



NORTHERN TERRITORY OF AUSTRALIA

No. 26 of 1982

AN ACT

To amend the *Bushfires Act*

[Assented to 16 June 1982]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Bushfires Amendment Act 1982*.

2. PRINCIPAL ACT

The *Bushfires Act* is in this Act referred to as the Principal Act.

3. DEFINITIONS

Section 5 of the Principal Act is amended by inserting after the definition of "Deputy Chairman" the following:

"'Director' means the Director of Conservation appointed under the *Conservation Commission Act*, and includes a person acting as Director;".

4. FIRE-BREAKS

Section 47 of the Principal Act is amended -

(a) by omitting sub-sections (1), (2) and (3) and substituting the following:

"(1) Where the Director considers that it is necessary for fire-breaks to be established on, or flammable material to be removed from, any land, he may by instrument in writing served on -

Bushfires Amendment

- (a) the owner, lessee, licensee, mortgagee in possession of or occupier of; or
- (b) the person managing or controlling or apparently managing or controlling the use of,

that land,

- (c) state that he intends to serve a notice under sub-section (2) in respect of that land unless the person on whom the instrument is served, within 72 hours after service on him of the instrument, makes representations to the Director giving reasons why the proposed notice should not be served on him; and
- (d) indicate the contents of the proposed notice.

"(2) If no representations are made under sub-section (1) to the Director or he considers that representations made to him do not disclose sufficient reason for him not to proceed, the Director may serve on the person on whom an instrument was served under sub-section (1) a notice requiring that person to -

- (a) establish on the land such fire-breaks as are specified in the notice; or
- (b) remove from the land such flammable material as is specified in the notice.

"(3) A notice under sub-section (2) -

- (a) may specify the time within which the act specified in the notice is to be completed;
- (b) if it requires the establishing of fire-breaks, may -
 - (i) specify the method of establishing those fire-breaks; and
 - (ii) require that the fire-breaks be maintained to the satisfaction of a fire warden for the period specified in the notice;
- (c) if it requires the removal of flammable material, may require the destruction or disposal of that material by a method specified in the notice; and
- (d) shall state that the person on whom it is served may, within 7 days after the service on him of the notice, request the Minister to review the terms of the notice.

Bushfires Amendment

"(3A) A person on whom a notice under sub-section (2) has been served may, within 7 days after the service on him of the notice, apply in writing to the Minister requesting the Minister to review the terms of the notice, setting out the reasons for such application, and the Minister may confirm, cancel or vary the notice in such manner as he thinks fit.

"(3B) A person on whom a notice under sub-section (2) has been served shall comply with and not contravene the requirements contained in the notice as served on him or as confirmed or varied by the Minister under sub-section (3A), as the case may be.

Penalty: \$1,000 or imprisonment for 6 months and \$100 for each day during which the offence continues.

"(3C) The Director shall advise the Council, at its meeting next following service by him of a notice under sub-section (2), of the terms of the notice."; and

(b) by omitting from sub-section (4) -

- (i) "this section" (first occurring) and substituting "sub-section (2)"; and
 - (ii) "the Minister" and substituting "the Director".
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