

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Justice and Community Safety)

Bushfire (Amendment) Bill 1998

A BILL FOR

An Act to amend the *Bushfire Act 1936*

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*.

5 **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

10 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);

88062 (1998/198) (T62/1998)

- (c) by adding at the end of paragraph (2) (c) “or”;
- (d) by adding at the end of subsection (2) the following paragraph:
 - “(d) the lighting, maintenance or use of a fire in accordance with an exemption permit granted under section 7B.”;
- 5 and
- (e) by omitting subsection (3).

5. Insertion

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

“7B. Exemption permits

10 “(1) The Chief Fire Control Officer may, by instrument, permit a person to light, maintain or use a fire 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—

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

20 “(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;
- (c) the availability of the Territory’s fire fighting resources for the time
25 of the proposed fire; and
- (d) any other matter relating to fire safety that the Chief Fire Control Officer considers relevant.

30 “(4) The Chief Fire Control Officer shall not issue an exemption permit in respect of a proposed fire in the 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 does not authorise a person to use a firework on a day or during a period referred to in subsection 7A (1).

35 “(6) An exemption permit—

- (a) may be expressed to be subject to conditions;

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- (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.

5 “(7) In this section—

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

NOTE

Principal Act

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

Printed by Authority of the ACT Government Printer

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