

Western Australia

Bush Fires Act 1954

Bush Fires Regulations 1954

Bush Fires Regulations 1954

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Western Australia

Bush Fires Act 1954

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Part I — Preliminary

1. **Citation** ²

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

[Regulation 1 amended in Gazette 12 November 1982 p. 4463.]

2. **Repeal** ²

[Omitted under the Reprints Act 1984 s. 7(4)(f).]

3. **Interpretation** ²

In these regulations, unless the context requires otherwise —

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 government in whose district the subject land is situated to notify it of all variations made by the local government from time to time under section 17 or 18 of the Act.

r. 3

*[Regulation 3 amended in Gazette 16 October 1963 p. 3075;
10 March 1978 p. 705; 22 December 1998 pp. 6854, 6856,
6858.]*

[Part II deleted in Gazette 22 December 1998 p. 6854.]

[Part III deleted in Gazette 10 March 1978 p. 705.]

Part IV — Burning during restricted times and prohibited times

15. Permits to burn under s. 18 ²

- (1) A local government 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 government or chief bush fire control officer in the district and the local government or chief bush fire control officer may grant a permit to burn or vary the special conditions of the permit.

[Regulation 15 amended in Gazette 24 November 1958 p. 3101; 22 December 1998 pp. 6855, 6858.]

15A. Bush fire control officer to comply with directions of local government

Where a local government 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.

[Regulation 15A inserted in Gazette 21 January 1957 p. 88; amended in Gazette 22 December 1998 p. 6858.]

15B. Obligations of permit holder

- (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.

r. 15B

- (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 chief executive officer or a bush fire control officer of the local government 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 3 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) shall not be —
 - (a) more than 28 days; or
 - (b) less than 4 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) 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)) 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 16 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 8 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) 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 3 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 30 metres of the perimeter of the firebreak surrounding the burnt area or, if there is no such firebreak, within 30 metres of the perimeter of the burnt area.
- (7) Where for any day, or any period of a day, specified in a notice given under subregulation (2) 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 “catastrophic”, “extreme”, “severe” or “very high” the permit holder shall not burn the bush in the locality on that day or during that period but may burn the bush in the locality on the first day next following that day or that period 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 regulation 15C(1).
- (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 regulation 15C(2).

r. 15C

*[Regulation 15B inserted in Gazette 10 March 1978 pp. 705-6;
amended in Gazette 22 December 1998 pp. 6856, 6858;
1 Dec 2009 p. 4831.]*

15C. Local government may prohibit burning on certain days

- (1) A local government 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 government 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) shall have effect during the restricted burning times in each year until it is revoked.

*[Regulation 15C inserted in Gazette 10 March 1978 p. 706;
amended in Gazette 22 December 1998 p. 6858.]*

16. Interpretation

For the purposes of this Part of these regulations, the term **authorised officer** means the chief executive officer of the local government or an officer duly appointed by the local government to grant a permit to burn clover.

*[Regulation 16 inserted in Gazette 10 March 1978 p. 706;
amended in Gazette 22 December 1998 p. 6858.]*

[17. Deleted in Gazette 10 March 1978 p.706.]

18. Application for permit to burn clover ²

- (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.

19. Lodgement of application and issue of permit

- (1) Every application such as is mentioned in regulation 18 shall be sent or delivered so as to be received by the authorised officer at least 7 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 government may, by local 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, 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), specify such time between the hours of 4 p.m. and midnight, as he thinks fit or as the local government may, from time to time, direct, at which burning may be commenced.
- (4) The Authority 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

r. 19A

government for that district or that part of a district, specify a time prior to 4 p.m. for the commencement of burning.

[Regulation 19 inserted in Gazette 26 February 1965 p. 707; amended in Gazette 10 March 1978 p. 706; 22 December 1998 pp. 6854 and 6858; 10 January 2003 p. 32.]

19A. Obligations of permit holder

- (1) A person to whom a permit is issued under the provisions of regulation 19 shall at least 4 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 3 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 3 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.

[Regulation 19A inserted in Gazette 26 February 1965 pp. 707-8; amended in Gazette 12 July 1974 p. 2612; 10 March 1978 p. 706.]

20. Local government may prohibit issue of permits

No permit shall be granted under regulation 19 for the burning of any subterranean clover growing upon any land situate in any locality within the district of a local government specified by the local government in a notice in writing given by it to the duly authorised officer for the district of the local government, whereby the local government 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.

[Regulation 20 amended in Gazette 22 December 1998 p. 6858.]

21. Refusal or cancellation of permit, and imposition of permit conditions

- (a) The duly authorised officer may refuse to issue or grant a permit under regulation 19, 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.

[Regulation 21 amended in Gazette 21 January 1957 p. 88.]

r. 21A

21A. Permit holder may be required to advertise burning

A local government 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 local government.

[Regulation 21A inserted in Gazette 21 January 1957 p. 88; amended in Gazette 22 December 1998 p. 6858.]

21B. Bush fire control officer may postpone burning

- (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, or during any period of a day, for which the fire danger forecast issued by the Bureau of Meteorology in Perth in respect of the locality where the clover proposed to be burnt is situated is “catastrophic” or “extreme”, 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 by written notice or oral direction given to any person or persons, subject to such direction as may be given by the local government, direct that, notwithstanding any permit to burn clover, clover shall not be burnt in the district on that day or during that period.

