

TASMANIA

BUSHFIRE MITIGATION MEASURES BILL 2020

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SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF THE BMM PANEL

BUSHFIRE MITIGATION MEASURES BILL 2020

(Brought in by the Premier, the Honourable Peter Carl Gutwein)

A BILL FOR

An Act to provide for the mitigation of the risk of the occurrence, spread and severity of bushfires and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Bushfire Mitigation Measures Act 2020*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act –

approved means approved by the BMM Panel;

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authorised officer means an officer of the TFS authorised in writing by the Chief Officer;

BMP means a bushfire mitigation plan referred to in section 10;

BMM Panel means the Bushfire Mitigation Measures Panel established under section 7;

brigade has the same meaning as in the *Fire Service Act 1979*;

bushfire hazard reduction notice means a notice issued under section 19;

bushfire mitigation measures means the measures specified in section 5;

bushfire-prone area means –

- (a) land that is within the boundary of an area shown as being a bushfire-prone on an overlay on a planning scheme map; or
- (b) where there is no overlay on a planning scheme map, land that is within 100 metres of an area of bushfire-prone vegetation equal to or greater than one hectare;

bushfire-prone vegetation means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks or gardens, nature strips, plant

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nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes;

Chief Officer means the Chief Officer appointed under section 10 of the *Fire Service Act 1979*;

council-owned company means a company incorporated under the Corporations Act that is controlled by one or more local councils or by another company that is so controlled;

Director, Environment Protection Authority means the Director, Environment Protection Authority appointed under section 18 of the *Environmental Management and Pollution Control Act 1994*;

Forestry corporation means the Forestry corporation continued by section 6 of the *Forest Management Act 2013*;

Government Business Enterprise means a Government Business Enterprise within the meaning of the *Government Business Enterprises Act 1995*;

guidelines means guidelines issued by the relevant Minister under section 33;

local council means a council within the meaning of the *Local Government Act 1993*;

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occupier includes a person having the care, control or management of any land or premises;

owner means –

- (a) in the case of a fee simple estate in land, the person in whom that estate vested; or
- (b) in the case of land not registered under the *Land Titles Act 1980* and subject to a mortgage, the person having, for the time being, the equity of redemption in that mortgage; or
- (c) in the case of land held under a tenancy for life, the person who is the life tenant; or
- (d) in the case of land held under a lease for a term of not less than 99 years or for a term of not less than such other prescribed period, the person who is the lessee of the land; or
- (e) in the case of land in respect of which a person has a prescribed interest, that person; or
- (f) in the case of Crown land within the meaning of the *Crown Lands Act 1976*, the Crown in right of the State of Tasmania –

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but does not include the holder of an interest in land other than the Crown in right of Tasmania if the interest of the holder cannot reasonably be discovered by a search of the Register, within the meaning of the *Land Titles Act 1980*, or a search conducted at the Registry, within the meaning of the *Registration of Deeds Act 1935*;

public authority means any of the following:

- (a) a State Service Agency;
- (b) the University of Tasmania;
- (c) the Police Service;
- (d) a local council;
- (e) a statutory authority;
- (f) a body, whether corporate or unincorporate, that is established by or under an Act for a public purpose;
- (g) a body whose members, or a majority of whose members, are appointed by the Governor or a Minister of the Crown;
- (h) a Government Business Enterprise;
- (i) a council-owned company;
- (j) a State-owned company;

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State Fire Commission means the State Fire Commission established under section 7 of the *Fire Service Act 1979*;

State-owned company means a company incorporated under the Corporations Act that is controlled by –

- (a) the Crown; or
- (b) a Government Business Enterprise; or
- (c) a statutory authority; or
- (d) another company that is so controlled;

statutory authority means a body or authority, whether corporate or unincorporate, that is established or constituted by or under an Act or under the royal prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister or another statutory authority but does not include a State Service Agency;

TFS means the Tasmania Fire Service established under section 6 of the *Fire Service Act 1979*.

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4. Object of Act

The object of this Act is to facilitate the mitigation of the risk of bushfires whilst balancing natural and cultural heritage values.

