

South Australia

Statutes Amendment (Bushfire Summit Recommendations) Act 2003

An Act to amend the *Country Fires Act 1989* and the *South Australian Metropolitan Fire Service Act 1936*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Bushfire Summit Recommendations) Act 2003*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Country Fires Act 1989*

4—Amendment of section 34—Fire prevention officers

Section 34(4)—after "functions" first occurring insert:

under this Act

5—Amendment of section 36—Fires during fire danger season

Section 36(1), penalty provision—after the penalty insert:

Expiation fee: if the offence is a prescribed offence—Division 7 fee.

6—Amendment of section 40—Private land

(1) Section 40(4)—delete subsection (4) and substitute:

(4) If—

- (a) an owner of private land fails to comply with subsection (2);
or
- (b) a responsible authority believes that conditions on private land are such as to cause an unreasonable risk of the outbreak of fire on the land, or the spread of fire through the land,

the responsible authority may, by notice in writing, require the owner to take specified action to remedy the default, or eliminate or reduce the risk, within such time as may be specified in the notice.

(2) Section 40(5)—delete ", without reasonable excuse,"

(3) Section 40(5), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of a person who wilfully fails to comply with a notice—
\$10 000;
- (b) in any other case—\$1 250.

Expiation fee: except in the case of a person who wilfully fails to comply with a notice—\$160.

7—Amendment of section 45—Fire extinguishers to be carried on caravans

Section 45, penalty provision—after the penalty insert:

Expiation fee: Division 8 fee.

8—Amendment of section 46—Restriction on the use of certain appliances etc

Section 46, penalty provision—after the penalty insert:

Expiation fee: if the offence is a prescribed offence—Division 7 fee.

9—Amendment of section 47—Burning objects and material

Section 47(1), penalty provision—after the penalty insert:

Expiation fee: Division 8 fee.

10—Insertion of section 62A

After section 62 insert:

62A—Giving of expiation notices

A council may not authorise a person (under section 6(3)(b) of the *Expiation of Offences Act 1996*) to give expiation notices for alleged offences under this Act unless the person is a fire prevention officer.

Part 3—Amendment of *South Australian Metropolitan Fire Service Act 1936*

11—Amendment of section 60B—Fire prevention on private land

- (1) Section 60B(4)—delete ", without reasonable excuse,"
- (2) Section 60B(4), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of a person who wilfully fails to comply with a notice—\$10 000;
- (b) in any other case—\$1 250.

Expiation fee: except in the case of a person who wilfully fails to comply with a notice—\$160.