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WESTERN AUSTRALIA

FIRE LAW

1991 EDITION

BUSH FIRES BOARD

DEFINITIONS

ADJOINING	"adjoining", when used with respect to two or more pieces of land, extends to pieces of land which are separated only by a road or roads or by a railway or by a water-course;
BUSH	"bush" includes trees, bushes, plants, stubble, scrub, and undergrowth of all kinds whatsoever whether alive or dead and whether standing or not standing and also a part of a tree, bush, plant, or undergrowth, and whether severed therefrom or not so severed. The term does not include sawdust, and other waste timber resulting from the sawmilling of timber in a sawmill whilst the sawdust and other waste timber remains upon the premises of the sawmill in which the sawmilling is carried out;
BUSH FIRE BRIGADE	"bush fire brigade" means a bush fire brigade for the time being registered in a register kept pursuant to section forty-one of this Act;
CLERK	"clerk" means, in relation to a local authority, the town clerk if that local authority is a city or a town under the Local Government Act, 1960 (as amended), or the shire clerk if that local authority is a shire under that Act;
FIRE EXTINGUISHER	"fire extinguisher" means a device which comprises— (a) a container filled with at least 7.5 litres of water; and (b) a pump capable of discharging that water and which is in a sound and efficient condition;
FOREST LAND	"forest land" means State Forest and timber reserves within the meaning of the Conservation and Land Management Act 1984 and also includes land acquired by the Department for the purpose of managing such land as State Forest or Timber Reserves;
FOREST OFFICER	"forest officer" means a forest officer appointed under the Forests Act, 1918; (now the Conservation and Land Management Act 1984);
LOCAL AUTHORITY	"local authority" means the council of a municipality constituted under the Local Government Act, 1960;
NOTIFIABLE AUTHORITY	"notifiable authority" in relation to land upon which, or upon a part of which, burning is intended to be carried out (in this interpretation called "the subject land") means any Government department or instrumentality which has land under its care, control and management adjoining the subject land and which has requested the local authority in whose district the subject land is situated to notify it of all variations made by the local authority from time to time under section 17 or 18 of the Act;

The following definitions appear in the Bush Fires Act (Section 7) the Regulations (Reg 3) and the Regulations (Infringements) (Reg 2).

EXECUTIVE OFFICER
INFRINGEMENT NOTICE
OCCUPIER OF LAND
PROHIBITED BURNING TIMES
RESTRICTED BURNING TIMES

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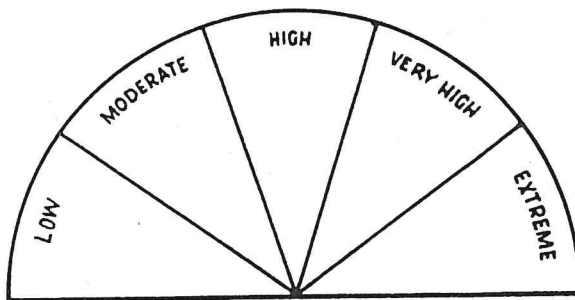
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FIRE WEATHER FORECAST SYSTEM

Bush Fire Weather warnings, issued by the Bureau of Meteorology, conform to the Australian standard Bush Fire Weather forecasts.

By relating the factors of the degree of curing of the fuel (how dry it is), the wind speed, the atmospheric temperature, and the percentage of atmospheric moisture (Relative Humidity) a Fire Danger Index figure is produced.

This Fire Danger Index is expressed as a fire danger classification as illustrated.



The British Standard Colours and Identification Numbers for Fire Danger Index Display Boards are:—

LOW	VERDIGRIS GREEN	B.S. No. 28
MODERATE	ARCTIC BLUE	B.S. No. 112
HIGH	CANARY YELLOW	B.S. No. 309
VERY HIGH	TRAFFIC YELLOW	B.S. No. 368
EXTREME	RAIL RED	B.S. No. 593

This ensures a realistic forecast as it takes into account all the factors which contribute to the probability of bush fires.

On a day when the fire danger forecast issued by the Bureau of Meteorology for a locality is very high or extreme certain legal restraints on the use of fire automatically come into force.

These restraints which refer to fires lit in the open air include a ban on burning off even though a permit to burn may have been issued for this purpose by a Fire Control Officer (Regulation 15B(7)) although Shire Councils in country areas appoint Fire Weather Officers who may validate permits in their area of jurisdiction if local conditions make it safe to do so Section 38(6)(h).

Barbecue and cooking fires are also banned unless special permission is given by the local Council. (Section 25)

INTRODUCTION

The present Bush Fires Act was passed by Parliament in 1954 and came into operation in 1955. The Act has been amended from time to time.

While this summary of the Bush Fires Act is similar in many respects to that issued previously it includes recent amendments which have changed various aspects of fire control and prevention. It does not cover all the provisions of the Act but refers to those matters with which the majority of people will be concerned. It should be used as a summary and explanation of the Act and Regulations, which should be referred to for more detail.

