

1993  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Urban Services)

**Bushfire (Amendment) Bill 1993**

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**A BILL  
FOR**

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

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*.

**5 Commencement**

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

**Principal Act**

10 3. In this Act, "Principal Act" means the *Careless Use of Fire Act 1936*.<sup>1</sup>

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83066 1993/22 (T66/93)

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 The title of the Principal Act is repealed and the following title substituted: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

**5 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—

- 10 (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—

- 15 (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.

20 “(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).

25 “(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
- 30 (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—**

- 5 (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**

- 10 **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.**

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**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".

**SCHEDULE 1—continued****Section 5E—**

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

**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”.

**SCHEDULE 1—continued**

**Section 8—**

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

**SCHEDULE 1—continued**

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

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**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*".

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**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**