

**AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY**

BUSHFIRE (AMENDMENT) ACT 1996

**INSTRUMENT TO EXEMPT LAND USED EXCLUSIVELY FOR
AGRICULTURAL PURPOSES FROM REQUIRING BUSHFIRE FUEL
MANAGEMENT PLANS.**

NO. 187 OF 1997

EXPLANATORY MEMORANDUM

**Circulated by the authority of
Gary Humphries MLA
Minister for Police and Emergency Services**

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Details of the instrument are

As a result of the outcomes of the Bushfire Fuel Management Task Force Report the *Bushfire (Amendment) Act 1996* (the Act) was established by notice in the Gazette on 3 December 1996. The Act governs the requirements for bushfire fuel management planning on bushfire-prone Government land. Section 11B of the Act generally identifies the prescribed uses of land for which the Act will apply, while the Bushfire Regulation more clearly prescribes the specific land uses that will require such plans. Subsection 11B(2) of the Act allows the Minister to exempt specified land from the application of section 11B.

On 16 January 1996 the outcomes of the Bushfire Fuel Management Task Force Report were agreed, with the exception of the recommendation that excluded Rural Lessees from compulsory bushfire fuel management planning. The Minister for Police and Emergency Services wrote to the ACT Rural Lessees' Association and asked to give reason why they should be exempt. On the 12 June 1996, the Minister accepted that land used exclusively for agricultural primary production is used differently from Government managed land and that agricultural and grazing practices reduce bushfire fuels in most cases. The Minister therefore agreed to exempt land under rural lease that gives right of exclusive possession and is used for agricultural primary production purposes (with 'primary production' having the same meaning as in the *Income Tax Assessment Act 1936*).

This instrument is to provide an exemption under subsection 11B(2) of the Act for land under rural lease that gives right of exclusive possession and is used for agricultural primary production purposes from requiring bushfire fuel management plans under the provisions of the Act. The exemption is to commence on its notification in the Gazette.