



Australian Capital Territory

Bushfire Act 1936

A1936-20

Republication No 7

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Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Bushfire Act 1936* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 13 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Bushfire Act 1936

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Bushfire Act 1936
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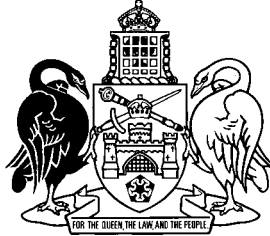
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Australian Capital Territory

Bushfire Act 1936

An Act relating to bushfire control, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Bushfire Act 1936*.

2 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

built-up area means an area in the ACT declared by the Minister under section 3 to be a built-up area.

bushfire brigade means an organisation established under section 5M (1) (b).

bushfire brigade member means a person recruited as a bushfire brigade member in accordance with section 5M (3).

chief fire control officer means the Chief Fire Control Officer appointed under this Act.

council means the Bush Fire Council constituted under this Act.

court means the Magistrates Court.

emergency volunteer means a person recruited as an emergency volunteer in accordance with section 5M (3).

fire brigade means the Fire Brigade established by the *Fire Brigade (Administration) Act 1974*.

fire commissioner means the Fire Commissioner appointed under the *Fire Brigade (Administration) Act 1974*.

fire control officer means a person appointed under section 5M (1) (a).

inspector means an inspector under section 4A.

manual means the rural fire control manual approved under section 5KA (Rural fire control manual).

Note A reference to a disallowable instrument (including the manual) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

owner, in relation to a house or building or land, includes the occupier, lessee, tenant or holder of the house, building or land.

prescribed period means—

- (a) a period beginning on 1 January in a year and extending to the last day of February in that year or to any other day in that year that the council (by notice in a newspaper circulating in the ACT) determines; or
- (b) a period beginning on 1 November in a year, or on any other day in that year that the council (by notice in a newspaper circulating in the ACT) determines, and extending to 31 December in that year.

service means the Rural Firefighting Service established by this Act.

3 Declaration of built-up area

- (1) The Minister may, in writing, declare that an area is a built-up area.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

4 Relationship with Environment Protection Act 1997

Subject to the *Environment Protection Act 1997*, section 6 (1) this Act has effect subject to the *Environment Protection Act 1997*.

Part 2 Administration

4A Inspectors—appointment

- (1) There may be 1 or more inspectors for this Act.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include performing the functions of an inspector.
- (3) An inspector shall be any public servant for the time being performing the duties of a public service office of inspector referred to in subsection (2).

5 Identity cards

- (1) The chief executive shall issue to an inspector an identity card that specifies the inspector's name and office, and on which appears a recent photograph of the inspector.
- (2) On ceasing to occupy, or to act in, an office of inspector, a person shall not, without reasonable excuse, fail to return his or her identity card to the chief executive.

Maximum penalty: 1 penalty unit.

5AA Power of entry

- (1) An inspector may enter land outside a built-up area in accordance with a notice under subsection (2) if he or she believes, on reasonable grounds, that it is necessary to do so—
 - (a) for section 5AC; or
 - (b) for ensuring compliance with section 5S.
- (2) At least 24 hours before an inspector proposes to enter land under subsection (1), he or she shall give written notice to the owner of the land stating the time and purpose of entry.

5AB Display of identity cards

An inspector who enters land in accordance with section 5AA is not authorised to remain on that land if, on the request of the owner of that land, the inspector does not show his or her identity card to the owner.

5AC Directions

- (1) If an inspector believes on reasonable grounds that the owner of land outside a built-up area is in breach of section 5S (1) in relation to the land, the inspector shall give the owner written directions requiring the owner to take the action that is reasonable in the circumstances to prevent and inhibit the outbreak and spread of fire on that land and to protect property from fire on that land or spreading from that land.
- (2) In giving directions under subsection (1), the matters to be considered by an inspector include the following:
 - (a) the amount and type of litter, timber or vegetation on the land (whether that timber or vegetation is alive or dead);
 - (b) the amount and type of other flammable materials on the land;
 - (c) climatic conditions affecting the land;
 - (d) the location and use of the land and nearby land;
 - (e) the possible effect of fire on the land and nearby land.
- (3) Directions given under subsection (1) shall—
 - (a) include a statement of the period for compliance, and the amount of the penalty for noncompliance; and
 - (b) be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (4) The period for compliance with directions referred to in subsection (3) (a) shall be not less than 14 days, except if the

directions are given on a day or during a period referred to in section 7A (1).

- (5) A person shall not, without reasonable excuse, fail to comply with a direction under subsection (1) within the period specified under subsection(3) (a).

Maximum penalty (subsection (5)): 50 penalty units, imprisonment for 6 months or both.

5AD Administrative review of directions

Application may be made to the administrative appeals tribunal for a review of a decision by an inspector to give directions under section 5AC (1).

Part 3 Bush Fire Council

5A Council

- (1) For this Act, there shall be a Bush Fire Council.
- (2) The council shall be a body corporate, with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the council attached to any document or notice, and shall deem that it was duly attached.

5B Members of the council

- (1) The council shall consist of not less than 5, nor more than 12, members who shall be appointed by the Minister.
- (2) The Minister shall appoint from the council members a chairperson and deputy chairperson of the council.
- (3) In the absence of the chairperson from any meeting, the deputy chairperson shall preside and, in the absence from any meeting of both the chairperson and the deputy chairperson, then the members present shall elect 1 of their number to act as chairperson of that meeting.
- (4) A quorum shall consist of a majority of the members of the council holding office at the date of the meeting.
- (5) At any meeting of the council at which the chairperson is present, he or she shall have a deliberative vote and, in the event of an equality of voting, a second or casting vote.
- (6) If, at any meeting of the council at which the chairperson is not present, the members present differ in opinion on any matter, the determination of that matter shall be postponed till the next meeting of the council.

5C Council meetings

- (1) Subject to this section, all meetings of the council shall be convened by the chairperson by written notice to the other members of the council, specifying the time and place of meeting.
- (2) The Minister may, by written notice to each member of the council, direct that a meeting be held at the time and place specified in the notice.

