## SUMMARY OF APPLICABLE PROVISIONS OF SECTION 18 OF THE BUSH FIRES ACT 1954 AND REGULATION 15B

### SECTION 18

(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 authority in whose district the land upon which the bush proposed to be burnt is situated, or from the CEO of the local authority 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 paragraph (a) of subsection (7) of this section;
- (b) Shall, where any prescribed condition is modified pursuant to subsection (5) or paragraph (b) of subsection (7) of this section, 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 paragraph (b) of subsection (7) of this 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 authority on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of one hundred dollars incurred by it in preventing the extension of or extinguishing the fire and such expenses may be recovered in any court of competent jurisdiction.

(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.

### REGULATION 15B

(1) Subject to the Act a person who has obtained a permit to burn the bush under section 18 of the Act (in this 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 CEO or a bush fire control officer of the local authority in whose district that land is situated;
- (b) The owner or occupier of all land adjoining that land;
- (c) A forest officer if the bush is situated within three kilometers 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 that 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 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 on 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 the 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 or smoldering fuel is within thirty metres of the perimeter of the firebreak surrounding the burnt area or, if there is no such firebreak, 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) 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 'catastrophic', 'extreme', or 'high' 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 first day next following that day or that period on which the fire danger forecast issued by the Bureau of Meteorology is below 'high'.

(8) The permit holder shall not light a fire to burn the bush on a Sunday if the burning of the bush on Sundays is for the time being prohibited in the district in which the bush is situated pursuant to subregulation (1) of regulation 15C of these regulations.

(9) The permit holder shall not light a fire to burn the bush on a day that is a public holiday in the district in which the bush is situated if the burning of the bush on that day is for the time being prohibited in that district pursuant to subregulation (2) of regulation 15C of these regulations.