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PART 2 – OBLIGATION TO MITIGATE BUSHFIRES

5. Bushfire mitigation measures

- (1) For the purposes of this Act, bushfire mitigation measures are measures taken for the strategic reduction of the risk and consequences of bushfires.
- (2) Bushfire mitigation measures include measures for –
 - (a) preventing bushfires; and
 - (b) minimising the spread of bushfires; and
 - (c) protecting life and property from bushfires.
- (3) Bushfire mitigation measures must comply with any relevant standards issued by the Chief Officer.

6. Duty to mitigate risk of bushfires

- (1) It is the duty of a public authority to take bushfire mitigation measures, having regard to any relevant guidelines and any BMP, to mitigate the risk of the occurrence of bushfires on, and to minimise the danger of the spread of a bushfire on or from:
 - (a) any land vested in or under its control or management, or

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- (b) any highway, road, street, land or thoroughfare, the maintenance of which is charged on the authority.
- (2) It is the duty of the occupier of land to take bushfire mitigation measures, having regard to any relevant guidelines and any BMP, to mitigate the risk of the occurrence of bushfires on, and to minimise the danger of the spread of bush fires on or from, that land.
- (3) A public authority or occupier is liable for the costs incurred by it in performing the duty imposed by this section.

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**PART 3 – BUSHFIRE MITIGATION MEASURES
PANEL**

7. Bushfire Mitigation Measures Panel

- (1) The Bushfire Mitigation Measures Panel is established.
- (2) The BMM Panel is made up of –
 - (a) the Secretary of the Department of Police, Fire and Emergency Management or his or her delegate; and
 - (b) the Secretary of the Department of Premier and Cabinet or his or her delegate; and
 - (c) the Director, Environment Protection Authority; and
 - (d) a person nominated by the Local Government Association of Tasmania; and
 - (e) a suitably qualified person appointed by the Minister.
- (3) Schedule 1 has effect with respect to membership and meetings of the BMM Panel.

8. Functions of BMM Panel

The functions of the BMM Panel are to –

- (a) consider any BMP submitted to it and approve the BMP in accordance with

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Part 4 if it considers it appropriate to do so; and

- (b) hear and determine appeals against bushfire hazard reduction notices issued under section 19.

9. Powers of BMM Panel

The BMM Panel has all the powers necessary or desirable to fulfil its functions under this Act, including power to –

- (a) request additional information in support of an application under this Act and require that information to be verified by statutory declaration; and
- (b) make whatever inquiries the BMM Panel considers appropriate in order to clarify any matter related to an application; and
- (c) require expert advice from the TFS or other body that the BMM Panel considers suitably qualified to assist in assessing an application.

PART 4 – BUSHFIRE MITIGATION PLANS

10. Bushfire Mitigation Plans

- (1) A bushfire mitigation plan for any land is to specify the bushfire mitigation measures that may be undertaken in respect of that land.
- (2) A BMP is to provide for the maintenance of bushfire mitigation measures to provide for the on-going prevention, or minimisation of risk, of bushfires and for the protection of life and property.
- (3) A BMP is to contain any details that may be specified in guidelines.

11. BMP may relate to more than one parcel of land

- (1) A BMP may relate to more than one parcel of land.
- (2) Where a BMP relates to more than one parcel of land with different owners, the owner of each parcel must consent in writing to the BMP before it is submitted for approval in accordance with section 12.

12. Applications to Panel

- (1) A person may apply to the BMM Panel for approval of a BMP in respect of land in a bushfire-prone area.

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- (2) An application in respect of certain land may be made by –
- (a) the owner of the land; or
 - (b) the occupier of the land, with the written consent of the owner; or
 - (c) the Chief Officer or an authorised officer; or
 - (d) a public authority if the land is vested in it or under its control or management.
- (3) An application is to be –
- (a) accompanied by the prescribed fee, if any; and
 - (b) in writing and in a form approved by the BMM Panel.

13. Endorsement of BMP

- (1) Before it is submitted to the BMM Panel for approval, a BMP must be submitted for endorsement to the Chief Officer.
- (2) If the Chief Officer is satisfied that the BMP specifies appropriate bushfire mitigation measures and complies with any relevant standards issued by the Chief Officer, he she or it may endorse the BMP.
- (3) An endorsement under this section is to be in a form approved by the BMM Panel.

