
FIRE AND EMERGENCY SERVICES

FE301

Bush Fires Act 1954

Bush Fires Amendment Regulations 2019

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Bush Fires Amendment Regulations 2019*.

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. **Part VA heading amended**

In the heading to Part VA delete “**Prohibited activities in the open air during total**” and insert:

Total

5. **Part VA Division 1 inserted**

At the beginning of Part VA insert:

Division 1 — Preliminary

24AA. Terms used

In this Part —

approved fire extinguisher means a fire extinguisher that has —

- (a) a 2A:10B:E fire rating; and
- (b) a capacity of at least 9 L;

approved fire hose means a fire hose that is —

- (a) at least 20 m in length; and
- (b) at least 19 mm in diameter; and
- (c) fitted with an adjustable nozzle having a full spray pattern capable of projecting a 6 m jet of water;

approved pump means a pump that is capable of delivering a minimum of 120 L of water per minute at 700 kPa through an approved fire hose;

bituminising equipment means a bitumen tanker, bitumen sprayer, bitumen storage unit, mobile asphalt plant, mobile asphalt paver, pavement recycling machine or other similar piece of equipment;

blasting means the use of explosives on land;

CALM Act means the *Conservation and Land Management Act 1984*;

CALM Act land means each of the following categories of land —

- (a) land, or land and waters, to which the CALM Act applies under the CALM Act section 5;
- (b) section 8A land as defined in the CALM Act section 3;

- (c) section 8C land as defined in the CALM Act section 3;
- (d) land owned by, vested in, or under the care, control and management of, the Executive Body as defined in the CALM Act section 3, whether solely or jointly with another body;
- (e) land to which the CALM Act section 131 applies;

catering activity —

- (a) means any of, or any combination of, the following undertaken for the purposes of cooking food —
 - (i) the use in the open air of an appliance that consumes solid fuel;
 - (ii) the use in the open air of an appliance comprising fire;
 - (iii) the use in the open air of a cooking process which produces fire (for example, flambéing);

but

- (b) does not include the use of a gas appliance as authorised under section 25(1aa) of the Act;

catering site, in relation to catering activity, means the place at which the catering activity is carried out;

engine, vehicle, plant, equipment or machinery means any engine, motor vehicle, plant, equipment or machinery that is, or that is activated by, an internal combustion engine;

essential service means any of the following —

- (a) water supply, sewerage or drainage services;
- (b) electricity or gas services;
- (c) telecommunications services;
- (d) public transport services;

fire danger forecast, in relation to a work site, fireworks site, road site, off-road site or catering site, means the fire danger forecast issued by the Bureau of Meteorology in Perth for the area in which the site is located;

fire fighting vehicle means a vehicle that —

- (a) has 1 or more water storage tanks mounted upon it; and
- (b) is equipped with an approved fire hose and an approved pump, both of which are in proper working order;

fireworks activity means the use of fireworks in the open air;

fireworks site, in relation to fireworks activity, means —

- (a) the place at which the fireworks are situated when they are initiated; and
- (b) any land surrounding that place upon which hot particles, sparks, uninitiated fireworks or other hazardous debris from the fireworks activity may fall;

gas flaring means the controlled release, and burning, of gas from a well, gas processing plant or other industrial facility;

grading equipment means a grader, bulldozer, scraper or other similar piece of equipment;

hot work means the operation in the open air of —

- (a) welding apparatus of any kind; or
- (b) power operated abrasive cutting discs of any kind;

off-road activity —

- (a) means the use or operation of any engine, vehicle, plant, equipment or machinery on land on which there is bush or which is under crop or pasture or stubble; but
- (b) does not include —
 - (i) the use or operation of any engine, vehicle, plant, equipment or machinery in the circumstances referred to in regulation 24A(3), (4) or (5A); or
 - (ii) road work;

off-road site, in relation to off-road activity, means the place at which the off-road activity is carried out;

public authority means —

- (a) a Minister of the State; or
- (b) an agency or organisation as those terms are defined in the *Public Sector Management Act 1994* section 3(1); or
- (c) a local government or a regional local government; or
- (d) a body, whether incorporated or not, or the holder of an office, that is established or continued for a public purpose under a written law and that, under the authority of a written law, performs a statutory function on behalf of the State;

road —

- (a) has the meaning given in the *Road Traffic (Administration) Act 2008* section 4; but

