
FIRE AND EMERGENCY SERVICES

FE301*

Bush Fires Act 1954

Bush Fires Amendment Regulations (No. 3) 2010

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Bush Fires Amendment Regulations (No. 3) 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Bush Fires Regulations 1954*.

4. Regulation 24A amended

- (1) In regulation 24A(1) insert in alphabetical order:

necessary agricultural activity means an agricultural activity that cannot be postponed until after the total fire ban without detriment to livestock or crops;

- (2) In regulation 24A(2) delete “Subject to subregulations (3) and (4), the” and insert:

The

- (3) In regulation 24A(4):

- (a) delete paragraph (b) and insert:

- (b) all reasonable precautions have been taken to prevent the use or operation from causing a bush fire; and

- (b) in paragraph (c) delete “to which subregulation (5) applies” and insert:
- applicable under subregulation (5)
- (4) After regulation 24A(4) insert:
- (5A) Subregulation (2) does not apply to the use or operation of any engine, vehicle, plant, equipment or machinery if —
- (a) the use or operation is or is part of a necessary agricultural activity; and
 - (b) all reasonable precautions have been taken to prevent the use or operation from causing a bush fire; and
 - (c) without limiting paragraph (b), the conditions applicable under subregulation (5) are complied with,
- unless —
- (d) the use or operation is inconsistent with a declaration under regulation 38C; or
 - (e) a vehicle movement ban under regulation 24C is in force in the area in which the use or operation is taking place or was to take place.
- (5) In regulation 24A(5):
- (a) delete “This subregulation applies to the conditions” and insert:

The conditions are
 - (b) delete paragraph (b) and insert:
 - (b) a fire fighting vehicle is in the vicinity while the engine, vehicle, plant, equipment or machinery is being used or operated.

5. Regulation 24C inserted

At the end of Part VA insert:

24C. Vehicle movement bans for the purposes of r. 24A(5A)

- (1) A bush fire control officer may impose a vehicle movement ban, for the purposes of regulation 24A(5A), in an area if satisfied that the use

or operation of any engine, vehicle, plant, equipment or machinery in the area during the period to be specified for the vehicle movement ban would be likely to cause a bush fire or contribute to the spread of a bush fire.

- (2) A bush fire control officer must impose a vehicle movement ban, for the purposes of regulation 24A(5A), in an area if satisfied that the bush fire danger index for the area is or exceeds 35.
- (3) For the purposes of subregulation (2), the bush fire danger index must be worked out using the “Grassland Fire Danger Index CSIRO-modified McArthur Mk 4 meter”.
- (4) A vehicle movement ban —
 - (a) has effect for the period specified for the vehicle movement ban; and
 - (b) must be published by wireless broadcast and, if practicable, in writing; and
 - (c) may be varied or cancelled by a bush fire control officer by wireless broadcast and, if practicable, in writing.
- (5) The period specified for the vehicle movement ban must be included in the wireless broadcasts of the ban and in any written publication of the ban.

6. Regulation 38D inserted

After regulation 38C insert:

38D. Relationship of certain prohibitions to total fire bans

- (1) A notice, direction, broadcast or publication under regulation 38A or 38B does not have effect in relation to an area to the extent to which a total fire ban (as defined in section 21 of the Act) has effect in relation to the area.
- (2) A notice, direction, broadcast, publication or declaration under regulation 38A, 38B or 38C does not have effect in relation to a person to the extent to which it is inconsistent with an exemption, under section 22C of the Act, covering the person.

By Command of the Lieutenant-Governor and
deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.