

2010

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Brendan Smyth)

Emergencies (Bushfire Warnings) Amendment Bill 2010

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Emergencies (Bushfire Warnings) Amendment Bill 2010

A Bill for

An Act to amend the *Emergencies Act 2004*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Emergencies (Bushfire Warnings) Amendment*
3 *Act 2010*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Emergencies Act 2004*.

10 **4 New part 5.3A**

11 *insert*

12 **Part 5.3A Bushfire warnings**

13 **85A Meaning of *fire danger index***

14 (1) In this Act:

15 *fire danger index* means an index worked out—

16 (a) using the McArthur Mk 5 Forest Fire Danger Meter; or

17 (b) if the Minister determines another way for working out the fire
18 danger index—in that way.

19 (2) A determination is a disallowable instrument.

20 *Note* A disallowable instrument must be notified, and presented to the
21 Legislative Assembly, under the Legislation Act.

1 **85B Fire danger indexes**

- 2 (1) The Minister must issue a fire danger index in the ACT for—
- 3 (a) each day during the bushfire season; and
- 4 (b) any day outside the bushfire season for which the fire danger
- 5 index is 25 or higher.
- 6 (2) If the fire danger index issued under subsection (1) for a day is 25 or
- 7 higher, the Minister must also issue any later increase in the index
- 8 for the day.
- 9 (3) If the fire danger index issued under subsection (1) (a) for a day is
- 10 lower than 25 but the index increases to 25 or higher during the day,
- 11 the Minister must also issue the increase and any later increase in
- 12 the index for the day.

13 **85C Bushfire warnings**

- 14 (1) If the fire danger index is 25 or higher, the Minister must also issue
- 15 a bushfire warning with the index.
- 16 (2) A bushfire warning issued under subsection (1) must include the
- 17 following:
- 18 (a) the fire danger index;
- 19 (b) the bushfire activity category mentioned in table 85C,
- 20 column 3 for the fire danger index mentioned in column 2;
- 21 (c) the locations or suburbs to which the warning applies;
- 22 (d) if the fire danger index is 49 or lower—a recommendation that
- 23 people consider their readiness for a bushfire and quickly
- 24 decide whether to stay and defend their location or whether to
- 25 evacuate;

- 1 (e) if the fire danger index is 50 or higher—a recommendation
2 that, if people have not prepared their location for a bushfire
3 and do not have the experience to stay and defend their
4 location, they should evacuate before a fire starts;
- 5 (f) a statement to the effect that the conditions may cause fires to
6 develop very quickly into very large, uncontrollable bushfires
7 that may lead to loss of life and property;
- 8 (g) information about where people should go if they decide to
9 evacuate;
- 10 (h) sources of further information.

11 **Examples—par (h)**

- 12 1 Canberra radio stations
13 2 Canberra television stations
14 3 The Canberra Times newspaper
15 4 Bureau of Meteorology website
16 5 Canberra Connect website
17 6 ACT Government website

18 *Note* An example is part of the Act, is not exhaustive and may extend,
19 but does not limit, the meaning of the provision in which it
20 appears (see Legislation Act, s 126 and s 132).

21 **Table 85C Bushfire activity categories**

column 1 item	column 2 fire danger index	column 3 bushfire activity category
1	25 – 49	very high
2	50 – 74	severe
3	75 – 99	extreme
4	100 or higher	catastrophic (code red)

- 1 **85D Issuing fire danger indexes and bushfire warnings**
- 2 (1) An index (and any related bushfire warning) required to be issued
- 3 under section 85B and section 85C must be issued—
- 4 (a) as soon as practicable after the index is worked out; and
- 5 (b) by ensuring that it is—
- 6 (i) broadcast in the ACT by television and radio; and
- 7 (ii) except for an index (and any related bushfire warning)
- 8 issued under section 85B (2) or (3)—published in a daily
- 9 newspaper.
- 10 (2) An index (and any related bushfire warning) may also be broadcast
- 11 in the ACT by—
- 12 (a) telephone; or
- 13 (b) any other electronic means.
- 14 **Example—par (b)**
- 15 the Internet
- 16 *Note* An example is part of the Act, is not exhaustive and may extend,
- 17 but does not limit, the meaning of the provision in which it
- 18 appears (see Legislation Act, s 126 and s 132).
- 19 **85E Public education about bushfire warnings**
- 20 (1) The Minister must undertake a public education program to increase
- 21 public awareness of—
- 22 (a) the fire danger index and corresponding bushfire activity
- 23 categories; and
- 24 (b) the potential consequences of different fire danger indexes; and
- 25 (c) the action to be undertaken by members of the public when a
- 26 bushfire warning is issued.

1 (2) The Minister must report annually to the Legislative Assembly
2 about the progress of the public education program.

3 **5 Bushfire season**
4 **Section 119 (1)**

5 *omit*

6 division

7 *substitute*

8 Act

9 **6 Dictionary, definition of *bushfire season***

10 *substitute*

11 *bushfire season*—see section 119.

12 **7 Dictionary, new definition of *fire danger index***

13 *insert*

14 *fire danger index*—see section 85A.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2010.

2 Notification

Notified under the Legislation Act on 2010.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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