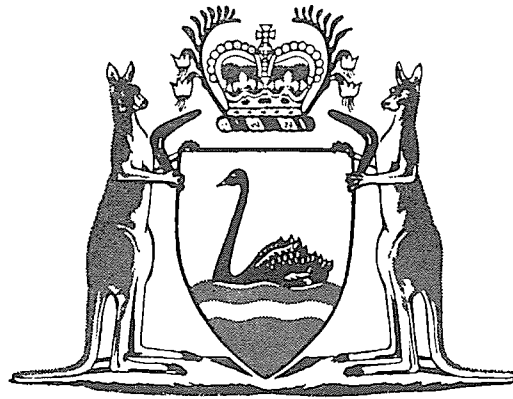


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[1978

Crown Law Department,
Perth, 23rd August, 1978.

THE undermentioned Regulations made under the provisions of the Bush Fires Act, 1954, and amended from time to time up to and including the 10th March, 1978, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

R. M. CHRISTIE,
Under Secretary for Law.

BUSH FIRES ACT, 1954.

REGULATIONS.

Published in the *Government Gazette* on the 14th October, 1955 and reprinted in the *Government Gazette* published on the 8th November, 1957, incorporating the amendments thereto published in the *Government Gazette* up to and including the 21st January, 1957, and further reprinted in the *Government Gazette* published on the 3rd March, 1964, incorporating the amendments thereto published in the *Government Gazette* up to and including the 16th October, 1963, and now further reprinted incorporating amendments thereto published in the *Government Gazette* on the 27th May, 1964; 26th February, 1965; 27th October, 1966; 4th June, 1970; 12th July, 1974, and the 10th March, 1978, pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General dated 23rd August, 1978.

BUSH FIRES ACT, 1954.

REGULATIONS.

Part I.—Preliminary.

Citation.

1. These regulations may be cited as the Bush Fires Act, 1954, Regulations.

Repeal.

2. All regulations heretofore made under and for the purposes of the Bush Fires Act, 1937-1950, are hereby repealed.

Interpretation.

3. In these regulations, unless the context requires otherwise—

“Act” means the Bush Fires Act, 1954;

“Appendix” means the Appendix to these regulations;

“clerk” means, in relation to a local authority, the town clerk if that local authority is a city or a town under the Local Government Act, 1960 (as amended), or the shire clerk if that local authority is a shire under that Act;

“executive officer” means the executive officer of the Board and includes any person acting as executive officer in the absence of the executive officer;

“fire extinguisher” means a device which comprises—

- (a) a container filled with at least 7.5 litres of water; and
- (b) a pump capable of discharging that water, and which is in a sound and efficient condition;

“notifiable authority” in relation to land upon which, or upon a part of which, burning is intended to be carried out (in this interpretation called “the subject land”) means any Government department or instrumentality which has land under its care, control and management adjoining the subject land and which has requested the local authority in whose district the subject land is situated to notify it of all variations made by the local authority from time to time under section 17 or 18 of the Act;

expressions used in these regulations have the same respective meanings as in the Act.

Reg. 3
amended by
G.G.,
16/10/63,
p. 3075;
G.G.,
10/3/78,
p. 705.

Part II.—Business of Board.

Meetings.

4. (1) The Board shall meet on such dates, at such places and such times as the Board may from time to time by resolution determine.

(2) The Chairman may call a special meeting of the Board at any time and shall do so if requested at any time by any three members of the Board.

(3) The executive officer shall cause to be given to each member of the Board either personally, by post or by telegraph, notice of every ordinary and every special meeting of the Board at least seven clear days before the date fixed for the meeting, except that if in the opinion of the Chairman, it is desirable in the case of emergency so to do, shorter notice of a special meeting may be given to each member of the Board.

Reg. 4
amended by
G.G., 10/3/78,
p. 705.

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(4) If at the time appointed for the meeting of the Board, a quorum is not present, half-hour after the time so appointed shall be allowed for the formation of a quorum and if at the expiration of that period no quorum is present, the Chairman may declare the meeting lapsed.

(5) Where a meeting lapses through want of a quorum, the business set down for that meeting shall be the business of or be included in the business of the next ordinary meeting of the Board.

(6) At all meetings of the Board, every member present shall vote on resolutions and matters submitted at such meetings.

(7) The executive officer shall keep proper minutes of all resolutions, business and proceedings made or transacted at each meeting of the Board. Such minutes shall be submitted to the members for confirmation either at the same or a subsequent meeting and when confirmed, shall be signed by the Chairman.

(8) An entry in the minute book, which is signed by the Chairman, that a resolution has been carried or lost at any meeting shall be conclusive evidence of that fact.

(9) The order of business at ordinary meetings of the Board shall be as determined by the Board.

(10) A resolution of the Board shall not be revoked or altered, unless notice of the intention to propose the revocation or alteration is given in writing to each of the members of the Board two days at least before the meeting at which the revocation or alteration is to be proposed.

(11) Where a member intends to propose the revocation or alteration of a resolution of the Board he may, in lieu of giving notice to each member personally as required by subregulation (10) of this regulation, at any meeting of the Board give notice in writing of his intention to propose the revocation or alteration at the next following meeting of the Board.

(12) Where notice of motion has been given as provided for in subregulation (11) of this regulation, the executive officer shall, when giving notice of the next meeting to members of the Board, annex thereto a copy of the notice of motion.

Correspondence.

Reg. 5
amended by
G.G., 10/3/78,
p. 705.

5. All correspondence by the Board shall be signed by the Chairman or the executive officer or any other persons as authorised by the Board.

Accounts.

Reg. 6
amended by
G.G., 10/3/78,
p. 705.

6. All accounts due and payable by the Board shall be passed by the Board by a resolution duly carried at a meeting of the Board but the executive officer may authorise payment when necessary in anticipation of and subject to the confirmation of the Board.

[Part III (Regs. 7-14 inclusive) revoked by G.G. 10/3/78, p. 705.]

Part IV.—Burning During Restricted Times and Prohibited Times.

Restricted Burning Times.

Reg. 15
amended by
G.G.,
24/11/58,
p. 3101.

15. (1) A local authority or a bush fire control officer issuing a permit to burn under the provisions of section 18 of the Act shall do so in the Form 3 in the Appendix.

(2) Where a person has applied to a bush fire control officer for a permit to burn and that officer has refused a permit or granted a permit which is subject to special conditions, the person shall not apply to another bush fire control officer for a permit to burn in relation to the same bush but he may apply to the local authority or chief fire control officer in the district and the local authority or chief fire control officer may grant a permit to burn or vary the special conditions of the permit.

15A. Where a local authority issues directions to a bush fire control officer as to the manner in which or the conditions under which permits to burn shall be issued by that officer, he shall comply with those directions.

Reg. 15A
added by
G.G., 21/1/57,
p. 88.

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.

Reg. 15B
added by
G.G., 10/3/78,
pp. 705-6.

(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 clerk 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 kilometres 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 smouldering 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 specified in a notice given under subregulation (2) of this regulation 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 "very high" or "extreme" the permit holder shall not burn the bush in the locality on that day but may burn the bush in the locality on the first day next following that day on which the fire danger forecast issued by the Bureau of Meteorology is below "very high".

(8) The permit holder shall not light a fire to burn the bush on a Sunday if the burning of 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.

Reg. 15C
added by
G.G., 10/3/78,
p. 706.

