

2009

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**EMERGENCIES (BUSHFIRE WARNINGS)
AMENDMENT BILL 2009**

EXPLANATORY STATEMENT

Authorised by:

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EMERGENCIES (BUSHFIRE WARNINGS) AMENDMENT BILL 2009

Overview of Bill

The purpose of the Emergency (Bushfire Warnings) Amendment Bill 2009 is to amend the *Emergencies Act 2004* by including provisions relating to the preparation and promulgation of emergency warnings for bushfires.

Notes on key clauses

Clause 4

This clause contains the components that comprise the emergency bushfire warning regime. These components are set out in new Part 5.3A: Bushfire Warnings. Comments on each of the proposed sections in this Part are:

Section 85A

This section establishes a fire danger index and sets out how this index will be measured. At this stage, a McArthur Mk 5 Forest Fire Danger Meter is recognised as the appropriate technology to be used for determining the index. The section also includes, however, provision for any subsequent technology to be specified by what of a disallowable instrument.

Section 85B

This section requires a fire danger index to be determined for each day during the official bushfire season and for the Minister to issue that index. The threshold for the index is 25. Therefore, if there are any days outside the official season for which the index is determined to be 25 or greater, the Minister shall issue a fire danger index for those days as well.

The section requires that, where the index is determined to have increased during a day for which it has been promulgated, the Minister shall issue a revised index for that day. The section also requires that, where the index is determined to increase to 25 or higher during a day, the Minister shall promulgate that revised index.

Section 85C

This section provides the basis for preparing warnings of likely events with respect to a bushfire. The section establishes that the threshold fire danger index is 25. It then establishes that, if the index is determined to be 25 or higher, a bushfire warning must be issued.

This section then sets out the types of information that must be included in each warning:

- the fire danger index;
- the relevant bushfire activity category;

- the warning that is associated with that level of bushfire activity;
- the areas to which the warning applies;
- an analysis of the potential for changes in conditions and the consequences of any changes for people and property; and
- sources of further information.

There are three additional types of information that may have to be included in a warning, depending on the level of the fire danger index:

- if the index is forecast to be between 25 and 49, the warning will ask people to decide whether they are equipped to defend their properties or whether they should evacuate;
- if the index is forecast to be 50 or greater, the warning will say that, if people have not prepared themselves to defend their properties, they should evacuate; and
- warnings for either of these scenarios also will provide the location of evacuation centres.

There are two additional matters that should be mentioned with respect to this section and these relate to Table 85C. This Table sets out the nature of bushfire activity and the associated warning for different levels of the fire danger index. There is a hierarchy of four categories of bushfire activity and there is a bushfire warning level associated with each bushfire activity category.

Section 85D

This section sets out how a bushfire warning shall be promulgated. In addition to utilising the accepted means of dissemination, this section also provides for the use of new technologies to disseminate warnings.

Section 85E

This section requires the Minister to undertake appropriate public education programs. The purpose of these programs is to reiterate information about bushfire dangers and how people should prepare and respond to these dangers. The programs also are intended to tell the community about developments in relevant matters, particularly the way in which new technologies might be used to disseminate warnings.