



Western Australia

Bush Fires (Infringements) Regulations 1978

Reprinted as at 21 July 2000



Western Australia

Reprinted under the
Reprints Act 1984 as
at 21 July 2000

Bush Fires Act 1954

Bush Fires (Infringements) Regulations 1978

1. Citation

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

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

2. Interpretation

In these regulations —

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

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

3. Offences and penalties

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

4. Prescribed officers

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

- (a) in the case of an infringement notice issued by a local government, or at the request of a local government, or

by a person acting pursuant to a delegation made by a local government pursuant to section 59(3) of the Act — the chief executive officer, mayor or president of the local government;

- (b) in the case of an infringement notice issued by a person authorised by the Minister or the chief executive officer or board of management of the Authority — the chief executive officer of the Authority or an officer of the Authority authorised by the chief executive officer of the Authority;
- (c) in the case of an infringement notice issued by a member of the police force — any commissioned officer of Police;
- (d) in the case of an infringement notice issued by a forest officer — the Executive Director of the Department of Conservation and Land Management.

*[Regulation 4 amended in Gazette 11 August 1978 p.2902;
22 December 1998 pp.6855 and 6860.]*

5. Forms

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

First Schedule

| Item | Regulation or Section | Nature of offence | Penalty |
|----------------------------|-----------------------|---|---------|
| <i>Bush Fires Act 1954</i> | | | |
| | | | \$ |
| 1 | Section 17(12) | Setting fire to bush during prohibited burning times | 100 |
| 2 | Section 18 | Offences relating to burning of bush | 100 |
| 3 | Section 22(3)(a) | Failure to notify and obtain approval of local government before setting fire to bush on land adjoining exempt land | 100 |
| 4 | Section 22(3)(b) | Failure to prepare a fire break in accordance with section 22(3)(b) before setting fire to bush on land adjoining exempt land | 100 |
| 5 | Section 24B(3)(a) | Failure to produce permit to burn | 40 |
| 6 | Section 24B(3)(b) | Failure or refusal to identify person who issued permit to burn | 40 |
| 7 | Section 25 | Offences relating to lighting of fires in the open air | 100 |
| 8 | Section 25A(4) | Failure to observe and carry out the conditions of an exemption from section 25 | 100 |
| 9 | Section 25A(7) | Lighting a fire contrary to a notice issued under section 25A(5) by a local government | 100 |
| 10 | Section 25B(2) | Lighting a fire to destroy garden refuse or the like contrary to the specified conditions | 100 |
| 11 | Section 26 | Failure to carry out burning of proclaimed plants or refuse thereof in accordance with the regulations | 100 |
| 12 | Section 26A | Failure to carry out burning of declared plants or refuse thereof in accordance with the regulations | 100 |

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| Item | Regulation or Section | Nature of offence | Penalty |
|------|-----------------------|--|---------|
| | | | \$ |
| 13 | Section 27(1) | Offences relating to the operation of tractors, or self-propelled harvesters, engines, machinery and vehicles during the prohibited and restricted burning times | 60 |
| 14 | Section 27(5) | Operation of a tractor or self-propelled harvester without a fire extinguisher contrary to a notice issued by a local government | 60 |
| 15 | Section 27B(1) | Giving a false alarm of fire | 100 |
| 16 | Section 27C(1) | Vandalism | 100 |
| 17 | Section 27D(2) | Offence related to the carriage of incendiary material in a motor vehicle | 100 |
| 18 | Section 27D(3) | Offence relating to the depositing of incendiary material | 100 |
| 19 | Section 28(1) | Failure of occupier of land to extinguish a bush fire burning on that land | 100 |
| 20 | Section 30 | Offences relating to the disposal of cigarettes, cigars and matches | 40 |
| 21 | Section 33(3) | Failure of owner or occupier of land to comply with a notice requiring him to take action to plough or clear firebreaks or take other action to prevent the outbreak or spread of bush fires | 100 |
| 22 | Section 46(2) | Lighting fire contrary to section 46 or failing to carry out directions of bush fire control officer, local government or forest officer | 100 |
| 23 | Section 47 | Lighting a firebreak without direction while bush fire burning | 100 |
| 24 | Section 56(3) | Refusal to state name and abode or stating false name and abode | 40 |
| 25 | Section 57 | Obstruction | 100 |

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| Item | Regulation or Section | Nature of offence | Penalty |
|------------------------------------|--------------------------|--|---------|
| <i>Bush Fires Regulations 1954</i> | | | |
| 26 | Regulation 15(2) | Applying to another bush fire control officer for permit where permit already refused or granted subject to special conditions | \$ 100 |
| 27 | Regulation 15B(1) | Failure to comply with conditions in regulation 15B in relation to the burning of the bush | 100 |
| 28 | Regulation 19A(1) | Failure to deliver prescribed notice of intention to burn clover | 100 |
| 29 | Regulation 19A(2) | Burning clover in an area or at a time other than that specified in a permit | 100 |
| 30 | Regulation 19A(3) | Failure to have 3 men in attendance during the burning of clover | 100 |
| 31 | Regulation 21 | Burning clover contrary to conditions or requisitions specified in a permit | 100 |
| 32 | Regulation 21B(2) | Burning clover contrary to a direction given by a bush fire control officer | 100 |
| 33 | Regulation 22 | Failure to notify or report the escape of a fire lit under permit | 60 |
| 34 | Regulation 22B(1) | Offence relating to burning under section 24A of the Act in certain parts of the State | 100 |
| 35 | Regulation 22B(2) | Failure to comply with a requisition of a bush fire control officer relating to burning under section 24A of the Act | 100 |
| 36 | Regulation 23(1) and (3) | Offences relating to charcoal burning | 100 |
| 37 | Regulation 37A | Offences relating to operation of bulldozer or road-grader | 60 |