15C. (1) A local authority may by notice published in a newspaper circulating in its district prohibit the burning of the bush in that district on Sundays during the restricted burning times and may, by subsequent notice so published, revoke that notice.

(2) A local authority may by notice published in a newspaper circulating in its district specify days, being days that are public holidays in that district, on which the burning of the bush is prohibited in that district during the restricted burning times and may, by subsequent notice so published, revoke that notice either absolutely or for the purpose of substituting another notice in lieu thereof.

(3) A notice published under subregulation (1) or (2) of this regulation shall have effect during the restricted burning times in each year until it is revoked.

Reg. 16
substituted
by G.G.,
10/3/78,
p. 706.

16. For the purposes of this Part of these regulations, the term "authorised officer" means the clerk of the local authority or an officer duly appointed by the local authority to grant a permit to burn clover.

17. [Revoked by G.G., 10/3/78, p. 706.]

Permit to Burn Clover During Prohibited Burning Time.

18. (1) An application for a permit to burn clover during prohibited burning times for the purpose of facilitating the collection of clover burr shall be made in accordance with the Form 4 in the Appendix and shall be lodged with the nearest authorised officer who may require the applicant to make the statutory declaration contained in the form.

(2) An application for a permit to burn clover may be accepted in the form of a letter provided that the full information contained in the Form 4 is supplied in the letter.

Reg. 19
substituted
by G.G.,
26/2/65,
p. 707.
Amended by
G.G., 10/3/78,
p. 706.

19. (1) Every application such as is mentioned in regulation 18 of these regulations shall be sent or delivered so as to be received by the authorised officer at least seven days prior to the day for which the permit is sought and shall be accompanied by such fee, not exceeding \$20.00, as the local authority may, by by-law, from time to time prescribe.

(2) The authorised officer shall, after the receipt of an application to burn clover, enter upon and inspect the land in respect of which the permit is sought and, upon being satisfied that the burning can be conducted with safety, may, subject to the succeeding provisions of this regulation and the provisions of regulations 20 and 21 of these regulations, issue a permit in the form of Form 5 in the Appendix.

(3) The authorised officer shall specify in a permit the day, not being a Sunday and not necessarily the day for which the permit was sought, on which burning is authorised and shall, subject to subregulation (4) of this regulation, specify such time between the hours of 4 p.m. and midnight, as he thinks fit or as the local authority may, from time to time, direct, at which burning may be commenced.

(4) The Board may, by notice in the *Government Gazette* authorise the issue of permits for the burning of clover, in any district or part of a district, at a time prior to 4 p.m. and, in that event a permit may, subject to the directions of the local authority for that district or that part of a district, specify a time prior to 4 p.m. for the commencement of burning.

19A. (1) A person to whom a permit is issued under the provisions of regulation 19 of these regulations shall at least four days before commencing to burn, deliver or cause to be delivered a notice of his intention in that regard—

- (a) to every occupier of land adjoining the area to be burnt;
- (b) to the bush fire control officer for the district, if he is not the authorised person who issued the permit;
- (c) to a forest officer who is employed in any State forest situated within three kilometres of the area to be burnt; and
- (d) to an officer or employee of each notifiable authority (if any), being an officer or employee who is apparently authorised to accept that notice.

(2) A person to whom a permit to burn clover is issued shall not burn or permit or suffer the burning of any area other than that for which the permit was issued or burn or permit or suffer burning on any day other than, or at any time prior to that specified in the permit.

(3) A person burning clover or causing it to be burnt shall, himself, provide at least three men to be present, and ensure their constant attendance, at the area of the fire, from the time it is lighted, until it is completely extinguished, to assist in keeping the fire under control and contained in the area to be burnt.

20. No permit shall be granted under regulation 19 of these regulations for the burning of any subterranean clover growing upon any land situate in any locality within the district of a local authority specified by the local authority in a notice in writing given by it to the duly authorised officer for the district of the local authority, whereby the local authority objects to the issue or grant of a permit for the purpose aforesaid on the ground that the burning of the clover in respect of which the permit is applied for may be a source of danger to lands adjoining the land on which the proposed burning is intended to take place.

21. (a) The duly authorised officer may refuse to issue or grant a permit under regulation 19 of these regulations, or may, on refunding to the owner or occupier who paid the fee in respect thereof, cancel any permit already issued or granted thereunder, when in any case after inspection he is satisfied that, notwithstanding that all the precautions required to be taken under the regulation in connection with the proposed burning are taken, the proposed burning may nevertheless be or become a source of danger by escaping from the land on which it is intended to carry out the burning or he may issue a permit subject to such conditions or requisitions as he considers necessary and specifies in the permit.

(b) Where a permit subject to specified conditions or requisitions is issued under this regulation, a person shall not carry out the burning authorised by the permit unless he complies with the conditions and requisitions so specified.

21A. A local authority may cause to be incorporated as an additional requirement in a permit to burn clover, a requirement that the permit holder shall advertise particulars of the burning in a manner determined by that authority.

21B. (1) Where it appears to a bush fire control officer for a district to be necessary or expedient to postpone the burning of clover on a day of extreme fire danger, he may, by wireless broadcast from a radio station giving broadcast coverage to the district, by

Reg. 19A
added by
G.G., 26/2/65,
pp. 707-8.
Amended by
G.G., 12/7/74,
p. 2612; G.G.,
10/3/78,
p. 706.

Reg. 21
amended by
G.G., 21/1/57,
p. 88.

Reg. 21A
added by
G.G., 21/1/57,
p. 88.

Reg. 21B
added by
G.G., 4/6/70,
p. 1473.

publication in a newspaper circulating in the district, or by written notice or oral direction given to any person or persons, subject to such direction as may be given by the local authority, direct that, notwithstanding any permit to burn clover, clover shall not be burnt in the district on that day.

(2) A person shall not burn or permit or suffer the burning of clover contrary to a direction given under subregulation (1) of this regulation.

22. In the event of any fire escaping beyond the boundaries of the area in respect of which a permit to burn has been granted, the holder of the permit shall, if possible, immediately notify the nearest bush fire control or authorised officer and within 24 hours of the suppression of the fire shall report in full the circumstances causing the escape to the authorised officer by whom the permit was granted.

Reg. 22A
added by
G.G.,
24/11/58,
p. 3101.
Amended by
G.G.,
15/11/60,
p. 3508;
G.G.,
16/10/63,
p. 3070.

22A. (1) The areas of irrigation to which the provisions of section 24A of the Act apply are the areas of the State represented by the districts of the local authorities set out in the schedule to this regulation.

(2) The provisions of regulations 18, 19, 20, 21, 21A and 22 of these regulations apply to all permits issued pursuant to the provisions of section 24A of the Act.

Schedule.

Shire of Dardanup.
Shire of Harvey.
Shire of Waroona.

Reg. 22B
added by
G.G.,
24/11/58,
p. 3101.

22B. (1) A person shall not burn bush under a permit issued pursuant to the provisions of section 24A of the Act for the purpose of conducting to the early germination of subterranean clover on any land within the areas described in subregulation (1) of regulation 22A unless the bush to be burnt is on land to which a method of irrigation is available.

(2) Any requisition of a bush fire control officer shall be complied with by a person burning bush referred to in subregulation (1) of this regulation.

Charcoal Burning.

Reg. 23
amended by
G.G., 12/7/74,
p. 2612;
G.G., 10/3/78,
p. 706.