Most of the provisions of the Act which are in day to day use are administered by local authorities and anyone seeking further information should approach their local Bush Fire Control Officer or the office of the Shire Council for advice.

The Bush Fires Act constitutes the Bush Fires Board the membership of which is made up of The Executive Director, Department of Land Administration who is Chairman and Representatives of:—

	Number of Representatives
Country Shire Councils Association	6
The Minister for Conservation and Land Management	3
The Minister for Agriculture	1
The Western Australian Government Railways Commission	1
The Insurance Industry	1
The Commissioner of Police	1
The Sawmilling Industry	1
The State Director of the Bureau of Meteorology ..	1

BUSH FIRES ACT
PREVENTION OF BUSH FIRES
Prohibited Burning Times (Section 17)

The lighting of fires is prohibited during certain times of the year in most districts throughout the State. Except in pastoral areas, the State has been divided into zones. The prohibited burning times vary in each zone. Residents are strongly urged to acquaint themselves with the prohibited burning times fixed for their district. This information may be obtained from the Local Authority or from the Bush Fires Board.

Local Authorities have power to vary the dates declared for the commencement or conclusion of a prohibited burning time. Their power to shorten the prohibited burning period by having a later commencement date or earlier concluding date is limited to periods of not more than 14 consecutive days. There is no limit on the times that a local authority can extend the prohibited burning period. A local authority also has the power to suspend the operation of a prohibited burning time after it has commenced. In such cases however the power is also limited to periods of not more than 14 consecutive days. In any of these cases of variation of a declared prohibited burning time the local authority must publish the fact in a newspaper circulating in the district and also notify the Bush Fires Board and all adjoining local authorities of the variation. If Forest land is situated in the district, prior consultation with a Forest Officer is also required.

There are provisions in the Act whereby Government Departments and Instrumentalities having an interest in land in the district may also be notified of variations e.g. Department of Conservation and Land Management etc.

A local authority may also apply to the Bush Fires Board for a suspension of the prohibited burning times for a period, or for a purpose, outside those for which the Local Authority itself has suspending powers.

A limited amount of burning for special purposes may be carried out during the prohibited burning times under special conditions which are set out later. In addition to the special conditions laid down for this burning, the provisions of Section 18 of the Act and relevant sections of the Regulations under the Act must also be observed. Requirements of Section 18 are hereunder.

The penalty for illegally lighting a fire during prohibited burning times is a fine of \$2 000 and/or imprisonment for six months.

RESTRICTED BURNING TIMES (SECTION 18)
(Regulations 15.15A.15B)

Restrictions apply to all burning carried out during the period declared as restricted burning times within most areas of the State. These times are declared by the Bush Fires Board and generally speaking are related to periods immediately prior to and following the prohibited burning times.

In any year that a local authority considers that seasonal conditions warrant a variation in the restricted burning times they may after consultation with the Forest Officer if Forest land is situated within its district, vary the restricted burning times in respect of that year in its district or part of its district. If the variation proposed is towards shortening the period then it may not do so for more than 14 consecutive days.

A local authority also has the power to vary the prescribed conditions for burning by modifying or suspending all or any of those conditions. The same requirements for notification apply as for variations of prohibited burning times. (i.e.) In any of these cases of variation of a declared restricted burning time the local authority must publish the fact in a newspaper circulating in the district and also notify the Bush Fires Board and all adjoining local authorities of the variation. If Forest land is situated in the district, prior consultation with a Forest Officer is also required.

There are provisions in the Act whereby Government Departments and Instrumentalities having an interest in land in the district may also be notified of variations e.g. Department of Conservation and Land Management etc.

Any person wishing to burn during restricted burning times should contact the local shire council or a bush fire control officer to ascertain any special local rules for burning.

The law requires that a person shall not set fire to the bush during the restricted burning times, unless he complies with prescribed conditions as follows:—

1. Obtained a permit in writing from either the fire control officer or the Clerk of the local authority and complied with all the conditions prescribed (see below).

2. Notified his intention to burn the bush to:—

all neighbours

a Bush Fire Control Officer or Clerk of the Local Authority

a Forest Officer if the fire will be within 3 km of State Forest

and all "notifiable authorities" (see definition on p. 2).

The period of notice required under this section shall be not more than 28 days or less than 4 days, except where the notice is given verbally, in which case the minimum period of the notice may be determined by mutual agreement.

Notice may be given by any of the following methods and must contain full particulars of the locality where the burning will take place—

- (a) by verbal communication or in writing as will ensure that every land owner, occupier or other person is made aware of the intention to burn and the date and time; or
- (b) by delivering it at the premises on which the person to whom notice is to be given lives or carries on business or by leaving it with a person who is apparently over the age of sixteen years who resides or is employed on the premises; or
- (c) in the case of an owner or occupier of adjoining land who is not at the time residing on the adjoining land by posting it to his last known address not less than eight days prior to the first day on which it is intended to burn the bush.

