

SHIRE OF JERRAMUNGUP

Bushfire Advisory Committee

Minutes of the Jerramungup Bush Fire Advisory Committee General Meeting held on Tuesday 25th September 2012 in the Council Chambers, Jerramungup, commencing at 7:35pm.

1. OPENING

The Chief Bush Fire Control Officer declared the meeting open at 7.35pm.

2. PRESENT

Mr Wes Thomas	CBFCO
Mr Bill Parker	CEO – Shire of Jerramungup
Mr David Edwards	DCBFCO
Mr Trevor Ross	DCBFCO
Mr Peter Masters	DEC
Mr Kalan Bailey	Jacup Brigade
Mr Peter Thurkle	CESM – Shire of Jerramungup
Mr Anthony Armstrong	OIC Jerramungup VES
Mr John Iffla	OIC Bremer Bay VES
Mr Alex Jones	Gairdner Brigade
Mr Darrell Crowley	Gairdner Brigade
Cr Bill Bailey	Shire of Jerramungup
Mr Malcolm Turner	Needilup Brigade
Mr Quentin Brown	Needilup Brigade
Mr Paul Hislop	Jacup Brigade
Mrs Charmaine Solomon	Shire of Jerramungup

3. APOLOGIES

Mr Murray Hatton
 Mr Russell Gould
 Mr Phil Wishart
 Mr Vince Hilder
 Mr Kim Parsons

4. CONFIRMATION OF MINUTES

4.1 Jerramungup Bush Fire Advisory Committee Annual General Meeting held 19th April 2012.

Moved Malcolm Turner / Seconded Anthony Armstrong

That the minutes of the Jerramungup Bushfire Advisory Committee Annual General Meeting held 19th April 2012 be confirmed.

Carried

5. BUSINESS ARISING FROM MINUTES

5.1 Review of Fire Break Notice

A working group was established consisting of the CEO, CBFCO and the DCBFCO's to review and investigate fire unit requirements for multiple headers working in paddocks.

Attached is a reviewed fire break notice.

The notice has been amended to:

1. Provide a minimum of 400L per harvesting machine
2. Address the rural lifestyle blocks on the Pallinup that are not being used for agricultural purposes.

The notice will be applied from 2013/14.

Moved Anthony Armstrong / Seconded Trevor Ross

That the Jerramungup Bushfire Advisory Committee supports the following amendments to the Shire of Jerramungup fire break notice;

- requirement to provide a minimum of 400L per harvesting machine.
- addressing the rural lifestyle blocks on the Pallinup that are not being used for agricultural purposes.

The fire break notice to be applied from 2013/14.

Carried

6. CORRESPONDENCE

Nil

7. REPORTS

7.1 CALM Report

Presented by Peter Masters DEC

0 bushfire was reported within the Jerramungup Shire, on DEC managed estate, since the last meeting

Master burn programming for Spring 2012 is continuing with the regional approvals process to be signed off by the end of the this week, after the completion of the new additional Bushfire Threat Analysis spread sheets

Prescribed burns

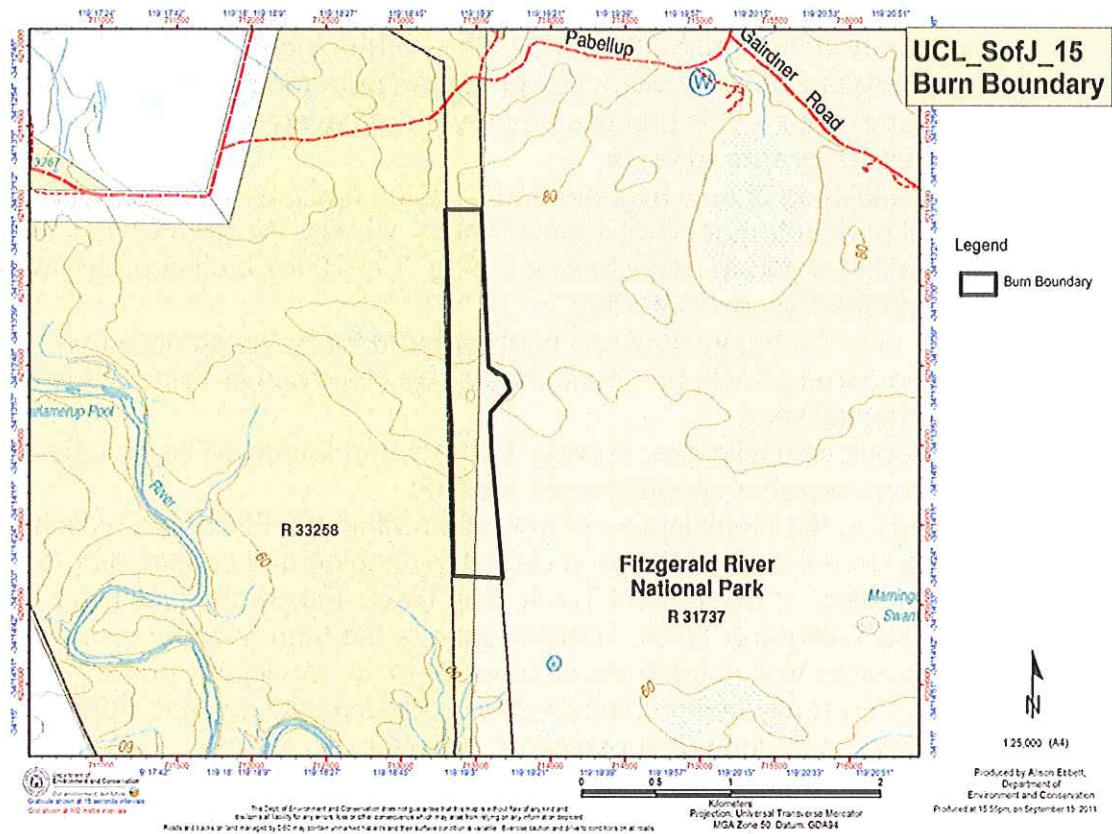
1 burn planned for Spring 2012, within the Jerramungup Shire UCL_SofJ_15 (88ha South of Pabelup Drive), this proposed burn most likely will not occur due to current approvals process and dryer than average spring.

