

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current arrangements, make technical and consequential amendments, increase certain penalty provisions and modernise outdated provisions.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*

fire brigade, interstate fire brigade, metropolitan district, municipal fire prevention officer and owners corporation.

- Clause 4 Subclause (1) amends section 4 of the CFA Act to substitute a new heading to section 4 of the CFA Act to replace "summer period" with "fire danger period" as the fire danger period does not directly align with the summer period.
- Subclause (2) amends the reference to the "Department of Natural Resources and Environment" to the correct "Department of Sustainability and Environment". In 2002, the Department of Natural Resources and Environment was divided into the Department of Primary Industries and the Department of Sustainability and Environment.
- Clause 5 amends section 7 of the CFA Act to remove the distinction between rural and urban brigades to reflect the CFA's current approach to brigade administration based on brigade risk profile, and clarify that there will two members on the Board of the CFA who are volunteer members of brigades predominantly serving rural communities, and two who are volunteer members of brigades predominantly serving urban communities.
- Clause 6 amends section 11A(3)(a) of the CFA Act to clarify the declaration required regarding a direct or indirect pecuniary conflict of interest.
- Clause 7 amends section 13 of the CFA Act by adding "or" to section 13 to clarify that the Authority may make payments to insure the chairman, deputy chairman or other members of the Authority against accidents occurring while travelling to or from or in attendance at the scene of any fire as well as for any purpose relating to the administration of the CFA Act.
- Clause 8 inserts a new section 20AAA in the CFA Act to require the CFA to assist in the response to any major emergency occurring within Victoria, in addition to their hazard-specific responsibilities. This is the first step towards achieving a genuine "all-hazards, all-agencies" approach to emergency response. Clause 8 further inserts a definition of *major emergency*, which includes a major fire.

- Clause 9 amends section 20AA of the CFA Act to limit the requirement for Ministerial consent for agreements for goods and services to contracts for goods or services provided outside the general duties and functions of the Authority. The current requirement for written consent from the Minister before the Authority can enter into any agreements for the provision of goods or services by the Authority is impractical and unnecessarily restrictive.
- Clause 10 substitutes section 20B of the CFA Act to broaden the scope of equipment that may give a false alarm of fire and the persons from whom the Authority may recover costs for attendances at false alarms of fire. Clause 10 extends the scope of equipment to also include equipment designed to detect a fire or other emergency and transmit a signal of that detection. There has been significant growth in the number of premises being monitored by private security companies and owners or occupiers that locally monitor their fire alarm system. These types of systems do not send signals automatically to the triple zero dispatch system but rely on the company or owner or occupier placing a call to triple zero.

New section 20B of the CFA Act provides that the Authority may recover fees for attendances at false alarms of fire from owners corporations. This takes into account changes to the way many properties are now run where the property owner hires an owners corporation to manage the property. Expanding the provision to owners corporations would only relate to alarms within their control, such as those in common areas and not those in private apartments in multi-tenanted buildings.

The new section provides that where the Authority seeks to recover costs for its attendance, it may serve a notice on an owner, occupier or owners corporations to provide details of the circumstances of the false alarm. The person may within 14 days provide the Authority with a written explanation of the false alarm and any information supporting that explanation, including maintenance and testing records. New subsection (5) sets out the information which the Authority is to consider in deciding whether there was a reasonable excuse for the false alarm. If the Authority is not satisfied there was a reasonable excuse for the false alarm of fire, the Authority may serve a notice on the person requiring that person to pay the relevant prescribed fees and charges. That person may apply for review

of the decision to issue the notice at the Victorian Civil and Administrative Tribunal.

Clause 11 amends section 22 of the CFA Act to remove the distinction between rural and urban brigades to reflect the CFA's current approach to brigade administration.

Clause 12 amends section 23 of the CFA Act to remove the distinction between rural and urban brigades and districts to reflect the CFA's current approach to brigade administration and revised service delivery model.

Subclause (4) repeals section 23(2) of the CFA Act, which provides that the Authority shall register one brigade for each urban district and any number of brigades as the Authority thinks fit in respect of each rural district, as the urban/rural distinction is no longer relevant.

Clause 13 amends section 23AA(3) of the CFA Act to specify a timeframe within which a relevant owner must comply with a requirement of the Authority made under section 23AA(2) to form an industry brigade, apply to the Authority for the registration of an industry brigade and provide the industry brigade with officers, members and apparatus as determined by the Authority.

Clause 14 amends section 23A of the CFA Act to substitute fire "suppression" for "extinction" in section 23A(1) to provide for consistent terminology in the CFA Act.

Clause 15 amends section 27 of the CFA Act to clarify that the Chief Officer may classify brigades according to risk and may designate a brigade's area of operation. This will ensure that brigades remain under the order and control of the Chief Officer in line with CFA's revised service delivery model, which removes the distinction between rural and urban brigades.

Clause 16 amends section 30(1) of the CFA Act to remove the distinction between rural and urban districts to reflect the CFA's revised service delivery model.

Subclause (2) amends sections 30(1)(f) and (g) of the CFA Act to amend the Chief Officer's power to close certain roads and direct traffic on those roads. It provides that the Chief Officer may also 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. Roads affected by fire or smoke may include roads not within the immediate vicinity of the fire, but which lead directly to such roads.

The Chief Officer will also be able to order a person to withdraw and direct any person to immediately leave the area by the safest and shortest route, if the person is interfering or is in or on any land, building or premises that is burning or is threatened by fire. The "safest and shortest route" may be determined by the Chief Officer or the person subject to the direction, as the case may be.

In the event that the person fails or refuses to withdraw, the Chief Officer may remove the person or direct a member of a fire brigade or the police force present at the fire to remove the person.

Section 31(4) of the CFA Act provides that the power of the Chief Officer, member of a fire brigade or member of the police force under section 30 of the CFA Act to remove a person who fails or refuses to withdraw on being ordered to do so does not apply where the person has a pecuniary interest in any good or valuables on the land, building or premises that is burning or threatened by fire. Section 41(4) is not affected by the Bill.

