



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Jervis Bay Territory Rural Fire Rule

Consultation fact sheet

July 2023

Have your say on remaking the Jervis Bay Territory Rural Fire Rule

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) wants to remake the *Jervis Bay Territory Rural Fire Rule 2014* (the Rules) before they sunset (expire), to maintain safe and effective fire management services in the Territory.

We want to hear from the community about any changes or updates you think should be made to the Rules, supporting the effective fire management framework in Jervis Bay Territory (JBT). Your feedback is important to ensure they are operating well.

Why we are remaking the rules

The Rules commenced on 1 May 2014 and, under the *Legislation Act 2003*, expire or 'sunset' after 10 years, on 1 October 2024. The Rules support the *Jervis Bay Territory Rural Fire Ordinance 2014* (the Ordinance). If the Rules are not remade by 1 October 2024, they will not apply.

The Ordinance and Rules together provide the legislative framework for fire management services to the JBT. If allowed to sunset, the Rules will no longer operate, which would create a gap in fire risk management in JBT.

The Ordinance establishes the JBT Rural Fire Service, the JBT Fire Management Committee (FMC) and deals with other matters relating to bushfire prevention such as preparation of JBT Bush Fire Management Plans and issuing of notices and fire permits. As allowed by the Ordinance, the Rules provide requirements about these matters, including membership of JBT rural fire brigades, conduct and discipline of JBT Rural Fire Service members, FMC administrative matters, giving bravery and long service awards and about serving notices and fire permits.

Due to the cross-border delivery of fire services from NSW to the JBT, the Ordinance and Rules are based on the NSW *Rural Fires Act 1997* and *Rural Fires Regulations 2008*, modified to reflect the JBT's jurisdictional and administrative circumstances. The existing Rules are largely consistent with NSW legislation.

The Ordinance allows Rules to be made where:

- (a) required or permitted by the Ordinance, or
- (b) necessary or convenient for carrying out or giving effect to the Ordinance.

This may include:

- (a) the issue of fire permits
- (b) the classification of substances as combustible
- (c) the constitution, rules and functions of the FMC
- (d) the service of notices or directions given under the Ordinance
- (e) the conduct and discipline of Rural Fire Service members, and
- (f) the membership, officers, functions and operation of rural fire brigades.

However, the Rules may not:

- create offences or civil penalties
- provide powers of arrest or detention, or entry, search or seizure
- impose a tax, or
- directly amend the text of the Ordinance.

Following initial consultation, FMC members agreed there is value in remaking the Rules. We will continue to consult the FMC.

The current Rules are available at: <https://www.legislation.gov.au/Details/F2020C00058>

How to make a submission

We are seeking your views on whether the Rules are fit for purpose and support the Ordinance in coordination of bush fire-fighting and bush fire prevention throughout the JBT, including any suggested amendments (in line with the scope of the Ordinance and Rules).

Send your comments in writing by 11 August 2023 through:

Online – <https://www.infrastructure.gov.au/have-your-say>

Email – JBTinstruments@infrastructure.gov.au

Mail - The Director, Mainland Territories Branch, Department of Infrastructure Transport, Regional Development, Communications and the Arts, GPO Box 594 Canberra, ACT 2601

The Department intends to publish all comments on this exposure draft, unless the comment is confidential or contains other information that is not suitable to publish. We will publish your name and any organisation you represent, but we will not publish any personal contact details such as your private email address or your residential address.

If you would like part or all of your comment, including your name, to remain confidential, please indicate this clearly in your correspondence. Automatically generated statements in an email are not sufficient. Confidential comments will be kept securely and will only be disclosed to third parties where authorised or required by law.

Privacy notice

The Department will use the personal information it collects in this consultation only for the purpose of the development of the Rules, including where we may wish to communicate with you about your comment or about the draft legislation more generally.

Even if a comment is not marked confidential, we may not publish sensitive information or personal information, including information which may be used to identify a person other than the author of the submission or a group of people. This is in accordance with our obligations under the *Privacy Act 1988*. The Department's privacy policy contains information about how to access and/or seek correction of personal information we hold and how complaints may be made. The Privacy Officer can be contacted by email at privacy@infrastructure.gov.au or on +61 2 6274 6495