



THE INSTITUTE OF FORESTERS OF AUSTRALIA &  
AUSTRALIAN FOREST GROWERS

**Comments – Draft Bushfire Mitigation Measures Bill 2020**

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The Institute of Foresters of Australia & Australian Forest Growers (IFA/AFG) is pleased to make these comments regarding the Tasmanian Draft Bushfire Mitigation Measures Bill 2020.

### **About the IFA/AFG**

The Institute of Foresters of Australia and Australian Forest Growers (hereafter referred to as the 'Institute') is Australia's independent national body representing forest scientists, technicians, growers and managers with professional and practical expertise in private and public forest and plantation management.

Members are engaged in many aspects of forestry, nature conservation, resource and land management, research, administration and education. Fires are a day-to-day preoccupation of many of the Institute's members either through their practical work in forests or plantations; through involvement in research; or in the administration of forest/plantation management agencies or companies.

The Institute's 1,000 plus members have led the field of fire management and research in Australian forests over many decades. We advocate balanced land use that meets society's needs for sustainable forest management, timber supply, conservation outcomes, and addresses the fire and conservation issues arising through the changing climate.

Most foresters have had personal responsibility for bushfire mitigation and suppression at some stage during their careers. They have generally also gained far more experience and understanding of fire in the natural environment than any other firefighters, largely through the operational use of fire for prescribed burning for silvicultural or conservation purposes, and for fuel reduction.

### **Key contacts**

**Bob Gordon**

National President:

E: [bob@gordonsnowden.com.au](mailto:bob@gordonsnowden.com.au)

**Gary Morgan**

Chairman of the Forest Fire Management Committee:

P: 0407 667 426

E: [gary.morgan.aust@gmail.com](mailto:gary.morgan.aust@gmail.com)

**Jacquie Martin**

CEO:

P: (03) 9695 8940

E: [ceo@forestry.org.au](mailto:ceo@forestry.org.au)



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**Comments:**

- 1. *'The Bill will ensure that there is clear accountability for landowners and occupiers in regard to bushfire mitigation'***

The draft Bill does not explain why current legislation does not already do this, nor whether it is a legislative issue or an enforcement issue.

- 2. *The Bushfire Mitigation Measures Bill will make it clear that landowners and occupiers have a duty to take practical steps to proactively manage bushfire risks on land they own or control.***

Strengthening the Fire Service Act 1979 may be of value, but it may be questioned as to whether this is a legislative issue or a compliance issue, which may need education and enforcement.

- 3. *Provides for the Department of Premier and Cabinet to establish ... a Bushfire Mitigation Measures (BMM) Panel. The BMM Panel will be made up of:***
  - the Secretary of the Department of Police, Fire and Emergency Services (or their delegate);***
  - the Secretary of the Department of Premier and Cabinet (or their delegate);***
  - the Director of the Environment Protection Authority;***
  - a representative nominated by the Local Government Association of Tasmania (LGAT); and***
  - a suitably qualified person appointed by the Minister.***

Instead of having one department in charge of the decision making the panel effectively would:

- a) Add another layer of bureaucracy;***
- b) Includes questionable levels of expertise in bushfire mitigation measures;***
- c) Provides for decision making based upon politics rather than based upon science;***
- d) Confuses responsibility through the Panel making joint decision;***
- e) Doesn't lay down, if there as dissenting views, who makes the final decision, so no individual or organisation is responsible; and***
- f) There is no process for judicial review.***

- 4. *Section 7. Panel members. 7e) A suitably qualified person.***

Who, what and why is this section 7e in place? The panel is already given the authority to call in any expert or experts it wants (Section 9, and in particular 9c) and this provision could lead to political interference and is poor governance as it is not necessary, for reasons above.



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**5. *The Bushfire Mitigation Measures Bill will provide the Tasmania Fire Service with the power to issue a bushfire hazard reduction notice to an occupier of land requiring the reduction of bushfire dangers and removal of bushfire hazards.***

Tasmania Fire Service currently has this power under the Fire Service Act 1979, so the question is raised as to why a new Bill required.

**6. *Terminology - Bushfire Danger Section 19a.***

There is no definition of bushfire danger. This section seems lifted from the Fire Services Act and there is a big difference from fire risk and bushfire risk meaning that bushfire danger (risk) requires a separate/new definition.

**7. *The object of the Act Part 5. a) To prevent bushfires.***

This is not possible. More reasonable and achievable language is needed. There may be some useful text in the Fire Services Act. Recommend using language something like mitigating the risk of bushfires, which is possible.

**8. *Part 6. Duty for public authority (STT, Parks, Roads)***

What are the guidelines for these duties? How will the activities of these public authorities be evaluated? Language used in this section is to mitigate the risk of occurrence of bushfires which is better language than prevention and such language should be adopted throughout in place of prevention.

**Final Comment:**

Forest and land managers already do bushfire management. Does this mean a separate process be added for work already being undertaken increasing red-tape? A better way may be to adopt language similar to the Aboriginal Heritage Act; recognise other existing processes that exist for the purposes of .... (bushfire mitigation) such as bushfire management plans/strategies and adopt existing methods and achievements. The document is meant to remove requirements under other planning and land management schemes to undertake bushfire mitigation but does not recognise that bushfire mitigation is undertaken already. The intent is to simplify the process, not add another step - which the current approach risks doing.



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**Further comment and contacts**

If you have any further queries on this submission, please contact Jacquie Martin, CEO of the IFA/AFG office on (03) 9695 8940.

We look forward to further contact on this matter and request that you keep us informed of further developments.

Yours sincerely

Robert Gordon  
President  
INSTITUTE OF FORESTERS OF AUSTRALIA & AUSTRALIA FOREST GROWERS  
GPO Box 1272  
Melbourne, Victoria 3001

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