

Notes for Landholders

Fire and Rescue Service Act 1990

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This brochure contains a brief outline of the relevant parts of the *Fire and Rescue Service Act 1990* free from legal technicalities. The explanations are not intended to be exhaustive and if any Section of the Act is not fully understood, enquiries should be made at your local Rural Fire Service District Office. Contact numbers are included in this brochure.

The *Fire and Rescue Service Act 1990* is the legal document supporting all activities relevant to emergency services personnel involved with the -

- prevention of fire
- response to fire
- response to other incidents endangering life, property and the environment.

It should be noted that the Act does not seek to prevent or prohibit the use of fire, but promotes the safe use of fire as a land management tool within the framework of the Fire Warden network and the Permit to Light Fire system.

A network of Fire Wardens and Chief Fire Wardens operates throughout the State. A Fire Warden is a voluntary officer responsible for providing sound advice to property owners on fire management issues. Fire Wardens control the use of fire through the issue of Permits to Light Fire to ensure the safety of the environment in their local community.



1. Permits to light fire

In Queensland, there is no designated “fire season” and a permit is required at all times for a fire that is larger than 2 metres in any direction.

The procedures for applying for a permit are –

- Obtain an “Application for a Permit to Light Fire” (Form RF 11A) from your Fire Warden. The application may be made in writing, by telephone, facsimile or orally.
- Notify each and every neighbour* of your intention to burn. Specific details of location, area and special precautions should be provided at this time.
- If requested, present the completed Form RF 11A to the Fire Warden to obtain a “Permit to Light Fire” (Form RF 10B).

Special notes –

- Only the Fire Warden has the authority to issue a Permit to Light Fire.
- The Fire Warden has no authority to issue a permit outside his/her Fire Warden's district.
- The Fire Warden may impose such conditions on the permit as considered necessary and may direct that the local Rural Fire Brigade take charge of the operation.
- The Fire Warden has power to issue a permit even if one or more neighbours object to the burning. In such cases, the Fire Warden must include on the permit a condition that the neighbour must be given at least 2 hours prior notice by the permittee that the fire is to be lit.
- A Fire Warden may cancel a permit at any time, but must do so in writing.
- Rural Fire Service District Inspectors have an over-riding authority to issue permits in situations where disputes exist.
- Failure to obtain or comply with the conditions of a permit is an offence against *The Fire and Rescue Service Act 1990*. Penalties apply.
- Permits are available at no charge.



Powers of Chief Fire Warden

The Chief Fire Warden for the local Rural Fire District may issue a permit where there is no appointed Fire Warden for the district where a fire is to be lit. (If a Fire Warden is appointed and available, the Chief Fire Warden has no authority to issue such permit).

Cane Burning

Fires lit for the routine burning of sugar cane in accordance with the established practice of the industry are covered by a separate agreement under the *Fire and Rescue Service Act 1990*. Persons requiring further information on cane burning should contact their local Fire Warden or their Rural Fire Service District Office.

The rights of adjoining neighbours must be considered by the person lighting the cane (or residual trash or tops) in accordance with provisions outlined in the official Rural Fire Service documentation of 21 June 1993 (QFS 2831).

2. Fires not requiring a permit

Some fires are exempt from permit, provided that adequate precautions are taken to prevent the spread of fire and the lighting of the fire conforms with any local government local law. Exempt fires are those:

- in which neither the height, width nor length of the material to be consumed exceeds 2 metres
- lit for the purpose of burning the carcass of a beast
- at a sawmill lit for the purpose of burning sawdust or other residue resulting from the operation of a sawmill
- lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material.

It is advisable to check Local Government Bylaws and Regulations which may be applicable to these types of fires. Penalties apply to the lighting of these fires when they are prohibited under local government local laws, the Health Act 1937, or the Environmental Protection Act 1994.

Most local governments have provided alternative means (other than fire) for disposal of vegetation and waste materials through refuse collection and/or free disposal of green waste at council tips.



