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Give people the right to save their homes from fire, CLA says

Canberra home owners should have the right to defend their home against fire if they choose, Civil Liberties Australia (ACT) told a Legislative Assembly committee hearing this week.

CLA asked the committee to amend the laws relating to police powers so that people would not be committing an offence if they refused a police order to leave when fire threatened.

Provided people were well prepared and capable of defending their house and property, they should make the decision on whether to stay or go, not police, CLA said.

“We should have the right to fight for our houses if we choose,” CLA president Dr Kristine Klugman said yesterday.

“The law now in the ACT is the same as during the 2003 fire disaster: police have the power to order you to leave your home – if you don’t obey them, and don’t abandon your home, you are breaking the law.”

The Legislative Assembly’s Standing Committee on Legal Affairs was told houses had been lost in Canberra in 2003 where police ordered evacuation against on-site firefighter advice at the time.

The people would almost certainly have saved their houses if they had not been forced to abandon them, the committee heard.

The McLeod inquiry has also recommended people should be able to stay and fight for their homes.

The Australasian Fire Authorities Council advice is that people should stay and defend their homes, provided the house and property is well prepared for fire, the people are physically capable, and water is available to put out spot ignition before and after a fire front has passed through.

In Victoria, which is considered best practice, the law makes it clear people can stay to save their houses or business – it is a legal right, enshrined in that State’s bushfire legislation.

Emergency authorities in the ACT are still considering what the formal advice to home owners should be in the wake of the 2003 fires.

“This is an important issue for the ACT community,” Dr Klugman said. “People should have the freedom of choice to make their own decisions. They should be free to decide to leave if they choose, or free to decide to stay if they choose.

“Police, untrained in fire behaviour and unaware of how well prepared a homeowner is, should not be able to force anyone, by rule of law, to abandon their home if they want to fight for it.”

ENDS

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