull insurance, and 28 per cent on other classes of insurance. The rates are prescribed in the *Fire Service (Finance) Regulations 2017*.

\$29.2 million was collected from the Insurance Fire Levy in 2020-21.

Motor Vehicle Fire Levy

The Motor Vehicle Fire Levy is collected through a levy applied to all registered vehicles. This is collected by the Department of State Growth as part of the vehicle registration fee and forwarded to the SFC. The Motor Vehicle Fire Levy is not applied on registrations of motor cycles, trailers, caravans or horse floats.

In 2021-22, the Motor Vehicle Fire Levy is set at \$19 per vehicle, with a pensioner rate of \$13 per vehicle. The pensioner rate is available to people who hold a Services Australia or DVA Pensioner Concession Card. The levy is adjusted annually in line with CPI.

\$9.2 million was collected from the Motor Vehicle Fire Levy in 2020-21.

Fire Service Contribution

The Fire Service Contribution is calculated on an annual basis with the total amount approved by the Minister for Police and Emergency Management as part of the SFC's corporate planning process.

The Fire Service Contribution amount is calculated as the difference between the SFC's annual operating costs and the funds it expects to receive from other income sources. In effect, the Fire Service Contribution is a balancing item that enables the SFC to recover its brigade operating costs, once the SFC's other funding has been taken into account. Therefore an increase in one component of the funding should result in a decrease in the Fire Service Contribution - assuming operating costs remain constant. It is therefore likely to change annually.

The Fire Service Contribution is collected by local councils through rates, and paid directly to the SFC. Councils are entitled to retain a 4 per cent collection fee.

Treasury and Finance - Fire Service Funding Arrangements 16

The amount charged to property holders is calculated according to a complex formula which takes into account the assessed annual value (AAV) of the property and the type of fire brigade available in the area (permanent, composite or volunteer). A minimum Fire Service Contribution per property applies, which is indexed in line with movements in the consumer price index (\$42 in 2021-22). Eligible pensioners are entitled to a 20 per cent discount on their Fire Service Contribution.

The Fire Service Contribution currently has a range of exemptions for State and local governments, government business enterprises and religious and charitable bodies. Property owned by the Australian Government is also exempt.

\$48.1 million was collected from the Fire Service Contribution in 2020-21.

ATTACHMENT B: FUNDING ARRANGEMENTS IN OTHER JURISDICTIONS

With the exception of the Northern Territory, which funds its fire service entirely through the consolidated fund, all states and territories use property-based taxes to at least partially fund fire service costs. States' property levies vary based on location, level of fire brigade service, land use type and land value.

In general, states have moved away from insurance based taxes, with only New South Wales and Tasmania using an insurance levy to contribute towards the cost of fire services.

Taxes on insurance are widely considered an inefficient tax given the tax imposes significant costs on insurance premiums and may distort business behaviour through deterring businesses and people from getting sufficient insurance.

In 2013, following a recommendation from the 2009 Victorian Bushfires Royal Commission, Victoria removed its Fire Service Levy from insurance policies after the Royal Commission considered:

“the fundamental problem with the current funding model is that it is inequitable: those who do not insure or who under-insure avoid making a proportionate contribution to the funding of fire services but are afforded the same protection as those with insurance. A disproportionate share of the cost of providing fire services benefiting the entire community falls on insurance policy holders” (the 2009 Victorian Bushfires Royal Commission Final Report).

In 2017, the New South Wales Government introduced legislation to remove its insurance levy, which was responsible for over 70 per cent of the Fire and Rescue NSW's revenue at the time. Fire and Rescue New South Wales intended to move to a solely property-based levy, however the transition to a property-based levy was deferred in 2017 due to the expected impact on some businesses of the proposed changes.

In August 2020, the New South Wales Government's Review of Federal Financial Relations recommended that all specific taxes on insurance products, including the Emergency Services Levy, should be abolished and replaced by more efficient and broader tax bases, to improve the affordability and uptake of insurance. The Review found that:

“a broad-based property levy is a far more efficient approach: it makes insurance more affordable and ensures all property owners contribute to funding fire and emergency services. By including uninsured properties and reducing the contribution required from insured properties, it can in principle be fairer as well”.

The Review recommended that the New South Wales Government reconsider applying a levy on property owners. The New South Wales Government continues to consider the recommendations of the Review.

Only South Australia and Tasmania use a mobile property-based levy such as the motor vehicle fire levy to fund fire services.

Specific details in relation to each state's fire service funding arrangements is included in the following table.

Other Jurisdictions' Fire Service Funding Arrangements

	Property based	Insurance based	Vehicle based
NSW	Councils recover property charges indirectly through general rates	Levy based on market share of property policies	
VIC	Fixed charge plus a variable rate based on: <ul style="list-style-type: none"> Properties classification (residential, commercial etc) Capital improved value Concessions: <i>Pensioners and DVA Gold Card holders receive a flat rate (\$50) concession on their principal place of residence</i>		
QLD	Fixed charge based on levy group (property type and use). From 1 July 2021, all similar properties will contribute equally, due to change in district resourcing. Concessions: <i>Pensioners and Repatriation Health Card holders receive a 20 per cent discount for their principal place of residence</i>		
WA	Charge which varies between minimum and maximum based on: <ul style="list-style-type: none"> Gross rental value Emergency Services Levy category based on level of services (1-5). Concessions: <i>Pensioners, Seniors or Concession card holders receive a rebate on their rates of up to 50 per cent, limited to a maximum capped amount of \$750.</i>		
SA	Fixed charge plus a variable rate based on: <ul style="list-style-type: none"> Capital value Land use Brigade service Concessions: <i>Pensioners or holders of other related cards from Services Australia or DVA receive up to a maximum concession of \$46</i>		Levy varies by vehicle type (includes all mobile property)
TAS	Minimum charges plus a variable rate based on: <ul style="list-style-type: none"> Brigade service Assessed Annual Value Rates vary by council due to caps. Concessions: <i>Services Australia or DVA Pensioner Concession Card holders receive a 20 per cent discount.</i>	Levy based on varying proportion of commercial premiums	Flat levy on motor vehicles (excludes some mobile property ie motorcycle, trailers, caravan) Concessions <i>Services Australia or DVA Pensioner Concession Card holders receive a \$6 discount.</i>
NT	Funded directly from consolidated fund		

Treasury and Finance - Fire Service Funding Arrangements 19

ACT Fixed charge for residential and rural properties.
Commercial properties have a rate that varies based on Average unimproved value.
Average is based on 5-year average of unimproved value
Concessions:
Pensioners eligible for a rates rebate will receive a rebate on the levy capped at \$98.

Options paper - funding model for the Tasmania Fire and Emergency Service

This option paper accompanies the draft Tasmania Fire and Emergency Services Bill 2023 to consult on two proposed funding models for the TFES.

The implementation of a new funding model will also accompany a Government commitment to:

- Double fuel reduction funding from \$9 million to \$18 million per year, and
- Implementation of minimum standards for volunteer fire brigades.

Current situation

The *Fire Service Act 1979* prescribes the current funding arrangements for the State Fire Commission (SFC), which is the governing body for the TFS.

As noted in the Blake Review, these arrangements are extremely complex and highly prescriptive, with funding being provided from a range of sources.

This includes a property-based levy. Under this levy, where you live determines what you pay for the fire service. As a result, some households pay \$44 per annum, and some paying over \$400 per annum. This is because the rates are currently set according to the local government area where a property is, and whether it is supported by a career, volunteer or retained brigade.

However, our fire and emergency services do not operate this way and will regularly move in and out of local government boundaries to provide emergency response. For example, large regional fires often receive career brigades and aircraft response, or a motor vehicle accident will have the first crew available attend.

The following table demonstrates the inequities – this includes that there are inequities across local government areas, as well as inequities across urban and regional areas.

Table 1 - Examples – Current Funding Model Inequities

Location	Classification Rate	Cost for an average AAV
Burnie	1.4%	\$268
Devonport	1.2%	\$219
Hobart	0.89%	\$160
West Launceston	1.1%	\$208
Glenorchy	1.1%	\$206
Ulverstone	0.35%	\$64
New Norfolk	0.31%	\$44
St Helens	0.37%	\$52

In addition to the contributions made by households, the TFS is supported by an Insurance Levy and a Motor vehicle levy. Under the Insurance Levy some businesses pay a fire levy through their insurance, and this can be as high as 28% of their insurance. Some businesses are not paying any fire levy due to who they insure with or if they choose not to take out insurance. This is a highly changeable model for our emergency services to plan to.

To resolve these inequities, the Blake Review (2020) provided 16 recommendations for funding reform, and consultation on models was undertaken in 2022. As a result of the feedback from the consultation, the Government is proposing two models that are possible for implementation under the current draft Bill, which is also available for consultation.

The current model results in high levels of funding uncertainty and variability for the TFS and SES on a yearly basis. This means funding projections can vary significantly from future deficit (as per the 2021-22 Corporate Plan), to projected surplus (as per the 2022-23 Corporate Plan), which stifles service planning, restricts investment in facilities and equipment, reduces the support available for volunteers, and impacts on important work like fuel reduction activity.

Current arrangements are not sustainable or effective to support an emergency service that needs to grow and invest regularly in new equipment to provide lifesaving services and meet the needs of the future.

This is why Tasmania needs a fairer approach to funding its fire and emergency services to allow the TFES to effectively plan and deliver services for all Tasmanians.

We are proposing to:

- Remove the insurance-based levy
- Reform the property-based levy
- Keep the motor vehicle levy and include motorcycles in this levy

Property based levies are used extensively in most other jurisdictions. Tasmania's emergency response resourcing is therefore at significant risk in the future if action is not taken.

To achieve this, we are proposing two options:

- Option 1 – set a single rate across Tasmania, or
- Option 2 – set a two-tiered rate across Tasmania depending on whether you live in a rural or urban area.

These options are described in further detail below.

Option 1 – Set a single rate across Tasmania.

To resolve the current situation where Tasmanians pay more than 29 different property rates (see table 1), the Government proposes that all residential properties pay a fixed amount – 1%.

This means no matter where you live in Tasmania, everyone is paying the same rate.

For a property with an average AAV, this would therefore be \$180. If you have a higher value AAV, you will pay more. If you have a lower value AAV, you will pay less.

In doing this we can be confident that Tasmania has a fair and sustainable funding model that is applied equitably across Tasmania.

Further, we are proposing there would be different rates for other land classifications. This is to recognise that the fire and emergency response at commercial or industrial premises are often of greater risk or complexity to respond to than residential property.

Table 2 - Proposed Land Classifications – Option 1

Land Classification	Rate
Commercial	2.4 %
Community Services	0.5 %

Industrial	3.2 %
Other	0.5 %
Primary Production	2.4 %
Residential	1.0 %

Option 2 – Set a two-tiered rate across Tasmania

Option 2 proposes a two-tiered rate to be introduced across Tasmania with one rate for urban areas, and another for regional areas.

The outcome of Option 2 would be that urban areas continue to pay similar rates as they do now – but, the rate would be standardised removing inequities between cities.

For regional areas there will be a smaller increase than under Option 1, but the goal of equalisation for these areas would still be achieved meaning there is greater equity between rural areas.

In practice, this will result in regions paying less than a pensioner in an urban area.

The proposed two-tier system is in Table 3.

Table 3 - Proposed Land Classifications – Option 2

Land Classification	Rate
Commercial	2.6 %
Community Services	0.6 %
Industrial	3.4 %
Other	0.6 %
Primary Production	1.2 %
Residential (Urban)	1.2 %
Residential (Rural)	0.6%

Development Assessment Panel (DAP) Framework Position Paper



State Planning Office
Department of Premier and Cabinet



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Contents

1.	Introduction	4
2.	Background	4
2.1	Role of planning authorities	4
2.2	Planning system	5
3.	Identification of Issues	8
3.1	Conflicting role of Councillors	8
3.2	Retaining local input	10
3.3	Request for further information	11
3.4	Timeframes for assessment and appeal rights	12
3.5	Post determination roles of Council	14
4.	Draft DAP framework	15
5.	Next Steps	15

ATTACHMENT I - Draft DAP Framework



1. Introduction

The Tasmanian Government has announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to take over some of councils' decision-making functions on certain development applications.

The stated intent for introducing DAPs is 'to take the politics out of planning' by providing an alternate approval pathway for more complex or contentious development applications.

Any DAP determined applications will still be assessed against the current planning rules and use and development standards in existing planning schemes. It is intended that, where possible, the DAP framework will utilise existing processes and incorporate local knowledge into the decision-making process.

The project also consider whether there should be an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.

The purpose of this Position Paper is to explore these matters by providing some background context on the role of council, identifying the current issues associated with determining development applications, seeking input on what applications might be suitable to be determined by a DAP, options for what a DAP framework might look like and how it might be integrated into the planning system.

Throughout the Position Paper 'Consultation issues' are identified and followed by text boxes containing specific questions that are intended initiate conversations for the purpose of consultation. In addition, to help explain what a DAP framework might look like, an outline of a draft framework is provided in **Attachment I** for comment.

2. Background

2.1 Role of planning authorities

In Tasmania, councils are 'planning authorities' with defined responsibilities to determine development applications in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA). Section 48 of the LUPAA requires that:

'where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use and development undertaken within the areas to which the planning scheme relates.'

A council is required to act as a planning authority when it is determining development applications, irrespective of the personal or political views of individual Councillors and the constituents they represent. This presents a degree of conflict for those elected to represent their constituents under the *Local Government Act 1993* and perform the planning authority function. This conflicted role of Councillors has been identified in the Future of Local Government Review Stage 2 Interim Report (the Interim Report) (released in May 2023).

The Interim Report identified that there was strong division between those who believe Councillors have a legitimate role in making planning decisions on development applications,



and those who believe the role should relate primarily to strategic land use planning where they can legitimately represent community views in planning processes leaving decisions on applications to local professional planners, or in the case of complex applications, by independent planning panels. Indeed, some councils specifically requested that planning decisions be totally removed from elected councils.

Following the publication of the Interim Report, the Minister for Local Government amended the terms of reference for the Future of Local Government Review by removing councils' development assessment role, and referred this to the Minister for Planning for further consideration.

The Interim Report identified eight reform outcomes with some applicable reform options to consider. Of relevance to the Planning portfolio, Reform outcome 5 – "Regulatory frameworks, systems and processes are streamlined, simplified, and standardised" identifies the following options:

- *Deconflict the role of councillors and planning authorities*
 - *Refer complex planning development applications to independent assessment panels appointed by the Tasmanian Government*
 - *Remove councillors' responsibility for determining development applications*
 - *Develop guidelines for the consistent delegation of development applications to council staff.*

Typically, planning authorities don't consider many amendments to planning schemes, however they still have the potential to raise similar issues of conflict between planning considerations and the preferences of some constituents, to those experienced when determining development applications. Although the initiation process only signifies the commencement of the assessment of the planning scheme amendment, refusing to initiate is effectively a refusal of the application to amend the planning scheme and it does not progress to exhibition and assessment by the Council and final determination by the Commission.

As part of seeking feedback on a legislative framework for DAPs, the scope of this Position Paper has been broadened so that where Councillors are, or perceived to be, conflicted or compromised, or making a decision based not on planning considerations, whether it may be appropriate for the Minister to have the power to direct a Council to initiate in certain circumstances.

If there is support for an alternate planning scheme amendment initiation pathway, it would seem logical to include it as part of this project and incorporate any amendments to the Act in a single draft Bill. Any recommendations to include an alternate initiation pathway that is informed by the outcomes of this consultation process will be further consulted on early next year.

2.2 Planning system

Since 2014, the Government has been implementing significant reforms to the Tasmanian planning system, including delivery of the Tasmanian Planning Scheme, the development of



the Tasmanian Planning Policies and a comprehensive review of the three regional land use strategies.

The results of these reforms are now becoming apparent. The Tasmanian Planning Scheme is in effect in 23 local government areas and the most recent consolidated data from 2021-22 shows that discretionary applications are being determined in a median timeframe of 38 days (40 average) and permitted in 21 days (21 average). Where the 'clock is stopped' to request further information, discretionary applications are being determined across the State in a median of 46 days (53 average) including those 'clock stopped' days.

By way of comparison, noting the differences in assessment processes and classifications, in the June 2023 'Improving the Performance of Land Zoning, Planning and Land Release System' report prepared for the Australian Government Treasury, average approval times in South Australia were around 46 days, Northern Territory 55 days, Australian Capital Territory 61 days, New South Wales 83 days, Queensland 86 days and Victoria a median of 81 days and an average of 129 days. There were no figures for Western Australia, but the statutory time frame for the equivalent of permitted developments is 60 days and for discretionary is 90 days (as opposed to 28 days and 42 days in Tasmania).

Tasmanian councils are also determining more applications than ever before, with annual totals rising from around 6,500 in 2016-17 to over 12,000 in 2021-22. In 2021-22 there were also over 1,750 single dwellings signed off in a matter of days as no permit required.

These statistics indicate that overall, our planning system is already among the fastest, if not the fastest, in the country when it comes to determining development applications.