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

[Regulation 21B inserted in Gazette 4 June 1970 p. 1473; amended in Gazette 22 December 1998 pp. 6856, 6858; 1 Dec 2009 p. 4832.]

22. Permit holder to report escape of fire

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.

22A. Burning in areas of irrigation

- (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 governments set out in the schedule to this regulation.
- (2) The provisions of regulations 18, 19, 20, 21, 21A and 22 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.

*[Regulation 22A inserted in Gazette 24 Nov 1958 p. 3101;
amended in Gazette 15 Nov 1960 p. 3508; 16 Oct 1963 p. 3070;
22 Dec 1998 p. 6858.]*

22B. Bush not to be burned unless irrigation available

- (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 conducing to the early germination of subterranean clover on any land within the areas described in regulation 22A(1) 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).

*[Regulation 22B inserted in Gazette 24 November 1958
p. 3101.]*

23. Charcoal burning ²

- (1) Every person proposing to light a fire or fires for the conversion of any bush into charcoal at any time during the restricted

r. 23

burning times or prohibited burning times in every yearly period as provided for in section 25(1)(b) of the Act shall, at least 7 days before lighting the fire, give notice in writing of the intention to the local government 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 3 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 government, through its bush fire control officer or the local forest officer as the case may be, may, within the period specified in subregulation (1), direct that such further measures or precautions be taken, as in the opinion of the bush fire control officer or forest 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.

*[Regulation 23 amended in Gazette 12 July 1974 p. 2612;
10 March 1978 p. 706; 22 December 1998 pp. 6855 and 6858.]*

Part VA — Prohibited activities in the open air during total fire ban

[Heading inserted in Gazette 1 Dec 2009 p. 4832.]

24A. Prohibited activities in the open air during total fire ban

- (1) In this regulation —

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;

fire fighting vehicle means a motor vehicle that —

- (a) is capable of carrying at least 400 litres of water; and
- (b) is fitted with a pump and at least 15 m of hose with a minimum diameter of 19 mm and capable of delivering water through an adjustable nozzle;

road has the meaning given in the *Road Traffic Act 1974* section 5(1).

- (2) Subject to subregulations (3) and (4), 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 is prescribed for the purposes of section 22B(3)(c) of the Act.
- (3) Subregulation (2) does not apply to the use or operation of any engine, vehicle, plant, equipment or machinery —
 - (a) on a road; or
 - (b) on a lane, driveway, yard or other area that provides access to, or a parking facility at, any residential, farming or business premises, if the area has been sufficiently cleared of inflammable material to prevent the escape of fire.
- (4) Subregulation (2) does not apply to the use or operation of any engine, vehicle, plant, equipment or machinery if —

r. 24A

- (a) the purpose of that use or operation is the prevention of an immediate and serious risk to the health or safety of a person or livestock; and
 - (b) regulation 24B(2) is complied with in relation to that use or operation; and
 - (c) without limiting paragraph (b), the conditions to which subregulation (5) applies are complied with.
- (5) This subregulation applies to the conditions that —
 - (a) the internal combustion engine that is, or that activates, the engine, vehicle, plant, equipment or machinery being used or operated is mechanically sound and has an exhaust system that —
 - (i) is clean, sound 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;
 - and
 - (b) if the engine, vehicle, plant, equipment or machinery is capable of being driven, it is accompanied by a fire fighting vehicle when it is driven.
- (6) Subregulation (5)(b) does not apply if —
 - (a) because of the nature of the immediate and serious risk to the health or safety of a person or livestock, as mentioned in subregulation (4)(a), it is not practicable to delay the use or operation of the engine, vehicle, plant, equipment or machinery until the arrival of a fire fighting vehicle; or
 - (b) the engine, vehicle, plant, equipment or machinery is itself a fire fighting vehicle.

[Regulation 24A inserted in Gazette 1 Dec 2009 p. 4832-4.]

24B. Prescribed activity to which section 22B(2) of Act does not apply

- (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.

[Regulation 24B inserted in Gazette 1 Dec 2009 p. 4834.]

Part V — Permit to burn proclaimed or declared plants during prohibited burning times

[Heading inserted in Gazette 27 October 1966 p. 2778; amended in Gazette 10 March 1978 p. 706.]

Division 1 — General

24. Interpretation

For the purposes of this Part of these regulations the term **authorised officer** means the chief executive officer of a local government or an officer duly appointed by a local government to grant permits for the purposes of this Part.

[Regulation 24 inserted in Gazette 10 March 1978 p. 706; amended in Gazette 22 December 1998 p. 6858.]

[25. Deleted in Gazette 10 March 1978 p. 706.]

Division 2 — Permit to burn the refuse of proclaimed plants during prohibited burning times

[Heading inserted in Gazette 27 October 1966 p. 2778.]

26. Application for permit

- (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.
- (2) An application under subregulation (1) 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.

*[Regulation 26 amended in Gazette 16 October 1963 p. 3076;
27 October 1966 p. 2778.]*

27. Issue of permit

- (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.
- (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 government 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 government by that officer, he shall comply with those directions.

