

Part 4 Fires

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.¹¹
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of particular fires in the open in the whole, or a designated part, of the local government's area.

Example—

- *The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless the conditions stated in the subordinate local law are met.*

- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, a person does not commit an offence under subsection (3) or (4), if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

Part 4 Fires

7 Prohibition on lighting or maintaining fires in the open—Authorising local law, s 15(2)

- (1) This section applies to the following fires¹—
 - (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres; or
 - (b) A fire lit for the purpose of burning the carcass of a beast; or
 - (c) A fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material from the fireplace.
- (2) For section 15(2) of the authorising local law —
 - (a) Lighting or maintaining a fire outdoors is prohibited on an allotment of 3000 square metres or less unless the fire is contained in a properly prepared barbeque or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption.
 - (b) Lighting or maintaining a fire outdoors is permitted on an allotment greater than 3001 square metres on the following conditions:
 - (i) only clean and dry non-toxic combustible material may be burned; and
 - (ii) only one fire may be burning at any time; and
 - (iii) appropriate fire fighting equipment, which may include water, hoses and pumps, must be on the site at all times; and
 - (iv) fires must not be lit before 7.00 am and must be extinguished no later than dusk, on the same day; and
 - (v) ashes must be thoroughly wetted down when a fire is extinguished; and
 - (vi) the person proposing to light a fire must advise all neighbours of the intention to light a fire and the date on which this will occur; and
 - (vii) fires must be set back at least 6 metres from every property boundary and building; and
 - (viii) a responsible person must be in attendance at the fire at all times until the fire is extinguished.