23. (1) Every person proposing to light a fire or fires for the conversion of any bush into charcoal at any time during the restricted burning times or prohibited burning times in every yearly period as provided for in paragraph (b) of subsection (1) of section 25 of the Act shall, at least seven days before lighting the fire, give notice in writing of the intention to the local authority in whose district the land on which the fire is to be lit is situate, and, in the event of the land on which the fire is to be lit being within three kilometres of a State forest, to the local forest officer.

(2) The notice shall specify the land on which the burning is to take place and the period during which the fire is to be kept burning.

(3) The local authority, through its bush fire control officer or the local forestry officer as the case may be, may, within the period specified in subregulation (1) of this regulation, direct that such further measures or precautions be taken, as in the opinion of the bush fire control officer or forestry officer, are considered necessary to prevent the fire from spreading or escaping, and when the bush fire control officer or forest officer has given the directions, the fire shall not be lit until the directions have been complied with.

Part V.—Permit to Burn Proclaimed or Declared Plants During Prohibited Burning Times.

Heading substituted by G.G., 27/10/66, p. 2778, Amended by G.G., 10/3/78, p. 706.

Division 1.—General.

24. For the purposes of this Part of these regulations the term "authorised officer" means the clerk of a local authority or an officer duly appointed by a local authority to grant permits for the purposes of this Part.

Reg. 24 substituted by G.G., 10/3/78, p. 706.

25. [Revoked by G.G., 10/3/78, p. 706.]

Division 2.—Permit to Burn the Refuse of Proclaimed Plants During Prohibited Burning Times.

Heading inserted by G.G., 27/10/66, p. 2778.

26. (1) Whenever the Governor by proclamation, pursuant to the provisions of section 26 of the Act, has authorised the burning of any specified plant or the refuse thereof during the prohibited burning times or any period thereof, any person desirous of burning the refuse of the plant within the area and within the times to which the proclamation relates shall lodge an application signed by him in Form 6 in the Appendix with an authorised officer within whose district the burning is to take place for a permit to burn the refuse of the plant.

Reg. 26 amended by G.G., 16/10/63, p. 3076; G.G., 27/10/66, p. 2778.

(2) An application under subregulation (1) of this regulation may be accepted in the form of a letter provided that the full information contained in the Form 6 in the Appendix is supplied in the letter.

(3) The authorised officer with whom the application is lodged may require the applicant to make the statutory declaration contained in the form of application.

27. (1) Upon receipt of an application for a permit to burn the refuse of plants the authorised officer shall consider the application, and if satisfied that the application should be granted, shall issue a permit in the Form 7 in the Appendix.

Reg. 27 substituted by G.G., 27/10/66, pp. 2778-9.

(2) The authorised officer issuing a permit to burn the refuse of plants under the provisions of this division may incorporate in that permit any requirements and directions additional to those specified in this division that he may consider necessary relative to the burning, and the holder of the permit shall observe and carry out those requirements and directions.

(3) Where a local authority issues directions to an authorised officer as to the manner in which or the conditions under which permits to burn the refuse of plants shall be issued in the district of the local authority by that officer, he shall comply with those directions.

28. The area of ground on which the refuse of the plants is to be burnt shall be so cleared or prepared that the fire shall not in any circumstances be able to run along the ground.

Reg. 28 amended by G.G., 27/10/66, p. 2779.

29. The refuse of the plants to be burnt shall be placed in heaps and so that each heap shall not be more than one metre high measured from the ground, and shall not cover an area of ground exceeding that which would be contained within the circumference of a circle having a diameter of two metres and so that there shall be a distance of at least three metres between the base of any one heap and that of any other heap.

Reg. 29 amended by G.G., 27/10/66, p. 2779; G.G., 12/7/74, p. 2612.

Reg. 30
substituted
by G.G.,
27/10/66,
p. 2612.
Amended by
G.G., 12/7/74,
p. 2612.

30. The heaps mentioned in regulation 29 of these regulations shall be distant not less than ten metres from any brush fence in the vicinity thereof, and at least twenty metres from the nearest external boundary of the land of the owner or occupier upon which the heaps proposed to be burnt are situated.

Reg. 31
amended by
G.G.,
16/10/63,
p. 3076;
G.G.,
27/10/66,
p. 2779;
G.G., 12/7/74,
p. 2612;
G.G., 10/3/78,
p. 707.

31. The person proposing to burn the refuse of plants shall—
- (a) four days at least before commencing to burn, deliver or cause to be delivered notice in writing of his intention so to do personally to the following persons—
 - (i) each owner or occupier of all land adjoining the land upon which or upon a part of which it is proposed to burn the refuse of plants;
 - (ii) the clerk and a bush fire control officer of the local authority in the district of which the land upon which it is proposed to burn the refuse of plants is situated;
 - (iii) a forest officer, if the land upon which it is proposed to burn the refuse of plants is situated within three kilometres of forest land; and
 - (iv) an officer or employee of each notifiable authority (if any), being an officer or employee who is apparently authorised to accept that notice;
 - (b) before commencing burning operations, provide and have available at the place thereof at least 200 litres of water in suitable containers which may be conveniently used for extinguishing fire together with a fire extinguisher ready for immediate operation and such other fire fighting equipment as may be specified by the authorised officer in the permit to burn the refuse of plants;
 - (c) provide at least three men to be constantly in attendance at the burning operations from the time when the fire is lit until it is completely extinguished, and to assist in keeping the fire under control and prevent it from spreading beyond the land on which the burning operations are conducted;
 - (d) carry out the burning operations only between the hours of 8 p.m. and midnight;
 - (e) cause all ash resulting from the burning operations to be covered completely with earth or sand before 10 o'clock in the morning on the day next following the burning operations.

Reg. 32
amended by
G.G.,
27/10/66,
p. 2779.

32. In the event of any fire escaping beyond the boundaries of the area in respect of which a permit to burn the refuse of plants has been granted, the holder of such permit shall, if possible, immediately notify the nearest bush fire control officer or authorised officer and shall within 24 hours of the suppression of the fire report in full the circumstances causing the escape to the authorised officer by whom the permit was granted.

Heading
substituted
by G.G.,
27/10/66,
p. 2780.

Division 3.—Permit to Burn Proclaimed Plants.

Reg. 33
substituted
by G.G.,
27/10/66,
pp. 2780-1.
Amended by
G.G., 12/7/74,
p. 2612;
G.G., 10/3/78,
p. 707.

33. (1) Whenever the Governor by proclamation, pursuant to the provisions of section 26 of the Act, has authorised the burning of specified plants during the prohibited burning times or any period thereof, any person desirous of burning those plants within the area and within the times to which the proclamation relates shall lodge an application signed by him in the Form 8 in the Appendix with the authorised officer within whose district the burning is to take place for a permit to burn the plants.

(2) An application under subregulation (1) of this regulation may be accepted in the form of a letter provided that the full information contained in the Form 8 is supplied in the letter.

(3) The authorised officer with whom the application is lodged may require the applicant to make the statutory declaration contained in the form of the application.

(4) The authorised officer issuing a permit to burn plants under the provisions of this division may incorporate in that permit any requirements and directions additional to those specified in this division that he may consider necessary relative to the burning, and the holder of the permit shall observe and carry out those requirements and directions.

(5) Where a local authority issues directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants shall be issued in the district of the local authority by that officer, he shall comply with those directions.