Clause 17 amends section 30A of the CFA Act by replacing the reference to the Department of Sustainability and Environment (DSE) in section 30A(1)(c) with "Department". A definition of *Department* is provided by clause 3.

Subclause (2) amends section 30A of the CFA Act to enable persons engaged by the Secretary to DSE under section 62C of the **Forests Act 1958** to exercise the powers of the CFA Chief Officer when directed to do so by the CFA, or if the person believes there is an imminent risk of fire occurring or a fire is burning in the country area of Victoria and the CFA is not present at the scene. Section 62C of the **Forests Act 1958** provides that the Secretary to DSE may enter into agreements or arrangements relating to the prevention and suppression of fire. This applies to agreements entered into with interstate and international firefighting personnel and DSE's Networked Emergency Organisation partners, including the Department of Planning and Community Development, Parks Victoria, the

Department of Primary Industries, VicForests and Melbourne Water.

Clause 18 amends section 31(3)(b) of the CFA Act to modernise the structure of the provision and clarify that the power of any member of the police force to order a person to withdraw may include directing the person to immediately leave the area by the safest and shortest route.

Subclause (2) amends an incorrect cross-reference in section 31(4) of the CFA Act by replacing "the last preceding section" with the correct "section 30". Section 31(4) provides that the powers of the Chief Officer, member of a fire brigade or member of the police force under section 31 of the CFA Act to remove a person who fails or refuses to withdraw on being ordered to do so does not apply where the person has a pecuniary interest in any good or valuables on the land, building or premises that is burning or threatened by fire. Section 31(4) is not affected by the Bill.

Clause 19 amends the title to section 32 of the CFA Act to refer to "water, electricity and gas suppliers" and replaces the reference to "any urban district" with "the country area of Victoria" to reflect the CFA's revised service delivery model.

Clause 20 updates section 33 of the CFA Act to replace "metropolitan fire district" with "metropolitan district" to reflect the correct reference in the **Metropolitan Fire Brigades Act 1958** and substitutes "Metropolitan Fire and Emergency Services Board" in place of "Metropolitan Fire Brigade". The Metropolitan Fire Brigade was reconstituted as the Metropolitan Fire and Emergency Services Board in 1997.

Subclause (3) amends section 33(2)(b) of the CFA Act to substitute all references to "forest officer" with "person to whom section 30A applies" to enable forest officers, persons employed by Parks Victoria or DSE and persons engaged by the Secretary to DSE under section 62C of the **Forests Act 1958** to exercise the powers of the CFA Chief Officer if there is a danger of fire occurring or a fire is burning or has been recently extinguished in certain parts of Victoria.

Clause 21 Subclause (1) amends section 34(1)(a) to substitute "reasonable" for "possible" to incorporate an element of reasonableness into the provision so that the owner, occupier or person in charge of land where a fire is burning during a fire danger period must immediately upon being aware of the fire, take all reasonable steps to extinguish the fire.

Subclause (2) amends section 34(1)(b) of the CFA Act to substitute the reference to "forest officer" with "person to whom section 30A applies" to include forest officers, persons employed by Parks Victoria or DSE and persons engaged by the Secretary to DSE under section 62C of the **Forests Act 1958** as persons that the owner, occupier or person in charge of land where a fire is burning during a fire danger period can inform if it appears that he or she would be unable to extinguish the fire.

Subclause (3) modernises the structure of section 34(1) of the CFA Act by inserting a separate penalty of 120 penalty units for failing to take reasonable steps to extinguish a fire that is burning during a fire danger period, and failing to inform certain persons if it appears that he or she will be unable to extinguish the fire.

Subclause (4) amends section 34(2) of the CFA Act to substitute "reasonable" for "possible" to incorporate an element of reasonableness into the provision so that the owner, occupier or person in charge of land where a fire is burning during a fire danger period must continue to take all reasonable steps to extinguish the fire notwithstanding that the person has informed certain persons about the existence and location of the fire.

Subclause (5) increases the penalty for failing to continue to take all reasonable steps to extinguish the fire notwithstanding that the person has informed certain persons about the existence and location of the fire from 50 penalty units or imprisonment for 12 months or both to 120 penalty units or imprisonment for 12 months or both.

Clause 22 inserts new section 36A in the CFA Act to provide that the Authority and DSE Secretary may jointly determine sole responsibility for fire prevention in any part of Victoria, which lies outside the metropolitan district. New section 36A is similar to section 33 of the CFA Act, which provides for the determination of sole responsibility for fire suppression. This is

intended to improve interoperability in certain areas, such as alpine resorts, between CFA and other entities that carry out fire prevention activities.

- Clause 23 amends section 37 of the CFA Act to increase the penalty for lighting fires in the open air during a fire danger period from 50 penalty units or imprisonment for 12 months or both to 120 penalty units or imprisonment for 12 months or both.
- Clause 24 inserts new section 37A in the CFA Act to provide the Chief Officer with the power to direct that a fire not be lit for the purpose of protecting life, property or the environment.
- Clause 25 inserts new section 38(2A) in the CFA Act to clarify that fire prevention officers may issue permits allowing certain fires for a defined period of time (for example, six months) and not only instance by instance. This would allow "permits to burn" to be issued for specified periods to allow prescribed burning to be undertaken whenever appropriate conditions occur.
- Subclause (2) amends section 38(3) of the CFA Act to increase the penalty for failing to comply with conditions and restrictions contained in a permit allowing certain fires from 20 penalty units or imprisonment for 12 months or both to 120 penalty units or imprisonment for 12 months or both.
- Clause 26 Subclause (1) repeals section 38A(1)(a)(iii) of the CFA Act to remove the requirement that a fire not be within 7.5 metres of any log or stump. This aligns with comparable requirements in the Forests (Fire Protection) Regulations 2004 and will ensure consistency for the community regarding the requirements for fires lit for meal preparation or personal comfort, irrespective of whether they are in the country area of Victoria or on Crown land.
- Subclause (2) amends section 38A(1)(b)(iii) of the CFA Act to clarify that the ground and air space within a distance of three metres from the outer perimeters of the incinerator must be clear of flammable material when burning refuse during the fire danger period.
- Subclause (3) amends section 38A(1)(c) of the CFA Act to extend the list of activities for lawful fires during a fire danger period to include relocating bees and rail maintenance activities.

