



Western Australia

## **Bush Fires Amendment Act 2016**

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As at 21 Sep 2016

No. 27 of 2016

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## **Bush Fires Amendment Act 2016**

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## **Bush Fires Amendment Act 2016**

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**No. 27 of 2016**

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

*[Assented to 21 September 2016]*

The Parliament of Western Australia enacts as follows:

**s. 1**

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**1. Short title**

This is the *Bush Fires Amendment Act 2016*.

**2. Commencement**

This Act comes into operation as follows —

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

**3. Act amended**

This Act amends the *Bush Fires Act 1954*.

**4. Part III Division 7 inserted**

At the end of Part III insert:

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

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

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

- (b) any other measures the FES Commissioner considers appropriate.
- (3) Bush fire risk treatment standards may apply to —
  - (a) the whole of the State; or
  - (b) one or more specified areas of the State.
- (4) The FES Commissioner may amend bush fire risk treatment standards or revoke them and make new bush fire risk treatment standards.
- (5) If the FES Commissioner makes bush fire risk treatment standards, the FES Commissioner must publish those standards and any amendment or revocation of them —
  - (a) in a newspaper circulating throughout the State or the relevant areas of the State, as the case requires; or
  - (b) on a website maintained by the FES Commissioner; or
  - (c) as the FES Commissioner otherwise considers appropriate.
- (6) The FES Commissioner must consult with the Minister before making, amending or revoking any bush fire risk treatment standards.
- (7) The *Interpretation Act 1984* section 42 applies to and in relation to the bush fire risk treatment standards as if they were regulations.

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

- (1) In this section —  
*bush fire risk treatment standards* means bush fire risk treatment standards published under section 35AA(5);

***owner or occupier of land*** includes a department of the Public Service that occupies land or a State agency or instrumentality that owns or occupies land.

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

**5. Section 35A amended**

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

section 33(1), 34(2) or 35(1) or a local law made under section 33(5a);



**6. Section 65 amended**

In section 65(2):

(a) after paragraph (b) insert:

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

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

order, notice or standard,

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