

2006

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mr Steve Pratt)

## **Emergencies Amendment Bill 2006 (No 2)**

### **Contents**

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 New section 71A	2
5 Content of strategic bushfire management plan	
New section 74 (2) (ka) and (kb)	3
6 New section 74 (2A)	3
7 New section 74A	4
8 Section 78	5



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## **Emergencies Amendment Bill 2006 (No 2)**

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### **A Bill for**

An Act to amend the *Emergencies Act 2004*

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

**1 Name of Act**

This Act is the *Emergencies Amendment Act 2006 (No 2)*.

**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 *Emergencies Act 2004*.

**4 New section 71A**

*insert*

**71A Hazard reduction tasks**

- (1) The commissioner must each year inspect rural areas and, for each rural area—
- (a) assess the level of fire fuel; and
  - (b) analyse the risk of bushfire; and
  - (c) identify all requirements for the prevention of, and preparedness for, bushfires to be undertaken by—
    - (i) each emergency service; and
    - (ii) the police; and
    - (iii) each community fire unit; and
    - (iv) a land manager; and
    - (v) a land owner; and
    - (vi) any relevant government agency.

(2) The assessment and analysis mentioned in subsection (1) (a) and (b) must be done—

(a) in accordance with a strategic bushfire management plan; and

(b) by the date set by the commissioner.

(3) Each requirement mentioned in subsection (1) (c) must be completed by the date set by the commissioner.

**5 Content of strategic bushfire management plan  
New section 74 (2) (ka) and (kb)**

*insert*

(ka) a list of places in New South Wales vulnerable to bushfire that may be the source of bushfires crossing into the ACT;

(kb) a list of bushfire breaks constructed, or to be constructed, in accordance with this Act;

**6 New section 74 (2A)**

*insert*

(2A) The plan must—

(a) set the maximum level of fire fuel to be allowed in bushland and forests—

(i) generally; and

(ii) for stated vulnerable areas; and

(b) set targets for the reduction of fire fuel in bushland and forests; and

(c) set dates for each target to be reached.

**7 New section 74A**

*insert*

**74A Bushfire breaks**

- (1) The strategic bushfire management plan must provide for the construction of the following bushfire breaks:
- (a) for the south-western, western and north-western borders of a built-up area that is adjacent to a rural area—a bushfire break at least 40m wide;
  - (b) for any other built-up area the commissioner considers at risk of bushfire—a bushfire break at least 40m wide;
  - (c) for parkland managed by the territory that is adjacent to a built-up area—a bushfire break at least 40m wide, constructed in mosaic patterns;
  - (d) for bushland and forests—a bushfire break that—
    - (i) is at least 40m wide; and
    - (ii) is constructed by burning, grazing, slashing or bulldozing; and
    - (iii) is tactically located to slow the advance of a bushfire; and
    - (iv) provides access for fire units.
- (2) The plan may provide for bushfire breaks anywhere else, and of a size and construction, the commissioner considers appropriate to protect built-up areas from spot or grass fires.

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**8 Section 78***substitute***78 Bushfire operational plans**

- (1) The commissioner must identify each area of land for which a bushfire operational plan is required.
- (2) Without limiting subsection (1), a bushfire operational plan must be prepared for the following areas of land:
  - (a) suburbs within the city area that are vulnerable to bushfire;
  - (b) villages and other settlements outside the city area;
  - (c) areas containing infrastructure or strategic geographical features that are vulnerable to bushfire;
  - (d) areas from which bushfires are likely to approach;
  - (e) any other area the commissioner considers appropriate.
- (3) A bushfire operational plan must include the following:
  - (a) a warning system, including warning methods, for the area;
  - (b) evacuation plans and evacuation routes for each likely bushfire scenario in the area;
  - (c) identification of each water point, track and route that is of use to fire units, support agencies and other authorities in a bushfire.
- (4) A bushfire operational plan for an area of land must be prepared by—
  - (a) if the area of land is unleased territory land or land occupied by the territory and is not exempt from the operation of this section under the strategic bushfire management plan—the manager of the land; and

- 1 (b) if the area of land is a suburb within the city area, or a village  
2 or other settlement outside the city area—the chief executive of  
3 the Department of Territory and Municipal Services; and  
4 (c) in any other case—the owner of the land.
- 5 (5) If a person is required to prepare a bushfire operational plan under  
6 this section, the person must give a draft plan to the commissioner.
- 7 (6) A bushfire operational plan must be given to the commissioner no  
8 later than 1 June next after the commissioner identifies the area of  
9 land for which the plan is required.
- 10 (7) The commissioner may—  
11 (a) approve the draft bushfire operational plan for the area; or  
12 (b) approve the draft plan for the area with stated amendments; or  
13 (c) decide not to approve the draft plan.
- 14 (8) The commissioner must make a decision under subsection (7) in  
15 writing no later than 90 days after the day the draft plan is given to  
16 the commissioner.
- 17 (9) A person required to prepare a bushfire operational plan under  
18 subsection (4) must review the plan, and give the commissioner an  
19 updated plan—  
20 (a) if the commissioner directs a review to be made—no later than  
21 30 days after the day the direction is made; or  
22 (b) at intervals of no longer than 2 years.



1     **79           Guidelines for vulnerable areas**

2           The commissioner must develop guidelines in relation to an area of  
3           land for which a bushfire operational plan is required to give  
4           information about—

5           (a) identified vulnerabilities and hazards in the area; and

6           (b) new hazards that are identified during the bushfire season.

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**Endnotes**

**1           Presentation speech**

Presentation speech made in the Legislative Assembly on     2006.

**2           Notification**

Notified under the Legislation Act on                             2006.

**3           Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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