3. At least three able bodied persons must be in attendance.

4. The fire may not be lit on a day on which an "extreme" or "very high" fire danger forecast has been issued for the district.

5. The fire may not be lit on a Sunday if the local authority has banned Sunday burning.

6. The fire shall not be lit on a public holiday if the local authority has banned burning on that day.

However, in individual cases the Fire Control Officer issuing the permit has power to vary these "prescribed" conditions. He may endorse the permit to incorporate additional requirements or directions or to dispense with any of the prescribed conditions. He must exercise this power subject to any direction given to him by the Local Authority.

A captain or lieutenant of a bush fire brigade is not authorised to issue these permits unless the Local Authority has also appointed him as a bush fire control officer.

It is illegal for a person who has applied to a bush fire control officer for a permit to burn and been refused or given a permit which is subject to special conditions, to make another application concerning the same burning to another control officer. A person refused a permit to burn, however, may appeal to the chief bush fire control officer or the Local Authority against the refusal of the permit or the conditions imposed.

VALIDITY OF PERMITS: Permits to set fire to the bush are valid for the date shown on the permit and not for any other period. More than one date can be shown on the permit but control officers should not give them an indefinite validity such as "for burning on the 17th to the 20th February or a suitable day thereafter". It would be possible for a person given a permit worded in this indefinite way to use it at any time after the dates quoted in the permit. Because the validity of a permit to set fire to the bush has no relation to the minimum of four days and maximum of 28 days' notice which must be given to neighbours and a bush fire control officer, the permit must include specific dates or a period with the dates of commencement and end clearly specified. Provided the requisite notice has already been given a permit to burn can be obtained at any time right up to the time the fire is to be lit.

PENALTY for breach of section 18. A fine of \$1 000 or 6 months imprisonment for first offence and a fine of \$4 000 or 6 months imprisonment for subsequent offences.

FIRE WEATHER OFFICERS SECTION 38

A Local Authority may appoint persons as fire weather officers. These officers can allow burning to proceed on days when an "extreme" or "very high" fire danger is forecast by the Bureau of Meteorology. It is not their function to issue permits to burn but they may validate permits already issued.

PROGRAMMED BURNING SECTION 18

Clearing Burns

When a Local Authority decides to programme burning a person who may wish to carry out a burn must notify the Local Authority by the date fixed and the Local Authority must determine a programme for the clearing burns to take place.

BUSH FIRE EMERGENCY PERIOD (SECTION 21)

Where very dangerous fire weather conditions exist or where extensive fires are burning, the Minister may declare an emergency period for a defined area. When such a declaration has been made, no person may light a fire without the permission in writing of an officer authorised by the Minister. The Minister may also appoint a person to take charge of fire fighting operations in the area affected. Information regarding the declaration of an emergency would be given over the wireless or by any other means available.

PENALTY \$2 000 and/or 6 months imprisonment.

BURNING WHICH MAY BE DONE DURING PROHIBITED BURNING TIMES (SECTION 22)

The Board may suspend the operation of the prohibited burning times to enable protective burning to be completed. When a suspension for this purpose is operating, and at the same time as burning on the subject land is taking place, the occupier of any land adjoining may burn a firebreak on his own land up to 60 metres in width from the boundary. Adjoining land includes any land which is only separated by a road, railway or water course. Before doing this burning, written approval must be obtained from the Local Authority and a firebreak must be prepared at least 3 metres wide not more than 60 metres from the common boundary. Provisions of Section 18 (set out before) must also be observed.

BURNING TO PROTECT A DWELLING HOUSE (SECTION 23)

Throughout the whole of the prohibited burning times a firebreak may be burnt to protect a dwelling house or other building, or a stack of produce. All the conditions of section 18 of the Bush Fires Act must be complied with including obtaining a permit for the burning. The burning may be carried out only between the hours of 4 o'clock in the afternoon and midnight of the same day as is specified in the permit, and within two plough or spade breaks of which the outer break is not more than 100 metres from the property to be protected.

BURNING ROAD RESERVE AND BURNING TO PROTECT PASTURE OR CROP (SECTION 23)

During such period after the commencement of the prohibited burning times as the Local Authority determines, a person may burn the bush on a road reserve adjoining his land,

or burn his grassland, for the purposes of protecting his pasture or crop from damage by fire. The burning is to be carried out in accordance with section 18 of this Act including the provision that a permit must be obtained. The bush shall be burnt at such times between the hours of 4 o'clock in the afternoon and midnight of the same day as is specified in the permit issued under this section. In the case of burning carried out on the road reserve the bush will be burnt between the constructed portion of the road and the established fire break on the adjoining land. In the case of burning carried out on the private grassland the bush shall be burnt between two firebreaks that are not more than 20 metres apart and each of which is not less than 2 metres in width.

