

**AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY**

BUSHFIRE (AMENDMENT) BILL 1996

EXPLANATORY MEMORANDUM

**Circulated by the authority of
Gary Humphries MLA
Minister for Police and Emergency Services**



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OUTLINE

The objective of this Bill is to implement the legislative requirements resulting from the outcomes of the Bushfire Fuel Management Task Force that relate to bushfire fuel management planning and accountability. The Bill will require managers of bushfire prone Government land to prepare and operate within an approved bushfire fuel management plan. The Bill outlines the planning requirements and allows for the relevant land uses that will require bushfire fuel management plans to be prescribed. The Bill also provides improved community advice requirements for bushfire fuel management practices that produce smoke.

Key elements of this Bill are:

- to make it compulsory for managers of bushfire prone Government land to prepare bushfire fuel management plans
- to describe the requirements for such plans
- to provide a means of approving plans
- to describe the reporting requirements for compliance with approved plans
- to improve the existing community awareness arrangements with regard to smoke impacts from bushfire fuel management practices

Details of the Bill are as follows

Short title and Commencement

Clause 1 & 2 Clause 1 and 2 are formal requirements. Clause 1 refers to the short title of the Bill, and clause 2 sets out the date of commencement of the Bill with clauses 1, 2 and 3 being the date the Act is notified in the Gazette. The remaining provisions are to commence on a day fixed by the Minister, but no later than 6 months from the date the Act is notified in the Gazette.

Principal Act

Clause 3 Identifies the principal Act as the *Bushfire Act 1936*.

Insertion

Clauses 4,5,6,7, & 8 Improves the structure of the *Bushfire Act 1936* by dividing the Act into Parts.

Lighting fires for burning-off

Clause 9 This clause amends section 10 of the Act by including a requirement to publish in a newspaper circulating in the Territory an intention to burn and cause potential smoke impact.

Insertion

Clause 10 This clause introduces the bushfire fuel management requirements as a new Part after section 11 of the Principal Act.

Interpretation

Clause 11A This clause defines a number of terms used in the Bill.

Agency refers to the types of agencies that are subject to the bushfire fuel management planning requirements.

Bushfire-prone Government land refers to the land to which this Part will apply.

Manager refers to the person in charge of an agency whose responsibilities include the management of bushfire-prone Government land.

Application to Government land

Clause 11B This clause identifies the land for which bushfire fuel management plans will be required. It provides for the relevant land uses to be prescribed in regulations. It also provides for the Minister to make exemptions by notice in the Gazette and as a disallowable instrument.

Limited application to National Land and Designated Areas

- Clause 11C This clause recognises the land management arrangements that exist between the Commonwealth and the Territory for National Land and Designated Areas and applies this Part to those areas.

Bushfire Fuel Management Plans

- Clause 11D This clause describes the framework, in broad terms, around which a bushfire fuel management plan is to be developed. It includes a description of the area, bushfire fuel management objectives, collaborative arrangements, strategies to achieve objectives, works implementation and evaluating plan outcome arrangements.

Effect of Plan

- Clause 11E This clause requires the manager of bushfire-prone Government land to manage in accordance with the fuel management plan for the area. It also recognises that a bushfire fuel management plan has no effect if it is inconsistent with a Plan of Management in force under the Land (Planning and Environment) Act 1991.

Draft Plans

- Clause 11F This clause requires a draft plan to be approved by the Minister, and that the initial plan is to be completed within 12 months of the commencement of the clause. Review is to be at intervals not exceeding 2 years commencing on the day the latest fuel management plan for the area is approved.

This clause also allows the Minister to give written direction to a manager to submit a draft fuel management plan for approval

Public consultation about draft plans

- Clause 11G This clause requires the manager in the process of preparing a draft bushfire fuel management plan to ensure that submissions are invited about the draft plan by a notice published in a newspaper circulating in the Territory. In addition it provides for any other means of obtaining the views of other interested persons.

Making a fuel management plan

- Clause 11H This clause allows the Minister to approve draft plans, approve draft plans subject to specific alterations, or remit the whole plan for further consideration.

Notification and commencement of plan

- Clause 11J Approved plans are to be published in the Gazette and available for inspection by members of the public.

Variation of plan

- Clause 11K The manager of an area of bushfire-prone Government land may prepare a draft variation to an approved bushfire fuel management plan. Such variations will be approved through the same process as if it were a draft plan.

Public inspection of plans

- Clause 11L This clause requires the manager to ensure that a copy of the draft plan, draft variations to a plan and a fuel management plan in force is available for inspection by members of the public free of charge at a place specified in the notice.

Directions by Minister

- Clause 11M This clause allows the Minister to give a direction to a manager of an area of bushfire-prone Government land concerning the observance of the requirements of this Part of the *Bushfire Act 1936*.

Annual reporting

- Clause 11N This clause requires the manager to report annually, as part of any annual report arrangements, on the operations of the agency in relation to the fuel management plan. Such reports are to include any directions received from the Minister and the measures taken to give effect to such directions.