

AUSTRALIAN CAPITAL TERRITORY

CARELESS USE OF FIRE (AMENDMENT) ORDINANCE (NO. 2) 1982

No.86 of 1982

EXPLANATORY STATEMENT

The Careless Use of Fire (Amendment) Ordinance (No. 2) 1982 (the amending Ordinance) amends the Careless Use of Fire Ordinance 1936 (the principal Ordinance) to increase penalties for contraventions of the principal Ordinance, to vary existing provisions relating to the Bush Fire Council's financial and administrative arrangements and to vary the existing provisions relating to the lighting of fires for burning-off purposes. The amending Ordinance also introduces new provisions relating to the use of electric cooking appliances in the open air, and to the causing of fires by using a motor vehicle.

Sections 1 and 2 of the amending Ordinance are interpretation provisions.

Section 3 of the amending Ordinance amends section 5G of the principal Ordinance to provide for appointment of the Secretary to the Bush Fire Council by the Council itself, rather than by the Minister.

Section 4 of the amending Ordinance deletes section 5H(2) from the principal Ordinance. The limit of \$100 per month imposed by the section on spending by the Bush Fire Council is no longer appropriate, and it is intended to control such spending under the provisions of the Commonwealth Audit Regulations.

Section 5 of the amending Ordinance increases the penalty in section 6 of the principal Ordinance for carrying or using ignited material or hot coals or ashes near, inter alia, inflammable crops and

may from \$100 or imprisonment for 3 months to \$1,000 or imprisonment for 3 months.

Section 6 of the amending Ordinance increases the penalty in section 7 of the principal Ordinance for lighting or using fires in plantations or where there is any growing timber from \$100 or imprisonment for 3 months to \$1,000 or imprisonment for 3 months.

Section 7 of the amending Ordinance increases the penalty in existing section 7A of the principal Ordinance for lighting, using or maintaining a fire in the open air on a day of total fire ban from \$200 or imprisonment for 6 months to \$2,000 or imprisonment for 6 months.

Section 8 of the amending Ordinance increases the penalty in section 8 of the principal Ordinance for smoking in or near Commonwealth plantations from \$20 to \$100.

Section 9 of the amending Ordinance increases the penalty in section 9 of the principal Ordinance for leaving an unextinguished fire from \$100 or imprisonment for 3 months to \$1,000 or imprisonment for 3 months.

Section 10 of the amending Ordinance amends section 9A of the principal Ordinance to extend the range of cooking appliances which may be used in the open air to include electric appliances. It also requires the area surrounding a cooking appliance to be cleared of inflammable material for a distance of three metres, and introduces a new section 9A(c) which permits a person, subject to the prior written approval of the Chief Fire Control Officer and clearing the land of inflammable material for a distance of three metres, to light and use a cooking fire on Crown land outside a built-up area.

Section 11 of the amending Ordinance amends section 10 of the principal Ordinance to permit fires for burning off purposes to be kept alight after nightfall, provided suitable measures are taken to keep them under constant control.

Section 12 of the amending Ordinance increases the penalty in section 10AB of the principal Ordinance for lighting fires except as authorized from \$100 or imprisonment for 3 months to \$1,000 or imprisonment for 3 months.

Section 13 of the amending Ordinance increases the penalty in section 10A of the principal Ordinance for not notifying the Chief Fire Control Officer of the outbreak of a fire outside a built-up area from \$100 or imprisonment for 3 months to \$1,000 or imprisonment for 3 months.

Section 14 of the amending Ordinance increases the penalty in section 10B of the principal Ordinance for discharging from a motor vehicle any live coals, hot ashes or other burning material (except as provided for in section 10B) from \$100 or imprisonment for 3 months to \$1,000 or imprisonment for 3 months.

Section 15 of the amending Ordinance inserts a new section 10C in the principal Ordinance, prohibiting a person from lighting, or causing to be lit, a fire in the open air on any land by using a motor vehicle on any street, road or thoroughfare or on any land. The penalty is \$1,000 or imprisonment for 3 months.

Section 16 of the amending Ordinance increases the penalty in section 14 of the principal Ordinance for a person, reasonably suspected of having committed or of being about to commit an offence against the Ordinance, failing to give his name and address from \$20 to \$500.

Section 17 of the amending Ordinance increases the penalty in section 15 of the principal Ordinance for persons resisting apprehension for an offence under the Ordinance from \$200 or imprisonment for 6 months to \$2,000 or imprisonment for 6 months.

Section 18 of the amending Ordinance amends section 17(d) of the principal Ordinance to increase the maximum penalty which may be prescribed for breaches of the Regulations from \$40 to \$100.

Ord. No. 31/82

Cat. No.