STATUTORY RULES 2022

S.R. No. [number]/[year]

***Forests Act 1958***

**Forests (Fire Protection) Regulations 2025**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

STEVE DIMOPOULOS MP

Minister for Environment

Clerk of the Executive Council

Part 1—Preliminary

 1 Objective

The objective of these Regulations is to provide for the protection of State forests, protected public land and national parks from damage by fire.

 2 Authorising provisions

These Regulations are made under sections 99 and 99A of the **Forests Act 1958**.

 3 Commencement

These Regulations come into operation on 7 June 2025.

 4 Revocation

The Forests (Fire Protection) Regulations 2014[[1]](#endnote-2) and the Subordinate Legislation (Forests (Fire Protection) Regulations 2014) Extension Regulations 2024[[2]](#endnote-3) are **revoked**.

 5 Definitions

In these Regulations—

***adequate water supply*** means—

 (a) a reticulated water supply; or

 (b) a tank with a capacity of not less than 200 litres which is fully charged with water and capable of delivering a continuous and steady stream of water by means of a hose connected to a pump with an engine power rating of not less than 37 kilowatts;

***agreed activity***has the same meaning as in section 79 of the **Traditional Owner Settlement Act 2010**;

***AS 1019–2000*** means the standard published by Standards Australia entitled "AS 1019–2000 Internal Combustion Engines—Spark emission control devices" as published on 1 August 2000;

***AS 1687–1991*** means the standard published by Standards Australia entitled "AS 1687–1991 Knapsack spray pumps for firefighting", as published on 11 February 1991;

***AS/NZS 1841.1:2007*** means the standard published jointly by Standards Australia and the Standards Council of New Zealand entitled "AS/NZS 1841.1:2007 Portable Fire Extinguishers Part 1: General requirements";

***AS/NZS 1841.5:2007*** means the standard published jointly by Standards Australia and the Standards Council of New Zealand entitled "AS/NZS 1841.5:2007 Portable Fire Extinguishers Part 5: Specific requirements for powder type extinguishers";

***operation*** means any operation connected with sawmilling, mining, quarrying, brick making, eucalyptus oil distilling or charcoal burning;

***properly constructed fireplace*** means a fireplace constructed of stone, metal, concrete or other non-flammable material in a manner which contains the perimeter of a fire;

***relevant licensed water frontage*** means a licensed water frontage (within the meaning of the **Land Act 1958**) that is not located in a State forest;

***smoker*** means a device used to generate smoke for the purposes of beekeeping;

***the Act*** means the **Forests Act 1958**;

***traditional owner group agreement*** means an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**;

***traditional owner group entity*** has the same meaning as in section 3 of the **Traditional Owner Settlement Act 2010**.

 6 Application of Regulations

Nothing in these Regulations permits the lighting, kindling, or maintaining of a fire—

 (a) in an area which is subject to a notice under section 64 of the Act prohibiting the use of fire in the open air; or

 (b) in an area which is subject to a declaration of a day or partial day of total fire ban under the **Country Fire Authority Act 1958**; or

 (c) in an area in which fires generally or a fire of that type are prohibited under the **National Parks Act 1975**; or

 (d) in contravention of any other Act.

 7 Traditional Owner use of fire in accordance with traditional owner group agreement

 (1) If a Traditional Owner group entity has entered into a traditional owner group agreement, any provision of these Regulations (other than a provision specified in subregulation (2)) that provides that the carrying out of an activity is an offence does not apply to a member of the Traditional Owner group who is—

 (a) bound by the agreement; and

 (b) carrying out that activity as an agreed activity in accordance with the agreement and on land to which the agreement applies.

 (2) For the purpose of subregulation (1) the following provisions are specified—

 (a) regulation 15;

 (b) regulation 16;

 (c) regulation 17.

 8 Power of authorised officer to grant exemptions from these Regulations

 (1) An authorised officer, by notice in writing given to a person, may grant an exemption from a provision of Part 3 or 4.