5D Term of appointment

- (1) Each member shall be appointed for a term of 3 years and shall be eligible for reappointment.
- (2) Any member appointed to fill a vacancy on the council shall hold office for the unexpired part of the term for which his or her predecessor was appointed.

5E Removal from office as member

The Minister may, if he or she is satisfied that any member has been guilty of misbehaviour or is incapable of discharging his or her duties, remove that member from office.

5F Vacation of office as member

In addition to retirement of members by expiration of their term of office or removal from office in accordance with section 5E, the seat of a member shall become vacant on—

- (a) the death, mental incapacity or bankruptcy of the member, or the conviction of the member of an indictable offence;
- (b) the resignation of the member; or
- (c) the absence of the member, without leave of the council, from 2 consecutive meetings of the council.

5FA Deputies of members of council

- (1) The Minister may, in relation to each member of the council, appoint a person to be the deputy of that member.
- (2) Any person so appointed shall, in the event of the absence (through illness or otherwise) of the member of whom he or she is the deputy, have all the powers of that member during his or her absence.

5G Secretary to council

There shall be a secretary to the council who shall be appointed by the council.

5H Powers of council

- (1) The council may take the action that it considers necessary to prevent or control the outbreak or spread of fire and to protect from the outbreak or spread of fire life and property in any part of the ACT, other than a part that is a built-up area, and may, in particular, acquire firefighting equipment, employ workers, organise fire prevention and control associations and distribute literature relating to fire prevention and control.
- (2) The council shall exercise its functions in accordance with the manual.

Part 4 Rural Firefighting Service

5K Service

- (1) The Rural Firefighting Service is established by this Act.
- (2) The service consists of the chief fire control officer and the numbers, respectively, of—
 - (a) fire control officers; and
 - (b) bushfire brigades;that are determined by the Minister in writing.
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) The service has the organisation and structure set out in the manual.

5KA Rural fire control manual

- (1) The council must, in writing, prepare a rural fire control manual containing particulars of all aspects of the operation and organisation of the service.

Note Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) The particulars in the manual must include the following:
 - (a) the organisation and structure of the service;
 - (b) the powers and duties of fire control officers, bushfire brigade members and emergency volunteers;
 - (c) standards and requirements for the recruitment and training of fire control officers and bushfire brigade members;

- (d) procedures and conditions for the recruitment of emergency volunteers;
 - (e) equipment requirements and communication specifications for the service.
- (3) Within 7 days after the proposed manual is prepared, the council must give a copy to the Minister.
 - (4) The council must revise the proposed manual if the Minister, in writing, directs the council to do so.
 - (5) The Minister may approve the proposed manual.
 - (6) The manual approved by the Minister is a disallowable instrument.
 - Note 1* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.
 - Note 2* An amendment or repeal of a manual is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).
 - (7) The council must prepare an amendment of the manual if the Minister, in writing, directs the council to do so.
 - (8) The council must make the manual available for inspection by the public at the offices of the council and the chief fire control officer when those offices are open for business.

5L Fire districts

The council may divide the ACT, other than a part of the ACT that is a built-up area, into fire districts.

5M Firefighters—appointment and powers

- (1) The council may, in writing—
 - (a) appoint the number of fire control officers; and
 - (b) establish the number of bushfire brigades;that the Minister determines under section 5K (2).

- (2) The council may, in accordance with the manual, appoint fire control officers of various ranks.
- (3) Bushfire brigade members and emergency volunteer firefighters shall be recruited in accordance with the manual.
- (4) In accordance with the manual, fire control officers, bushfire brigade members and emergency volunteers may exercise the powers, and shall perform the duties, that are specified in the Manual.

5N Chief fire control officer—appointment and powers

- (1) The council may appoint a chief fire control officer.
- (2) For the purpose of extinguishing or preventing the spread of any fire in any part of the ACT, other than a fire that is in a built-up area or a building and at which a member of the fire brigade is in attendance, the chief fire control officer shall have and may exercise the following powers and authorities:
 - (a) the control and direction of all workers employed in extinguishing the fire and of any persons who voluntarily place their services at his or her disposal;
 - (b) authority, either alone or with others under his or her control, to enter into any land or premises that may be on fire or in the neighbourhood of any fire for the purpose of taking any steps that he or she considers necessary for the extinguishment or for the prevention of the extension of a fire and he or she may take, or give directions for taking, any firefighting equipment into, through or on any land or premises that he or she considers convenient for the purpose;
 - (c) power to take measures that in the circumstances are reasonable and appear to him or her necessary or convenient for the protection of life and property and, for the purpose of extinguishing or preventing the spread of fire, may, with or without the consent of the owner—

- (i) pull down, sever or remove any fence on any land or cause any such fence to be pulled down, severed or removed:

Provided that, as soon as practicable after any fence has been so pulled down, severed or removed, the chief fire control officer shall cause the fence to be temporarily repaired in an appropriate manner and shall notify the landowner accordingly;

- (ii) burn or otherwise destroy or remove any grass, trees, scrub or vegetation on any land; and
- (iii) remove or cause to be removed any stock on any land and shall, as soon as practicable after the removal, notify the owner accordingly;
- (d) power to enter or give directions for entering any land or premises and take or cause to be taken water from that land or premises.
- (3) The chief fire control officer shall exercise his or her powers and shall perform his or her duties in accordance with the manual.

5P Protection from liability

- (1) A person does not incur civil liability for damage, death or personal injury caused in the honest exercise, or purported exercise, of a function under this Act.
- (2) A liability that would, apart from subsection (1), attach to a person attaches instead to the Territory.

5Q Damage by fire

Any damage referred to in section 5P shall be taken to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged notwithstanding any clause or condition in the policy.

5R Firefighters from outside ACT

- (1) If a member of an interstate fire brigade is present at a fire outside a built-up area for the purposes of the control and suppression of that fire, that member shall—
 - (a) obey any orders given for the purpose of the control or suppression of the fire by a person who, by or under this Act, is in charge of the firefighting operations at the fire; and
 - (b) place any firefighting equipment in his or her charge at the disposal of that person; and
 - (c) if that member has charge of other members of the interstate fire brigade at the fire and no other person present at the fire is, by or under this Act, in charge of the firefighting operations—have all the powers and duties conferred or imposed by or under this Act on a fire control officer in charge of firefighting operations at such a fire.
- (2) In this section:

interstate fire brigade means a firefighting organisation, by whatever name called, established for any area in a State or another Territory.