However, the broad rights of appeal provided under Tasmanian legislation mean that these very timely outcomes are sometimes extended by an appeal process by many months resulting in an overall approval timeframe of perhaps 9-12 months. The appeal process provides a very important check and review of the initial decision of the planning authority by an independent panel of experts with the opportunity for all parties including those that made representations, to speak to their issues and test the evidence of other parties.

A review of the use of panels to determine development applications in other planning jurisdiction reveals that most States have an alternate pathway to local councils for determining certain developments. Although the nature of each DAP framework differs according to the underlying planning system, typically each model relies on meeting certain application criteria to be suitable for referring an application to a panel for determination with the assessment and determination functions of other development applications remaining with local government. Additionally, many of these other jurisdictions do not have the broad third party appeal rights that apply in Tasmania, meaning the DAP process and decision is more aligned to the appeal or review process.

Development Assessment Panels, or their equivalent, are already used in the determination of certain developments in the Tasmanian planning system including major and state significant projects and those which are dependent on a concurrent planning scheme amendment.



The Tasmanian Planning Commission (the Commission) is an independent statutory authority that reviews, advises on, and determines a range of land use planning matters. In performing these functions, it delegates tasks to expert panels.

The current proposal to develop a DAP framework is based on the principle of utilising existing parts of the planning system that are working well, including the existing and highly regarded independence and expertise of the Commission, in establishing DAPs to determine applications.

With respect to the proposal to introduce a role for the Minister to direct that a planning scheme amendment should be initiated, this too will retain the current process with Panels established by the Commission determining planning scheme amendments.

The table below identifies where Panels are currently used to determine development applications in the State's planning system¹. While these types of developments are not determined by the planning authority, they are informed by, and rely heavily on, the information and understanding of local issues received from it through submission, reporting or recommendations including a draft permit and conditions.

Legislation	Type of Assessment	Panel established by:
LUPAA	Major Project	Tasmanian Planning Commission
LUPAA	Combined planning scheme amendment and permit application	Tasmanian Planning Commission
<i>Major Infrastructure Development Approval Act 1999</i>	Linear infrastructure proposals across multiple municipalities	Tasmanian Planning Commission or decision made by a Combined Planning Authority
<i>State Policies and Projects Act 1993 -</i>	Projects of State Significance	Tasmanian Planning Commission

Table 1. Types of applications determined by independent expert panels.

The types of developments that are currently determined by a Panel are often complex, large in scale, time consuming, expensive and resource intensive assessment processes or involve changes to the planning scheme rules. To be eligible for these alternate assessment pathways, applications are required to meet eligibility requirements specified in the respective Acts.

¹ Expert DAPs are also used to determine discretionary development applications where the decision has been appealed to TasCAT



3. Identification of Issues

3.1 Conflicting role of Councillors

Despite the statistical evidence, there remains a perception that some Councils are less supportive of new development than others and that on occasion the personal views of elected councillors in relation to a proposed development, such as large-scale apartments, or social housing, may influence their decision-making despite being outside of the relevant planning scheme considerations they are bound to administer as part of the obligations of a planning authority.

The State Government has committed to delivering 10,000 new social and affordable houses by 2032. As identified in the Interim Report, where a development is controversial, there can be a tension between councillors' role as community advocates and as members of a statutory planning authority. The proposed DAP framework is intended to remove this tension and to deliver appropriate and timely assessments of housing projects undertaken by Homes Tasmania and registered Community Housing Providers.

Currently, only a small proportion of all development applications actually come before the elected members for decision with between 85 and 90 percent being routinely determined under delegation by council officers. These development applications are assessed by council planners against the requirements of the relevant planning scheme in accordance with the established processes defined in LUPAA. Many planning authorities delegate the determination of development applications to senior officers, and to sub committees. While only a small percentage of applications are determined by the full elected council, these applications typically involve a significant number of representations and are therefore subject to higher levels of local political interest. In some circumstances the full elected council will determine any application that has been recommended by council planners for refusal or where the application is actually proposed by council.

Because the evidence is that the inappropriate political determination of applications is limited to isolated, but well publicised, cases, the response should be proportional, so it does not undermine the integrity and success of the existing reforms, or the planning system itself. Changes should only be proposed where an issue has been identified. Additionally, any proposed changes should seek to utilise those parts of the assessment process that are operating efficiently.

Based on the discussion so far the following issues have been identified for feedback:



Consultation issue I – Types of development applications suitable for referral to a DAP for determination

- a) What types of development applications are problematic, or perceived to be problematic, for Councils to determine and would therefore benefit from being determined by a DAP?

Options

- i. Applications for social and affordable housing which often attract considerable opposition within the local community based on social stigma rather than planning matters;
- ii. Critical infrastructure;
- iii. Applications where the Council is the applicant and the decision maker;
- iv. Applications where Councillors express a conflict of interest in a matter and a quorum to make a decision cannot be reached;
- v. Contentious applications where Councillors may wish to act as elected representatives supporting the views of their constituents which might be at odds with their role as a member of a planning authority;
- vi. Where an applicant considers there is bias, or perceived bias, on the part of a Council or Councillors;
- vii. Complex applications where the Council may not have access to appropriate skills or resources;
- viii. Application over a certain value;
- ix. Other?

- b) Who should be allowed to nominate referral of a development application to a DAP for determination?

Options

- i. Applicant
- ii. Applicant with consent of the planning authority;
- iii. Planning authority
- iv. Planning authority with consent of the applicant
- v. Minister

- c) Given the need for a referral of an application to a DAP might not be known until an application has progressed through certain stages of consideration (such as those set out in a) above) have been carried out, is it reasonable to have a range of referral points?

Options

- i. At the beginning for prescribed proposals;
- ii. Following consultation where it is identified that the proposal is especially contentious;
- iii. At the approval stage, where it is identified that Councillors are conflicted.

Consultation issue 2 – Provision of an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.

- a) Under what circumstances should the Minister have a power to direct the initiation of a planning scheme amendment by a Council?
- b) Is it appropriate for the Minister to exercise that power where the Council has refused a request from an applicant and its decision has been reviewed by the Tasmanian Planning Commission?

For example:

Section 40B allows for the Commission to review the planning authority's decision to refuse to initiate a planning scheme amendment and can direct the planning authority to reconsider the request. Where that has occurred, and the planning authority still does not agree to initiate an amendment, is that sufficient reason to allow Ministerial intervention to direct the planning authority to initiate the planning scheme amendment, subject to the Minister being satisfied that the LPS criteria is met?

- c) Are there other threshold tests or criteria that might justify a direction being given, such as it aligns to a changed regional land use strategy, it is identified to support a key growth strategy, or it would maximise available or planned infrastructure provision?

3.2 Retaining local input

One of the concerns of a DAP framework is that it relies on decisions being made by experts that do not necessarily have the local knowledge that would otherwise be available within a local council and considered and applied when determining a development application.

The proposed DAP framework can utilise and benefit from this local knowledge. By way of example the current assessment process for a combined planning scheme amendment and permit application (s. 40T of LUPAA or s.43A under the former provisions of LUPAA) is undertaken by both the planning authority and the Commission, with the Commission being the final decision maker. For the development application component of a s43A or s40T application, it is the planning authority that assesses the proposal against the amended provisions of the planning scheme, issues a draft permit, undertakes the notification procedures in accordance with the LUPAA, it receives representations and addresses the issues raised by the representations. All these matters are presented in a report prepared by the council officers and provided to the Commission. Then all parties including those that made representations are invited to attend a hearing and present their issues before the final determination is made by the panel.



This is a tried and tested process that ensures valuable local input into the assessment and allows all parties to present their case and be heard directly by the decision maker. Being an established process that is understood by planners it has been identified as the preferred basis for the preliminary draft DAP framework as presented in Attachment 1.

Consultation issue 3 –

- i. **Incorporating local knowledge in DAP decision making.**
- ii. **DAP framework to complement existing processes and avoid duplication of administrative processes.**

- a) To allow DAP determined applications to be informed by local knowledge, should a Council continue to be:
 - the primary contact for applicants;
 - engage in pre-lodgement discussions;
 - receive applications and check for validity;
 - review application and request additional information if required;
 - assess the application against the planning scheme requirements and make recommendations to the DAP.
- b) Is the current s43A (former provisions of the Act) and s40T of the Act processes for referral of a development application to the Commission, initial assessment by Council and hearing procedures suitable for being adapted and used in the proposed DAP framework?

3.3 Request for further information

There have also been concerns raised by both Council and the development industry regarding request for further information stalling the determination of development applications.

Application requirements are specified under clause 6.1 of the State Planning Provisions. The application requirements are intended to give applicants certainty as to the range of matters and level of detail needed in their application to allow the planning authority to undertake its assessment against the provisions of the planning scheme.

Once the planning authority receives a valid application the assessment 'clock' commences against either the timeframe of 28 days for the assessment of a permitted application or 42 days for a discretionary application. Section 54 of LUPAA allows the planning authority to request additional information from the applicant where the application lacks the necessary information for the planning authority to undertake an assessment. The time taken for the



applicant to respond to the planning authority's request does not count towards the assessment timeframe as the 'clock is stopped'. The assessment clock recommences once the planning authority is satisfied that the information provided addresses the matters raised in the request for additional information.

There is anecdotal evidence that with some contentious proposals (particularly social housing) the additional information process is being used to delay or frustrate the timely assessment of a proposal. While a request for further information can be appealed to the Tasmanian Civil and Administrative Tribunal (TasCAT) the associated costs and uncertainty regarding the timeframe for resolution is a deterrent.

Sections 40A and 40V allows an applicant to request the Commission to review the planning authority's request for additional information for an amendment to an LPS and a combined amendment and planning permit (respectively). Similar provisions, sections 33B and 43EA, apply under the former provisions of LUPAA.

These sections of LUPAA provide an opportunity for the applicant to test the requirement for, and content of, requests for further information from the planning authority. The Commission can direct the planning authority to revoke the request for additional information, issue a new notice requesting additional information or determine that the request for additional information was appropriate.

This raises questions around what the appropriate process is for resolving contended additional information requests where the proposed DAP process is being used.

Consultation issue 4 – Resolving issues associated with requests for, and responses to, further information.

- a) Should a framework for DAP determined development applications adopt a process to review further information requests similar to the requirements of section 40A and 40V of LUPAA?
- b) Are there any changes that could be made to the Act or planning scheme to improve requests for, and responses to, additional information?

3.4 Timeframes for assessment and appeal rights

The proposed DAP framework incorporates both the review of the application by the council (in forming advice) and the DAP (as the decision-maker) and the coordination of hearings into representations to provide representors with the opportunity to address the panel and final determination by a DAP. This, in effect, combines the initial stage of the current process (consideration by the Planning Authority) and a possible subsequent appeals process (currently unconstrained by time). The existing statutory 42 day timeframe for determining discretionary applications is, therefore, not adequate for this process.



A DAP framework, utilising the Commission to establish the panel, would be subject to the requirements of the *Tasmanian Planning Commission Act 1997*. A panel established by the Commission is required to determine matters following the rules of natural justice and providing for procedural fairness similar to other LUPAA processes that are undertaken by the Commission. This involves hearings where the parties can make submissions and be heard by the decision maker in much the same way as a TasCAT appeal hearing.

The purpose of appealing a planning authority's decision to TasCAT is to provide for an independent review of the process, in a public forum and without political interference. By using the Commission to establish the DAP, the independent review function will be built into the DAP framework. This removes uncertainty, delays and costs associated with determining contested applications through TasCAT.

Legislation	Type of Assessment	Decision maker	Subject to merit Review	Judicial Review
LUPAA	S 58 development application (permitted)	Planning authority	Yes (applicant on permit conditions only)	Yes
LUPAA	S 57 development application (discretionary)	Planning authority	Yes	Yes
LUPAA	Major Project	TPC	No	Yes
LUPAA	Combined planning scheme amendment and permit application	TPC	No	Yes
<i>Major Infrastructure Development Approval Act 1999</i>	Linear infrastructure proposals across multiple municipalities	Combined Planning Authority or TPC panel	Yes	Yes
<i>State Policies and Projects Act 1993 -</i>	Projects of State Significance	TPC	No	Yes

Table 2. Development application processes that are subject to appeal

Table 2 shows that the only process that allows a TPC decision to be subject to a merit appeal to TasCAT is under the *Major Infrastructure Development Approval Act 1999* (MIDA). An application under MIDA is considered a section 57 application under LUPAA. The application is determined by a panel established by the TPC or a Combined Planning Authority. In determining the application there is no requirement under MIDA for the decision maker to hold a public hearing before making a decision. The appeal rights for



MIDA applications are a consequence of not being guaranteed a public hearing in the initial determination of the application.

Consultation issue 5 – Appeal rights and assessment timeframes for DAP determined applications.

- a) Is it reasonable that decisions on DAP determined applications are not subject to TasCAT appeals where the TPC holds hearings and provides all parties the opportunity to make submissions and test evidence?
- b) Given the integrated nature of the assessment, what are reasonable timeframes for DAP determined applications?

OPTIONS

Lodging and referrals, including referral to DAP	7 days	Running total
DAP confirms referral	7	14
Further information period (can occur within the timeframes above, commencing from time of lodgement)	7	21
Council assesses development application and makes recommendation whether or not to grant a permit	14	35
Development application, draft assessment report and recommendation on permit exhibited for consultation	14	49
Council provide documents to DAP, including a statement of its opinion on the merits of representations and whether there are any modifications to its original recommendation	14	63
DAP hold hearing, determine application and give notice to Council of decision	35	98
If directed by the DAP, Council to issue a permit to the applicant	7	105 max

3.5 Post determination roles of Council

Planning authorities are responsible for enforcing permit conditions and considering any proposed amendments to permits that have been issued by them.

It is necessary to explore how these roles and functions might be impacted by the development application being determined by a DAP.



It is anticipated that the DAP will engage extensively with the planning authority in preparing the permit and conditions of approval. Any legislative framework for a DAP model will be required to establish the post determination functions of the planning authority.

Under both State significant and major project processes, there is a role for the planning authority as the normal compliance body for administering the permit. Consistent with the principle of the DAP framework utilising current parts of the planning system that are operating effectively, it is proposed to parallel the process of TasCAT determinations whereby the planning authority is required to administer the planning permit.

Consultation issue 6 – Roles of the planning authority post DAP determination of a development application.

- a) Should the planning authority remain the custodian of planning permits and be required to issue permits in accordance with a direction from a DAP?
- b) Is it appropriate for planning permits associated with a DAP determined application to be enforced the Council?
- c) Is it appropriate for minor amendments (in accordance with s56 of LUPAA) to DAP determined permits to be made by the planning authority?

4. Draft DAP framework

Based on initial consultation with key stakeholders, commitments made in the Premier's announcement and the identification of issues as discussed above, the following DAP framework has been drafted as a starting point for discussion.

The draft DAP framework is provided in **Attachment I**. The draft framework is cross referenced with the Consultation Issues that have been raised in the text boxes in the body of this Position Paper. Comments are invited on any other matter that the draft DAP framework raises.

5. Next Steps

Following the consultation period on the Position Paper the submissions received will be reviewed and inform modifications to the DAP framework. Based on the revised framework, the Government will prepare a draft amendment to the Act which will be further consulted early next year.

It is proposed that the Bill will be tabled in Parliament in early 2024.



ATTACHMENT I - Draft DAP Framework



Draft Development Assessment Panel (DAP) Framework

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comments and additional Questions for consultation
1	Pre-lodgement discussion between applicant and planning authority	Planning Authority and applicant	No change to current process.	Existing informal processes undertaken on an as needs basis. Discussions may include whether or not the development application is eligible for DAP referral.
2	Lodge Development Application	Applicant lodges with Planning Authority	No change to current process	Existing process for the lodgement of development applications.
3	Determination of valid application and referral to other entities	Planning Authority	Planning Authority reviews application and determines if the application is valid in accordance with the existing provisions of the Act. Refers application to TasWater, Tasmanian Heritage Council or EPA as required.	Existing process for determining that a development application is valid ² . See section 24 and 25 of this section for information regarding application fees.

² must comply with 51(1AC) and (1AB) and 51A:
(1AC) For the purpose of subsection (1AB), a valid application is an application that contains all relevant information required by the planning scheme applying to the land that is the subject of the application.
(1AB) A planning authority must not refuse to accept a valid application for a permit, unless the application does not include a declaration that the applicant has-
a) notified the owner of the intention to make the application; or
b) obtained the written permission of the owner under section 52.
Section 51A refers to the payment of application fee.