*[Regulation 27 inserted in Gazette 27 October 1966 pp. 2778-9;
amended in Gazette 22 December 1998 p. 6858.]*

28. Ground to be cleared before burning

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.

[Regulation 28 amended in Gazette 27 October 1966 p. 2779.]

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Part V Permit to burn proclaimed or declared plants during prohibited burning times

Division 2 Permit to burn the refuse of proclaimed plants during prohibited burning times

r. 29

29. Plant refuse to be burned in heaps

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 2 metres and so that there shall be a distance of at least 3 metres between the base of any one heap and that of any other heap.

[Regulation 29 amended in Gazette 27 October 1966 p. 2779; 12 July 1974 p. 2612.]

30. Heaps not to be near brush fence or land boundary

The heaps mentioned in regulation 29 shall be distant not less than 10 metres from any brush fence in the vicinity thereof, and at least 20 metres from the nearest external boundary of the land of the owner or occupier upon which the heaps proposed to be burnt are situated.

[Regulation 30 inserted in Gazette 27 October 1966 p. 2612; amended in Gazette 12 July 1974 p. 2612.]

31. Obligations of permit holder

The person proposing to burn the refuse of plants shall —

- (a) 4 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 chief executive officer and a bush fire control officer of the local government 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 3 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 3 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 a.m. on the day next following the burning operations.

[Regulation 31 amended in Gazette 16 October 1963 p. 3076; 27 October 1966 p. 2779; 12 July 1974 p. 2612; 10 March 1978 p. 707; 22 December 1998 p. 6858.]

32. Permit holder to report escape of fire

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,

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Part V Permit to burn proclaimed or declared plants during prohibited burning times

Division 3 Permit to burn proclaimed plants

r. 33

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.

[Regulation 32 amended in Gazette 27 October 1966 p. 2779.]

Division 3 — Permit to burn proclaimed plants

[Heading inserted in Gazette 27 October 1966 p. 2780.]

33. Permit to burn proclaimed plants

- (1) Where the Governor by proclamation under section 26 authorises the burning of a plant during the whole or part of the prohibited burning times, a person shall not burn a plant under that proclamation unless he has obtained a permit under this Division.
- (2) An application under subregulation (1) shall be in the form of —
 - (a) Form 8 in the Appendix; or
 - (b) a letter containing all the particulars required to be given in that Form,and shall be submitted to the authorised officer for the district in which the burning is to occur —
 - (c) not later than 7 days before the day on which it is intended to commence burning; or
 - (d) within any shorter period fixed by agreement between the person and the authorised officer.
- (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 government 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 government by that officer, he shall comply with those directions.
- (6) Subject to regulations 34 and 35, 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 40 hectares;
 - (b) the area has been surrounded by a firebreak to a width of not less than 6 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 2 metres from the base of each standing tree.
- (7) A person who is granted a permit shall deliver or cause to be delivered written notice of the intended burning to —
 - (a) each owner or occupier of land adjoining the land on which burning is to occur;
 - (b) the chief executive officer and a bush fire control officer of the local government for the district in which the land on which burning is to occur is situated;
 - (c) if that land is within 3 kilometres of forest land, a forest officer; and
 - (d) each government department or statutory body which has made it known to people in the district concerned

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that it requires to be notified of the granting of a permit under this Division,

and such notice shall be given —

- (e) not later than 4 days before the commencement of burning; or
 - (f) within any shorter period fixed by agreement between the holder of the permit and any person referred to in paragraph (a), (b), (c) or (d) in respect of notice to that person.
- (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), shall specify such time between the hours of 2 p.m. and midnight of the same day as he thinks fit, or as the local government 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) *deleted*]
- (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 Authority 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 p.m., and in that event a permit may, subject to the directions of the local government 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 on a day, or during any period of a day, if for that day or that period the fire danger forecast issued by the Bureau of

Meteorology in Perth in respect of the locality where it is proposed to burn the proclaimed plant is “catastrophic”, “extreme”, “severe” or “very high”, 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 or during that period, but may burn the plant in that locality on the first day next following the day or period of a day on which the fire danger 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 3 persons 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.

[Regulation 33 inserted in Gazette 27 October 1966 pp. 2780-1; amended in Gazette 12 July 1974 p. 2612; 10 March 1978 p. 707; 27 October 1989 pp. 3896-7; 22 December 1998 pp. 6854, 6856-7, 6858; 1 Dec 2009 p. 4835.]

34. Permit not to be granted if local government objects

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 government specified by the local government in a notice in writing given by it to the duly authorised officer for the district of the local government, whereby the local government objects to the issue or grant of any such permit.

[Regulation 34 amended in Gazette 27 October 1966 p. 2781; 22 December 1998 p. 6858.]

35. Permit may be refused if danger of escape

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

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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.

[Regulation 35 amended in Gazette 16 October 1963 p. 3076; 27 October 1966 p. 2781.]

36. Permit holder to report escape of fire

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.

[Regulation 36 amended in Gazette 27 October 1966 p. 2782.]

Division 4 — Permit to burn declared plants and refuse thereof

[Heading inserted in Gazette 10 March 1978 p. 707.]

36A. Permit to burn declared plants or plant refuse

- (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) 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 government 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 government by that officer, he shall comply with those directions.

