

# LEGISLATION AND OFFENCES

EXTRACTED FROM CFS WEBSITE **CFS Bushfire Information Hotline on 1300 362 361.**

| <b>Can I light a fire without a permit?</b>  |  |
|--|--|
| <b>WITHIN FIRE DANGER SEASON</b>   | <b>ON A TOTAL FIRE BAN DAY</b>   |
| In general the only fires which do not require a permit are fires used for cooking, personal comfort, fires for burning off, gas fired appliances and gas or electric welding equipment provided they are lit in accordance with the regulations and council restrictions applying to their use.   | <b>No.</b>   |
| <b>Can I use a gas or electric barbecue?</b>   |  |
| <b>WITHIN FIRE DANGER SEASON</b>   | <b>ON A TOTAL FIRE BAN DAY</b>   |
| <b>Yes</b> , providing you have; <ul style="list-style-type: none"> <li>a 4-metre cleared space around and above the gas fire or electric element.</li> <li>a responsible person in attendance at all times.</li> <li>an adequate agent to extinguish the fire is at hand.</li> </ul>  | <b>Yes</b> , a <b>gas or electric</b> barbecue can be used; <ul style="list-style-type: none"> <li>within 15 metres of a domestic premises <b>or</b>,</li> <li>on a coastal foreshore.</li> </ul> Providing you have; <ul style="list-style-type: none"> <li>a 4-metre cleared space around and above the barbecue.</li> <li>a responsible person in attendance at all times.</li> <li>an adequate agent to extinguish the fire is at hand.</li> </ul> |
| <b>Can I burn-off on my property?</b>  |  |
| <b>WITHIN FIRE DANGER SEASON</b>   | <b>ON A TOTAL FIRE BAN DAY</b>   |
| <b>No</b> , unless you have obtained a Schedule 9 Permit from your local council.<br><br><b>Check with your local council for conditions.</b>  | <b>No</b> , unless you have obtained a Schedule 10 Permit from your local council.<br><br><b>Check with your local council for conditions.</b><br><br>Incinerators on TFB day is prohibited  |
| <b>Can I use an angle grinder, welder or any other cutting tool outside?</b>   |  |
| <b>WITHIN FIRE DANGER SEASON</b>   | <b>ON A TOTAL FIRE BAN DAY</b>   |
| <b>Yes</b> , providing you have a four-metre cleared space around the area, and water or an extinguisher is at hand.<br><br>Responsible person in att. at all time appliance is in use   | <b>No</b> , unless you have obtained a Schedule 10 Permit from your local council.   |
| <b>Can I have a campfire?</b>  |  |
| <b>WITHIN FIRE DANGER SEASON</b>   | <b>ON A TOTAL FIRE BAN DAY</b>   |
| <b>Yes</b> , providing: <ul style="list-style-type: none"> <li>The fire is in a 30-cm deep trench and no more than one metre square in area.</li> <li>You have a four-metre cleared space around and above the fire.</li> <li>A responsible person is in attendance at all times with water or an extinguisher.</li> <li>Adequate agent to ext. fire is at hand</li> </ul> | <b>No</b> , unless you have a Schedule 10 Permit from your local council.  |

## Can I use a bird scarer in my orchard?

| <b>WITHIN FIRE DANGER SEASON</b>  | <b>ON A TOTAL FIRE BAN DAY</b>  |
|---|---|
| <p>Yes, providing that;</p> <ul style="list-style-type: none"> <li>The space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and</li> <li>The bird scarer is constructed to prevent the escape of fire or burning material; and</li> <li>The bird scarer is in good working order and clean so as to avoid a malfunction that could cause a fire; and</li> <li>The person using the bird scarer takes precautions to ensure that the bird scarer cannot fall over, or be knocked over or otherwise interfered with by animals.</li> </ul> | <p>Yes, providing that;</p> <ul style="list-style-type: none"> <li>The space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and</li> <li>The bird scarer is constructed to prevent the escape of fire or burning material; and</li> <li>The bird scarer is in good working order and clean so as to avoid a malfunction that could cause a fire; and</li> <li>The person using the bird scarer takes precautions to ensure that the bird scarer cannot fall over, or be knocked over or otherwise interfered with by animals.</li> </ul> |

## Can I use fireworks?

| <b>WITHIN FIRE DANGER SEASON</b>  | <b>ON A TOTAL FIRE BAN DAY</b>   |
|---|--|
| <p><b>No</b>, private use of fireworks is banned. <b>Licensed pyrotechnics may conduct public fireworks displays providing a Schedule 9 Permit has been obtained for the local council.</b></p> | <p><b>No</b>, private use of fireworks is banned. <b>Licensed pyrotechnics may conduct public fireworks displays providing a Schedule 10 Permit has been obtained for the local council.</b></p> |