4A	Planning Authority reviews Development Application and decides if it is to be determined by a DAP. Discretionary referral	Planning Authority	Planning Authority to determine if the Development Application should be referred to a DAP for determination. The Planning Authority may determine that the development application meets the criteria for DAP referral and, if so, notifies, and seeks endorsement from the applicant, to refer the development application to the DAP for determination, within 7 days of the Planning Authority receiving a valid application. The applicant may also make a request to the Planning Authority for it to consider referring the application to a DAP for determination subject to the Planning Authority being satisfied that the application meets the criteria for DAP referral. DAP Criteria An application may be suitable for referring to a DAP if it is a discretionary application and the referral is endorsed by both the Planning Authority and the applicant, provided one or more of the following criteria for DAP referral is satisfied: <ul style="list-style-type: none">• where the council is the proponent and the planning authority;• the application is for a development over \$10 million in value, or \$5 million in value and proposed in a non-metropolitan municipality;	Refer to Consultation issue 1 in the Position Paper. Additional considerations: <i>Is 7 days a reasonable timeframe for this function to be undertaken by the Planning Authority? Could it be delegated to senior planning staff?</i> <i>Where a dispute arises between the Applicant and the Planning Authority over a development application being referred to a DAP for determination, is it appropriate for the Minister to have a role in resolving, subject to being satisfied that the development application meets the DAP criteria?</i> <i>If not the Minister, who should be responsible for resolving the matter?</i> <i>Is it appropriate to consider the value of a development as a criteria for referral to a DAP for determination? If so, what should the stated value be?</i> Note: See sections 21 and 22 of this table which provides options for development applications to be referred at later stages of the assessment process as issues become apparent, such as after exhibition.
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		<ul style="list-style-type: none">the application is of a complex nature and council supports the application being determined by a DAP;the application is potentially contentious, where Councillors may wish to act politically, representing the views of their constituents, rather than as a planning authority; orWhere there is a case of bias, or perceived bias, established on the part of the Planning Authority.	
4B	Planning Authority reviews Development Application and decides if it is to be referred to DAP Mandatory Referral	<p>The Planning Authority must determine to refer the development application to a DAP for determination, within 7 days of the Planning Authority receiving a valid application, if the development application is a discretionary application and for a prescribed purpose:</p> <p>Prescribed purpose:</p> <ul style="list-style-type: none">An application over \$1 million where the council is the proponent and the planning authority;An application from Homes Tas for subdivision for social or affordable housing or development of dwellings for social and affordable;An application for critical infrastructure;Other(?)	<p>Refer to Consultation issue 1 in the Position Paper.</p> <p>Additional considerations:</p> <p><i>Is 7 days a reasonable timeframe for this function to be undertaken by the Planning Authority? Could it be delegated to senior planning staff?</i></p> <p><i>Are there any other examples of development applications under the prescribed purposes that might be suitable for referral to a DAP for determination?</i></p> <p><i>Is it appropriate to consider the value of a development for DAP referral where council is the applicant? If so, what value is reasonable?</i></p> <p><i>What might be considered as 'critical infrastructure'?</i></p>

5	PA requests referral of DA to DAP for determination.	Planning Authority and DAP	<p>Planning Authority requests referral of the development application to the DAP within 7 days of the Planning Authority determining that the development application is suitable for DAP referral in accordance with section 4A and 4B above.</p> <p>The Planning Authority's written referral request includes all the material that comprises the development application (at this stage).</p> <p>If the DAP does not agree that the development application meets the DAP criteria or is for a prescribed purpose, the DAP must give notice to the Planning Authority and applicant of its decision.</p> <p>If the DAP does not agree that the development application meets the DAP criteria, the assessment of the development application continues in accordance with the existing LUPAA provisions.</p> <p>If the DAP accepts the Planning Authority's request that the development application meets the criteria for DAP referral or is for a prescribed purpose, the DAP must give notice, within 7 days of receiving the Planning Authority's request, to the Planning Authority and applicant of its decision.</p>	<p><i>Should the time taken for an application that has been referred to a DAP for determination that, in the opinion of the DAP, does not satisfy the relevant referral criteria or is not for a prescribed purpose, count towards the relevant period referred to in s57(6)(b) of the Act given the assessment will continue in accordance with a s57 application if it is not eligible for DAP referral?</i></p>
6	Review of DA to determine if further information is required to	Planning Authority	Where the DAP has accepted the Planning Authority's request to refer the development application to the DAP for determination, the Planning Authority reviews the development application to determine if additional information is	<p>Additional information request can occur simultaneously with the Planning Authority's request for DAP determination. Regardless of the outcome of the request to refer the development application to the DAP, the Planning Authority is required to ensure it has the</p>

	undertake the assessment		required and, if so, must make a request within 21 days of receiving a valid application. Clock stops while waiting for the applicant to provide additional information to the satisfaction of the Planning Authority.	necessary information it needs to undertake the assessment. The 21 day timeframe and 'stopping the clock' is consistent with section 54 of the Act.
7	Review of further information requests	Applicant	<p>Within 14 days after being served a request for further information in accordance with 6 above, the applicant may request the DAP to review the Planning Authority's additional information request.</p> <p>The DAP, within 14 days of receiving a request to review the PA's additional information requirement must:</p> <ul style="list-style-type: none"> • Support the Planning Authority's request for additional information; • Revoke the Planning Authority's request for additional information; or • Issue a new notice to the applicant requesting additional information. <p>The DAP must give notice of its decision to the Planning Authority and applicant.</p>	<p>Refer to Consultation issue 4 in the Position Paper.</p> <p>Because the DAP has agreed that the DA will be DAP determined, it already has a copy of the development application.</p> <p>The review of a Planning Authority's request for additional information is similar to the existing provisions under s40V of the Act.</p>
8	Provision and review of additional information.	Applicant and Planning Authority	<p>Once the applicant provides the additional information and, in the opinion of the planning authority, it satisfies either the original request or one that has been modified by the DAP, the assessment clock recommences.</p> <p>If the additional information does not satisfy the original request or one that has been modified by</p>	This part of the framework is similar to existing processes.

			the DAP, the Planning Authority advises the applicant of the outstanding matters and the clock remains stopped.	
9	Planning Authority assesses DA	Planning Authority	Planning Authority assesses the application against the requirements of the planning scheme and recommends either: <ul style="list-style-type: none"> granting a permit; or refusing to grant a permit. 	Refer to Consultation Issue 3 in the Position Paper. Note: The proposed framework has adopted a process that is similar to the section 40T of the Act process where council assesses the application and then places the application and the Planning Authority's report on exhibition (as below).
10	Public notification of application and Planning Authority recommendations	Planning Authority	Planning Authority to advertise the development application, its assessment report and recommendations, including a draft permit (if recommended for approval), for a period of 14 days (and in accordance with section 9 of the LUPAA Regulations) during which time representations are received.	
11	Planning Authority to review representations	Planning Authority	Planning Authority to review representations and prepare a statement of its opinion as to the merits of each representation and the need for any modification to its recommendation on the development application, including the draft permit and conditions.	This part of the proposed framework is similar to the existing provisions of section 42 of the Act.
12	Provision of all documents to the DAP	Planning Authority	The Planning Authority provides DAP with: <ul style="list-style-type: none"> a copy of the application (although they should already have it) and any further information received; a copy of the recommendation report and any draft permit; 	This part of the proposed framework is similar to existing processes for a section 40T(1) application

			<ul style="list-style-type: none"> • a copy of all the representations; and • a statement of its opinion as to the merits of each representation and any modifications to its original recommendations on the DA as a consequence of reviewing the representations; • DAP fee (refer to section 25) <p>within 14 days of the completion of the exhibition period.</p>	
13	DAP review and publication of information and hearing determination	DAP	<p>DAP reviews and publishes all the information provided by the Planning Authority (as listed in 12 above) and notifies all parties advising that they have received the relevant documents from the Planning Authority, where those documents can be viewed and requesting advice regarding which parties would like to attend a hearing.</p> <p>If there are no representations or no parties that wish to attend a hearing, the DAP may dispense with the requirement to hold a hearing.</p> <p>The DAP must notify the Planning Authority, applicant and representors of their determination to hold, or dispense with holding, a hearing.</p>	<p>An option is given to dispense with the requirement for a DAP to hold a hearing in situation where there are no representations, all representations are in support, representations have been revoked or there are no representations that want to attend a hearing.</p>
14	DAP hearing into representations	DAP	<p>Representors, applicant and Planning Authority invited to attend hearing and make submissions to the DAP on the development application. Parties to the proceedings must be given at least one weeks' notice before the hearing is scheduled.</p>	<p>The draft permit conditions are subject to contemplation by the parties at the hearing. It is anticipated that this will resolve issues around the future enforcement of those conditions by council or other issues that would otherwise arise and be subject to appeal through TasCAT.</p>

			Natural justice and procedural fairness for conduct of hearings consistent with <i>Tasmanian Planning Commission Act 1997</i> . DAP hearings are encouraged to be held locally.	
15	DAP determination	DAP	DAP undertakes the assessment considering all the information and evidence presented at the hearing and determines the development application. DAP must determine application within 35 days from receiving documents from Planning Authority (under section 12 above) DAP may request an extension of time from the Minister.	Refer to Consultation Issue 5 in the Position Paper for questions regarding assessment timeframes.
16	Notification of DAP decision	DAP	Within 7 days of the DAP determining the development application it must give notice of its decision to the Planning Authority, applicant and representatives.	Similar to existing notification provisions under section 57(7).
17	Issuing of Permit	DAP/ Planning Authority	If the decision of the DAP is to grant a permit, the DAP must, in its notice to the Planning Authority (under section 16 above), direct it to issue a permit in accordance with its decision within 7 days from receiving the notice from the DAP. The permit becomes effective 1 week from the day it is issued by the Planning Authority.	
18	Enforcement	Planning Authority	The Planning Authority is responsible for enforcing the permit.	Refer to Consultation Issue 6 in the Position Paper. This is the same process for permits issued by TasCAT.

19	Appeal rights	All parties	There is no right of appeal on the grounds of planning merit as the decision has been made by an independent panel with all parties engaged in the process.	Refer to Consultation Issue 5 in the Position Paper for questions regarding appeal rights. While the draft framework proposes that DAP determined development applications are not subject to a merit appeal, the decision of the DAP is subject to judicial review by virtue of the <i>Judicial Review Act 1997</i> .
20	Minor amendment to permits	Planning Authority	A Planning Authority can receive a request for a minor amendment to a permit involving an application that has been determined by a DAP.	Refer to Consultation Issue 6 in the Position Paper. Minor amendments to permits are assessed by the Planning Authority against the existing provisions of section 56 of the Act.

Other opportunities for a development application to be referred to a DAP

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
21	Ministerial Call in Powers	Planning Authority or applicant	At any stage of the assessment process the applicant or Planning Authority may make a request to the Minister that a development application be referred to a DAP for determination. The Minister may refer the application to a DAP provided the Minister is satisfied that the development application meets the DAP criteria.	This provides an opportunity for referral when issues only become apparent at the later stages of the assessment process. <i>Is it appropriate for the Minister to have the power to call in a development application in these circumstances?</i> <i>In this scenario, is it necessary for the applicant and Planning Authority to agree to the request?</i>
22	Ministerial referral of DA to DAP	Minister	Where the Minister refers the DA to a DAP for determination (in accordance with 21 above), the Minister must, by notice to the DAP and Planning Authority (if required), direct the DAP and Planning Authority (if required) to	Because this type of referral can occur at any stage, there needs to be a direction to specify those parts of the assessment process that still needs to be completed. These processes will include elements that need to be undertaken by the DAP and may include

			undertake an assessment of the development application and specify the process and timeframes for the DAP and Planning Authority (if required) to follow. The Minister can also specify that the Planning Authority must provide all relevant documents relating to the application and its assessment to the DAP within a timeframe.	elements that need to be undertaken by the Planning Authority. The Planning Authority is required to provide all relevant documents to the DAP
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DAP membership

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
23	Establishment of Panel	Tasmanian Planning Commission (Commission)	No change to existing Commission processes.	The framework adopts the Commission's well established processes for delegating assessment functions to panels.

Development application fees

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
24	Lodging DA	Planning Authority	Planning Authority charges applicant normal application fees.	Planning Authority doing the same amount of work, just not making the determination so is entitled to the application fee.
25	DAs referred to DAP for determination	Planning Authority and DAP	A DAP determined development application will incur an additional application fee. The Planning Authority is to charge the applicant an additional fee at the time the DAP	Additional fee is to cover some of the costs incurred by the Commission.

			<p>notifies the Planning Authority that they have accepted the Planning Authority's request to refer the development application.</p> <p>The DAP application fee is to be included in the information provided to the DAP following the exhibition of the development application (section 12 above).</p> <p>No order for costs can be awarded by the DAP.</p>	<p>The additional application fee is going to be cheaper than the cost of going to a full tribunal hearing.</p>
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Tasmanian
Government

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DEVELOPMENT ASSESSMENT PANEL FRAMEWORK

POSITION PAPER OCTOBER 2023

GLENORCHY CITY COUNCIL FEEDBACK

Thank you for the opportunity to review the DAP framework position paper. Council officers would like to raise the following matters for consideration.

Summary

Council officers are not opposed to the concept of a Development Assessment Panel. However, concerns are raised about the proposed scope and operation of a DAP as outlined in the October 2023 Position Paper. In particular:

- **The proposed scope of referral triggers is too broad and ambiguous.** This contradicts the principles of depoliticisation and a proportional response. A wide net would result in additional time and complexity for otherwise straightforward applications.
- **Non-mandatory referrals should be at the discretion of the planning authority,** not the applicant. However, applicants should have the right to appeal this decision.
- **Removing appeal rights, delaying exhibition until a recommended decision has been made and introducing Ministerial intervention are not supported.** These measures would significantly undermine public confidence in the system and exacerbate controversy.
- **Clarity regarding the operation of the process resulting from different trigger points is required.** An ad-hoc process determined by the Minister on a case-by-case basis does not represent procedural fairness and is not supported.

Detailed comments on the consultation issues and draft framework are provided below.

Consultation issue 1 – Types of applications for DAP referral

- a) Options (iii), (iv) and (v) are supported – subject to meeting threshold tests such as a minimum financial value (for Council applications) or a minimum number of representations (for contentious applications). Otherwise, this could trigger referral of applications that planning officers currently have delegation to determine, adding time and complexity to the process. Alternatively, should the DAP have discretion to decide not to accept a referral?

The remaining options are not supported:



(i) Social and affordable housing => if a proposal is not controversial, there is no need to apply a different process. If controversial, this would meet proposed test (v). If included in DAP referrals, 'social and affordable housing' will need to be defined – noting that public housing applications are not always made by Housing Tasmania.

(ii) Critical infrastructure => can be catered for through the existing *Projects of State Significance*, *Major Projects* and *Major Infrastructure Development* processes: <https://planningreform.tas.gov.au/planning/major-projects-assessment>. If included in DAP referrals, the definition of 'critical infrastructure' in this context will need to be carefully considered.

(vi) Where an applicant considers the planning authority is biased => this scenario is catered for through the existing appeal pathway.

(vii) Lack of appropriate skills or resources => the proposed framework still leaves the assessment with Council officers; reforms would be better focused on providing a shared technical resource pool for planning authorities to access.

(viii) Applications over a certain value => if there is no controversy or conflict of interest, what is the value of referring purely on the basis of \$ value?

- b) Nomination of referral to a DAP should rest with the planning authority, based on clear criteria. Otherwise, there is significant scope for gratuitous referrals. However, the planning authority's decision not to refer an application to a DAP should be subject to appeal rights.

Depending on the referral trigger, this may result in an additional planning authority decision point in the process (i.e. whether to refer an application). This would add more time to the process, in order to allow for the planning authority to be briefed, convene to make a decision, and communicate that decision to the relevant parties.

- c) The three referral points are potentially supported, given some of the triggers for referral would not be known until those stages. However, how would the processes integrate if an application is referred to a DAP after the initial lodgement and referral process, particularly given the proposed difference in the stage at which public exhibition is required?

Consultation issue 2 – Ministerial direction to prepare amendments

- a) The Minister should not have the power to direct the planning authority to prepare an amendment. If such a power is needed it should rest with the Tasmanian Planning Commission (TPC) and should apply only where it is demonstrated that the planning authority has made an error of judgement; that is, where the proposed amendment meets the criteria for preparation.



- b) If the intention is to reduce the degree (or perceived degree) of 'politics' in the planning process, it is unclear how providing a political veto power achieves that. The legislation already provides a pathway for the TPC to direct the planning authority to reconsider their decision, in the (rare) instance where a planning authority refuses to 'prepare' an amendment (s40B). The TPC is well versed in making non-political decisions based on planning considerations.

Introducing a Ministerial power to direct the preparation of amendments would introduce additional complexity into the system by increasing the number of potential decision making pathways and would undermine the role of the TPC. A simpler, more consistent solution to address any need to veto the planning authority's decision would be to provide the TPC with that power.

- c) No other tests or criteria should apply. If those are relevant considerations, they should be incorporated into the existing legislative tests, i.e. form part of the LPS criteria for any proposal to be assessed against.

Consultation issue 3 – Incorporating local knowledge and avoiding duplication

- a) It is agreed that Council should continue to take carriage of pre-application, lodgement and validity checking, application review, requests for information and assessing the application. It is particularly important the Council retains carriage of these activities where Council assets (such as stormwater and roads) are impacted.

It is noted that if Council is responsible for making a recommendation to the DAP, then depending on officer delegations, there is potential for a proposed recommendation to still require endorsement by the planning authority. This would involve duplication and undermine the purpose of the DAP. Nevertheless, as the authority responsible for compliance, it is appropriate for Council to draft proposed permit conditions.

The consultation question omits the proposed Council role of reviewing and summarising representations, and making any proposed changes to the recommended decision and/or permit as a result.

- b) Bespoke provisions would be required to cater for potential multi-stage referral points and the way in which a DAP process would integrate with a s57 or s58 process or, potentially, a s43A/s40T process. For simplicity, the DAP process should align with the process for assessment of a discretionary application, not the process for a combined amendment and planning application.

