Made by the Governor in Executive Council.

1. **Citation**
   These regulations are the *Bush Fires Amendment Regulations 2021*.

2. **Commencement**
   These regulations come into operation as follows —
   
   (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
   (b) the rest of the regulations — on the day after that day.

3. **Regulations amended**
   These regulations amend the *Bush Fires Regulations 1954*.

4. **Regulation 24AA amended**
   (1) In regulation 24AA delete the definitions of:
   
   *approved fire extinguisher*
   *fireworks activity*
   *fireworks site*
   *road*
   *urgent works*

   (2) In regulation 24AA insert in alphabetical order:

   *approved fire extinguisher*, for an activity, means a device used to extinguish fires that —
   
   (a) is suitable to extinguish a fire likely to occur in relation to the activity; and
   (b) has a capacity of at least 9 kg or 9 L; and
   (c) complies with the Australian Standards that —
       (i) relate to devices that are designed to extinguish a fire likely to occur in relation to the activity; and
(ii) are in force on the day on which the 

_Bush Fires Amendment Regulations 2021_ regulation 4(2) comes into operation;

**private road** means —

(a) a road or track that is not open to, or used by, the public; or

(b) a driveway;

**rail grinding** means hot work involving the grinding of tracks for railways for the purpose of constructing, maintaining or repairing the tracks;

**road** —

(a) means —

(i) a road as defined in the _Road Traffic (Administration) Act 2008_ section 4; or

(ii) a private road; but

(b) does not include any part of a reservation, median strip or traffic island on which there is bush;

**suitable spark arrester**, in relation to an exhaust system for an engine, equipment or other thing, means a device fitted to the engine, equipment or thing that —

(a) prevents sparks from escaping from all or part of the engine, equipment or thing; and

(b) complies with Australian Standard AS 1019-2000 _Internal Combustion Engines - Spark Emission Control Devices_ as in force on the day on which the _Bush Fires Amendment Regulations 2021_ regulation 4(2) comes into operation; and

(c) is maintained in a clean, sound and efficient condition;

**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;

(3) In regulation 24AA in the definition of **essential service** after paragraph (a) insert:

(aa) rubbish collection or disposal services;

(4) In regulation 24AA in the definition of **fire danger forecast** delete “fireworks site,”.
5. Regulation 24A amended

(1) In regulation 24A(3):
   (a) delete paragraph (a) and insert:

   (a) on a road that is not a private road; or

   (b) in paragraph (b) delete “driveway,” and insert:

   private road,

(2) In regulation 24A(5)(b) delete “a suitable spark arrester that is maintained in a clean, sound and efficient condition.” and insert:

   a suitable spark arrester for the engine.

6. Regulation 24DA inserted

At the end of Part VA Division 3 insert:

24DA. Certain activities authorised by the Fire and Emergency Services Act 1998 excepted from s. 22B(2) of Act

(1) In this regulation, each of the following terms has the meaning given in the Fire and Emergency Services Act 1998 section 3 —

   assistance operation
   incident
   rescue operation
   search and rescue operation

(2) An activity is an activity for the purposes of section 22B(4) of the Act if —

   (a) the activity is hot work (other than rail grinding) or off-road activity that in either case is carried out to —

      (i) protect and save life and property endangered by incidents; or

      (ii) render safe the sites of incidents; or

      (iii) carry out rescue operations, search and rescue operations, or assistance operations;

   and

   (b) the person carrying out the activity —

      (i) is a police officer; or
(ii) is a bush fire liaison officer designated under section 12(2) of the Act; or

(iii) is an authorised person as defined in section 14B(1) of the Act; or

(iv) is an authorised officer or hazard management officer as defined in the Emergency Management Act 2005 section 3; or

(v) carries it out because of a direction from a person mentioned in subparagraph (ii) to (iv); or

(vi) is operational staff engaged under the Fire and Emergency Services Act 1998 section 20(2); or

(vii) is engaging in volunteer activities as defined in the Fire and Emergency Services Act 1998 section 36ZM;

and (c) the person carrying out the activity has taken all reasonable precautions to prevent the activity from creating a bush fire danger.