- (b) does not include any part of a reservation, median strip or traffic island on which there is bush;

road site, in relation to road work, means the place at which the road work is carried out;

road work means any of, or any combination of, the following undertaken for the purposes of the construction, maintenance or repair of a road —

- (a) the lighting, maintenance or use of a fire in the open air to heat bitumen in bituminising equipment;
- (b) the loading of heated bitumen onto or the unloading of heated bitumen from bituminising equipment;
- (c) the application of heated bitumen to the surface of the road using bituminising equipment;
- (d) the grading of the surface of the road using grading equipment;

urgent works, in relation to infrastructure used in the provision of an essential service, means repairs or maintenance necessary for the continued provision, or restoration, of the service;

work site, in relation to hot work, means the place at which the hot work is carried out.

6. Part VA Division 2 heading inserted

Before regulation 24A insert:

Division 2 — Prohibited activities in open air during total fire ban

7. Regulation 24A amended

- (1) Delete regulation 24A(1).
- (2) After regulation 24A(3) insert:

- (3A) Subregulation (3)(a) does not affect the application of Division 8 to the use or operation of any engine, vehicle, plant, equipment or machinery on a road to the extent that the use or operation is road work.

8. Regulation 24B deleted

Delete regulation 24B.

9. Part VA Divisions 3 to 11 inserted

At the end of Part VA insert:

Division 3 — Activities to prevent risk to health or safety

24D. Certain activities to prevent risk to health or safety excepted from s. 22B(2) of Act

- (1) For the purposes of section 22B(4) of the Act, an activity that is carried out for the purpose of preventing an immediate and serious risk to the health or safety of a person or livestock is prescribed.
- (2) Subregulation (1) applies to an activity only if all reasonable precautions have been taken to prevent the activity from creating a bush fire danger.

Division 4 — Hot work

24E. Certain hot work excepted from s. 22B(2) of Act

- (1) For the purposes of section 22B(4) of the Act, hot work carried out in the circumstances set out in subregulation (2) is prescribed.
- (2) The circumstances are that the hot work is carried out —
 - (a) in the course of trade or commerce or by, or on behalf of, a public authority; and
 - (b) in accordance with the requirements set out in regulations 24F to 24J.

24F. Times when hot work not permitted

- (1) Except as provided in subregulation (2), the hot work must not be carried out at a time when the fire danger forecast for the work site is “catastrophic”.
- (2) The hot work may be carried out at a time when the fire danger forecast for the work site is “catastrophic” if the hot work is carried out as part of urgent works on infrastructure used in the provision of an essential service.

24G. Notice of hot work

Notice of the hot work must be given under regulation 24ZS before the hot work is carried out.

24H. Fire prevention measures for hot work

- (1) Welding screens of a height sufficient to prevent the escape of hot particles or sparks must be placed around the hot work.
- (2) Each of the welding screens must comply with Australian/New Zealand Standard AS/NZS 3957:2014 *Light-transmitting screens and curtains for welding operations* published jointly by Standards Australia and Standards New Zealand, as in force on the day on which the *Bush Fires Amendment Regulations 2019* regulation 9 comes into operation.
- (3) The ground within a 10 m radius of the hot work must be —
 - (a) clear of inflammable material; and
 - (b) damped down with water.
- (4) The work site must meet the requirements of any notice given under section 33(1) of the Act that applies in respect of the work site.

24I. Fire fighting equipment for hot work

- (1) At least 2 approved fire extinguishers in proper working order must be located in close proximity to the hot work.
- (2) If the hot work is carried out within 30 m of land on which there is bush or which is under crop or pasture or stubble, there must be available for fire fighting the volume of water set out in the Table according to the fire danger forecast for the work site at the time the hot work is carried out.

