



ACT
Government



FIRE SAFETY GUIDELINE FSG-01

OPEN AIR FIRES

JUSTICE AND COMMUNITY SAFETY DIRECTORATE
ACT EMERGENCY SERVICES AGENCY

ISSUED AUGUST 2021



Content

GLOSSARY OF TERMS 3

PURPOSE 4

UNDERPINNING LEGISLATION 4

APPLICATION OF MATRIX 4

FURTHER CLARIFICATION 4

BUILT UP AREA..... 5

OPEN AIR FIRE MATRIX..... 6

ENVIRONMENTAL PROTECTION ACT 7

BONFIRES 7

QUEEN’S BIRTHDAY CELEBRATIONS 7

FIRE PERMITS 7

GLOSSARY OF TERMS

Table 1. Glossary of Terms

Acronym / term	Meaning
Built up area	Area determined to be built up by Emergencies (Built-Up Area) Declaration (ACT).
Bushfire season	The period from the beginning of October till the end of March the next year. These dates can be varied by the Commissioner, ESA.
Essential Services	Services providing either electricity, gas, water, sewerage, transport, communication or any other essential utility or service .
High risk activities (hot works)	An activity that may cause secondary ignition (both piloted and non-piloted) via fire spread from either conduction, radiation or convection, or an escape of sparks or incandescent (ie. glowing) or burning material. Examples include angle grinders, blow torches, welding, or oxy-cutting machinery etc.
Leased land	Parcels of land either in the built-up area* or outside the built-up area, that are gazetted as residential, commercial or rural blocks and leased from the ACT or Commonwealth Governments.
Nature Conservation Area	A nature reserve or other conservation area that may have prohibited or restricted activities determined under the Nature Conservation Act 2014 (ACT).
Open air fire	A fire lit or maintained in an area external to, or outside of, the external walls and roof of a building, structure or enclosure.
Residential land	Land that is gazetted and leased for residential purposes.
Total fire ban	A time period specified and declared by the commissioner ESA in accordance with the Emergency Act 2004 (ACT). This can apply to the whole or part of the ACT. During this time it is an offence to light or maintain fires in the open air or to undertake high risk activities. Some types of open air fires are exempt through regulation or permit.
Unleased land	Parcels of land either in the built up area* or outside the built up area, that are: <ul style="list-style-type: none"> not gazetted as residential, commercial or rural blocks leased from the ACT or Commonwealth Governments, e.g. reserves, apex of hills and mountains, parks, lakes; or Owned and used exclusively by the Commonwealth (Crown).

PURPOSE

This guideline has been developed by ACTF&R to provide clarification regarding the legality of open air fires in the ACT.

UNDERPINNING LEGISLATION

The information in the following open air fire matrix has been compiled based on the legislative requirements regarding open air fires in the ACT from the Emergencies Act 2004 (ACT) and the Environment Protection Act 1997 (ACT). ACTF&R works to protect life property and the environment in the ACT, as such the requirements of both of these pieces of legislation have been deemed relevant for ACTF&R.

APPLICATION OF MATRIX

1. Determine type and purpose of open air fire.
2. Assess whether location is within the built up area.
 - o Notifiable instrument - Emergencies (Built-Up Area) Declaration (ACT). An excerpt of this is located on the following page.
3. Check if fire scenario meets any conditions listed in column two of matrix.
4. Determine or enquire as to the correct time of the year or whether a total fire ban is in force.
5. Determine whether fire is permitted from the appropriate column and if there are any further conditions relevant to the specific time period, i.e. permit.
6. If the area is a Nature Conservation area or Nature Reserve, there may be additional prohibited and restricted activities for the area imposed under the Nature Conservation Act 2014 (ACT). These prohibited activities are listed in an activities declaration notifiable instrument for the area and may include the lighting of fires.

FURTHER CLARIFICATION

The open air fire matrix covers many of the scenarios and conditions regarding open air fires commonly encountered by ACTF&R. The matrix does not cover every single possibility or condition. For further information or clarification please consult the original legislation or contact the ACTF&R Community Safety Section (email ACTFRFireSafety@act.gov.au).