Consultation issue 4 – Requests for information

- a) Using s40A and 40V rather than s54 would result in greater divergence between the process and rights that apply to a s57 or s58 application and an application determined



through a DAP. This means the framework does not merely relocate decision making powers, but creates a new class of application assessment.

- b) The key contributor to the need for, and length of time in satisfying, requests for information is the extent to which applicants understand the Tasmanian Planning Scheme application requirements. This would be best addressed through:
- i. concerted, coordinated and regular industry education and supporting material, and
 - ii. improving the clarity of planning scheme requirements through the SPP review.

Consideration could also be given to reducing the timeframe within which further information must be satisfied before an application lapses (currently 2 years).

Consultation issue 5 – appeal rights and assessment timeframes

- a) Is it reasonable that DAP applications are not subject to TasCAT appeals?

No, because:

- i. TPC hearings do not require the same standards of evidence as TasCAT appeals.
- ii. Embedding hearings into the decision making pathway would lengthen the decision making process. Timeframes would increase from 42 days (for a discretionary application) in the absence of an appeal, to a maximum of 105 days.

In the case of a hearing being dispensed with, the timeframe would still be more than 70 days.

The DAP Framework may be intended to apply primarily to applications that are likely to result in an appeal. The position paper does not provide any data on the frequency of appeals for the types of applications proposed to be subject to the DAP process. Appeals (or their absence) can't be reliably predicted and the DAP process could substantially increase the timeframe for matters that otherwise would be determined within the 42 day timeframe for a discretionary application (or potentially the 28 day timeframe for a permitted application).

It would make more sense to retain the appeal pathway as a separate, post-decision process that can be pursued at the discretion of the parties, rather than mandating it as part of the decision making process. If the aim is to reduce the timeframe for the appeals process, perhaps changes to that existing process should be proposed.



- iii. In the absence of an appeal pathway, parties would have to pre-emptively invest in presenting their entire case prior to a decision being made. This could entail significant costs (time, effort and money) that would not otherwise be incurred, if the decision is favourable to that party.
- iv. The public perception may be that their appeal rights have been removed. This could exacerbate contentious issues as the process may be perceived as being less transparent or involving political interference by the State.

However, if an appeal pathway is provided, consideration would need to be given to the responsibilities of the planning authority versus the DAP.

b) Timeframes:

- i. Lodging and referrals: What about application validity? An assessment process, including referrals, should not commence until a valid application has been received.
- ii. DAP confirms referral: no comment.
- iii. Further information period: 21 days from application validity would align with a s57 application. This is supported, as any less time to consider a more complex or contentious proposal would not be appropriate.

Is there to be a timeframe required for Council to advise whether the request has been satisfied/provide any follow-up RFI?

In addition, any interactions between the DAP timeframes and timeframes under other legislation (such as for referrals to TasWater, Heritage Tasmania and the Environment Protection Authority) would need to be considered.

- iv. Council assesses development application and makes a recommendation on whether or not to grant a permit: Seven days less than for a standard s57 application may not be appropriate. Applications referred to a DAP would be expected to be more complex and/or contentious than a standard application and should not receive less consideration. Also, does this timeframe include preparing a draft permit and conditions?
- v. Exhibition: Exhibiting a recommended decision and permit (rather than just the proposal, prior to that stage) may exacerbate community perception of politicisation of decisions and conflicts of interest. The community may be concerned that Council has 'predetermined' the application.



It is also noted that additional time would be needed to allow for publishing deadlines.

- vi. Submission to DAP: no comment.
- vii. DAP hearing and determination: hearings could increase the workload for Council officers.
- viii. Issue permit (timeframe): Is any provision for an extension to any of the timeframes proposed? What would happen if the timeframes are not met?

Consultation issue 6 – role of the planning authority post DAP determination

- a) Custodian and issuer of DAP-determined permits: If Council issues the permit, would Council also have to field any questions or clarification required by the applicant, for conditions imposed by the DAP?
- b) Enforcement of DAP-determined permit conditions: The TPC's expertise does not include compliance considerations. It is preferable that conditions are specified by the authority responsible for their enforcement. Otherwise, issues of practicality and resourcing may come into play.
- c) Minor amendments to DAP-determined permits: Yes, the planning authority could make minor amendments. Note the current legislation does not provide a pathway for minor amendments to permit conditions imposed by the TPC for combined amendment and permit applications (s43K(2), former provisions).

Draft DAP Framework – other matters

Council requests review of proposed legislative changes, if the DAP proposal proceeds.

Other comments relating to the draft framework at Attachment 1 of the position paper are as follows.

- Ref 1 Pre-lodgement: Would the TPC also be expected to field queries regarding eligibility for DAP referral?
- Ref 2 Lodging: no comment.
- Ref 3 Valid application and referral: no comment.
- Ref 4A Discretionary referral: Would this process mean a) Council officers would need to consider the need for a referral and make a recommendation to the planning authority and b) the planning authority (eg the Glenorchy Planning Authority, consisting of elected members) would need to consider the recommendation? If



so seven days is not a reasonable timeframe. Also, see comments in response to consultation issue 1 regarding DAP criteria. Further, a different term is preferred, to avoid confusion between a 'discretionary referral' and a 'discretionary application.'

In cases where a dispute arises between the applicant and the planning authority, this should be resolved through existing appeal mechanisms – i.e. via TasCAT.

- Ref 4B Mandatory referral: prescribed purposes require further consideration, as per comments in response to consultation issue 1.

- Ref 5 PA requests referral of DA to DAP: The timeframe for the DAP to determine that a referral is not valid should count towards the s57 period, provided the timeframe for a request for further information remains at 21 days.

- Ref 6 Review of DA to determine if RFI needed: Can the DAP request additional referrals? If so, will they have additional time in which to determine whether they need RFI?

- Ref 7 Review of RFIs: this means the treatment of DAP RFI requests differs from the treatment of s54 requests?

- Ref 8 Provision and review of additional information: Will there be a timeframe within which the planning authority must advise that the RFI has not been satisfied and issue a follow-up request? Will the application lapse if the further information is not satisfied in a certain timeframe?

- Ref 9 Planning authority assesses DA: no comment.

- Ref 10 Public notification: for contentious issues, the community may view the advertising of a recommended decision and draft permit as pre-empting their right to consider the proposal.

- Ref 11 Planning authority review of representations: no comment.

- Ref 12 Provision of documents to the DAP: "any draft permit" – whose responsibility will it be to draft the permit? Presumably all referrals would entail Council drafting a permit?

- Ref 13 DAP review: no comment.

- Ref 14 DAP hearings: may not provide the evidential rigour of a TasCAT appeal.



- Ref 15 DAP determination: Extension request to be approved by the Minister – versus assessment extensions for other applications being at the discretion of the applicant.
- Ref 16 Notification of DAP decision: no comment.
- Ref 17 Issuing of permit: What is the value of a 1-week delay to the permit coming into effect, if there are no appeal rights?
- Ref 18 Enforcement: practical enforcement expertise would be needed to inform any TPC direction to add, remove or revise drafting of conditions.
- Ref 19 Appeal rights: This will extend the timeframe in the absence of an appeal and will exacerbate community concern in the case of contentious proposals. If a DAP decision is subject to judicial appeal the timeframe and costs would be expected to be significantly greater than an appeal to TasCAT.
- Ref 20 Minor amendments: s56 relates to planning permits issued by the planning authority. Section 43K(2), former provisions does not enable the planning authority to amend conditions imposed by the TPC.

Other opportunities for a development application to be referred to a DAP

- Ref 21 Ministerial call in powers: no comment.
- Ref 22 Minister referral of DA to DAP: It is inappropriate for the process and timeframes for an assessment to be determined on an ad-hoc basis. The operation of the process in each referral scenario should be specified up-front.

DAP membership

If TPC panels are to determine the conditions on permits, they will need contemporary statutory experience and input from a compliance perspective.

Development application fees

DAP applications would entail additional time from Council officers to consider and determine whether DAP referral applies, prepare for and attend hearings, and (potentially) provide additional briefings to Council executives and/or elected members.



Monthly Financial Performance Report

For the year-to-date ending 31 October 2023

Statement of Comprehensive Income

Glenorchy City Council Financial Report Statement of Comprehensive Income to 31 October 2023					
Year-to-Date (YTD)	Note	2024 Budget \$'000	2024 Actual \$'000	2023 Actual \$'000	2024 Variance Actual to Budget
Operating Revenue					
Rates	1	49,225	49,180	45,475	↓
User charges and licences	2	9,605	9,882	9,414	↑
Interest	3	361	386	114	↑
Grants	4	1,240	1,579	1,768	↑
Contributions - cash	5	14	26	28	↑
Investment income from TasWater	6	543	543	543	↔
Other income	7	109	153	87	↑
Total Operating Revenue		61,096	61,749	57,429	↑
Operating Expenditure					
Employment costs	8	9,368	8,809	8,322	↓
Materials and services	9	7,099	6,274	5,633	↓
Depreciation and amortisation	10	6,258	6,069	5,332	↓
Finance costs	11	44	43	(2)	↓
Bad and doubtful debts	13	-	-	-	↔
Other expenses	14	2,010	1,986	2,397	↓
Total Operating Expenditure		24,779	23,181	21,681	↓
Total Operating Surplus/(Deficit)		36,317	38,568	35,747	↑
Non-Operating Revenue					
Contributions – non-monetary assets	15	-	-	-	↔
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	16	(3)	(7)	44	↓
Capital grants received specifically for new or upgraded assets	17	4,216	5,469	2,768	↑
Total Non-Operating Revenue		4,213	5,461	2,812	↑
Non-Operating Expense					
Assets written off	12	-	-	-	↔
Total Non-Operating Expense		-	-	-	
Total Surplus/(Deficit)		40,531	44,029	38,559	↑

Operating Revenue

Year-to-date operational revenue is \$61.749m compared to budgeted operational revenue of \$61.096m. This represents a favourable result of \$0.653m or 1.1% against budget.

Note 1 – Rates Revenue

Unfavourable against the year-to-date \$49.225m budget by \$45k, noting new charitable exemptions result in an extra \$66k expense, instalment one penalty \$22k is less than budgeted, but there is a net gain on general rates of \$39k due to supplementary valuations.

Note 2 – User Charges and Licences Revenue

Favourable against the year-to-date \$9.605m budget by \$277k, noting a one-off workcover premium refund of \$147k has been received, additional property leases/licences of \$132k and planning fees of \$50k, however building fees are lower by \$114k.

Note 3 – Interest on Investments

Favourable against the year-to-date \$361k budget by \$24k, noting \$512k in interest has been received to date, less accruals back to last year of \$126k.

Note 4 – Operating Grants

Favourable against the year-to-date \$1.239m budget by \$339k, noting unspent grants from last year of \$396k, 26TEN Community grant received of \$145k, Digital Ready for Life \$127k, less Glenorchy Jobs Hub grant yet to receive in accordance with contractual obligations \$300k and Financial Assistance Grant prepaid in 2022/23 of \$187k.

Note 5 – Contributions

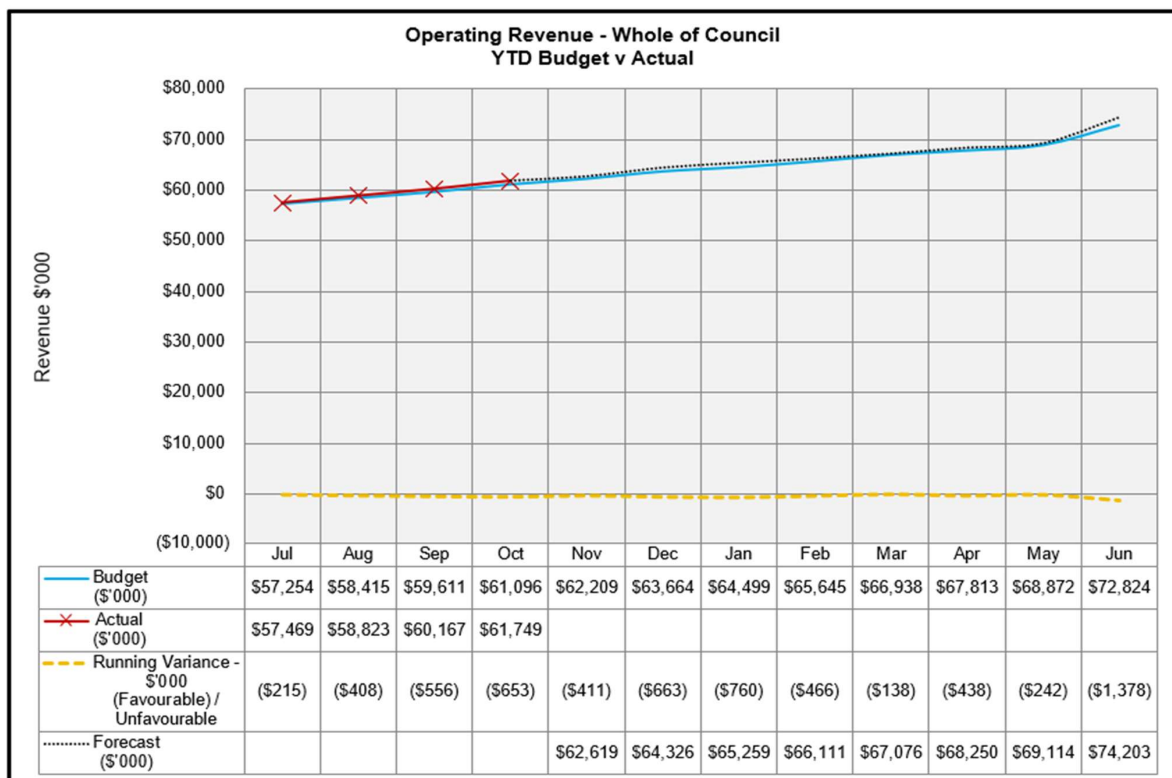
Favourable against the year-to-date \$13k budget by \$12k, noting a developer contribution of \$19k has been received for stormwater works in Bellette Place.

Note 6 – TasWater Income

The first \$543k dividend payment for 2023/24 was received against an annual budget of \$2.172m.

Note 7 – Other Income

Favourable against the year-to-date \$108k budget by \$44k, noting childcare Inclusion Support Subsidy (ISS) of \$29k has been received as well as immunisation fees of \$6k.



Operating Expenditure

Year-to-date operational expenditure is \$23.181m compared to budgeted expenditure of \$24.779m. This represents a favourable result of \$1.598m or 6.4% against budget.

Note 8 – Employment Costs

Favourable against the year-to-date \$9.367m budget by \$558k, representing positions remaining vacant for extended periods during the recruitment process.

Note 9 – Materials and Services Expenditure

Favourable against the year-to-date \$7.098m budget by \$824k, noting invoices awaiting payment for waste services \$217k, landfill levy \$145k, software systems \$259k and annual contributions to several regional bodies \$388k.

Note 10 – Depreciation and Amortisation

Favourable against the year-to-date \$6.258m budget by \$189k, noting asset reconciliations that affect depreciation and amortisation cannot be undertaken until the 2022/23 annual accounts are audited and signed.

Note 11 – Finance Costs

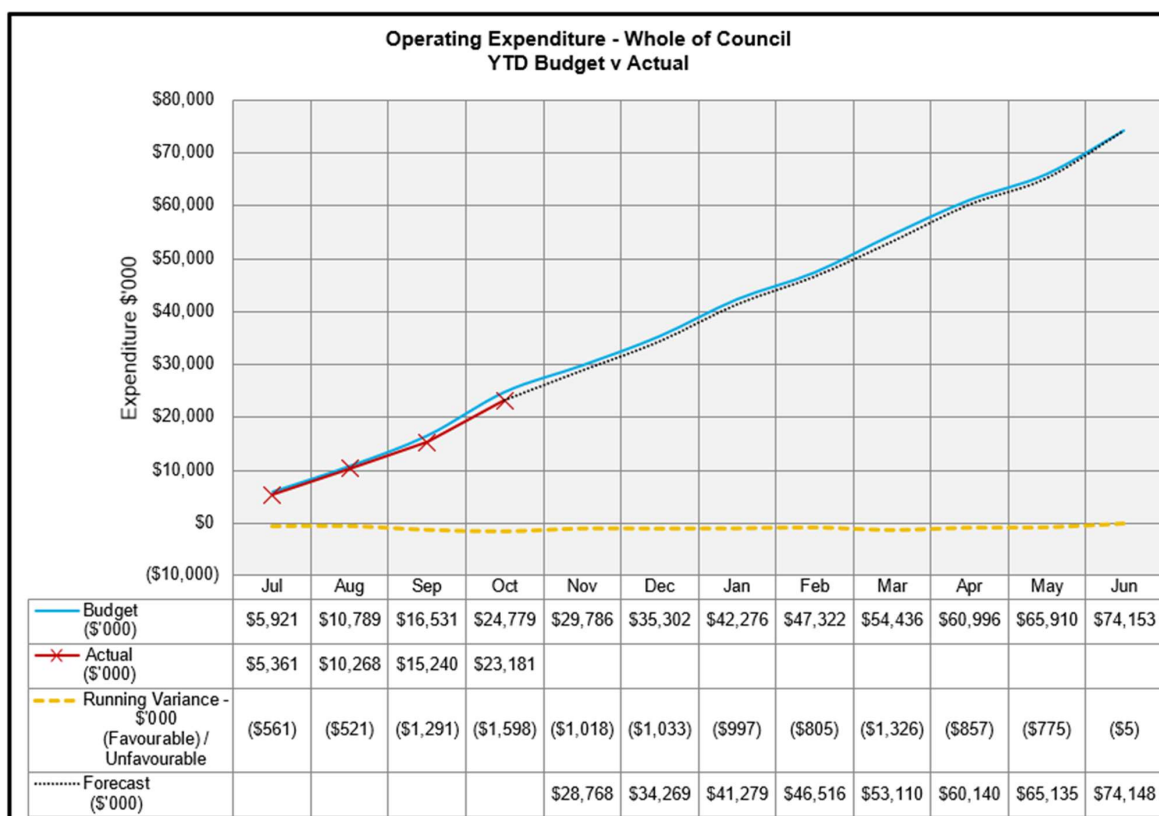
Favourable against the year-to-date \$44k budget by \$1k, with no notable variances to report.

