

BU305\*

BUSH FIRES ACT 1954  
BUSH FIRES AMENDMENT REGULATIONS 1998

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Bush Fires Amendment Regulations 1998*.

**Principal regulations**

2. In these regulations the *Bush Fires Regulations 1954*\* are referred to as the principal regulations.

[\* *Reprinted as authorized 23 August 1978.*  
*For amendments to 19 February 1998 see 1996 Index to Legislation of Western Australia, Table 4, p. 28.*]

**Regulation 3 amended**

3. Regulation 3 of the principal regulations is amended—
- (a) by deleting the definitions of “Act”, “Appendix” and “clerk”;
  - (b) by deleting the semicolon after the definition of “notifiable authority” and substituting a full stop; and
  - (c) by deleting “expressions used in these regulations have the same respective meanings as in the Act.”.

**Regulation 15B amended**

4. Regulation 15B (7) of the principal regulations is amended—
- (a) by inserting after “any day” the following—  
“ , or any period of a day, ”;
  - (b) by inserting after “that day” in the first place where it occurs the following—  
“ or during that period ”; and
  - (c) by inserting after “that day” in the second place where it occurs the following—  
“ or that period ”.

**Regulation 21B amended**

5. Regulation 21B (1) of the principal regulations is amended—
- (a) by deleting “of extreme fire danger,” and substituting the following—  
“  
 , or during any period of a day, for which the fire danger forecast issued by the Bureau of Meteorology in Perth in respect of the locality where the clover proposed to be burnt is situated is “extreme”,  
”;  
and
  - (b) by inserting after “on that day” the following—  
“ or during that period ”.

**Regulation 33 amended**

6. Regulation 33 (13) of the principal regulations is amended—
- (a) by deleting “regulation if” and substituting the following—  
“  
 regulation on a day, or during any period of a day, if for that day or that period  
”;

- (b) by inserting after “on that day” the following—  
“ or during that period ”; and
- (c) by inserting after “the day” the following—  
“ or period of a day ”.

**Part VIIB heading deleted and a heading substituted**

7. The heading to Part VIIB of the principal regulations is deleted and the following heading is substituted—

**Part VIIA—Control of Operations Likely to Create  
Bush Fire Danger**

**Regulation 39C amended**

8. (1) Regulation 39C (1) and (2) of the principal regulations are repealed and the following subregulation is substituted—

- (1) A person shall not operate—
  - (a) welding apparatus of any kind; or
  - (b) power operated abrasive cutting discs of any kind,  
in the open air, unless—
  - (c) at least one fire extinguisher is provided at the place where the welding or cutting operation is carried out; and
  - (d) the place referred to in paragraph (c) is surrounded by a firebreak which is at least 5 metres wide.

(2) Regulation 39C (3) of the principal regulations is amended—

- (a) in paragraph (a) by deleting “of this regulation” and substituting the following—  
“ (a) ”;
- (b) by inserting after paragraph (a) the following—  
“ or ”; and
- (c) in paragraph (b) by deleting “(2) of this regulation” and substituting the following—  
“ (1) (b) ”.

**Regulation 39CA inserted**

9. After regulation 39C of the principal regulations the following regulation is inserted—

**Operation of bee smoker devices**

39CA. (1) In this regulation—

“**bee smoker device**” means a device used to generate smoke for the purposes of beekeeping;

“**prescribed period**” means—

- (a) the prohibited burning times;
- (b) the restricted burning times; or
- (c) a day or any period of a day for which the fire danger forecast issued by the Bureau of Meteorology in Perth in respect of the locality where it is proposed to operate the bee smoker device is “extreme” or “very high”.

(2) For the purposes of section 27A (1) (a) (ii) of the Act, the operation of a bee smoker device in the open air is an operation likely to create a bush fire danger.

(3) A person shall not operate a bee smoker device in the open air during a prescribed period unless—

- (a) at least one fire extinguisher is provided at the place where the device is operated; and
- (b) the ground within a distance of 3 metres from the place referred to in paragraph (a) has been—
  - (i) sufficiently cleared of inflammable material; or
  - (ii) sufficiently damped down with water,  
to prevent the escape of fire.

(4) A person who operates a bee smoker device in the open air during a prescribed period shall—

- (a) ensure that neither the lighting nor the operation of the device results in the ignition of inflammable material outside the device;

- (b) place the device in a fire resistant container when it is alight but not being held by the person; and
  - (c) extinguish the fire in the device on completion of its operation.
- (5) A bush fire control officer may, subject to the directions, if any, of the local government by which the officer was appointed, issue—
- (a) to a person operating a bee smoker device during a prescribed period; or
  - (b) to the owner or occupier of the land on which that operation is carried out,
- such directions as the officer considers necessary for the prevention of fire on that land and the person, owner or occupier, as the case may be, shall comply with those directions.