*[Regulation 36A inserted in Gazette 10 March 1978 p. 707;
amended in Gazette 22 December 1998 p. 6858.]*

Part VII — Operations of tractors and engines

37. Tractors ²

- (1) The spark arrester required to be fitted to the exhaust pipe of a tractor pursuant to section 27(1)(a)(iii) 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 section 27(5) shall be a fire extinguisher as defined in regulation 3.

[Regulation 37 inserted in Gazette 10 March 1978 pp. 707-8.]

37A. Bulldozers and graders ²

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.

38. Harvesting machines and headers ²

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.

[Regulation 38 inserted in Gazette 10 March 1978 p. 708.]

38A. Use of engines, vehicles, plant or machinery likely to cause bush fire

- (1) Where a bush fire control officer is of the opinion that the use or operation of any engines, vehicles, plant or machinery during the prohibited burning times or restricted burning times, or both, is likely to cause a bush fire, or would be conducive to the spread of a bush fire, the bush fire control officer may by notice or direction prohibit or regulate the carrying out of any activity or operation in a specified area either absolutely or except in accordance with conditions specified in the notice or direction or without the consent of the local government or bush fire control officer.
- (2) A notice or direction under subregulation (1) —
 - (a) may be given by wireless broadcast or in writing;
 - (b) shall have effect for such period during the prohibited burning times or restricted burning times, or both, as is specified in the notice or direction;
 - (c) may be varied or cancelled by a bush fire control officer by a subsequent notice or direction in the manner set out in that subregulation.
- (3) During any period for which a notice or direction under subregulation (1) has effect a person shall not, in any area specified in the notice or direction, operate or use any engines, vehicles, plant or machinery contrary to the notice or direction.
Penalty: \$5 000.
- (4) A person shall, when required by a local government, provide a plough or other specified machine, appliance or firefighting equipment in or in the vicinity of any land or paddock where harvesting operations are being carried on.

*[Regulation 38A inserted in Gazette 28 December 1979
p. 4047; amended in Gazette 22 December 1998 p. 6858;
10 January 2003 p. 32.]*

r. 38B

38B. Use of plant or equipment activated by internal combustion engine

- (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 by written notice or oral direction given to any person or persons, subject to such direction as may be given by the local government, 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) 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 an internal combustion engine —
 - (a) contrary to a prohibition given under subregulation (1); or
 - (b) in contravention of subregulation (2),

commits an offence.

Penalty: \$5 000.

*[Regulation 38B inserted in Gazette 26 February 1965 p. 708;
amended in Gazette 22 December 1998 p. 6858; 10 January
2003 p. 32-33.]*

38C. Prohibition of use of harvesting machinery on certain days

- (1) A local government may declare that the use by a person of any harvesting machinery on any land under crop during the whole or part of any —

- (a) Sunday; or
- (b) public holiday,

in the whole or a specified part of the district of that local government during the prohibited burning times or the restricted burning times is prohibited unless the person has obtained the written consent of a bush fire control officer of that local government.

- (2) A declaration under subregulation (1) —
- (a) shall be made by notice in a newspaper circulating in the area affected by the prohibition; and
 - (b) may be revoked or varied in the manner in which it was made,

and the local government shall forward a copy of a declaration or of a revocation or variation of a declaration to the Authority.

- (3) A person who contravenes a declaration made under subregulation (1) commits an offence.

Penalty: \$5 000.

*[Regulation 38C inserted in Gazette 27 October 1989 p. 3898;
amended in Gazette 22 December 1998 pp. 6854 and 6858;
10 January 2003 p. 33.]*

r. 39A

39. Use of chaff cutting machinery ²

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

[Regulation 39 amended in Gazette 12 July 1974 p. 2612; 10 March 1978 p. 708; 22 December 1998 p. 6855.]

39A. Use of motor vehicles ²

- (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 —
 - (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 government shall comply with any requisition of the local government or a bush fire control officer which is made under the Act and communicated to him by an officer of the local government or the bush fire control officer.

[Regulation 39A inserted in Gazette 21 January 1957 p. 88; amended in Gazette 22 December 1998 p. 6858.]

[39AA. Inserted in Gazette 26 October 1962 p. 3482; disallowed in Gazette 30 November 1962 p. 3838.]

39B. Use of aeroplanes ²

- (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.
- (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), he shall prepare to the satisfaction of the local government 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 government by which he was appointed, issue to a person operating an aeroplane referred to in subregulation (1), 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.

[Regulation 39B inserted in Gazette 21 January 1957 p. 88; amended in Gazette 12 July 1974 p. 2612; 10 March 1978 p. 708; 22 December 1998 p. 6858.]

**Part VIIA — Control of operations likely to create
bush fire danger**

[Heading inserted in Gazette 22 December 1998 p. 6857.]

39BA. Operations likely to cause bush fires²

Pursuant to section 27A(1)(a)(ii) of the Act the operation of —

- (a) welding apparatus;
- (b) power operated abrasive cutting discs,

in the open air, are hereby specified as operations likely to create a bush fire danger, generally and at all times.

[Regulation 39BA inserted in Gazette 12 November 1982 p. 4463.]