Other DEC operational work

- ❖ Installation of new hygiene barrier gates has now been completed, at all park entrances and internal tracks, weeds, Western Shield 1080 baiting program aerial baiting spring, 30,000 fox baiting program due to commence next Saturday.
- ❖ A new 3.4 heavy duty has been ordered for Ravensthorpe to replace the current truck, and hopefully will be in service at some stage this financial year.
- ❖ Additional Helicopter surveys for flora and fauna will be completed when weather conditions are suitable.
- ❖ Due to the identification of new sites within the FRNP the existing Wilderness area has been closed, by ripping and constructing of bunding, at Drummond Track, Bell Track, Fitzgerald Inlet Track and The Telegraph Track, in the event of a fire then a loader would be required to re-instate the sections of track, for access purposes. Plans are currently being completed for access guidelines and approvals process during fire suppression activities.
- ❖ High speed number plate cameras have been purchased for intelligence gathering, with DEC Regional SOP for the use of the cameras.
- ❖ The new Polaris utility vehicle has now completed nearly 1,000km since new and is proving to be a valuable piece of equipment for off road access to difficult locations. Other proposed uses include beach patrols etc and is licenced for the road. There is dedicated trailer.
- ❖ Firebreak upgrades along the Southern Fireline and the Northern FRNP boundry will commence late spring when conditions are suitable
- ❖ Public access to the Barrens precinct will remain open, all year round, the current upgrades to Cave Point will be weather dependent until the project is completed then all areas will be open 365 days per year.
- ❖ The un-sealed section of Hamersley Drive will still be affected by the normal closure periods during wet soil conditions.

Staff Changes

- ❖ Overseer Dan Biddulph will recommence work on the 2/10/2012 after 1 years leave without pay.
- ❖ Cindy Miller will start as an Admin Support Officer at DEC Ravensthorpe, and will also be involved in other operational work as funding permits.
- ❖ Carol Ebbett, will be seconded to Albany to assist with GIS work for 4 weeks with Cindy to back fill her Carols Dieback Ranger position.
- ❖ Greg Broomhall has now moved to FMS in Kensington, and his Regional Fire Coordinators position has now been advertised. Neil Worrell has resigned from DEC



7.2 FESA Report

Nil no officer report presented.

7.3 Chief Bush Fire Control Officer Report

Wes Thomas reported that he attended the Jacup fire truck handover today and advised that Gairdner should be receiving their truck shortly.

7.4 Community Emergency Services Manager Report

- Peter Thurkle advised that he will be inspecting the strategic fire breaks in Point Henry with Harry Louw. The breaks have been completed.
- Peter will be preparing a proposal to identify other fire break maintenance throughout the Shire.
- 4 breaks in Boxwood mulch breaks
- Possibly doing some work on Kokoda road near Doctors surgery in consultation with Murray Hatton.
- FESA are currently reviewing the CESM program.
- The Shire will be commencing works on the two fire stations, to be located in Boxwood Hill and Needilup.
- Boxwood Hill and Needilup grants have been sent in to furnish the two stations.
- Maintenance program is underway to service fire trucks, Needilup truck is currently being serviced, maintenance of trucks come under ESL.

- Brigades have held their AGM except Gairdner.
- Plantation inspections are starting to commence.
- Radio maintenance should start in October.
- Back up power supply is now at Tooreburrup Hill for emergency services, generator is stored onsite.

8. GENERAL BUSINESS

8.1 Dual FCO's

Jerramungup / Ravensthorpe	Peter Wisewould
Jerramungup / Kent	Quentin Brown
Jerramungup / Lake Grace	Paul Hislop
Jerramungup / Ongerup	Ray Trevaskis
Jerramungup / Albany	Rohan Murdoch (TBA)

Moved David Edwards / Seconded Quentin Brown

The Shire of Jerramungup gazette the following Dual FCO's for the Shire;

Jerramungup / Ravensthorpe	Peter Wisewould
Jerramungup / Kent	Quentin Brown
Jerramungup / Lake Grace	Paul Hislop
Jerramungup / Gnowangerup	Ray Trevaskis
Jerramungup / Albany	Rohan Murdoch

Carried

8.2 FCO's

A list of current Fire Control Officers within the Shire of Jerramungup has been attached.

