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Subordinate Legislation Act 1994

NOTICE OF PREPARATION OF REGULATORY IMPACT STATEMENT

Proposed Forests (Fire Protection) Regulations 2025

I, Steve Dimopoulos, Minister for Environment, and Minister responsible for administering the **Forests Act 1958** (the Act), give notice under section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared for the proposed Forests (Fire Protection) Regulations 2025 (the proposed regulations).

The reason for the proposed regulations is to provide for the protection of State forests, protected public land and national parks from damage by fire. The proposed regulations will replace the current Forests (Fire Protection) Regulations 2014 that are due to sunset on 8 June 2025.

The objective of the proposed regulations is to provide for the protection of State forests, protected public land and national parks from damage of fire. The proposed regulations will regulate or prohibit activities which may lead to the ignition of bushfire, in particular:

- lighting of fires, including campfires, in the open air;
- use of smokers by apiarists;
- use of engines, including chainsaws and generators;
- use of welding, grinding, soldering or gas-cutting equipment;
- some activities of sawmills and other operations.

These regulations are aligned to government objectives for the management of bushfire on public land as identified as long-term outcomes of the Victoria's Bushfire Management Strategy. Relevant outcomes include:

- **People and community safety:** Communities are more resilient to the impacts of bushfires and bushfire management activities.
- **Critical infrastructure and economic resilience:** Business, industry and infrastructure are more resilient to the impacts of bushfires and bushfire management activities.
- **Aboriginal self-determination in bushfire management:** The sector supports and enables self-determination of Traditional Owners and Aboriginal Victorians in land and bushfire management.
- **Ecosystem resilience and nature conservation:** Fire regimes support healthy and resilient ecosystems and nature conservation in a changing climate.
- **Working together, accountability and shared responsibility:** The sector, land managers, communities and industry work together effectively and share responsibility for managing bushfire risk across public and private land.

The RIS examines the costs and benefits of three options with respect to remaking the current regulations as part of the proposed regulations. The options considered are:

- **Option 1 – Remake the current regulations with minor amendments, which contain prescriptive methods on how industry and members of the public must manage the risk of fire on or near State forest, protected public land and national parks.**
- **Option 2 – Remake the current regulations using performance-based measures which contain outcomes which industry and members of the public must achieve, with flexibility on methods to manage the risk of fire.**
- **Option 3 – A non-regulatory option involving providing education and information about fire use and safety, guidance notes, with more reliance on markets and other permit conditions.**

SPECIAL

The RIS concludes that Option 1 is the preferred option for reducing the risks of fire. Of the three options, it provides the strongest benefit to protecting human life, preventing loss of private and public property, supporting the resilience of Victorian ecosystems and providing assurance that commercial activities are conducted in a safe manner. Further, it provides additional benefits in line with the outcomes of Victoria's Bushfire Management Strategy including removing barriers to Aboriginal self-determination in bushfire management and supporting shared responsibility. These benefits are balanced against incremental additional costs of compliance. Given the potential costs of loss and damage that would occur from even a single uncontrolled bushfire (including the costs of responding to fires), DEECA considers that even a small reduction in the risk of uncontrolled fires from the proposed regulations justifies the relatively small cost burden on businesses.

Copies of the RIS and the proposed regulations may be obtained from the Engage Victoria website at www.engage.vic.gov.au/forests-fire-protection-regulations-2025; by emailing the Fire and Emergency Management Policy Branch at firestrategy@deeca.vic.gov.au or by calling the Department of Energy, Environment and Climate Action's Customer Contact Centre on 136 186.

Public comments or submissions are invited on the RIS and the proposed regulations. Comments and submissions must be received no later than 11.59 pm on 3 March 2025 and should be made by completing the relevant survey on the Engage Victoria website, submitted by emailing firestrategy@deeca.vic.gov.au or by posting your submission to PO Box 500, East Melbourne, Victoria 8002.

All comments and submissions will be treated as public documents, unless the person making the comment or submission requests that it not be publicly available.

STEVE DIMOPOULOS MP
Minister for Environment

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