(6) Subject to regulations 34 and 35 of these regulations, a permit to burn proclaimed plants shall not be granted unless and until the applicant for the permit satisfies the authorised officer to whom the application is made that—

- (a) the land to be burned at one time and under the permit applied for does not exceed the area as fixed by the authorised officer when granting the permit, and in any event does not exceed forty hectares;
- (b) the area has been surrounded by a firebreak to a width of not less than six metres;
- (c) if the area to be burned is carrying any standing trees, that all grass and debris has been raked to a distance of not less than two metres from the base of each standing tree.

(7) If the permit to burn applied for is granted, the holder of the permit shall, four days at least before commencing to burn under the authority of the permit, deliver or cause to be delivered notice in writing of his intention so to do personally to the following persons—

- (a) each owner or occupier of all land adjoining the land upon which or upon a part of which it is proposed to burn the plants;
- (b) the clerk and a bush fire control officer of the local authority in the district of which the land upon which it is proposed to burn the plants is situated;
- (c) a forest officer, if the land upon which it is proposed to burn the plants is situated within three kilometres 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.

(8) The authorised officer shall specify in a permit to burn proclaimed plants the day, not being a Sunday and not necessarily the day for which the permit was sought, on which burning is authorised, and subject to subregulation (12) of this regulation, shall specify such time between the hours of 2 o'clock in the afternoon and midnight of the same day as he thinks fit, or as the local authority may from time to time direct at which burning may be commenced.

(9) A permit to burn a proclaimed plant shall be in the Form 9 in the Appendix.

(10) The application for the permit to burn proclaimed plants shall be received by the authorised officer to whom the application is made at least seven days before the day upon which it is intended to commence burning.

(11) The authorised officer to whom the application for the permit is made may, before granting the permit enter upon the land of the applicant to inspect the area proposed to be burnt.

(12) The Board may, by notice in the *Government Gazette*, authorise the issue of permits for the burning of proclaimed plants in any district or part of a district at a time prior to 2 o'clock in the afternoon, and in that event a permit may, subject to the directions of the local authority for that district or that part of a district, specify a time prior to 2 p.m. for the commencement of such burning.

(13) No fire shall be lit pursuant to the provisions of this regulation if the fire hazard forecast issued by the Bureau of Meteorology in Perth in respect of the locality where it is proposed to burn the proclaimed plant is "very high" or "extreme", and the person who has received the permit under the provisions of this regulation shall not burn a proclaimed plant in the locality on that day, but may burn the plant in that locality on the first day next following the day on which the fire hazard forecast issued by the Bureau of Meteorology in Perth in respect of the locality is below "very high".

(14) The owner or occupier of the area to be burned shall himself arrange for and provide at least three men to be constantly in attendance at the fire in the area from the time it is lit until it is completely extinguished and to assist in keeping the fire under control and preventing it from spreading beyond the area proposed to be burned.

Reg. 34
amended by
G.G.,
27/10/66,
p. 2781.

34. No permit shall be granted for the burning of a proclaimed plant growing upon any land situate in any locality within the district of a local authority specified by the local authority in a notice in writing given by it to the duly authorised officer for the district of the local authority, whereby the local authority objects to the issue or grant of any such permit.

Reg. 35
amended by
G.G.,
16/10/63,
p. 3076;
G.G.,
27/10/66,
p. 2781.

35. The authorised officer may refuse to issue or grant a permit where he is satisfied that, notwithstanding that all the precautions required to be taken under these regulations in connection with the proposed burning are taken, the proposed burning may nevertheless be or become a source of danger by escaping from the land on which it is intended to carry out the burning.

Reg. 36
amended by
G.G.,
27/10/66,
p. 2782.

36. In the event of any fire escaping beyond the boundaries of the area in respect of which a permit to burn has been granted, the holder of the permit shall, if possible, immediately notify the nearest bush fire control officer or authorised officer and within 24 hours of the suppression of the fire shall report in full the circumstances causing the escape to the authorised officer by whom the permit was granted.

Heading
added by
G.G., 10/3/78,
p. 707.

Division 4.—Permit to Burn Declared Plants and Refuse Thereof.

Reg. 36A
added by
G.G., 10/3/78,
p. 707.

36A. (1) Any person desirous of burning plants that are declared plants within the meaning of the Agriculture and Related Resources Protection Act, 1976, or the refuse of such plants, during the prohibited burning times shall lodge an application signed by him in the form of Form 10 in the Appendix with the authorised officer within whose district the burning is to take place for a permit to burn the plants or refuse.

(2) An application under subregulation (1) of this regulation may be accepted in the form of a letter if the full information required by Form 10 is supplied in the letter.

(3) A permit to burn plants or plant refuse under the provisions of this Division shall be in the form of Form 11 in the Appendix.

(4) The authorised officer issuing a permit to burn plants or plant refuse under the provisions of this division may incorporate in that permit any requirements and directions that he may consider necessary relative to the burning and the holder of the permit shall observe and carry out those requirements and directions.

(5) Where a local authority issues directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse under the provisions of this division shall be issued in the district of the local authority by that officer, he shall comply with those directions.

Part VII.—Operations of Tractors and Engines.

Prescribed Equipment for Tractors.

37. (1) The spark arrester required to be fitted to the exhaust pipe of a tractor pursuant to subparagraph (iii) of paragraph (a) of subsection (1) of section 27 of the Act shall be an efficient spark arrester of suitable design for the type of tractor to which it is attached and shall be maintained in a clean, sound and efficient condition at all times when the tractor is in operation during the prohibited burning times or restricted burning times.

(2) The fire extinguisher required to be carried pursuant to subsection (5) of section 27 shall be a fire extinguisher as defined in regulation 3 of these regulations.

Reg. 37
substituted
by G.G.,
10/3/78,
pp. 707-8.

Bulldozers and Graders.

37A. A person shall not operate a bulldozer or road-grader during the prohibited burning times or restricted burning times unless—

- (a) a fire extinguisher is carried on the bulldozer or grader;
- (b) the exhaust pipe is vertical and the exhaust system, including pipes is maintained in a sound and efficient condition;
- (c) the exhaust pipe is fitted with an efficient spark arrester which is of suitable design for the type of bulldozer or road-grader to which it is attached and is maintained in a clean, sound and efficient condition at all times when the bulldozer or road-grader is in operation during the prohibited burning times or the restricted burning times.

Harvesting and Motor Powered Machines.

38. A person shall not operate any harvesting machine or header in any crop during the prohibited burning times or the restricted burning times unless a fire extinguisher is carried on the machine.

38A. (1) Where in the opinion of a bush fire control officer the operation on any day of any harvesting machine or tractor, or on any day the towing or drawing of any grain bin mounted on steel skids, on any land is likely to cause a bush fire, or would be conducive to the spread of a bush fire, that officer may by wireless broadcast or by written notice served on a person or by oral direction but subject to such directions as may be given by the local authority—

- (a) prohibit that person from operating any harvesting machine or tractor on that land on that day or during specified periods on that day;
- (b) restrict the use of harvesting machines or tractors on that land on that day or during specified periods on that day in accordance with conditions stipulated by the officer; or

Heading
amended by
G.G., 25/3/60,
p. 865.

Reg. 38
substituted
by G.G.,
10/3/78,
p. 708.

Reg. 38A
added by
G.G., 21/1/57,
p. 88.
Amended by
G.G., 27/5/64,
p. 2270;
G.G., 26/2/65,
p. 708.

(c) prohibit the towing or drawing of any grain bin mounted on steel skids, on that land on that day or during specified periods on that day.

