



Western Australia

Bush Fires Act 1954

## **Bush Fires (Infringements) Regulations 1978**



## **Bush Fires (Infringements) Regulations 1978**

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#### **Defined terms**



## **Bush Fires (Infringements) Regulations 1978**

### **1. Citation**

These regulations may be cited as the *Bush Fires (Infringements) Regulations 1978*<sup>1</sup>.

[Regulation 1 inserted: Gazette 22 December 1998 p.6860.]

### **2. Interpretation**

In these regulations —

*infringement notice* means a notice served pursuant to section 59A(2) of the Act;

*the Act* means the *Bush Fires Act 1954*.

### **3. Offences and penalties**

The offences described in the First Schedule to these regulations are those prescribed for the purposes of section 59A of the Act and the amount appearing in the final column of that Schedule, directly opposite an offence, is the prescribed penalty in respect of that offence if dealt with under that section.

### **4. Prescribed officers**

For the purposes of section 59A(5) of the Act a prescribed officer is —

- (a) in the case of an infringement notice issued by a local government, or at the request of a local government, or by a person acting pursuant to a delegation made by a local government pursuant to section 59(3) of the Act —

- the chief executive officer, mayor or president of the local government;
- (b) in the case of an infringement notice issued by a person authorised by the Minister or issued by a person employed in the Department for the purposes of this Act — the FES Commissioner or a person employed in the Department authorised by the FES Commissioner;
  - (c) in the case of an infringement notice issued by a member of the Police Force — any commissioned officer of the Police Force;
  - (d) in the case of an infringement notice issued by an authorised CALM Act officer — the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of the *Conservation and Land Management Act 1984*.

*[Regulation 4 amended: Gazette 11 August 1978 p.2902; 22 December 1998 pp.6855 and 6860; 18 Sep 2018 p. 3511-12.]*

**5. Forms**

The forms set out in the Second Schedule to these regulations are prescribed for the respective purposes for which forms are required by section 59A of the Act.

**First Schedule**

Item	Regulation or Section	Nature of offence	Penalty
<i>Bush Fires Act 1954</i>			
			\$
1	Section 17(12)	Setting fire to bush during prohibited burning times	250
2	Section 18	Offences relating to burning of bush	250
2A	Section 22B(2)	Offences relating to fires in the open air during total fire ban	1 000
2B	Section 22C(5)	Failure to observe and carry out the conditions of an exemption from section 22B	1 000
3	Section 22(3)(a)	Failure to notify and obtain approval of local government before setting fire to bush on land adjoining exempt land	250
4	Section 22(3)(b)	Failure to prepare a fire break in accordance with section 22(3)(b) before setting fire to bush on land adjoining exempt land	250
5	Section 24B(3)(a)	Failure to produce permit to burn	100
6	Section 24B(3)(b)	Failure or refusal to identify person who issued permit to burn	100
6A	Section 24D	Burning garden refuse when fire danger is extreme or very high	250
6B	Section 24E	Burning garden refuse at rubbish tip contrary to notice	1 000
6C	Section 24F	Burning garden refuse during limited burning times	250
6D	Section 24G	Burning garden refuse contrary to Ministerial or local government prohibition or restriction	250
7	Section 25	Offences relating to lighting of fires in the open air	250
8	Section 25A(4)	Failure to observe and carry out the conditions of an exemption from section 25	250