Part 5 Controlled activities

5S Prevention of fires

- (1) The owner of land outside a built-up area shall take the measures that are reasonable in the circumstances to prevent and inhibit the outbreak and spread of fire on that land and to protect property from fire on that land or spreading from that land.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) The circumstances referred to in subsection (1) include the following:
- (a) the amount and type of litter, timber or vegetation on the land (whether that timber or vegetation is alive or dead);
 - (b) the amount and type of other flammable material on the land;
 - (c) climatic conditions affecting the land;
 - (d) the location and use of the land and nearby land;
 - (e) the possible effect of fire on the land and nearby land.

6 Penalty for setting fire to growing crops etc

A person shall not ignite or use or carry when ignited any flammable material, or remove any live coal, hot ashes or other burning material from any motor vehicle that carries equipment for generating producer gas, within 100m of any stacks of corn, pulse, or hay or standing crops in an flammable condition, or within 10m of any growing crops, stubble field, or grass land (the grass being in an flammable condition), or within 25m of felled timber awaiting a running fire by which means the property of any other person is endangered, injured, or destroyed.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

7 Lighting fires in plantations etc

A person shall not, except as otherwise provided by this Act, light, use or maintain any fire in the open air—

- (a) within any plantation the property of the Commonwealth or any area enclosed by a fence, in which any such plantation is situated, or within 1km of any such plantation or area; or
- (b) on any unleased land the property of the Commonwealth where there is any growing timber.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

7A Days of acute fire danger

- (1) A person shall not light, use or maintain a fire in the open air on a day or during a period in relation to which the chief fire control officer has caused—
 - (a) to be published in a newspaper circulating in the ACT; or
 - (b) to be broadcast from a broadcasting station in the ACT; or
 - (c) to be televised from a television station in the ACT;

a warning of the likelihood of the occurrence of weather conditions conducive to the spread of fires.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to—
- (a) a fire lit under section 5N; or
 - (b) the lighting, maintenance or use of a fire in accordance with the manual; or
 - (c) subject to subsection (3), the lighting, maintenance or use of a prescribed class of fire; or
 - (d) the lighting, maintenance or use of a fire in accordance with an exemption permit granted under section 7B; or
 - (e) the maintenance of a fire declared by the Minister under subsection (5) to be an exempt fire.
- (3) If the Minister has published, broadcast or televised a warning under subsection (1), the Minister may in like way publicly notify conditions imposed on the lighting, maintenance or use of a class of fire prescribed under subsection (2) (c).
- (4) A person shall not, without reasonable excuse, contravene a condition publicly notified under subsection (3).

Maximum penalty: 10 penalty units.

- (5) The Minister may, in writing, declare a fire to be an exempt fire if—
- (a) the fire is maintained for a ceremonial or commemorative purpose; and
 - (b) the fire is less than 1m³ in volume; and
 - (c) the surrounding area within a radius of 3m from the fire is clear of flammable material; and

- (d) reasonable steps have been taken to prevent the escape of flame, sparks or burning or incandescent material from the fire; and
 - (e) written consent to the maintenance of the fire has been given by—
 - (i) for a fire in a built-up area—the fire commissioner; or
 - (ii) for a fire outside a built-up area—the chief fire control officer.
- (6) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

7B Exemption permits

- (1) The chief fire control officer may, in writing, permit a person to light, maintain or use a fire or use fireworks in a public place, on a day or during a period referred to in section 7A (1).
- (2) An application for an exemption permit must state—
 - (a) the location of the proposed fire or fireworks; and
 - (b) the nature of the proposed fire or fireworks; and
 - (c) the date and time of the proposed fire or fireworks; and
 - (d) the safety precautions proposed to be undertaken in relation to the proposed fire or fireworks.

Note If a form is approved under s 17 (Approved forms) for an application, the form must be used.

- (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 subsection (2) (a) to (d); and
 - (b) the weather conditions forecast for the time of the proposed fire or fireworks; and

- (c) the availability of the Territory's firefighting resources for the time of the proposed fire or fireworks; and
 - (d) any other matter relating to fire safety that the chief fire control officer considers relevant.
- (4) The chief fire control officer shall not issue an exemption permit in relation to a proposed fire in a built-up area if 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—
- (a) may be expressed to be subject to conditions; and
 - (b) comes into operation on the date and time specified in it; and
 - (c) unless sooner revoked, remains in effect for the period specified in it.
- (6) In this section:
- exemption permit* means a permit granted under subsection (1).

8 Smoking prohibited in or near plantations

Except as otherwise provided by this Act, a person who, during the period beginning on 1 October in any year and ending on 30 April in the following year, smokes or lights any tobacco pipe, cigar or cigarette or any material whatsoever, within any area enclosed by a fence in which is situated any plantation or afforestation reserve belonging to, maintained by or under the control of, the Territory, or within 100m of any plantation or afforestation reserve situated within the Cotter River Reserve as described in the schedule 1 commits an offence.

Maximum penalty: 10 penalty units.

9 Penalty for not extinguishing fire

Any person who, whether temporarily or otherwise, leaves unextinguished any fire that he or she has lit, used or maintained in the open air commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

9A Use of cooking appliances and fires on Cwth land

Except if section 7A (1) applies—

- (a) a person may use a heating appliance in which heat is provided by the combustion of liquefied petroleum gas or by the use of electricity for the purpose of cooking food or heating liquids anywhere in the open air on land, whether unleased land the property of the Commonwealth or land held under a lease from the Commonwealth or in fee simple, if the area around the appliance for a distance of not less than 3m is cleared of flammable material; and
- (b) a person may light, use or maintain a fire in the open air on unleased land the property of the Commonwealth—
 - (i) if the land is within a built-up area—in the fireplaces that are provided by the Commonwealth or are approved by the fire commissioner; and
 - (ii) if the land is outside a built-up area—in the fireplaces that are approved by the chief fire control officer or by the council; and
- (c) a person may, subject to sections 6 and 7 (a), light, use or maintain a fire in the open air on unleased land the property of the Commonwealth, being land outside a built-up area, other than in a fireplace referred to in paragraph (b) (i) or (ii), for the purpose of cooking food or heating liquids—

- (i) after he or she has obtained from the chief fire control officer a written permit to do so, and on compliance with the conditions specified in the permit; and
- (ii) after he or she has cleared of flammable material the land around the place where the fire is to be lit, used or maintained for a distance of not less than 3m.