Moved Trevor Ross / Seconded David Edwards

That the current list of FCO's be gazetted by the Shire of Jerramungup.

Boxwood Hill

- **Phil Wishart**
- **Rohan Murdoch**
- **Anthony Thomas**
- **Geoff Plane**
- **Rob Wright**

Needilup

- **Ray Trevaskis**
- **Brian Penna**
- **Quentin Brown**
- **Mark Tapscott**
- **Stuart Bee**

Gairdner

- **Alex Jones**
- **Damon Parker**

- **Bruce Hill**

VES Jerramungup

- **David Edwards**
- **Kim Parsons**
- **Anthony Armstrong**
- **Paul Hislop**
- **Wayne Barrett**

VES Bremer Bay

- **Steve Wadsworth**
- **Andrew Gooch**
- **Steve Tomasini**
- **John Iffla**
- **Rick Dorrell**

8.3 14 day extension/shortening to restricted and prohibited burn times.

Peter Thurkle was advised to seek clarification and inform the Committee on the 14 day extension/shortening in the prohibited and restricted season.

Peter Thurkle to provide a copy of the circular sent by FESA on the Shortening of Prohibited and Restricted Burn Periods and Sections 17 and 18 of the *Bush Fire Act 1954* for the minutes.

Bill Parker suggested that the Shire write to the local member to lobby against the 14 day restriction.

8.4 George Street, Bremer Bay

John Iffla advised that residents would like the strip of bush burnt on George Street as it's becoming a hazard.

John Iffla requested that Russell Gould be invited and an Environmental Officer from DEC to come to Bremer Bay to meet with him and CBFCA to discuss.

Peter Thurkle to arrange a meeting.

8.5 Signage – VES shed

John Iffla queried if the bushfire sign located near the VES Shed could have another sign placed on top warning tourists of the prohibited season.

Peter Thurkle will look into some designs and respond to John Iffla.

8.6 Fuel Card

Trevor Ross queried if a fuel card could be arranged for the new fire truck.

Peter Thurkle will look into the matter and discuss with Brent Bailey.

8.6 Vacant land – Jacup Bushfire Brigade

Trevor Ross advised the Committee that Mark Siviour has approached him re the possibility of subdividing a section of his land for the Jacup fire truck.

Bill Parker informed Trevor Ross that a lease agreement of approximately 1500 square metres would be sufficient. Bill Parker will make contact with Mark Siviour to discuss.

Trevor Ross and Peter Masters advised the Committee that in early November they will be holding another fire morning (breakfast) and will be going through the trucks and equipment with the volunteers.

Peter Thurkle will be conducting an Introduction to fire fighting course and bush fire fighting course on the 20th and 21st of October to be held in Boxwood.

John Iffla asked if Peter Thurkle could approach FESA as the VES qualifications have not been updated.

Wes Thomas advised that on Monday the 1st October SCHEDS will commence.

Wes Thomas asked in the SCHEDS cheat sheets could be sent out to the brigades.

