

# Total Fire Ban Exceptions

## *Bush Fires Regulations 1954*

### Changes to regulations

This information is to assist operators who previously required an exemption under section 22C of the *Bush Fires Act 1954* to carry out an activity in the open air during a total fire ban (TFB).

#### Who do the changes apply to?

Changes only apply to industry, business and public authorities who wish to carry out prescribed activities during a TFB.

Previously, these operators were required to apply to the Department of Fire and Emergency Services (DFES) for an exemption to carry out the activity.

#### Which activities do the changes apply to?

The activities affected which are now prescribed in the *Bush Fires Regulations 1954* (the Regulations) and will no longer require a TFB exemption are:

- **Blasting**
- **Gas Flaring**
- **Hot Work**
- **Road Work (Grading and Bituminising)**
- **Off-road Activity**
- **Catering Activity**

You can access the fact sheets by clicking on the links on the DFES website at [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au).

#### When do the changes take effect?

Changes take effect as of 6 November 2019.

#### What does it mean for me?

Operators will no longer need to apply to DFES for an exemption to carry out the prescribed activities, but must comply with the conditions within the Regulations when carrying out the prescribed activities.

The conditions within the Regulations are detailed in the DFES Fact Sheets which can be found on the DFES website [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au).

Alternatively you can refer to the *Bush Fires Regulations 1954* at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).

#### Are there any activities which still require a TFB exemption application?

**Yes** – TFB exemption applications will still be required for any other activity that is not prescribed in the Regulations which could cause, or is likely to cause a fire. These include:

- **Programmed hot fire training**
- **Rail grinding**
- **Religious and cultural ceremonies**
- **Fireworks**

Exemption applications will still need to be completed for these activities.

Exemption applications can be found on the DFES website: [www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireForms/DFES-Application-form-Info-Sheet-FireBanExemptions.pdf](http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireForms/DFES-Application-form-Info-Sheet-FireBanExemptions.pdf)

Please note, depending on operational priorities, applications may take up to 4 weeks to process. All exemption applications should therefore be submitted at least 4 weeks prior to the commencement of the activity/project.

#### Do I need to notify DFES when carrying out a prescribed activity during a TFB?

**Yes** - under the Regulations operators are required to notify DFES and the relevant local government at least 30 minutes prior to the activity commencing where a TFB has been declared in the area the activity is to be carried out.

#### How will I notify DFES?

Notification must be made via the online portal located on the DFES website, between 24 hours and 30 minutes prior to the activity commencing. This process will notify both DFES and the relevant local government.

#### Penalties for non-compliance with the activity conditions.

Operators who do not comply with conditions within the Regulations may receive an infringement of \$1,000, or upon conviction receive a penalty of \$25,000 and/or be jailed for 12 months.

# Operator Responsibilities – Follow the Steps!

<b>Check</b>	<ul style="list-style-type: none"><li>▪ Confirm if it's a TFB</li><li>▪ DFES Total Fire Ban + <a href="http://www.emergency.wa.gov.au/#totalfirebans">www.emergency.wa.gov.au/#totalfirebans</a></li><li>▪ Phone: TFB hotline 1800 709 355</li></ul>
<b>Notify</b>	<ul style="list-style-type: none"><li>▪ Notify DFES and the relevant local government by completing the DFES online notification form between 24 hours and 30 minutes prior to the activity commencing.</li><li>▪ Notify Parks and Wildlife Service (P&amp;W) between 24 hours and 30 minutes prior to the activity commencing where the activity is occurring within 3 kms of land managed by P&amp;W.</li></ul>
<b>Proceed</b>	<ul style="list-style-type: none"><li>▪ Subject to prescribed activity conditions, proceed with the activity as required.</li></ul>

## Do I still need to apply for an exemption under section 25A of the *Bush Fires Act 1954*? (restricted and prohibited burning times)

**Yes** – if the activity involves the use of fire in the open air. Exemptions under section 25A of the *Bush Fires Act 1954* allow the lighting and/or use of a fire during the restricted and prohibited burning times declared by local governments.

Nothing has changed for section 25A requirements and the application process remains the same for the activities which require them.

N.B To conduct gas flaring during restricted and prohibited burning times, an application for a section 25A exemption will need to be submitted to DFES.

N.B To conduct cooking activities which involve the use of an open flame (except gas bbqs being used at a home or an area designated by a local government for the purpose), if the Fire Danger Rating is Very High or above, an application for a section 25A exemption will need to be submitted to DFES.

## Benefits for operators:

- Reduction in red tape.
- No lengthy application process for prescribed activities.
- Simplified notification process via the online portal, easily accessible via the DFES website.
- Clearly outlined conditions for carrying out prescribed activities during a TFB.

## Can anyone carry out the prescribed activities during a TFB?

**No** – the prescribed activity can only be carried out in the course of trade or commerce, or by (or on behalf of) a public authority. Prescribed activities are NOT allowed to be carried out during a TFB by the general public.

For more information on restrictions during a TFB, please refer to the DFES website [www.dfes.wa.gov.au/totalfirebans](http://www.dfes.wa.gov.au/totalfirebans)

## Who should I contact if I need further information?

Please call the Total Fire Ban Hotline (available 24/7) on 1800 709 355 or email [exemptions@dfes.wa.gov.au](mailto:exemptions@dfes.wa.gov.au) during business hours.

## Ways to keep informed of a TFB in your area are:

- Visit <https://www.emergency.wa.gov.au>
- Call the TFB Hotline on 1800 709 355
- Call 13 DFES (133 337)
- Listen to ABC local radio and other media outlets
- Check roadside Fire Danger Rating signs
- Follow DFES on Facebook or Twitter
- Subscribe to RSS at the following link to receive email notifications: <https://www.emergency.wa.gov.au/#cap-rss>



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