10 Lighting fires for burning off

- (1) Except if section 7A (1) applies, an owner of land may burn any flammable material (including wood, straw, stubble, grass and herbage) that is on his or her land—
 - (a) if the land is within a built-up area—on any day—
 - (i) during any period that is not a prescribed period—if he or she keeps the fire within his or her land and take suitable measures to keep it under constant control; and
 - (ii) during a prescribed period—after he or she has obtained from the fire commissioner a written permit so to do and on compliance with the conditions specified in the permit; or
 - (b) if the land is outside a built-up area—on any day—
 - (i) during any period that is not a prescribed period—after he or she has cleared of flammable materials the land around the flammable material to be burnt for a distance of not less than the prescribed distance, or, if no distance has been prescribed, for a distance of not less than 20m in every direction from the flammable material, and has given notice of the intended burning in accordance with subsection (2); and
 - (ii) during a prescribed period—after he or she has obtained from the chief fire control officer a written permit so to do, and on compliance with the conditions specified in the permit.

- (2) For subsection (1) (b) (i), the land owner shall, at least 24 hours before burning the material—
- (a) give written notice of the intended burning to every occupier of land contiguous to that where the material is to be burnt; and
 - (b) cause notice to be published in a newspaper circulating in the ACT of the intended burning and the potential impact of smoke.

10AA Lighting of fires etc in open for cooking and other purposes

Except if section 7A (1) applies, the owner of land within a built-up area may, during a prescribed period light a fire in the open air on the land—

- (a) at any time for the purpose of cooking food or heating liquids in a properly constructed fireplace; and
- (b) at any time in a properly constructed incinerator designed to prevent the escape of sparks or incandescent material; and
- (c) between the hours of 7 pm on any day and 7 am on the next day if the land has been cleared of all flammable materials for a distance of 4.5m in every direction from the site of the fire.

10AB Penalty for burning off or lighting fires except as authorised

A person, whether the owner of land or not, shall not, otherwise than in accordance with section 10 or 10AA or as otherwise provided in this Act, burn flammable material or light a fire, or cause or permit flammable material to be burnt or a fire to be lit, in the open air on the land.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

10A Fires to be notified

During a prescribed period, the owner of any land outside a built-up area or, in his or her absence, any person employed by him or her on that land, shall, immediately he or she becomes aware of an outbreak of fire on that land or on any unleased land the property of the Commonwealth adjacent to that land, notify the chief fire control officer of the outbreak, and shall, if the outbreak is on the firstmentioned land, use all means in his or her power to extinguish that outbreak.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

10B Discharge of live coals from motor vehicles

- (1) A person shall not on any street, road, lane or thoroughfare or on any other land, discharge from any motor vehicle any live coals, hot ashes or other burning material from which fire or sparks may be emitted except into water or a fireplace or a hole below the level of the surrounding ground capable of readily and completely receiving the live coals, hot ashes or burning material.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person so discharging live coals, hot ashes or burning material into any such fireplace or hole in the ground shall so saturate with water the matter discharged as to extinguish wholly any fire or sparks.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

10C Causing fire by use of motor vehicles

A person shall not light a fire, or cause a fire to be lit, in the open air on any land by using a motor vehicle on any street, road or thoroughfare or on any land.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

11 Damage by fire to dividing fence

- (1) If the occupier of any land clears it of flammable materials for the space of 6m from any fence dividing that land from the land of any other owner or occupier, and the other owner or occupier neglects or omits so to clear his or her land and any damage from fire happens to the dividing fence through that neglect or omission, the owner or occupier so neglecting or omitting to clear shall at his or her own costs and charges cause the fence to be repaired and re-erected within 1 month after it has been so damaged, or within the extended time that may be allowed by the Magistrates Court on application made to it in a summary way.
- (2) Reasonable notice of the application shall be given to the occupier who has cleared his or her land.
- (3) If the owner or occupier so neglecting or omitting to clear refuses or omits to repair or re-erect the fence as prescribed in subsection (1), the owner or occupier of the land contiguous to the fence who has cleared his or her land as prescribed may repair or re-erect the dividing fence.
- (4) All sums of money that are so expended or laid out under the provisions of this section shall be deemed to be money paid to the use of the owner or occupier in default.

Part 6 Bushfire-prone government land

11A Interpretation for pt 6

- (1) In this part:

agency means—

- (a) an administrative unit;
- (b) a Territory owned corporation;
- (c) a body corporate constituted under the *Cemeteries Act 1933*, section 6; or
- (d) a person or group of persons prescribed by the regulations for this definition.

bushfire-prone government land means land to which this part applies.

designated area means an area of land that is a designated area under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth) because it has the special characteristics of the National Capital.

fuel management plan means a fuel management plan in force under this part.

Note A reference to an instrument (including the fuel management plan) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

manager, in relation to an area of bushfire-prone government land, means the person in charge of an agency whose responsibilities include managing the use of that area by the agency or persons on behalf of the agency.

- (2) A reference in this part to the responsibilities of a manager, in relation to an area of bushfire-prone government land that is national land or a designated area, is a reference to responsibilities

that arise because of an arrangement between the Commonwealth and the Territory.

11B Application to government land

- (1) Subject to subsection (2) and section 11C, this part applies to the following land:
 - (a) unleased Territory land for which a prescribed use is consistent with the Territory plan;
 - (b) national land (other than a designated area) for which a prescribed use is consistent with the national capital plan or the Territory plan;
 - (c) a designated area for which a prescribed use is consistent with the national capital plan.
- (2) This part does not apply to a specified area of land exempted from the application of this part by the Minister in writing.
- (3) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

11C Limited application to national land and designated areas

This part applies to national land and designated areas of land only in relation to matters for which the Territory has responsibility because of an arrangement with the Commonwealth.