#### Appendix amended

10. The Appendix to the principal regulations is amended in Form 9 in the extract of regulation 33 (13)—

- (a) by deleting “regulation if” and substituting the following—

“ regulation on a day, or during any period of a day, if for that day or that period

- (b) by inserting after “on that day” the following—

“ or during that period ”; and

- (c) by inserting after “the day” the following—

“ or period of a day ”.

#### Minor amendments as a consequence of the enactment of the *Local Government Act 1995*

11. (1) Regulation 22A (1) of the principal regulations is amended by deleting “authorities” and substituting the following—

“ governments ”.

(2) Regulation 38C (1) of the principal regulations is amended by deleting “municipal”.

(3) Regulation 21A of the principal regulations is amended by deleting “authority” in the second place where it occurs and substituting the following—

“ local government ”.

(4) Regulation 39A (2) of the principal regulations is amended by deleting “authority” in the second and third places where it occurs and substituting in each place the following—

“ local government ”.

(5) The provisions of the principal regulations specified in the Table to this subregulation are amended by deleting “local authority” wherever it occurs and substituting the following—

“ local government ”.

Table

reg. 3 (definition of “notifiable authority”) (twice)	reg. 21A	reg. 38B (1)
reg. 15 (1)	reg. 21B (1)	reg. 38C (1)
reg. 15 (2) (twice)	reg. 23 (1)	(3 times)
reg. 15A	reg. 23 (3)	reg. 38C (2)
reg. 15B (2) (a)	reg. 24 (twice)	reg. 39A (2)
reg. 15C (1)	reg. 27 (3) (twice)	reg. 39B (2)
reg. 15C (2)	reg. 31 (a) (ii)	reg. 39B (3)
reg. 16 (twice)	reg. 33 (5) (twice)	reg. 39C (3)
reg. 19 (1)	reg. 33 (7) (b)	reg. 39D (2)
reg. 19 (3)	reg. 33 (8)	reg. 41
reg. 19 (4)	reg. 33 (12)	reg. 43 (1) (twice)
reg. 20 (4 times)	reg. 34 (4 times)	reg. 43 (2)
	reg. 36A (5) (twice)	reg. 43 (3) (twice)
	reg. 38A (1)	
	reg. 38A (4)	

(6) The provisions of the principal regulations specified in the Table to this subregulation are amended by deleting “clerk” wherever it occurs and substituting the following—

“ chief executive officer ”.

Table

reg. 15B (2) (a)	reg. 31 (a) (ii)
reg. 16	reg. 33 (7) (b)
reg. 24	

- (7) The Appendix to the principal regulations is amended—
- (a) in Form 4, in the note at the foot of the form, by deleting “Town Clerk, Shire Clerk” and substituting the following—
    - “ Chief Executive Officer of a local government ”;
  - (b) in Form 5 by deleting all of the form after “(e) name of location.”;
  - (c) in Form 6—
    - (i) by deleting “clerk of the local authority” and substituting the following—
      - “ chief executive officer of the local government ”; and
    - (ii) in the note at the foot of the form, by deleting “Town Clerk, Shire Clerk” and substituting the following—
      - “ Chief Executive Officer of a local government ”;
  - (d) in Form 7—
    - (i) by deleting “Town/Shire Clerk” in the first and third places where it occurs and substituting in each place the following—
      - “ chief executive officer ”;
    - (ii) by deleting “Town/Shire Clerk” in the second place where it occurs and substituting the following—
      - “ Chief executive officer ”;
    - (iii) in the extract from regulation 31 of the principal regulations, by deleting “clerk” and substituting the following—
      - “ chief executive officer ”; and
    - (iv) in the extract from regulation 31 of the principal regulations, by deleting “local authority” and substituting the following—
      - “ local government ”;
  - (e) in Form 8, in the note at the foot of the form, by deleting “Town Clerk, Shire Clerk” and substituting the following—
    - “ Chief Executive Officer of a local government ”;
  - (f) in Form 9—
    - (i) by deleting “Town/Shire Clerk” in the first and third places where it occurs and substituting in each place the following—
      - “ chief executive officer ”;
    - (ii) by deleting “Town/Shire Clerk” in the second place where it occurs and substituting the following—
      - “ Chief executive officer ”;
    - (iii) in the extract from regulation 33 of the principal regulations, by deleting “clerk” and substituting the following—
      - “ chief executive officer ”; and
    - (iv) in the extract from regulation 33 of the principal regulations, by deleting “local authority” in both places where it occurs and substituting in each place the following—
      - “ local government ”;
  - (g) in Form 10 by deleting “clerk of the local authority” and substituting the following—
    - “ chief executive officer of the local government ”;
  - (h) in Form 11—
    - (i) by deleting “Town/Shire Clerk” in the first and third places where it occurs and substituting in each place the following—
      - “ chief executive officer ”; and
    - (ii) by deleting “Town/Shire Clerk” in the second place where it occurs and substituting the following—
      - “ Chief executive officer ”;
- and
- (i) in Form 12 by deleting “Shire/Town Clerk.” and substituting the following—
    - “ Chief executive officer. ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.