

**Authorised Version No. 001**  
**Forests (Fire Protection) Regulations 2014**

**S.R. No. 52/2014**

Authorised Version as at  
28 June 2014

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**PART 1—PRELIMINARY**

**1 Objective**

The objective of these Regulations is to provide for the protection of State forests, protected public land and national parks from damage by fire.

**2 Authorising provisions**

These Regulations are made under sections 99 and 99A of the **Forests Act 1958**.

**3 Commencement**

These Regulations come into operation on 28 June 2014.

**4 Revocation**

The Forests (Fire Protection) Regulations 2004<sup>1</sup> and the Forests (Fire Protection) Amendment Regulations 2010<sup>2</sup> are **revoked**.

**5 Definitions**

In these Regulations—

*adequate water supply* means—

- (a) a reticulated water supply; or

(b) a tank with a capacity of not less than 200 litres which is fully charged with water and capable of delivering a continuous and steady stream of water by means of a hose connected to a pump with an engine power rating of not less than 3·7 kilowatts;

*AS 1019–2000* means the standard published by Standards Australia entitled "AS 1019–2000 Internal Combustion Engines—Spark emission control devices";

*AS 1687–1991* means the standard published by Standards Australia entitled "AS 1687–1991 Knapsack spray pumps for firefighting";

*AS/NZS 1841.1:2007* means the standard published jointly by Standards Australia and the Standards Council of New Zealand entitled "AS/NZS 1841.1:2007 Portable Fire Extinguishers Part 1: General requirements";

*AS/NZS 1841.5:2007* means the standard published jointly by Standards Australia and the Standards Council of New Zealand entitled "AS/NZS 1841.5:2007 Portable Fire Extinguishers Part 5: Specific requirements for powder type extinguishers";

*operation* means any operation connected with sawmilling, mining, quarrying, brick making, eucalyptus oil distilling or charcoal burning;

*properly constructed fireplace* means a fireplace constructed of stone, metal, concrete or other non-flammable material in a manner which contains the perimeter of a fire;

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

*the Act* means the **Forests Act 1958**.

## 6 Application of regulations

Nothing in these Regulations permits the lighting, kindling, or maintaining of a fire—

- (a) in an area which is subject to a notice under section 64 of the Act prohibiting the use of fire in the open air; or
- (b) in an area which is subject to a declaration of a day or partial day of total fire ban under the **Country Fire Authority Act 1958**; or
- (c) in an area in which fires generally or a fire of that type are prohibited under the **National Parks Act 1975**; or
- (d) in contravention of any other Act.

## 7 Power of authorised officer to grant exemptions from these Regulations

- (1) An authorised officer, by notice in writing given to a person, may grant an exemption from any requirements of Parts 3 and 4.
- (2) An exemption under subregulation (1)—
  - (a) must specify the period for which the exemption applies; and
  - (b) may specify any reasonable conditions that the authorised officer considers appropriate.
- (3) An authorised officer, by notice in writing given to a person, may revoke an exemption granted under subregulation (1).

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**PART 2—FIRES IN THE OPEN AIR**

**8 Circumstances in which a written authority is required to light a fire in the open air in a fire protected area**

- (1) For the purposes of section 63(1)(a) of the Act, a person must have the written authority of an authorised officer, given under regulation 13, to light a fire in the open air in any State forest, protected public land or national park at any time during the prohibited period, except in the circumstances set out in regulations 9, 10, 11 and 12.
- (2) For the purposes of section 63(2)(a) of the Act, a person must have the written authority of an authorised officer, given under regulation 13, to light a fire in the open air in any fire protected area, not being a State forest, protected public land or national park at any time during the prohibited period, except in the circumstances set out in regulations 9, 10, 11 and 12.

**9 Campfires or barbeques using solid fuel**

- (1) The written authority of an authorised officer is not required for a campfire or barbeque using solid fuel if the fire is lit—
  - (a) in a properly constructed fireplace; or
  - (b) in a trench at least 30 centimetres deep.
- (2) The written authority of an authorised officer is not required for a campfire or barbeque that uses solid fuel in a fire protected area, not being a State forest, protected public land or national park, during the prohibited period if—

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- (a) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of inflammable material; and
  - (b) the area of the campfire or barbeque is not more than one square metre; and
  - (c) all dimensions of any piece of the solid fuel that is being used in the campfire or barbeque are not more than one metre.