Subclause (4) amends section 38A(1A) of the CFA Act, which currently defines properly constructed fireplace, to insert a definition of *incinerator* for the purposes of subsection (1) relating to lawful fires during the fire danger period.

Clause 27 Subclause (1) amends section 39(a)(i) of the CFA Act to specify that the person in charge of a fire lit in open air during a fire danger period should have the capacity and means to extinguish the fire to ensure consistency with the requirements in the Forests (Fire Protection) Regulations 2004.

Subclause (2) amends section 39(d) of the CFA Act to limit the section to apply only when a person finds an unattended fire burning, and substitutes the reference to "forest officer" with "person to whom section 30A applies" to enable forest officers, persons employed by Parks Victoria or DSE and persons engaged by the Secretary to DSE under section 62C of the **Forests Act 1958** to be informed of the existence and locality of a fire that is burning unattended during a fire danger period.

Subclause (3) amends section 39 of the CFA Act to increase the penalty for prohibited actions near fires during a fire danger period from 50 penalty units or imprisonment for no more than 12 months or both to 120 penalty units or imprisonment for 12 months or both.

Clause 28 increases the penalty for in section 39E(1) of the CFA Act from 50 penalty units or imprisonment for no more than 12 months or both to 120 penalty units or imprisonment for 12 months or both. Section 39E prohibits high fire risk activities in the open air in the country area of Victoria during a declared fire danger period.

Clause 29 amends section 40 of the CFA Act in relation to declarations of total fire ban.

Subclause (1) increases the penalty under section 40(4) for an offence relating to lighting a fire or allowing a fire to remain alight, or in relation to using certain equipment in connection with a vehicle during a total fire ban, from 100 penalty units or imprisonment for two years or both, to 240 penalty units or imprisonment for two years or both.

Subclause (2) repeals sections 40(4A) and (4B) of the CFA Act to remove the sections relating to the use of a domestic appliance near a dwelling and removes the definitions of *domestic appliance* and *dwelling*, as the following sections clarifying the use of a fixed appliance for meal preparation and the proximity to a dwelling is irrelevant.

Subclause (3) amends section 40(4C) of the CFA Act to specify that an adult supervising a fire in a fixed appliance should have the capacity and the means to extinguish the fire. This is consistent with the requirements in the Forests (Fire Protection) Regulations 2004.

Subclause (4) amends the definition of *fixed appliance* in section 40(4D) of the CFA Act to reflect the wider variety of products available on the market for meal preparation using fire, as the definition based on construction material has failed to keep pace with evolving products in the market place, for example, mobile and home-installed pizza ovens, spits and barbeques.

Subclause (5) amends section 40(4F) of the CFA Act to allow community organisations, charitable organisations or organisations involved in fund raising to benefit from the exception outlined in section 40(4E) of the CFA Act allowing the lighting of a fire during a total fire ban for the purposes of meal preparation in the course of business even if they are not registered charitable organisations.

Subclause (6) amends the foot of section 40(4F) of the CFA Act to clarify that the reference in section 40(4F) to organisations involved in fund raising includes schools or sporting groups.

Subclause (7) amends section 40(5) of the CFA Act to reflect the amendment made by subclause (5) to allow persons to light a fire when a declaration of total fire ban applies for the purposes of carrying on the work of "a community organisation, a charitable organisation or an organisation involved in fund raising", for the purpose of public entertainment and for religious or cultural purposes, such as aboriginal smoking ceremonies or Maori "hangi", for which a fire is necessary.

Subclause (8) amends section 40(5)(a) of the CFA Act to substitute the correct references to the "metropolitan district" and the "Chief Officer of the Metropolitan Fire and Emergency Services".

Subclause (9) amends section 40(5)(c) of the CFA Act to provide for the relevant Department to be the Department of Sustainability and Environment through the definition of *Department* in section 3 of the CFA Act. In 2002, the Department of Natural Resources and Environment was divided into the Department of Primary Industries and the Department of Sustainability and Environment.

Subclause (10) inserts a new section 40(5A) in the CFA Act to clarify the purposes for which a person may light a fire when a declaration of total fire ban applies and to replace the reference to "community charitable organisation" with "a community organisation, a charitable organisation or an organisation involved in fund raising".

Subclause (11) amends section 40(9) of the CFA Act to modernise the structure of the offence and increase the penalty for failing to comply with the conditions of a permit to light a fire when a declaration of total fire ban applies from 100 penalty units or imprisonment for two years or both to 240 penalty units or imprisonment for two years or both.

Subclause (12) amends section 40(10)(a) of the CFA Act to clarify that the provisions relating to total fire bans do not prevent a fire being lit or being allowed to remain alight by any brigade or statutory corporation having responsibility for the prevention, as well as suppression, of fire where the fire has been lit for that purpose.

Clause 30 amends section 41(3)(d) of the CFA Act to clarify that a fire prevention notice must contain any other information prescribed in the regulations. The form of a fire prevention notice is already prescribed in the regulations. Therefore, it is uncertain what is intended by the current requirement in the CFA Act for a fire prevention notice to comply with the regulations. Clause 30 rectifies this ambiguity.

- 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.

Subclause (2) substitutes the reference to "forest officer" in section 44A(2) of the CFA Act with "person to whom section 30A applies" to enable forest officers, persons employed by Parks Victoria or DSE and persons engaged by the Secretary to DSE under section 62C of the **Forests Act 1958** present at the scene of a fire to exercise the powers of the Chief Officer to close roads and direct traffic in certain circumstances.

