



Minister for Emergency Services; Corrective Services

Our Ref: 65-10281
Your Ref: A776136



Hon Adele Farina MLC
Chair
Legislative Council Committee Office
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Hon Farina

Thank you for your correspondence dated 5 September 2019 seeking additional information for the Standing Committee on Public Administration – Inquiry into Private Property Rights in relation to government-issued licences and authorities that are issuable under legislation that I am responsible for as the Minister for Emergency Services.

In response to your query I can advise that under section 22C of the *Bush Fires Act 1954*, the Minister for Emergency Services is provided with the power to issue a total fire ban exemption. This provision is given effect on the advice of the Fire and Emergency Services Commissioner, who considers whether a person has taken adequate precautions, including the prevention of spread, control and extinguishment if necessary.

This could be considered an authority, as a total fire ban exemption provides the exemption holder authority to undertake activities which would otherwise be prohibited during a total fire ban. For example, hotworks, which includes activities such as grinding, welding, thermal or oxygen cutting or heating and other related heat or spark producing operations. Hot works are prohibited in the open air during a total fire ban, but an exemption holder may undertake that activity during a total fire ban as long as they meet the conditions in their exemption. A total fire ban exemption does not create a private property right, nor give rise to a right of compensation.

With respect to the Torrens system and encumbrances that could be included on a Certificate of Title, under section 18P of the *Fire and Emergency Services Act 1998* the Fire and Emergency Services Commissioner has a statutory responsibility to designate Bush Fire Prone Areas. As a minimum standard the Map of Bushfire Prone Areas is identified on a Property Interest Report issued by Landgate and is publically available online through the DFES website.

A multi-staged 'Action Plan for Bushfire Framework Review 2019' is currently underway. The review will evaluate relevant policies in line with new mapping protocols, including State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas.

I trust that this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Francis Logan', with a long horizontal flourish extending to the right.

**HON FRANCIS LOGAN MLA
MINISTER FOR EMERGENCY SERVICES; CORRECTIVE SERVICES**

27 SEP 2019