In the case of roads declared as Highways or Main Roads under the provisions of the Main Roads Act, prior written approval must be obtained from the appropriate Main Roads Department Divisional Engineer. This should be obtained by the permit issuing authority referred to in Section 18 of the Bush Fires Act; or by the person wishing to burn the road reserve when a permit is not required.

BURNING TO COLLECT CLOVER BURR (SECTION 24 and REGULATIONS 18 TO 22B)

A person wishing to burn clover, during the prohibited burning times to assist in the collection of burr may apply to a specially authorised officer for a permit. A fee is payable.

A bush fire control officer has no authority to issue a special clover burning permit unless he has also been appointed by the Local Authority as a clover burning officer. The clerk of the Local Authority is automatically an "authorised officer" and can issue clover burning permits.

The area which may be burnt at any one time must be fixed by the officer issuing the permit after he has inspected the area and in any case, must be within the limits set by the local authority. A firebreak 3 metres wide must surround the area.

If there are any standing trees on the land to be burnt then the area must be grazed off in the growing period and any grass and debris must be raked back 2 metres from the base of each tree. Applications for a permit must be made at least 7 days before it is intended to commence burning and must be accompanied by the fee fixed by the Local Authority. At least 4 days notice must be delivered to—

- (a) Every occupier of land adjoining the area to be burnt.
- (b) To the bush fire control officer of the district if he is not also the person who issued the permit.

- (c) To a Forest Officer if the land is situated within 3 kilometres of State Forest and
- (d) An officer or employee of each notifiable authority (if any).

Local Authorities may specify a time between 4 pm and midnight before which permits to burn clover may not be granted in their district. All officers issuing clover burning permits are subject to direction by the Local Authority on all matters.

Clover burning may not be carried out on a Sunday.

A person who has a permit to burn clover must provide at least three men to be in attendance and remain there until the burn is completely safe and the fire is out.

A clover burning officer may refuse to issue a permit or may issue a permit subject to such conditions or requisitions as he considers necessary and specifies in the permit.

The person receiving the permit must comply with all conditions.

CAMPING OR COOKING FIRES (SECTION 25)

A Local Authority may prohibit the lighting of fires for camping and cooking purposes in the open air in its district during the prohibited burning times or part of that period. If a Local Authority takes this action it is illegal to light a fire for camping and cooking purposes in the open air during the period concerned except in a place specified in the notice published by the Local Authority as one set aside for that purpose.

If the Local Authority does not take the action referred to in the preceding paragraph then the normal provisions of the Act apply during both the prohibited and restricted burning times. That is, a fire for the purpose of camping or cooking shall not be lit on any day when the fire danger forecast for the district issued by the Bureau of Meteorology is "extreme" or "very high" unless the approval in writing of the Local Authority has been obtained.

When fires are lit for camping and cooking purposes they must be no closer than 3 metres to a log or stump and an area 3 metres wide surrounding the fire must be completely free of all bush and other inflammable material. The fire must not be left at any time whilst it is burning and must be extinguished before the user leaves it.

PENALTY. Fine of \$1 000.

CARCASES OF ANIMALS (SECTION 25)

A fire may be lit to dispose of the carcase of a dead animal provided that, before lighting it, notice of intention to do so has been given to all neighbours occupying land adjoining the

property on which the burning is to take place. A space of ground around the perimeter of the fire must be cleared of all inflammable material for a distance of not less than 6 metres and the fire must not be lit within 6 metres of a standing tree.

At least one person must remain in attendance at the fire until it is out. The fire may be lit only between the hours of 6 o'clock in the evening and 11 o'clock on the same day.

PENALTY. Fine of \$1 000.

BURNING OF GARDEN REFUSE AND RUBBISH (SECTION 25)

Garden refuse and rubbish may be burnt at any time, day or night, in a properly constructed incinerator designed to prevent the escape of sparks or burning material provided it is situated not less than 2 metres from any building or fence and the area of 2 metres surrounding the incinerator is clear of all inflammable material. Garden refuse and rubbish burnt on the ground may be burnt only between the hours of 6 o'clock in the evening and 11 o'clock of the same day and must be completely extinguished not later than midnight on that day. An area of 5 metres must be cleared all around the site of the fire and a person must remain in attendance at the site during the whole time the fire is burning. The user must extinguish the fire by the application of water or earth before he leaves it.

On days of "very high" and "extreme" fire danger, garden refuse and rubbish may only be burnt in a properly constructed incinerator. Burning on the ground is prohibited.

PENALTY. Fine of \$1 000.

SAWMILL WASTE (SECTION 25)

The occupier of a sawmill may maintain a fire on the premises of the sawmill for the purpose of disposing of sawdust and timber waste produced on the mill site provided reasonable precautions are taken to prevent the escape of fire. He must observe any particular directions or requisitions made by a bush fire control officer, a bush fire liaison officer or a forest officer in respect of the fire.