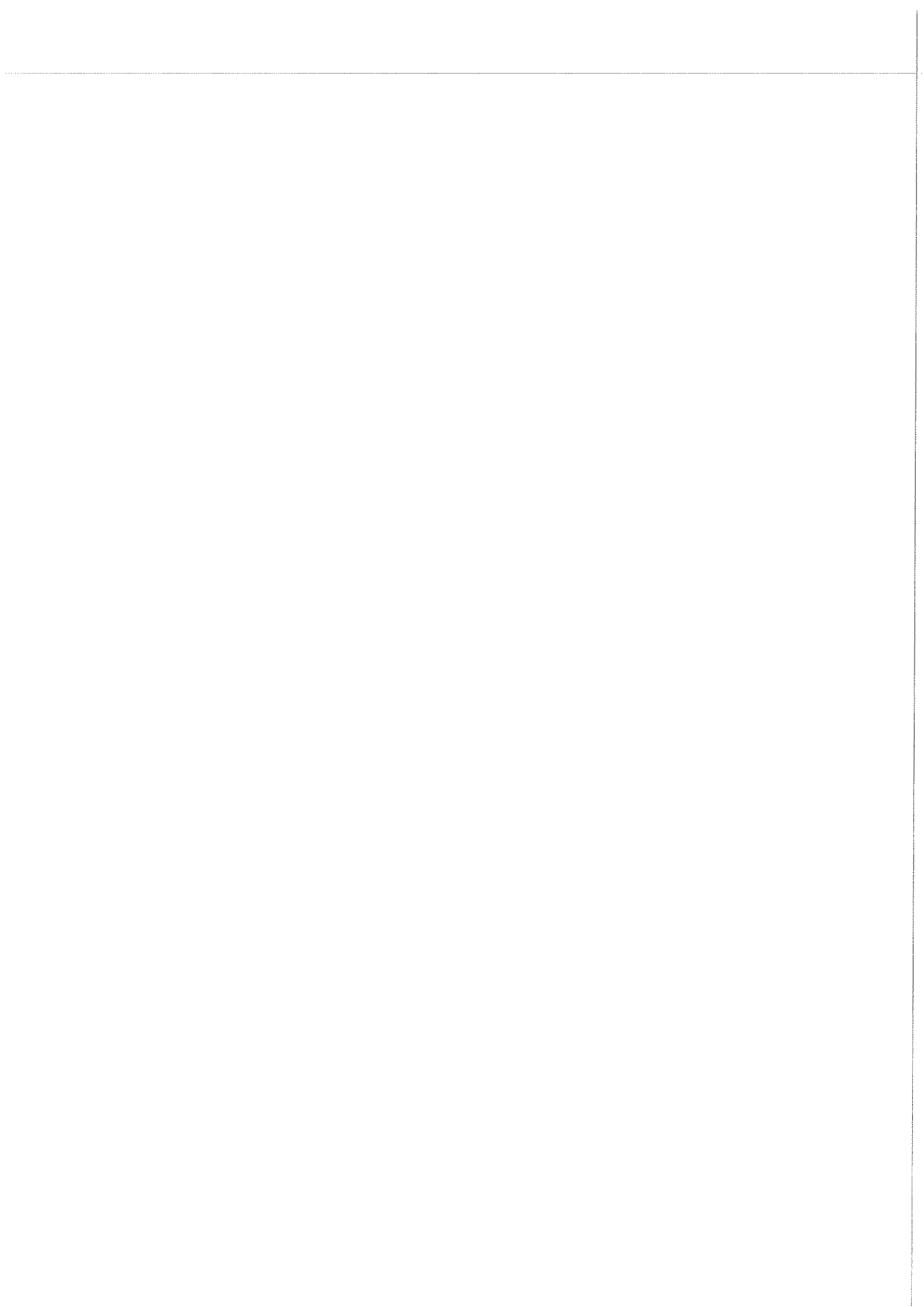
Peter Thurkle to email them out to members.

9. NEXT MEETING

The next Annual General Meeting of the Bush Fire Advisory Committee Meeting will be held Tuesday 16th April 2013.

10. CLOSURE

The CBFCA closed the meeting at 8.35pm.



BUSH FIRE ACT 1954 - Section 33(1)	HARVEST BAN HOTLINE: 08 9835 1333
Shire of Jerramungup	REGISTER FOR SMS ALERTS: 9835 1022
Notice to all owners and occupiers of land in the Shire of Jerramungup	BUSH FIRE EMERGENCY UHF CHANNEL 5

As a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, all owners and occupiers of land within the Shire's district are required before the 1st day of October in each year to clear firebreaks or to take measures in accordance with this Notice and maintain those firebreaks and measures in accordance with this Notice up to and including the 1st day of May in the following year.

1. RESIDENTIAL, TOWNSITE, TOWN CENTRE, SERVICE COMMERCIAL, LIGHT INDUSTRY AND GENERAL INDUSTRY ZONES

On land zoned Residential, Townsite, Town Centre, Service Commercial, Light Industry and General Industry under the Shire of Jerramungup Local Planning Scheme No.2 ("Scheme"), you must:

- (a) Where the area is 2,000 square metres or less, clear the land free of all inflammable matter, except for living trees, shrubs, plants and lawns under cultivation, to a height no greater than 5cm; or
- (b) Where the area of land exceeds 2,000 square metres, clear a 2 metre wide bare earth firebreak immediately inside all external boundaries of the land by removing all inflammable matter and vegetation within the 2 metre wide firebreak between the ground and 5 metres above the ground.

2. RURAL RESIDENTIAL ZONE

On land zoned Rural Residential under the Scheme, you must:

- (a) Clear:
 - (i) a 3 metre wide bare earth access track between the boundary of the land and all buildings on the land by removing all inflammable matter and vegetation within the 3 metre wide access track between the ground and 5 metres above the ground so that the access track provides unrestricted vehicular access; and
 - (ii) a 3 metre wide bare earth firebreak around all buildings on the land and within 20 metres of all haystacks and stockpiled inflammable matter by removing all inflammable matter and vegetation within the 3 metre wide firebreak between the ground and 4 metres above the ground so that the firebreak provides unrestricted vehicular access; or
- (b) Where a subdivision guide plan lodged in accordance with the Scheme shows a strategic firebreak located on the land, clear or arrange for the Shire to clear, a 20 metre wide firebreak in the location of the strategic firebreak shown on the subdivision guide plan or such other location approved by the Shire by removing all inflammable matter and vegetation within the 20 metre wide firebreak between 5 cm above the ground and 5

metres above the ground so that the firebreak provides unrestricted vehicular access; or

- (c) Where a Fire Management Plan which relates to the property has been adopted by Council and endorsed by FESA, clear firebreaks and take measures in accordance with that Fire Management Plan.

