

South Australia



ANNO QUADRAGESIMO NONO
ELIZABETHAE II REGINAE
A.D. 2000

COUNTRY FIRES (INCIDENT CONTROL) AMENDMENT ACT 2000

No. 89 of 2000

[Assented to 21 December 2000]

An Act to amend the Country Fires Act 1989.

SUMMARY OF PROVISIONS

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The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Country Fires (Incident Control) Amendment Act 2000*.
- (2) The *Country Fires Act 1989* is referred to in this Act as "the principal Act".

Commencement

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

Amendment of s. 3—Preliminary

3. Section 3 of the principal Act is amended—

- (a) by inserting after the definition of "the Chief Officer" in subsection (1) the following definition:

"Corporation" means *South Australian Forestry Corporation* established under the *South Australian Forestry Corporation Act 2000*;;

- (b) by inserting after the definition of "fire prevention officer" in subsection (1) the following definition:

"forest reserve" means a forest reserve under the *Forestry Act 1950*;;

- (c) by striking out the definitions of "government officer" and "government reserve" in subsection (1).

Amendment of s. 8—Responsibilities of the C.F.S.

4. Section 8 of the principal Act is amended by striking out from paragraph (b) "and property in" and substituting ", property and environmental assets in fire and".

Amendment of s. 48—Duty to report unattended fires

5. Section 48 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

- (2) In this section—

"government officer" means—

- (a) an officer or employee of the Corporation; or
- (b) an officer of the National Parks and Wildlife Service; or
- (c) any other person of a class prescribed for the purposes of this definition.

Amendment of s. 53—Exercise of control at a fire, etc.

6. Section 53 of the principal Act is amended—

- (a) by inserting in subsection (2) "the incident controller or, where an incident controller has not been appointed," after "the control of";

(b) by inserting after subsection (2) the following subsections:

(3) In this section—

"incident controller" for a fire or other emergency means the person for the time being appointed to be the incident controller for the fire or other emergency in accordance with procedures approved by the Board.

(4) The appointment of an incident controller will end or be superseded by a subsequent appointment in circumstances defined by the Board.

Amendment of s. 54—Power of C.F.S. member

7. Section 54 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

(1a) The powers of a C.F.S. officer under subsection (1) may be exercised in the absence of such an officer by any other member of the C.F.S.;

(b) by striking out subsections (3) to (6) (inclusive) and substituting the following subsections:

(3) A C.F.S. officer or other member must, before taking any prescribed action with respect to private land or a government reserve, or property on private land or a government reserve—

(a) consult with the owner or person in charge of the land or reserve if that person is in the presence of, or may be immediately contacted by, the C.F.S. officer or other member; and

(b) if the prescribed action would affect a government reserve, take into account any relevant provisions of a management plan for the reserve that have been brought to the attention of the officer or other member.

(4) The Board must take steps to have any relevant provisions of a management plan for a government reserve brought to the attention of the C.F.S. members who might exercise powers under this section with respect to the reserve.

(5) Where there is a fire on a forest reserve, and the person who is in charge of the reserve, being an officer or employee of the Corporation, is present at the scene of the fire, a C.F.S. officer or other member (other than the Chief Officer or a delegate of the Chief Officer) must not exercise a power conferred by this section on the reserve except with the approval, and subject to any directions, of that person.;

(c) by striking out from subsection (7) "subsection (6)" and substituting "subsection (5)";

(d) by striking out from subsection (7)(a) "a government officer" and substituting "an officer or employee of the Corporation";

(e) by striking out subsection (8) and substituting the following subsection:

(8) In this section—

"government reserve" means—

- (a) a forest reserve; or
- (b) a reserve administered under the *National Parks and Wildlife Act 1972*; or
- (c) any other prescribed land;

"prescribed action" means the exercise of a power under this section that would result in damage to, or destruction of, property or cause pecuniary loss to any person.