



New South Wales

Rural Fires Amendment (Vegetation Clearing) Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Rural Fires Act 1997* to make provision for vegetation clearing work to be carried out in certain areas near residential accommodation or high-risk facilities to reduce bush fire risk,
- (b) to make other miscellaneous and consequential amendments to the *Rural Fires Act 1997* and the *National Parks and Wildlife Act 1974*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Rural Fires Act 1997 No 65

Schedule 1 [1]–[3] make amendments consequent on the enactment of the *Government Sector Employment Act 2013*.

Schedule 1 [4] updates the membership of the Bush Fire Co-ordinating Committee.

Schedule 1 [5] makes a consequential amendment to the note to Part 4.

Schedule 1 [6] and [7] provide that all bush fire hazard reduction certificates must specify the period for which the certificate operates.

Schedule 1 [8] provides that a bush fire hazard reduction certificate becomes effective on the date endorsed on it and operates for the period specified in it. Currently, a certificate operates only for a period of 12 months or, in some cases, 3 years.

Schedule 1 [9] inserts Division 9 into Part 4 to authorise vegetation clearing work to be carried out in certain areas near residential accommodation or high-risk facilities to reduce bush fire risk. The proposed Division provides that the owner of land situated within a *10/50 vegetation clearing entitlement area* may carry out certain vegetation clearing work on that land despite any requirement for an approval, consent or other authorisation for the work made by other legislation.

The Commissioner of the NSW Rural Fire Service is to determine what land is a *10/50 vegetation clearing entitlement area* and identify this land on a map published on the NSW Rural Fire Service website.

The vegetation clearing work that can be carried out is the removal, destruction (by means other than by fire) or pruning of:

- (a) any vegetation (including trees or parts of trees) within 10 metres of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility, and
- (b) any vegetation, except for trees or parts of trees, within 50 metres of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility.

The vegetation clearing work must be carried out in accordance with the *10/50 Vegetation Clearing Code of Practice*, which is to be prepared by the Commissioner and is to deal, at a minimum, with the matters listed in proposed section 100Q (1). In addition, the Code is to be published in the Gazette and made publicly available.

For the purposes of calculating the relevant 10 or 50 metres within which vegetation can be cleared, it does not matter whether the residential accommodation or high-risk facility is located on the owner's land or on adjoining land.

The Minister is to review the proposed Division after it has been in operation for 2 years and report to the Premier on the outcome of the review.

Schedule 2 Amendment of National Parks and Wildlife Act 1974 No 80

Schedule 2 [1] and [2] expand the exemptions from the offences of harming or picking, or damaging the habitat of, threatened species, endangered populations or endangered ecological communities to exempt anything done in the course of carrying out vegetation clearing work under proposed section 100R of the *Rural Fires Act 1997*. However, any such exemption is subject to compliance with the *10/50 Vegetation Clearing Code of Practice* (which will place limitations on the clearing of any such species, populations or communities).