

TOTAL FIRE BAN EXCEPTIONS

– BUSH FIRES REGULATIONS 1954 (regulations 24ZH-24ZL)

Off-road Activity

Prescribed activity and conditions

This information is to assist persons who would otherwise require an exemption under section 22C of the *Bush Fires Act 1954* to carry out off-road activity in the open air during a total fire ban (TFB).



What conditions do I need to comply with to carry out off-road activity during a TFB?

During a total fire ban, off-road activity (see above definition) may only be carried out:

- in the course of trade or commerce; or
- by (or on behalf of) a public authority,

AND ONLY WHEN:

- the Fire Danger Rating is **not** Catastrophic; and
- there is no ban under regulation 24C in force (i.e. a Harvest and Vehicle Movement Ban); and
- all of the following conditions are complied with:

Note: essential services can continue off-road activity during catastrophic FDR and where a HVMB is in place if the work is urgent work (see definition).

- ✓ Notification is provided to DFES and the relevant local government between 24 hours and 30 minutes prior to the activity commencing using the [online notification form](#) on the DFES website.
- ✓ If the off-road activity is to be conducted within 3 km of land managed by the Department of Biodiversity, Conservation and Attractions' Parks and Wildlife Service, then notification to the respective local District or Regional Duty Officer of the Parks and Wildlife Service must be provided between 24 hours and 30 minutes prior to the commencement of the off-road activity.
- ✓ The internal combustion engine must be mechanically sound and have an exhaust system that:
 - ✓ is clean and free from gas leaks; and
 - ✓ is fitted with a suitable spark arrester for the exhaust system which is well maintained, complies with Australian Standards and prevents sparks from escaping (except for a motor vehicle).
- ✓ At least one approved fire extinguisher (see definition) in proper working order must be carried on, or be in close proximity to, the engine, vehicle, plant, equipment or machinery while in use.
- ✓ At any time when the engine, vehicle, plant, equipment or machinery involved in the off-road activity is not being used or operated, it must be parked or located on an area that is clear of inflammable material.

Definitions

Off-road activity means the use or operation of any engine, vehicle, plant, equipment or machinery on land on which there is bush, crop, pasture, stubble or grassland.

Note: **Off-road activity** does not include the use of:

- grading or bituminising equipment; or
- any engine, vehicle, plant, equipment or machinery:
 - on a road; or
 - on a cleared lane, driveway, yard or other area that provides access and parking for a residential, business or farming premises; or
 - for the purpose of preventing an immediate and serious risk to the health or safety of a person or livestock; or
 - as part of an agricultural activity.

There are other conditions prescribed in the Bush Fires Regulations 1954 which applies to these activities during a total fire ban.

Engine, vehicle, plant, equipment or machinery means any engine, motor vehicle, plant or machinery that is, or that is activated by, an internal combustion engine.

Approved fire extinguisher for an activity means a fire extinguisher suitable to extinguish a fire likely to occur in relation to the activity; and has a capacity of at least 9 kg or 9 L; and complies with the current Australian Standards.

Essential service means any of the following:

- a. water supply, sewerage or drainage services;
- b. electricity or gas services;
- c. telecommunications services;
- d. public transport services;
- e. rubbish collection or disposal services.

Urgent works, in relation to the provision of an essential service, means repairs or maintenance necessary for the continued provision, or restoration, of the service

Ways to keep informed of a TFB:

A TFB is declared the evening before it is to take effect. You can check after 6.00pm to see if a TFB has been declared for the following day.

- Call TFB hotline 1800 709 355
- Visit <https://www.emergency.wa.gov.au>
- 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>

Follow the steps!

Check	<ul style="list-style-type: none">• Confirm if it's a TFB• DFES Total Fire Ban + www.emergency.wa.gov.au/#totalfirebans• Phone: TFB hotline 1800 709 355
Notify	<ul style="list-style-type: none">• 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.• Notify Parks and Wildlife Service (P&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&W.
Proceed	<ul style="list-style-type: none">• Subject to prescribed activity conditions, proceed with the activity as required.

Can anyone carry out this activity 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. This activity is 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

Penalties for non-compliance with activity conditions:

Stakeholders who do not comply with the 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.

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 during business hours.

dfes.wa.gov.au



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