3. Reporting fires

Where occupiers become aware of an unauthorised fire burning on their land (irrespective of how it was lit), they must:

- (a) take all reasonable steps to extinguish or control the fire
- (b) as soon as practicable, report the existence and location of the fire to the Fire Service by telephone to **000** (triple zero).

4. Fire Hazards

Any person creating a fire hazard may be instructed by an authorised fire officer to reduce the hazard. Failure to carry out these instructions renders the offender liable for prosecution and costs incurred in either reducing the hazard or in legal proceedings, are recoverable by law.

The Commissioner, Queensland Fire and Rescue Service, may require any occupier of premises or land to:

- take measures to reduce the risk of fire starting
- reduce the potential danger to persons, property or the environment, should a fire occur
- burn off or remove any flammable material, subject to specific conditions
- through an authorised fire officer, order the extinguishment of any fire considered dangerous.



5. Emergency provisions

The Commissioner, QFRS, with the approval of the Minister, can declare a State of Fire Emergency when fire weather conditions become extremely dangerous. The restrictions are normally imposed over an entire local government area and prohibit the lighting of all or only certain types of fires, depending on the severity of the emergency. (Gas and electric barbecues may be used).

During a State of Fire Emergency:

- all open fires are prohibited
- all Permits to Light Fire issued in the area under a declaration are cancelled
- other special conditions (or exemptions) may be imposed

Penalties for breaches of the Act are increased during a State of Fire Emergency.

6. Investigation of offences

All persons are required to supply their names and address when required by an authorised fire officer investigating a breach of the Act. Failure to do so is an offence in itself, irrespective of any other breach of the Act.


7. Offences/Penalties

Penalties apply to persons committing breaches of the Act. Depending on the severity of the breach, penalties may constitute fines, or, for criminal offences, fines and prison term with hard labour.

It is an offence against the Act to -

- fail to comply with any conditions of a permit
- leave a fire unattended
- fail to take reasonable measures to extinguish any fire in such circumstances as to allow the fire to escape into another property;
- provide misleading or false information in respect of an application for a permit

In addition, the person lighting the fire may be held responsible for any damage caused by the fire.



8. Damages

No proceedings under the *Fire and Rescue Service Act 1990* prevent a person seeking compensation at Common Law for damages caused by fire. However, a person holding a Permit to Light Fire and observing all conditions of the permit when lighting such fire, will not be held to be liable for damages, unless it can be proven that such actions were the result of reckless or malicious actions causing loss, injury or damage.

9. Further information

Definitions *Definitions of terms used are –*

Term	Definition
<i>Adjoining</i>	Refers to the land mentioned in Section 64(3)(a) and (b) of the Act namely: (a) the land that touches some part of the land in question; or (b) not separated from that land by a watercourse, road or firebreak not less than 10 metres wide and clear of all flammable material in every direction.
<i>Occupier of land</i>	Refers to the person who owns or is charged by the owner or by law with the management of the land. It includes the situation where there is no person in actual occupation of the land.
Authorised Officer	Refers to a permanent officer of the Queensland Fire and Rescue Service, all auxiliary Urban Fire Officers, Assistant Commissioner Rural Operations, Regional Inspector, District Inspector, Rural Training Manager, Rural Training Officer

All Queensland legislation is accessible through the Internet at – www.legislation.qld.gov.au.

Rural Fire Service Offices

Northern Region	07 4799 7183
Barcaldine	07 4651 1190
Cairns Peninsula	07 4039 8240
Charters Towers	07 4787 8213
Cloncurry	07 4742 2358
Emerald	07 4982 0001
Innisfail	07 4061 0650
Mackay	07 4965 6641
Rockhampton	07 4938 4736
Southern Region	07 3284 3917
Bundaberg	07 4153 3244
Caboolture	07 5499 1009
Ipswich	07 3202 1444
Maryborough	07 4123 0542
Miles	07 4627 1848
Roma	07 4622 2074
Toowoomba	07 4639 9172

www.ruralfire.qld.gov.au

Further assistance is available
from your local Rural Fire
Service District Office.



GPO Box 1425 Brisbane Q 4001
Tel: 07 3247 8130
www.ruralfire.qld.gov.au