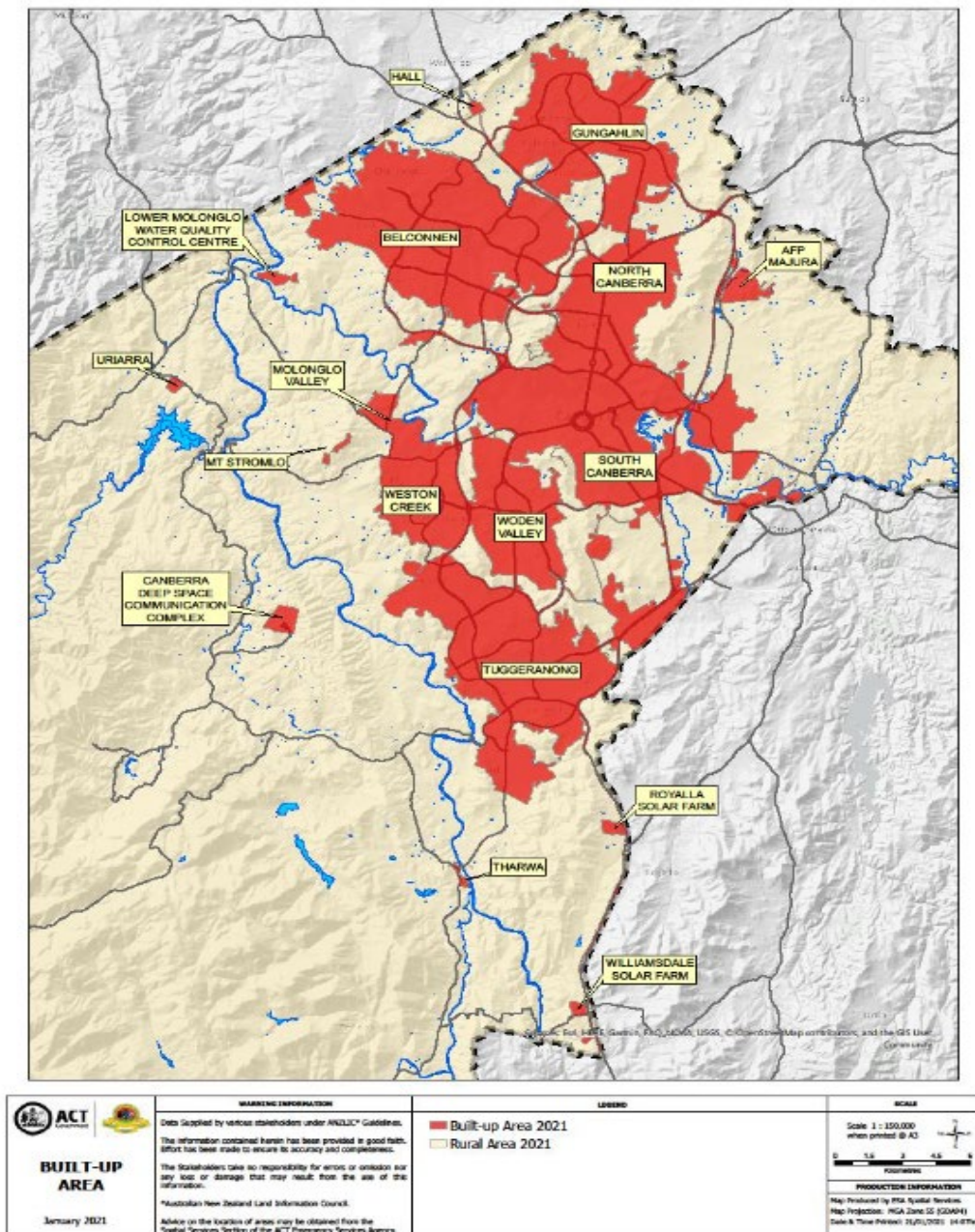
BUILT UP AREA

Figure 1. Declaration of Built up area, current at time of publication check Emergencies (Built-Up Area) Declaration (ACT) for currency.

Schedule 1

DECLARATION OF A BUILT-UP AREA.

The areas shown in red on the indicative map below comprise a Built-Up Area for the purposes of section 65 (1) of the *Emergencies Act 2004*.



