

Legislative Council—No 148A

As reported with amendments and an amended title, report adopted, Standing Orders suspended and passed remaining stages, 27 October 2021

South Australia

**Fire and Emergency Services (Bushfires)
Amendment Bill 2021**

A BILL FOR

An Act to amend the *Fire and Emergency Services Act 2005*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Fire and Emergency Services (Bushfires) Amendment Act 2021*.

2—Commencement

This Act comes into operation 3 months after the day on which it is assented to by the Governor.

3—Amendment provisions

- 10 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 *Fire and Emergency Services Act 2005*

4—Amendment of section 3—Interpretation

- 15 (1) Section 3(1)—after the definition of *owner* insert:
 - non-burn fuel reduction and management* means actions including slashing, mulching, clearing, thinning, grazing or earthworks (including establishment and maintenance of asset protection zones, bushfire buffer zones, firebreaks and fire access tracks) for the purpose of reducing or managing fuel loads;
- 20 (2) Section 3(1)—after the definition of *owner* insert:
 - prescribed burn* means the planned use of fire in a particular area (whether on public or private land) for the purpose of reducing fuel loads to acceptable levels;

(3) Section 3—after the definition of *spouse* insert:

State Bushfire Management Plan means the State Bushfire Management Plan prepared under section 73, as in force from time to time;

State-wide Plan for Conducting Prescribed Burns means the part of the State Bushfire Management Plan referred to in section 73(4a), as in force from time to time;

5—Amendment of section 71A—Functions of State Bushfire Coordination Committee

Section 71A(1)—after paragraph (c) insert:

(ca) to advise the State Emergency Management Committee in relation to the bushfire prevention and management (including planning and execution of prescribed burns);

6—Amendment of section 71E—Annual reports

Section 71E—after subsection (1) insert:

(1a) Without limiting subsection (1), the annual report of the State Bushfire Coordination Committee must include information setting out—

(a) the annual programme for implementation of the State-wide Plan for Prescribed Burns, set out in the report by the State Bushfire Coordination Committee under section 71G, including—

(i) information on the human resources and physical assets required to implement the plan in the present and future years; and

(ii) the ways in which such resources and assets will be deployed; and

(b) the contribution of the State Bushfire Coordination Committee and bushfire management committees in implementing the State-wide Plan for Conducting Prescribed Burns during the preceding financial year (including information relating to their contribution to non-burn fuel reduction and management if relevant); and

(c) any impediments to full implementation of the State-wide Plan for Conducting Prescribed Burns during the preceding financial year of which the State Bushfire Coordination Committee became aware; and

(d) the developments (if any) in emerging technologies to prevent, detect, warn and respond to bushfires during the preceding financial year; and

(e) the extent to which such emerging technologies have been examined and trialled in the State during the preceding financial year, or are proposed to be examined and trialled in the current financial year; and

- (f) a summary of the measures referred to in section 73A(3)(ca) and (cb) identified by the bushfire management committees in their Bushfire Management Area Plans; and
- (g) a summary of the report prepared by the State Bushfire Coordination Committee under section 71G; and
- (h) any other matter required by the regulations.

7—Insertion of sections 71G and 71H

After section 71F insert:

71G—State Bushfire Coordination Committee to prepare report on certain bushfire measures

- (1) The State Bushfire Coordination Committee must, on or before 31 July in each year, provide to the Minister a report setting out, in respect of each bushfire management area—
 - (a) the measures (including planning measures) undertaken in the bushfire management area during the preceding financial year for the purposes of reducing the incidence and severity of bushfires in the bushfire management area; and
 - (b) details of each prescribed burn conducted during the preceding financial year in the bushfire management area; and
 - (c) the extent to which the State-wide Plan for Conducting Prescribed Burns was implemented in respect of the bushfire management area during the preceding financial year; and
 - (d) any impediments that prevented the successful completion of prescribed burns in the bushfire management area in accordance with the State-wide Plan for Conducting Prescribed Burns during the preceding financial year; and
 - (e) any measures (including planning measures) proposed for the current and future financial years for the purposes of reducing the incidence and severity of bushfires in the bushfire management area; and
 - (f) any other information required by the regulations.
- (2) Without limiting the matters that may be included in the report, the report must—
 - (a) include a description of measures taken, or proposed to be taken, to prevent, detect, warn and respond to bushfires in the relevant bushfire management area; and
 - (b) comply with any other requirements prescribed by or under this Act or the regulations.
- (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

71H—State Bushfire Coordination Committee may require report etc from State authorities

- 5 (1) The State Bushfire Coordination Committee may, by notice in writing and for the purposes of preparing a report under section 71G, require a State authority to provide to the State Bushfire Coordination Committee such information or documents as may be specified in the notice.
- 10 (2) The State authority must provide the information or documents in the manner and form, and within the period, specified in the notice.
- 15 (3) If a State authority has not complied with a requirement under this section, the State Bushfire Coordination Committee may require the State authority to provide to the State Bushfire Coordination Committee within a specified period a report setting out the reasons for non-compliance.
- 20 (4) The State Bushfire Coordination Committee may, on receiving a report under subsection (3), prepare a report to the Minister setting out—
- (a) a copy of the State authority's report under subsection (3); and
 - (b) the views of the State Bushfire Coordination Committee in respect of the State authority's non-compliance.
- 25 (5) The Minister must, on receiving a report under subsection (4), prepare a report to Parliament setting out—
- (a) the Minister's response to the State Bushfire Coordination Committee's report; and
 - (b) any other information required by the regulations.
- 30 (6) The Minister must, within 6 sitting days after completing a report under subsection (5), cause a copy of both the report and the State Bushfire Coordination Committee's report under subsection (4) to be laid before both Houses of Parliament.
- (7) In this section—
- State authority** means—
- (a) an administrative unit of the Public Service; or
 - (b) an agency or instrumentality of the Crown; or
 - 35 (c) a person who holds an office established by an Act; or
 - (d) South Australia Police; or
 - (e) a local council constituted under the *Local Government Act 1999*; or
 - (f) a public sector agency; or
 - 40 (g) any other person or body declared by the regulations to be a State authority,

but does not include a person or body declared by the regulations to be excluded from the ambit of this definition.

8—Amendment of section 73—State Bushfire Management Plan

Section 73—after subsection (4) insert:

- 5 (4a) Without limiting subsection (2), the plan must contain a plan (the *State-wide Plan for Conducting Prescribed Burns*) that sets out the principles, criteria and methodology—
- (a) relating to—
- 10 (i) the conduct of prescribed burns on an annual basis to meet community safety needs and environmental objectives; and
- (ii) a burns programme that ensures an ecologically sustainable cycle of patchwork burns to keep fuel loads at acceptable levels; and
- 15 (iii) any non-burn fuel reduction and management strategies; and
- (b) against which an annual programme for implementation of the State-wide Plan for Conducting Prescribed Burns will be implemented and contained in the reports by the State Bushfire Coordination Committee under section 71E and 71G.
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9—Amendment of section 73A—Bushfire Management Area Plans

(1) Section 73A(3)—after paragraph (c) insert:

- 25 (ca) identify any measures taken, or proposed to be taken, by SACFS to prevent, detect, warn of and respond to bushfires within its area; and
- (cb) identify measures that should be taken by persons, agencies and authorities to reduce the incidence of deliberately lit bushfires within its area; and

(2) Section 73A(4)(a)—after "Plan" insert:

30 (including the State-wide Plan for Prescribed Burns)