(2) The person on whom a notice is served or a direction is given in accordance with subregulation (1) of this regulation, shall comply with the terms and conditions of that notice or direction.

(3) A person shall, when required by a local authority, provide a plough or other specified machine appliance or fire-fighting equipment in or in the vicinity of any land or paddock where harvesting operations are being carried on.

Reg. 38B
substituted
by G.G.,
26/2/65,
p. 708.

38B. (1) Where, in the opinion of the bush fire control officer, the operation of any power saw, bag loader or other plant or equipment activated by internal combustion engine on any land in the district may constitute a fire hazard, he may, by wireless broadcast from a radio station giving broadcast coverage to the district, by publication in a newspaper circulating in the district or or by written notice or oral direction given to any person or persons, subject to such direction as may be given by the local authority, prohibit the operation of any such power saw, bag loader or other plant or equipment, until further notice, unless the operator has first—

(a) provided, at the site of operation, such firefighting equipment, supply of water and other means of extinguishing fire as the bush fire control officer may, by the same means, direct; or

(b) fitted to the engine by which the power saw, bag loader or other plant or equipment is activated a spark arrester of a suitable design, maintained in a clean, sound and efficient condition.

(2) Notwithstanding, but without limiting, the foregoing provisions of this regulation and in any event, every person shall, before operating any power saw, bag loader or other plant or equipment activated by internal combustion engine on land of which any part is under crop, pasture or stubble or that is forest land, fit to the engine by which the power saw, bag loader or other plant or equipment is activated a spark arrester of suitable design, maintained in a clean, sound and efficient condition.

(3) Every person who operates any power saw, bag loader or other plant or equipment activated by internal combustion engine, contrary to the provisions of, or contrary to any prohibition or direction given under, this regulation, commits an offence.

Reg. 38C
added by
G.G., 27/5/64,
p. 2270.
Amended by
G.G., 26/2/65,
p. 708;
G.G., 10/3/73,
p. 708.

38C. (1) A person shall not, on any Sunday or public holiday during the prohibited burning times or the restricted burning times, operate in any crop any harvesting machine or header, unless that person has first obtained the consent in writing of a bush fire control officer of the local authority of the district in which the crop is situated to do so, or unless the local authority has, by notice in the *Government Gazette*, declared the Sunday or public holiday as being one to which this regulation does not apply.

(2) This regulation applies only in respect to a municipal district, or part of a municipal district, of a local authority that the Governor, in accordance with the provisions of this regulation, declares to be a district to which this regulation applies.

(3) The Governor, upon application made by a local authority, may by notice published in the *Government Gazette* declare the municipal district, or part of the municipal district, of that local authority to be a district to which this regulation applies.

(4) A notice published pursuant to this regulation may be cancelled, amended or varied at any time by a subsequent notice published in the *Government Gazette*.

(5) In this regulation, "public holiday" means Christmas Day, Boxing Day, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, the Birthday of the reigning Sovereign, and any day proclaimed to be a public holiday throughout the State, and in relation to a district to which this regulation applies, any day proclaimed to be a public holiday in that district whether in addition to or in substitution for any of those days.

Chaff Cutting Plants.

39. (1) A person shall not operate any plant or machinery for cutting chaff during the prohibited burning times or the restricted burning times unless at least one fire extinguisher is provided at the site of the plant together with not less than 150 litres of water in a suitable container.

Reg. 39
amended by
G.G., 12/7/74,
p. 2612;
G.G., 10/3/78,
p. 708.

(2) Any requisition of a bush fire control or forestry officer shall be complied with by any person operating the plant.

Motor Vehicles.

39A. (1) A person shall not operate any motor vehicle on land, the whole or any part of which is under crop or pasture or stubble, if—

Reg. 39A
added by
G.G., 21/1/57,
p. 88.

- (a) the exhaust pipes of the vehicle are not clean, sound and free from gas leaks;
- (b) there is emitted from the vehicle any smoke, carbon, sparks or oily substance the emission of which could be prevented by the fitting of any available appliance designed to prevent that emission.

(2) A person operating a motor vehicle within the district of a local authority shall comply with any requisition of the authority or a bush fire control officer which is made under the Act and communicated to him by an officer of the authority or the bush fire control officer.

39AA. [Published G.G. 26/10/62, p. 3482; disallowed G.G. 30/11/62, p. 3838.

Aeroplanes.

39B. (1) During the prohibited burning times or the restricted burning times a person shall not operate on any land an aeroplane that is being used for the purpose of or in connection with crop dusting, spraying, spreading of fertiliser or other agricultural purposes unless there is available at the site of landing a fire extinguisher together with not less than 150 litres of water in a suitable container.

Reg. 39B
added by
G.G., 21/1/57,
p. 88.
Amended by
G.G., 12/7/74,
p. 2612;
G.G., 10/3/78,
p. 708.

(2) Before the owner or occupier of land uses or permits the use of any part of the land as a landing ground for an aeroplane referred to in subregulation (1) of this regulation, he shall prepare to the satisfaction of the local authority a firebreak around the area of the landing ground.

(3) A bush fire control officer may, subject to the directions, if any, of the local authority by which he was appointed, issue to a person operating an aeroplane referred to in subregulation (1) of this regulation, or to the owner or occupier of land used for the landing or taking off of the aeroplane, such directions as he considers necessary for the prevention of fire on that land and the person, owner or occupier, as the case may be, shall comply with these directions.

Part VIIB.—Control of Welding Apparatus and Explosives.

Welding Apparatus.

Part VIIB
added by
G.G.,
24/11/58,
p. 3482.

39BA. Pursuant to subparagraph (ii) of paragraph (a) of subsection (1) of section 27A of the Act the operation of welding apparatus in the open air is hereby specified as an operation likely to create a bush fire danger.

Reg. 39BA
added by
G.G., 10/3/78,
p. 708.

Reg. 39C
amended by
G.G., 10/3/78,
p. 708.

39C. (1) A person shall not operate welding apparatus of any kind on land, the whole or any part of which is under crop or pasture or stubble, unless at least one fire extinguisher is provided at the place where welding operations are carried on.

(2) A bush fire control officer may, subject to the directions, if any, of the local authority by which he was appointed, issue to a person operating a welding apparatus referred to in subregulation (1) of this regulation, or to the owner or occupier of the land upon which the welding operations are carried on, such directions as he 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.

Explosives.

Reg. 39D
amended by
G.G., 4/6/70,
p. 1474;
G.G., 12/7/74,
p. 2612;
G.G., 10/3/78,
p. 708.

39D. (1) A person shall not use explosives on land unless—

- (a) all inflammable material on the ground within a radius of three metres of a lighted fuse or explosive has been removed;
- (b) at least one fire extinguisher is provided at the place where the explosives are being used; and
- (c) if the explosives are being used during prohibited burning times or restricted burning times, he has given not less than 24 hours' prior notice of his intention to do so—
 - (i) to the bush fire control officer for the district in which the place where the explosives are being used is situated; and
 - (ii) where the place where the explosives are being used is within three kilometres of forest land, to the forest officer in charge of that forest land.

(2) A bush fire control officer may, subject to the directions, if any, of the local authority by which he was appointed, issue to a person using explosives upon land referred to in subregulation (1) of this regulation, or the owner or occupier of that land, such directions as he 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.

Part VIII.—Miscellaneous.

[Regulation 40 and heading thereto revoked by G.G. 10/3/78, p. 708.]

