



Australian Government

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

Fact Sheet—Jervis Bay Territory Rural Fires Rules

December 2023

Have your say on the exposure draft Jervis Bay Territory Rural Fires Rules 2024

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) is remaking the *Jervis Bay Territory Rural Fires Rule 2014* (the 2014 Rules) before it sunsets on 1 October 2024.

Following initial consultation earlier in the year, we have prepared the draft *Jervis Bay Territory Rural Fires Rules 2024* (the draft Rules) to replace the 2014 Rules. We want to hear from interested parties about how well these will support an effective fire management framework in Jervis Bay Territory (JBT). Your feedback is important to ensuring they operate well.

Why we are remaking the 2014 Rules?

The 2014 Rules commenced on 1 May 2014 and, under the *Legislation Act 2003*, sunset on 1 October 2024. Sunsetting is an automatic repeal of instruments after a fixed period. This sunset mechanism triggers a review of the Rules and an opportunity to remake the Rules so they remain fit-for-purpose.

The 2014 Rules support the *Jervis Bay Territory Rural Fire Ordinance 2014* (the Ordinance). 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.

What will the draft Rules do?

The draft Rules will replace the 2014 Rules, which are due to sunset on 1 October 2024.

Both sets of rules are modelled off the *Rural Fires Regulations 2022* (NSW), with modifications to reflect the JBT's jurisdictional and administrative circumstances as appropriate. Many of the provisions in the draft Rules are identical to the existing New South Wales (NSW) regulations, to ensure NSW emergency services personnel have clarity as to their role and their rights and responsibilities regardless of whether they are operating in the JBT or in NSW on any given day.

At a high level, the draft Rules cover the following matters:

- Set out eligibility for becoming and remaining a rural fire services brigade member and the process, including review rights, for removing a person from a brigade register.
- Set out the process to be followed where a brigade member is considered to have committed a disciplinary breach, including appeal rights.
- Specify administrative matters relating to the Fire Management Committee, incident reporting in relation to fires and other emergencies, and record keeping for brigade members receiving awards for bravery, other meritorious service and long service
- Set out what is prescribed land and which entity is a prescribed authority for the purposes of the Ordinance.
- Prescribe matters relating to fire permits for land in the JBT, including notice requirements.
- Set out the requirements for notices relating to hazard reduction work in the JBT.
- Specify the display and notice requirements for the draft JBT bushfire management plan, including that it be displayed for 42 days and interested persons may make submissions in that period.
- Set out the requirements for service of notices or directions as required or permitted under the Ordinance.
- Specify when volunteer rural fire brigade members can assist public authorities such as NSW Fire and Rescue, the AFP, the NSW Ambulance and the NSW SES in relation to fires, incidents and other emergencies.

The Rules do 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.

Relevant documentation

- The exposure draft Rules—
<https://www.infrastructure.gov.au/department/media/publications/exposure-draft-jervis-bay-territory-rural-fires-rules-2024>
- The exposure draft Explanatory Memorandum—
<https://www.infrastructure.gov.au/department/media/publications/exposure-draft-explanatory-statement-jervis-bay-territory-rural-fires-rules-2024>
- The current 2014 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 2 February 2024 through:

Online—<https://www.infrastructure.gov.au/have-your-say/remaking-jervis-bay-territory-rural-fires-rule-2014>

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.