Table

Fire danger forecast for work site	Volume of fire fighting water required (L)
Low-Moderate	500 L
High	1 000 L
Very High	1 500 L
Severe	2 000 L
Extreme	2 500 L

- (3) The fire fighting water referred to in subregulation (2) must be contained in 1 or more fire fighting vehicles.

- (4) Each of the fire fighting vehicles must —
 - (a) be located in close proximity to the hot work;
and
 - (b) be capable of traversing the work site.
- (5) Each of the fire fighting vehicles must —
 - (a) be on the work site at all times during which the hot work is being carried out; and
 - (b) remain on the work site for at least 30 minutes after the hot work is completed.
- (6) Subregulation (7) applies if there is no reticulated water supply within 1 km of the hot work.
- (7) A bulk water supply tanker that is carrying at least 5 000 L of water must —
 - (a) be on the work site at all times during which the hot work is being carried out; and
 - (b) remain on the work site for at least 30 minutes after the hot work is completed.

24J. Personnel requirements for hot work

- (1) At all times during which the hot work is being carried out, there must be in close proximity to the hot work at least 1 able-bodied person (the *fire detection officer*), other than the person carrying out the hot work, who is dedicated solely to detecting and suppressing any fire caused by the hot work.
- (2) The fire detection officer must be trained in —
 - (a) the operation of approved fire extinguishers;
and
 - (b) if the hot work is carried out within 30 m of land on which there is bush or which is under crop or pasture or stubble —
 - (i) the operation of the fire fighting vehicles required under regulation 24I(3); and
 - (ii) the suppression and fighting of bush fire.
- (3) The fire detection officer and at least 1 other able-bodied person must remain on the work site for at least 30 minutes after the hot work is completed.
- (4) The persons referred to in subregulation (3) must not leave the work site until they are satisfied that there is no fire, or anything likely to cause a fire, on the work site.

Division 5 — Blasting

24K. Certain blasting excepted from s. 22B(2) of Act

- (1) For the purposes of section 22B(4) of the Act, blasting carried out in the circumstances set out in subregulation (2) is prescribed.
- (2) The circumstances are that the blasting is carried out —
 - (a) in the course of trade or commerce or by, or on behalf of, a public authority; and
 - (b) in accordance with the requirements set out in regulations 24L to 24N.

24L. Notice of blasting

Notice of the blasting must be given under regulation 24ZS before the blasting is carried out.

24M. Fire prevention measures for blasting

- (1) This regulation sets out the fire prevention measures required for the blasting.
- (2) The ground within a 10 m radius of any lit fuse or lit explosive must be clear of inflammable material.
- (3) Any direction given under regulation 39D(2) in respect of the prevention of fire at the place at which the blasting is carried out must be complied with.

24N. Fire fighting equipment for blasting

- (1) This regulation sets out the fire fighting equipment required for the blasting.
- (2) At least 1 approved fire extinguisher in proper working order must be located in close proximity to the person carrying out the blasting.

Division 6 — Fireworks activity

24O. Certain fireworks activity excepted from s. 22B(2) of Act

- (1) For the purposes of section 22B(4) of the Act, fireworks activity carried out in the circumstances set out in subregulation (2) is prescribed.
- (2) The circumstances are that the fireworks activity is carried out —
 - (a) in the course of trade or commerce; and
 - (b) in accordance with the requirements set out in regulations 24P to 24U.

24P. Times when fireworks activity not permitted

- (1) If the fuel load on the fireworks site does not exceed 10 tonnes per hectare, the fireworks activity must not be carried out at a time when the fire danger forecast for the fireworks site is “catastrophic” or “extreme”.
- (2) If the fuel load on the fireworks site exceeds 10 tonnes per hectare but does not exceed 15 tonnes per hectare, the fireworks activity must not be carried out at a time when the fire danger forecast for the fireworks site is “catastrophic”, “extreme” or “severe”.
- (3) If the fuel load on the fireworks site exceeds 15 tonnes per hectare but does not exceed 20 tonnes per hectare, the fireworks activity must not be carried out at a time when the fire danger forecast for the fireworks site is “catastrophic”, “extreme”, “severe” or “very high”.
- (4) If the fuel load on the fireworks site exceeds 20 tonnes per hectare, the fireworks activity must not be carried out at a time when the fire danger forecast for the fireworks site is “catastrophic”, “extreme”, “severe”, “very high” or “high”.