Bush Fire Brigades.

Reg. 41
substituted
by G.G.,
10/3/78,
p. 708.

41. A local authority shall keep a register of bush fire brigades established by it in the form of Form 12 in the Appendix.

42. [Revoked by G.G. 10/3/78, p. 708.]

Return of Fire Losses.

Reg. 43
substituted
by G.G.,
10/3/78,
p. 708.

43. (1) The owner or occupier of land shall within seven days of the occurrence of a bush fire on the land, send to the local authority in whose district the land is situated written notice in duplicate notifying the local authority of the occurrence of the fire and setting out—

- (a) the date on which the fire occurred;
- (b) the cause or origin of the fire;
- (c) the approximate area burned by the fire;
- (d) an estimate of the total loss caused by the fire;
- (e) the time when the fire was first noticed;
- (f) the time when the fire was extinguished;
- (g) details of persons and equipment used to suppress the fire.

(2) A local authority shall send to the Board in the month of June in each year particulars of losses caused by bush fires in its district during the preceding twelve months.

(3) A local authority may comply with subregulation (2) of this regulation by forwarding to the Board one copy of each notice received by the local authority pursuant to subregulation (1) of this regulation.

Entry to Crown Land etc.

44. Where—

- (a) an owner or occupier of land proposes to enter Crown land or a reserve or other land pursuant to paragraph (a) of subsection (1) of section 34 of the Act; or
- (b) a bush fire control officer proposes to enter Crown land or a reserve pursuant to paragraph (c) of subsection (1) of section 34 of the Act,

Reg. 44 and heading substituted by G.G., 10/3/78, p. 709.

the owner or occupier or the bush fire control officer, as the case may be, shall give to the person, body or Government department responsible for the care, control and management of the land upon which entry is proposed to be made at least four days notice of his intention to enter the land and shall give details in the notice of the area in which he intends to carry out burning.

[Regulation 45 and heading thereto revoked by G.G. 10/3/78, p. 709.]

46. Any person committing a breach of any of these regulations or failing to comply with any condition upon which a permit to burn is granted shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding two hundred dollars.

Reg. 46 amended by G.G., 10/3/78, p. 709.

Appendix.

Form 1 [Deleted by G.G. 10/3/78, p. 709.]

Form 2 [Deleted by G.G. 10/3/78, p. 709.]

Appendix amended by G.G., 16/10/63, pp. 3076-9; G.G., 27/10/66, pp. 2782-7; G.G., 12/7/74, pp. 2612-4; G.G., 10/3/78, pp. 709-11.

Form 3.

Western Australia.

Bush Fires Act, 1954.

Regulation 15.

PERMIT TO SET FIRE TO THE BUSH.

Subject to the provisions of the Bush Fires Act, 1954, and the regulations made thereunder and to the due observance and performance of the conditions endorsed on this permit including the provisions of section 18 of the said Act permission is hereby granted to Mr of to set fire to the bush on locations on the day of 19.....

Dated this day of 19.....

Note.—This permit is not valid during a declared prohibited burning time and is issued subject to the provisions of section 46 of the Bush Fires Act and may be revoked or suspended by a bush fire control officer if, in his opinion, the fire, if lit, would become a source of danger.

A bush fire control officer is not compelled to inspect an area to be burnt before issuing a permit to burn. The onus lies on the person not only to comply with the provisions of the Bush Fires Act but also to ensure there is no danger of the fire escaping. The issue of this permit in no way affects that responsibility.

Plan and any special conditions to be observed:—

Signed
Bush Fire Control Officer.

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Form 4.
Western Australia.
Bush Fires Board.
Bush Fires Act, 1954.
Regulation 18.

APPLICATION FOR PERMIT TO BURN CLOVER DURING
A PROHIBITED BURNING TIME.

I (a).....of (b).....the
owner (or occupier) of (c).....location No.....
upon which subterranean clover is growing, hereby apply pursuant
to section 24 of the Bush Fires Act, 1954, for a permit to burn
upon the said location a total area of.....hectares (not
to exceed thirty hectares), shown on the annexed sketch upon the
following day, namely:—

....., 19.....hectares
....., 19.....hectares
....., 19.....hectares

such days being within a time of the year during which it has been
declared, by notice published in the *Government Gazette* pursuant
to section 17 of the said Act, to be unlawful to set fire to the bush
within the district or part of the State named in the said notice
within which the location aforesaid is situated.

.....
Applicant.

To.....

Note.—This application must be lodged with the nearest author-
ised officer at least seven days before the day upon which it is
intended to commence burning.

(Sketch.)

(a) Name in full of applicant. (b) Address. (c) Name of location.
(To be endorsed on Form .)

STATUTORY DECLARATION.

I, (a)....., the applicant herein do hereby
declare as follows:—

(1) That the land to be burned does not exceed in extent and is
identical with the area described in the above application and shown
on the annexed sketch.

(2) That such area has been surrounded by a firebreak to a
width of not less than three metres.

(3) That the area to be burned is/is not carrying standing trees
(whether green or ringbarked).

(4) That such area if carrying standing timber has been grazed
during the growing period of the clover crop to reduce the amount
of dead litter to a minimum, and that all grass and debris has been
raked to a distance of not less than two metres from the base of
each standing tree.

And I make this solemn declaration by virtue of section 106 of
the Evidence Act, 1906.

Declared at.....in the State of Western
Australia this.....day of....., 19.....

.....
Signature of Applicant.

Before me—

Note.—The declaration may be made before a Justice of the Peace,
a Commissioner for Declarations, Town Clerk, Shire Clerk, Electoral
Registrar, Postmaster, Classified Officer in the State or Common-
wealth Public Service, Classified State School Teacher, or a member
of the Police Force.

Form 5.
Western Australia.
Bush Fires Board.
Bush Fires Act, 1954.
Regulation 19.

Permit No.....

PERMIT TO BURN CLOVER DURING PROHIBITED
BURNING TIME.

I, (a).....of (b).....a duly authorised officer within the meaning of the regulations made under and for the purposes of the Bush Fires Act, 1954, having been satisfied that the provisions of paragraph (b) of section 24 of the said Act have been complied with hereby grant authority to (c)..... of (d)..... the owner (or occupier) of (e)..... location No..... to burn upon the said location a total area shown on the annexed sketch of hectares of subterranean clover upon the following days, namely:—

-, 19..... hectares
-, 19..... hectares
-, 19..... hectares

subject however, to the provisions of the said Act and the regulations made thereunder and to the due observance and performance of the conditions endorsed on this permit.

Given under my hand at this day of, 19.....

.....
Authorised Officer.

- (a) Name of authorised officer in full and occupation; (b) address; (c) name of permit holder; (d) address; (e) name of location.
(To be endorsed on Form .)

Regulation 19 to the Bush Fires Act, 1954, reads in part as follows:—

(4) If the permit to burn clover applied for is granted the holder thereof shall, before commencing to burn under the authority of the permit—

- (a) deliver or cause to be delivered to each owner or occupier of all lands adjoining the area to be burnt, and where the authorised officer who granted the permit is not an officer of the local authority within whose district the area to be burnt is situated, to such local authority or to the bush fire control officer of such local authority at least four days notice in writing of his intention to burn such area; and
- (b) if the area to be burnt is situated within three kilometres of a State forest, deliver or cause to be delivered personally to a forest officer employed in connection with such State forest at least four days' notice in writing of his intention to burn such area.