PENALTY. Fine of \$1 000.

NOXIOUS WEEDS AND DISEASED PLANTS (SECTIONS 26 AND 26A)

The Bush Fires Act and Regulations contain provisions for the burning during the prohibited burning times of certain noxious weeds and plants which need to be burnt to either eradicate

the plant or control a disease in the plant. The sections concerned are complex beyond the scope of this summary. Further information concerning this subject can be obtained from the Local Authority or the Bush Fires Board.

OPERATIONS OF TRACTORS (SECTION 27) (REG. 37A)

A tractor, bulldozer or road grader may not be used during the prohibited burning times or the restricted burning times unless it is fitted with a vertical exhaust system which is maintained in a sound and efficient condition and fitted with a spark arrester.

A local authority may publish a notice prohibiting the use of **tractors** unless they are equipped with a fire extinguisher. If this notice is published it must be complied with.

Bulldozers and road graders **must** carry a fire extinguisher (see definition).

PENALTY. Fine of \$500.

OPERATION OF HARVESTERS (REG. 38)

A harvesting machine or header may not be operated in any crop during the prohibited burning times or the restricted burning times unless it is equipped with a fire extinguisher.

SELF-PROPELLED HARVESTERS (SECTION 27)

A self-propelled harvester or header may not be used unless the exhaust system, if not mounted vertically, is horizontal or on any plane above the horizontal, provided that the exhaust is emitted a minimum of two metres above ground level.

PENALTY. Fine of \$500.

DEFINITION: "FIRE EXTINGUISHER" means a device which comprises:—

- (a) a container filled with at least 7.5 litres of water; and
- (b) a pump capable of discharging that water, and which is in a sound and efficient condition.

OPERATION OF HARVESTING, AND OTHER, MACHINERY Regulation by Control Officers (Reg. 38A)

A Bush Fire Control Officer, subject to any directions which may be issued by the Local Authority, may prohibit or regulate the operation of harvesting machines or any other plant, vehicles, engines or machinery on any day when it is considered the machinery is likely to cause a fire. A Local Authority may arrange for the banning of harvesting operations to be made by one officer for the whole district. Orders restricting the use of harvesting machines can be applied similarly. A ban or restriction on harvesting may be announced by a wireless broadcast.

CONTROL ON SUNDAYS AND HOLIDAYS (REG. 38C)

On October 27, 1989 Regulation 38C was repealed and a new Regulation 38C enacted. This means that all declarations that Local Authorities had made prior were revoked. From that date the following took effect:—

REGULATION 38C

The new Regulation now means the following.

- (1) Council decides which Sundays and Public Holidays harvesting is to be prohibited.
- (2) Council then decides whether harvesting is to be banned for the whole or only part of these days.
- (3) Council decides whether the prohibitions apply to the whole or only part of the district and whether different times of the day should be imposed in each of these parts of the district.
- (4) The Council then adopts a resolution on its decision and an appropriate notice is inserted in a newspaper circulating in the district.
- (5) A copy of the resolution or the notice is then sent to the Bush Fires Board in Perth.

The resolution and subsequent notice have effect until revoked or altered by Council by a similar notice in the newspaper and advice to the Board.

MOTOR VEHICLES (REGULATION 39A)

A motor vehicle may be operated on land which is under crop, pasture or stubble only if its exhaust system is clean, sound and free from leaks.

A person operating a motor vehicle anywhere in the district of a local authority must comply with any requisition of that local authority or one of its bush fire control officers which is made under the Act and conveyed to him.

PENALTY. A fine of \$200.

OPERATION OF CHAFF CUTTING PLANTS (REGULATION 39)

A fire extinguisher together with a container holding not less than 150 litres of water must be provided at the site where any chaff cutting plant is operating. A Bush Fire Control Officer or Forest Officer may make any other conditions which must be carried out by the operator.

PENALTY. A fine of \$200.

OPERATIONS OF AEROPLANES (REGULATION 39B)

Where aeroplanes are being used for agricultural purposes, such as crop dusting, it is necessary to have a fire extinguisher and at least 150 litres of water at the site of landing and taking off and the area must be surrounded by a firebreak to the satisfaction of the Local Authority. A Bush Fire Control Officer, subject to the directions of the Local Authority, may issue a requisition on the person operating an aeroplane, requiring compliance with any other conditions as to arrangements on the ground. An order under section 33 may be issued regarding clearing of the landing strip.

PENALTY. A fine of \$200.

USE OF EXPLOSIVES, CONTROL OF POWER SAWS, BAG LOADERS, WELDING APPARATUS, ETC.

EXPLOSIVES (Regulation 39D)—A person using explosives must clear around the site of the explosive or fuse to a distance of 3 metres and a fire extinguisher must be provided at the site ready for immediate use.