3. RURAL ZONE

On land zoned Rural under the Scheme, you must:

- (a) Where the area of the land is 100 hectares or less:
 - (i) clear a 3 metre wide bare earth firebreak immediately inside all external boundaries of the land by removing all inflammable matter and vegetation within the 3 metre wide firebreak between the ground and 5 metres above the ground ; and
 - (ii) clear a 3 metre wide bare earth firebreak around all buildings on the land and within 20 metres of all haystacks and stockpiled inflammable matter by removing all inflammable matter and vegetation within the 3 metre wide firebreak between the ground and 4 metres above the ground so that the firebreak provides unrestricted vehicular access; or
- (b) Where the area of the land exceeds 100 hectares, clear a bare earth 3 metre wide firebreak within 100 metres of all buildings, haystacks, stockpiled inflammable matter and fuel dumps by removing all inflammable matter and vegetation within the 3 metre wide firebreak between the ground and 5 metres above the ground so that the firebreak provides unrestricted vehicular access.

4. LICENCED STORAGE AREAS

- (a) As from the 1994/1995 season, grain carting and outloading during harvest ban times shall be permitted from licensed storage and outloading areas, subject to inspection prior to licensed approval being given from the local Bush Fire Brigade. There will be a licence fee of \$20.00 payable to the local Bush Fire Brigade in the area: the owners name and locations are to be published in local media publications.
- (b) The storage areas are to be on a roadway or adjacent to a road with 50m radius cleared area free of flammable materials, therefore the outloading areas should attract the same conditions, either being on or adjacent to a roadway or near houses or sheds. All areas are subject to inspection for Bush Fire Advisory Committee, further, that once inspected they need to be licensed.

5. PLANTATIONS

A plantation for the purposes of this notice is any area of planted hardwood or softwood plants exceeding 3 ha within a townsite and exceeding 10 ha if outside a townsite and where the area planted exceeds 50 metres in any one direction.

If you are the owner or occupier of land upon which there is a plantation, you must:

- (a) Clear a 15 metre wide bare earth firebreak immediately inside the external boundary of the land on which the plantation is located by removing all inflammable matter and vegetation within the 15 metre wide firebreak between the ground and 5 metres above the ground so that the firebreak provides unrestricted vehicular access; and
- (b) Clear a 15 metre wide bare earth firebreak immediately inside the boundary of any lot on the land which abuts a public road by removing all inflammable matter and vegetation within the 15 metre wide firebreak between the ground and 5 metres above the ground so that the firebreak provides unrestricted vehicular access; and
- (c) Where the plantation is divided into compartments:
 - (i) clear 6 metre wide bare earth firebreaks between compartments which do not exceed 30 ha in area each by removing all inflammable matter and vegetation within the 6 metre wide firebreak between the ground and 5 metres above the ground so that the firebreak provides unrestricted vehicular access; or
 - (ii) clear 10 metre wide bare earth firebreaks between compartments where one or both of the compartments exceed 30 ha in area by removing all inflammable matter and vegetation within the 10 metre wide firebreak between the ground and 5 metres above the ground so that the firebreak provides unrestricted vehicular access; and
- (d) where power lines pass through the plantation, clear firebreaks in accordance with Western Power specifications; and
- (e) fire fighting water supply facilities are designed and constructed so that 4 x 4 vehicles carrying 3000 litres of water are able to access the facilities; and
- (f) erect signposts to show the location of:
 - (i) compartment boundaries by name and number in a manner which is consistent with the plantation map;
 - (ii) water supply facilities;
 - (iii) emergency access and egress;
 - (iv) any structures including houses, sheds, etc; and
 - (v) significant features including creek crossings, dead ends, etc; and
- (g) Provide to the Shire a map of the plantation showing the location of firebreaks and the matters specified in paragraph (f) above and
- (h) Where brigade fire fighting equipment is located more than 20 minutes from the plantation, supply and maintain the following equipment:
 - (i) Where the plantation has an area of less than 100ha, a 4 x 4 vehicle with 1 tonne load capacity carrying at least 450 litres of water; or

- (ii) Where the plantation has an area of between 100ha and 1000ha, a 4 x 4 vehicle carrying 2000 litres of water; or
- (iii) Where the plantation has an area of greater than 1000ha, a 4 x 4 vehicle carrying 3000 litres of water.

6. USE OF ENGINES, VEHICLES, PLANT OR MACHINERY LIKELY TO CAUSE BUSH FIRE

The Shire's Bush Fire Control Officer is of the opinion that harvesting machines and headers, other than clover harvesters, are likely to cause a bush fire, or would be conducive to the spread of a bush fire, during the prohibited burning time.

Accordingly, the Shire's Bush Fire Control Officer hereby prohibits pursuant to regulation 38A(1) of the Bush Fires Regulations 1954:

- (a) the use of a harvesting machine or header, other than a clover harvester, during the prohibited burning time specified below unless, in the paddock being harvested or adjacent to the entrance of the paddock being harvested, there are sufficient mobile fire fighting units as defined below to provide a minimum of 400 litres of water per harvesting machine or header; and
- (b) the use of a harvesting machine or header on Christmas day in any year.

Note that the Shire's Bush Fire Control Officer may by notice prohibit or regulate the use of other engines, vehicles, plant or machinery during the prohibited or restricted burning times.