39C. Welding and cutting apparatus

- (1) A person shall not operate —

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

in the open air, unless —

- (c) at least one fire extinguisher is provided at the place where the welding or cutting operation is carried out; and
- (d) the place referred to in paragraph (c) is surrounded by a firebreak which is at least 5 metres wide.

[(2) deleted]

- (3) A bush fire control officer may, subject to the directions, if any, of the local government by which he was appointed, issue to a person operating —

- (a) welding apparatus referred to in subregulation (1)(a); or
- (b) a power operated abrasive cutting disc referred to in subregulation (1)(b),

or to the owner or occupier of the land upon which those 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.

[Regulation 39C inserted in Gazette 12 November 1982 p. 4463; amended in Gazette 22 December 1998 pp. 6857 and 6858.]

39CA. Operation of bee smoker devices

- (1) In this regulation —

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

prescribed period means —

- (a) the prohibited burning times;
 - (b) the restricted burning times; or
 - (c) a day or any period of a day for which the fire danger forecast issued by the Bureau of Meteorology in Perth in respect of the locality where it is proposed to operate the bee smoker device is “catastrophic”, “extreme”, “severe” or “very high”.
- (2) For the purposes of section 27A(1)(a)(ii) of the Act, the operation of a bee smoker device in the open air is an operation likely to create a bush fire danger.
- (3) A person shall not operate a bee smoker device in the open air during a prescribed period unless —
- (a) at least one fire extinguisher is provided at the place where the device is operated; and
 - (b) the ground within a distance of 3 metres from the place referred to in paragraph (a) has been —
 - (i) sufficiently cleared of inflammable material; or
 - (ii) sufficiently damped down with water, to prevent the escape of fire.

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- (4) A person who operates a bee smoker device in the open air during a prescribed period shall —
 - (a) ensure that neither the lighting nor the operation of the device results in the ignition of inflammable material outside the device;
 - (b) place the device in a fire resistant container when it is alight but not being held by the person; and
 - (c) extinguish the fire in the device on completion of its operation.
- (5) A bush fire control officer may, subject to the directions, if any, of the local government by which the officer was appointed, issue —
 - (a) to a person operating a bee smoker device during a prescribed period; or
 - (b) to the owner or occupier of the land on which that operation is carried out,

such directions as the officer considers necessary for the prevention of fire on that land and the person, owner or occupier, as the case may be shall comply with those directions.

[Regulation 39CA inserted in Gazette 22 December 1998 pp. 6857-8; amended in Gazette 1 Dec 2009 p. 4835.]

39D. Explosives ²

- (1) A person shall not use explosives on land unless —
 - (a) all inflammable material on the ground within a radius of 3 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 3 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 government by which he was appointed, issue to a person using explosives upon land referred to in subregulation (1), 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.

*[Regulation 39D amended in Gazette 4 June 1970 p. 1474;
12 July 1974 p. 2612; 10 March 1978 p. 708;
22 December 1998 p. 6858.]*

39E. Fireworks

- (1) For the purposes of section 27A(1)(a)(ii) of the Act, the use of fireworks on land and in the open air is a process likely to create a bush fire danger.
- (2) A person shall not use fireworks on land and in the open air unless —
 - (a) all inflammable material on the ground within a radius of 3 metres of any lit fuse or lit firework has been removed;
 - (b) at least one fire extinguisher is provided at the place where the fireworks are being used; and
 - (c) if the fireworks are being used during prohibited burning times or restricted burning times, that person has given not less than 24 hours' prior notice of the intention to do so —

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- (i) to the bush fire control officer for the district in which the place where the fireworks are being used is situated; and
 - (ii) where the place where the fireworks are being used is within 3 kilometres of forest land, to the forest officer in charge of that forest land.
- (3) A bush fire control officer may, subject to the directions, if any, of the local government by which he was appointed, issue to a person using fireworks upon land referred to in subregulation (2), or the owner or occupier of that land, such directions as the officer considers necessary for the prevention of fire on that land and the person, owner or occupier, as the case may be, shall comply with those directions.

[Regulation 39E inserted in Gazette 18 July 2000 pp. 3862-3.]

Part VIII — Miscellaneous

[Heading deleted in Gazette 10 March 1978 p. 708.]

40. Apportionment of amounts under section 37 of the Act

- (1) In this regulation —
volunteer fire fighter has the same meaning as in section 35A of the Act.
- (2) The amounts referred to in section 37(8a) of the Act are to be apportioned between the persons entitled to those amounts as follows —
 - (a) if, immediately before the death of the volunteer fire fighter, each of those persons were dependant on the fire fighter, the amounts are to be apportioned in accordance with Schedule 1 to the *Workers' Compensation and Rehabilitation Act 1981*;
 - (b) if, immediately before the death of the volunteer fire fighter, none of those persons were dependant on the volunteer fire fighter, the amounts are to be apportioned in equal shares or if there is only one such person, that person is to receive all of the amounts; or
 - (c) if, immediately before the death of the volunteer fire fighter, at least one of those persons was dependant on the volunteer fire fighter and at least one of those persons was not, then —
 - (i) a person who was not so dependant is entitled to 10% of the amounts and if there is more than one such person, those persons are entitled to 10% of the amounts apportioned between them in equal shares; and
 - (ii) the person, or persons, who were so dependant are entitled to the rest of the amounts apportioned between them, if there is more than one person, in accordance with Schedule 1 to the

r. [Regulation 40 inserted in Gazette 31 Dec 2004 p. 7140-1.]