(5) The burning of an area under the authority of a permit to burn clover shall be carried out between the hours of four o'clock in the afternoon and midnight of the same day and not at any other periods of the day.

(6) The owner or occupier of the area to be burned shall himself arrange for and provide at least three men to be constantly in attendance at the fire in the area from the time it is lit until it is completely extinguished, to assist in keeping the fire under control and preventing it from spreading beyond the area proposed to be burned.

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Form 6.
Western Australia.
Bush Fires Board.
Bush Fires Act, 1954.
Regulation 26.

APPLICATION FOR A PERMIT TO BURN THE REFUSE OF
PLANTS DURING A PROHIBITED BURNING TIME.

I, (a)..... of (b).....
the owner (or occupier) of (c).....
location No. hereby apply pursuant to the regulations
made under the provisions of section 26 of the Bush Fires Act,
1954, for a permit to burn upon the said location (d).....
..... upon the following days, viz:—
....., 19..... heaps
....., 19..... heaps
....., 19..... heaps
such days being within a prohibited burning time declared for the
district or part of the State within which the location is situated.
.....
To..... Applicant.

Note.—This application must be lodged with the clerk of the local
authority within whose district the proposed burning is to take
place, or the nearest authorised officer at least seven days before the
day upon which it is intended to commence burning.

(a) Name of applicant in full. (b) Address. (c) Name of location.
(d) Description of the plants the refuse of which is to be burned.

(To be endorsed on Form 6.)
STATUTORY DECLARATION.

I, (a)....., the applicant
herein, do hereby declare as follows:—

- (1) That the land on which burning is to be carried out does
not exceed in extent and is identical with that described in the
above application.
- (2) That the provisions of the regulations respecting
firebreaks have been carried out.
- (3) That the area to be burned is/is not carrying standing
trees.
- (4) That if such area is carrying standing timber, all grass
and debris has been raked to a distance of not less than two
metres from the base of each standing tree.

And I make this solemn declaration by virtue of section 106 of
the Evidence Act, 1906.

Declared at in the State of Western
Australia this day of, 19.....

.....
Signature of Applicant.

Before me:.....
Note.—The declaration may be made before a Justice of the
Peace, a Commissioner for Declarations, Town Clerk, Shire Clerk,
Electoral Registrar, Postmaster, Classified Officer of the State or
Commonwealth Public Service, Classified State School Teacher, or
a member of the Police Force.

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Form 7.

Western Australia.

Bush Fires Board.

Bush Fires Act, 1954.

Regulation 27.

Permit No.....

PERMIT TO BURN THE REFUSE OF PLANTS DURING A PROHIBITED BURNING TIME.

I. (a)..... of (b)..... The Town/Shire Clerk of the..... or a duly authorised officer within the meaning of the regulations made under and for the purpose of the Bush Fires Act, 1954, having been satisfied that the regulations made in this behalf have been complied with, hereby grant authority to (c)..... of (d)..... the owner (or occupier) of (e)..... location No..... to burn upon the said location (f)..... upon the following days, viz.:—

-, 19..... heaps
....., 19..... heaps
....., 19..... heaps

subject however, to the provisions of the said Act and the regulations made thereunder and to the due observance and performance of the conditions endorsed on this permit.

Given under my hand at..... this..... day of....., 19.....

Town/Shire Clerk of the..... or Authorised Officer.

(a) Name of Town/Shire Clerk or authorised officer, in full and occupation, (b) Address. (c) Name of permit holder. (d) Address, (e) Name of location. (f) Description of the plants the refuse of which is to be burned.

(To be endorsed on back of Form 7.)

Extracts from Regulations dealing with the burning of the refuse of plants read as follows:—

27. (2) The authorised officer issuing a permit to burn the refuse of plants under the provisions of this division may incorporate in that permit any requirements and directions additional to those specified in this division that he may consider necessary relative to the burning, and the holder of the permit shall observe and carry out those requirements and directions.

28. The area of ground on which the refuse of the plants is to be burnt shall be so cleared or prepared that the fire shall not in any circumstances be able to run along the ground.

29. The refuse of the plants to be burnt shall be placed in heaps so that each heap shall not be more than one metre high measured from the ground, and shall not cover an area of ground exceeding that which would be contained within the circumference of a circle having a diameter of two metres, and so that there shall be a distance of at least three metres between the base of any one heap and that of any other heap.

30. The heaps mentioned in regulation 29 of these regulations shall be distant not less than ten metres from any brush fence in the vicinity thereof, and at least twenty metres from the nearest external boundary of the land of the owner or occupier upon which the heaps proposed to be burnt are situated.

31. The person proposing to burn the refuse of plants shall—

- (a) four days at least before commencing to burn, deliver or cause to be delivered notice in writing of his intention so to do personally to the following persons—
 - (i) each owner or occupier of all land adjoining the land upon which or upon a part of which it is proposed to burn the refuse of the plants;
 - (ii) the clerk and a bush fire control officer of the local authority in the district of which the land upon which it is proposed to burn the refuse of plants is situated;
 - (iii) a forest officer, if the land upon which it is proposed to burn the refuse of plants is situated within three kilometres of forest land;
- (b) before commencing burning operations, provide and have available at the place thereof at least 200 litres of water in suitable containers which may be conveniently used for extinguishing fire, together with a knapsack spray and pump unit ready for immediate operation and such other fire fighting equipment as may be specified by the authorised officer in the permit to burn the refuse of the plants;
- (c) provide at least three men to be constantly in attendance at the burning operations from the time when the fire is lit until it is completely extinguished and to assist in keeping the fire under control and prevent it from spreading beyond the land on which the burning operations are conducted;
- (d) carry out the burning operations only between the hours of 8 p.m. and midnight;
- (e) cause all ash resulting from the burning operations to be covered completely with earth or sand before 10 o'clock in the morning on the next day following the burning operations.

32. In the event of any fire escaping beyond the boundaries of the area in respect of which a permit to burn the refuse of plants has been granted, the holder of such permit shall, if possible, immediately notify the nearest bush fire control officer or authorised officer and shall within 24 hours of the suppression of the fire report in full the circumstances causing the escape to the authorised officer by whom the permit was granted.

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Form 8.
Western Australia.
Bush Fires Board.
Bush Fires Act, 1954.
Regulation 33.

APPLICATION FOR A PERMIT TO BURN PROCLAIMED PLANTS
DURING A PROHIBITED BURNING TIME.

I, (a)..... of (b).....
..... the owner (or occupier) of
(c)..... location No.....
upon which (d)..... is growing, hereby
apply pursuant to section 26 of the Bush Fires Act, 1954, for a
permit to burn upon the said location a total area of.....
hectares shown on the annexed sketch upon the following days,
viz.—

....., 19..... hectares
....., 19..... hectares
....., 19..... hectares

such days being within a prohibited burning time declared for the
district or part of the State named in the said notice within which
the location is situated.

.....
Applicant.

To.....

Note.—This application must be lodged with the clerk of the local
authority within whose district the proposed burning is to take
place, or the nearest authorised officer at least seven days before
the day upon which it is intended to commence burning.

(a) Name in full of applicant. (b) Address. (c) Name of location.
(d) Description of the proclaimed plant to be burned.

(To be endorsed on Form 8.)
STATUTORY DECLARATION.