11D Fuel management plans

A fuel management plan for an area of land shall include—

- (a) a description of the area; and
- (b) a description of the neighbouring land uses and the relationships between them and the use of the area to which the plan applies; and

- (c) a detailed assessment of the bushfire hazard potential for the area; and
- (d) a description of any collaborative arrangements for managing bushfires and bushfire fuel in and around the area; and
- (e) a statement of the bushfire fuel management objectives for the area; and
- (f) a description of the strategies by which the objectives are to be attained; and
- (g) a program for implementing works identified in the plan; and
- (h) a description of the arrangements for monitoring and evaluating the effects of the strategies and works identified in the plan, including the associated reporting arrangements; and
- (i) any other matter considered relevant by the manager.

11E Effect of plan

- (1) The manager of an area of bushfire-prone government land shall ensure as far as practicable that the area is used by the agency, or persons on behalf of the agency, in accordance with the fuel management plan for the area.
- (2) A fuel management plan has no effect to the extent to which it is inconsistent with any plan of management in force under the *Land (Planning and Environment) Act 1991*, division 5.7 in relation to an area of public land.

11F Draft plans

- (1) Each manager of an area of bushfire-prone government land shall ensure that the area is the subject of a draft fuel management plan submitted to the Minister for approval—
 - (a) within 12 months after the commencement of this section; and

- (b) afterwards at intervals not exceeding 2 years beginning on the day when the latest fuel management plan for the area was made.
- (2) The Minister may give a written direction to the manager of an area of bushfire-prone government land to submit a draft fuel management plan for approval in relation to the area.
- (3) The manager shall comply with the direction.

11G Public consultation about draft plans

- (1) For the purpose of preparing a draft fuel management plan, the manager concerned shall ensure that—
 - (a) submissions about the draft plan are invited by notice published in a newspaper circulating in the ACT; and
 - (b) any other measures are taken that he or she considers appropriate for ascertaining the views of interested persons.
- (2) The notice shall indicate where and when the draft plan is available for inspection by members of the public.

11H Making fuel management plan

On receipt of a draft fuel management plan submitted under section 11F or paragraph (c), the Minister may—

- (a) make a fuel management plan in the form of the draft plan by approving the draft plan in writing; or
- (b) make a fuel management plan in the form of the draft plan, subject to its being altered in a specified way, by approving the draft plan, and specifying the alteration, in writing; or
- (c) remit the draft plan for further consideration in accordance with any direction or recommendation and require the submission of a further draft plan.

11J Notification of plan

A fuel management plan is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

11K Variation of plan

- (1) The manager of an area of bushfire-prone government land may prepare a draft variation of the fuel management plan for the area for approval by the Minister.
- (2) Sections 11G, 11H and 11J apply in relation to the draft variation as if it were a draft fuel management plan.

11L Public inspection of plan

The manager of an area of bushfire-prone government land shall ensure that a copy of—

- (a) a draft fuel management plan in relation to which public submissions have been invited by notice under section 11G;
- (b) a draft variation of a fuel management plan in relation to which public submissions have been invited by notice under sections 11G and 11K;

is available for inspection by members of the public free of charge at the place specified in the notice.

11M Directions by Minister

- (1) The Minister may give a written direction to the manager of an area of bushfire-prone government land in relation to the observance of the requirements of this part.
- (2) The manager shall comply with the direction.

11N Annual reporting

- (1) In this section:

annual report, of an agency, means—

- (a) a report under the *Annual Reports (Government Agencies) Act 2004* for the agency; or
 - (b) a report under subsection (5).
- (2) The annual report of an agency shall give an account of the operations of the agency in relation to the fuel management plan for each area of bushfire-prone government land used by the agency or persons on behalf of the agency.
- (3) The account shall include the information that the minister directs in writing.
- (4) The annual report of an agency for a year in which a direction under section 11M is given to a manager of the agency shall include particulars of the direction and the measures taken to give effect to it.
- (5) If a report under the *Annual Reports (Government Agencies) Act 2004* is not required for an agency during any part of a financial year, the manager (however described) of the agency must give the Minister a report for that part of the year.
- (6) A report under subsection (5) must be given to the Minister—
- (a) within 10 weeks after the end of the year to which it relates; or
 - (b) if, before the end of the 10 weeks, the Minister approves an extension of the period within which the report is to be given to the Minister—within the extended period.
- Note* If a form is approved under s 17 (Approved forms) for a report, the form must be used.
- (7) The Minister shall present a report under subsection (5) to the Legislative Assembly.

Part 7 Miscellaneous

12 **Payment of expenses of extinguishing fire**

- (1) If the Minister or the council incurs any expenses or charges in extinguishing or endeavouring to extinguish any fire in or on any house, building or land, or of any personal property in or on any house, building or land, the person who caused the fire and the owner of the house, building, land or property shall be severally and jointly liable to pay to the Territory or the council, as the case may be, the expenses and charges properly so incurred.
- (2) The expenses and charges payable under this section shall be recoverable by the Territory or the council, as the case may be, before the Magistrates Court in a summary way.
- (3) If the expenses and charges are paid by or recovered from the person who caused the fire, the liability under this section of the owner of the house, building, land or property shall cease.

13 **Power to enter on lands**

If a fire occurs on any land, any public servant or other person authorised by the Minister may enter on any land for the purpose of inspecting, checking or extinguishing the fire, and may, for the purpose of checking or stopping the progress of the fire, light any other fire on any land.

14 **Persons reasonably suspected to give name and address**

- (1) A police officer or any forest overseer employed by the Territory, or any inspector, or any person authorised in writing by the Minister or the council, may require any person committing or reasonably suspected of having committed or of being about to commit an offence against this Act, to give his or her name in full and place of abode.

- (2) Any person who, after being so required and on production of the necessary authority, refuses or fails to give his or her real name or place of abode, commits an offence.