OPEN AIR FIRE MATRIX

Table 2. Open air fire matrix

Type of open-air fire	Conditions	Total fire ban	Bushfire season	Outside bushfire season
A fire for cooking food or heating liquids	Permitted on all residential land. In approved fireplaces only on Territory and Commonwealth land. Gas and electric permitted on any land.	Gas and electric only for cooking food or heating liquid in an appliance. (Hangis must be buried before start of Total fire ban)	Allowed	Allowed
A fire for heating or lighting	On all residential land (Must be in a container or fireplace and on leased land).	Not allowed	Allowed	Allowed
	Outside built up area.	Not allowed	Allowed	Allowed
Bonfire / celebration fire Queens Birthday	During the period 9 days before and 6 days after Queens's birthday holiday only. Residential land only.	Not allowed	NA	Allowed
Bonfire / celebration fire	Only when authorized by ESA Commissioner. Unleased land, or on non-residential leased land with the consent of lessee only.	Not allowed	Permit only	Permit only
Burning plant matter	Inside built up area.	Not allowed	Not allowed	Not allowed
	Outside built up area. 5m clear area to be maintained.	Not allowed	Permit only	Allowed notification required
HR burn / operational burn	Hazard reduction burn or operational burn ACTF&R and ACTRFS staff only.	Only permitted in accordance with Emergency Act 2004 (ACT) – Fire prevention	Permit only	Allowed
Training fire	Authorized by Chief officer ACTF&R / ACTRFS.	Not allowed	Permit only	Allowed
Hot works	Welding, grinding, gas cutting etc.	Only for essential services or with permit from Commissioner ESA	Allowed	Allowed
Fire works	Only allowed with permit.	Not allowed	Permit only	Permit only

Note:

All fires must be under control of a responsible adult, have a 3m area clear of flammable material and a suitable means of extinguishing available.

If the area is a Nature Conservation area or Nature Reserve, there may be additional prohibited and restricted activities for the area imposed under the Nature Conservation Act 2014 (ACT). These prohibited activities are listed in an activities declaration notifiable instrument for the area and may include the lighting of fires.

ENVIRONMENTAL PROTECTION ACT

The intent of the Environmental Protection Act 1997 (ACT) is to minimize air pollution and should not be allowed to be circumnavigated by persons using the allowable activities in Schedule 1 of the Environment Protection Regulations 2005 inappropriately to justify or sustain an illegal burn. A garden waste burn off with a potato in the fire whilst ostensibly a cooking fire may be considered an offense under the act. It is a breach of the Environment Protection Regulations 2005 to burn synthetic plastics, synthetic polymers, unseasoned wood, wood that is painted, chemically treated, or contaminated with chemicals.

BONFIRES

Bonfires are not generally allowed unless permission is received from the Commissioner, ESA. Approval will only be given for bonfires held on unleased land, or on non-residential leased land with the consent of the lessee.

QUEEN'S BIRTHDAY CELEBRATIONS

There is an exception to the rules for bonfires around the Queen's Birthday public holiday period in June. The Queen's Birthday public holiday is held on the 2nd Monday in June. These exceptions are set out in schedule 1, part 1.2 of the Environment Protection Regulation 2005. The exception applies during the period starting on the Saturday 9 days before the Queen's Birthday public holiday and ending on the Sunday 6 days after the public holiday. During this time, you are permitted to light a bonfire on your residential land. All bonfires should be constructed and used responsibly.

FIRE PERMITS

Fire permits may be issued by the Commissioner, ESA under section 126a of the Emergencies Act 2004 (ACT) for several reasons based on certain conditions. These include: Permission to burn material (including wood, straw, stubble grass and herbage) on the land during the bushfire season, and permission to light, maintain or use a fire or undertake high risk activities during a total fire ban. The Commissioner, ESA may also declare a fire used for ceremonial or commemorative purposes to be exempt from the restrictions of the Emergencies Act 2004 (ACT) under certain conditions. An example of this could include fires such as the Eternal Flame at the Australian War Memorial.

Table 3. Relevant legislation

Related forms and documents

Emergencies Act 2004 (ACT)

Emergencies Regulation 2004 (ACT)

Emergencies (Built-Up Area) Declaration (ACT)

Environment Protection Act 1997 (ACT)

Environment Protection Regulation 2005 (ACT)

Nature Conservation Act 2014 (ACT)



ACT
Government

JUSTICE AND COMMUNITY SAFETY DIRECTORATE
ACT EMERGENCY SERVICES AGENCY

ISSUED AUGUST 2021