**Bush Fires (Infringements) Regulations 1978**  
**First Schedule**

Item	Regulation or Section	Nature of offence	Penalty
9	Section 25A(7)	Lighting a fire contrary to a notice issued under section 25A(5) by a local government	250
[10	<i>deleted]</i>		
11	Section 26	Failure to carry out burning of proclaimed plants or refuse thereof in accordance with the regulations	250
12	Section 26A	Failure to carry out burning of declared plants or refuse thereof in accordance with the regulations	250
13	Section 27(1)	Offences relating to the operation of tractors, or self-propelled harvesters, engines, machinery and vehicles during the prohibited and restricted burning times	\$ 250
14	Section 27(5)	Operation of a tractor or self-propelled harvester without a fire extinguisher contrary to a notice issued by a local government	250
15	Section 27B(1)	Giving a false alarm of fire	250
16	Section 27C(1)	Vandalism	250
17	Section 27D(2)	Offence related to the carriage of incendiary material in a motor vehicle	250
18	Section 27D(3)	Offence relating to the depositing of incendiary material	250
19	Section 28(1)	Failure of occupier of land to extinguish a bush fire burning on that land	250
20	Section 30	Offences relating to the disposal of cigarettes, cigars and matches	100
21	Section 33(3)	Failure of owner or occupier of land to comply with a notice requiring him to take action to plough or clear firebreaks or take other action to prevent the	250



***Bush Fires (Infringements) Regulations 1978***  
**First Schedule**

Item	Regulation or Section	Nature of offence	Penalty
22	Section 46(2)	outbreak or spread of bush fires Lighting fire contrary to section 46 or failing to carry out directions of bush fire control officer, local government or forest officer	250
23	Section 47	Lighting a firebreak without direction while bush fire burning	250
24	Section 56(3)	Refusal to state name and abode or stating false name and abode	100
25	Section 57	Obstruction	250
<i>Bush Fires Regulations 1954</i>			
26	Regulation 15(2)	Applying to another bush fire control officer for permit where permit already refused or granted subject to special conditions	\$ 250
27	Regulation 15B(1)	Failure to comply with conditions in regulation 15B in relation to the burning of the bush	250
28	Regulation 19A(1)	Failure to deliver prescribed notice of intention to burn clover	250
29	Regulation 19A(2)	Burning clover in an area or at a time other than that specified in a permit	250
30	Regulation 19A(3)	Failure to have 3 men in attendance during the burning of clover	250
31	Regulation 21	Burning clover contrary to conditions or requisitions specified in a permit	250
32	Regulation 21B(2)	Burning clover contrary to a direction given by a bush fire control officer	250
33	Regulation 22	Failure to notify or report the escape of a fire lit under permit	250
34	Regulation 22B(1)	Offence relating to burning under section 24A of the Act in certain	250

**Bush Fires (Infringements) Regulations 1978**  
**First Schedule**

Item	Regulation or Section	Nature of offence	Penalty
35	Regulation 22B(2)	parts of the State Failure to comply with a requisition of a bush fire control officer relating to burning under section 24A of the Act	250
36	Regulation 23(1) and (3)	Offences relating to charcoal burning	250
37	Regulation 37A	Offences relating to operation of bulldozer or road-grader	250
38	Regulation 38	Operating harvesting machine or header during prohibited burning times or restricted burning times without fire extinguisher	\$ 250
39	Regulation 38A(3)	Operating or using engines, vehicles, plant or machinery contrary to notice or direction	500
40	Regulation 38A(4)	Failure to provide plough or other machine or equipment when required by local government	250
41	Regulation 38B(3)(a)	Operating any power saw, bag loader or other plant or equipment activated by an internal combustion engine contrary to harvest ban	500
42	Regulation 38B(3)(b)	Failure to fit spark arrester to power saw, bag loader or other plant or equipment	250
43	Regulation 38C(3)	Operating harvesting machine or header when prohibited	500
44	Regulation 39	Offences relating to operation of chaff cutting plants	250
45	Regulation 39A	Offences relating to operation of motor vehicles	250
46	Regulation 39B	Offences relating to operation of aeroplanes	250
47	Regulation 39C	Offences relating to operation of welding and cutting apparatus	250