Maximum penalty: 5 penalty units.

15 Penalty on persons resisting apprehension

Any person who, being liable to be apprehended for any offence, opposes, resists, or assaults any person apprehending or attempting to apprehend him or her, commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

15A Compensation

- (1) A person who suffers loss because of the exercise, or purported exercise, of a function under this Act in relation to a fire is entitled to be paid reasonable compensation by the Territory for the loss.
- (2) Compensation is not payable to a person for a loss to the extent—
- (a) of any amount recovered or recoverable by the person under a policy of insurance; or
 - (b) that the conduct of the person contributed to the loss.
- (3) Compensation is not payable to a person for a loss if the loss would have arisen despite the exercise, or purported exercise, of the function under this Act.

16 Rights at common law preserved

Nothing in this Act shall take away or interfere with the right of any person to sue for and recover, at common law or otherwise, compensation for or in relation to any damage or injury occasioned by the reckless or negligent use of fire.

17 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

18 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) the prohibition of the sale, offering for sale, distribution or use of crude phosphorus or matches other than those that can only be lit by striking the containing box or a box containing the same kind of matches; and
 - (b) the way of mixing, and the sale and use of, phosphorus baits for rabbits; and
 - (c) the burning of firebreaks on railway lands.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Schedule 1

(see s 8)

The Cotter River Reserve is the land within the following boundary:

- from Coree Trigonometrical Station along a line bearing $54^{\circ} 24'$ for a distance of about 4.425km to a range that forms the northern watershed of the Cotter River
- along that watershed in a generally easterly direction to Trigonometrical Station McDonald
- along a ridge southerly to the Cotter Weir
- along the ranges forming the eastern, southern and western watersheds of the Cotter River back to the Coree Trigonometrical Station.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Careless Use of Fire Ordinance 1936* No 20 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

It was renamed as the *Bushfire Act 1936* by the *Bushfire (Amendment) Act 1993* No 74 (see s 5).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

Legislation before becoming Territory enactment

Bushfire Act 1936 No 20

notified 14 May 1936

commenced 14 May 1936

as amended by

Careless Use of Fire Ordinance 1937 No 22

notified 16 December 1937

commenced 16 December 1937

Careless Use of Fire Ordinance 1940 No 7

notified 2 May 1940

commenced 2 May 1940

Careless Use of Fire Ordinance 1942 No 1

notified 15 January 1942

commenced 15 January 1942

Careless Use of Fire Ordinance 1943 No 1

notified 14 January 1943
commenced 14 January 1943

Careless Use of Fire Ordinance 1944 No 1

notified 11 January 1945
commenced 11 January 1945

Careless Use of Fire Ordinance 1946 No 11

notified 21 November 1946
commenced 21 November 1946

Careless Use of Fire Ordinance 1952 No 1

notified 25 January 1952
commenced 25 January 1952

Careless Use of Fire Ordinance 1954 No 6

notified 11 February 1954
commenced 11 February 1954

Ordinances Revision Ordinance 1959 No 21

notified 23 December 1959
commenced 31 December 1959

**Ordinances Revision (Decimal Currency) Ordinance 1966 No 19 (as
am by ord 1967 No 36)**

notified 23 December 1966
commenced 23 December 1966

Careless Use of Fire Ordinance 1967 No 11

notified 24 May 1967
commenced 24 May 1967

Careless Use of Fire Ordinance 1971 No 27

notified 28 October 1971
commenced 28 October 1971

Careless Use of Fire Ordinance 1974 No 53

notified 25 November 1974
commenced 25 November 1974

Endnotes

3 Legislation history

Ordinances Revision (Metric Conversion) Ordinance 1977 No 64

notified 22 December 1977
commenced 22 December 1977

Careless Use of Fire (Amendment) Ordinance 1982 No 13

notified 23 April 1982
commenced 23 April 1982

Careless Use of Fire (Amendment) Ordinance (No 2) 1982 No 86

notified 29 October 1982
commenced 29 October 1982

Careless Use of Fire (Amendment) Ordinance 1983 No 48

notified 14 October 1983
commenced 21 September 1984 (Cwlth Gaz 1984 No S364)

Careless Use of Fire (Amendment) Ordinance 1984 No 60

notified 2 November 1984
commenced 18 September 1986 (Cwlth Gaz 1986 No S473)

Magistrates Court Ordinance 1985 No 67

notified 19 December 1985
commenced 1 February 1986 (Cwlth Gaz 1986 No G3)

**Self-Government (Consequential Amendments) Ordinance 1989
No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989
No S164)

**Remuneration (Miscellaneous Amendments) Ordinance 1989 No 50
sch**

notified 10 May 1989 (Cwlth Gaz 1989 No S164)
commenced 10 May 1989

Legislation after becoming Territory enactment

Acts Revision (Arrest Without Warrant) Act 1989 No 23 s 2

notified 1 December 1989 (Gaz 1989 No S38)
commenced 1 December 1989

Careless Use of Fire (Amendment) Act 1990 No 52

notified 11 December 1990 (Gaz 1990 No S89)
commenced 11 December 1990

Acts Revision (Position of Crown) Act 1993 No 44 sch 2

notified 27 August 1993 (Gaz 1993 No S165)
commenced 27 August 1993 (s 2 and see Gaz 1993 No S165)

Bushfire (Amendment) Act 1993 No 74

notified 22 October 1993 (Gaz 1993 No S215)
commenced 22 October 1993 (s 2)

Mental Health (Consequential Provisions) Act 1994 No 45 sch

notified 7 September 1994 (Gaz 1994 No S177)
s 1, s 2 commenced 7 September 1994 (s 2 (1))
sch commenced 6 February 1995 (s 2 (2) and see Gaz 1995 No S33)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and see Gaz 1994 No S269)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and see Gaz 1994 No S293)

Bushfire (Amendment) Act 1996 No 58

notified 3 December 1996 (Gaz 1996 No S321)
ss 1-3 commenced 3 December 1996 (s 2 (1))
remainder commenced 3 June 1997 (s 2 (3))

