



AUSTRALIAN CAPITAL TERRITORY

Bushfire (Amendment) Act 1993

No. 74 of 1993

An Act to amend the *Careless Use of Fire Act 1936* and for related purposes

[Notified in ACT Gazette S215: 22 October 1993]

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

Short title

1. This Act may be cited as the *Bushfire (Amendment) Act 1993*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Careless Use of Fire Act 1936*.¹

Long title

4. The title of the Principal Act is repealed and the following title substituted:

“An Act relating to bushfire control and for related purposes”.

Short title

5. Section 1 of the Principal Act is amended by omitting “*Careless Use of Fire*” and substituting “*Bushfire*”.

Days of acute fire danger

6. Section 7A of the Principal Act is amended—

- (a) by omitting from subsection (1) “Notwithstanding anything contained in this Act, a” and substituting “A”;
- (b) by omitting subsection (2) and substituting the following subsections:

“(2) Subsection (1) does not apply to—

- (a) a fire lit pursuant to section 5N;
- (b) the lighting, maintenance or use of a fire in accordance with the Manual; or
- (c) subject to subsection (2A), the lighting, maintenance or use of a prescribed class of fire.

“(2A) Where the Minister has published, broadcast or televised a warning under subsection (1), the Minister may in like manner publicly notify conditions imposed on the lighting, maintenance or use of a class of fire prescribed under paragraph (2) (c).

“(2B) A person shall not, without reasonable excuse, contravene a condition publicly notified under subsection (2A).

Penalty:

- (a) if the offender is a natural person—\$1,000;
- (b) if the offender is a body corporate—\$5,000.”; and
- (c) by omitting from subsection (3) “*Broadcasting and Television Act 1942-1966*” and substituting “*Broadcasting Act 1942*”.

Lighting of fires etc. in the open for cooking and other purposes

7. Section 10AA of the Principal Act is amended—

- (a) by omitting from subparagraph (a) (iii) “and” (last occurring); and
- (b) by omitting paragraph (b).

Penalty for burning-off or lighting fires except as authorised

8. Section 10AB of the Principal Act is amended—

- (a) by omitting “, light a fire or use a heating appliance” and substituting “or light a fire”; and
- (b) by omitting “, a fire to be lit or a heating appliance to be used” and substituting “or a fire to be lit”.

Further amendments

9. The Principal Act is amended as set out in Schedule 1.

Amendments of Acts

10. The Acts specified in Schedule 2 are amended as set out in that Schedule.

SCHEDULE 1

Section 9

FURTHER AMENDMENTS

Section 3 (definition of “prescribed period”, paragraph (a))—

Omit “the first day of”, substitute “1”.

Section 3 (definition of “prescribed period”, paragraph (b))—

- (a) Omit “the first day of”, substitute “1”.
- (b) Omit “the last day of”, substitute “31”.

Paragraph 5AC (2) (b)—

Omit “inflammable”, substitute “flammable”.

Subsection 5B (1)—

- (a) Omit “five”, substitute “5”.
- (b) Omit “twelve”, substitute “12”.

Subsection 5B (4)—

Omit “one”, substitute “1”.

Section 5E—

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “his”.

SCHEDULE 1—continued**Section 5F—**

Omit “the last preceding section”, substitute “section 5E”.

Paragraph 5F (c)—

Omit “two”, substitute “2”.

Subsection 5FA (2)—

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “his”.

Subsection 5H (1)—

- (a) Omit “therefrom”, substitute “from such outbreak or spread”.
- (b) Omit “workmen”, substitute “workers”.

Paragraph 5N (1) (a)—

- (a) Omit “workmen”, substitute “workers”.
- (b) Insert “or her” after “his”.

Paragraph 5N (1) (b)—

- (a) Insert “or her” after “his”.
- (b) Insert “or she” after “he” (wherever occurring).

Paragraph 5N (1) (c)—

Insert “or her” after “him”.

Paragraph 5N (1) (d)—

Omit “therefrom”, substitute “from that land or premises”.

Paragraph 5S (2) (b)—

Omit “inflammable”, substitute “flammable”.

Section 6—

- (a) Omit “No person shall”, substitute “A person shall not”.
- (b) Omit “inflammable” (wherever occurring), substitute “flammable”.
- (c) Omit “whereby”, substitute “by which means”.

Section 8—

- (a) Omit “the first day of”, substitute “1”.

SCHEDULE 1—continued

(b) Omit “the thirtieth day of”, substitute “30”.

(c) Omit “-1931”.

Section 9—

Insert “or she” after “he”.

Section 9A—

Omit “on a day or during a period in respect of which a warning is published, broadcast or televised in pursuance of section seven A of this Act”, substitute “where subsection 7A (1) applies”.