24Q. Notice of fireworks activity

Notice of the fireworks activity must be given under regulation 24ZS before the fireworks activity is carried out.

24R. Fire prevention measure for fireworks activity

- (1) This regulation sets out the fire prevention measure required for the fireworks activity.
- (2) The ground within a 10 m radius of the place at which the fireworks are situated when they are initiated must be clear of inflammable material.

24S. Fire fighting equipment for fireworks activity

- (1) This regulation sets out the fire fighting equipment required for the fireworks activity.
- (2) At least 1 approved fire extinguisher in proper working order must be located in close proximity to the place at which the fireworks are situated when they are initiated.
- (3) There must be on the fireworks site the number of fire fighting vehicles set out in regulation 24T(3), (4), (5) or (6) (as the case requires).
- (4) Each of the fire fighting vehicles must —
 - (a) be manned in accordance with regulation 24U(3); and

- (b) be carrying at least 500 L of water; and
 - (c) be capable of traversing the fireworks site.
- (5) Each of the fire fighting vehicles must —
 - (a) be on the fireworks site at all times during which the fireworks activity is being carried out; and
 - (b) remain on the fireworks site for at least 30 minutes after the fireworks activity is completed.
- (6) Subregulation (7) applies if there is no reticulated water supply within 1 km of the place at which the fireworks are situated when they are initiated.
- (7) A bulk water supply tanker that is carrying at least 5 000 L of water must —
 - (a) be on the fireworks site at all times during which the fireworks activity is being carried out; and
 - (b) remain on the fireworks site for at least 30 minutes after the fireworks activity is completed.

24T. Number of fire fighting vehicles required

- (1) In this regulation —
current fire danger forecast means the fire danger forecast for the fireworks site at the time the fireworks activity is carried out.
- (2) This regulation sets out the number of fire fighting vehicles required for the purposes of regulation 24S(3).
- (3) If the fuel load on the fireworks site does not exceed 10 tonnes per hectare, the number of fire fighting vehicles is —
 - (a) 1 vehicle, if the current fire danger forecast is “low-moderate”, “high” or “very high”; or
 - (b) 2 vehicles, if the current fire danger forecast is “severe”.
- (4) If the fuel load on the fireworks site exceeds 10 tonnes per hectare but does not exceed 15 tonnes per hectare, the number of fire fighting vehicles is —
 - (a) 1 vehicle, if the current fire danger forecast is “low-moderate”; or
 - (b) 2 vehicles, if the current fire danger forecast is “high” or “very high”.

- (5) If the fuel load on the fireworks site exceeds 15 tonnes per hectare but does not exceed 20 tonnes per hectare, the number of fire fighting vehicles is —
 - (a) 1 vehicle, if the current fire danger forecast is “low-moderate”; or
 - (b) 2 vehicles, if the current fire danger forecast is “high”.
- (6) If the fuel load on the fireworks site exceeds 20 tonnes per hectare, the number of fire fighting vehicles is 1.

24U. Personnel requirements for fireworks activity

- (1) At all times during which the fireworks activity is being carried out, there must be on the fireworks site at least 1 able-bodied person (the *fire detection officer*), other than the person who is initiating the fireworks, who is dedicated solely to detecting and suppressing any fire caused by the fireworks activity.
- (2) The fire detection officer must be trained in the operation of approved fire extinguishers.
- (3) For the purposes of regulation 24S(4)(a), each of the fire fighting vehicles must be manned by at least 2 able-bodied persons (the *fire fighting officers*), each of whom is trained in —
 - (a) the operation of the vehicles; and
 - (b) the suppression and fighting of bush fire.
- (4) The fire detection officer and the fire fighting officers must remain on the fireworks site for at least 30 minutes after the fireworks activity is completed.
- (5) The fire detection officer and the fire fighting officers must not leave the fireworks site until they are satisfied that there is no fire, or anything likely to cause a fire, on the fireworks site.