Note 13 – Bad and Doubtful Debts

No bad or doubtful debts identified this year to date.

Note 14 – Other Expenses

Favourable against the year-to-date \$2.010k budget by \$23k, with no notable variances to report.



Non-Operating Revenue

Note 15 – Contributions – Non Monetary Assets

No non-monetary assets have been received to date against an annual budget of \$3.500m.

Note 16 – Gain or Loss on Disposal of Assets

Unfavourable against the year-to-date \$7k budget by \$4k, noting upfront expenditure has been incurred on properties identified as being eligible for disposal \$58k less minor assets sales of \$52k.

Note 17 – Capital Grants

Favourable against the year-to-date \$5.468m budget by \$1.252m, noting \$606k of unspent grants from the previous financial year carried forward, Local Roads and Community Infrastructure Phase 4 of \$679k, blackspot funding of \$513k less federal major projects yet to receive \$546k.

Non-Operating Expenditure

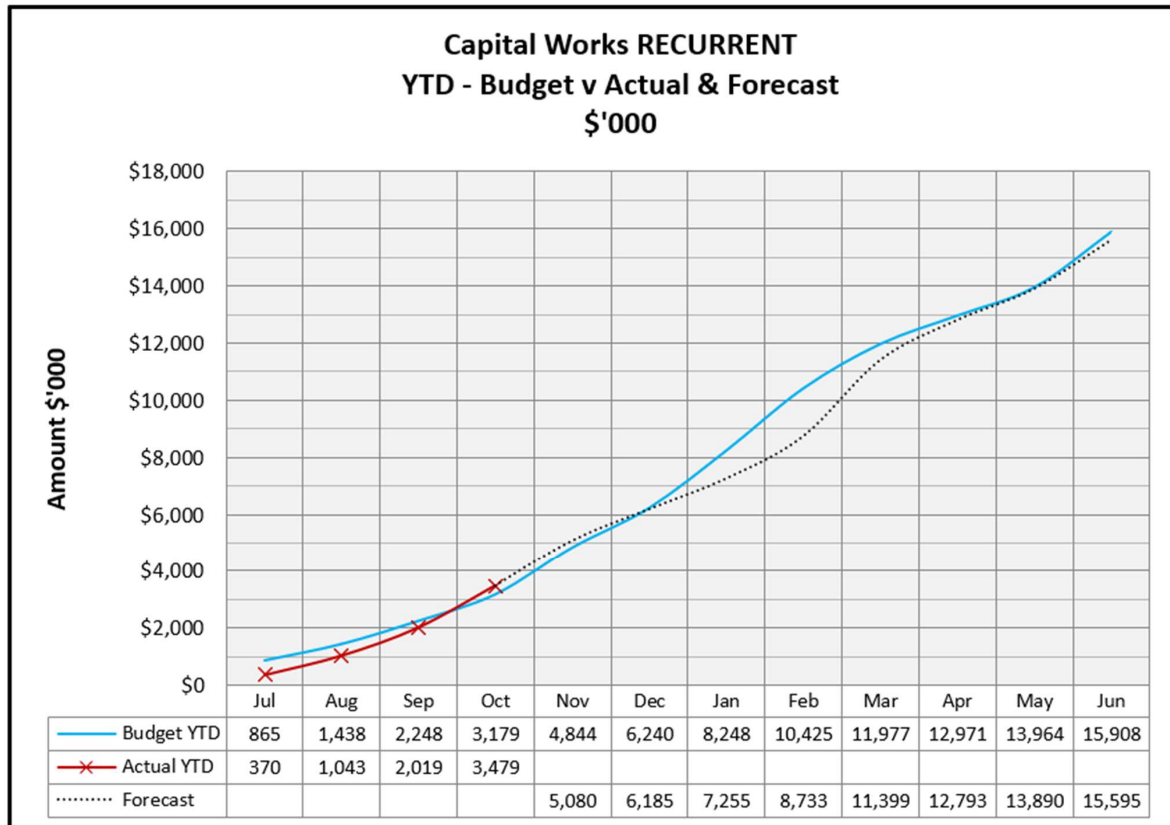
Note 12 – Assets Written Off

No assets have been written off to date against an annual budget of \$1.920m.

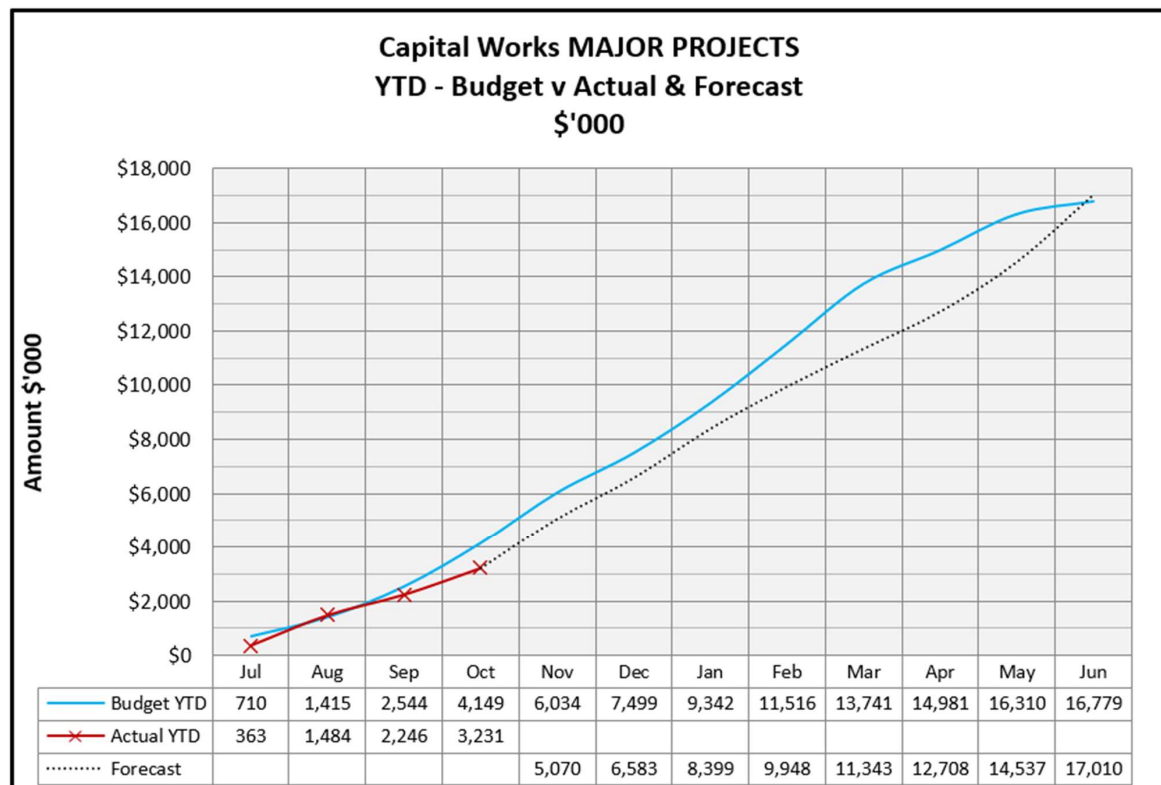
Capital Works

Year-to-date Capital Works expenditure is \$6.710m against a combined annual budget of \$32.686m and a combined annual forecast spend of \$32.567m. At the end of October, \$3.479m has been expended on Council funded Recurrent projects and \$3.231m for Major Projects.

Capital Program – Recurrent



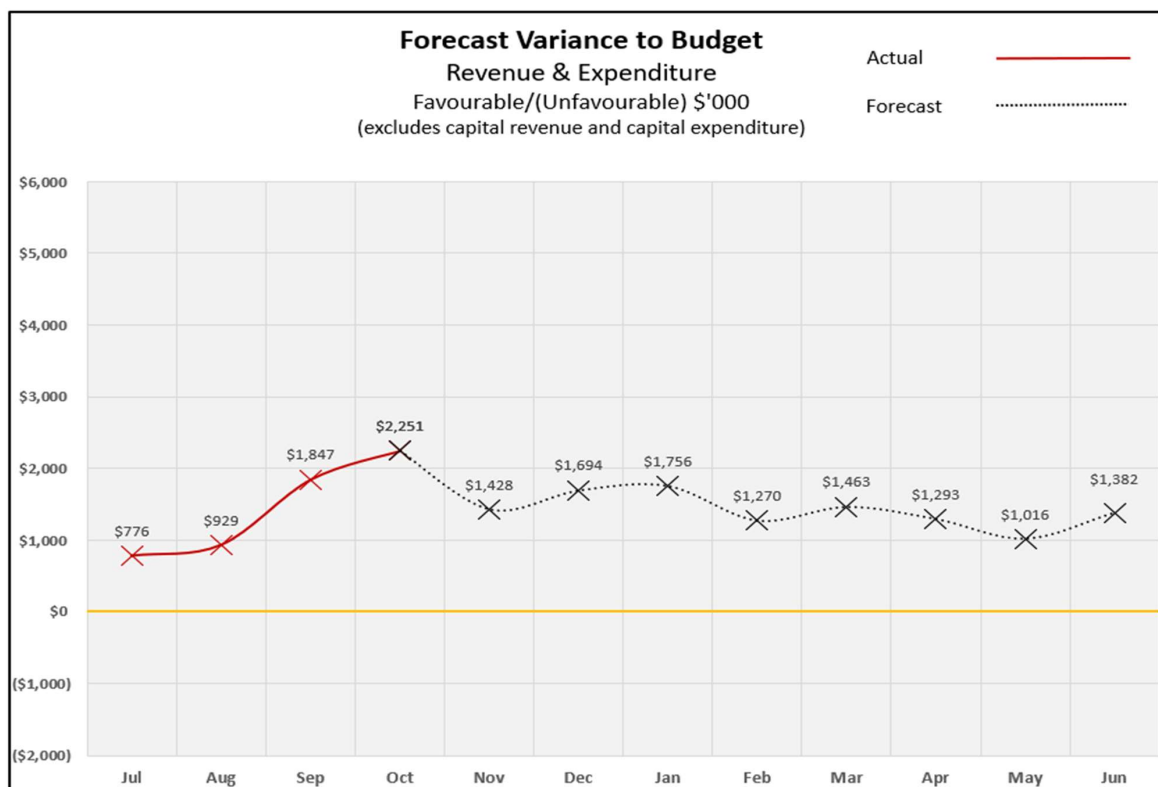
Capital Program – Major Projects*



*The following projects form the Major Projects capital works program:

Project	YTD Actual	ANNUAL Budget	ANNUAL Forecast
101059 - CSR - KGV Soccer - Design & Construction	\$232,838	\$2,500,000	\$2,782,838
101246 - Grant - Giblins Reserve Play Space	\$0	\$2,500,000	\$2,015,186
101250 - Grant - North Chigwell Football and Community Facility	\$1,315,186	\$4,000,000	\$3,510,274
101282 - Grant - Montrose Foreshore Park Skatepark	\$110,274	\$0	\$316,606
101517 - Upgrade Interchange Facilities at KGV Oval for GDFC	\$236,606	\$145,000	\$187,401
101518 - Upgrade to the Claremont Junior Football Clubrooms	\$2,401	\$0	\$1,500
101519 - New Lighting at Cadbury Oval	\$1,500	\$0	\$686
101536 - Tolosa Park Dam Rehabilitation	\$686	\$2,995,000	\$2,999,853
101767 - Relocation of Terry Street to Chambers	\$4,853	\$200,000	\$402,794
101914 - MP - Benjafield Playground Renewal	\$262,794	\$1,000,000	\$1,234,001
101915 - Grant - Playground Renewal - Federal	\$758,106	\$1,500,000	\$1,500,000
101916 - Benjafield Childcare Centre Stage 1 - Sleep Area	\$0	\$700,000	\$700,090
101917 - Benjafield Childcare Centre Stage 2 - Amenities	\$14,090	\$580,000	\$223,000
101930 - Eady St Sportsfield Lighting	\$81,184	\$0	\$131,184
101931 - Mountain Bike Renewal	\$207,284	\$0	\$252,284
101953 - Municipal Revaluation 2024	\$0	\$395,000	\$395,000
101954 - Multicultural Kitchen	\$380	\$164,000	\$164,380
101956 - Cadbury Changerooms	\$2,550	\$100,000	\$192,550
TOTALS	\$3,230,729	\$16,779,000	\$17,009,624

Operating Forecast to 30 June 2024



Note 1: The data in this chart is a compilation of actual, budget and forecast revenue / expenditure. It is recalculated each month to ensure it represents the most up-to-date analysis of Councils financial position which may result in differences to previously reported charts.

Adjustments to amounts previously reported

There are instances where ledger adjustments are required in respect of amounts reported in prior periods. These adjustments will be visible when comparing this report against previously presented Financial Performance Reports.

COUNCIL POLICY

STORMWATER MANAGEMENT POLICY**PURPOSE**

This policy:

- Sets out requirements for the management of stormwater that interferes with, or has the potential to interfere with, the operation of the Council stormwater system and requires General Manager consent under section 14(1) of the *Urban Drainage Act 2013*.
- Provides a framework for Council to assess changes in stormwater behaviour that result from development to ensure these changes are managed in the absence of a Stormwater Management Code in the Tasmanian Planning Scheme - Glenorchy.
- Defines the approach and measures adopted by Council to ensure that stormwater runoff generated by new development is of an acceptable quality, does not exacerbate flooding and can be accommodated by the Council stormwater system.
- Sets out the requirements and responsibilities for constructing and maintaining stormwater property connection points.
- Sets out the requirements and responsibility for assessment and granting consent for building work over or in close proximity to the Council stormwater system or within a service easement.

SCOPE

This policy has been prepared to ensure stormwater management and the protection of the Council stormwater system is appropriately considered and applies to:

- All development within the Glenorchy municipality.
- All properties with, or requiring, a stormwater property connection points.
- All proposed building work for Class 1 to Class 10 structures situated over or within one (1) metre of a Council stormwater system or within a service easement.

STRATEGIC PLAN ALIGNMENTMaking Lives Better

Objective 1.3 Facilitate and/or deliver services to our communities.

Strategy 1.3.1 Directly deliver defined service levels to our communities.

Valuing Our Environment

Objective 3.1 Create a liveable and desirable City.

Strategy 3.1.4. Deliver new and existing services to improve the City's liveability.



Objective 3.2 Manage our natural environments now and for the future.

Strategy 3.2.3 Enhance, protect, and celebrate the Derwent Foreshore.

Leading Our Community

Objective 4.1 Govern in the best interests of our community.

Strategy 4.1.2 Manage the City's assets soundly for the long-term benefit of the Community.

Objective 4.2 Prioritise resources to achieve our communities' goals.

Strategy 4.2.1 Deploy the Council's resources effectively to deliver value.

