

# Bushfires and the law



Police officers have the lawful authority to take preventative action to stop bushfires from starting. This authority **applies all year round**, not just during the Fire Danger Season<sup>1</sup>.

## The law states:

If a police officer is satisfied that:

- A person proposes to carry out an activity of a kind prescribed by the regulations, or any other activity that may cause a fire; and
- Due to weather conditions, the fire, (if caused by the activity), might get out of control,

Then a police officer may direct that person to stop the activity during a period specified in the direction.

## What is an activity of a kind prescribed by regulations<sup>2</sup>?

There are many specific activities, but common ones include:

- Lighting and maintaining a fire.
- Operating a gas fire or electrical cooking element.
- Operating an appliance for welding, soldering, metal cutting, grinding or abrasion.

## Roadblocks and closures

For many reasons, travelling into, or through, the scene of an emergency can be dangerous and potentially fatal. Therefore, such travel must be controlled and minimised to reduce risk to the community and ensure clear access for firefighters. Roadblocks are usually managed by police officers though responsibility may also be delegated to other authorised personnel such as firefighters or the State Emergency Service.

## Additional powers during a declared bushfire

Police and other authorised officers have powers under the *Emergency Management Act 2004* to:

- Direct or prohibit the movement of persons, animals or vehicles<sup>3</sup>.
- Require a person to provide such information as may be reasonably required in the circumstances<sup>4</sup>.

For real-time information regarding roadblocks and closures, search: [SAPOL - Road closures](#)

<sup>1</sup> Section 105IA Fire and Emergency Services Act 2005

<sup>2</sup> Regulation 54 Fire and Emergency Services Regulations 2021

<sup>3</sup> Section 25F Emergency Management Act 2004

<sup>4</sup> Section 25KA Emergency Management Act 2004



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## Did you know it is an offence to:

- Light or maintain a fire in the open during the Fire Danger Season, unless you comply with the following requirements:
  - The fire is contained in a properly constructed fireplace, a portable cooking appliance or a trench at least 30 centimetres deep; and
  - The space immediately around and above the fire is cleared of all flammable vegetation to a distance of at least four metres; and
  - The fire does not occupy an area larger than one square metre; and
  - A person who can control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished; and
  - There is an appropriate agent adequate to extinguish the fire at hand.
- If a Total Fire Ban Day has been declared in your district, you must not light a campfire or any fire for warmth or comfort **without a council permit**<sup>5</sup>.

## Other offences during the Fire Danger Season:

- Lighting a fire to burn off on your property or burn rubbish or grass clippings without a Schedule 9 council permit. On a declared Total Fire Ban Day, a Schedule 10 council permit is required to light a fire – otherwise it is an **offence**<sup>6</sup>.
- Using an appliance for welding or soldering with an exposed flame or an appliance for metal cutting, grinding or abrasion – that produces sparks in the open air – is not permitted unless you comply with the following requirements:
  - The space immediately around and above the appliance is cleared of all flammable vegetation to a distance of at least 10 metres; and
  - There is an appropriate agent to extinguish the fire at hand; and
  - A person who can control the appliance must be present at all times while the appliance is in use or alight.
- Use is not permitted on a Total Fire Ban Day without a **permit**<sup>7</sup>.

## More offences to be aware of at any time of the year:

- Dropping or throwing a burning object or material from a vehicle<sup>8</sup>.
- Burning in the open is regulated for environmental and air quality reasons. Failure to obtain the required permit under environmental protection laws is an offence. Contact your local council for advice<sup>9</sup>.
- Using private fireworks<sup>10</sup>.

5 Regulation 30(1) Fire and Emergency Services Regulations 2021

6 Section 79 (1) Fire and Emergency Services Act 2005 & Section 31 Fire and Emergency Services regulations 2021

7 Regulation 39 (2) Fire and Emergency Services Regulations 2021

8 Regulation 45(2) Fire and Emergency Services Regulations 2021

9 Section 34 Environment Protection Act 1993

10 Regulation 9 Explosives (fireworks) Regulations 2016



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