Division 7 — Gas flaring

24V. Certain gas flaring excepted from s. 22B(2) of Act

- (1) For the purposes of section 22B(4) of the Act, gas flaring carried out in the circumstances set out in subregulation (2) is prescribed.
- (2) The circumstances are that the gas flaring is carried out —
 - (a) in the course of trade or commerce or by, or on behalf of, a public authority; and
 - (b) in accordance with the requirements set out in regulations 24W and 24X.

24W. Notice of gas flaring

- (1) Except as provided in subregulation (2), notice of the gas flaring must be given under regulation 24ZS before the gas flaring is carried out.
- (2) Notice of the gas flaring is not required to be given if the gas flaring is constant, unplanned or occurs as part of a safety mechanism.

24X. Fire prevention measures for gas flaring

- (1) The knock-out drum on any flare used for the gas flaring must be maintained to a standard that ensures the knock-out drum functions in the way it is designed to function.
- (2) Any elevated flare used for the gas flaring must be maintained to a standard that prevents the discharge of soot or any hot materials capable of igniting a fire.

Division 8 — Road work**24Y. Certain road work excepted from s. 22B(2) of Act**

- (1) For the purposes of section 22B(4) of the Act, road work carried out in the circumstances set out in subregulation (2) is prescribed.
- (2) The circumstances are that the road work is carried out —
 - (a) in the course of trade or commerce or by, or on behalf of, a public authority; and
 - (b) in accordance with the requirements set out in regulations 24ZA to 24ZG.

24ZA. Times when road work not permitted

- (1) Except as provided in subregulation (2), the road work must not be carried out at a time when the fire danger forecast for the road site is “catastrophic”.
- (2) The road work may be carried out at a time when the fire danger forecast for the road site is “catastrophic” if the road work is carried out as part of urgent works on infrastructure used in the provision of an essential service.

24ZB. Notice of road work

Notice of the road work must be given under regulation 24ZS before the road work is carried out.

24ZC. Fire prevention measures for road work

- (1) At any time when the bituminising equipment or grading equipment involved in the road work is being

used, the ground within a 5 m radius of the equipment must be clear of inflammable material.

- (2) At any time when the bituminising equipment or grading equipment involved in the road work is not being used, it must be parked or located on an area that is clear of inflammable material.

24ZD. Fire extinguishers for road work

At any time when the bituminising equipment or grading equipment involved in the road work is being used, at least 2 approved fire extinguishers in proper working order must be located in close proximity to the equipment.

24ZE. Fire fighting water and vehicles for road work

- (1) This regulation applies if the road work is carried out within 30 m of land on which there is bush or which is under crop or pasture or stubble.
- (2) There must be available for fire fighting the volume of water set out in the Table according to the fire danger forecast for the road site at the time the road work is carried out.

Table

Fire danger forecast for road site	Volume of fire fighting water required (L)
Low-Moderate	500 L
High	1 000 L
Very High	1 500 L
Severe	2 000 L
Extreme	2 500 L

- (3) The fire fighting water referred to in subregulation (2) must be contained in 1 or more fire fighting vehicles (the *road site fire fighting vehicles*) on the road site.
- (4) Each of the road site fire fighting vehicles must be capable of traversing the road site.
- (5) Except as provided in subregulation (8), a road site fire fighting vehicle is not required to be manned by a person.
- (6) Each of the road site fire fighting vehicles must —
 - (a) be on the road site at all times during which the road work is being carried out; and

- (b) remain on the road site for at least 30 minutes after the road work is completed.
- (7) At any time when the bituminising equipment or grading equipment involved in the road work is being used, a road site fire fighting vehicle must be located in close proximity to the equipment.
- (8) If the bituminising equipment or grading equipment involved in the road work is moving along a road (for example, in the course of road work of the kind referred to in paragraph (c) or (d) of the definition of **road work**), a road site fire fighting vehicle manned by a fire detection officer referred to in regulation 24ZG must —
 - (a) travel in advance of, to the rear of, or beside, the equipment; and
 - (b) remain within 30 m of the equipment while it is moving.