STATUTORY REQUIREMENTS

Acts	<i>Building Act 2016</i> <i>Land Use Planning and Approvals Act 1993</i> <i>Occupational Licencing Act 2005</i> <i>Occupational Licencing Amendment Act 2016</i> <i>Regional Land Use Strategies.</i> <i>State Policy on Water Quality Management 1997</i> <i>Tasmanian Planning Scheme - Glenorchy.</i> <i>Tasmanian State Stormwater Strategy 2010</i> <i>Tasmanian Stormwater Standard for New Developments.</i> <i>Urban Drainage Act 2013</i>
Regulations	Plumbing Regulations 2016
Australian/International Standards	Australian Rainfall and Runoff (www.arr.org.au) Australian Standard AS/NZS3500.3:2015 Plumbing and Drainage

DEFINITIONS

Annual Exceedance Probability (AEP) means the chance of a flood of a given size, or larger, occurring in any one year

Applicant means an owner or an agent of the owner making any type of application before Council that may affect Council's stormwater system

Building means a proposed building, part of a building, a structure and part of a structure

Boundary Box means generally, a cover to protect the Inspection Opening from damage which provides access for cleaning and maintenance purposes



Class 1 or 10 means a building classified as being of Class 1 or 10 as defined in the National Construction Code Volume 2

Class 2 to 9 means a building classified as being of Class 2 to 9 as defined in the National Construction Code Volume 1

Coordinator Building and Plumbing Services means a person appointed as the Coordinator Building and Plumbing Services by the Glenorchy City Council

Council Stormwater System has the same meaning as a public stormwater system under the *Urban Drainage Act 2013*

Developer means an owner of a property undergoing development or a person(s) authorised to act on behalf of a property owner

Development means any use or development which requires a planning permit under Section 51 of the *Land Use Planning and Approvals Act 2003*

Development Engineer means a person appointed as the Development Engineer by the Glenorchy City Council

Senior Civil Engineer means a person appointed as the Senior Civil Engineer by the Glenorchy City Council

Hard Standing Areas means hard compacted areas that runoff generates, and includes driveways, parking and turning areas and paths

Inspection Opening (IO) means generally, an access opening in a pipe or pipe fitting, arranged to facilitate inspection, testing, or clearing of obstructions and fitted with a threaded cap or plug or an access cover

Major Stormwater Drainage System means the combination of overland flow paths (including roads and watercourses) and the underground reticulation system designed to provide safe conveyance of stormwater runoff and a specific level of flood mitigation

Minor Stormwater Drainage System means the stormwater reticulation infrastructure designed to accommodate more frequent rainfall events (in comparison to major stormwater drainage systems) having regard to convenience, safety, and cost.

On-site Stormwater Detention (OSD) means the storage with controlled discharge of stormwater runoff, designed to reduce the peak flow from a site resulting from a storm event

Owner has the meaning given in the *Building Act 2016*

Permissible Site Discharge (PSD) means the maximum rate of discharge for the total site that the existing downstream stormwater system can handle

Policy means this policy

Runoff means the portion of rainfall that does not infiltrate into the soil, resulting in the presence of surface water



Service Easement means land the subject of an easement reserved for the installation and maintenance of services including water, drainage, electricity, gas and telecommunications

Stormwater Main means a Council owned stormwater line

Stormwater System means a drainage system designed to drain excess rain and ground water, including underground reticulation systems and above ground overland flow paths

Structural Engineer means a person who holds a current "Building Services Provider" license as a structural engineer (Civil) under the *Occupational Licensing Act 2005*

Suitably Qualified Person means a professional engineer currently practising with relevant CPEng, NPER or accreditation under the Scheme for the Accreditation of Building Practitioners in Tasmania with an appropriate level of professional indemnity and public liability insurance

Site Storage Requirement (SSR) means the minimum storage volume that is needed to temporarily store and offset the excess stormwater run-off due to the development

Stormwater Property Connection Point means a point provided for the connection of private stormwater to Council's stormwater network

Tasmanian Planning Scheme - Glenorchy (TPSG) means the planning scheme in force in the Glenorchy municipality that incorporates the State Planning Provisions

Water Sensitive Urban Design (WSUD) means a land planning and engineering design approach which integrates the urban water cycle, including stormwater, groundwater and wastewater management and water supply, into urban design to minimise environmental degradation and improve aesthetic and recreational appeal

BACKGROUND

The Tasmanian Planning Scheme - Glenorchy (TPSG) does not contain provisions requiring development to connect to the Council stormwater system nor does it include provisions to manage changes to stormwater quality and stormwater quantity arising from development.

The Interim Planning Schemes for Southern Councils included a Stormwater Management Code, which was used to assess impacts on the Council stormwater system through the assessments of applications for planning permits and to attach conditions to planning permits to manage stormwater impacts. There is no equivalent code in the TPSG.

The TPSG includes Clause 6.11.2, which is a broad head of power to allow conditions to be applied to a planning permit regarding erosion and stormwater volume and quality controls. No additional guidance is provided in the TPSG on what these controls should be or how changes in stormwater behaviour that result from development are to be assessed.

The *Urban Drainage Act 2013* provides Council with the power to regulate impacts on the Council stormwater system through the requirement of Section 14(1) to obtain General Manager's consent to connect to or interfere with a public stormwater system. All changes to stormwater behaviour that result from development have an impact on the Council Stormwater System and therefore interfere with the operation of that system.



The Tasmanian Stormwater Standards for New Developments has been developed to provide guidance around these controls, to provide a consistent state-wide approach to managing stormwater under the Tasmanian Planning Schemes, and to help improve stormwater management while allowing for sustainable development.

The purpose of this Policy is to formally adopt the Tasmanian Stormwater Standards for New Developments and to specify the levels of service in relation to stormwater management which are required under the Tasmanian Stormwater Standards for New Developments.

This policy provides the framework for Council to:

- Ensure that buildings, works, subdivisions and stormwater drainage systems generate stormwater of a quality and quantity that enables protection of natural assets, infrastructure, and properties.
- Ensure pollutant types and/or loadings are managed appropriately to protect natural values, infrastructure, and properties.
- Manage inundation and flood risk to new developments and existing urban areas.
- Ensure that surface flow paths convey floodwaters within suitable velocity/depth limits that don't become a risk to human life or properties.
- Fulfil the requirements of the relevant policies, strategies, and Acts in relation to stormwater management.
- Provide developers and designers with clarity on how they can meet permit requirements and contribute to best practice stormwater management.
- Ensure public stormwater systems can be managed and maintained appropriately, without causing unnecessary burden to the wider community.

Under the *Urban Drainage Act 2013*, Council is required to provide such public stormwater systems as may be necessary to effectively drain the urban area of the Council's municipal area.

- It is acknowledged that the typical practice is to collect stormwater from a developed property via a private stormwater system, internal to the property and discharge to a stormwater property connection point, usually a 150mm diameter pipe, from the legal stormwater discharge point. The legal discharge point may be a kerb outlet, the public stormwater main or a natural water course or body.
- Within Glenorchy there are some existing developed properties which have no stormwater property connection point. In other cases, the connection exists however it has been misconnected into sewer or inadequately drained.
- This policy provides clarification on the proportional costs sharing between Council and property owners when new connections or upgrades of existing connections are required.

In considering applications involving the construction of buildings (including structures and placement or removal of fill material) situated over Council stormwater systems or within one metre laterally from the outer edge of Council's stormwater systems or within service easements, Council must:

- Ensure protection of Council's stormwater system or service easement;



- Ensure that ready and timely access by Council can be gained to the Council stormwater system or service easements so repair, replacement, upgrade, extension or maintenance works can be carried out;
- Ensure the dead and live loads of a building are not transferred onto Council stormwater systems;
- Minimise the number of building failures that are reported to Council;
- Provide a consistent application of provisions contained within the *Building Act 2016*; *Land Use Planning and Approvals Act 1993*; and the *Urban Drainage Act 2013*; and
- Minimise conflict and uncertainty for future owners on the use of the land over and within one metre of Council's stormwater systems or within service easements. A concise policy is required to ensure the above objectives are achieved.

POLICY STATEMENT

1. Council's responsibilities

Council as planning authority is responsible for assessing and determining applications for planning permits in accordance with the requirements of the TPSG and the *Land Use Planning and Approvals Act 1993* and for recognising the State Policy on Water Quality Management 1997. Council is also responsible for managing the Council stormwater system and protecting those stormwater assets in accordance with the requirements of the *Urban Drainage Act 2013*.

2. Compliance with industry standards

Stormwater design in new developments is to be in accordance with the current versions of the industry standard documents Australian Rainfall and Runoff, and Australian Runoff Quality, and the Tasmanian Stormwater Standards for New Developments.

3. Stormwater System Design Requirements

- (a) The minor stormwater drainage system for new development shall be designed to accommodate a storm with a 5% AEP for land in the Central Business, General Business and Commercial zones and a storm with a 10% AEP for land in all other zones.
- (b) The major stormwater drainage system for new development shall be designed for the safe conveyance of the 1% AEP storm event with an allowance for climate change.

4. Stormwater Disposal Method Requirements

- (a) Stormwater must be disposed of by gravity to the Council stormwater system where practicable.
- (b) Where disposal of stormwater by gravity to the Council stormwater system is not practicable:
 - (i) For land within the Rural Living or Low Density Residential zones, stormwater disposal must be consistent with the current disposal method; or
 - (ii) For land within all other zones, a report prepared by a Suitably Qualified Person demonstrates that the site is suitable for onsite stormwater disposal, and that the onsite stormwater disposal system is designed, and will be maintained and managed, to minimise the risk of failure to the satisfaction of the Senior Civil Engineer; or



- (iii) For land in all zones, stormwater may be disposed of to the Council stormwater system via a pump system. Pump systems are not to be connected directly to a kerb connection. Pump systems must be designed by a Suitably Qualified Person and must be maintained and managed to minimise the risk of failure to the satisfaction of the Senior Civil Engineer. Where this disposal method is used, a Form 46 (Schedule of Maintenance - Prescribed Essential Building Services) is to be attached to the Occupancy Permit issued for the building on the land.
- (c) Where stormwater is discharged to a watercourse, rivulet or creek the impacts of increased water velocity or volume must be mitigated by adequate capacity energy dissipation to the satisfaction of the Senior Civil Engineer.
- (d) All stormwater property connection points downstream of the Boundary Box or Inspection Opening are classed as Council assets and will be maintained by the Council. However, Council may request that property owners contribute the cost of repairing damaged Council property connections if man-made damage is found. Note that Boundary Box and Inspection Openings are part of the private stormwater system and it is the property owner's responsibility to maintain them.
- (e) Each lot will typically have only a single property connection. For those properties where Council determines that a single property connection is insufficient, multiple connection points into the Council stormwater system may be provided at the Senior Civil Engineer's discretion. The cost of providing such connections is to be paid by the property owner before the work is undertaken.
- (f) For any new multiple unit developments, Council may allow up to two units to discharge via a single property connection (minimum 150mm diameter circular or equivalent) direct to a kerb outlet provided that the calculated concentrated runoff does not exceed the hydraulic capacity of the kerb and gutter. A stormwater connection from any development which has a total catchment size more than 1,500m² will be connected directly to the Council stormwater system or other approved watercourse.
- (g) If an existing developed property does not have a stormwater property connection point, Council will provide one as funds become available and as other funding priorities allow. Council will consider any such installations through the budget process and assess their priority in Council's capital works program.
- (h) If a property owner wishes to develop a property other than a single residential dwelling, they will be responsible for paying the cost of installing a stormwater property connection point or upgrading the existing property connection to meet the needs of the development to the satisfaction of the Senior Civil Engineer. The upgrade of a stormwater connection associated with development is to be completed prior to a plumbing permit being granted. For all new and upgraded stormwater connections a Stormwater Connection Request Form must be submitted to Council and all relevant fees paid.
- (i) Council will require a developer to provide a registered easement (at developer's cost) giving free and unfettered access to Council or its agents or nominees to any stormwater assets that become vested in Council.
- (j) If a property owner wishes to develop a property, they shall be responsible for all the matters associated with gaining a suitable stormwater property connection point. This includes:

- (i) Design of the connection;
- (ii) Negotiating and compensating easements with affected property owners;
- (iii) Providing title plan to the Council, including any easement required, ready to be lodged with the Land Title Office and payment for associated legal cost; and
- (iv) All construction and associated costs.

5. Stormwater Quality Management Requirements

- (a) The following development is exempt from the Stormwater Quality Management Requirements set out in 5(b) to 5(e):
 - (i) A single dwelling on a single lot that will be connected to the existing public stormwater system.
 - (ii) Development creating a total new impervious area less than 500m²
 - (iii) A subdivision creating new lots with no lot less than 5,000m² each in area, and with new roads and footpaths less than 500m² in area.
 - (iv) Subdivisions which are solely for the purpose of creating road reserve, public open space, public infrastructure, littoral or riparian reserve or minor boundary adjustments.
- (b) Stormwater quality treatment designs for new developments are to meet the following treatment standards:

Target Level	Water Quality Treatment Target
1	Site specific requirements at discretion of the Stormwater Service Provider (for example sites with, or draining to, areas with environmental values, potentially contaminating activities etc).
2	90% reduction in the average annual load of litter/gross pollutants based on typical urban stormwater concentrations; AND 80% reduction in the average annual load of total suspended solids (TSS) based on typical urban stormwater TSS concentrations; AND 45% reduction in the average annual load of total phosphorus (TP) based on typical urban stormwater TP concentrations; AND 45% reduction in the average annual load of total nitrogen (TN) based on typical urban stormwater TN concentrations

- (c) Stormwater quality treatment may be offset via a cash contribution. The cash contribution received will be assessed on a case-by-case basis depending on the amount of treatment required for the development.
- (d) If a staged development occurs within a 5-year period, treatment will be required for the total development prior to proceeding with more than 50% of the total development.



- (e) For staged developments, the developer shall maintain all the WSUD treatment train elements until the completion and sealing of the survey diagram for the final stage of the subdivision. Prior to Council taking over all the WSUD treatment train elements, the developer is required demonstrate to Council by providing evidence or documentation, to the satisfaction of Council's Development Engineer, that all the WSUD treatment train elements are in a working condition as designed. The developer is also required to replace all consumable parts, such as filters and cartridges, no more than one month before Council taking over these WSUD treatment train elements.

6. Stormwater Quantity Management Requirements

- (a) The following development is exempt from the Stormwater Quantity Management Requirements set out in 6(b) to 6(i):
 - (i) Development that does not result in any increase in the impervious area for site.
 - (ii) Development comprising a one-off Class 10a structure with a roof area of no greater than 40m² where there are no other changes in the impervious area for site.
 - (iii) Development comprising a one-off extension to Class 1 building resulting in an increase in impervious area no greater than 40m² where there are no other changes in the impervious area for site.
 - (iv) Development with an increase in the total impervious area of no greater than 500m² that discharges stormwater directly to a non-piped rivulet or creek.
 - (v) Development that discharges stormwater directly to the River Derwent.
 - (vi) Development that discharges stormwater to the downstream parts of the Council stormwater system which have been demonstrated to the satisfaction of the Senior Civil Engineer to have sufficient capacity to cater for the fully developed catchment including the development.
 - (vii) Development that discharges stormwater to the Council stormwater system where it has been demonstrated to the satisfaction of the Senior Civil Engineer that if the total catchment containing the site were fully developed without any increase in capacity of the Council stormwater system, the detention of stormwater would not be of benefit in mitigating the impacts of downstream flooding or the performance of the downstream Council stormwater system. Note: The development proponent is responsible for undertaking the modelling the total catchment.
 - (viii) Development that discharges stormwater to the Council stormwater system where it has been demonstrated to the satisfaction of the Senior Civil Engineer that it is not practicable to provide stormwater detention on the development site and that to mitigate the impacts of downstream flooding or the performance of the downstream Council stormwater system detention of stormwater can best be provided downstream of the development site AND a cash contribution has been paid to fully fund the cost of the detention to upgrade the downstream reticulation system to cater for 5% AEP events and the overall stormwater system to cater for 1% AEP events. Note: The development proponent is responsible for undertaking the necessary modelling.
- (b) Any increase in stormwater runoff must be accommodated:



- (i) Within an existing public stormwater system to the satisfaction Council; or
 - (ii) Public infrastructure upgraded by the developer as part of the development proposal to the satisfaction of Council; or
 - (iii) On-site detention is designed to offset the increase in stormwater runoff caused by the development, to the satisfaction of Council.
- (c) The impact of the stormwater quantity from the site may be offset via a cost contribution for a future improvement of the public stormwater system for infrastructure upgrades that are linked to an Urban Drainage Plan (or similar) created or accepted by Council.
- (d) The maximum allowed peak runoff set by the Council is equivalent to the calculated runoff resulting from an assumed runoff coefficient for the entire site of 0.55 at all rainfall events, temporal patterns and durations, subject to the fact that the existing public stormwater has the capacity to accommodate the increase.
- (e) Development that results in an additional impervious area of greater than 250m² and which exceeds the maximum allowed peak runoff must have Onsite Stormwater Detention (OSD) designed by a suitably qualified person and approved by Council.
- (f) Any OSD required by 6(e) must cater for the difference between the Permissible Site Discharge (PSD) and the peak discharge over the period of the design storm, and the OSD shall be designed to cater for 5% AEP storm events, and ensure that the development does not detrimentally impact on downstream properties in event more severe than 5% AEP.
- (g) Design Requirements to be submitted with OSD Proposal required by 6(e):
- (i) Detailed hydraulic designs must be submitted in accordance with the Australian Rainfall and Runoff (AR&R) to achieve a peak discharge rate for the site equivalent to or less than an assumed runoff coefficient for the entire site of 0.55.
 - (ii) For the purposes of calculating the peak runoff, a runoff coefficient of 0.9 shall be used for impervious areas and a coefficient of 0.4 shall be used for pervious areas.
 - (iii) The impervious rates for calculating runoff from various surfaces are specified below:
 - i. Roofs, driveways and carports, and other impervious hard standing areas will be 100% impervious for drainage calculation purposes.
 - ii. Driveways constructed with gravel or "grass-crete" or pervious pavers will be 80 % impervious for drainage calculation purposes.
 - iii. Courtyards and paths paved with pervious pavers and proper subsurface drainage system constructed underneath will be 25 % impervious for drainage calculation purposes; and
 - iv. Unroofed decks constructed with open timber decking will also be 25% impervious for the overall runoff coefficient calculation purposes.
 - (iv) The PSD shall be calculated based on the critical storm duration of the entire catchment calculated by a suitably qualified person, unless specified otherwise by the Council's Senior Civil Engineer.
 - (v) The Site Storage Requirement (SSR) shall be determined by calculating runoff volumes for the full range of site storm durations for the 5% AEP to determine the maximum SSR.
 - (vi) The following three (3) main elements shall be included in the OSD system design:

- i. Temporary storage: this may consist of an open surface pond/tank or underground tank. It is designed to contain the excess volume of stormwater resulting from limits on the peak discharge flow rate.
 - ii. Discharge Control Pit: a flow control pit and litter and sediment removal component must be included in the OSD design. The outlet/orifice shall be a minimum internal diameter or width of at least 25 mm and protected by an approved mesh screen. An overflow structure must be designed to cater for flows exceeding the capacity of the OSD. The overflow structure must direct excess flows in a manner to minimise any detrimental effects on property downstream.
 - iii. Maintenance Scheme: a maintenance schedule/plan for the OSD must be submitted to the Council with the OSD engineering design. The cleaning of below ground storage facilities should be conducted in accordance with the requirements and risk control measures specified in AS2865-2009 Confined Spaces.
- (h) For developments where the additional impervious surface proposed is less than 250m², the following standard OSD sizes must be used:

Additional Impervious Surface Proposed	On site Detention Required
40 to 65m ²	A minimum of 1.8m ³ (1,800 litres)
65m ² to 100m ²	2.5m ³ (2,500 litres)
100m ² to 150m ²	3.0m ³ (3,000 litres)
150m ² to 200m ²	3.5m ³ (3,500 litres)
200m ² to 250m ²	A minimum of 4.0m ³ (4,000 litres)
Over 250m ²	Engineering calculations required

- (i) The maintenance of all OSD is the sole responsibility of the property owner.