7. HARVESTING MACHINES AND HEADERS - REGULATION 38

Pursuant to regulation 38 of the Bush Fires Regulations 1954, a person shall not operate any harvesting machine or header in any crop during the prohibited burning times or the restricted burning times set out below unless a fire extinguisher is carried on the machine.

8. RESTRICTED AND PROHIBITED BURNING TIMES

Restricted Burning Times (PERMITS REQUIRED)	1 October to 31 October in each year, both dates inclusive and 2 March to 1 May in each year, both dates inclusive.
Prohibited Burning Times (TOTAL FIRE BAN)	1 November in each year to 1 March the following year, both dates inclusive

NOTE – Restricted and Prohibited Burning Times may be varied due to seasonal changes. Any changes will be advertised in a local newspaper circulated within the Shire's district.

9. APPLICATION TO VARY REQUIREMENTS

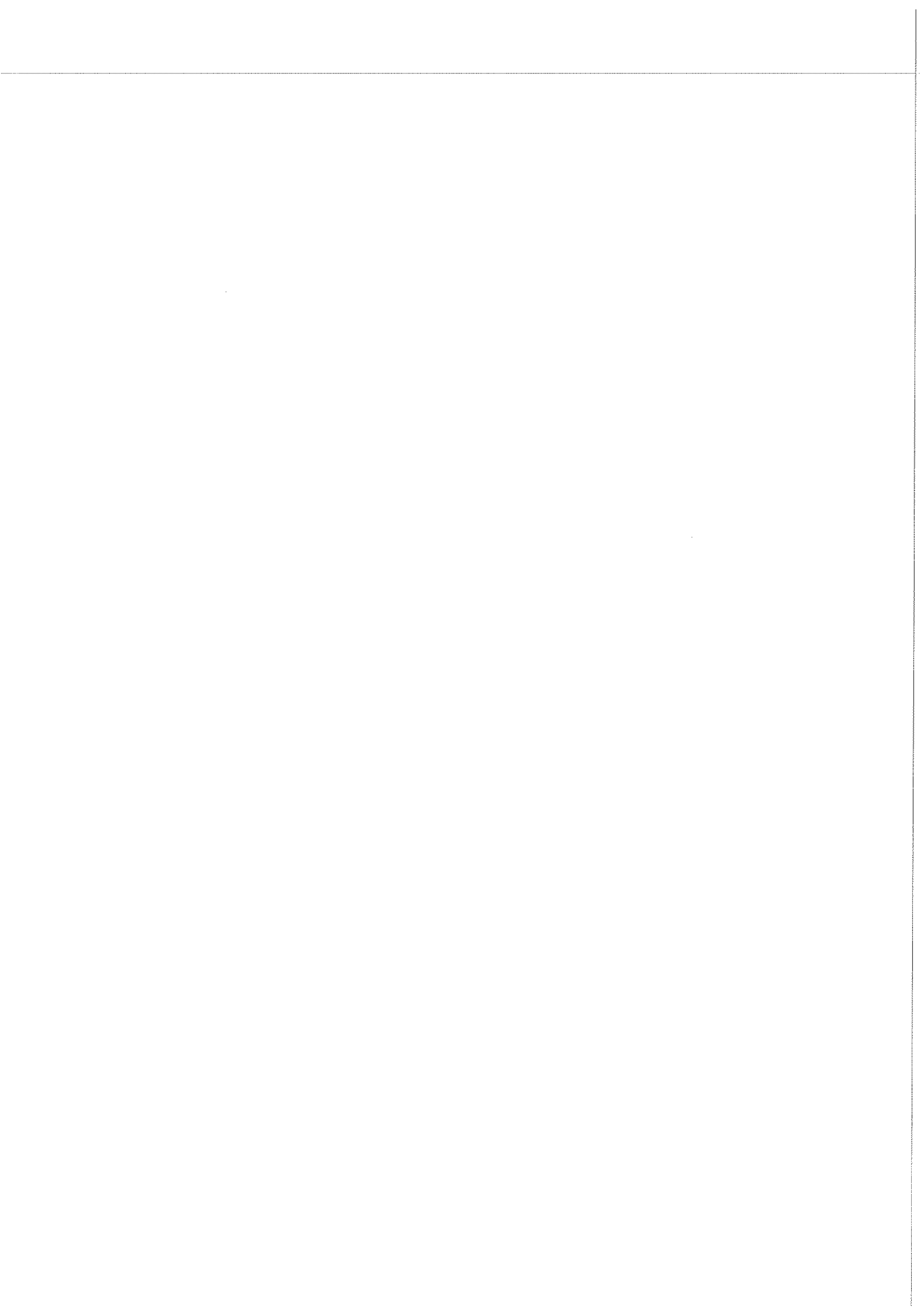
If it is impracticable for any reason to clear firebreaks or to take measures in accordance with this Notice, you may apply to the Shire in writing before the 15th of October each year for permission to provide firebreaks in alternative locations or take alternative measures to prevent the outbreak or spread of a bush fire. If permission is not granted in writing by the Shire, you shall comply with the requirements of this Notice.