24ZF. Bulk water supply tanker for road work

- (1) This regulation applies if the bituminising equipment or grading equipment involved in the road work will, at any time when it is being used, be more than 1 km from a reticulated water supply.
- (2) A bulk water supply tanker that is carrying at least 5 000 L of water must —
 - (a) be on the road site at all times during which the road work is being carried out; and
 - (b) remain on the road site for at least 30 minutes after the road work is completed.

24ZG. Personnel requirements for road work

- (1) At any time when the bituminising equipment or grading equipment involved in the road work is being used, there must be in close proximity to the equipment at least 1 able-bodied person (a **fire detection officer**), other than the person operating the equipment, who is dedicated solely to detecting and suppressing any fire caused by the road work.
- (2) A fire detection officer must be trained in —
 - (a) the operation of approved fire extinguishers; and
 - (b) if the road work is carried out within 30 m of land on which there is bush or which is under crop or pasture or stubble —
 - (i) the operation of the road site fire fighting vehicles referred to in regulation 24ZE(3); and

- (ii) the suppression and fighting of bush fire.
- (3) A fire detection officer and at least 1 other able-bodied person must remain on the road site for at least 30 minutes after the road work is completed.
- (4) The persons referred to in subregulation (3) must not leave the road site until they are satisfied that there is no fire, or anything likely to cause a fire, on the road site.

Division 9 — Off-road activity

24ZH. Certain off-road activity excepted from s. 22B(2) of Act

- (1) For the purposes of section 22B(4) of the Act, off-road activity carried out in the circumstances set out in subregulation (2) is prescribed.
- (2) The circumstances are that the off-road activity is carried out —
 - (a) in the course of trade or commerce or by, or on behalf of, a public authority; and
 - (b) subject to subregulation (3), in an area other than an area in respect of which a ban is in force under regulation 24C; and
 - (c) in accordance with the requirements set out in regulations 24ZI to 24ZL.
- (3) The off-road activity may be carried out in an area in respect of which a ban is in force under regulation 24C if the off-road activity is carried out as part of urgent works on infrastructure used in the provision of an essential service.

24ZI. Times when off-road activity not permitted

- (1) Except as provided by subregulation (2), the off-road activity must not be carried out at a time when the fire danger forecast for the off-road site is “catastrophic”.
- (2) The off-road activity may be carried out at a time when the fire danger forecast for the off-road site is “catastrophic” if the off-road activity is carried out as part of urgent works on infrastructure used in the provision of an essential service.

24ZJ. Notice of off-road activity

Notice of the off-road activity must be given under regulation 24ZS before the off-road activity is carried out.

24ZK. Fire prevention measures for off-road activity

- (1) This regulation sets out the fire prevention measures required for the off-road activity.
- (2) The internal combustion engine that is, or that activates, the engine, vehicle, plant, equipment or machinery involved in the off-road activity must —
 - (a) be mechanically sound; and
 - (b) have an exhaust system that —
 - (i) is clean and free from gas leaks; and
 - (ii) except in the case of a motor vehicle, is fitted with a suitable spark arrester that is maintained in a clean, sound and efficient condition.
- (3) At any time when the engine, vehicle, plant, equipment or machinery involved in the off-road activity is not being used or operated, it must be parked or located on an area that is clear of inflammable material.

24ZL. Fire fighting equipment for off-road activity

At least 1 approved fire extinguisher in proper working order must be carried on, or be in close proximity to, the engine, vehicle, plant, equipment or machinery involved in the off-road activity while it is being operated or used.