- Clause 36 amends section 45(1) of the CFA Act to remove the references to rural and urban districts to reflect the CFA's revised service delivery model.
- Clause 37 Section 48(2) of the CFA Act currently makes it an offence to purport to carry out certain directions by an authorised officer to extinguish a fire but to do so in a way that does not extinguish the fire or remove the fire risk. Thus, it is possible that if a direction is to take particular steps, an offence occurs even if those steps are taken. Subclause (1) clarifies the mental element of the offence in section 48(2) so that the offence is reduced to one of not complying with a direction to extinguish a fire or take steps to extinguish the fire or to prevent the fire from spreading or causing injury, with a penalty of 120 penalty units or imprisonment for 12 months or both.
- Subclause (2) repeals section 48(3) of the CFA Act to remove the reverse onus of proof so the accused does not have to satisfy the court that he or she acted reasonably.
- Clause 38 amends section 49 of the CFA Act to increase the penalty from 10 penalty units to 60 penalty units. Section 49 of the CFA Act provides an offence relating to the disposal of by-products of sawmilling operations by burning without complying with the regulations.
- Clause 39 inserts a new section 50AA into the CFA Act, which enables the Authority to provide a person who conducts an alarm monitoring service with a written notice that requires the person to provide the prescribed information within the period set out in the notice. The fire services can more efficiently service the community when promptly advised of certain matters, such as notifications regarding the frequency or duration of disconnections of fire alarms from the computer-aided dispatch system. *Alarm monitoring service* is defined in clause 39.

- Clause 40 amends section 52(1) of the CFA Act to remove the reference to urban districts to reflect the CFA's revised service delivery model and enable the Authority to appoint a regional fire prevention committee for each region.
- Clause 41 amends section 54(2)(b) of the CFA Act to remove the distinction between rural and urban brigades to reflect the CFA's current approach to brigade administration.
- Clause 42 makes a statute law revision to section 55A(2)(cb) of the CFA Act to substitute "designate" with the correct grammatical form of "designating".
- Clause 43 Subclause (a) amends section 62 of the CFA Act to exclude members of industry brigades from the definition of *casual fire-fighter* to enable the compensation regime for members of industry brigades be the same as that for CFA volunteers rather than casual firefighters. This is provided for in clause 58.
- Subclause (b)(i) amends the definition of *officer in charge* to substitute the reference to "forest officer" with "person to whom section 30A applies" so that forest officers, persons employed by Parks Victoria or DSE and persons engaged by the Secretary to DSE under section 62C of the **Forests Act 1958** are deemed to be officers in charge for the purposes of Part V of the CFA Act relating to compensation of casual firefighters and volunteer auxiliary workers.
- Subclause (b)(ii) amends the definition of *officer in charge* to substitute "metropolitan fire brigade" with the correct reference to the "Metropolitan Fire and Emergency Services Board".
- Clause 44 amends section 74E of the CFA Act to substitute "as are" for "from time to time" to clarify that a Commissioner of the Country Fire Authority Appeals Commission is entitled to remuneration and allowances as are fixed by the Governor in Council.
- Clause 45 amends section 74G(1) of the CFA Act to clarify that a resignation by a Commissioner of the Country Fire Authority Appeals Commission takes effect on the date specified in the letter or, if a date is not specified, on the date that the letter is received by the Minister for Police and Emergency Services.

- Clause 46 inserts new section 87AA in the CFA Act to clarify that the Authority may charge for services provided under any other Act or regulations made under any other Act.
- Clause 47 amends section 91(3) of the CFA Act to modernise the structure of the offences of failing to comply with a request for information and of knowingly providing false information in relation to a person's insurance. Clause 47 increases the penalty for the offences from 5 to 60 penalty units.
- Clause 48 extends the immunity provision in section 92 of the CFA Act to any officer or member of an international fire brigade as defined so they are not personally liable for any thing done or omitted to be done in good faith in the exercise of a power or the discharge of a duty under the CFA Act or Regulations
- Clause 49 extends section 93 of the CFA Act to apply to damage to property caused by any officer or member of any international fire brigade as defined in the exercise of any powers or the performance of any duties under the CFA Act so that the damage is taken to be damage by fire for insurance purposes.
- Clause 49 also extends section 93A of the CFA Act to apply to international fire brigades, thereby requiring any officer or member of an interstate or international fire brigade to place himself or herself and any of his or her equipment or gear at the disposal of the Chief Officer or other officer or member in charge at the fire scene. Where an interstate or international brigade only sends equipment or resources to the country area of Victoria for the purpose of endeavouring to prevent or suppress a fire or to protect life or property, such equipment or resources are subject to the CFA Chief Officer's control or control of the officer in charge while the equipment or resources are in the country area of Victoria. The amended section also provides for interstate or international fire brigades to exercise the Chief Officer's powers when the Chief Officer or other CFA officer or member is not present.
- Clause 50 amends section 98 of the CFA Act to substitute "Chief Officer" for "Officer".

- Clause 51 amends section 102 of the CFA Act to modernise the structure of the provision and increase the penalty for the offences relating to unauthorised collections for brigades and failure to comply with any conditions of an authorisation from five penalty units to 10 penalty units.
- Clause 52 removes the redundant section 103A(2) of the CFA Act as the obligation of Lloyd's to provide the Minister with a certified copy of the Australian Fire Brigades Charges Scheme has been discharged and subsection (2) is therefore no longer necessary.
- Clause 53 inserts new section 106A into the CFA Act, which creates the offences of damaging or interfering with a fire indicator panel, or resetting a fire indicator panel or similar apparatus without the consent of the Board or reasonable excuse. The penalty for these offences is 60 penalty units.
- Clause 54 modernises the structure of section 107 of the CFA Act and extends the offences of acting in certain ways that may obstruct, hinder or interfere with the Board's operations, its members or certain apparatus or property to include damage or interference with officers or members of interstate and international fire brigades or their apparatus or other property. Clause 54 increases the penalty for the offences under section 107 from 10 to 60 penalty units.
- Clause 55 amends section 107A of the CFA Act to modernise the structure of the offence provision and increase the penalties under section 107A from 20 to 60 penalty units. Section 107A makes it an offence to undertake certain activities relating to impersonating an officer, volunteer or member of the CFA or imply an association with the CFA without appropriate authority.
- Clause 56 inserts a new section 107B in the CFA Act to create an offence for a person to knowingly give or cause to be given a false report of fire to a brigade in the country area of Victoria. The penalty for an offence against section 107B is 60 penalty units.