 (2) An exemption under subregulation (1)—

 (a) must specify the provisions to which the exemption relates and the period for which the exemption applies; and

 (b) may specify any reasonable conditions that the authorised officer considers appropriate.

 (3) An authorised officer, by notice in writing given to a person, may revoke an exemption granted under sub regulation (1).

 (4) A person to whom an exemption is granted under subregulation (1) does not commit an offence against a provision specified in the exemption if the person complies with any conditions specified in the exemption when engaging in the conduct to which the offence relates.

Part 2—Fires in the open air

 9 Circumstances in which authority is required to light a fire in fire protected areas

 (1) For the purposes of section 63(1)(a) of the Act, a person is required to have written authority before lighting any fire in the open air in a State forest, on protected public land or in a national park unless the fire is—

 (a) a solid fuel campfire or barbeque that complies with regulation 10(1); or

 (b) a liquid fuel, gaseous fuel or chemical solid fuel campfire or barbeque that complies with regulation 11(1); or

 (c) a sawmill material fire that complies with regulation 12; or

 (d) a bee farming fire that complies with regulation 13; or

 (e) a fire that is lit in the course of undertaking an agreed activity by a Traditional Owner group entity or a member of a Traditional Owner group entity under and in accordance with a traditional owner group agreement on land to which the agreement applies.

 (2) For the purposes of section 63(2)(a) of the Act, a person is required to have written authority before lighting any fire in the open air in a fire protected area (not being a State forest, protected public land or a national park) during the prohibited period unless the fire is—

 (a) a solid fuel campfire or barbeque that complies with regulation 10(2); or

 (b) a liquid fuel, gaseous fuel or chemical solid fuel campfire or barbeque that complies with regulation 11(2); or

 (c) a sawmill material fire that complies with regulation 12; or

 (d) a bee farming fire that complies with regulation 13; or

 (e) a fire that is lit in the course of undertaking an agreed activity by a Traditional Owner group entity or a member of a Traditional Owner group entity under and in accordance with a traditional owner group agreement on land to which the agreement applies.

10 Campfires or barbeques using solid fuel

(1) The written authority of an authorised officer is not required for a campfire or barbeque using solid fuel in a State forest, on protected public land or in a national park if the fire is lit in a properly constructed fireplace.

 (2) The written authority of an authorised officer is not required for a campfire or barbeque that uses solid fuel in a fire protected area (not being a State forest, protected public land or national park) during the prohibited period if—

 (a) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of inflammable material; and

 (b) the area of the campfire or barbeque is not more than one square metre; and

 (c) none of the dimensions of any piece of the solid fuel that is being used in the campfire or barbeque exceeds one metre.

**Note**

Sections 66B(1) and 66C of the Act set out prohibitions associated with the clearance and dimensions of a solid fuel campfire or barbeque lit in the open air in a State forest, on protected public land, or in a national park.

 11 Campfires or barbeques using liquid fuel, gaseous fuel or chemical solid fuel

 (1) The written authority of an authorised officer is not required for a campfire or barbeque that uses liquid fuel, gaseous fuel or chemical solid fuel if—

 (a) the fire is contained in an appliance designed and commercially manufactured to use that fuel; and

 (b) the appliance when alight is placed in a stable position.

 (2) The written authority of an authorised officer is not required for a campfire or barbeque using liquid fuel, gaseous fuel or chemical solid fuel in the open air in a fire protected area, not being a State forest, protected public land or national park, if the ground and airspace within a distance of 1·5 metres of the appliance are clear of inflammable material.

**Note**

Section 66B(2) of the Act prohibits a person from lighting, using kindling or maintaining a campfire or barbeque that uses solid fuel on the open air in certain circumstances unless the areas around and above the fire meet the clearance requirements set out in that section.

 12 Burning of inflammable material of a sawmill

 (1) The written authority of an authorised officer is not required for a fire in connection with the operations of a sawmill if the fire is effectively contained in a pit or structure that complies with the dimensions and specifications set out in a notice under subregulation (2).