Endnotes

3 Legislation history

Remuneration Tribunal (Consequential Amendments) Act 1997 No 41 sch 1 (as am by Act 2002 No 49 amdt 3.222)

notified 19 September 1997 (Gaz 1997 No S264)
commenced 24 September 1997 (s 2 as am by Act 2002 No 49 amdt 3.222)

Environment Protection (Consequential Provisions) Act 1997 No 93 sch 2

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch 2 commenced 1 June 1998 (s 2 (3))

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Bushfire (Amendment) Act 1998 No 64

notified 11 December 1998 (Gaz 1998 No S209)
commenced 11 December 1998 (s 2)

Cotter River Repeal Act 2000 No 7 s 4

notified 23 March 2000 (Gaz 2000 No 12)
commenced 23 March 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 46

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 46 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.6 (as am by 2002 No 30 pt 3.79)

notified 5 September 2001 (Gaz 2001 No S65)
s 1, s 2 commenced 5 September 2001 (IA s 10B)
amdt 3.6 om before commenced
pt 3.6 remainder commenced 5 September 2001 (s 2 (1))

Statute Law Amendment Act 2002 No 30 pt 3.79

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.79 commenced 17 September 2002 (s 2 (1))

Note This Act only amends Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.6.

Civil Law (Wrongs) Act 2002 No 40 div 3.2.3

notified LR 10 October 2002

s 1, s 2 commenced 10 October 2002 (LA s 75 (1))

div 3.2.3 commenced 1 November 2002 (s 2 (2) and CN2002-13)

Statute Law Amendment Act 2002 (No 2) No 49 amdt 3.222

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

amdt 3.222 commenced 24 September 1997 (s 2 (3))

Note This Act only amends the Remuneration Tribunal
(Consequential Amendments) Act 1997 No 41.

**Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1
pt 1.6**

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

sch 1 pt 1.6 commenced 13 April 2004 (s 2 and see Annual Reports
(Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

4 Amendment history**Title**

title sub 1993 No 74

Preliminary

pt 1 hdg ins 1996 No 58

Short title

s 1 am 1993 No 74

Definitions for Act

s 2 orig s 2 om 2000 No 7 s 4
(prev s 3) renum 2001 No 44 amdt 1.477
def ***built-up area*** ins 1954 No 6 s 2
am 2001 No 44 amdt 1.475
def ***bushfire brigade*** ins 1990 No 52 s 4
def ***bushfire brigade member*** ins 1990 No 52 s 4
def ***chief fire control officer*** ins 1940 No 7 s 2
def ***city area*** ins 1940 No 7 s 2
om 1954 No 6 s 2

Endnotes

4 Amendment history

def **council** ins 1940 No 7 s 2
def **court** ins 1985 No 67 sch
def **emergency volunteer** ins 1990 No 52 s 4
def **fire brigade** ins 1974 No 53 s 2
def **fire commissioner** ins 1974 No 53 s 2
def **fire control officer** ins 1990 No 52 s 4
def **inspector** sub 1994 No 97 sch
def **manual** ins 1990 No 52 s 4
sub 2001 No 44 amdt 1.476
def **prescribed period** ins 1954 No 6 s 2
am 1959 No 21 sch 1; 1993 No 74 sch 1
def **service** ins 1990 No 52 s 4
def **the court** om 1985 No 67 sch
def **tribunal** ins 1990 No 52 s 4
om 1994 No 60 sch 1

Application to the Crown

s 2A ins 1990 No 52
om 1993 No 44 sch 2

Declaration of built-up area

s 3 orig s 3 renum s 2
ins 2001 No 44 amdt 1.478

Relationship with Environment Protection Act 1997

s 4 om 1959 No 21
ins 1984 No 60
sub 1997 No 93 sch 2

Administration

pt 2 hdg ins 1996 No 58

Inspectors—appointment

s 4A ins 1994 No 97 sch pt 1

Identity cards

s 5 am 1990 No 52; 1994 No 81 sch
sub 1994 No 97sch pt 1
am 1998 No 54 sch

Power of entry

s 5AA ins 1990 No 52

Display of identity cards

s 5AB ins 1990 No 52

Directions

s 5AC ins 1990 No 52
am 1993 No 74; 1994 No 60 sch 1; 1994 No 81 sch; ss renum
R6 LA

Administrative review of directions

s 5AD ins 1990 No 52
am 1994 No 60 sch 1

Bush Fire Council

pt 3 hdg ins 1996 No 58

Council

s 5A ins 1940 No 7
am 1982 No 13; 1989 No 50 sch

Members of Council

s 5B ins 1940 No 7
am 1971 No 27; 1990 No 52; 1993 No 74; ss renum R6 LA

Council meetings

s 5C ins 1940 No 7
am 1990 No 52

Term of appointment

s 5D ins 1940 No 7
am 1990 No 52

Removal from office as member

s 5E ins 1940 No 7
am 1993 No 74

Vacation of office as member

s 5F ins 1940 No 7
am 1993 No 74; 1994 No 45 sch

Deputies of members of Council

s 5FA ins 1946 No 11
am 1993 No 74

Secretary to Council

s 5G ins 1940 No 7
am 1942 No 1; 1982 No 86

Powers of Council

s 5H ins 1940 No 7
am 1954 No 6; 1966 No 19; 1982 No 86; 1990 No 52;
1993 No 74

Remuneration and allowances

s 5J orig s 5J ins 1940 No 7
om 1983 No 48
ins as s 5H 1989 No 50 sch
renum as s 5J 1990 No 52
om 1997 No 41 sch 1

Rural Firefighting Service

pt 4 hdg ins 1996 No 58

Endnotes

4 Amendment history

Service

s 5K ins 1940 No 7
om 1983 No 48
ins 1990 No 52
am 2001 No 44 amdt 1.479, amdt 1.480

Rural fire control manual

s 5KA ins 1990 No 52
sub 2001 No 44 amdt 1.481

Fire districts

s 5L ins 1940 No 7
am 1954 No 6

Firefighters—appointment and powers

s 5M ins 1940 No 7
am 1945 No 1; 1971 No 27
sub 1990 No 52

Chief fire control officer—appointment and powers

s 5N ins 1940 No 7
am 1942 No 1; 1954 No 6; 1971 No 27; 1974 No 53;
1990 No 52; 1993 No 74; R5 LA