14. Factors to be considered by BMM Panel

- (1) The BMM Panel must not approve a BMP in respect of any land unless it is satisfied of the following:
 - (a) that the land is in a bushfire-prone area;
 - (b) that works to be carried out in accordance with the BMP are solely for the mitigation of the risk of bushfires and not for any other purpose such as agricultural burning or the clearing of vegetation;
 - (c) that it is in the public interest;
 - (d) that the BMP is in accordance with any relevant guidelines;
 - (e) that the BMP has been endorsed under section 13.
- (2) The BMM Panel may take into account the following matters:
 - (a) the strategic value of the proposed bushfire mitigation measures in preventing the occurrence, stopping the spread and facilitating the suppression, of bushfires;
 - (b) the objects of this Act;
 - (c) any other factor that the BMM Panel considers relevant.

15. Approval of BMP by BMM Panel

- (1) The BMM Panel is to consider an application to approve a BMP as soon as practicable after the application is received.
- (2) After considering a BMP, the BMM Panel may –
 - (a) approve the BMP, with or without conditions; or
 - (b) refuse to approve the BMP.
- (3) The BMM Panel must not impose conditions that alter the bushfire mitigation measures contained in a BMP.
- (4) If the BMM Panel approves a BMP, the Panel is to –
 - (a) issue a certificate to that effect; and
 - (b) provide the Chief Officer with a copy of the certificate and approved BMP.

16. Exemption from other Acts

- (1) Subject to subsection (2), if the BMM Panel approves a BMP in respect of land, bushfire mitigation measures may be undertaken on that land in accordance with the BMP despite any requirement under an Act for a licence, approval, permit, consent or other authorisation for the work and despite any covenant or other restriction.

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- (2) Subsection (1) applies only in respect of bushfire mitigation measures that are carried out on land in accordance with the approved BMP and any conditions to which it is subject.
- (3) Where a licence, approval, permit, consent or other authorisation or a covenant or other restriction is inconsistent with an approved BMP, the approved BMP prevails to the extent of the inconsistency.
- (4) The regulations may prescribe that any land, or class of land, or a licence, approval, permit, consent or other authorisation, or a covenant or other restriction, is to be excluded from the application of this section.

17. Duration of approval

An approval remains in force for such period, not exceeding 5 years, as is specified in the approval.

18. Register of approved BMPs

- (1) The Chief Officer is to maintain a register of approved BMPs.
- (2) On the written request of any person and on payment of any prescribed fee, the Chief Officer is to provide the person with a copy of an approved BMP and the certificate issued under section 15(4)(a).

**PART 5 – BUSHFIRE HAZARD REDUCTION NOTICES
AND FUEL-BREAKS**

19. Bushfire hazard reduction notices

- (1) The Chief Officer may issue a bushfire hazard reduction notice if in the opinion of an authorised officer –
- (a) any hedge, vegetation, rubbish, or similar matter in or on any land or premises is in such a condition, or, if permitted to remain in or on the land or premises, would become in such a condition, as to constitute a bushfire danger; or
 - (b) the occupier of any land has failed to comply with his or her duty under section 6; or
 - (c) the formation of a fuel-break is necessary or desirable to arrest the spread, or facilitate the suppression, of bushfires that may occur in any part of the State.
- (2) A local council may issue a bushfire hazard reduction notice requiring the formation of a fuel-break in respect of land in its municipal area if it considers that a fuel-break is necessary or desirable to arrest the spread, or to facilitate the suppression, of bushfires.
- (3) A bushfire hazard reduction notice is to be –
- (a) in an approved form; and

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- (b) served on the occupier of the land or premises.
- (4) A bushfire hazard reduction notice may require the occupier to carry out such bushfire mitigation measures, or form such fuel-breaks, as may be specified in the notice.
- (5) An occupier to whom a notice issued under subsection (2) is given must comply with the notice within such period as is specified in it, or such other period as may be specified under section 22(4) or section 23(5).

Penalty: Fine not exceeding 26 penalty units.

