

CFS Industry Brigades Project Officer,

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Thank you for the opportunity to comment on the draft *Fire and Emergency Services (Industry Brigades) Amendment Bill 2016*.

The Australian Forest Products Association (SA Branch) represents forest growers, harvesters and manufacturers across South Australia. While the majority of our members are based in the South East of South Australia, we also encompass forest industries on Kangaroo Island, in the mid-North and in the Mt Lofty Ranges.

Forest industries across the value chain directly employ over 7000 people in South Australia, and provide a further 14000 indirect jobs. These are predominantly in regional areas; in the South East, for example, forest industries are the largest employer in the region.

Our members appreciate the intent of the legislation to establish consistency between jurisdictions and across the forest industry sector. Our members already contribute trained and experienced personnel, vehicles and equipment in mitigating fire risk and in fire suppression activities, and are keen to continue to work harmoniously with the CFS and other bodies for the protection of forest assets and the good of the community. We note that the Amendment Bill Explanatory Note acknowledges the 'already strong affiliations between the forestry industry and the CFS.'

Various members have raised concerns and requests for clarity to do with the draft Amendment Bill. These are detailed below.

DIVISION 5A - INDUSTRY BRIGADES

Clause 69A: Preliminary

The reason for defining both a 'prescribed person' and a 'responsible person' is not clear and no clarification is provided in the Explanatory Note. If the designation of a 'responsible person' is, for example, for the purposes of administering the Forest Industry Brigade on a day-to-day basis, then this should be explicit through an explanation of the relevant responsibilities of the two roles. Further, any designation by the Chief Officer should require consultation with industry, unless it is during an emergency situation. (NB the appropriateness of a need to consult will depend on the reasons for defining a 'responsible

person', as it is acknowledged that it may be different to that presumed above.)

Clause 69B: Designated areas for industry brigades

Clause 69B enables the Chief Officer of the SACFS to designate areas in country South Australia (not within a fires district), in which it is appropriate that industry brigades be established through gazettal.

We would like further information about the methodology the Chief Officer will be able or required to use, as there may be occasions where industry considers an alternative to formation of an industry brigade may be more appropriate. For example, some of the plantation areas outside of the South East are quite small with forestry operating on a much lesser scale. In these areas, populations are also small, resulting in fewer volunteers available for firefighting activities. Such a situation suggests that the most effective approach may be to have a combined brigade which includes industry personnel and equipment and CFS resources (this type of arrangement and cooperation already exists informally). A mechanism that allows options other than a purely industry brigade would therefore be useful within the legislative framework.

Clause 69C: Establishment of industry brigades

Clause 69C (4) specifies considerable financial penalties for non-compliance. This is considered contrary to the cooperative relationship and existing 'strong affiliations' between the forestry industry and the CFS, mentioned in the Explanatory Note. Members are not aware of such penalties in the equivalent Victorian Act, and question why they would be needed in SA when they have not been considered necessary or helpful in Victoria.

69D—Registration of industry brigades

No concerns raised.

69E—Chief Officer may give directions

Personnel from forest industry fire brigades receive training and are equipped for plantation fire responses. This is appropriate given their industry responsibilities and industry funding. However, the power to direct specialist forest industry brigades could lead to directions that go beyond these brigades' usual remit, which would be inappropriate for their training and preparation.

In particular, the ability to compel brigades to comply with 'any other matter' thought fit by the Chief Officer [sub-section (1) (i)] is a very broad power does not seem appropriate for an industry brigade operating within commercial constraints. There are other provisions within the existing *Fire and Emergency Services Act 2005* which provide the CFS with powers within crisis situations.

The reasoning regarding financial penalties mentioned in relation to Clause 69C also applies to this clause.

Clause 69F: Related matter

A person cannot claim compensation from the Crown or SACFS in 10 respect of a notice, direction or requirement given under this Division.

‘Compensation’ does not appear to be defined in the Act. While members assume that this clause is designed predominantly to protect the Crown from claims for expenses related to training and equipping forest industry brigades, this is not clear. As a principle, members consider that all members of South Australian CFS brigades – which will include industry brigades once this legislation passes – should have equal entitlements to compensation.

Other issues

The Amendment Bill Explanatory Note states that:

(The) Success of the Victorian model can be largely attributed to significant ongoing commitments by the Victorian Government to provision of resources within the CFA aimed at achieving the desired outcomes of the Victorian legislative framework.

Consistent with this observation, it is recommended that a dedicated full time role be established to liaise with Forest Industry Brigades during consultation and implementation of the amended Act and development and implementation of the associated regulations.

It must be emphasised that while our industry members support the proposed legislation in principle, the development of regulations will need close attention to ensure no unintended or adverse outcomes result. Full consultation with sufficient time for consideration is requested.

Again, thank you for the opportunity to provide comment on this draft Bill.

Regards,



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State Manager

Australian Forest Products Association – SA Branch

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