

PARLIAMENT OF VICTORIA

**Emergency Services Legislation Amendment Bill  
2011**

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(b) **omit** ", requiring that person to pay a penalty of 2 penalty units".

(2) After section 41E(2) of the **Country Fire Authority Act 1958** insert—

"(3) The infringement penalty for an offence against section 41D is 10 penalty units."

**34 Repeal of section 44**

Section 44 of the **Country Fire Authority Act 1958** is repealed.

**35 Amendment of section 44A—Power of Chief Officer to close roads**

(1) For section 44A(1) of the **Country Fire Authority Act 1958** substitute—

"(1) This section applies—

(a) if there is a fire or a threat of a fire anywhere within the country area of Victoria; and

(b) regardless of whether the fire is lighted under and in accordance with this Division or is part of burning off operations carried out under and in accordance with this Act or any direction or permit given or issued under this Act or under and in accordance with the **Forests Act 1958** or any direction or authority given under that Act.

(1A) The Chief Officer may, for the purpose of protecting life, property or the environment, or if in his or her opinion smoke from a fire impairs visibility on any road to such an extent that the safety of any persons using the road is endangered—

# Emergency Services Legislation Amendment Bill 2011

## Introduction Print

### EXPLANATORY MEMORANDUM

#### Clause Notes

#### PART 1—PRELIMINARY

- Clause 1 sets out the purpose of the Bill, which is to amend the **Country Fire Authority Act 1958**, the **Metropolitan Fire Brigades Act 1958**, the **Victoria State Emergency Service Act 2005**, the **Emergency Management Act 1986**, the **Emergency Services Telecommunications Authority Act 2004**, the **Forests Act 1958** and the **Summary Offences Act 1966** to reflect current arrangements, make technical and consequential amendments, increase certain penalty provisions and modernise outdated provisions.
- Clause 2 provides for the commencement of the Bill. The Bill comes into operation on a day or days to be proclaimed. If a provision of the Bill does not come into operation before 1 December 2012, it comes into operation on that day.

#### PART 2—AMENDMENT OF COUNTRY FIRE AUTHORITY ACT 1958

- Clause 3 amends section 3 of the **Country Fire Authority Act 1958** (CFA Act) to amend the definitions of *administrative unit*, *apparatus*, *brigade*, *Chief Officer*, *country area of Victoria*, *Deputy Chief Officer*, *fire* and *owner* and repeals the definitions of *metropolitan fire district*, *rural brigade*, *rural district*, *urban brigade* and *urban district*. Clause 3 inserts definitions of *Department*, *group of brigades*, *international*

- Clause 31 amends section 41B of the CFA Act to insert a requirement that an objection to a fire prevention notice must be in writing and must be on grounds that the fire prevention officer considers reasonable before the fire prevention officer must make a genuine attempt to resolve the matter by consultation.
- Clause 32 amends section 41D of the CFA Act to increase the penalty for failing to comply with a fire prevention notice from 50 penalty units or imprisonment for 12 months to 120 penalty units or imprisonment for 12 months.
- Clause 33 amends section 41E(1) of the CFA Act to insert an element of reasonableness to clarify that an authorised officer may serve a fire prevention infringement notice on a person the officer has reason to believe has failed to comply with a fire prevention notice.
- Subclause (2) increases the infringement penalty for failing to comply with a fire prevention notice from two penalty units to 10 penalty units.
- Clause 34 repeals section 44 of the CFA Act as the requirement for "every officer in charge of a fire control region" to undertake regular inspections within his or her region and report whether the provisions of the CFA Act are being properly and efficiently carried out and administered has been in the CFA Act since 1945 and duplicates other investigative, monitoring and reporting functions undertaken by CFA to the CFA Board and Government. This is an inefficient use of CFA resources.
- Clause 35 amends section 44A(1) of the CFA Act in relation to closing roads and directing movement for the purposes of protecting life, property or the environment if there is a fire or a threat of fire anywhere within the country area of Victoria. The clause provides that the Chief Officer may close roads which are affected or likely to be affected by fire or smoke from a fire and may direct traffic on roads in the vicinity of the closed road if in his or her opinion smoke from a fire impairs visibility on any road to such an extent that the safety of any persons using the road is endangered. Roads affected by fire or smoke may include roads not within the immediate vicinity of the fire, but which lead directly to such roads.