During Restricted Burning Times and Prohibited Burning Times 24 hours notice must be given to the Bush Fire Control Officer of the district and if within 3 km of forest land, to the Forest Officer.

A Bush Fire Control Officer may issue such other directions as may be considered necessary and these must be complied with.

PENALTY. A fine of \$200.

WELDING APPARATUS (Regulation 39C)—Welding apparatus must not be used on any land which is under crop, pasture or stubble unless an extinguisher is available for immediate use. A Bush Fire Control Officer can issue any directions he considers necessary to prevent the possibility of fire occurring or spreading and these directions must be complied with.

PENALTY. A fine of \$200.

POWER SAWS, BAG LOADERS, ETC. (Regulation 38B)—A Bush Fire Control Officer may issue directions to any person regarding the operation of any small machines and can forbid their operation unless specified firefighting equipment is available at the site. These directions may be made generally throughout a Local Authority's district. The use of power

saws, bag loaders and other plant operated by internal combustion engines on land under crop, stubble, or pasture can be prohibited or restricted in the same way as a harvesting ban, but there must be specific reference in the announcement to the machinery or plant or equipment to which the ban or restriction is to apply.

PENALTY. A fine of \$200.

CLAIMS FOR DAMAGES (SECTION 51)

Although burning may be permitted by the Bush Fires Act and all conditions may be complied with, the person carrying out the burning is still liable to claims for damages for loss or injury sustained by any other person in consequence of such burning operations. It is not a defence to such claim that the provisions of the Bush Fires Act were carried out.

OCCUPIER TO EXTINGUISH FIRES FOUND BURNING ON HIS LAND (SECTION 28)

Whenever a fire is burning on any land at any time during the restricted burning times or prohibited burning times the occupier of the land must take steps to extinguish the fire and if he needs assistance he must inform the nearest Bush Fire Control Officer or an officer of a Bush Fire Brigade, except that this shall not apply to burning carried out on the land in accordance with the provisions of the Act. However, any fire so lit which is still burning at the commencement of the prohibited burning times is to be regarded as a bush fire and not part of a burning operation.

PENALTY. A fine of \$1 000.

FIREBREAKS (SECTION 33)

A Local Authority may publish a notice requiring firebreaks to be prepared and maintained of the width and in the position specified and for the period considered necessary and may direct any owner or occupier of land by notice to prepare such breaks within the time specified in the notice. Similarly the removal or clearing up of any fire hazard may be ordered. If the owner or occupier fails to carry out the work, the Local Authority may enter the land and prepare the firebreaks at the cost of the owner or occupier. The notice may also be sent to the owner or occupier by posting it to the address shown in the rate book.

The Local Authority, may make by-laws in lieu of the annual notice. This does not affect the power of the Local Authority to issue individual notices.

The Local Authority is not authorised to set fire to the bush nor to require an owner or occupier to set fire to the bush contrary to the provisions of Section 17 of this Act.

PENALTY. A fine of \$1 000.

DISPOSAL OF LIGHTED CIGARETTES, ETC. (SECTION 30)

It is an offence during restricted and prohibited burning times for a person to dispose of burning tobacco, cigarettes, cigars, or matches in circumstances likely to cause a fire or by throwing them from a vehicle under any circumstances.

PENALTY. A fine of \$500.

WILFULLY LIGHTING A FIRE (SECTION 32)

A person who wilfully lights, causes or attempts to light a fire which may injure or damage a person or property is liable to a fine of \$250,000 or imprisonment for 14 years or both.

BURNING ON CROWN LAND (SECTION 34)

MANAGED CROWN LAND—Where a fire protection plan which has been discussed with a local authority and approved by the Bush Fires Board is in operation no power of entry to abate fire hazards exists.

UNMANAGED CROWN LAND—The occupier of land which abuts unmanaged Crown Land may enter it for the purpose of clearing a firebreak not more than 3 metres wide and not more than 200 metres from the common boundary. The area between the firebreak and the common boundary may then be burned provided a permit is first obtained from a Bush Fire Control Officer. The control officer can stipulate the width of break which may be burned up to a maximum of 200 metres. This protective burning is also subject to all the other provisions of the Bush Fires Act (Sections 17 and 18).

A Bush Fire Control Officer, subject to provisions regarding prohibited times and those of section 18, may enter any Crown Land or reserve with such workmen and vehicles, etc., as may be necessary and may burn the bush in order to reduce a fire hazard which cannot be removed in any other way. The authority on whose land it is proposed to enter must be given at least 4 days' notice.