- Clause 57 repeals section 109 of the CFA Act, which provides a penalty of 1 penalty unit and a further penalty of ½ penalty unit for each day the offence continues where a person fails to comply with any provision of the CFA Act and no penalty is specifically provided. Such provisions create uncertainty for individuals in relation to their obligations. Offences should be clearly specified individually with appropriate penalties attached. Further, penalties that accumulate daily are no longer the preferred approach.
- Clause 58 Subclause (1) amends section 110(1)(g)(ii) of the CFA Act to extend the application of the regulation-making power regarding the establishment of a compensation scheme to members of industry brigades.
- Subclause (2) amends section 110(1)(la) of the CFA Act to clarify that the regulations may provide for the adoption of brigade constitutions (in addition to the existing power to provide for matters to be included in brigade constitutions).
- Subclause (3) inserts new section 110(1)(ub) in the CFA Act to enable the Governor in Council to make regulations prescribing the information that an alarm monitoring service must provide to the CFA.
- Subclause (4) amends section 110(1)(v) of the CFA Act to remove the reference to urban districts to reflect the CFA's revised service delivery model.
- Subclause (5) amends section 110(1)(w) of the CFA Act to allow the CFA to prescribe fees and charges for attendance at any fire, answering any alarm or responding to any report of a fire, and removes the provision regarding prescribing expenses and charges for the purpose of the **Summary Offences Act 1966**, as a consequence of the proposed amendment by clause 117.
- Subclause (6) amends section 110(1)(wa) of the CFA Act to allow the CFA to prescribe fees and charges for services provided by the CFA under any Act or regulations.
- Subclause (7) repeals section 110(1)(wc) of the CFA Act, which allows the CFA to prescribe fees and charges for services provided under the CFA Act. This is being incorporated into new section 110(1)(wa) of the CFA Act.

Subclause (8) amends section 110(1)(zc) of the CFA Act to increase the penalty of 10 penalty units to 20 penalty units to reflect the current maximum penalty units for offences against regulations.

PART 3—AMENDMENT OF METROPOLITAN FIRE BRIGADES ACT 1958

- Clause 59 substitutes "metropolitan district" in place of "metropolitan fire district" in section 2(a) of the **Metropolitan Fire Brigades Act 1958** (MFB Act) to ensure consistent use of the phrase throughout the MFB Act.
- Clause 60 amends the definitions of *emergency*, *fire*, *metropolitan district*, *owner* and *unit* and inserts new definitions of *Emergency Services Telecommunications Authority*, *international fire brigade*, *interstate fire brigade* and *owners corporation*.
- Clause 61 amends section 6(2)(b) of the MFB Act by replacing the reference to the Metropolitan Fire and Emergency Services Board (MFESB) having a "common seal" with "official seal" to promote clarity and consistency across emergency services legislation.
- Clause 62 Subclauses (1) and (3) amend section 7 of the MFB Act by substituting "metropolitan district" in place of "metropolitan fire district" following amendments to the definitions in section 3 of the MFB Act.
- Subclause (2) amends section 7(1)(c) of the MFB Act to provide that the functions of the Board also include any other functions prescribed in regulations.
- Clause 63 inserts a new section 7AA in the MFB Act to require the MFESB to assist in the response to any major emergency occurring within Victoria, in addition to their hazard-specific responsibilities. This is the first step towards achieving a genuine "all-hazards, all-agencies" approach to emergency response. Clause 63 further inserts a definition of *major emergency*, which includes a major fire.

- Clause 64 amends section 11 of the MFB Act to remove "from time to time" to clarify that members of the Board are entitled to remuneration and allowances as are fixed by the Governor in Council.
- Clause 65 inserts a new section 11A in the MFB Act to apply certain Parts of the **Public Administration Act 2004** to the President of the Board. It applies certain rights of re-employment in the public service following the termination of the President's term of office and provides superannuation entitlements to the President under the **State Superannuation Act 1988**.
- Clause 66 amends section 13 of the MFB Act to provide that a resignation from the Board takes effect on the date specified in the letter or, if a date is not specified, on the date that the letter is received by the Minister for Police and Emergency Services.
- Clause 67 amends section 14(1) of the MFB Act to clarify that the period during which a person acts for a member of the Board is the period during which the relevant member is unable to perform the duties of his or her office.
- Clause 68 amends section 24A of the MFB Act to remove an unnecessary phrase in the description of the Board's power to compulsorily acquire land.
- Clause 69 amends section 24B of the MFB Act to replace the reference to "common seal" with "official seal" to promote clarity and consistency across emergency services legislation.
- Clause 70 amends section 25A(4) of the MFB Act to limit the requirement for Ministerial consent for agreements for goods and services to contracts for goods or services provided outside of the general duties and functions of the Board. The current requirement for written consent from the Minister before the Board can enter into any agreements for the provision of goods or services by the Board is impractical and unnecessarily restrictive.
- Clause 71 amends section 26 of the MFB Act to remove the redundant phrase "and from time to time".
- Clause 72 repeals section 31(2) of the MFB Act to allow the role of the Chief Executive Officer and Chief Officer to be undertaken by different persons.

Clause 73 amends section 31A of the MFB Act to remove paragraphs (a) and (b) to enable the Chief Officer of the MFESB to delegate the power to issue fire prevention notices.

The **Emergency Management Legislation Amendment Act 2011**, which came into operation on 3 November 2011 will implement Recommendation 54 of the 2009 Victorian Bushfires Royal Commission Final Report by amending section 28(1) of the CFA Act to enable the CFA Chief Officer to delegate the power to issue fire prevention notices. Clause 73 makes a similar amendment to the MFB Act. The amendment to section 28(1) of the CFA Act will come into effect on a day to be proclaimed, and if not proclaimed before 31 December 2012, will come into operation on that day.

Notwithstanding this amendment, it is intended that primary enforcement responsibility for fire prevention notices will remain with Council's fire prevention officers. The MFESB's role, despite the Chief Officer's new delegation power, will continue to be that of a "safety net" if a municipal fire prevention officer fails or refuses to issue a fire prevention notice following a request by the Chief Officer to do so.

Clause 74 amends section 32AA of the MFB Act by substituting "metropolitan district" in place of "metropolitan fire district" following amendments to the definitions in section 3 of the MFB Act.

