

SUMMARY OF PROVISION OF SECTION 18 OF THE BUSH FIRES ACT 1954

Section (6)

Subject to this Act a person shall not set fire to the bush on land within a zone of the State during restricted burning times for that zone of the state unless -

- (a) He/she has obtained a permit in writing to burn the bush from the bush fire control officer of the local government 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 purpose of this section are complied with in relation to the burning of the bush.

Section (7)

The person issuing a permit to burn under this section may, by endorsement on the permit -

- (a) Incorporate therein any additional requirement and directions considered necessary by him relative to the burning; or
- (b) Modify or dispense with any of the conditions prescribed for the purpose of this section in so far as those conditions are applicable to the burning.

Section (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 to comply with any prescribed conditions that is suspended or dispensed with pursuant to subsection (5) or (7) (b).

Section (9)

A permit issued under this section may authorise the owner or occupier of the land to burn the bush on a road or reserve adjoining that land.

Section (10)

- (a) 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.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved 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.
- (c) The burning shall be done only on the day or days 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 times adopted by it to be given effect to.

Section (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 any such expenses may be recovered in any court of competent jurisdiction.

Section (12)

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

Penalty: For a first offence \$4500 or for any subsequent offence \$10,000.

BUSH FIRES REGULATIONS 1954

Regulation 15B Obligations of Permit Holder

- (1) Subject to the Act a person who has obtained a permit to burn bush under section 18 of the Act (in regulation called "the permit holder") shall comply with the conditions set out in this regulation in relation to the burning of the bush.
- (2) The permit holder shall give notice of his intention to burn the bush upon land, or upon a part of land, to -
 - (a) The chief executive officer or a bush fire control officer of the local government in whose district the land is situated;
 - (b) The owner or occupier of all land adjoining that land;
 - (c) A forest if the bush is situated within three kilometres of forest land; and
 - (d) An officer or employee of each notifiable authority (if any), being an officer or employee who is apparently authorised to accept this notice.
- (3) The period of notice required under subregulation (2) of this regulation shall not be -
 - (a) More than twenty-eight days; or
 - (b) Less than four days unless the notice is given verbally in which case the minimum period of notice may be determined by mutual agreement.
- (4) Notice required to be given to an owner, occupier or other person under subregulation (2) of this regulation may be given by any of the following methods -
 - (a) By verbal communication or in writing as will ensure (except in the case mentioned in paragraph (c) of this subregulation) that every owner, occupier or other person is made aware of the intention to burn and the date and time thereof; or
 - (b) By delivering it at the premises on which the person to whom notice is to be given lives or carries on a 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, not less than eight days prior to the first day of which it is intended to burn the bush, the notice by prepaid letter addressed to the last known place of abode or business of the owner or occupier.
- (5) A notice given under subregulation (2) of this regulation shall contain full particulars of the locality where the bush proposed to be burnt is situated.
- (6) Before setting fire to the bush that permit holder shall arrange for and provide, in order to assist in keeping the fire under control and preventing it from spreading beyond the land on which the burning is to take place, at least three able-bodied persons who shall be constantly in attendance at the fire from the time it is lit until no burning surrounding the burnt area or, if there is no such fire break within thirty metres of the perimeter of the burnt area.
- (7) Where for any day, or any period of a day, specified in a notice given under subregulation (2) of this regulation the fire danger forecast issued by the Bureau of Meteorology in Perth in respect of the locality where the bush proposed to be burnt is situated is either "high" or "above" the permit holder shall not burn the bush in the locality on that day or during that period but may burn the bush in the locality on the forecast issued by the Bureau of Meteorology is below "high".