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| Item | Regulation or Section | Nature of offence | Penalty |
|------|----------------------------|---|---------|
| | | | \$ |
| 38 | Regulation 38 | Operating harvesting machine or header during prohibited burning times or restricted burning times without fire extinguisher | 60 |
| 39 | Regulation 38A(3) | Operating or using engines, vehicles, plant or machinery contrary to notice or direction | 60 |
| 40 | Regulation 38A(4) | Failure to provide plough or other machine or equipment when required by local government | 60 |
| 41 | Regulation 38B(2) | Failure to fit spark arrester to power saw, bag loader or other plant or equipment | 60 |
| 42 | Regulation 38B(3) | Operating power saw, bag loader or other plant or equipment contrary to provisions of or contrary to any prohibition or direction given under, regulation 38B | 60 |
| 43 | Regulation 38C(1) | Operating harvesting machine or header when prohibited | 60 |
| 44 | Regulation 39 | Offences relating to operation of chaff cutting plants | 60 |
| 45 | Regulation 39A | Offences relating to operation of motor vehicles | 60 |
| 46 | Regulation 39B | Offences relating to operation of aeroplanes | 60 |
| 47 | Regulation 39C | Offences relating to operation of welding and cutting apparatus | 60 |
| 47A | Regulation 39CA(3) and (4) | Offences relating to operation of bee smoker devices | 60 |
| 47B | Regulation 39CA(5) | Failure to comply with directions of bush fire control officer | 60 |
| 48 | Regulation 39D(1) | Offences relating to use of explosives | 60 |

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| Item | Regulation or Section | Nature of offence | Penalty |
|------|-----------------------|---|---------|
| | | | \$ |
| 49 | Regulation 39D(2) | Failure to comply with directions of bush fire control officers as to use of explosives | 60 |
| 49A | Regulation 39E(2) | Offences relating to the use of fireworks | 60 |
| 49B | Regulation 39E(3) | Failure to comply with the directions of a bush fire control officer | 60 |
| 50 | Regulation 43(1) | Failure to give prescribed notification to local government regarding the occurrence of a bush fire | 40 |
| 51 | Regulation 44(a) | Failure by owner or occupier of land to give prescribed notice of intention to exercise powers conferred by section 34 of the Act | 100 |

*[First Schedule inserted in Gazette 23 November 1990 pp.5779-82;
amended in Gazette 22 December 1998 pp.6856 and 6860;
23 November 1999 p.5851; 18 July 2000 p.3863.]*

Second Schedule

Form 1

Western Australia

BUSH FIRES INFRINGEMENT NOTICE

Bush Fires Act 1954, section 59A(2)

No.....

Date / /

M M

Surname (Block letters)

Other Names (In full)

Address

Number and Street

.....

Town or Suburb

Postcode

It is alleged that at

on the / / you committed the following offence: —

No.

Offence

Penalty

\$

.....

Name of officer issuing notice

You may dispose of this matter —

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

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

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Notes

- ¹ This reprint is a compilation as at 21 July 2000 of the *Bush Fires (Infringements) Regulations 1978* and includes the amendments referred to in the following Table.

Table of Regulations

| Citation | Gazettal | Commencement | Miscellaneous |
|--|--------------------------------|---|----------------------|
| <i>Bush Fires (Infringements) Regulations 1978</i> | 10 March 1978 pp.702-4 | 10 March 1978 | |
| | 11 August 1978 p.2902 | 11 August 1978 | |
| <i>Bush Fires (Infringements) Amendment Regulations 1983</i> | 1 July 1983 pp.2111-3 | 29 July 1983 (see regulation 2) | |
| <i>Bush Fires (Infringements) Amendment Regulations 1990</i> | 23 November 1990 pp.5779-82 | 21 December 1990 (see regulation 2) | |
| <i>Bush Fires (Infringements) Amendment Regulations 1998</i> | 22 December 1998 p.6860 | 22 December 1998 (see regulation 2) | |
| <i>Bush Fires (Fire and Emergency Services Authority) Amendment Regulations 1998, Part 3</i> | 22 December 1998 pp.6854-6 | 1 January 1999 (see regulation 2 and <i>Gazette</i> 22 December 1998 p.6833) | |
| <i>Bush Fires (Infringements) Amendment Regulations 1999</i> | 23 November 1999 p.5851 | 23 November 1999 | |
| <i>Bush Fires (Infringements) Amendment Regulations 2000</i> | 18 July 2000 p.3863 | 18 July 2000 (see regulation 2 and <i>Gazette</i> 18 July 2000 p.3862) | |

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By Authority: JOHN A. STRIJK, Government Printer