## Can I use a chainsaw, brush cutter, mower or slasher?

| <b>WITHIN FIRE DANGER SEASON</b>  | <b>ON A TOTAL FIRE BAN DAY</b>  |
|---|---|
| <p>Yes, providing:</p> <ul style="list-style-type: none"> <li>You have a four-metre cleared space around the activity; or</li> <li>a shovel or rake; and</li> <li>portable water spray are at hand; and</li> </ul> <p>Additionally:</p> <ul style="list-style-type: none"> <li>All engine exhaust exits through the exhaust system; and</li> <li>the system prevents the escape of burning material</li> <li>heated parts of the system are prevented from coming into contact with flammable material</li> <li>the system is in good working order.</li> </ul> | <p>Yes, providing:</p> <ul style="list-style-type: none"> <li>You have a four-metre cleared space around the activity; or</li> <li>a shovel or rake; and</li> <li>portable water spray are at hand; and</li> </ul> <p>Additionally:</p> <ul style="list-style-type: none"> <li>All engine exhaust exits through the exhaust system; and</li> <li>the system prevents the escape of burning material</li> <li>heated parts of the system are prevented from coming into contact with flammable material</li> <li>the system is in good working order.</li> </ul> |

## Can I Smoke Cigarettes?

| <b>WITHIN FIRE DANGER SEASON</b>   | <b>ON A TOTAL FIRE BAN DAY</b>  |
|--|---|
| <p>Yes, but;</p> <ul style="list-style-type: none"> <li>You must not smoke within 2 metres of flammable bush or grass outside of a township.</li> <li>You must not throw a cigarette butt from a vehicle</li> <li>You must not drop or throw a cigarette butt where it will come into contact with flammable material</li> </ul> | <p>Yes, but;</p> <ul style="list-style-type: none"> <li>You must not smoke within 2 metres of flammable bush or grass outside of a township</li> <li>You must not throw a cigarette butt from a vehicle</li> </ul> <p>You must not drop or throw a cigarette butt where it will come into contact with flammable material</p> |

### Can I burn rubbish or grass cuttings?

#### WITHIN FIRE DANGER SEASON

#### ON A TOTAL FIRE BAN DAY

**Yes**, but only in a properly constructed incinerator unless you have a permit from your local council to burn on the ground.

- When using an incinerator you must have:
- A four-metre cleared space around and above the fire
- A responsible person must be in attendance at all times with water or an extinguisher
- All incinerator doors and openings should be closed and screens and guards in place.

**No**, unless you have a Schedule 10 Permit from your local council.

The lighting of incinerators is banned during Total Fire Bans.

### Can I undertake harvesting activities?

#### WITHIN FIRE DANGER SEASON

#### ON A TOTAL FIRE BAN DAY

**Yes**, providing:

- You have a shovel or rake; and portable water spray are at hand; and
- Additionally:
- All engine exhaust exits through the exhaust system; and
  - the system prevents the escape of burning material
  - heated parts of the system are prevented from coming into contact with flammable material
  - the system is in good working order.

You should also follow your local Grain Harvesting Code of Practice available from your local council.

**Yes**, providing:

- You have a shovel or rake; and portable water spray are at hand; and
- Additionally:
- All engine exhaust exits through the exhaust system; and
  - the system prevents the escape of burning material
  - heated parts of the system are prevented from coming into contact with flammable material
  - the system is in good working order.

You should also follow your local Grain Harvesting Code of Practice available from your local council.

### Can I have a fire in a forest reserve?

#### WITHIN FIRE DANGER SEASON

#### ON A TOTAL FIRE BAN DAY

**No** fires, including barbecues and campfires, are permitted in forest reserves between November 30 to April 30 each year . However, gas barbecues may be permitted in designated areas in Mount Lofty Ranges forest under certain conditions.

For enquiries, contact the Forestry Reserve Office.

**No** fires are permitted.

### Can I have a fire in a National Park Reserve?

#### WITHIN FIRE DANGER SEASON

#### ON A TOTAL FIRE BAN DAY

Strict regulations apply to all fires, including barbecues, in National Parks and Wildlife Reserves. Signs are placed at the park entrance when fires are permitted, but they can only be lit in designated areas. Many National Parks and Wildlife Reserves have total bans on the use of wood fires.

For further information contact the Park Office.

**No** fires are permitted.

# OFFENCES

PD 320C Expiable Offences/fees - refer to word document Expiable Offences tab

## **S 85B CLCA – CAUSE BUSHFIRE**

- (1) A person who causes a bushfire—
- (a) intending to cause a bushfire; or
  - (b) being recklessly indifferent as to whether his or her conduct causes a bushfire
- is guilty of an offence. **Maximum penalty: Imprisonment for 20 years.**
- (2) A bushfire is a fire that burns, or threatens to burn, out of control causing damage to vegetation (whether or not other property is also damaged or threatened).
- (3) An offence is not committed against this section if—
- (a) the bushfire only damages vegetation (or other property) on either or both of the following:
    - (i) the land of the person who causes the fire;
    - (ii) the land of a person who authorised, or consented, to the act of the person who caused the fire; or
  - (b) the bushfire results from operations genuinely directed at preventing, extinguishing or controlling a fire.

## **FIRE DANGER SEASON PERMITS**

Permits under section 81 of the Fire & Emergency Services Act are only active during the declared Fire Danger Season as advertised in the Government Gazette.

There are 2 types of permits - Schedule 9 (normal) & Schedule 10 (Total Fire Ban Days).

Further info from LOCAL COUNCIL or CFS BUSHFIRE INFOLINE on 1300 362 361