**CONTROL AND SUPPRESSION OF BUSH FIRES
APPOINTMENT OF BUSH FIRE CONTROL OFFICERS
(SECTION 38)**

A Local Authority may appoint persons to be Bush Fire Control Officers. The Local Authority must advertise their appointment in a newspaper circulating in the district and may determine the seniority of the officers appointed by it. It must appoint a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer. The Local Authority may lay down the special powers and duties to be carried out by the Chief Control Officer and his Deputy. Although a volunteer, a Bush Fire Control Officer is an officer of the Local Authority and is thus subject to its general direction. It should be noted that registration as the captain or lieutenant of a bush fire brigade does not make them Bush Fire Control Officers. These are two separate appointments although one man can hold both if the Local Authority so desires. A Bush Fire Control Officer shall be issued with a certificate of appointment by the Local Authority.

A Bush Fire Control Officer has very wide powers and is not liable for any damages, loss or injury, caused as a result of the exercise of these powers in good faith.

**DUTIES AND POWERS OF BUSH FIRE CONTROL
OFFICERS (SECTIONS 38 AND 39)**

Every Bush Fire Control Officer may, subject to directions given by the Local Authority, take any measures he considers necessary and practicable for:—

- (a) The prevention of bush fires.
- (b) Protecting life and property in the case of an outbreak of a bush fire.
- (c) Carrying out any duty or exercising any authority referred to in the Bush Fires Act.
- (d) Procuring the due observance of the provisions of the Act. (For this purpose it is his duty to demand the name and address of any person committing an offence against the Act and to report the circumstances to the Local Authority.)

OBSTRUCTION (SECTION 57)

It is a serious offence to obstruct, hinder, resist or oppose a member or officer of the Bush Fires Board or a Bush Fire Control or brigade officer who is exercising an authority or duty under the Bush Fires Act.

PENALTY is a term of imprisonment for three months or a fine of \$1 000 or both.

POWERS

To enable Bush Fire Control Officers to carry out their duty, extensive powers have been conferred on them. They may do all or any of the following things. (Section 39).

- (a) Exercise any of the appropriate powers of the Chief Officer of Fire Brigades so far as may be necessary for extinguishing a bush fire which is already burning or for preventing its spread.

e.g. (He may cause electricity, water, gas, etc., to be shut off. He may close any street, road, right-of-way against traffic. He may remove or order police to remove any person or any thing which interferes with the operation of a brigade. He shall have control and direction of any brigade or brigades and any person who voluntarily places his services at his disposal. He may take or direct any measures considered necessary for protection of life and property. He may cause any premises to be entered or pulled down.)

These powers only apply when dealing with a fire which is out of control.

- (b) Enter any land or building whether private property or not.
- (c) Pull down, cut, remove fences on any land, cause firebreaks to be ploughed or cleared.
- (d) Take and use water except for use by a school or an occupier's domestic supply in a tank at his dwelling.
- (e) Take charge of and direct any Bush Fire Brigade present.
- (f) Do any other thing he considers necessary in the exercise of above powers.

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- (g) Employ any person or use the voluntary services of any person.
- (h) He may prohibit, or postpone, the lighting of any fire if he considers it may escape and may direct any steps to be taken to extinguish or control any fire. (Section 46.) This power to prohibit or give orders to extinguish relates to any fire, whoever may have lit it and whether they have a permit to do so or not.
- (i) He may enter a building he believes to be on fire and take any steps he considers necessary to control the fire. This power may not be exercised in an area in which a brigade has been formed under the Fire Brigades Act.

A Bush Fire Control Officer also has many special powers regarding the control of machinery and vehicles; banning harvesting, burning on Crown lands—reserves, etc.; burning at sawmills, etc. (see separate Sections under these subjects).

A Bush Fire Control Officer has no authority to take or commandeer privately owned equipment or vehicles without the consent of the owner.

FOREST OFFICER TAKES PRECEDENCE (SECTION 45)

If a bush fire is burning in or near Forest Land or in or near Crown Lands the foregoing powers and duties vest in any Forest Officer who may be present at the fire. A Forest Officer may take charge of all fire fighting operations if he so elects.

In such a case all bush fire control personnel who are present at the fire are subject to act under his orders and directions.

“Near”. The interpretation of “near” is at the discretion of the Forest Officer.

BUSH FIRES BRIGADES (SECTIONS 41, 42, 43, 44)

A Bush Fire Brigade may be established in any district and there is no limit to the number of brigades which may be formed. As the Local Authority has responsibility in regard to the brigades for the purpose of co-ordinating their activity, it is desirable that the formation of a brigade should be carried out in consultation with the Local Authority. Before a brigade may be registered, it is necessary for the Local Authority to have by-laws governing the operation of brigades. Details

regarding the members should be entered in a register kept by the Local Authority.

A Bush Fire Brigade is subject to direction by a Bush Fire Control Officer. Appointment as Captain of a brigade does not make the Captain a Bush Fire Control Officer, although many Local Authorities also appoint the Captains of brigades as Bush Fire Control Officers. The appointment of a Bush Fire Control Officer must be made by resolution of the Local Authority. Brigade officers who do not hold appointment also as Bush Fire Control Officers are not authorised by the Act to issue permits to burn. There is nothing to prevent Bush Fire Brigade Officers also being appointed Bush Fire Control Officers.

