

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Brendan Smyth)

Emergencies (Bushfire Reporting) Amendment Bill 2009

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Emergencies (Bushfire Reporting) 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 **1 Name of Act**

2 This Act is the *Emergencies (Bushfire Reporting) Amendment*
3 *Act 2009*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Emergencies Act 2004*.

10 **4 New part 5.3B**

11 *insert*

12 **Part 5.3B Bushfire preparedness reports**

13 **85F Definitions—pt 5.3B**

14 In this part:

15 *appropriate standing committee* means—

- 16 (a) the standing committee of the Legislative Assembly nominated
17 by the Speaker for this part; or
- 18 (b) if no nomination under paragraph (a) is in effect—the standing
19 committee of the Legislative Assembly responsible for the
20 consideration of emergency services issues.

21 *bushfire preparedness report*—see section 85G.

1 ***bushfire recommendation*** means a recommendation in relation to
2 the management of bushfires in the ACT arising from—

- 3 (a) a report prepared or commissioned by the Territory; or
4 (b) a plan prepared under this Act; or
5 (c) an inquest under the *Coroners Act 1997*.

6 ***firefighting services***, in relation to bushfires, means services for the
7 protection of life, property and the environment from bushfire.

8 ***relevant entity***—each of the following is a ***relevant entity***:

- 9 (a) the fire brigade;
10 (b) the rural fire service;
11 (c) the SES;
12 (d) a manager of territory land or land occupied by the Territory.

13 **85G Bushfire preparedness reports**

14 The Minister must give the Legislative Assembly, by the last sitting
15 day before September in each year, a report (the ***bushfire***
16 ***preparedness report***) that includes the information required under
17 sections 85H to 85P.

18 **85H Bushfire preparedness report requirements—previous**
19 **bushfire season**

20 The bushfire preparedness report must include the following
21 information in relation to the immediately previous bushfire season
22 in the ACT:

- 23 (a) the total number of bushfires attended by an emergency
24 service;
25 (b) the total area of land burnt by bushfires;

- 1 (c) the total cost to the Territory of undertaking firefighting
2 services in relation to bushfires, and the estimated financial
3 impact of bushfires on the ACT economy generally;
- 4 (d) the number of members of the fire brigade, rural fire service or
5 SES engaged, including as volunteers, for firefighting services
6 in relation to bushfires;
- 7 (e) the total number of bushfires in other States attended by
8 members of the fire brigade, rural fire service or SES, the total
9 number of members who attended and the total cost to the
10 Territory of the attendance.

11 **85I Bushfire preparedness report requirements—budgets,
12 staffing, fire appliances etc for upcoming bushfire season**

13 (1) The bushfire preparedness report must include the following
14 information in relation to the state of preparedness of each relevant
15 entity to deal with bushfires in the ACT during the upcoming
16 bushfire season:

- 17 (a) the allocation, in the budget of each relevant entity, for
18 resources for firefighting services in relation to bushfires;

19 **Examples—resources**

20 staff, vehicles, aircraft, other fire appliances

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

- 24 (b) a list of plans prepared under this Act in relation to bushfires;
- 25 (c) a list of studies conducted or commissioned by the Territory in
26 the previous 12 months in relation to bushfires;
- 27 (d) the number, state of repair, age and availability of vehicles that
28 are intended to be used for firefighting services in relation to
29 bushfires;

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- 1 (e) the state of repair, age and availability of other fire appliances
2 that are intended to be used for firefighting services in relation
3 to bushfires;
- 4 (f) the number of members of each relevant entity and community
5 fire unit available for firefighting services in relation to
6 bushfires;
- 7 (g) the level and currency of training in accredited courses of the
8 members mentioned in paragraph (f);
- 9 (h) a long range weather forecast for the bushfire season.

10 (2) In this section:

11 *accredited course* means a course, in relation to firefighting, that is
12 accredited or approved under a Commonwealth or State law.

13 **85J Bushfire preparedness report requirements—fine fuel**
14 **reduction activity**

- 15 (1) The bushfire preparedness report must include the following
16 information in relation to the conduct and effectiveness of controlled
17 fires under section 84 (Fire fuel reduction) (a *controlled fire*) in the
18 ACT in the previous 12 months:
- 19 (a) an assessment of fine fuel in fire prone areas;
- 20 (b) the number of controlled fires that were planned to be
21 undertaken;
- 22 (c) the number of controlled fires that were undertaken;
- 23 (d) the area of land affected by the controlled fires that were
24 undertaken;
- 25 (e) the effectiveness of the controlled fires that were undertaken.
- 26 (2) The bushfire preparedness report must also include information
27 about the area of land affected by controlled fires that were
28 undertaken in the ACT in the previous 10 years.