**10 Campfires or barbeques using liquid fuel, gaseous fuel or chemical solid fuel**

- (1) The written authority of an authorised officer is not required for a campfire or barbeque that uses liquid fuel, gaseous fuel or chemical solid fuel if—
  - (a) the fire is contained in an appliance designed and commercially manufactured to use that fuel; and
  - (b) the appliance when alight is placed in a stable position.
- (2) The written authority of an authorised officer is not required for a campfire or barbeque using liquid fuel, gaseous fuel or chemical solid fuel in the open air in a fire protected area, not being a State forest, protected public land or national park, if the ground and airspace within a distance of 1.5 metres of the appliance are clear of inflammable material.

**11 Burning of inflammable material of a sawmill**

- (1) The written authority of an authorised officer is not required for a fire in connection with the operations of a sawmill, for the purpose of burning inflammable material, if the fire is effectively contained in a pit or structure.

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- (2) For purposes of subregulation (1), an authorised officer, by notice in writing given to the person in charge of a sawmill, may specify the dimensions and specifications of any pit or structure to be used to burn inflammable material.
  - (3) For purposes of subregulation (1), a fire is effectively contained in the pit or structure if the dimensions and specifications of a pit or structure comply with a notice given under subregulation (2).

## **12 Bee farming**

- (1) The written authority of an authorised officer is not required for a fire within a smoker used in connection with a bee farming operation if the person in charge of the bee farming operation—
  - (a) uses the smoker on an area of ground which is clear of all inflammable material for a distance of 1.5 metres from the outer perimeter and uppermost point of each beehive; and
  - (b) places the smoker in a fireproof receptacle when not in use; and
  - (c) if the weather conditions in the area are such that there is a danger of the spread of fire, has available for immediate use at least—
    - (i) one knapsack spray pump with a tank capacity of not less than 9 litres which is fully charged with water, is in proper working order and complies with AS 1687–1991; and



- (ii) one rakehoe or similar implement capable of removing grass, shrubs, vegetation and other inflammable material from the area of the fire.
- (2) For the purposes of subregulation (1)(a), inflammable material does not include a standing tree or the beehive to which the smoker is being applied.

**13 Power of authorised officers to give written authority to light fires in a fire protected area**

- (1) For the purposes of section 63(1)(a) and (2)(a) of the Act, an authorised officer may give a person a written authority to light a fire in a fire protected area.
- (2) An authority under subregulation (1) must specify the period for which the authority applies.
- (3) An authorised officer may specify in an authority under subregulation (1) any reasonable conditions that the authorised officer considers appropriate.
- (4) An authorised officer, by notice in writing given to a person, may revoke an authority given under subregulation (1).

**14 Extinguishment of fire in the open air**

A person who has lit, kindled or maintained a fire, or is in charge of a fire, in the open air in a fire protected area during the prohibited period must, before leaving the place of the fire—

- (a) completely extinguish the fire; or
- (b) ensure that a person who has the capacity and means to extinguish the fire is in charge of the fire.

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**15 Fire in the open air must be extinguished at direction of authorised officer**

A person who has lit, kindled or maintained a fire, or who is in charge of a fire, in the open air in a fire protected area during the prohibited period must extinguish the fire immediately when required to do so by an authorised officer.

**Notes**

- 1 A person who contravenes regulation 14 or 15 in any State forest, protected public land or national park is liable to a penalty under section 63(1) of the Act (see section 63(1)(aa)).
  - 2 A person who contravenes regulation 14 or 15 in any fire protected area, not being a State forest, protected public land or national park, is liable to a penalty under section 63(2) of the Act (see section 63(2)(aa)).
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**PART 3—ENGINES AND EQUIPMENT**