Division 10 — Catering activity**24ZM. Certain catering activity excepted from s. 22B(2) of Act**

- (1) For the purposes of section 22B(4) of the Act, catering activity carried out in the circumstances set out in subregulation (2) is prescribed.
- (2) The circumstances are that the catering activity is carried out —
 - (a) in the course of trade or commerce; and
 - (b) in accordance with the requirements set out in regulations 24ZN to 24ZR.

24ZN. Times when catering activity not permitted

The catering activity must not be carried out at a time when the fire danger forecast for the catering site is “catastrophic”.

24ZO. Notice of catering activity

Notice of the catering activity must be given under regulation 24ZS before the catering activity is carried out.

24ZP. Fire prevention measures for catering activity

- (1) The ground within a 10 m radius of the catering activity must be clear of inflammable material.
- (2) Any chimney on an appliance involved in the catering activity must be fitted with a suitable spark arrester that is maintained in a clean, sound and efficient condition.
- (3) If an appliance involved in the catering activity consumes solid fuel, the burning solid fuel must be sealed from the open air by means of a secure and sealable door fitted to the appliance.
- (4) After the catering activity is completed, if any burning solid fuel (for example, coals, briquettes or wood) in an appliance involved in the catering activity is to be transported from the catering site, the fuel must be completely extinguished before it is transported.

24ZQ. Fire fighting equipment for catering activity

- (1) At least 2 approved fire extinguishers in proper working order must be provided in close proximity to the catering activity.
- (2) An approved fire hose in proper working order must be provided on the catering site in a location that ensures that water projected from the hose will reach —
 - (a) the catering activity; and
 - (b) the ground within a 20 m radius of the catering activity.
- (3) The approved fire hose must be connected to —
 - (a) the reticulated water supply; or
 - (b) if there is no reticulated water supply available on the catering site, another reliable water source as referred to in subregulation (4).
- (4) For the purposes of subregulation (3)(b), the approved fire hose must be connected to a storage tank —
 - (a) that is situated on land or mounted on a vehicle; and
 - (b) that contains at least 400 L of water; and
 - (c) to which is attached an approved pump in proper working order.

24ZR. Personnel requirements for catering activity

- (1) There must be at least 1 able-bodied person on the catering site who is trained in the operation of approved fire extinguishers —
 - (a) at all times during which the catering activity is being carried out; and
 - (b) for at least 30 minutes after the catering activity is completed.
- (2) The person referred to in subregulation (1) must not leave the catering site until the person is satisfied that —
 - (a) any burning solid fuel in an appliance involved in the catering activity has been extinguished; and
 - (b) there is no fire, or anything likely to cause a fire, on the catering site.

Division 11 — Notice requirements**24ZS. Notice requirements for excepted activities**

- (1) This regulation sets out the notice requirements for the purposes of regulations 24G, 24L, 24Q, 24W, 24ZB, 24ZJ and 24ZO.
- (2) Each of the following persons must be notified at least 30 minutes, but not more than 24 hours, before the activity referred to in the regulation is carried out —
 - (a) the FES Commissioner;
 - (b) the chief executive officer, or a bush fire control officer, of the local government of the district in which the activity is to be carried out;
 - (c) if the activity is to be carried out within 3 km of CALM Act land, the CALM Act CEO or an authorised CALM Act officer.
- (3) A notification under subregulation (2) must be given in the manner approved by the FES Commissioner.

10. Regulation 39C amended

After regulation 39C(3) insert:

- (4) This regulation does not apply to hot work (as defined in regulation 24AA) that is prescribed under regulation 24E.

11. Regulation 39D amended

After regulation 39D(2) insert:

- (3) For blasting (as defined in regulation 24AA) that is prescribed under regulation 24K, the requirements set out in Part VA Division 5 prevail to the extent that there is an inconsistency between that Division and this regulation.

12. Regulation 39E amended

After regulation 39E(3) insert:

- (4) This regulation does not apply to fireworks activity (as defined in regulation 24AA) that is prescribed under regulation 24O.

M. INGLIS, Clerk of the Executive Council.