

2005

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mrs Vicki Dunne)

Environment Protection (Fire Hazard Reduction) Amendment Bill 2005

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Environment Protection (Fire Hazard Reduction) Amendment Bill 2005

A Bill for

An Act to amend the *Environment Protection Act 1997*

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

1 Name of Act

This Act is the *Environment Protection (Fire Hazard Reduction) Amendment Act 2005*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the *Environment Protection Act 1997*.

4 New section 51A

insert

51A Smoke pollution not to be taken into account

(1) This section applies to an authorisation under section 49 (1) (a) or section 60 in relation to an activity listed in schedule 1, section 1.2, item 30 (a).

(2) In deciding when to conduct the activity, the applicant must not take into account smoke pollution or smoke drift that may be caused by the activity unless the applicant has a reasonable belief that there is a substantial risk the pollution or drift will harm the public.

(3) This section has effect despite any condition of the authorisation.

(4) For this section, there is a substantial risk that pollution or drift will harm the public if it is likely to cause a substantial increase in the incidence of respiratory diseases in the city area.

(5) In this section:

city area—see the *Emergencies Act 2004*, section 66.

5 Matters required to be taken into account for certain decisions under div 8.2
Section 61

omit

In making a decision

substitute

(1) In making a decision

6 New section 61 (2)

insert

(2) However, the authority must not take into account smoke pollution or smoke drift that may be caused by the activity if—

(a) the decision is in relation to an application to conduct an activity listed in schedule 1, section 1.2, item 30 (a); and

(b) the applicant is—

(i) a territory land manager; or

(ii) the chief officer (fire brigade) or the chief officer (rural fire service).

Note Sch 1, s 1.2, item 30 (a) is about lighting, using or maintaining fires in the open air for the purpose of burning plant matter to reduce a fire hazard.

(3) In this section:

territory land manager means an entity whose responsibilities include managing the use of territory land or land occupied by the Territory.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2005.

2 Notification

Notified under the Legislation Act on 2005.

3 Republications of amended laws

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

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