

South Australia

Country Fires Variation Regulations 2003

under the *Country Fires Act 1989*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Country Fires Regulations 1989*

- 4 Variation of regulation 32—Permits
 - 5 Insertion of Part 5 Division 4A
 - Division 4A—Prescribed offences
 - 46A Prescribed offences under section 36(1)
 - 46B Prescribed offences under section 46
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Country Fires Variation Regulations 2003*.

2—Commencement

These regulations will come into operation on the day on which the *Statutes Amendment (Bushfire Summit Recommendations) Act 2003* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Country Fires Regulations 1989*

4—Variation of regulation 32—Permits

- (1) Regulation 32(4)(b)—delete "a sufficient number of persons to control the fire" and substitute:

at least two persons who are able to control the fire, or such greater number of persons as may be specified in the permit,

- (2) Regulation 32(4)—after paragraph (c) insert:
- (ca) that at least 250 litres of water, or such greater amount of water as may be specified in the permit, must be kept at hand to extinguish the fire;
- (3) Regulation 32(5)(b)—delete "any escape of" and substitute:
- the
- (4) Regulation 32(5)(c)—delete "a sufficient number of persons to control the fire" and substitute:
- at least one person who is able to control the fire, or such greater number of persons as may be specified in the permit,

5—Insertion of Part 5 Division 4A

Part 5—after Division 4 insert:

Division 4A—Prescribed offences

46A—Prescribed offences under section 36(1)

An offence against section 36(1) of the Act is a prescribed offence for the purposes of that section if the lighting and maintaining of the fire does not contravene a prohibition or restriction under section 36(3) and—

- (a) if the fire is for cooking or personal comfort—the offence consists of a failure to comply with a requirement imposed under section 36(2)(a) of the Act; or
- (b) if the fire is for the burning of refuse—the offence consists of a failure to comply with a requirement imposed under section 36(2)(b) of the Act; or
- (c) if the fire is for heating bitumen, welding, gas-cutting, soldering, grinding or charring—the offence consists of a failure to comply with a requirement imposed under section 36(2)(c) of the Act; or
- (d) if the fire is lighted or maintained pursuant to a permit issued under section 38 of the Act for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 32(4)(a), (b) or (ca); or
- (e) if the fire is lighted or maintained pursuant to a permit issued under section 38 of the Act other than for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 32(5)(a), (b) or (c).

46B—Prescribed offences under section 46

An offence against section 46 of the Act is a prescribed offence for the purposes of that section if the offence consists of a breach of, or failure to comply with, one or more of the following:

- (a) in the case of an offence involving the operation, during the fire danger season, of a stationary engine not enclosed by non-flammable material in the open air—regulation 36(3)(a) or (b);
- (b) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with harvesting a flammable crop, moving a flammable crop on the land holding where it has been harvested or spreading lime or fertilizer—regulation 37(2)(d);
- (c) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with cutting flammable bush or grass—regulation 37(3)(a);
- (d) in the case of an offence involving the operation, during the fire danger season, of an electric welder, a mechanical cutting tool or a gas appliance—regulation 40(2)(a) or (b);
- (e) in the case of an offence involving the use, during the fire danger season, of an appliance to generate smoke for the manipulation of bees—regulation 41(2);
- (f) in the case of an offence involving the use, during the fire danger season, of an appliance as a rabbit fumigator—regulation 42(2)(a) or (b);
- (g) in the case of an offence involving the use, during the fire danger season, of an appliance as a bird scarer—regulation 43(3)(a);
- (h) in the case of an offence involving the blasting of any tree, wood or timber by the use of explosive materials—regulation 45(2)(a).

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 11 December 2003

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