10. DEFINITIONS

In this Notice, the following definitions apply:

"Fire extinguisher" means a device which comprises a container filled with at least 7.5 litres of water and a pump capable of discharging that water, and which is in a sound and efficient condition.

"Mobile fire fighting unit" means a mobile single tank containing a minimum of four hundred (400) litres of water and equipped with a 38mm engine-driven pump fitted with a minimum of twenty (20) metres of nineteen (19) millimetre diameter fire fighting hose capable of delivering water through an adjustable nozzle in spray or jet configurations.





OPERATIONAL CIRCULAR 18/2012
File: 00479

FEBRUARY 2012

SHORTENING OF PROHIBITED AND RESTRICTED BURN PERIODS

A	
B	
C	
D	
Vol	
O.I.C. is to read this circular to all station personnel and discuss. Then sign the appropriate box above to confirm that this has been completed	

Background

Sections 17 and 18 of the *Bush Fires Act 1954* ('the Act') outline the legislative framework for the declaration and variation of the Prohibited Burning Times (PBT) and Restricted Burning Times (RBT).

Section 17(7) of the Act provides that a local government may, if conditions warrant, shorten, extend, suspend or reimpose a period of PBT. This provision is mirrored by section 18(5) of the Act for RBT.

Section 17(7B) provides that:

A variation of prohibited burning times shall not be made under subsection (7) if that variation would have the effect of shortening or suspending those prohibited times by, or for, more than 14 successive days.

Section 18(5B) of the Act contains a similar provision for RBT.

Current Situation

FESA Legal and Legislation area recently became aware that some local governments have been using the above provisions to vary their PBT with multiple consecutive 14 day blocks. In this regard it also came to light that an excerpt from page 35 of the Fire Control Officer manual relevantly provides that:

There is no limit on the number of times that a Local Government can extend or shorten the Prohibited Burning Times.

In order to clarify the above matter, FESA sought advice from the State Solicitor's Officer (SSO) regarding the interpretation of sections 17 and 18 of the Act.

SSO advise that sections 17(7B) and 18(5B) of the Act use the words '*would have the effect of*' in reference to shortening of the PBT or RBT. As such, what is important is not just the length of shortening, but the cumulative effect that shortening would have.

By way of example, a local government may do one variation for seven days, and a second variation for seven days. Such variations are within the terms of sections 17(7B) and 18(5B) as the combined effect is to only shorten the period by 14 days.

However an initial 14 day variation, followed by a second 14 day variation, rules the second variation invalid. This is because the combined effect is to shorten the period by 28 days, which is in contravention of sections 17(7B) and 18(5B).

In short, this means where a local government variation of PBT or RBT has a cumulative effect of shortening a period that exceeds 14 days it would be in contravention of sections 17(7B) or 18(5B) of the Act.

Pursuant to section 17(6) of the Act, the Authority may, by notice in the Gazette warrant, shorten, extend, suspend or reimpose a period of PBT. This provision is mirrored in section 18(4a) for RBT. There is no limit in either of these sections regarding the timeframe for any variation.

As such, if seasonal conditions are such that it is considered likely that the PBT or RBT times require shortening by more than 14 days; the local government should make application to the Authority (FESA) to publish such a variation in the Gazette.

Regional staff are to ensure that local governments in their respective region are aware of the SSO interpretation of the Act, and should a local government wish to make an application to the Authority to publish a variation in the gazette; the application is to be submitted through the Regional Director.

Regional Directors are to forward any such application together with their recommendation to the FESA CEO for consideration.

Amendments will be made to the Fire Control Officer manual to reflect the SSO advice.

**LLOYD BAILEY AFSM
A/CHIEF OPERATIONS OFFICER**

AMMEND

11th October

Part III — Prevention of bush fires

[Division 1 deleted by No. 65 of 1977 s. 12.]

Division 2 — Prohibited burning times

17. Prohibited burning times may be declared by Minister
- (1) The Minister may, by declaration published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.
 - (2) Where by declaration made under subsection (1) prohibited burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those prohibited burning times shall have effect in respect of that zone in each year until that declaration is revoked.
 - (3) A copy of the *Gazette* containing a declaration published under subsection (1) shall be received in all courts as evidence of the matters set out in the declaration.
 - (4) Where the Authority considers that burning should be carried out on any land, the Authority may suspend the operation of a declaration made under subsection (1), so far as the declaration extends to that land, for such period as it thinks fit and specifies and subject to such conditions as may be prescribed or as it thinks fit and specifies.
 - (5) The Authority may authorise a person appointed by it to regulate, permit or define the class of burning that may be carried out, and the times when and conditions under which a fire may be lit, on the land referred to in subsection (4) during the period of suspension granted under that subsection.