Clause 75 amends the heading to section 32C of the MFB Act to delete a redundant word

Clause 76 substitutes section 32D of the MFB Act to broaden the scope of equipment that may give a false alarm of fire and the persons from whom the Authority may recover costs for attendances at false alarms of fire. Clause 76 extends the scope of equipment to also include equipment designed to detect a fire or other emergency and transmit a signal of that detection. There has been significant growth in the number of premises being monitored by private security companies and owners or occupiers that locally monitor their fire alarm system. These types of systems do not send signals automatically to the triple zero dispatch system but rely on the company or owner or occupier placing a call to triple zero.

New section 32D of the MFB Act provides that the Board may recover fees for attendances at false alarms of fire from owners corporations. This takes into account changes to the way many properties are now run where the property owner hires an owners corporation to manage the property. Expanding the provision to owners corporations would only relate to alarms within their control, such as those in common areas and not those in private apartments in multi-tenanted buildings.

The new section provides that where the Board seeks to recover costs for its attendance, it may serve a notice on an owner, occupier or owners corporations to provide details of the circumstances of the false alarm. The person may within 14 days provide the Board with a written explanation of the false alarm and any information supporting that explanation, including maintenance and testing records. New subsection (5) sets out the information which the Board is to consider in deciding whether there was a reasonable excuse for the false alarm. If the Board is not satisfied there was a reasonable excuse for the false alarm of fire, the Board may serve a notice on the person requiring that person to pay the relevant prescribed fees and charges. That person may apply for review of the decision to issue the notice at the Victorian Civil and Administrative Tribunal.

Clause 77 inserts a new section 33 of the MFB Act to create an offence for a person to knowingly give or cause to be given a false report of fire to a unit in the metropolitan district. The penalty for an offence against section 33 is 60 penalty units.

Clause 78 amends section 34 of the MFB Act to substitute "units" in place of "brigades" in section 34(1)(j) and omits "fire and emergency service" in section 34(1)(k) so that it refers only to units.

Subclause (3) amends sections 34(1)(o), (oa) and (ob) of the MFB Act to enable the Governor in Council to make regulations prescribing the information that an alarm monitoring service must provide to the MFESB, to allow the MFESB to prescribe fees and charges for services provided by the MFESB under any Act or regulations and deletes section 34(1)(ob) regarding prescribing expenses and charges for the purpose of the **Summary Offences Act 1966**, as a consequence of the proposed amendment by clause 117.

- Clause 79 extends section 54 of the MFB Act to apply to damage to property caused by any officer or member of any interstate or international fire brigade as defined in the exercise of any powers or the performance of any duties under the MFB Act so that the damage is taken to be damage by fire for insurance purposes.
- Clause 80 extends the immunity provision in section 54A of the MFB Act to any officer or member of an interstate or international fire brigade as defined so they are not personally liable for any thing done or omitted to be done in good faith in the exercise of a power or the discharge of a duty under the MFB Act or Regulations.
- Clause 81 amends section 55D of the MFB Act by substituting "metropolitan district" in the place of "metropolitan fire district" following amendments to the definitions in section 3 of the MFB Act.
- Clause 82 amends section 55E of the MFB Act to substitute a new heading to section 55E and substitute "metropolitan district" in place of "metropolitan fire district".
- Subclause (3) inserts new subsections (4) and (5) after section 55E(3) of the MFB Act to provide that the powers and authorities of the MFESB Chief Officer may be exercised by the Chief Officer or any member in charge of any unit where a fire is burning or where there is a danger of a fire occurring or a fire has been recently extinguished in the country area of Victoria, where the Country Fire Authority is not present or is unable to exercise the powers of the Chief Officer. This ensures consistency with section 33(2) of the CFA Act which provides that, where there is a fire, or danger of fire in the metropolitan district, the powers of the CFA Chief Officer can be exercised by the MFESB or, if the MFESB are not present at the scene, by the CFA.
- Clause 83 amends the heading to section 60 of the MFB Act to replace "brigades" with "units".

- Clause 84 amends section 70(3) of the MFB Act to modernise the structure of the offences of failing to comply with a request for information and of knowingly providing false information in relation to a person's insurance. Clause 84 increases the penalty for the offences from 5 to 60 penalty units.
- Clause 85 amends section 71(3) of the MFB Act to substitute "Chief Officer" in place of "Officer".
- Clause 86 amends section 72 of the MFB Act to substitute a new heading to section 72 and amends section 72(2) to refer to the "outstanding payment" in relation to fire prevention work performed by the Board.
- Clause 87 inserts new section 72A into the MFB Act to require any officer or member of an interstate or international fire brigade as defined to place himself or herself and any of his or her equipment or gear at the disposal of the Chief Officer or senior member of the operational staff in charge at the fire scene. Where an interstate or international brigade only sends equipment or resources to the metropolitan district for the purpose of endeavouring to prevent or suppress a fire or to protect life or property, such equipment or resources are subject to the MFESB's Chief Officer's control or control of the officer in charge while the equipment or resources are in the metropolitan district. The new section also provides for interstate or international fire brigades to exercise the Chief Officer's powers when the Chief Officer or other senior member of the operational staff is not present.
- Clause 88 Section 75 of the MFB Act currently requires that the MFESB President must sign all MFESB orders, directions, notices and documents. This is a significant administrative burden on a single person within the organisation. Clause 88 amends section 75 to substitute a new heading and include a reference to the Deputy President of the Board so that he or she is empowered to sign certain documents that may be used as evidence.