For the purpose of extinguishing or preventing the spread of a bush fire the Captain, or in his absence the next Senior Officer or member of any Bush Fire Brigade after consulting with the occupier if he be present may exercise the following powers:—

- (a) Control and direction of the brigade and any persons who voluntarily place their services at his disposal.
- (b) Either alone or with others under his direction to enter any land or premises which may be on fire, he may take any action which he thinks necessary to protect lives and property and may cause fences to be pulled down and any inflammable material to be burnt or removed. He may enter or direct the entering of any land or premises or take water from any source other than from a school or domestic supply in a tank. If a Bush Fire Control Officer is not present the brigade officer may exercise any of a control officer's powers which he considers necessary.
- (c) He may enter a building which is on fire and take any steps he considers necessary to control the fire. He cannot exercise this power in an area in which there is a fire brigade formed under the Fire Brigade Act.

If the fire is burning in or near any State Forest or on Crown lands, these powers may be exercised by a Forest Officer who is present and who is entitled to take supreme control of all operations.

Captains, lieutenants, members and persons assisting a bush fire brigade are not liable for any loss or damage caused in good faith when fighting a fire. (Section 63).

JOINT REGISTRATION OF BRIGADES AND OFFICERS

A Bush Fire Brigade can be registered in more than one Shire District. The Shire Council which forms and registers a Bush Fire Brigade can arrange with an adjoining Shire Council also to register the same Brigade. Bush Fire Control Officers can similarly be joint registered for more than one district, if both Shire Councils agree. Joint registration is more important for those Brigades which operate in areas close to the border between Shires.

Even if not dual registered, a Bush Fire Brigade has authority to operate in an adjoining Shire, and Officers can exercise all their normal powers provided that an Officer or member of a Brigade of the Shire in which the fire is burning is not present. In this case a member (not necessarily an Officer) of the "Home" Brigade takes charge and can give instructions to Brigades (including the Officers) coming in from adjoining areas.

INSURANCE OF PERSONNEL AND EQUIPMENT (SECTION 37)

It is compulsory under the Act for a Local Authority to insure its bush fire control officers and the officers, members, and persons assisting a Bush Fire Brigade. The fire fighting equipment used must also be insured whether privately owned or owned by the Brigade. The State Government Insurance Office and the various underwriters issue a standard policy for this Bush Fire Insurance. The standard policy refers only to injury or damage incurred when fighting a bush fire. Special extensions are available to the standard policy and these extensions cover Bush Fire Control Officers, etc., when carrying out inspections and other fire prevention work. The extensions are not compulsory under the Act but the majority of local authorities take out the additional cover in order to give better protection to their officers. The standard policy covers firefighters and equipment from other districts brought to assist at a fire. It also covers persons assisting to fight a fire provided the fire-fighting is under the control at least of a member of a bush fire brigade. If no authorised person is in charge of the operations then the benefits of the insurance policy do not apply. A Local Authority which arranges for increased benefits for its own officers and members can also arrange for these increased benefits to be payable when its officers and members operate in other districts.

REDUCTION OF CROP INSURANCE PREMIUMS (SECTION 52)

A Local Authority for any district which has a registered Bush Fire Brigade may apply to the Minister for declaration of the area as an "approved area". The applications are considered after investigation by an officer of the Board, and if it is considered a sufficiently high standard of protection is afforded and the district is declared, crop fire insurance premiums must be reduced by all insurance companies by 25 per cent.

BURNING BACK (SECTION 47)

Lighting a fire to burn a break to assist in controlling a bush fire is prohibited unless ordered by a Bush Fire Control Officer, or in his absence the Captain of a brigade. If there is no Captain present, a Lieutenant, or in the absence of an officer, a brigade member may direct the lighting of a back fire.

ADVISORY COMMITTEES (SECTIONS 67 AND 68)

A local authority may at any time appoint such persons it thinks fit as a Bush Fire Advisory Committee to advise it on all matters relating to prevention, control and extinguishment of bush fires, etc. The Committee must include a member nominated by the local authority who is a member of that local authority. The Committee elects one of its own members as Chairman.

A group of two or more local authorities may appoint a Regional Bush Fire Advisory Committee to assist them in performing their functions under the Act.

PROSECUTION OF OFFENCES (SECTIONS 59 AND 59A)

The Act now authorises the use of "Infringement Notices" for dealing with many offences under the Act. Generally speaking serious offences involving the possibility of a prison sentence as penalty can not be dealt with by infringement notice, but must be heard in Court. There are special regulations concerning infringement notices and their issue, withdrawal, etc. and these should be read in conjunction with Sections 59 and 59A of the Bush Fires Act.