Fire control officers not to be liable for damage done in exercise of powers

s 5O ins 1940 No 7
am 1942 No 1; 1971 No 27
om 1990 No 52

Protection from liability

s 5P ins 1990 No 52
sub 2002 No 40 amdt 3.4

Damage by fire

s 5Q ins 1990 No 52

Firefighters from outside ACT

s 5R ins 1990 No 52

Controlled activities

pt 5 hdg ins 1996 No 58

Prevention of fires

s 5S ins 1990 No 52
am 1993 No 74; 1994 No 81 sch

Penalty for setting fire to growing crops etc

s 6 am 1943 No 1; 1966 No 19; 1977 No 64; 1982 No 86; 1993
No 74; 1994 No 81 sch

Lighting fires in plantations etc

s 7 am 1940 No 7; 1966 No 19; 1971 No 27; 1977 No 64; 1982
No 86; 1994 No 81 sch

Days of acute fire danger

s 7A ins 1952 No 1
am 1966 No 19; 1967 No 11; 1971 No 27; 1982 No 86; 1993
No 74; 1994 No 81 sch; 1998 No 54 sch; 1998 No 64; 2001
No 44 amdt 1.482, amdt 1.483; ss renum R5 LA

Exemption permits

s 7B ins 1998 No 64
am 2001 No 44 amdt 1.484, amdt 1.485

Smoking prohibited in or near plantations

s 8 am 1966 No 19; 1971 No 27; 1977 No 64; 1982 No 86; 1989
No 38 sch 1; 1993 No 74; 1994 No 81 sch; 2000 No 7 s 4

Penalty for not extinguishing fire

s 9 am 1966 No 19; 1971 No 27; 1982 No 86; 1993 No 74; 1994
No 81 sch

Use of cooking appliances and fires on Cwllth land

s 9A ins 1971 No 27
am 1974 No 53; 1977 No 64; 1982 No 86; 1993 No 74

Lighting fires for burning off

s 10 am 1940 No 7
sub 1942 No 1
am 1943 No 1; 1952 No 1; 1954 No 6; 1966 No 19; 1967
No 11; 1974 No 53; 1977 No 64; 1982 No 86; 1993 No 74;
1996 No 58

Lighting of fires etc in open for cooking and other purposes

s 10AA ins 1967 No 11
am 1977 No 64; 1993 No 74

Penalty for burning-off or lighting fires except as authorised

s 10AB ins 1967 No 11
am 1982 No 86; 1993 No 74; 1994 No 81 sch

Fires to be notified

s 10A ins 1943 No 1
am 1954 No 6; 1966 No 19; 1982 No 86; 1993 No 74; 1994
No 81 sch

Discharge of live coals from motor vehicles

s 10B ins 1943 No 1
am 1966 No 19 (as am 1967 No 36); 1982 No 86; 1994 No 81
sch

Causing fire by use of motor vehicle

s 10C ins 1982 No 86
am 1994 No 81 sch

Damage by fire to dividing fence

s 11 am 1977 No 64; 1993 No 74; ss renum R5 LA

Endnotes

4 Amendment history

Bushfire-prone government land

pt 6 hdg ins 1996 No 58

Interpretation for pt 6

s 11A ins 1996 No 58
def **agency** am 2001 No 56 amdt 3.6 (amdt om 2002 No 30
amdt 3.819 before commenced)
def **fuel management plan** sub 2001 No 56 amdt 3.7

Application to government land

s 11B ins 1996 No 58
am 2001 No 44 amdt 1.486, amdt 1.487

Limited application to national land and designated areas

s 11C ins 1996 No 58

Fuel management plans

s 11D hdg sub 2001 No 56 amdt 3.8
s 11D ins 1996 No 58
am par renum R5 LA

Effect of plan

s 11E ins 1996 No 58

Draft plans

s 11F ins 1996 No 58

Public consultation about draft plans

s 11G ins 1996 No 58

Making fuel management plan

s 11H ins 1996 No 58
am 2001 No 56 amdt 3.9

Notification of plan

s 11J ins 1996 No 58
sub 2001 No 44 amdt 1.488

Variation of plan

s 11K ins 1996 No 58

Public inspection of plan

s 11L ins 1996 No 58
am 2001 No 44 amdt 1.489, amdt 1.490

Directions by Minister

s 11M ins 1996 No 58

Annual reporting

s 11N ins 1996 No 58
am 2001 No 44 amdt 1.491; A2004-9 amdt 1.6, amdt 1.7

Miscellaneous

pt 7 hdg ins 1996 No 58

Payment of expenses of extinguishing fire

s 12 am 1940 No 7; 1989 No 38 sch 1

Power to enter on lands

s 13 am 1989 No 38 sch 1; 1993 No 74

Persons reasonably suspected to give name and addresss 14 am 1940 No 7; 1966 No 19; 1982 No 86; 1989 No 38 sch 1;
1989 No 23 s 2; 1993 No 74; 1994 No 81 sch**Penalty on persons resisting apprehension**

s 15 am 1966 No 19; 1982 No 86; 1993 No 74; 1994 No 81 sch

Compensation

s 15A ins 2002 No 40 amdt 3.5

Approved formss 17 am 1937 No 22; 1966 No 19; 1982 No 86; 1989 No 38 sch 1;
1994 No 81 sch
sub 2001 No 44 amdt 1.492**Regulation-making power**

s 18 sub 2001 No 44 amdt 1.492

Schedule 1sch 1 hdg (prev sch hdg) sub 2000 No 7 s 4
renum R5 LA**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1993 No 44	31 October 1993
2	Act 1994 No 97	6 February 1995
3	Act 1996 No 58	3 June 1997
4	Act 1998 No 64	31 January 1999
5	Act 2001 No 44	4 January 2002
6	Act 2002 No 40	1 November 2002

Endnotes

5 Earlier republications

6 (RI) A2002-40 ‡ 6 February 2003

‡ includes retrospective amendments by A2002-49

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