- Clause 89 amends section 75A of the MFB Act to modernise the structure of the offence and increase the penalties under section 75A from 20 to 60 penalty units. Section 75A makes it an offence to undertake certain activities relating to impersonating a member of a unit or implying an association with the Board without appropriate authority.
- Clause 90 inserts new sections 75B and 75C into the MFB Act. New section 75B creates the offences of damaging or interfering with a fire indicator panel, or resetting a fire indicator panel or similar apparatus without the consent of the Board or reasonable excuse. The penalty for these offences is 60 penalty units.
- New section 75C creates the offences of acting in certain ways that may obstruct, hinder or interfere with the Board's operations, its members or certain apparatus or property. The penalty for the offences under section 75C is 60 penalty units.
- Clause 91 repeals section 76 of the MFB Act, which provides a penalty of 1 penalty unit and a further penalty of ½ penalty unit for each day the offence continues where a person fails to comply with any provision of the MFB Act and no penalty is specifically provided. Such provisions create uncertainty for individuals in relation to their obligations. Offences should be clearly specified individually with appropriate penalties attached. Further, penalties that accumulate daily are no longer the preferred approach.
- Clause 92 amends section 77(1) of the MFB Act to make statute law revisions to substitute a comma in the place of "or" and to remove an unnecessary comma from section 77(2).
- Clause 93 inserts a new section 78 into the MFB Act which enables the Board to provide a person who conducts an alarm monitoring service with a written notice that requires the person to provide the prescribed information within the period set out in the notice. The fire services can more efficiently service the community when promptly advised of certain matters, such as notifications regarding the frequency or duration of disconnections of fire alarms from the computer-aided dispatch system. The person must comply with such a notice. *Alarm monitoring service* is defined.

- Clause 94 amends section 79F(1) of the MFB Act to clarify that a resignation by a Commissioner of the Metropolitan Fire and Emergency Services Appeals Commission will take effect on the date specified in the letter or, if a date is not specified, on the day that the letter is received by the Minister.
- Clause 95 amends section 87(3)(d) of the MFB Act to clarify that a fire prevention notice must contain any other information prescribed in the regulations. The form of a fire prevention notice is already prescribed in the regulations. Therefore, it is uncertain what is intended by the current requirement in the MFB Act for a fire prevention notice to comply with the regulations. Clause 95 rectifies this ambiguity.
- Clause 96 amends section 89 of the MFB 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 97 amends section 91 of the MFB Act to increase the penalty under section 91 from 50 penalty units or imprisonment for 12 months to 120 penalty units or imprisonment for 12 months. Section 91 requires a person on whom a fire prevention notice has been served to comply with the notice.
- Clause 98 amends section 92 of the MFB 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.

PART 4—AMENDMENT OF VICTORIA STATE EMERGENCY SERVICE ACT 2005

- Clause 99 inserts a new section 6A in the **Victoria State Emergency Service Act 2005** (VICSES Act) to require the Victoria State Emergency Service (VICSES) Authority to assist in the response to any major emergency occurring within Victoria, in addition to their hazard-specific responsibilities. This is the

first step towards achieving a genuine "all-hazards, all-agencies" approach to emergency response. Clause 99 further inserts a definition of *major emergency*, which includes a major fire.

- Clause 100 amends section 7 of the VICSES Act to clarify that the powers of the VICSES Authority include the power to carry out fund raising and promotional activities.
- Clause 101 amends section 34 of the VICSES Act to provide the VICSES Authority, rather than the Chief Officer, Operations, with the relevant powers to deal with the registration of VICSES units, as it is the Authority that regulates funding for registered units and is responsible for resourcing.
- Clause 102 amends section 47 of the VICSES Act to insert the "ACCS" (Accident Compensation Conciliation Service) and "a Medical Panel" into the compensation provisions in section 47 to allow VICSES members claiming compensation for injury recourse to the ACCS and Medical Panels under the **Accident Compensation Act 1985**, as an alternative to costly and lengthy litigation in courts. *ACCS* and *Medical Panel* are defined in new section 47(12).
- Clause 103 amends section 55 of the VICSES Act to extend the Governor in Council's regulation-making powers to include the power to make regulations with respect to the administration and management of units and provides for the maximum amount for prescribed penalties for contravention of the regulations to be 20 penalty units.

PART 5—AMENDMENT OF EMERGENCY MANAGEMENT ACT 1986

- Clause 104 inserts new section 24A, in the **Emergency Management Act 1986** (EM Act) which creates the offences of knowingly making a false or misleading statement to, or knowingly misleading or attempting to mislead, the Minister of Police and Emergency Services or any other person, in connection with any claim for compensation under section 24(5). New section 24A mirrors section 38 of the EM Act, which is being repealed by clause 110 to re-locate the offences in the relevant Parts of the EM Act.

Section 24(5) of the EM Act provides that, in a state of disaster, if the property of a person is taken or used as the Minister considers necessary or desirable for responding to the disaster, that person may receive such compensation as is determined by the Minister.

Clause 105 inserts new section 33 in the EM Act, which creates the offences of knowingly making a false or misleading statement to, or knowingly misleading or attempting to mislead, the Minister or any other person, in connection with any claim for compensation under Part 6 of the EM Act. New section 33 mirrors section 38 of the EM Act, which is being repealed by clause 110 to re-locate the offences to the relevant Parts of the EM Act.

Part 6 of the EM Act provides for the compensation of registered emergency workers, which is payable if a volunteer emergency worker suffers personal injury (including death) or loss of or damage to property belonging to the worker or in the worker's possession or control while engaged in emergency activity.

Clause 106 amends section 36(1) of the EM Act to allow justification for an action by amending the section to provide that a person, other than a person engaging in an emergency activity, must not, *without reasonable excuse*, obstruct, hinder or in any way interfere with a person engaging in an emergency activity. Subclause (2) increases the penalty in section 36(1) from 10 to 60 penalty units.

Clause 107 Subclause (1) amends section 36A(1) of the EM Act to empower an officer of or above the rank of senior sergeant to declare an area to be an emergency area on their own authority if they are of the opinion that it is necessary to exclude persons from the area of the emergency to ensure public safety, the security of evacuated premises or the safety of persons engaged in emergency activity, without first having to obtain the advice of the agency primarily responsible for responding to the emergency. As senior sergeants perform the role of Divisional Patrol Managers, it is appropriate for the power to rest with them or persons of higher rank.

Subclause (2) amends section 36A(3) of the EM Act, which states that a copy of the declaration or a sign containing the words "Declared Emergency Area" must be posted at points of access to the emergency area that are closed under the declaration while the declaration is in force. Section 36A(3) is amended to enable the notice to be put up at the emergency area or as near as possible to that area, which makes the public notification requirements more practical.