7. **Regulation 24E replaced**

Delete regulation 24E and insert:

24E. **Certain hot work excepted from s. 22B(2) of Act**

Hot work is an activity for the purposes of section 22B(4) of the Act if the hot work —

(a) is not rail grinding; and

(b) is carried out —

   (i) in the course of trade or commerce; or

   (ii) by, or on behalf of, a public authority;

and

(c) is carried out in accordance with the requirements set out in regulations 24F to 24J.

8. **Regulation 24F amended**

In regulation 24F(2) delete “on infrastructure used in the provision” and insert:

in relation to the provision or restoration
9. **Regulation 24H amended**

Delete regulation 24H(1) and (2) and insert:

(1) Fire-resistant barriers of a height sufficient to prevent the escape of hot particles or sparks must be placed around the hot work.

10. **Regulation 24I amended**

In regulation 24I(1) after “extinguishers” insert:

for hot work

11. **Regulation 24J amended**

In regulation 24J(2)(a) delete “extinguishers; and” and insert:

extinguishers for hot work; and

12. **Regulation 24N amended**

In regulation 24N(2) after “extinguisher” insert:

for blasting

13. **Part VA Division 6 deleted**

Delete Part VA Division 6.

14. **Regulation 24ZA amended**

In regulation 24ZA(2) delete “on infrastructure used in the provision” and insert:

in relation to the provision or restoration

15. **Regulation 24ZD amended**

In regulation 24ZD after “extinguishers” insert:

for the road work

16. **Regulation 24ZG amended**

In regulation 24ZG(2)(a) delete “extinguishers; and” and insert:
extinguishers for the road work; and

17. **Regulation 24ZH amended**

In regulation 24ZH(3) delete “on infrastructure used in the provision” and insert:

in relation to the provision or restoration

18. **Regulation 24ZI amended**

In regulation 24ZI(2) delete “on infrastructure used in the provision” and insert:

in relation to the provision or restoration

19. **Regulation 24ZK amended**

In regulation 24ZK(2)(b)(ii) delete “a suitable spark arrester that is maintained in a clean, sound and efficient condition.” and insert:

a suitable spark arrester for the exhaust system.

20. **Regulation 24ZL amended**

In regulation 24ZL after “extinguisher” insert:

for the off-road activity

21. **Regulation 24ZP amended**

Delete regulation 24ZP(2) and (3) and insert:

(2) If an appliance involved in the catering activity has a chimney, the chimney must be designed and constructed to prevent sparks from escaping from the chimney.

(3) If an appliance involved in the catering activity burns solid fuel, the burning solid fuel must be —

(a) if there is a secure and sealable door fitted to the appliance — sealed from the open air by the door; or
(b) in any other case — sufficiently contained to prevent the spread of sparks or a fire.

22. Regulation 24ZQ replaced

Delete regulation 24ZQ and insert:

24ZQ. Fire fighting equipment for catering activity

(1) In this regulation —

approved storage tank means a storage tank —

(a) that is situated on land or mounted on a vehicle; and

(b) that contains at least 400 L of water; and

(c) to which an approved pump in proper working order is attached.

(2) At least 2 approved fire extinguishers for the catering activity in proper working order must be provided in close proximity to the catering activity.

(3) If there is no reticulated water supply available on a catering site, an approved fire hose must be provided at the catering site that is —

(a) in proper working order; and

(b) connected to an approved storage tank; and

(c) in a location that ensures that water projected from the hose will reach —

(i) the catering activity; and

(ii) the ground within a 20 m radius of the catering activity.

(4) If there is reticulated water supply available on a catering site, a hose must be provided at the catering site that —

(a) is in proper working order; and

(b) is connected to an approved storage tank or the reticulated water supply; and

(c) is —

(i) if the hose is connected to an approved storage tank — an approved fire hose; or

(ii) if the hose is connected to the reticulated water supply — a hose that is able to securely connect to the water supply;

and
(d) is in a location that ensures that water projected from the hose will reach —

(i) the catering activity; and
(ii) the ground within a 20 m radius of the catering activity.

23. **Regulation 24ZR amended**

In regulation 24ZR(1) delete “extinguishers —” and insert:

extinguishers for the catering activity —

24. **Regulation 39E amended**

Delete regulation 39E(4).

*Note:* The heading to amended regulation 39E is to read:

*Use of fireworks*

N. HAGLEY, Clerk of the Executive Council.