

Explanatory Note for a Schedule 15 Fire Prevention Notice

Power and Purpose

The municipal fire prevention officer of the council has the power under section 41 of the Country Fire Authority Act 1958 to issue this notice. The purpose of this notice is to require you take the necessary steps to protect your life and property, and that of your neighbours, from the threat of fire.

Effect of not complying with this notice

If you do not comply with this notice within the time allowed or you do not lodge an objection (see below):

- The municipal fire prevention officer may arrange for the council, a fire brigade or other contractor to enter upon your land and take the steps specified in this notice. The council will then send you an account for the cost of taking these steps. If you do not pay the account, the council can take you to court to recover the cost including interest on the money owed (see sections 225 and 232 Local Government Act 1989.)

In addition:

- The municipal fire prevention officer may serve you with a fire prevention infringement notice (“infringement notice”) for failing to comply with this notice and requiring you to pay a penalty of 10 penalty units within a specified time. (Not less than 28 days after the infringement notice has been served.) Failure to pay the infringement penalty by the due date may result in further enforcement action being taken and may incur further costs.
Or
- Proceedings may be taken against you for a failure to comply with this notice. If proceedings are taken, you can be fined up to 50 penalty units or imprisoned for a period of up to 12 months (see section 41D(1) Country Fire Authority Act 1958.)

Objection

You can object to this notice if you wish (see section 41B Country Fire Authority Act 1958,) by lodging your objection with the municipal fire prevention officer within 7 days of the service of this notice, stating your grounds of objection. Within 14 days of lodging an objection, the municipal fire prevention officer must confirm or vary this notice (specifying the new time within which you must comply) or withdraw this notice.

Appeals

If you have lodged an objection and the municipal fire prevention officer fails to confirm, vary or withdraw the notice within 14 days, or you are not satisfied with a confirmation or variation of the notice, you may appeal (see section 41C Country Fire Authority Act 1958.)

Appeals must:

1. Be in writing;
2. Be lodged with the Chief Officer, Country Fire Authority, 8 Lakeside Drive, East Burwood, 3151, within 7 days of the 14 day period described above, or within 7 days of the confirmation or variation (whichever is earlier);
3. Fully state the grounds of your appeal.

The Chief Officer (or a delegate) will then consider whether your appeal is valid. To do this, an investigation will be made of your case. In the course of the investigation, an officer of the Country Fire Authority may visit you to assess the matter. When considering your appeal the Chief Officer (or a delegate) will take into account all relevant circumstances, including the proper needs of conservation, and any alternative means of addressing the threat of fire. After considering the appeal, the Chief Officer (or a delegate) must either confirm, vary or cancel the notice. You will be notified in writing of the decision.

If you have any enquiries, contact the municipal fire prevention officer of your municipal Council.