Bush Fires Act 1954

Part III Prevention of bush fires
Division 2 Prohibited burning times

s. 17

- (6) In any year in which the Authority considers that seasonal conditions warrant a variation of the prohibited burning times in a zone of the State the Authority may, by notice published in the *Gazette*, vary the prohibited burning times in respect of that year in the zone or a part of the zone by —
- (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (b) imposing a further period of prohibited burning times.
- (7) Subject to subsection (7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —
- (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (b) imposing a further period of prohibited burning times.
- (7B) A variation of prohibited burning times shall not be made under subsection (7) if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.
- (8) Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —
- (a) the local government —
 - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and

- to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
- (iii) shall, as soon as is practicable publish particulars of the variation in that district;
- (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
- (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
- (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
- (i) rescind or modify the variation as directed in the notice; and
 - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.
- (9) For the purposes of subsection (8) —
- publish* means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the Authority may specify in writing.
- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).
- (11) A local government may by resolution revoke a delegation it has given under subsection (10) and no delegation so given prevents

Bush Fires Act 1954

Part III Prevention of bush fires
Division 3 Restricted burning times

s. 18

the exercise and discharge by the local government of its powers and duties under subsections (7) and (8).

- (12) Subject to this Act a person who sets fire to the bush on land within a zone of the State during the prohibited burning times for that zone is guilty of an offence.

Penalty: \$10 000 or 12 months' imprisonment or both.

[Section 17 inserted by No. 65 of 1977 s. 13; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 21 and 40(1); No. 19 of 2010 s. 52(4).]

Division 3 — Restricted burning times

18. Restricted burning times may be declared by Authority

- (1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.
- (2) The Authority may, by notice published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.
- (3) Where by declaration made under subsection (2) restricted burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those restricted burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (4) A copy of the *Gazette* containing a declaration published under subsection (2) shall be received in all courts as evidence of the matters set out in the declaration.

- (4a) In any year in which the Authority considers that seasonal conditions warrant a variation of the restricted burning times in a zone, or part of a zone, of the State the Authority may, by notice published in the *Gazette*, vary the restricted burning times in respect of that year in the zone or part of the zone by —
- (a) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (b) imposing a further period of restricted burning times.
- (5) **Subject to subsection (5B)** in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —
- (a) vary the restricted burning times in respect of that year in the district or a part of the district by —
 - (i) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (ii) imposing a further period of restricted burning times;
- or
- (b) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (5B) A variation shall not be made under subsection (5) if that variation would have the effect of —
- (a) shortening the restricted burning times by; or
 - (b) suspending the restricted burning times, or any prescribed condition, for,
- more than 14 successive days during a period that would, in the absence of the variation under subsection (5), be part of the restricted burning times for that zone in that year.

Bush Fires Act 1954

Part III Prevention of bush fires

Division 3 Restricted burning times

s. 18

- (5C) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.
- (5D) In subsections (5) and (5C) —
prescribed condition includes the requirement of subsection (6)(a).
- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
- (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
- (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
- (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;

- (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10A) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (10B) A person desiring to set fire to bush within the district of the local government that has made a declaration under subsection (10A) shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
- (10C) Any burning permitted under subsection (10B) shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.

Bush Fires Act 1954

Part III Prevention of bush fires

Division 3 Restricted burning times

s. 20

- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

Penalty: For a first offence \$4 500.

For a second or subsequent offence \$10 000.

[Section 18 inserted by No. 65 of 1977 s. 14; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 22, 39 and 40(1); No. 19 of 2010 s. 52(4).]

[19. Deleted by No. 65 of 1977 s. 15.]

20. Regulations as to restricted burning times

- (1) The Governor may make regulations prescribing the conditions under which bush may be burnt under section 18.
- (2) Without limiting the generality of subsection (1), regulations may be made —
- (a) requiring a person who intends to burn bush to give notice to such persons as are specified in the regulations and prescribing the matters to be included in the notice and the methods by which the notice may be given;
 - (b) prescribing the precautions to be taken before a fire is lit, and whilst it is alight, in order to keep it under control and to prevent it from spreading beyond the land in respect of which a permit to burn has been obtained under section 18;
 - (c) prescribing, by reference to fire danger forecasts issued by the Bureau of Meteorology in Perth, the days on which a person may set fire to the bush.
- (3) Regulations may be made under this section —
- (a) so as to apply throughout the State or in any specified part or parts of the State;
 - (b) so that different regulations apply to different parts of the State.

[Section 20 inserted by No. 65 of 1977 s. 16.]

Division 4 — Total fire ban

[Heading inserted by No. 25 of 2009 s. 7.]

21. Terms used

In this Division —

area of the State includes the whole of the State;

total fire ban means a total fire ban declared under section 22A(1).

[Section 21 inserted by No. 25 of 2009 s. 7.]

22A. Minister may declare total fire ban

- (1) If the Minister is of the opinion that —
 - (a) the existing weather conditions in an area of the State are conducive to the outbreak or spread of bush fires; or
 - (b) such weather conditions in an area of the State are imminent; or
 - (c) it is otherwise necessary to declare a total fire ban in respect of an area of the State,the Minister may declare a total fire ban in respect of that area.
- (2) A declaration of a total fire ban may be made by radio broadcast, television or other electronic means or in another manner that the Minister considers appropriate.
- (3) The declaration of a total fire ban is to specify —
 - (a) the period during which; and
 - (b) the area of the State in respect of which,the total fire ban is to have effect, and the total fire ban has effect accordingly.
- (4) The Minister may amend or revoke the declaration of a total fire ban by a declaration made in the manner in which the declaration of the total fire ban was made.

