



AUSTRALIAN CAPITAL TERRITORY

Bushfire (Amendment) Act 1998

No. 64 of 1998

An Act to amend the *Bushfire Act 1936*

[Notified in ACT Gazette S209: 11 December 1998]

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

1. Short title

This Act may be cited as the *Bushfire (Amendment) Act 1998*.

2. Commencement

This Act commences on the day on which it is notified in the *Gazette*.

3. Principal Act

In this Act, “Principal Act” means the *Bushfire Act 1936*.¹

4. Days of acute fire danger

Section 7A of the Principal Act is amended—

- (a) by omitting from subsection (1) “Minister” and substituting “Chief Fire Control Officer”;
- (b) by omitting from paragraph (2) (b) “or” (last occurring);
- (c) by adding at the end of subsection (2) the following paragraphs:
 - “(d) the lighting, maintenance or use of a fire in accordance with an exemption permit granted under section 7B; or

- (e) the maintenance of a fire declared by the Minister under subsection (3) to be an exempt fire.”; and
- (d) by omitting subsection (3) and substituting the following subsection:

“(3) The Minister may, by instrument published in the *Gazette*, declare a fire to be an exempt fire where—

 - (a) the fire is maintained for a ceremonial or commemorative purpose;
 - (b) the fire is less than 1 cubic metre in volume;
 - (c) the surrounding area within a radius of 3 metres from the fire is clear of flammable material;
 - (d) reasonable steps have been taken to prevent the escape of flame, sparks or burning or incandescent material from the fire; and
 - (e) written consent to the maintenance of the fire has been given by—
 - (i) in the case of a fire in a built-up area—the Fire Commissioner; or
 - (ii) in the case of a fire outside a built-up area—the Chief Fire Control Officer.”.

5. Insertion

After section 7A of the Principal Act the following section is inserted:

“7B. Exemption permits

“(1) The Chief Fire Control Officer may, by instrument, permit a person to light, maintain or use a fire or use fireworks in a public place, on a day or during a period referred to in subsection 7A (1).

“(2) An application for an exemption permit shall be in a form approved by the Chief Fire Control Officer and shall specify—

- (a) the location of the proposed fire or fireworks;
- (b) the nature of the proposed fire or fireworks;
- (c) the date and time of the proposed fire or fireworks; and
- (d) the safety precautions proposed to be undertaken in relation to the proposed fire or fireworks.

“(3) For the purposes of making a decision under subsection (1), the Chief Fire Control Officer shall have regard to—

- (a) the matters specified in paragraphs (2) (a) to (d) (inclusive);
- (b) the weather conditions forecast for the time of the proposed fire or fireworks;
- (c) the availability of the Territory’s fire fighting resources for the time of the proposed fire or fireworks; and
- (d) any other matter relating to fire safety that the Chief Fire Control Officer considers relevant.

“(4) The Chief Fire Control Officer shall not issue an exemption permit in respect of a proposed fire in a built-up area where the Fire Commissioner advises the Chief Fire Control Officer that he or she is of the opinion that the proposed fire would cause an unacceptable danger to a person or property in the built-up area.

“(5) An exemption permit—

- (a) may be expressed to be subject to conditions;
- (b) comes into operation on the date and time specified in the instrument; and
- (c) unless sooner revoked, remains in effect for such period as is specified in the instrument.

“(6) In this section—

‘exemption permit’ means a permit granted under subsection (1).”.

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NOTE

Principal Act

1. Reprinted as at 3 June 1997. See also Acts Nos. 41 and 93, 1997.

[Presentation speech made in Assembly on 17 November 1998]

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