

Bush Fires Amendment Bill 2016

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Western Australia

LEGISLATIVE ASSEMBLY

Bush Fires Amendment Bill 2016

A Bill for

An Act to amend the *Bush Fires Act 1954*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Bush Fires Amendment Act 2016*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
7 (b) the rest of the Act — on a day fixed by proclamation.

8 **3. Act amended**

9 This Act amends the *Bush Fires Act 1954*.

10 **4. Part III Division 7 inserted**

11 At the end of Part III insert:
12

13 **Division 7 — Bush fire risk treatment standards**

14 **35AA. FES Commissioner may make bush fire risk**
15 **treatment standards**

- 16 (1) The FES Commissioner may make standards (*bush fire*
17 *risk treatment standards*) specifying measures for —
18 (a) preventing the outbreak of a bush fire or the
19 spread or extension of a bush fire; and
20 (b) mitigating the effects of a bush fire on any
21 property.
- 22 (2) The measures that may be specified in bush fire risk
23 treatment standards are —
24 (a) all or any of the things mentioned in
25 section 33(1)(a) and (b); and

- 1 (b) any other measures the FES Commissioner
2 considers appropriate.
- 3 (3) Bush fire risk treatment standards may apply to —
4 (a) the whole of the State; or
5 (b) one or more specified areas of the State.
- 6 (4) The FES Commissioner may amend bush fire risk
7 treatment standards or revoke them and make new bush
8 fire risk treatment standards.
- 9 (5) If the FES Commissioner makes bush fire risk
10 treatment standards, the FES Commissioner must
11 publish those standards and any amendment or
12 revocation of them —
13 (a) in a newspaper circulating throughout the State
14 or the relevant areas of the State, as the case
15 requires; or
16 (b) on a website maintained by the FES
17 Commissioner; or
18 (c) as the FES Commissioner otherwise considers
19 appropriate.
- 20 (6) The FES Commissioner must consult with the Minister
21 before making, amending or revoking any bush fire
22 risk treatment standards.

23 **35AB. Compliance with bush fire risk treatment standards**

- 24 (1) In this section —
25 *bush fire risk treatment standards* means bush fire risk
26 treatment standards published under section 35AA(5);
27 *owner or occupier of land* includes a department of the
28 Public Service that occupies land or a State agency or
29 instrumentality that owns or occupies land.

s. 5

- 1 (2) An owner or occupier of land may comply with bush
2 fire risk treatment standards that apply to the land, but
3 is not required to do so.
- 4 (3) Subsection (2) does not authorise an owner or occupier
5 of land to comply with bush fire risk treatment
6 standards that apply to the land if that compliance
7 would result in the owner or occupier failing to comply
8 with —
- 9 (a) another provision of this Act that has effect in
10 relation to the land; or
- 11 (b) a provision of another written law that has
12 effect in relation to the land and that is
13 prescribed by the regulations for the purposes
14 of this subsection; or
- 15 (c) local laws referred to in section 33(5a) that
16 apply to the land.
- 17 (4) Except as provided in subsection (3), an owner or
18 occupier of land may comply with bush fire risk
19 treatment standards that apply to the land despite any
20 other written law.
- 21

22 **5. Section 35A amended**

23 In section 35A in the definition of *normal brigade activities*
24 paragraph (c) delete “section 33(1) or a local law made under
25 section 33(5a);” and insert:

26

27 section 33(1), 34(2) or 35(1), a local law made under
28 section 33(5a) or bush fire risk treatment standards published
29 under section 35AA(5);

30

1 **6. Section 65 amended**

2 In section 65(2):

3 (a) after paragraph (b) insert:

4

5 (ca) a copy purporting to be a true copy of bush fire
6 risk treatment standards published under
7 section 35AA(5) certified as such by the FES
8 Commissioner; or

9

10 (b) delete “order or notice,” and insert:

11

12 order, notice or standard,

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14

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