

# Fire and Emergency Services Amendment Bill 2015

## EXPLANATORY MEMORANDUM

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### OVERVIEW

The purpose of this Bill is to implement Recommendation 3 of *The Report of the Perth Hills Bushfire February 2011 Review* (the Keelty Review).

This recommendation was that;

*The State Government transfer responsibility for declaring bushfire prone areas from local government to the Western Australian Planning Commission. The Western Australian Planning Commission should urgently assess those areas that should be declared bushfire prone.*

It has been determined that the most appropriate legislation to contain provisions regarding the designation of bush fire prone areas was the *Fire and Emergency Services Act 1998* and the designation of such areas should be undertaken by the FES Commissioner.

This will ensure a consistent approach in the designation of bush fire prone areas throughout the State.

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### **CLAUSE 1. SHORT TITLE**

Sets out the name of the Act.

### **CLAUSE 2. COMMENCEMENT**

Clause 2 provides for the Act to come into operation as follows:

- a) sections 1 and 2 on the day the Act receives Royal Assent.
- b) the rest of the Act on the day after Royal Assent is received.

### **CLAUSE 3. ACT AMENDED**

Sets out that the *Fire and Emergency Services Act 1998* is the Act amended by this Act.

### **CLAUSE 4. PART 4A INSERTED**

Clause 4 inserts a new Part 4A which is titled Bush fire prone areas. This new Part contains the proposed section 18P which provides that the FES Commissioner may by order published in the *Gazette* designate areas of the State as being bush fire prone areas if satisfied the area is subject, or likely to be subject, to bush fires.

The FES Commissioner will also have the ability to amend or revoke a such an order by publishing a further order in the *Gazette*.

A proposed development within an area designated as bush fire prone will require an assessment of the bush fire attack level. This assessment will then inform the standard of the proposed development to align to the Australian Standard, AS3959.