

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Brendan Smyth)

Emergencies (Bushfire Warnings) Amendment Bill 2009

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Emergencies (Bushfire Warnings) Amendment Bill 2009

A Bill for

An Act to amend the *Emergencies Act 2004*

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

1 Name of Act

This Act is the *Emergencies (Bushfire Warnings) Amendment Act 2009*.

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 part 5.3A

insert

Part 5.3A Bushfire warnings

85A Meaning of *fire danger index*

(1) In this Act:

fire danger index means an index worked out—

- (a) using the McArthur Mk 5 Forest Fire Danger Meter; or
- (b) if the Minister determines another way for working out the fire danger index—in that way.

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

1 **85B Fire danger indexes**

- 2 (1) The Minister must issue a fire danger index in the ACT for—
- 3 (a) each day during the bushfire season; and
- 4 (b) any day outside the bushfire season for which the fire danger
- 5 index is 25 or higher.
- 6 (2) If the fire danger index issued under subsection (1) for a day is 25 or
- 7 higher, the Minister must also issue any later increase in the index
- 8 for the day.
- 9 (3) If the fire danger index issued under subsection (1) (a) for a day is
- 10 lower than 25 but the index increases to 25 or higher during the day,
- 11 the Minister must also issue the increase and any later increase in
- 12 the index for the day.

13 **85C Bushfire warnings**

- 14 (1) If the fire danger index is 25 or higher, the Minister must also issue
- 15 a bushfire warning with the index.
- 16 (2) A bushfire warning issued under subsection (1) must include the
- 17 following:
- 18 (a) the fire danger index;
- 19 (b) the bushfire activity category mentioned in table 85C,
- 20 column 3 for the fire danger index;
- 21 (c) the bushfire warning level mentioned in table 85C, column 4
- 22 for the fire danger index;
- 23 (d) the locations or suburbs to which the warning applies;
- 24 (e) if the fire danger index is 49 or lower—a recommendation that
- 25 people consider their readiness for a bushfire and quickly
- 26 decide whether to stay and defend their location or whether to
- 27 evacuate;

- 1 (f) if the fire danger index is 50 or higher—a recommendation
 2 that, if people have not prepared their location for a bushfire
 3 and do not have the experience to stay and defend their
 4 location, they should evacuate before a fire starts;
- 5 (g) a statement to the effect that the conditions may cause fires to
 6 develop very quickly into very large, uncontrollable bushfires
 7 that may lead to loss of life and property;
- 8 (h) information about where people should go if they decide to
 9 evacuate;
- 10 (i) sources of further information.

Examples—par (i)

- 11 1 Canberra radio stations
 12 2 Canberra television stations
 13 3 The Canberra Times newspaper
 14 4 Bureau of Meteorology website
 15 5 Canberra Connect website
 16 6 ACT Government website

17
 18 *Note* An example is part of the Act, is not exhaustive and may extend,
 19 but does not limit, the meaning of the provision in which it
 20 appears (see Legislation Act, s 126 and s 132).

21 **Table 85C Bushfire activity and warning levels**

column 1 item	column 2 fire danger index	column 3 bushfire activity category	column 4 bushfire warning level
1	25 – 49	very high	general
2	50 – 74	extreme	1
3	75 – 99	extreme	2
4	100 or higher	extreme	3

1 **85D Issuing fire danger indexes and bushfire warnings**

2 (1) An index (and any related bushfire warning) required to be issued
3 under section 85B and section 85C must be issued—

4 (a) as soon as practicable after the index is worked out; and

5 (b) by ensuring that it is—

6 (i) broadcast in the ACT by television and radio; and

7 (ii) except for an index (and any related bushfire warning)
8 issued under section 85B (2) or (3)—published in a daily
9 newspaper.

10 (2) An index (and any related bushfire warning) may also be broadcast
11 in the ACT by—

12 (a) telephone; or

13 (b) any other electronic means.

14 **Example—par (b)**
15 the Internet

16 *Note* An example is part of the Act, is not exhaustive and may extend,
17 but does not limit, the meaning of the provision in which it
18 appears (see Legislation Act, s 126 and s 132).

19 **85E Public education about bushfire warnings**

20 (1) The Minister must undertake a public education program to increase
21 public awareness of—

22 (a) the fire danger index and corresponding bushfire activity
23 categories and bushfire warning levels; and

24 (b) the potential consequences of different fire danger indexes; and

25 (c) the action to be undertaken by members of the public when a
26 bushfire warning is issued.

- 1 (2) The Minister must report annually to the Legislative Assembly
2 about the progress of the public education program.

3 **5 Bushfire season**
4 **Section 119 (1)**

5 *omit*
6 division
7 *substitute*
8 Act

9 **6 Dictionary, definition of *bushfire season***

10 *substitute*
11 *bushfire season*—see section 119.

12 **7 Dictionary, new definition of *fire danger index***

13 *insert*
14 *fire danger index*—see section 85A.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2009.

2 Notification

Notified under the Legislation Act on 2009.

3 Republications of amended laws

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

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