- (6) The owner of any land or premises which is unoccupied is taken to be the occupier for the purpose of this section.

20. State Fire Commission or council may make arrangements for fuel-break

- (1) Where a person fails to comply with a bushfire hazard reduction notice issued under section 19(1)(c) or section 19(2), the State Fire Commission or a local council may make arrangements with any person or the holder of a particular office for the formation or maintenance of a fuel-break.
- (2) A reference in this section to the formation of a fuel-break includes a reference to the clearing of the means of access to a fuel-break formed or to be formed.

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21. Cost recovery where notice not complied with

- (1) If an occupier of land on whom a notice is served under section 19(3), or a local council to which notice is given under section 24, fails or refuses to comply with the notice –
 - (a) members of a brigade, authorised by the Chief Officer for the purpose, may enter the land and carry out the specified bushfire mitigation measures or the formation of the specified fuel-breaks; and
 - (b) the Chief Officer may make arrangements with any person or the holder of a particular office to enter the land and carry out the specified bushfire mitigation measures or the formation of the specified fuel-breaks.
- (2) The expenses incurred by the State Fire Commission in exercising the powers referred to in subsection (1) are a debt due from the occupier or the council, as the case may be, to the State Fire Commission and are recoverable in a court of competent jurisdiction.
- (3) In any proceedings brought by the State Fire Commission under subsection (2), the court may decline to make an order for the recovery of the amount referred to in that subsection if the person or council against whom the proceedings are brought satisfies the court that he, she or it took all reasonable steps to comply with the notice or that it was reasonable in all the

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circumstances that he, she or it did not comply with the notice.

- (4) If, having regard to the circumstances of any particular case, the State Fire Commission considers it reasonable to do so, the State Fire Commission may waive the whole or any part of a debt otherwise recoverable under this section.

22. Objection against notice

- (1) A person on whom a bushfire hazard reduction notice has been served may lodge a written objection with the Chief Officer within 7 days of the service of the notice stating the grounds of objection.

- (2) If –

(a) a person lodges an objection in accordance with subsection (1); and

(b) the Chief Officer, having regard to any BMP and any relevant guidelines, considers the grounds of objection to be reasonable –

the Chief Officer must –

- (c) consult with –

(i) the person; and

(ii) in the case of an objection against a notice issued by a local council, the local council; and

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- (d) make a genuine attempt to resolve the matter that is the subject of the bushfire hazard reduction notice.
 - (3) Within 7 days of the lodging of an objection the Chief Officer must –
 - (a) confirm the notice; or
 - (b) vary the notice, if the Chief Officer is satisfied that the variation will appropriately address the threat of bushfire; or
 - (c) withdraw the notice.
 - (4) If the Chief Officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.
 - (5) The Chief Officer may delegate to an authorised officer his or her functions under this section.

23. Appeal against notices

- (1) If a person has lodged an objection under section 22 and –
 - (a) the Chief Officer has failed to confirm, vary or withdraw the notice within 7 days; or
 - (b) the person is not satisfied with the confirmation or variation of the notice –

the person may appeal in writing to the BMM Panel within 7 days after the end of that 7 day

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period or the date of the confirmation or variation, whichever is earlier, stating the grounds of appeal.

- (2) An appeal is to be in writing in a form approved by the BMM Panel.
- (3) The BMM Panel –
 - (a) is to consider the appeal as soon as reasonably practicable; and
 - (b) is to have regard to any BMP and any relevant guidelines; and
 - (c) may take into account any matter it considers relevant.
- (4) After considering the appeal, the BMM Panel must –
 - (a) confirm the notice; or
 - (b) cancel the notice.
- (5) If the BMM Panel confirms the notice, the Panel must specify a new period within which the appellant must comply with the notice.
- (6) If the BMM Panel cancels a notice, the Panel must provide written reasons for the cancellation to –
 - (a) the appellant; and
 - (b) the Chief Officer; and

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- (c) in the case of a notice issued by a local council, the local council.