 (2) For the purposes of subregulation (1), an authorised officer, by notice in writing given to the person in charge of a sawmill, may specify the dimensions and specifications of any pit or structure to be used to burn inflammable material at a sawmill.

 13 Bee farming

 (1) The written authority of an authorised officer is not required for a fire within a smoker used in connection with a bee farming operation if the person in charge of the bee farming operation—

 (a) uses the smoker on an area of ground which is clear of all inflammable material for a distance of 15 metres from the outer perimeter and uppermost point of each beehive; and

 (b) places the smoker in a fireproof receptacle when not in use; and

 (c) during the prohibited period, has available for immediate use at least—

 (i) one knapsack spray pump with a tank capacity of not less than 9 litres which is fully charged with water, is in proper working order and complies with AS 1687–1991; and

 (ii) one rakehoe or similar implement capable of removing grass, shrubs, vegetation and other inflammable material from the area of the fire.

 (2) For the purposes of subregulation (1)(a), inflammable material does not include a standing tree (whether living or dead) or the beehive to which the smoker is being applied.

 14 Power of authorised officers to give written authority to light fires in a fire protected area

 (1) An authorised officer may give a person a written authority to light a fire in a fire protected area.

 (2) An authority under subregulation (1)—

 (a) must specify the period for which the authority applies; and

 (b) may be subject to any reasonable conditions determined by the authorised officer that are specified in the authority.

 (3) An authorised officer, by notice in writing given to a person, may revoke an authority given under subregulation (1).

 15 Extinguishment of fire in the open air

A person who has lit, kindled or maintained a fire, or is in charge of a fire, in the open air in a fire protected area during the prohibited period must, before leaving the place of the fire—

 (a) completely extinguish the fire; or

 (b) ensure that a person who has the capacity and means to extinguish the fire is in charge of the fire.

 16 Fire in the open air must be extinguished at direction of authorised officer

A person who has lit, kindled or maintained a fire, or who is in charge of a fire, in the open air in a fire protected area during the prohibited period must extinguish the fire immediately when directed to do so by an authorised officer.

**Notes**

1 A person who contravenes regulation 15 or 16 in any State forest, protected public land or national park is liable to a penalty under section 63(1) of the Act (see section 63(1)(aa)).

2 A person who contravenes regulation 15 or 16 in any fire protected area, not being a State forest, protected public land or national park, is liable to a penalty under section 63(2) of the Act (see section 63(2)(aa)).

 17 Offence to leave campfire or barbeque

 A person in charge of a [campfire or barbeque](https://classic.austlii.edu.au/au/legis/vic/consol_act/fa1958116/s3.html#campfire_or_barbeque) that uses [solid](https://classic.austlii.edu.au/au/legis/vic/consol_act/fa1958116/s3.html#solid) fuel and that is in the open air in a fire protected area (not being a State forest, protected public land or national park or a relevant licensed water frontage) during the prohibited period must not—

 (a) be outside the line of sight of the [campfire or barbeque](https://classic.austlii.edu.au/au/legis/vic/consol_act/fa1958116/s3.html#campfire_or_barbeque); or

 (b) be more than 50 metres from the perimeter of the [campfire or](https://classic.austlii.edu.au/au/legis/vic/consol_act/fa1958116/s3.html#campfire_or_barbeque) [barbeque](https://classic.austlii.edu.au/au/legis/vic/consol_act/fa1958116/s3.html#campfire_or_barbeque).

Penalty: 50 penalty units.

**Note**

Section 66A of the Act imposes requirements on a person in charge of a campfire or barbeque used in a State forest, protected public land, national park or a licensed water frontage that is in a State forest.

Part 3—Engines and equipment

 18 Stationary engines

 (1) A person must not use a stationary engine in a fire protected area during the prohibited period—

 (a) if the stationary engine is in the open air; or

 (b) if the exhaust of the stationary engine discharges into the open air.

1. 50 penalty units.

