

BUSHFIRE HAZARDS

YOUR RESPONSIBILITIES AS A LAND OWNER

What are your responsibilities as a land owner?

Managing Queensland's bushfire risk is a shared responsibility. However, as a land owner, you are legally responsible for managing bushfire hazards on your property. If a fire starts, you are legally responsible for taking all reasonable steps to report the fire and prevent the fire leaving your property.

What is a bushfire hazard?

A bushfire hazard is the potential fire behaviour characterised by weather, fuel loads and topography. Fuel load is live or dead vegetation that accumulates in an area, over time. For example, dead leaves and twigs may build up as they fall from trees.

What do you need to do to meet your responsibilities as a land owner?

As a land owner, you must prepare and plan for bushfire hazards by being aware of fire management issues in your area, trimming trees, mowing grass, removing flammable material around your home and clearing vegetation, particularly if your land shares boundaries with bushland.

You must also strike a balance between undertaking these activities and preventing harm to the natural environment and areas of cultural heritage. You can do this through property planning or preparing and implementing a land and water management system.

What can you do to manage bushfire risk on your property?

The Queensland Government's vegetation clearing laws allow landholders to undertake a range of activities to deal with the threat of a bushfire. For further information, visit www.qld.gov.au/environment/land/management/vegetation/disasters/fire.

In fact, there are a range of clearing activities that you can undertake without requiring a permit to light fire or notifying authorities. For further information, visit www.qld.gov.au/environment/land/management/vegetation/disasters/fire/exempt.

What are QFES responsibilities?

If a QFES officer becomes aware of a potential bushfire hazard, such as an excessive fuel load, on a particular property, the officer is authorised under the *Fire and Emergency Services Act 1990* (FESA) to undertake a site

inspection to discuss what may be necessary to reduce the risk of bushfire to your property, including:

- » improving firebreaks or conducting a hazard reduction burn
- » removing or disposing of any vegetation or flammable material
- » obtaining and maintaining equipment for fire fighting purposes
- » ensuring there is an adequate water supply on your property for fire fighting purposes, and / or
- » ensuring there is a safe escape from the property.

QFES Officers are authorised to formally direct you to comply with measures considered necessary to protect the community, or to take necessary measures on your behalf, at your cost.

What if you don't comply?

If an agreement cannot be reached, QFES may elect to undertake enforcement/compliance action.

The initial fine for not complying with such a direction is currently 50 penalty units for individuals. However, if an agreement cannot be reached, more serious penalties may apply under the FESA, including imprisonment, depending on the seriousness of the offence.

What are your responsibilities under the *Environmental Protection Act 1994*?

Under the *Environmental Protection Act 1994*, emergency incidents, such as those involving the release of hazardous materials from fires, vehicle accidents, and spillage of explosive, flammable or toxic chemicals, often involve public safety matters and require an immediate response from emergency services. These types of incidents may also threaten or cause serious or material environmental harm.

What are your responsibilities under local government legislation?

Overgrown vegetation and storage of materials in and around a property are regulated under local government legislation. Before clearing your land, you should check what local vegetation protection laws apply in your area. Visit www.qld.gov.au/environment/land/management/vegetation/clearing for further information.

69 Requisition by commissioner to reduce fire risk

- (1) The commissioner may require any occupier of premises to take measures for the purpose of reducing the risk of a fire occurring on the premises or reducing potential danger to persons, property or the environment in the event of a fire occurring on the premises.
- (2) A requisition may be given—
 - (a) in a particular case—by giving a notice to the occupier concerned; or
 - (b) by notification published in the gazette in which case each occupier of land to whom the notification applies must comply with the requisition.
- (3) A person to whom a requisition is given must comply with the requisition. Maximum penalty—50 penalty units or 6 months imprisonment. Note— This provision is an executive liability provision—see section 151.
- (4) Without limiting the measures that may be required to be taken, an occupier may be required to do any of the following—
 - (a) make and maintain firebreaks in accordance with any directions contained in the notification or notice;
 - (b) remove, dispose of or otherwise deal with any vegetation or other flammable material in accordance with any directions contained in the notification or notice;
 - (c) obtain equipment and keep it available for use for fire fighting purposes;
 - (d) take measures to ensure an adequate supply of water or any other substance for fire fighting purposes;
 - (e) ensure that the means of escape from the premises in the event of fire can be safely and effectively used at all material times;
 - (f) suspend such operations as may be specified for the period specified.
- (5) A notice under subsection (2)(a) must comply with the QCAT Act, section 157(2).
- (6) Where an occupier of premises fails to comply with a notification or notice an authorised fire officer and any assistant may enter the premises and take any of the measures directed by the notification or notice to be taken and any expenses incurred in taking those measures may be recovered by the commissioner in a court of competent jurisdiction from the occupier.
- (7) An authorised fire officer or an assistant who takes the measure of removing vegetation or other flammable material from premises, may take possession of and retain the material until it is disposed of pursuant to subsection (8) or until the person entitled to possession of it is determined.
- (8) Where the commissioner is satisfied that anything retained pursuant to subsection (7) is the property of the occupier who failed to comply with the notification or notice the commissioner may sell or otherwise dispose of the material and the proceeds of the disposal may be applied by the commissioner in payment of expenses incurred in consequence of the failure to comply.
- (9) Where the proceeds of the disposal of any material—
 - (a) are insufficient to cover the expenses incurred—the amount of the expenses that may be recovered under subsection (6) must be reduced by the amount of those proceeds;
 - (b) exceed the expenses incurred—the proceeds of the disposal must be applied in the following order—
 - (i) if there is an amount owing to an entity under a security interest registered against the property under the Personal Property Securities Act 2009 (Cwlth)—in payment of the amount owing under the security interest;
 - (ii) in payment of any balance to the person whose property the commissioner believes the material to have been.

Visit www.qfes.qld.gov.au to find out more about bushfire preparedness and the permit to light fire system.