*Workers' Compensation and Rehabilitation
Act 1981.*

[Regulation 40 inserted in Gazette 31 Dec 2004 p. 7140-1.]

41. Register of bush fire brigades ²

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

*[Regulation 41 inserted in Gazette 10 March 1978 p. 708;
amended in Gazette 22 December 1998 p. 6858.]*

[42. Deleted in Gazette 10 March 1978 p. 708.]

43. Notification of bush fires and losses caused ²

- (1) The owner or occupier of land shall within 7 days of the occurrence of a bush fire on the land, send to the local government in whose district the land is situated written notice in duplicate notifying the local government 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 government shall send to the Authority in the month of June in each year particulars of losses caused by bush fires in its district during the preceding 12 months.
- (3) A local government may comply with subregulation (2) by forwarding to the Authority one copy of each notice received by the local government pursuant to subregulation (1).

*[Regulation 43 inserted in Gazette 10 March 1978 p. 708;
amended in Gazette 22 December 1998 pp. 6854 and 6858.]*

44. Entry onto Crown land, etc. ²

Where —

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

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 4 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 44 inserted in Gazette 10 March 1978 p. 709.]

[Heading. Deleted in Gazette 10 March 1978 p. 709.]

45. Extended meaning of conservation land in section 45(1)

- (1) In this regulation —

Executive Body means the Conservation and Land Management Executive Body established by the *Conservation and Land Management Act 1984* section 36;

unallocated Crown land has the meaning given in the *Land Administration Act 1997* section 3(1).

- (2) Land to which subregulation (3), (5) or (6) applies is prescribed for the purposes of the definition of ***conservation land*** in section 45(1) of the Act.
- (3) This subregulation applies to land reserved under the *Land Administration Act 1997* Part 4 the care, control and management of which are placed under that Act with the Executive Body.

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- (4) Subregulation (3) applies to Crown Reserve 32601 but does not otherwise apply to land reserved under the *Land Administration Act 1997* Part 4 the care, control and management of which are placed jointly under that Act with the Executive Body and one or more other persons.
- (5) This subregulation applies to —
- (a) land that is vested as described in the *Conservation and Land Management Act 1984* section 131(1); and
 - (b) land of which the Executive Body is the registered proprietor under the *Transfer of Land Act 1893*.
- (6) This subregulation applies to the areas of unallocated Crown land that are the subject of the descriptions in column 1 of the Table.
- (7) The land referred to in subregulation (6) comprises the whole or parts of former pastoral leases and, for information purposes, column 2 of the Table refers to the names of those former pastoral leases.

Table

Unallocated Crown land	Former pastoral lease
Wells Location 3 and Hann Location 4	Earaheedy
Jaurdi Location 65, Marmion Location 42 and Ularring Location 14	Goongarrie
Jaurdi Locations 131 and 135	Jaurdi
Ularring Location 43 on Miscellaneous Plan 19730	Mt Elvire

Unallocated Crown land	Former pastoral lease
Hann Location 8 and Nabberu Location 27	Lorna Glen
Bulga Locations 32 and 28	Part Bulga Downs
Bulga Location 29	Part Cashmere Downs
Ularring Location 12 and Jaurdi Location 61	Credo
Lot 345 on Deposited Plan 52029	Part Mt Jackson
Easton Location 7	Charnley River
Lot 128 on Deposited Plan 39947	Part Texas Downs
Lots 129 and 130 on Deposited Plan 39947	Part Mabel Downs
Erivilla Location 36, Thadoona Location 11 and Kyarra Location 143	Mooloogool
Murchison Location 214	Muggon
Gascoyne Location 439 and Murchison Location 245	Pimbee
Warrambo Location 118 and Ninghan Location 4257	Burnerbinmah

Unallocated Crown land	Former pastoral lease
Lyons Location 40 and Teano Location 25	Waldburg
Kaluwiri Location 74	Lake Mason
Kaluwiri Location 71	Black Range
Ninghan Location 4266 and Victoria Locations 11819 and 11821	Lochada
Victoria Location 12347	Part Barnong
Lyons Location 60	Part Mt Phillip
Lyons Location 58	Part Dalgety Downs
Gascoyne Location 510	Part Mardathuna
Gascoyne Location 507	Part Middalya
Gascoyne Location 509	Part Lyons River
Gascoyne Location 511	Part Bidgemia
Gascoyne Location 508	Part Williambury
Gascoyne Location 512	Part Jimba Jimba
Lyons Location 38	Cobra
Gascoyne Location 427	Mooka
Edel Location 73	Nanga
Murchison Location 325	Part Yaringa

Unallocated Crown land	Former pastoral lease
Gascoyne Location 572 on Deposited Plan 26040	Part Minnie Creek
Erivilla Location 40 and Thadoona Location 9	Doolgunna
Gascoyne Location 575 on Deposited Plan 28548	Part Boollogoroo
Victoria Locations 12627 and 12628 on Deposited Plan 28860	Part Yuin
Victoria Locations 12629 and 12630 on Deposited Plan 28859	Part Twin Peaks
Victoria Location 11806	Narloo
Ninghan Locations 4278, 4290, 4291, 3539, 3521-3534 and 3615-3617 and portion of each of Ninghan Locations 3618, 3619, 3535-3538 and 3540	Karara
Murchison Location 334 on Deposited Plan 30446	Part Woolleen
Victoria Location 11825	Kadji Kadji
Lot 37 on Deposited Plan 36256	Part Wanna