 (2) Subregulation (1) does not apply to a person who ensures that the following requirements are satisfied when using the stationary engine—

 (a) the exhaust pipe is fitted with a spark arrestor which—

 (i) is in proper working order; and

 (ii) complies with AS 1019–2000; and

 (b) the ground and airspace within a distance of 1·5 metres from the outer perimeter of the stationary engine and from the uppermost point of the stationary engine are clear of inflammable material; and

 (c) there is available for immediate use—

 (i) a hose connected to an adequate water supply; or

 (ii) if there is no adequate water supply, at least—

 (A) one knapsack spray pump with a tank capacity of not less than 9 litres which is fully charged with water, is in proper working order and complies with
AS 1687–1991; or

 (B) one powder type fire extinguisher which is in proper working order and complies with
AS/NZS 1841.1:2007 and AS/NZS 1841.5:2007.

 (3) In this regulation ***stationary engine*** includes, but is not limited to, motor driven pumps and generators.

 19 Non-stationary engines

 (1) A person must not use a non-stationary engine in a way that places it in contact with any crop, stubble, weeds, undergrowth or other vegetation in a fire protected area during the prohibited period.

Penalty: 50 penalty units.

 (2) Subregulation (1) does not apply to a person who ensures that the following requirements are satisfied when using the non-stationary engine—

 (a) the engine is fitted with—

 (i) a spark arrestor which is in proper working order and complies with AS 1019–2000; or

 (ii) a turbo charger or an exhaust aspirated air cleaner; and

 (b) there is available for immediate use—

 (i) a hose connected to an adequate water supply; or

 (ii) if there is no adequate water supply, at least—

 (A) one knapsack spray pump with a tank capacity of not less than 9 litres which is fully charged with water, is in proper working order and complies with AS 1687–1991; or

 (B) one powder type fire extinguisher which is in proper working order and complies with AS/NZS 1841.1:2007 and AS/NZS 1841.5:2007.

 (3) In this regulation, ***non-stationary engine*** includes, but is not limited to, chainsaws and vehicles.

 20 Welding, grinding, soldering or gas-cutting equipment

 (1) A person must not use any welding, grinding, gas‑cutting or soldering equipment in the open air in a fire protected area during the prohibited period.

1. 50 penalty units.

 (2) Subregulation (1) does not apply to a person who ensures that the following requirements are satisfied when using the equipment—

 (a) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the equipment are clear of inflammable material;

 (b) the equipment is used with a shield of fire-resistant material that is placed or erected in such a way as to prevent the emission of sparks, hot metal or slag

 (c) all cut-offs, electrode stubs and other hot materials from the operation are placed directly in a fireproof receptacle;

 (d) there is available for immediate use—

 (i) a hose connected to an adequate water supply; or

 (ii) if there is no adequate water supply, at least—

 (A) one knapsack spray pump with a tank capacity of not less than 9 litres which is fully charged with water, is in proper working order and complies with AS 1687–1991; or

 (B) one powder type fire extinguisher which is in proper working order and complies with AS/NZS 1841.1:2007 and AS/NZS 1841.5:2007.

Part 4—Operations

 21 Clearing of areas related to an operation

 A person in charge of an operation in a fire protected area must ensure that the outer perimeter of any of the following areas related to that operation is maintained clear of inflammable material at all times—

 (a) a log dump;

 (b) a timber stack;

 (c) timber product;

 (d) a waste burner;

 (e) a pit;

 (f) a winch;

 (g) a kiln;

 (h) a quarry;

 (i) a distillery;

 (j) a retort or other structure associated with the operation;

 (k) any other part of the operation.

Penalty: 50 penalty units.

 22 Authorised officer may determine clearance distance

 (1) Subject to subregulation (2), an authorised officer, by written notice, may require the person in charge of an operation in a fire protected area to maintain a minimum clearance distance for an area referred to in regulation 21(1) if the authorised officer reasonably believes that such a clearance distance is required to reduce the risk of fire.

 (2) The minimum clearance distance specified in a notice under subregulation (1) must not exceed 40 metres.