Subclause (3) amends section 36A(5) of the EM Act to extend the period after which a declaration of an emergency area is automatically revoked from 24 to 48 hours to allow for a suitable recovery time after an emergency, and amends section 36A(6) to allow the Chief Commissioner of Police, in his or her role as State Emergency Response Coordinator to extend the declaration of an emergency area for a further period of up to 48 hours rather than 24 hours, if considered appropriate.

Clause 108 amends the references in section 36B of the EM Act to enable all members of the police force, rather than officers of the police on duty in or near the emergency area, to exercise powers in respect of a declared emergency area.

Clause 109 Subclause (1) clarifies that section 36C of the EM Act provides for offences relating to the declaration of an emergency area.

Subclause (2) amends section 36C(1) of the EM Act, which makes it an offence not to obey certain prohibitions or directions without reasonable excuse by separating the existing offence into two subsections and increasing the penalty from 5 to 10 penalty units. Section 36B(1) allows a member of the police force (as amended by clause 108) to exercise certain powers if a declaration of an emergency area is made, including prohibiting a person or vehicle from entering or passing through the area, directing any person to immediately leave the area by the safest and shortest route and authorising a person to enter or remain in the emergency area subject to appropriate conditions.

Subclause (3) increases the penalty for re-entering or attempting to re-enter an emergency area from 100 to 120 penalty units.

Clause 110 repeals section 38 of the EM Act, which makes it an offence to wilfully make any false or misleading statement to or otherwise wilfully mislead or attempt to mislead the Minister or any other person in relation to any claim for compensation under Part 5 or 6 of the EM Act. Clauses 104 and 105 of the Bill modernise the drafting of the offence and relocate this offence to Parts 5 and 6 of the EM Act respectively.

PART 6—AMENDMENT OF EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY ACT 2004

Clause 111 amends section 2 of the **Emergency Services Telecommunications Authority Act 2004** (ESTA Act) to remove the references to section 45 of the ESTA Act, which is being repealed by clause 115 of the Bill, and repeals section 2(3) of the ESTA Act, which provides that section 45 of the ESTA Act comes into operation on a day to be proclaimed.

Section 45 of the ESTA Act sought to repeal section 44 of the ESTA Act, which clarifies that the term "emergency services and other related services organisations" in the definition of *call taking and dispatch services* does not include Rural Ambulance Victoria. However, section 45 has not been proclaimed as coming into operation.

Clause 112 amends section 3 of the ESTA Act to remove the redundant references to the Metropolitan Ambulance Service and Rural Ambulance Victoria and replace them with a reference to Ambulance Victoria.

Since 1 July 2008, emergency ambulance services in Victoria have been provided by a single provider known as Ambulance Victoria. Ambulance Victoria was formed from the three previous providers of emergency ambulance service—the Metropolitan Ambulance Service, Rural Ambulance Victoria and the Alexandra District Ambulance Services.

Clause 113 amends section 21(2) of the ESTA Act to remove the redundant references to the Metropolitan Ambulance Service and Rural Ambulance Victoria and replace them with a reference to Ambulance Victoria.

Subclause (b) repeals section 21(2)(d) of the ESTA Act, which provides that the advisory committee for the Emergency Services Telecommunications Authority (ESTA) must consist of "one person nominated by Rural Ambulance Victoria".

- Clause 114 amends section 30 of the ESTA Act to remove the references to "any such organisation" and "each organisation" to allow the Emergency Services Commissioner to determine generic, as well as agency-specific standards for the performance by ESTA of the emergency telecommunications and other communications services it provides to emergency services and other related services organisations. This will allow ESTA to better manage call-taking on a combined, rather than single-agency basis, which is more operationally efficient, requires fewer resources and increases compliance with the standards set by the Emergency Services Commissioner.
- Clause 115 repeals sections 44 and 45 of the ESTA Act to remove redundant references to Rural Ambulance Victoria.

PART 7—AMENDMENT OF FORESTS ACT 1958

- Clause 116 inserts an immunity provision in the **Forests Act 1958** so that authorised officers (persons appointed as authorised officers under the **Conservation, Forests and Lands Act 1987**), persons employed by Parks Victoria, persons employed in the Department of Sustainability and Environment (DSE) and persons engaged by the Secretary to DSE under section 62C of the **Forests Act 1958**, are not personally liable for any thing done or omitted to be done in good faith in the exercise of a power or the discharge of a duty under the **Forests Act 1958** relating to fire management activities.

Section 62C of the **Forests Act 1958** provides that the Secretary to DSE may enter into agreements or arrangements relating to the prevention and suppression of fire. This applies to agreements entered into with interstate and international firefighting personnel, and with DSE's Networked Emergency Organisation partners, including the Department of Planning and Community Development, Parks Victoria, the Department of Primary Industries, VicForests and Melbourne Water.

Fire management activity includes any activity performed pursuant to—

- the Secretary's duty under section 20(b) of the **Forests Act 1958** to make provision for "plans, works and plant for the prevention and suppression of fires within the fire protected area".
- the Secretary's duty under section 62(2) of the **Forests Act 1958** to carry out proper and sufficient work in State forests, national parks and on protected public land for the immediate prevention and suppression of fire and for the planned prevention of fire.
- the Secretary's duty under section 62AA of the **Forests Act 1958** to issue warnings and provide information in relation to fires in State forests, national parks and on protected public land if delegated to do so by the Fire Services Commissioner or the Secretary considers it is necessary to do so to protect life and property.

PART 8—AMENDMENT OF SUMMARY OFFENCES ACT 1966

Clause 117 repeals section 12 of the **Summary Offences Act 1966**, which makes it an offence to wilfully give or cause to be given to any brigade within the meaning of the **Metropolitan Fire Brigades Act 1958** and the **Country Fire Authority Act 1958** a false alarm of fire. Clause 56 and 77 of the Bill inserts a similar offence in the **Country Fire Authority Act 1958** and the **Metropolitan Fire Brigades Act 1958** respectively.

PART 9—REPEAL OF AMENDING ACT

Clause 118 provides for the repeal of the amending Act. This repeal does not affect the continuing operation of the amendments made by this amending Act (see section 15(1) of the **Interpretation of Legislation Act 1984**).