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Item	Regulation or Section	Nature of offence	Penalty
47A	Regulation 39CA(3) and (4)	Offences relating to operation of bee smoker devices	250
47B	Regulation 39CA(5)	Failure to comply with directions of bush fire control officer	250
48	Regulation 39D(1)	Offences relating to use of explosives	250
49	Regulation 39D(2)	Failure to comply with directions of bush fire control officers as to use of explosives	\$ 250
49A	Regulation 39E(2)	Offences relating to the use of fireworks	250
49B	Regulation 39E(3)	Failure to comply with the directions of a bush fire control officer	250
50	Regulation 43(1)	Failure to give prescribed notification to local government regarding the occurrence of a bush fire	100
51	Regulation 44(a)	Failure by owner or occupier of land to give prescribed notice of intention to exercise powers conferred by section 34 of the Act	250

*[First Schedule inserted: Gazette 23 November 1990 pp.5779-82; amended: Gazette 22 December 1998 pp.6856 and 6860; 23 November 1999 p.5851; 18 July 2000 p.3863; 10 January 2003 p. 34-35; 18 Sep 2018 p. 3512.]*

**Second Schedule**

**Form 1**

Western Australia

**BUSH FIRES INFRINGEMENT NOTICE**

*Bush Fires Act 1954, section 59A(2)*

No.....

Date / /

M .....  
Surname (Block letters) Other Names (In full)

Address .....  
Number and Street

.....  
Town or Suburb

Postcode

It is alleged that at .....

on the / / you committed the following offence: —

No.	Offence	Penalty \$
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.....  
Name of officer issuing notice .....

You may dispose of this matter —

- (a) by payment of the penalty as shown within 21 days of the date of the notice to .....
- (b) by having it dealt with by a Court.

If the penalty is not paid within 21 days court proceedings may be taken against you.

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**Form 2**

Western Australia

**WITHDRAWAL OF BUSH FIRES INFRINGEMENT NOTICE**

*Bush Fires Act 1954, section 59A(5)*

No.....

Date / /

M .....

Surname (Block letters)

Other Names (In full)

Address .....

Number and Street

.....

Town or Suburb

Postcode

Bush Fires Infringement Notice No. .... Date / /

for the alleged offence of .....

..... Penalty \$ .....

is hereby withdrawn.

Strike out  
that not  
applicable.

- (a) No further action will be taken.
- (b) It is proposed to institute court proceedings for the alleged offence.

Signature of  
prescribed officer .....

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### Notes

- <sup>1</sup> This is a compilation of the *Bush Fires (Infringements) Regulations 1978* and includes the amendments made by the other written laws referred to in the following table.

### Compilation table

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Bush Fires (Infringements) Regulations 1978</i>	10 Mar 1978 p. 702-4	10 Mar 1978
	11 Aug 1978 p. 2902	11 Aug 1978
<i>Bush Fires (Infringements) Amendment Regulations 1983</i>	1 Jul 1983 p. 2111-3	29 Jul 1983 (see r. 2)
<i>Bush Fires (Infringements) Amendment Regulations 1990</i>	23 Nov 1990 p. 5779-82	21 Dec 1990 (see r. 2)
<i>Bush Fires (Infringements) Amendment Regulations 1998</i>	22 Dec 1998 p. 6860	22 Dec 1998 (see r. 2)
<i>Bush Fires (Fire and Emergency Services Authority) Amendment Regulations 1998,</i> Part 3	22 Dec 1998 p. 6854-6	1 Jan 1999 (see r. 2 and <i>Gazette</i> 22 Dec 1998 p. 6833)
<i>Bush Fires (Infringements) Amendment Regulations 1999</i>	23 Nov 1999 p. 5851	23 Nov 1999
<i>Bush Fires (Infringements) Amendment Regulations 2000</i>	18 Jul 2000 p. 3863	18 Jul 2000 (see r. 2 and <i>Gazette</i> 18 Jul 2000 p. 3862)
<i>Bush Fires (Infringements) Amendment Regulations 2003</i>	10 Jan 2003 p. 33-35	10 Jan 2003
<i>Bush Fires (Infringements) Amendment Regulations 2018</i>	18 Sep 2018 p. 3511-12	r. 1 and 2: 18 Sep 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Sep 2018 (see r. 2(b))

**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
infringement notice .....	2
the Act.....	2