Unallocated Crown land	Former pastoral lease
Kaluwiri Location 60 on Deposited Plan 238007	Part Kaluwiri
Ninghan Location 4261	Warriedar
Lots 3035 and 3037 on Deposited Plan 45068	Part Murchison House
Lots 3031 and 3033 on Deposited Plan 45067	Part Murchison House
Lot 366 on Deposited Plan 48624	Part Tamala
Murchison Location 232 and Victoria Location 11810	Woolgorong
Lot 368 on Deposited Plan 52033	Part Nerren Nerren
Ninghan Location 4262	Thundelarra
Lot 11816 on Deposited Plan 220201, Lot 1385 on Deposited Plan 253009, Lot 836 on Deposited Plan 246558, Lot 1098 on Deposited Plan 246609 and Lot 1097 on Deposited Plan 246608	Barnong
Lot 3070 on Deposited Plan 51351 and Lot 3080 on Deposited Plan 51350	Part Carrarang

Unallocated Crown land	Former pastoral lease
Lots 123 and 135 on Deposited Plan 221127	Lakeside
Ashburton Location 150	Mount Minnie
De Grey Location 30	Meentheena
Ashburton Location 217	Part Nanutarra
Wyndell Location 207 and Gregory Location 118	Part Mt Florence
Lyndon Location 167	Giralia
Lots 388 and 389 on Deposited Plan 61845 and Lot 390 on Deposited Plan 40454	Part Mardie

[Regulation 45 inserted in Gazette 1 Dec 2009 p. 4835-42.]

46. Breach of regulations an offence

A person who —

- (a) commits a breach of any regulation for which a penalty is not expressly provided; or
- (b) fails to comply with any condition on which a permit to burn is granted,

is guilty of an offence.

Penalty: \$1 000.

[Regulation 46 inserted in Gazette 10 January 2003 p. 33.]

Appendix

Appendix

[Forms 1 and 2 deleted in Gazette 10 March 1978 p. 709]

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 20

Dated this day of 20

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.

Form 4

Western Australia

Fire and Emergency Services Authority of Western Australia

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 30 hectares), shown on the
annexed sketch upon the following day, namely: —

....., 20 hectares
....., 20 hectares
....., 20 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 authorised officer at
least 7 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.

Appendix

(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 3 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 2 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, 20.

.
Signature of Applicant.

Before me —

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

Form 5

Western Australia

Fire and Emergency Services Authority of Western Australia

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 section 24(b) 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: —

....., 20 hectares
....., 20 hectares
....., 20 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,
20

.....

Authorised Officer.

(a) Name of authorised officer in full and occupation; (b) address; (c) name of permit holder; (d) address; (e) name of location.

Appendix

Form 6

Western Australia

Fire and Emergency Services Authority of Western Australia

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.: —

....., 20 heaps
....., 20 heaps
....., 20 heaps

such days being within a prohibited burning time 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 chief executive officer of the
local government within whose district the proposed burning is to take place, or
the nearest authorised officer at least 7 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 2 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, 20

.
Signature of Applicant.

Before me:

Note. — The declaration may be made before a Justice of the Peace, a Commissioner for Declarations, Chief Executive Officer of a local government, Electoral Registrar, Postmaster, Classified Officer of the State or Commonwealth Public Service, Classified State School Teacher, or a member of the Police Force.

Appendix

Form 7

Western Australia

Fire and Emergency Services Authority of Western Australia

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 chief executive officer 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.: —

....., 20 heaps
....., 20 heaps
....., 20 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
....., 20

Chief executive officer of the
or Authorised Officer.

-
- (a) Name of chief executive officer 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 2 metres, and so that there shall be a distance of at least 3 metres between the base of any one heap and that of any other heap.
30. The heaps mentioned in regulation 29 shall be distant not less than 10 metres from any brush fence in the vicinity thereof, and at least 20 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) 4 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 chief executive officer and a bush fire control officer of the local government 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 3 kilometres of forest land;

Appendix

- (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 3 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 a.m. 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.

Form 8

Western Australia

Fire and Emergency Services Authority of Western Australia

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.: —

....., 20 hectares
....., 20 hectares
....., 20 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 —

- (1) The statutory declaration endorsed on this form need only be completed if this is required by the authorised officer.
- (2) This application must be submitted to the authorised officer at least 7 days before the day burning is intended to be commenced, unless a shorter period is agreed with that officer.

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

Appendix

(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 6 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 2 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, 20

.
Signature of Applicant.

Before me

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

Form 9

Western Australia

Fire and Emergency Services Authority of Western Australia

Bush Fires Act 1954

Regulation 33

Permit No.

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

I, (a) of (b) chief executive officer 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.: —

....., 20..... hectares
....., 20..... hectares
....., 20..... 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
....., 20.....

Chief executive officer of the or
another authorised officer.

- (a) Name of chief executive officer 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.

