



Australian Capital Territory

Bushfire Regulations 1938

made under the

Bushfire Act 1936

Republication No 3

Republication date: 21 January 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Bushfire Regulations 1938*, made under the *Bushfire Act 1936* as in force on 21 January 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



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Bushfire Regulations 1938

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1 Name of regulations

These regulations may be cited as the *Bushfire Regulations 1938*.

1A Definitions for regulations

In these regulations:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

factory means a building or other place where goods are manufactured or repaired in the course of carrying on a trade or business.

heating appliance means an appliance in which heat is provided by the combustion of liquefied petroleum gas or by the use of electricity for the purpose of cooking foods or heating liquids.

2 Selling, distributing or using matches

Any person who sells, offers for sale, distributes, or uses in the ACT any matches other than those so made as to strike only on a preparation affixed to the containing box or a box containing the same description of matches commits an offence.

Maximum penalty: 1 penalty unit.

3 Selling, distributing or using any stick or crude phosphorus

Any person who, without the written permission of the Minister, sells, offers for sale, distributes, or uses in the ACT any stick or crude phosphorus commits an offence.

Maximum penalty: 5 penalty units.

4 Steam engines

- (1) The owner of any steam engine shall install efficient spark arrestors and sound ashpans to catch all sparks and ashes, and shall maintain the arrestors and pans in good repair.

Maximum penalty: 2 penalty units.

- (2) A person in charge of any steam engine shall not leave the engine unless he or she has caused to be extinguished any live coals which may have dropped from the engine, and taken sufficient measures to prevent any live coals dropping from the engine after his or her departure.

Maximum penalty: 2 penalty units.

5 Internal-combustion engines

- (1) Any person who uses or controls, during the period commencing on 1 November in any year and ending on 31 March in the following year, any internal-combustion engine, used in or in connection with agricultural, dairying or pastoral pursuits, or for supplying motive power for machinery or for haulage purposes, which is not fitted with an effective spark arrestor, commits an offence.

Maximum penalty: 5 penalty units.

- (2) Nothing in subregulation (1) shall apply to the internal combustion engine of any motor vehicle (other than a tractor) used solely in the conveyance of persons or goods.

6 Prescribed fires

For the Act, section 7A (2) (c) each of the following is a prescribed class of fire:

- (a) a fire lit, maintained or used at a factory if the fire is lit, used or maintained in a building or other structure and reasonable steps have been taken to prevent the escape of fire, sparks or incandescent or burning material from the building or other structure;

- (b) a fire lit, maintained or used by or under the authority of any person or body of persons, whether corporate or unincorporate, for or in conjunction with the repair or maintenance of services or equipment essential for continuance or restoration of the supply of heat, light, power, water, sewerage, transport or communication where—
 - (i) the chief fire control officer has been notified of the intention to light, maintain or use the fire; and
 - (ii) reasonable steps have been taken to prevent the escape of fire, sparks or incandescent or burning material from the place where the fire is lit, maintained or used;
- (c) a fire lit, maintained or used for the purpose of using a heating appliance anywhere on land, whether unleased land the property of the Commonwealth or land held under a lease from the Commonwealth or in fee simple, if—
 - (i) the appliance is under the control of a responsible adult who is present at all times while the appliance is in use; and
 - (ii) the area around the appliance for a distance of not less than 3m is cleared of flammable material while it is in use; and
 - (iii) a means of applying a continuous stream of water is available for immediate use;
- (d) a fire lit, maintained or used to enable a hot-air balloon to become or stay airborne or to control the descent of such a balloon if—
 - (i) the balloon is under the control of a responsible person who is present at all times when the fire is in use; and
 - (ii) an area of not less than 3m around the balloon is cleared of flammable material before the fire is lit; and

- (iii) a means of applying a continuous stream of water is available for immediate use at the place at which the fire is lit.