**16 Stationary engines**

- (1) A person must not use a stationary engine in a fire protected area during the prohibited period—
- (a) if the stationary engine is in the open air; or
  - (b) if the exhaust of the stationary engine discharges into the open air.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply to a person who uses a motor driven pump, generator or other stationary engine if—
- (a) the exhaust pipe is fitted with a spark arrestor which—
    - (i) is in proper working order; and
    - (ii) complies with AS 1019–2000; and
  - (b) the ground and airspace within a distance of 1.5 metres from the outer perimeter and uppermost point of the stationary engine are clear of all inflammable material; and
  - (c) in circumstances where the weather conditions in the area are such that there is a danger of the spread of fire, there is available for immediate use—
    - (i) a hose connected to an adequate water supply; or
    - (ii) if there is no adequate water supply, at least—
      - (A) one knapsack spray pump with a tank capacity of not less than 9 litres which is fully charged with water, is in proper working order and complies with AS 1687–1991; or

(B) one dry chemical fire extinguisher which is in proper working order and complies with AS/NZS 1841.1:2007 and AS/NZS 1841.5:2007.

(3) In this regulation *stationary engine* includes, but is not limited to, motor driven pumps and generators.

### 17 Non-stationary engines

(1) A person must not use a chain saw, vehicle or other non-stationary engine so that it is in contact with any crop, stubble, weeds, undergrowth or other vegetation in a fire protected area during the prohibited period.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply to a person who uses a non-stationary engine—

(a) if the engine is fitted with—

(i) a spark arrestor which is in proper working order and complies with AS 1019–2000; or

(ii) a turbo charger or an exhaust aspirated air cleaner; and

(b) in circumstances where the weather conditions in the area are such that there is a danger of the spread of fire, if there is available for immediate use—

(i) a hose connected to an adequate water supply; or

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- (ii) if there is no adequate water supply, at least—
- (A) one knapsack spray pump with a tank capacity of not less than 9 litres which is fully charged with water, is in proper working order and complies with AS 1687–1991; or
  - (B) one dry chemical fire extinguisher which is in proper working order and complies with AS/NZS 1841.1:2007 and AS/NZS 1841.5:2007.

**18 Welding, grinding, soldering or gas-cutting equipment**

- (1) A person must not use any welding, grinding, gas-cutting or soldering equipment in the open air in a fire protected area during the prohibited period.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply to a person who uses the appliance or equipment in the following circumstances—
- (a) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the equipment are clear of all inflammable material;
  - (b) a shield or guard of fire resistant material is placed or erected to prevent the emission of sparks, hot metal or slag;
  - (c) all cut-offs, electrode stubs and other hot materials from the operation are placed directly in a fireproof receptacle;

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- (d) in circumstances where the weather conditions in the area are such that there is a danger of the spread of fire, there is available for immediate use—
- (i) a hose connected to an adequate water supply; or
  - (ii) if there is no adequate water supply, at least—
    - (A) one knapsack spray pump with a tank capacity of not less than 9 litres which is fully charged with water, is in proper working order and complies with AS 1687–1991; or
    - (B) one dry chemical fire extinguisher which is in proper working order and complies with AS/NZS 1841.1:2007 and AS/NZS 1841.5:2007.
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## **PART 4—OPERATIONS**

### **19 Clearing of area around an operation**

- (1) A person in charge of an operation in a fire protected area must ensure that the outer perimeter of the following areas is maintained clear of all inflammable material at all times—
  - (a) any log dump, timber stack, timber product, waste burner, pit, winch, kiln, quarry, distillery, retort or other structure associated with the operation;
  - (b) any other part of the operation.

Penalty: 50 penalty units.

- (2) Without limiting subregulation (1), the outer perimeter referred to in that subregulation must be maintained clear of all inflammable material at all times to a distance specified by an authorised officer in a notice issued under subregulation (3).
- (3) An authorised officer, by notice in writing to a person in charge of an operation, may specify a distance not exceeding 40 metres to be cleared of inflammable material in respect of that operation.

### **20 Fire fighting equipment required at sawmills**

- (1) An authorised officer, by notice in writing issued to the person in charge of a sawmill in a fire protected area, may specify—
  - (a) the fire fighting apparatus, water supplies and related equipment required to be provided at the sawmill; and
  - (b) the places within the sawmill at which that apparatus and equipment must be stored.

- (2) A person in charge of a sawmill in a fire protected area must ensure that all fire fighting apparatus, water supplies and related equipment specified by an authorised officer in a notice issued under subregulation (1) are provided at the sawmill and stored at the places specified in the notice.