7. Building Over or in Close Proximity to Council Stormwater Systems or Within Service Easements

- (a) This section must be read in conjunction with Section 73 and 74 of the *Building Act 2016*, and Section 13 of the *Urban Drainage Act 2013*.
- (b) Subject to obtaining advice from the Development Engineer, Senior Civil Engineer or Coordinator Building and Plumbing Services, the General Manager may give consent in accordance with Section 13 of the *Urban Drainage Act 2013* and sections 73 or 74 of the *Building Act 2016* (with or without conditions) for the erection or extension of a Class 2 to 9 building or structure and certain Class 1 and 10 buildings and structures (set out in paragraphs (c) and (d) below) to be constructed over or within (1) metre of a Council stormwater system or within a service easement if:
 - (i) there is no other reasonable alternative other than to build over a Council stormwater system or within a service easement



- (ii) the existence of the Council stormwater system would otherwise impose a substantial impediment to the effective development of a substantial portion of the lot
 - (iii) a certified structural design of the footing system and access panel arrangement in the floor is submitted by a structural engineer and is approved by Council's Development Engineer or Senior Civil Engineer
 - (iv) a CCTV inspection of Council's stormwater system has been undertaken at the applicant's expense as directed by Council's Development Engineer or Senior Civil Engineer
 - (v) the Development Engineer and Senior Civil Engineer are satisfied that the certified design provides satisfactory access to, and protection of, Council's stormwater system or a service easement and minimises the potential for future liability claims against Council. The certified design may need to include details for removal of the parts of the building over or within 1 metre of a Council stormwater system or within a service easement
 - (vi) The consent must provide that the owner or future owners of the subject property cannot hold the Council liable for any damage or inconvenience arising from the erection or extension of a building or structure, or for any effort including associated costs necessary to provide Council unrestricted access to the Council stormwater system for repair, replacement, upgrade, extension or maintenance purposes. Council may require the owner to pay to Council any additional costs incurred in relation to the repair, replacement, upgrade, extension or maintenance of the stormwater system due to the granting of consent to erect or extend a building or structure over or within 1 metre of Councils stormwater system or within a service easement; and
 - (vii) sufficient merit based on the above and other matters is clearly demonstrated and accepted as such by Council's Coordinator Building and Plumbing Services.
- (c) Consent may be provided only for the construction or erection of Class 10a, 10b and 10c buildings or structures over or within 1 metre of an existing Council stormwater system or within a service easement including carports, garages, sheds, decks, fences, masts, antennas, free standing walls or the like.
- (d) Consent may be provided only for the construction or erection of Class 1 buildings or structures over or within 1 metre of an existing Council stormwater system or within a service easement where the part of the Class 1 building or structure situated over or within 1 metre of an existing Council stormwater system or within a service easement would if constructed separately be a Class 10 building or structure.
- (e) The General Manager's Consent would not be issued to drainage pipes/culverts with large diameters (>900mm) unless the assets can be accessed by heavy machinery without obstruction and replaced with no additional cost or risk to Council comparing with the conventional method using open trenching and benching.
- (f) To avoid any doubt, the General Manager's consent will not be given under this policy for the construction of the following buildings or structures over or within 1 metre of an existing Council stormwater system or within a service easement:



- (i) A Class 1 building which is a dwelling (other than a part of a dwelling which, if built on its own would be a Class 10 building), or
- (ii) a Class 10b structure which is a swimming pool, whether above or below ground.
- (g) The General Manager may (on the advice of the Senior Civil Engineer and Coordinator Building and Plumbing Services) exercise a discretion to give consent under (c) and (d) above where the Council stormwater system is situated below a proposed Class 2-9, Class 13, Class 10a, Class 10c and certain Class 10b structures or buildings where structural loads are not transferred to Council's stormwater system or associated trench. In such cases the Development Engineer, Senior Civil Engineer or Coordinator Building and Plumbing Services may require the applicant to provide details of a footing design showing the building footing, as a minimum, to be below the invert depth of the Council stormwater system. Design details may also be required to demonstrate how removal of the parts of a building designed to be built over or within 1 metre of a Council stormwater system or within a service easement can be undertaken to allow for access to the same.
- (h) The applicant is responsible for ensuring that Council's stormwater system and service easements are accurately located, horizontally and vertically, on plans provided with an application seeking consent to build over or within 1 metre of a Council stormwater system or within a service easement. If there is any doubt related to the location or depth of the Council stormwater system for any type of application before Council, the applicant may apply to the General Manager for Council to locate the system. Costs associated with this or any other investigation with respect to Council's stormwater system's condition or location will be borne by the applicant.
- (i) This policy applies irrespective of whether the Council stormwater system is (or is not) located within an identified service easement.
- (j) When implementing the provisions of this policy, the following legislative provisions must be taken into account:
 - (i) Sections 73 and 74 of the *Building Act 2016*;
 - (ii) Section 13 of the *Urban Drainage Act 2013*;
 - (iii) Section 90AB of the *Conveyancing and Law of Property Act 1884*;
 - (iv) Schedule 8 of the *Conveyancing and Law of Property Act 1884*; and
 - (v) Part 5 of the *Land Use Planning and Approvals Act 1993*.

DOCUMENT CONTROL

Version:	2.0	Commencement Date:	27 Jul 2021
Minutes Reference	Council meeting, 26 Jul 2021, Item ##		
Previous Versions:	This Policy rescinds the 'Building Over or in Close Proximity to Council Stormwater Systems or Within Service Easements Policy' and the 'Stormwater Runoff Management Policy'		



DD Month 20##

Responsible Directorate	Infrastructure & Works	Controller:	Manager Infrastructure Engineering & Design
ECM Document No.:	#####		

COUNCIL POLICY

STORMWATER MANAGEMENT POLICY**PURPOSE**

This policy:

- Sets out requirements for the management of stormwater that interferes with, or has the potential to interfere with, the operation of the Council stormwater system and requires General Manager consent under section 14(1) of the *Urban Drainage Act 2013*.
- Provides a framework for Council to assess changes in stormwater behaviour that result from development to ensure these changes are managed in the absence of a Stormwater Management Code in the Tasmanian Planning Scheme - Glenorchy.
- Defines the approach and measures adopted by Council to ensure that stormwater runoff generated by new development is of an acceptable quality, does not exacerbate flooding and can be accommodated by the Council stormwater system.
- Sets out the requirements and responsibilities for constructing and maintaining stormwater property connection points.
- Sets out the requirements and responsibility for assessment and granting consent for building work over or in close proximity to the Council stormwater system or within a service easement.

SCOPE

This policy has been prepared to ensure stormwater management and the protection of the Council stormwater system is appropriately considered and applies to:

- All development within the Glenorchy municipality.
- All properties with, or requiring, a stormwater property connection points.
- All proposed building work for Class 1 to Class 10 structures situated over or within one (1) metre of a Council stormwater system or within a service easement.

STATUTORY REQUIREMENTS

Acts	<i>Building Act 2016 (Tas)</i> <i>Land Use Planning and Approvals Act 1993 (Tas)</i> <i>Occupational Licencing Act 2005 (Tas)</i> <i>Occupational Licencing Amendment Act 2016 (Tas)</i> <i>Regional Land Use Strategies</i>
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	<i>State Policy on Water Quality Management 1997</i> <i>Tasmanian Planning Scheme - Glenorchy</i> <i>Tasmanian State Stormwater Strategy 2010</i> Tasmanian Stormwater Standard for New Developments. <i>Urban Drainage Act 2013 (Tas)</i>
Regulations	Plumbing Regulations 2016
Australian/International Standards	Australian Rainfall and Runoff (www.arr.org.au) Australian Standard AS/NZS3500.3:2015 Plumbing and Drainage

DEFINITIONS

Annual Exceedance Probability (AEP) means the chance of a flood of a given size, or larger, occurring in any one year

Applicant means an owner or an agent of the owner making any type of application before Council that may affect Council's stormwater system

Building means a proposed building, part of a building, a structure and part of a structure

Boundary Box means generally, a cover to protect the Inspection Opening from damage which provides access for cleaning and maintenance purposes

Class 1 or 10 means a building classified as being of Class 1 or 10 as defined in the National Construction Code Volume 2

Class 2 to 9 means a building classified as being of Class 2 to 9 as defined in the National Construction Code Volume 1

Coordinator Building and Plumbing Services means a person appointed as the Coordinator Building and Plumbing Services by the Glenorchy City Council

Council Stormwater System has the same meaning as a public stormwater system under the Urban Drainage Act 2013

Developer means an owner of a property undergoing development or a person(s) authorised to act on behalf of a property owner

Development means any use or development which requires a planning permit under Section 51 of the Land Use Planning and Approvals Act 2003

Development Engineer means a person appointed as the Development Engineer by the Glenorchy City Council



Senior Civil Engineer means a person appointed as the Senior Civil Engineer by the Glenorchy City Council

Hard Standing Areas means hard compacted areas that runoff generates, and includes driveways, parking and turning areas and paths

Inspection Opening (IO) means generally, an access opening in a pipe or pipe fitting, arranged to facilitate inspection, testing, or clearing of obstructions and fitted with a threaded cap or plug or an access cover

Major Stormwater Drainage System means the combination of overland flow paths (including roads and watercourses) and the underground reticulation system designed to provide safe conveyance of stormwater runoff and a specific level of flood mitigation

Minor Stormwater Drainage System means the stormwater reticulation infrastructure designed to accommodate more frequent rainfall events (in comparison to major stormwater drainage systems) having regard to convenience, safety, and cost.

On-site Stormwater Detention (OSD) means the storage with controlled discharge of stormwater runoff, designed to reduce the peak flow from a site resulting from a storm event

Owner has the meaning given in the Building Act 2016

Permissible Site Discharge (PSD) means the maximum rate of discharge for the total site that the existing downstream stormwater system can handle

Policy means this policy

Runoff means the portion of rainfall that does not infiltrate into the soil, resulting in the presence of surface water

Service Easement means land the subject of an easement reserved for the installation and maintenance of services including water, drainage, electricity, gas and telecommunications

Stormwater Main means a Council owned stormwater line

Stormwater System means a drainage system designed to drain excess rain and ground water, including underground reticulation systems and above ground overland flow paths

Structural Engineer means a person who holds a current "Building Services Provider" license as a structural engineer (Civil) under the Occupational Licensing Act 2005

Suitably Qualified Person means a professional engineer currently practising with relevant CPEng, NPER or accreditation under the Scheme for the Accreditation of Building Practitioners in Tasmania with an appropriate level of professional indemnity and public liability insurance

Site Storage Requirement (SSR) means the minimum storage volume that is needed to temporarily store and offset the excess stormwater run-off due to the development

Stormwater Property Connection Point means a point provided for the connection of private stormwater to Council's stormwater network



Tasmanian Planning Scheme - Glenorchy (TPSG) means the planning scheme in force in the Glenorchy municipality that incorporates the State Planning Provisions

Water Sensitive Urban Design (WSUD) means a land planning and engineering design approach which integrates the urban water cycle, including stormwater, groundwater and wastewater management and water supply, into urban design to minimise environmental degradation and improve aesthetic and recreational appeal

BACKGROUND

The Tasmanian Planning Scheme - Glenorchy (TPSG) does not contain provisions requiring development to connect to the Council stormwater system nor does it include provisions to manage changes to stormwater quality and stormwater quantity arising from development.

The Interim Planning Schemes for Southern Councils included a Stormwater Management Code, which was used to assess impacts on the Council stormwater system through the assessments of applications for planning permits and to attach conditions to planning permits to manage stormwater impacts. There is no equivalent code in the TPSG.

The TPSG includes Clause 6.11.2, which is a broad head of power to allow conditions to be applied to a planning permit regarding erosion and stormwater volume and quality controls. No additional guidance is provided in the TPSG on what these controls should be or how changes in stormwater behaviour that result from development are to be assessed.

The *Urban Drainage Act 2013* provides Council with the power to regulate impacts on the Council stormwater system through the requirement of Section 14(1) to obtain General Manager's consent to connect to or interfere with a public stormwater system. All changes to stormwater behaviour that result from development have an impact on the Council Stormwater System and therefore interfere with the operation of that system.

The Tasmanian Stormwater Standards for New Developments has been developed to provide guidance around these controls, to provide a consistent state-wide approach to managing stormwater under the Tasmanian Planning Schemes, and to help improve stormwater management while allowing for sustainable development.

The purpose of this Policy is to formally adopt the Tasmanian Stormwater Standards for New Developments and to specify the levels of service in relation to stormwater management which are required under the Tasmanian Stormwater Standards for New Developments.

This policy provides the framework for Council to:

- Ensure that buildings, works, subdivisions and stormwater drainage systems generate stormwater of a quality and quantity that enables protection of natural assets, infrastructure, and properties.
- Ensure pollutant types and/or loadings are managed appropriately to protect natural values, infrastructure, and properties.
- Manage inundation and flood risk to new developments and existing urban areas.
- Ensure that surface flow paths convey floodwaters within suitable velocity/depth limits that don't become a risk to human life or properties.



- Fulfil the requirements of the relevant policies, strategies, and Acts in relation to stormwater management.
- Provide developers and designers with clarity on how they can meet permit requirements and contribute to best practice stormwater management.
- Ensure public stormwater systems can be managed and maintained appropriately, without causing unnecessary burden to the wider community.

Under the *Urban Drainage Act 2013* (Tas), Council is required to provide such public stormwater systems as may be necessary to effectively drain the urban area of the Council's municipal area.

- It is acknowledged that the typical practice is to collect stormwater from a developed property via a private stormwater system, internal to the property and discharge to a stormwater property connection point, usually a 150mm diameter pipe, from the legal stormwater discharge point. The legal discharge point may be a kerb outlet, the public stormwater main or a natural water course or body.
- Within Glenorchy there are some existing developed properties which have no stormwater property connection point. In other cases, the connection exists however it has been misconnected into sewer or inadequately drained.
- This policy provides clarification on the proportional costs sharing between Council and property owners when new connections or upgrades of existing connections are required.

In considering applications involving the construction of buildings (including structures and placement or removal of fill material) situated over Council stormwater systems or within one metre laterally from the outer edge of Council's stormwater systems or within service easements, Council must:

- Ensure protection of Council's stormwater system or service easement;
- Ensure that ready and timely access by Council can be gained to the Council stormwater system or service easements so repair, replacement, upgrade, extension or maintenance works can be carried out;
- Ensure the dead and live loads of a building are not transferred onto Council stormwater systems;
- Minimise the number of building failures that are reported to Council;
- Provide a consistent application of provisions contained within the *Building Act 2016*; *Land Use Planning and Approvals Act 1993*; and *the Urban Drainage Act 2013*; and
- Minimise conflict and uncertainty for future owners on the use of the land over and within one metre of Council's stormwater systems or within service easements. A concise policy is required to ensure the above objectives are achieved.



POLICY STATEMENT

Council's responsibilities

Council as planning authority is responsible for assessing and determining applications for planning permits in accordance with the requirements of the TPSG and the *Land Use Planning and Approvals Act 1993* and for recognising the State Policy on Water Quality Management 1997. Council is also responsible for managing the Council stormwater system and protecting those stormwater assets in accordance with the requirements of the *Urban Drainage Act 2013*.

Compliance with industry standards

Stormwater design in new developments is to be in accordance with the current versions of the industry standard documents Australian Rainfall and Runoff, and Australian Runoff Quality, and the Tasmanian Stormwater Standards for New Developments.