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PART 6 – MISCELLANEOUS

24. Bushfire danger may be treated as nuisance

Where the Chief Officer or an authorised officer reasonably considers that there is on any land any plant growth, structure, material or thing that constitutes, or may constitute, a bushfire danger, the Chief Officer or authorised officer may, by notice in writing given to the local council of the municipal area in which that land is situated, require that local council to deal with the bushfire danger, within such reasonable period of not less than 30 days as is specified in the notice, as if that bushfire danger were a nuisance under the *Local Government Act 1993*.

25. Inspection of land and premises

An authorised officer, in order to determine whether –

- (a) a bushfire hazard reduction notice may be required; or
- (b) the terms of an approved BMP have been, or are being, complied with –

may enter and inspect any land or premises in a bushfire-prone area, together with such other persons as he or she considers necessary.

26. Evidence as to certain matters

(1) In proceedings for an offence alleged to have been committed under this Act or for the recovery of any amount alleged to be due under this Act, an averment in a complaint that –

- (a) any land or premises is, or was at any time, situated in or outside an operational district, within the meaning of the *Fire Service Act 1979*;
- (b) any person is, or was at any time, the owner or occupier of any land or premises;
- (c) any person is, or was at any time, the agent of the owner or occupier of any land or premises; or
- (d) any person is, or was at any time, the owner or person in charge of any property –

is, until the contrary is established, *prima facie* evidence of those matters.

(2) Where, in any proceedings for an offence alleged to have been committed under this Act, it is necessary to prove that any report or recommendation was made to the State Fire Commission, evidence that that report or recommendation was so made may be given in those proceedings by the production of a document that –

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- (a) purports to be a copy of that report or recommendation; and
- (b) includes a certificate purporting to be signed by the Chief Officer –
 - (i) stating that the document is a true copy of that report or recommendation; and
 - (ii) specifying the date on which that report or recommendation was made to the State Fire Commission.

27. Substituted service

- (1) A person may apply to a magistrate for an order for substituted service of a bushfire hazard reduction notice if the occupier of the relevant land cannot be found.
- (2) An application for an order for substituted service is to be –
 - (a) in writing; and
 - (b) supported by an affidavit setting out particulars of the applicant's efforts to find the occupier of the relevant land.
- (3) A magistrate may make an order for substituted service if satisfied that the applicant cannot find the owner of the subject land, or other person whose agreement to the entry on the subject land is required, despite making a reasonable attempt to do so.

28. Recovery and appropriation of charges

- (1) A charge payable to the State Fire Commission under this Act may be recovered in a court of competent jurisdiction as a debt due to the State Fire Commission.
- (2) All charges recovered by the State Fire Commission are to be applied in payment of its expenses under this Act.

29. Damage caused by brigade

Any damage to property caused by a brigade in the lawful execution of any power conferred by this Act is taken to be damage by fire, within the meaning of a policy of insurance against fire, covering the property so damaged, notwithstanding anything in that policy to the contrary.

30. Proceedings to be heard by magistrate

Proceedings in respect of an offence against this Act are to be heard and determined by a magistrate sitting alone.

31. Protection from liability

The State Fire Commission, a brigade and a member of the BMM Panel do not incur any personal liability for any act done or purported or omitted to be done by it, him or her in good faith in the performance or exercise or purported

performance or exercise of any functions or powers under this Act.

32. Relationship with *Fire Service Act 1979*

If a provision of this Act is inconsistent with a provision of the *Fire Service Act 1979*, the provision of this Act prevails to the extent of the inconsistency.

33. Guidelines

(1) In this section –

relevant Minister means –

- (a) the Minister responsible for the administration of this Act; or
 - (b) in respect of public land, the Minister responsible for the management of that land.
- (2) The relevant Minister may, after consultation with the State Fire Commission and any other person the relevant Minister considers appropriate, issue guidelines for the purposes of this Act.
- (3) The relevant Minister may amend, revoke or substitute the guidelines.
- (4) The relevant Minister must cause guidelines, an amendment of guidelines or substituted guidelines to be laid before each House of Parliament within the first 5 sitting-days of that

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House after the day on which the guidelines, the amendment of guidelines or the substituted guidelines take effect.