Penalty: 50 penalty units.

- (3) A person in charge of a sawmill in a fire protected area must ensure that all fire fighting apparatus, water supplies and related equipment specified in a notice issued under subregulation (1) are available for immediate use at all times.

Penalty: 50 penalty units.

- (4) A person in charge of a sawmill in a fire protected area must ensure that all fire fighting apparatus, water supplies and related equipment specified in a notice issued under subregulation (1) are maintained in proper working order at all times.

Penalty: 50 penalty units.

**21 Fire fighting equipment required at an operation that is not a sawmill**

- (1) An authorised officer, by notice in writing issued to the person in charge of an operation, other than a sawmill in a fire protected area, may specify—
- (a) the fire fighting apparatus, water supplies and related equipment required to be provided at the operation; and
  - (b) the places within the operation at which that apparatus and equipment must be stored.
- (2) A person in charge of an operation, other than a sawmill, in a fire protected area must ensure that all fire fighting apparatus, water supplies and related equipment specified in a notice issued under subregulation (1) are provided at the



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operation and stored at the places specified in the notice.

Penalty: 50 penalty units.

- (3) A person in charge of an operation, other than a sawmill, in a fire protected area must ensure that all fire fighting apparatus, water supplies and related equipment specified in a notice issued under subregulation (1) are available for immediate use at all times.

Penalty: 50 penalty units.

- (4) A person in charge of an operation, other than a sawmill, in a fire protected area must ensure that all fire fighting apparatus, water supplies and related equipment specified in a notice issued under subregulation (1) are maintained in proper working order at all times.

Penalty: 50 penalty units.

## **22 Storage and disposal of inflammable material of sawmills**

- (1) An authorised officer, by notice in writing issued to a person in charge of a sawmill, may specify methods for the storage and disposal of inflammable material at the sawmill.
- (2) A person in charge of a sawmill in a fire protected area must ensure that all inflammable material at the sawmill is stored and disposed of in accordance with a notice issued under subregulation (1).

Penalty: 50 penalty units.

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### **23 Safety fuse, fuse lighters or splitting guns**

A person must not use a safety fuse, fuse lighter or splitting gun in a fire protected area before sunrise or after 9.30 a.m. on any day in January, February, March, April, November or December of any year.

Penalty: 50 penalty units.

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## ENDNOTES

### 1. General Information

The Forests (Fire Protection) Regulations 2014, S.R. No. 52/2014 were made on 10 June 2014 by the Governor in Council under sections 99 and 99A of the **Forests Act 1958**, No. 6254/1958 and came into operation on 28 June 2014: regulation 3.

The Forests (Fire Protection) Regulations 2014 will sunset 10 years after the day of making on 10 June 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

**Endnotes**

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**2. Table of Amendments**

There are no amendments made to the Forests (Fire Protection) Regulations 2014 by statutory rules, subordinate instruments and Acts.

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### 3. Explanatory Details

<sup>1</sup> Reg. 4: S.R. No. 77/2004 as amended by S.R. No. 57/2010.

<sup>2</sup> Reg. 4: S.R. No. 57/2010.

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#### Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2013 is \$144.36.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Forests (Fire Protection) Regulations 2014  
S.R. No. 52/2014

**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 5, definition of <i>AS 1019–2000</i> and regulation 16	Australian Standard 1019–2000, "Internal combustion engines—Spark emission control devices" as published by Standards Australia on 1 August 2000	The whole
Regulation 5, definition of <i>AS 1687–1991</i> and regulations 12, 16, 17 and 18	Australian Standard 1687–1991, "Knapsack spray pumps for firefighting" as published by Standards Australia on 11 February 1991	The whole
Regulation 5, definition of <i>AS/NZS 1841.1:2007</i> and regulations 16, 17 and 18	Australian/New Zealand Standard 1841.1:2007, "Portable fire extinguishers Part 1: General requirements" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007	The whole
Regulation 5, definition of <i>AS/NZS 1841.5:2007</i> and regulations 16, 17 and 18	Australian/New Zealand Standard 1841.5:2007, "Portable fire extinguishers Part 5: Specific requirements for powder type extinguishers" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007	The whole