

## Summary of the applicable provisions of Section 18 of the Bushfires Act and Regulation 15B

### Section 18

- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
- he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
  - the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
- incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
  - modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
- shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
  - shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
  - need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10A) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (10B) A person desiring to set fire to bush within the district of the local government that has made a declaration under subsection (10A) shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
- (10C) Any burning permitted under subsection (10B) shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

Penalty: For a first offence \$4 500. For a second or subsequent offence \$10 000.

### Regulation 15B – Obligations of the 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.
- (2) The permit holder shall give notice of his intention to burn the bush upon land, or upon a part of land, to —
- the chief executive officer or a bush fire control officer of the local government in whose district that land is situated; and
  - the owner or occupier of all land adjoining that land; and
  - a forest officer if the bush is situated within **3 km of forest land**; - **Notify Department of Parks and Wildlife Prior to burning on 9290 6100**
  - 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 sub regulation (2) shall not be —
- more than 28 days; or
  - 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 sub regulation (2) may be given by any of the following methods —
- 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
  - 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
  - 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 sub regulation (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 m of the perimeter of the firebreak surrounding the burnt area or, if there is no such firebreak, within 30 m of the perimeter of the burnt area.
- (7) Where for any day, or any period of a day, specified in a notice given under sub regulation (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).

#### Apply for a Permit online

Please fill in the Fire Permit Form with the required information and email it to [permits@york.wa.gov.au](mailto:permits@york.wa.gov.au)  
Please include in your email a detailed location of the burn location or a screen shot on google maps. Please fill in the Permit conditions you can, type and number of fire appliances and size of fire breaks. The remaining conditions will be finalised by the Fire Control Officer. Once the permit email is received a Fire Control Officer will issue you a Permit number and email back a signed permit. If the details of the permit need to be clarified your local Fire Control Officer will contact you to get further details or book in a time to inspect your burn and approve the permit. Permits maybe refused at any time by the Fire Control Officer