- (5) Either House of Parliament may pass a resolution disallowing guidelines, an amendment of guidelines or substituted guidelines within 5 sitting-days after the guidelines, the amendment of guidelines or the substituted guidelines have been laid before it.
- (6) If a House of Parliament passes a motion to disallow guidelines, an amendment of guidelines or substituted guidelines –
- (a) the guidelines, amendment of guidelines or substituted guidelines are void on and from the date of the passing of the motion of disallowance; but
 - (b) the passing of the motion of disallowance does not affect the validity of anything done under the guidelines, the amendment of guidelines or the substituted guidelines before the date of the passing of that motion.
- (7) If at the expiration of 5 sitting-days after the guidelines, an amendment of guidelines or the substituted guidelines are laid before either House of Parliament, no notice has been given of a motion to disallow the guidelines, the amendment of guidelines or the substituted guidelines, or, if such notice has been given, the notice has been withdrawn or the motion has been negatived, the guidelines, the amendment

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of guidelines or the substituted guidelines are taken to have been confirmed by that House.

- (8) The relevant Minister is to ensure that the guidelines, as in force, are published on the website of the Department and made available to the public in any other manner the relevant Minister considers appropriate.
- (9) The guidelines are not –
 - (a) statutory rules for the purposes of the *Rules Publication Act 1953*; or
 - (b) subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

34. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may be made in relation to one or more of the following:
 - (a) fees and charges payable in respect of any matter under this Act;
 - (b) the costs of proceedings under this Act and the recovery of those costs;
 - (c) matters that may be specified, or included, in the guidelines;

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- (d) matters that are specified in this Act as being matters to be contained in the guidelines.
- (3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

35. Review of Act

The Minister is to review the operation of this Act as soon as practicable after the period of 3 years after the commencement of this Act.

36. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Police, Fire and Emergency Management; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Police, Fire and Emergency Management.

**SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF
THE BMM PANEL**

Section 7

PART 1 – INTERPRETATION

1. Interpretation

In this Schedule –

chairperson means the chairperson of the BMM Panel;

member means a member of the BMM Panel, including the chairperson.

PART 2 – MEMBERSHIP OF BMM PANEL

1. Chairperson

The Secretary of the Department of Police, Fire and Emergency Management, or his or her delegate, is to be chairperson of the BMM Panel.

2. Term of office

A member referred to in section 7(2)(d) or (e) holds office for the period, not exceeding 3 years, specified in the instrument of appointment.

3. Holding other office

The holder of an office who is required by the terms of his or her employment to devote the whole of his or her time to the duties of that office is not disqualified from –

- (a) holding that office and also the office of a member; or
- (b) accepting any remuneration payable to a member.

4. *State Service Act 2000*

- (1) The *State Service Act 2000* does not apply in relation to a member in his or her capacity as a member.
- (2) A person may hold the office of member in conjunction with State Service employment.

5. Remuneration and conditions of appointment

- (1) A member is entitled to be paid such remuneration and allowances as the Minister determines.
- (2) A member who is a State Service officer or State Service employee is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.
- (3) A member holds office on such conditions in relation to matters not provided for by this Act

as are specified in the member's instrument of appointment.

6. Vacation of office

- (1) A member vacates office if the member –
 - (a) dies; or
 - (b) resigns; or
 - (c) is removed from office under subclause (2).
- (2) The Minister may remove a member from office if satisfied that the member is unable to perform adequately or competently the duties of office.

7. Filling of vacancies

If the office of a member becomes vacant, the Minister may appoint a person to the vacant office for the remainder of that member's term of office.

PART 3 – MEETINGS OF THE BMM PANEL

1. Meetings

The BMM Panel is to meet at the times and places determined by the chairperson.

2. General principles

- (1) The BMM Panel is to proceed with as little formality and as expeditiously as a proper consideration of the matter before it allows.
- (2) The BMM Panel may, subject to the rules of natural justice, regulate its own proceedings for meetings.

3. Voting

- (1) Questions for the determination of the BMM Panel are to be determined by a majority of votes of the members present and voting.
- (2) In the event of a tied vote, the chairperson is to have a casting vote.

4. Quorum

Three members of the BMM Panel constitutes a quorum.