

CROWN LAND — PERMANENT FIREBREAKS

759. Hon NIGEL HALLETT to the Attorney General representing the Minister for Emergency Services:

- (1) What steps has the government taken to allow landholders to prepare and maintain permanent firebreaks on crown land bordering farming properties?
- (2) When does the minister intend to grant powers for land management agencies, fire authorities and bushfire volunteers to enter crown land for the purpose of extinguishing fires without fear of prosecution?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Emergency Services I thank the honourable member for some notice of the question.

- (1) Landholders are currently permitted to prepare and maintain permanent firebreaks on crown land bordering their property other than road reserves, state forest and timber reserves. Subject to those exceptions, section 34(1) of the Bush Fires Act 1954 allows the owner or occupier of land bordering on crown land to enter upon that crown land to clear firebreaks, provided the firebreaks are no more than three metres wide and are within 200 metres of the landowner's boundary. Section 34 also allows the owner or occupier to burn the bush between those firebreaks and the boundary of their land as long as they obtain a permit from a bush fire control officer under section 34(1AB) and they do not contravene the prohibited and restricted burning periods.
- (2) These powers already exist. This power is provided by section 39A of the Bush Fires Act 1954, when an outbreak of a bushfire has been lit or maintained unlawfully; occurred accidentally; ceased to be under control or is not adequately controlled; or has been declared in the regulations as a bushfire to which this section applies. Bushfire control officers, bush fire brigade officers or bush fire brigade members may, subject to the Bush Fires Act 1954, take charge of the operations for controlling and extinguishing the bushfire or for preventing the spread or extension of the fire. When a bushfire control officer is carrying out a function or duty as set out in section 39A, section 39(1)(c) of the Bush Fires Act 1954 allows them to enter any land, whether or not it is private property.