Stormwater System Design Requirements

- (a) The minor stormwater drainage system for new development shall be designed to accommodate a storm with a 5% AEP for land in the Central Business, General Business and Commercial zones and a storm with a 10% AEP for land in all other zones.
- (b) The major stormwater drainage system for new development shall be designed for the safe conveyance of the 1% AEP storm event with an allowance for climate change.

Stormwater Disposal Method Requirements

- (a) Stormwater must be disposed of by gravity to the Council stormwater system where practicable.
- (b) Where disposal of stormwater by gravity to the Council stormwater system is not practicable:
 - i) For land within the Rural Living or Low Density Residential zones, stormwater disposal must be consistent with the current disposal method; or
 - ii) For land within all other zones, a report prepared by a Suitably Qualified Person demonstrates that the site is suitable for onsite stormwater disposal, and that the onsite stormwater disposal system is designed, and will be maintained and managed, to minimise the risk of failure to the satisfaction of the Senior Civil Engineer; or
 - iii) For land in all zones, stormwater may be disposed of to the Council stormwater system via a pump system. Pump systems are not to be connected directly to a kerb connection. Pump systems must be designed by a Suitably Qualified Person and must be maintained and managed to minimise the risk of failure to the satisfaction of the Senior Civil Engineer. Where this disposal method is used, a Form 46 (Schedule of Maintenance - Prescribed Essential Building Services) is to be attached to the Occupancy Permit issued for the building on the land.
- (c) Where stormwater is discharged to a watercourse, rivulet or creek the impacts of increased water velocity or volume must be mitigated by adequate capacity energy dissipation to the satisfaction of the Senior Civil Engineer.



- (d) All stormwater property connection points downstream of the Boundary Box or Inspection Opening are classed as Council assets and will be maintained by the Council. However, Council may request that property owners contribute the cost of repairing damaged Council property connections if man-made damage is found. Note that Boundary Box and Inspection Openings are part of the private stormwater system and it is the property owner's responsibility to maintain them.
- (e) Each lot will typically have only a single property connection. For those properties where Council determines that a single property connection is insufficient, multiple connection points into the Council stormwater system may be provided at the Senior Civil Engineer's discretion. The cost of providing such connections is to be paid by the property owner before the work is undertaken.
- (f) For any new multiple unit developments, Council may allow up to two units to discharge via a single property connection (minimum 150mm diameter circular or equivalent) direct to a kerb outlet provided that the calculated concentrated runoff does not exceed the hydraulic capacity of the kerb and gutter. A stormwater connection from any development which has a total catchment size more than 1,500m² will be connected directly to the Council stormwater system or other approved watercourse.
- (g) If an existing developed property does not have a stormwater property connection point, Council will provide one as funds become available and as other funding priorities allow. Council will consider any such installations through the budget process and assess their priority in Council's capital works program.
- (h) If a property owner wishes to develop a property other than a single residential dwelling, they will be responsible for paying the cost of installing a stormwater property connection point or upgrading the existing property connection to meet the needs of the development to the satisfaction of the Senior Civil Engineer. The upgrade of a stormwater connection associated with development is to be completed prior to a plumbing permit being granted. For all new and upgraded stormwater connections a Stormwater Connection Request Form must be submitted to Council and all relevant fees paid.
- (i) Council will require a developer to provide a registered easement (at developer's cost) giving free and unfettered access to Council or its agents or nominees to any stormwater assets that become vested in Council.
- (j) If a property owner wishes to develop a property, they shall be responsible for all the matters associated with gaining a suitable stormwater property connection point. This includes:
 - i) Design of the connection;
 - ii) Negotiating and compensating easements with affected property owners;
 - iii) Providing title plan to the Council, including any easement required, ready to be lodged with the Land Title Office and payment for associated legal cost; and
 - iv) All construction and associated costs.



Stormwater Quality Management Requirements

- (a) The following development is exempt from the Stormwater Quality Management Requirements set out in 5(b) to 5(e):
- i) A single dwelling on a single lot that will be connected to the existing public stormwater system.
 - ii) Development creating a total new impervious area less than 500m²
 - iii) A subdivision creating new lots with no lot less than 5,000m² each in area, and with new roads and footpaths less than 500m² in area.
 - iv) Subdivisions which are solely for the purpose of creating road reserve, public open space, public infrastructure, littoral or riparian reserve or minor boundary adjustments.
- (b) Stormwater quality treatment designs for new developments are to meet the following treatment standards:

Target Level	Water Quality Treatment Target
1	Site specific requirements at discretion of the Stormwater Service Provider (for example sites with, or draining to, areas with environmental values, potentially contaminating activities etc).
2	90% reduction in the average annual load of litter/gross pollutants based on typical urban stormwater concentrations; AND 80% reduction in the average annual load of total suspended solids (TSS) based on typical urban stormwater TSS concentrations; AND 45% reduction in the average annual load of total phosphorus (TP) based on typical urban stormwater TP concentrations; AND 45% reduction in the average annual load of total nitrogen (TN) based on typical urban stormwater TN concentrations

- (a) Stormwater quality treatment may be offset via a cash contribution. The cash contribution received will be assessed on a case-by-case basis depending on the amount of treatment required for the development.
- (b) If a staged development occurs within a 5-year period, treatment will be required for the total development prior to proceeding with more than 50% of the total development.



- (c) For staged developments, the developer shall maintain all the WSUD treatment train elements until the completion and sealing of the survey diagram for the final stage of the subdivision. Prior to Council taking over all the WSUD treatment train elements, the developer is required demonstrate to Council by providing evidence or documentation, to the satisfaction of Council's Development Engineer, that all the WSUD treatment train elements are in a working condition as designed. The developer is also required to replace all consumable parts, such as filters and cartridges, no more than one month before Council taking over these WSUD treatment train elements.

Stormwater Quantity Management Requirements

- (a) The following development is exempt from the Stormwater Quantity Management Requirements set out in 6(b) to 6(i):
- i) Development that does not result in any increase in the impervious area for site.
 - ii) Development comprising a one-off Class 10a structure with a roof area of no greater than 40m² where there are no other changes in the impervious area for site.
 - iii) Development comprising a one-off extension to Class 1 building resulting in an increase in impervious area no greater than 40m² where there are no other changes in the impervious area for site.
 - iv) Development with an increase in the total impervious area of no greater than 500m² that discharges stormwater directly to a non-piped rivulet or creek.
 - v) Development that discharges stormwater directly to the River Derwent.
 - vi) Development that discharges stormwater to the downstream parts of the Council stormwater system which have been demonstrated to the satisfaction of the Senior Civil Engineer to have sufficient capacity to cater for the fully developed catchment including the development.
 - vii) Development that discharges stormwater to the Council stormwater system where it has been demonstrated to the satisfaction of the Senior Civil Engineer that if the total catchment containing the site were fully developed without any increase in capacity of the Council stormwater system, the detention of stormwater would not be of benefit in mitigating the impacts of downstream flooding or the performance of the downstream Council stormwater system. Note: The development proponent is responsible for undertaking the modelling the total catchment.
 - viii) Development that discharges stormwater to the Council stormwater system where it has been demonstrated to the satisfaction of the Senior Civil Engineer that it is not practicable to provide stormwater detention on the development site and that to mitigate the impacts of downstream flooding or the performance of the downstream Council stormwater system detention of stormwater can best be provided downstream of the development site AND a cash contribution has been paid to fully fund the cost of the detention to upgrade the downstream reticulation system to cater for 5% AEP events and the overall stormwater system to cater for 1% AEP events. Note: The development proponent is responsible for undertaking the necessary modelling.



- (b) Any increase in stormwater runoff must be accommodated:
 - i) Within an existing public stormwater system to the satisfaction Council; or
 - ii) Public infrastructure upgraded by the developer as part of the development proposal to the satisfaction of Council; or
 - iii) On-site detention is designed to offset the increase in stormwater runoff caused by the development, to the satisfaction of Council.
- (c) The impact of the stormwater quantity from the site may be offset via a cost contribution for a future improvement of the public stormwater system for infrastructure upgrades that are linked to an Urban Drainage Plan (or similar) created or accepted by Council.
- (d) The maximum allowed peak runoff set by the Council is equivalent to the calculated runoff resulting from an assumed runoff coefficient for the entire site of 0.55 at all rainfall events, temporal patterns and durations, subject to the fact that the existing public stormwater has the capacity to accommodate the increase.
- (e) Development that results in an additional impervious area of greater than 250m² and which exceeds the maximum allowed peak runoff must have Onsite Stormwater Detention (OSD) designed by a suitably qualified person and approved by Council.
- (f) Any OSD required by 6(e) must cater for the difference between the Permissible Site Discharge (PSD) and the peak discharge over the period of the design storm, and the OSD shall be designed to cater for 5% AEP storm events, and ensure that the development does not detrimentally impact on downstream properties in event more severe than 5% AEP.
- (g) Design Requirements to be submitted with OSD Proposal required by 6(e):
 - i) Detailed hydraulic designs must be submitted in accordance with the Australian Rainfall and Runoff (AR&R) to achieve a peak discharge rate for the site equivalent to or less than an assumed runoff coefficient for the entire site of 0.55.
 - ii) For the purposes of calculating the peak runoff, a runoff coefficient of 0.9 shall be used for impervious areas and a coefficient of 0.4 shall be used for pervious areas.
 - iii) The impervious rates for calculating runoff from various surfaces are specified below:
 - i. Roofs, driveways and carports, and other impervious hard standing areas will be 100% impervious for drainage calculation purposes.
 - ii. Driveways constructed with gravel or "grass-crete" or pervious pavers will be 80 % impervious for drainage calculation purposes.
 - iii. Courtyards and paths paved with pervious pavers and proper subsurface drainage system constructed underneath will be 25 % impervious for drainage calculation purposes; and

- iv. Unroofed decks constructed with open timber decking will also be 25% impervious for the overall runoff coefficient calculation purposes.
- iv) The PSD shall be calculated based on the critical storm duration of the entire catchment calculated by a suitably qualified person, unless specified otherwise by the Council's Senior Civil Engineer.
- v) The Site Storage Requirement (SSR) shall be determined by calculating runoff volumes for the full range of site storm durations for the 5% AEP to determine the maximum SSR.
- vi) The following three (3) main elements shall be included in the OSD system design:
 - i. Temporary storage: this may consist of an open surface pond/tank or underground tank. It is designed to contain the excess volume of stormwater resulting from limits on the peak discharge flow rate.
 - ii. Discharge Control Pit: a flow control pit and litter and sediment removal component must be included in the OSD design. The outlet/orifice shall be a minimum internal diameter or width of at least 25 mm and protected by an approved mesh screen. An overflow structure must be designed to cater for flows exceeding the capacity of the OSD. The overflow structure must direct excess flows in a manner to minimise any detrimental effects on property downstream.
 - iii. Maintenance Scheme: a maintenance schedule/plan for the OSD must be submitted to the Council with the OSD engineering design. The cleaning of below ground storage facilities should be conducted in accordance with the requirements and risk control measures specified in AS2865-2009 Confined Spaces.
- (h) For developments where the additional impervious surface proposed is less than 250m², the following standard OSD sizes must be used:

Additional Impervious Surface Proposed	On site Detention Required
40 to 65m ²	A minimum of 1.8m ³ (1,800 litres)
65m ² to 100m ²	2.5m ³ (2,500 litres)
100m ² to 150m ²	3.0m ³ (3,000 litres)
150m ² to 200m ²	3.5m ³ (3,500 litres)
200m ² to 250m ²	A minimum of 4.0m ³ (4,000 litres)
Over 250m ²	Engineering calculations required



- (i) The maintenance of all OSD is the sole responsibility of the property owner.

Building Over or in Close Proximity to Council Stormwater Systems or Within Service Easements

- (a) This section must be read in conjunction with Section 73 and 74 of the *Building Act 2016*, and Section 13 of the *Urban Drainage Act 2013*.
- (b) Subject to obtaining advice from the Development Engineer, Senior Civil Engineer or Coordinator Building and Plumbing Services, the General Manager may give consent in accordance with Section 13 of the *Urban Drainage Act 2013* and sections 73 or 74 of the *Building Act 2016* (with or without conditions) for the erection or extension of a Class 2 to 9 building or structure and certain Class 1 and 10 buildings and structures (set out in paragraphs (c) and (d) below) to be constructed over or within (1) metre of a Council stormwater system or within a service easement if:
 - i) there is no other reasonable alternative other than to build over a Council stormwater system or within a service easement
 - ii) the existence of the Council stormwater system would otherwise impose a substantial impediment to the effective development of a substantial portion of the lot
 - iii) a certified structural design of the footing system and access panel arrangement in the floor is submitted by a structural engineer and is approved by Council's Development Engineer or Senior Civil Engineer
 - iv) a CCTV inspection of Council's stormwater system has been undertaken at the applicant's expense as directed by Council's Development Engineer or Senior Civil Engineer
 - v) the Development Engineer and Senior Civil Engineer are satisfied that the certified design provides satisfactory access to, and protection of, Council's stormwater system or a service easement and minimises the potential for future liability claims against Council. The certified design may need to include details for removal of the parts of the building over or within 1 metre of a Council stormwater system or within a service easement
 - vi) The consent must provide that the owner or future owners of the subject property cannot hold the Council liable for any damage or inconvenience arising from the erection or extension of a building or structure, or for any effort including associated costs necessary to provide Council unrestricted access to the Council stormwater system for repair, replacement, upgrade, extension or maintenance purposes. Council may require the owner to pay to Council any additional costs incurred in relation to the repair, replacement, upgrade, extension or maintenance of the stormwater system due to the granting of consent to erect or extend a building or structure over or within 1 metre of Councils stormwater system or within a service easement; and
 - vii) sufficient merit based on the above and other matters is clearly demonstrated and accepted as such by Council's Coordinator Building and Plumbing Services.
- (c) Consent may be provided only for the construction or erection of Class 10a, 10b and 10c buildings or structures over or within 1 metre of an existing Council stormwater system or within a service



easement including carports, garages, sheds, decks, fences, masts, antennas, free standing walls or the like.

- (d) Consent may be provided only for the construction or erection of Class 1 buildings or structures over or within 1 metre of an existing Council stormwater system or within a service easement where the part of the Class 1 building or structure situated over or within 1 metre of an existing Council stormwater system or within a service easement would if constructed separately be a Class 10 building or structure.
- (e) The General Manager's Consent would not be issued to drainage pipes/culverts with large diameters (>900mm) unless the assets can be accessed by heavy machinery without obstruction and replaced with no additional cost or risk to Council comparing with the conventional method using open trenching and benching.
- (f) To avoid any doubt, the General Manager's consent will not be given under this policy for the construction of the following buildings or structures over or within 1 metre of an existing Council stormwater system or within a service easement:
- (g) A Class 1 building which is a dwelling (other than a part of a dwelling which, if built on its own would be a Class 10 building), or
- (h) a Class 10b structure which is a swimming pool, whether above or below ground.
- (i) The General Manager may (on the advice of the Senior Civil Engineer and Coordinator Building and Plumbing Services) exercise a discretion to give consent under (c) and (d) above where the Council stormwater system is situated below a proposed Class 2-9, Class 13, Class 10a, Class 10c and certain Class 10b structures or buildings where structural loads are not transferred to Council's stormwater system or associated trench. In such cases the Development Engineer, Senior Civil Engineer or Coordinator Building and Plumbing Services may require the applicant to provide details of a footing design showing the building footing, as a minimum, to be below the invert depth of the Council stormwater system. Design details may also be required to demonstrate how removal of the parts of a building designed to be built over or within 1 metre of a Council stormwater system or within a service easement can be undertaken to allow for access to the same.
- (j) The applicant is responsible for ensuring that Council's stormwater system and service easements are accurately located, horizontally and vertically, on plans provided with an application seeking consent to build over or within 1 metre of a Council stormwater system or within a service easement. If there is any doubt related to the location or depth of the Council stormwater system for any type of application before Council, the applicant may apply to the General Manager for Council to locate the system. Costs associated with this or any other investigation with respect to Council's stormwater system's condition or location will be borne by the applicant.
- (k) This policy applies irrespective of whether the Council stormwater system is (or is not) located within an identified service easement.
- (l) When implementing the provisions of this policy, the following legislative provisions must be taken into account:



November 2023

- i) Sections 73 and 74 of the *Building Act 2016*;
- ii) Section 13 of the *Urban Drainage Act 2013*;
- iii) Section 90AB of the *Conveyancing and Law of Property Act 1884*;
- iv) Schedule 8 of the *Conveyancing and Law of Property Act 1884*; and
- v) Part 5 of the *Land Use Planning and Approvals Act 1993*.

DOCUMENT CONTROL

Version:	2.1	Commencement Date:	27 Jul 2021
Minutes Reference	Council meeting, 26 Jul 2021		
Previous Versions:	This Policy rescinds the 'Building Over or in Close Proximity to Council Stormwater Systems or Within Service Easements Policy' and the 'Stormwater Runoff Management Policy'		
Responsible Directorate	Infrastructure & Development	Controller:	Manager Asset, Engineering & Design
ECM Document No.:	Directives by Directorate		