7 Bushfire-prone Government land—prescribed uses

For the Act, section 11B (1) (a), (b) and (c), each of the following uses for land referred to in any of those paragraphs is prescribed:

- (a) agriculture;
- (b) cemetery or burial ground;
- (c) community path;
- (d) group camping, being the provision of short-term accommodation and recreational facilities for community groups;
- (e) landfill;
- (f) major road;
- (g) major public utility installation;
- (h) minor service reticulation, being for public utility services;
- (i) minor use, being incidental to any another use prescribed by this regulation;
- (j) nature conservation;
- (k) offensive industry;
- (l) outdoor recreation, being for—
 - (i) a ski run, whether on grass or snow; or
 - (ii) a shooting range;
- (m) overnight camping;
- (n) parkland, being—
 - (i) a hilltop reserve; or

- (ii) a public lookout; or
- (iii) a public park; or
- (iv) a recreational reserve; or
- (v) a regional park; or
- (vi) a reserve on a lake shore or river shore;
- (o) plantation forestry;
- (p) railway use, including yards and other outdoor areas;
- (q) research facility for agricultural research;
- (r) quarantine facility for animals or plants;
- (s) tourist facility;
- (t) woodlot.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

Endnotes

3 Legislation history

3 Legislation history

The *Bushfire Regulations 1938* were originally the *Careless Use of Fire Regulations*. They were renamed as the *Bushfire Regulations* by the *Bushfire Regulations Amendment 1993* (see reg 3) and as the *Bushfire Regulations 1938* under the *Legislation Act 2001* in republication No 3.

Before 11 May 1989, regulations commenced on their notification day unless otherwise stated (see *Interpretation Ordinance 1937* s 16 and *Interpretation Act 1967*, s 50.).

Legislation before self-government

Bushfire Regulations 1938

notified 3 March 1938
commenced 3 March 1938

as amended by

Amendment of Careless Use of Fire Regulations 1942 No 3

notified 19 February 1942
commenced 19 February 1942

Regulations to repeal certain regulations and to revise certain regulations in force under the Ordinances Act 1980 No 3 sch

notified 25 March 1980
sch commenced 25 March 1980

Careless Use of Fire Regulations Amendment 1982 No 49

notified 17 November 1982
commenced 17 November 1982

Legislation after self-government

Bushfire Regulations Amendment 1993 No 51

notified 24 December 1993 (Gaz 1993 No S275)
commenced 24 December 1993 (reg 1)

Regulations Revision (Penalties) Regulations 1996 No 8 sch

notified 6 June 1996 (Gaz 1996 No S108)
commenced 6 June 1996 (reg 2)

Bushfire Regulations Amendment 1997 No 22

notified 31 July 1997 (Gaz 1997 No S237)
commenced 31 July 1997 (reg 1)

Bushfire Regulations Amendment 1998 No 8

notified 6 March 1998 (Gaz 1998 No S92)
commenced 6 March 1998 (reg 1)

Legislation (Consequential Amendments) Act 2001 No 44 pt 47

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 47 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

4 Amendment history**Name of regulations**

reg 1 am 1993 No 51 reg 3; R3 LA

Definitions for regulations

reg 1A ins 1993 No 51 reg 4
def **Act** ins 1993 No 51 reg 4
om 2001 No 44 amdt 1.493
def **factory** ins 1993 No 51 reg 4
def **heating appliance** ins 1993 No 51 reg 4

Selling, distributing or using matches

reg 2 am 1980 No 3; 1982 No 49; 1996 No 8 sch

Selling, distributing or using any stick or crude phosphorus

reg 3 am 1980 No 3; 1993 No 51 reg 5; 1996 No 8 sch

Steam-engines

reg 4 am 1980 No 3; 1993 No 51 reg 6; 1996 No 8 sch

Internal combustion engines

reg 5 ins 1942 No 3
am 1980 No 3; 1993 No 51 reg 7; 1996 No 8 sch

Prescribed fires

reg 6 ins 1993 No 51 reg 8
am 1998 No 8 reg 2

Bushfire-prone Government land—prescribed uses

reg 7 ins 1997 No 22 reg 2
ss renum R3 LA

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	SL 1993 No 51	31 December 1993
2	SL 1997 No 22	31 July 1997

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