1 (3) In this section:

2 *fine fuel* means fuel that has a diameter under 6mm.

3 **85K Bushfire preparedness report requirements—access**
4 **preparation for upcoming bushfire season**

5 The bushfire preparedness report must include the following
6 information about access to fire prone areas in the ACT:

7 (a) the following information in relation to fire trails in the
8 previous 12 months:

9 (i) the length and location of fire trails cleared or upgraded;

10 (ii) the number of fire trails planned to be cleared or
11 upgraded;

12 (iii) the number of new fire trails created (if any);

13 (iv) the number of fire trails closed (if any);

14 (b) the proposed maintenance program for fire trails over the next
15 12 months;

16 (c) the state of bridges in, and other road access to, fire prone
17 areas, and the capacity of the bridges and road access to
18 accommodate fire appliances, including vehicles, required for
19 firefighting services;

20 (d) the state of landing strips in, and other aerial access to, fire
21 prone areas, and the capacity of the landing strips and aerial
22 access to accommodate aerial traffic required for firefighting
23 services.

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- 1 **85L Bushfire preparedness report requirements—protecting**
2 **significant areas**
- 3 (1) The bushfire preparedness report must include the following
4 information about protecting significant areas:
- 5 (a) what areas have been identified as significant areas;
6 (b) what plans have been developed to protect the significant
7 areas;
8 (c) what action has been taken to implement the plans.
- 9 (2) In this section:
- 10 ***significant area*** means an area in which there is—
- 11 (a) a place or object on the heritage register under the *Heritage*
12 *Act 2004*; or
13 (b) an item of infrastructure that provides an essential service
14 within the meaning of the *Utilities Act 2000*.
- 15 **85M Bushfire preparedness report requirements—legislative**
16 **requirements**
- 17 The bushfire preparedness report must include the following
18 information about the legislative requirements of each relevant
19 entity in relation to bushfires:
- 20 (a) a list of the legislative requirements;
21 (b) what legislative requirements have been, or are being,
22 complied with;
23 (c) what legislative requirements have not been complied with and
24 an explanation of why the requirements have not been
25 complied with.

- 1 **85N Bushfire preparedness report requirements—bushfire**
2 **recommendations**
- 3 The bushfire preparedness report must include the following
4 information in relation to a bushfire recommendation made in the
5 previous 20 years:
- 6 (a) a list of the bushfire recommendations made;
- 7 (b) which of the bushfire recommendations have been, or are
8 being, complied with;
- 9 (c) which of the bushfire recommendations have not been
10 complied with and an explanation of why the recommendations
11 have not been complied with.
- 12 **85O Bushfire preparedness report requirements—research**
13 **and development**
- 14 The bushfire preparedness report must include information about
15 advances in the previous 12 months in research and development,
16 equipment and methods for managing bushfires that are appropriate
17 for the ACT.
- 18 **85P Bushfire preparedness report requirements—public**
19 **education**
- 20 The bushfire preparedness report must include information about
21 any public education program, undertaken by the Territory or a
22 relevant entity, to do 1 or more of the following:
- 23 (a) provide information about how people should prepare for or
24 respond to bushfires;
- 25 (b) provide information about the Territory’s preparations for the
26 upcoming bushfire season;
- 27 (c) increase public awareness about bushfire warnings under
28 part 5.3A and the fire danger index.

1 **85Q Reports of appropriate standing committee**

2 The appropriate standing committee must report to the Legislative
3 Assembly about the bushfire preparedness of the ACT for the
4 upcoming bushfire season by the first sitting day after August in
5 each year.

6 **85R Responses to standing committee reports**

7 The Minister must give the Legislative Assembly a report in
8 response to the report by the appropriate standing committee under
9 section 85Q by the first sitting day after September in each year.

10 **5 Dictionary, note 2**

11 *insert*

- 12 • State

13 **6 Dictionary, new definitions**

14 *insert*

15 *appropriate standing committee*, for part 5.3B (Bushfire
16 preparedness reports)—see section 85F.

17 *bushfire preparedness report*, for part 5.3B (Bushfire preparedness
18 reports)—see section 85G.

19 *bushfire recommendation*, for part 5.3B (Bushfire preparedness
20 reports)—see section 85F.

21 **7 Dictionary, definition of *firefighting services***

22 *substitute*

23 *firefighting services*—

24 (a) for part 4.6 (Other approved providers)—see section 60; and

25 (b) for part 5.3B (Bushfire preparedness reports)—see section 85F.

- 1 **8 Dictionary, new definition of *relevant entity***
- 2 *insert*
- 3 *relevant entity*, for part 5.3B (Bushfire preparedness reports)—see
- 4 section 85F.
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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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