 (3) A notice under subregulation (1) must specify—

 (a) the minimum clearance distance and the area of the operation to which it relates; and

 (b) whether the person in charge of the operation is required to maintain the minimum clearance distance—

 (i) at all times; or

 (ii) at the times specified in the notice.

 (4) The person in charge of the operation must comply with a notice given to the person under subregulation (1).

Penalty: 50 penalty units.

 (5) In this regulation—

***clearance distance*** means the distance between the outer perimeter of an area and the nearest inflammable material.

 23 Firefighting equipment required at sawmills

 (1) An authorised officer, by notice in writing issued to the person in charge of a sawmill in a fire protected area, may specify—

 (a) the firefighting apparatus, water supplies and related equipment required to be provided at the sawmill; and

 (b) the places within the sawmill at which that apparatus and equipmentmust be stored.

 (2) A person in charge of a sawmill in a fire protected area must ensure that all firefighting apparatus, water supplies and related equipment specified by an authorised officer in a notice issued under subregulation (1) are provided at the sawmill and stored at the places specified in the notice.

Penalty: 50 penalty units.

 (3) A person in charge of a sawmill in a fire protected area must ensure that all firefighting apparatus, water supplies and related equipment specified in a notice issued under subregulation (1) are—

 (a) available for immediate use; and

 (b) maintained in proper working order.

Penalty: 50 penalty units.

 24 Firefighting equipment required at an operation that is not a sawmill

 (1) An authorised officer, by notice in writing issued to the person in charge of an operation other than a sawmill in a fire protected area, may specify—

 (a) the firefighting apparatus, water supplies and related equipment required to be provided at the operation; and

 (b) the places within the operation at which that apparatus and equipmentmust be stored.

 (2) A person in charge of an operation other than a sawmill in a fire protected area must ensure that all firefighting apparatus, water supplies and related equipment specified in a notice issued under subregulation (1) are provided at the operation and stored at the places specified in the notice.

Penalty: 50 penalty units.

 (3) A person in charge of an operation other than a sawmill in a fire protected area must ensure that all firefighting apparatus, water supplies and related equipment specified in a notice issued under subregulation (1) are—

 (a) available for immediate use; and

 (b) maintained in proper working order.

Penalty: 50 penalty units.

 25 Storage and disposal of inflammable material of sawmills

 (1) An authorised officer, by notice in writing issued to a person in charge of a sawmill in a fire protection area, may specify methods for the storage and disposal of inflammable material at the sawmill.

 (2) A person in charge of a sawmill in a fire protected area must ensure that all inflammable material at the sawmill is stored and disposed of in accordance with a notice issued under subregulation (1).

Penalty: 50 penalty units.

 26 Safety fuse or fuse lighters

A person must not use a safety fuse or fuse lighter in a fire protected area before sunrise or between 9.30 a.m. and midnight on any day in January, February, March, April, November or December of any year.

Penalty: 50 penalty units.

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Endnotes

1 Explanatory details

1. Reg. 4: S.R. No. 52/2014. [↑](#endnote-ref-2)
2. Reg. 4: S.R. No. 10/2024.

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

|  |  |  |
| --- | --- | --- |
| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5, definition of ***AS 1019–2000*** and regulation 18  | Australian Standard 1019–2000, "Internal combustion engines—Spark emission control devices" as published by Standards Australia on 1 August 2000 | The whole |
| Regulation 5, definition of ***AS 1687–1991*** and regulations 13, 18, 19 and 20 | Australian Standard 1687–1991, "Knapsack spray pumps for firefighting" as published by Standards Australia on 11 February 1991 | The whole |
| Regulation 5, definition of ***AS/NZS 1841.1:2007*** and regulations 18, 19 and 20 | Australian/New Zealand Standard 1841.1:2007, "Portable fire extinguishers Part 1: General requirements" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007 | The whole |
| Regulation 5, definition of ***AS/NZS 1841.5:2007*** and regulations 18, 19 and 20 | Australian/New Zealand Standard 1841.5:2007, "Portable fire extinguishers Part 5: Specific requirements for powder type extinguishers" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007  | The whole |

 [↑](#endnote-ref-3)