Appendix

(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, 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 40 hectares;
 - (b) the area has been surrounded by a firebreak to a width of not less than 6 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 2 metres from the base of each standing tree.
- (7) A person who is granted a permit shall deliver or cause to be delivered written notice of the intended burning to —
- (a) each owner or occupier of land adjoining the land on which burning is to occur;
 - (b) the chief executive officer and a bush fire control officer of the local government for the district in which the land on which burning is to occur is situated;
 - (c) if that land is within 3 kilometres of forest land, a forest officer; and
 - (d) each government department or statutory body which has made it known to people in the district concerned that it requires to be notified of the granting of a permit under this Division,
- and such notice shall be given —
- (e) not later than 4 days before the commencement of burning;
- or

- (f) within any shorter period fixed by agreement between the holder of the permit and any person referred to in paragraph (a), (b), (c) or (d) in respect of notice to that person.
- (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), shall specify such time between the hours of 2 p.m. and midnight of the same day as he thinks fit, or as the local government 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 on a day, or during any period of a day, if for that day or that period the fire danger forecast issued by the Bureau of Meteorology in Perth in respect of the locality where it is proposed to burn the proclaimed plant is “catastrophic”, “extreme”, “severe” or “very high”, 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 or during that period, but may burn the plant in that locality on the first day, next following the day or period of a day on which the fire danger 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 3 persons 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.

Appendix

Form 10

Western Australia

Fire and Emergency Services Authority of Western Australia

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
....., 20....
....., 20....
....., 20....

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 chief executive officer of the
local government within whose district the proposed burning is to take place, or
the nearest authorised officer, within 7 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.

Form 11

Western Australia

Fire and Emergency Services Authority of Western Australia

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 chief executive officer 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 Proposed
....., 20.
....., 20.
....., 20.

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, 20

.....
Chief executive officer of the
.....
or Authorised Officer.

Requirements and Directions

- (a) Name of chief executive officer 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.

Appendix

Form 12

Western Australia

Bush Fires Act 1954

Regulation 41

REGISTER OF BUSH FIRE BRIGADES

Registration Date

Shire/Town/City of

.....Bush Fire Brigade.

Captain

Lieutenants 1.

2.

3.

4.

5.

Secretary

Signature

Chief executive officer.

*[Appendix amended in Gazette 16 October 1963 pp. 3076-9;
27 October 1966 pp. 2782-7; 12 July 1974 pp. 2612-14;
10 March 1978 pp. 709-11; 27 October 1989 p. 3898;
22 December 1998 pp. 6855, 6858, 6859; 1 Dec 2009 p. 4842.]*

Notes

- ¹ This is a compilation of the *Bush Fires Regulations 1954* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Bush Fires Act 1954 Regulations</i>	14 Oct 1955 p. 2575-97	14 Oct 1955
	21 Jan 1957 p. 88	21 Jan 1957
	24 Nov 1958 p. 3101-2	24 Nov 1958
	25 Mar 1960 p. 865	25 Mar 1960
	15 Nov 1960 p. 3508	15 Nov 1960
	16 Oct 1963 p. 3075-9	16 Oct 1963
	27 May 1964 p. 2270	27 May 1964
	26 Feb 1965 p. 707-8	26 Feb 1965
	27 Oct 1966 p. 2778-87	27 Oct 1966
	4 Jun 1970 p. 1473-4	4 Jun 1970
	12 Jul 1974 p. 2612-14	12 Jul 1974
	10 Mar 1978 p. 705-11	10 Mar 1978
	28 Dec 1979 p. 4047	28 Dec 1979
<i>Bush Fires Amendment Regulations 1982</i>	12 Nov 1982 p. 4463	12 Nov 1982
<i>Bush Fires Amendment Regulations 1989</i>	27 Oct 1989 p. 3897-8	27 Oct 1989
<i>Bush Fires Amendment Regulations 1998</i>	22 Dec 1998 p. 6856-9	22 Dec 1998

Citation	Gazettal	Commencement
<i>Bush Fires (Fire and Emergency Services Authority) Amendment Regulations 1998, Pt. 2</i>	22 Dec 1998 p. 6854-6	1 Jan 1999 (see regulation 2 and <i>Gazette</i> 22 Dec 1998 p. 6833)
<i>Bush Fires Amendment Regulations 2000</i>	18 Jul 2000 p. 3862-3	18 Jul 2000
<i>Bush Fires Amendment Regulations (No. 2) 2000</i>	29 Dec 2000 p. 7904-5	29 Dec 2000
<i>Bush Fires Amendment Regulations 2003</i>	10 Jan 2003 p. 32-33	10 Jan 2003
<i>Bush Fires Amendment Regulations 2004</i>	31 Dec 2004 p. 7140-1	31 Dec 2004
<i>Bush Fire Amendment Regulations 2009</i>	1 Dec 2009 p. 4831-42	r. 1 and 2: 1 Dec 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2009 (see r. 2(b) and <i>Gazette</i> 1 Dec 2009 p. 4829)

² The *Bush Fires Amendment Regulations (No. 2) 2000* deleted headings to various regulations that formed part of the written law. The deletions are not noted in footnotes to the regulations. The headings to the regulations in this reprint do not form part of the written law (see *Interpretation Act 1984* s. 32).