Paragraph 9A (a)—

Omit “inflammable”, substitute “flammable”.

Subparagraph 9A (c) (i)—

Insert “or she” after “he”.

Subparagraph 9A (c) (ii)—

(a) Insert “or she” after “he”.

(b) Omit “inflammable”, substitute “flammable”.

Subsection 10 (1)—

(a) Omit “on a day or during a period in respect of which a warning is published, broadcast or televised in pursuance of section seven A of this Act”, substitute “where subsection 7A (1) applies”.

(b) Omit “inflammable”, substitute “flammable”.

(c) Insert “or her” after “his” (first occurring).

Subparagraph 10 (1) (a) (i)—

(a) Insert “or she” after “he”.

(b) Insert “or her” after “his”.

Subparagraph 10 (1) (a) (ii)—

Insert “or she” after “he”.

Subparagraph 10 (1) (b) (i)—

(a) Insert “or she” after “he” (wherever occurring).

(b) Omit “inflammable” (wherever occurring), substitute “flammable”.

SCHEDULE 1—continued

- (c) Omit “therefrom”, substitute “from the flammable material”.
- (d) Omit “twenty-four”, substitute “24”.
- (e) Insert “or her” after “his”.

Subparagraph 10 (1) (b) (ii)—

Insert “or she” after “he”.

Section 10AA—

Omit “on a day or during a period in respect of which a warning is published, broadcast or televised in pursuance of section seven A of this Act”, substitute “where subsection 7A (1) applies”.

Subparagraph 10AA (a) (iii)—

- (a) Omit “seven o’clock in the evening”, substitute “7.00 p.m.”.
- (b) Omit “seven o’clock in the morning”, substitute “7.00 a.m.”.
- (c) Omit “inflammable”, substitute “flammable”.
- (d) Omit “4.50”, substitute “4.5”.

Section 10AB—

- (a) Omit “either section ten or ten AA of this Act”, substitute “section 10 or 10AA”.
- (b) Omit “inflammable” (wherever occurring), substitute “flammable”.

Section 10A—

- (a) Insert “or her” after “his” (wherever occurring).
- (b) Insert “or her” after “him”.
- (c) Insert “or she” after “he”.
- (d) Omit “thereto,”, substitute “to that land,”.
- (e) Omit “thereof”, substitute “of the outbreak”.

Subsection 11 (1)—

- (a) Omit “inflammable”, substitute “flammable”.
- (b) Insert “or her” after “his” (wherever occurring).
- (c) Omit “one”, substitute “1”.

SCHEDULE 1—continued

Subsection 11 (2)—

- (a) Omit “of this section”.
- (b) Insert “or her” after “his”.

Section 13—

Omit “thereto authorized”, substitute “authorised”.

Subsection 14 (1)—

- (a) Omit “thereto authorized”, substitute “authorised”.
- (b) Insert “or her” after “his”.

Subsection 14 (2)—

Insert “or her” after “his”.

Section 15—

Insert “or her” after “him”.

SCHEDULE 2

Section 10

AMENDMENTS OF ACTS

Air Pollution Act 1984

Subsection 27 (3) (definition of “prescribed period”)—

Omit “*Careless Use of Fire*”, substitute “*Bushfire*”.

Section 29—

Omit “*Careless Use of Fire*”, substitute “*Bushfire*”.

Common Boundaries Act 1981

Paragraph 21 (a)—

Omit “*Careless Use of Fire*”, substitute “*Bushfire*”.

Fire Brigade Act 1957

Subsection 8 (2) (definitions of “built-up area” and “the Chief Fire Control Officer”)—

Omit “*Careless Use of Fire Act 1936-1954*”, substitute “*Bushfire Act 1936*”.

SCHEDULE 2—continued***Motor Traffic Act 1936*****Section 188—**

Omit “*Careless Use of Fire Act 1936-1943*”, substitute “*Bushfire Act 1936*”.

Nature Conservation Act 1980**Section 6—**

Omit “*Careless Use of Fire*”, substitute “*Bushfire*”.

Subsection 43 (7)—

Omit “*Careless Use of Fire*”, substitute “*Bushfire*”.

Water Pollution Act 1984**Section 3—**

Omit “*Careless Use of Fire*”, substitute “*Bushfire*”.

NOTE

1. Reprinted as at 30 June 1991.

NOTE ABOUT SECTION HEADING

On the day on which the *Nature Conservation Act 1980* is amended by this Act, the heading to section 6 is omitted and the following heading substituted:

Application of Bushfire Act

[Presentation speech made in Assembly on 16 September 1993]