I, (a)....., the applicant herein, do hereby
declare as follows:—

- (1) That the land on which burning is to be carried out does
not exceed in extent and is identical with the area described in
the above application and shown on the annexed sketch.
- (2) That such area has been surrounded by a firebreak to a
width of not less than six metres.
- (3) That the area to be burned is/is not carrying standing
trees.
- (4) That such area is carrying standing timber and that all
grass and debris has been raked to a distance of not less than
two metres from the base of each standing tree.

And I make this solemn declaration by virtue of section 106 of
the Evidence Act, 1906.

Declared at in the State of Western
Australia this day of, 19.....

.....
Signature of Applicant.

Before me.....

Note.—The declaration may be made before a Justice of the
Peace, a Commissioner of Declarations, Town Clerk, Shire Clerk,
Electoral Registrar, Postmaster, Classified Officer in the State or
Commonwealth Public Service, Classified State School Teacher, or
a member of the Police Force.

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Form 9.

Western Australia.

Bush Fires Board.

Bush Fires Act, 1954.

Regulation 33.

Permit No.....

**PERMIT TO BURN PROCLAIMED PLANTS DURING A
PROHIBITED BURNING TIME.**

I, (a)..... of (b).....
Town/Shire Clerk of the or a duly authorised
officer within the meaning of the regulations made under and for
the purposes of the Bush Fires Act, 1954, having been satisfied that
the provisions of section 26 of the said Act have been complied with
hereby grant authority to (c)..... of (d).....
the owner (or occupier) or (e)..... location
No.....

to burn upon the said location a total area shown on the annexed
sketch of hectares of (f).....
upon the following days, viz.:-

....., 19..... hectares.
....., 19..... hectares.
....., 19..... hectares.

subject, however, to the provisions of the said Act and the regula-
tions made thereunder and to the due observance and performance
of the conditions endorsed on this permit.

Given under my hand at this
..... day of, 19.....

Town/Shire Clerk of the or
another authorised officer.

(a) Name of Town/Shire Clerk or authorised officer in full and
occupation. (b) Address. (c) Name of permit holder. (d) Address.
(e) Name of location. (f) Description of proclaimed plant.

(To be endorsed on Form 9.)

EXTRACTS FROM REGULATIONS.

33. (4) The authorised officer issuing a permit to burn plants
under the provisions of this division may incorporate in that permit
any requirements and directions additional to those specified in this
division that he may consider necessary relative to the burning
and the holder of the permit shall observe and carry out those
requirements and directions.

(6) Subject to regulations 34 and 35 of these regulations, a permit
to burn proclaimed plants shall not be granted unless and until the
applicant for the permit satisfies the authorised officer to whom
the application is made that—

(a) the land to be burned at one time and under the permit
applied for does not exceed the area as fixed by the
authorised officer when granting the permit, and in any
event does not exceed forty hectares;

- (b) the area has been surrounded by a firebreak to a width of not less than six metres;
- (c) if the area to be burned is carrying any standing trees, that all grass and debris has been raked to a distance of not less than two metres from the base of each standing tree.

(7) If the permit to burn applied for is granted, the holder of the permit shall, four days at least before commencing to burn under the authority of the permit, deliver or cause to be delivered notice in writing of his intention so to do personally to the following persons—

- (a) each owner or occupier of all land adjoining the land upon which or upon a part of which it is proposed to burn the plants;
- (b) the clerk and a bush fire control officer of the local authority in the district of which the land upon which it is proposed to burn the plants is situated; and
- (c) a forest officer, if the land upon which it is proposed to burn the plants is situated within three kilometres of forest land.

(8) The authorised officer shall specify in a permit to burn proclaimed plants the day, not being a Sunday and not necessarily the day for which the permit was sought, on which burning is authorised and subject to subregulation (12) of this regulation, shall specify such time between the hours of 2 o'clock in the afternoon and midnight of the same day as he thinks fit, or as the local authority may from time to time direct at which burning may be commenced.

(13) No fire shall be lit pursuant to the provisions of this regulation if the fire hazard forecast issued by the Bureau of Meteorology in Perth in respect of the locality where it is proposed to burn the proclaimed plant is "severe" or "dangerous", and the person who has received the permit under the provisions of this regulation shall not burn a proclaimed plant in the locality on that day, but may burn the plant in that locality on the first day next following the day on which the fire hazard forecast issued by the Bureau of Meteorology in Perth in respect of the locality is below "severe".

(14) The owner or occupier of the area to be burned shall himself arrange for and provide at least three men to be constantly in attendance at the fire in the area from the time it is lit until it is completely extinguished and to assist in keeping the fire under control and preventing it from spreading beyond the area proposed to be burned.

36. In the event of any fire escaping beyond the boundaries of the area in respect of which a permit to burn has been granted, the holder of the permit shall, if possible, immediately notify the nearest bush fire control officer or authorised officer and within 24 hours of the suppression of the fire shall report in full the circumstances causing the escape to the authorised officer by whom the permit was granted.

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Form 10.

Western Australia.

Bush Fires Board.

Regulation 36A.

APPLICATION FOR A PERMIT TO BURN DECLARED PLANTS/THE REFUSE OF DECLARED PLANTS DURING A PROHIBITED BURNING TIME.

I, (a)....., of (b)..... the owner (or occupier) of (c)..... location No. hereby apply for a permit to burn (d)...../ the refuse of (d)..... to the extent specified hereunder on the days specified hereunder—

| Day | Extent of Burning Proposed |
|----------------|----------------------------|
|, 19..... | |
|, 19..... | |
|, 19..... | |

such days being within the prohibited burning times declared for the district or part of the State within which the location is situated.

..... Applicant.

To.....

Note.—This application must be lodged with the clerk of the local authority within whose district the proposed burning is to take place, or the nearest authorised officer, within seven days before the day upon which it is intended to commence burning.

(a) Name of applicant in full. (b) Address. (c) Name of location. (d) Description of declared plants.

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Form 11.
Western Australia.
Bush Fires Board.
Bush Fires Act, 1954.
Regulation 36A.

Permit No.....

PERMIT TO BURN DECLARED PLANTS/THE REFUSE OF
DECLARED PLANTS DURING A PROHIBITED BURNING TIME.

I, (a)..... of (b).....
the Town/Shire Clerk of the
or a duly authorised officer within the meaning of the regulations
made under and for the purposes of the Bush Fires Act, 1954,
hereby grant authority to (c).....
of (d)..... the owner
(or occupier) of (e).....
location No. to burn (f)...../
the refuse of (f)..... on the said location to
the extent specified hereunder on the days specified hereunder—

| Day | Extent of Burning Permitted |
|----------------|-----------------------------|
|, 19..... | |
|, 19..... | |
|, 19..... | |

subject however to the provisions of that Act and those regulations
and to the due observance and performance of the requirements
and directions endorsed on this permit.

Given under my hand at this
day of, 19.....

.....
Town/Shire Clerk of the
.....
or Authorised Officer.

Requirements and Directions

(a) Name of Town/Shire Clerk or authorised officer in full and
occupation. (b) Address. (c) Name of permit holder. (d) Address.
(e) Name of location. (f) Description of declared plants.

Form 12.
Western Australia.
Bush Fires Act, 1954.
Regulation 41.

REGISTER OF BUSH FIRE BRIGADES.

Registration Date

Shire/Town of.....
..... Bush Fire Brigade.

Captain

Lieutenants 1.
2.
3.
4.
5.

Secretary

Signature

..... Shire/Town Clerk.

Forms 13-16 [Deleted by G.G. 10/3/78, p. 711.]