

TASMANIA

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**FIRE SERVICE (MISCELLANEOUS)  
REGULATIONS 2017**

**STATUTORY RULES 2017, No. 84**

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## **FIRE SERVICE (MISCELLANEOUS) REGULATIONS 2017**

I, the Lieutenant-Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council and on the recommendation of the State Fire Commission, make the following regulations under the *Fire Service Act 1979*.

Dated 20 November 2017.

A. M. BLOW  
Lieutenant-Governor

By His Excellency's Command,

M. T. (RENE) HIDDING  
Minister for Police, Fire and Emergency Management

### **PART 1 – PRELIMINARY**

#### **1. Short title**

These regulations may be cited as the *Fire Service (Miscellaneous) Regulations 2017*.

#### **2. Commencement**

These regulations take effect on  
26 December 2017.

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**3. Interpretation**

In these regulations –

*Act* means the *Fire Service Act 1979*;

*prescribed period* means the period commencing on 1 October in any year and ending at midnight on the following 30 April;

*reticulated water area* means an area that is serviced by a reticulated water system that complies with Australian Standard AS 2419;

*standard air/water extinguisher* means an air/water extinguisher that –

- (a) has a capacity of at least 9 litres; and
- (b) is filled with water; and
- (c) is charged; and
- (d) is in good operating condition;

*standard fire hydrant* means a fire hydrant that is equipped with a forged 65 millimetre Storz coupling that has been approved by the Chief Officer;

*standard fittings* mean fittings that are capable of connecting standard fire hydrants, standard pumps, standard hoses and standard nozzles together so as to

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produce a fire-fighting stream of fire retardant materials;

***standard hose*** means –

- (a) a hose that complies with Australian Standard AS 2792; or
- (b) a rubber hose rated at 2100kPa or higher;

***standard knapsack pump*** means a knapsack pump that –

- (a) has a capacity of at least 9 litres; and
- (b) is filled with water; and
- (c) is in good operating condition;

***standard nozzle*** means a nozzle that has a shut-off valve and is capable of producing a variable fire-fighting stream of fire retardant materials;

***standard pump*** means a self-priming centrifugal pump that is capable of producing a pressure of not less than 400kPa at shut-off.

#### **4. Special gratuities**

- (1) The Commission may grant a special gratuity to a person in respect of voluntary or special services that the person has rendered to a brigade or group of brigades.

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- (2) A special gratuity granted under subregulation (1) is not to exceed the sum of \$1 000 unless the Commission is satisfied that there are exceptional circumstances.

**5. Reimbursement of volunteer expenses**

- (1) A volunteer who incurs out-of-pocket expenses in the course of fire-fighting duties is, on the recommendation of the Chief Officer, entitled to be reimbursed by the Commission.
- (2) The amount, if any, to be reimbursed under subregulation (1) is, in each case, at the discretion of the Commission.

**6. Prescribed superannuation scheme**

For the purposes of section 24(6) of the Act, the State Fire Commission Superannuation Scheme is a prescribed superannuation scheme.

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**PART 2 – FIRE SAFETY**

**7. Land and premises to which section 48 applies**

For the purposes of section 48 of the Act, the following classes of land and premises are prescribed as land and premises to which that section applies:

- (a) premises that are prescribed buildings within the meaning of the *General Fire Regulations 2010*;
- (b) premises that are used, in whole or in part, as residential accommodation for 3 or more unrelated persons who each have a disability and would, on that account, require assistance to evacuate the premises in an emergency;
- (c) premises that are used, in whole or in part, as residential accommodation for 5 or more unrelated persons;
- (d) land or premises that are used, in whole or in part and whether routinely or occasionally, for the parking of multiple vehicles.

**8. Fire-fighting equipment of sawmills, wood-fuel mills or timber landings**

- (1) If premises in a reticulated water area are being used as a sawmill or wood-fuel mill, the occupier of the premises must ensure that the

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following kinds of fire-fighting equipment are located on the premises in sufficient numbers to cover the entire area of the mill's operation:

- (a) standard fire hydrants;
- (b) standard hoses;
- (c) standard nozzles;
- (d) standard fittings.

Penalty: Fine not exceeding 26 penalty units.

- (2) If premises outside a reticulated water area are being used as a sawmill or wood-fuel mill, the occupier of the premises must ensure that the following fire-fighting equipment, at a minimum, is located on the premises:

- (a) a mobile tank, containing not less than 300 litres of water, and the means to move it;
- (b) a standard pump;
- (c) a standard hose;
- (d) a standard nozzle;
- (e) standard fittings;
- (f) 2 pulaskis, fire rakes or grubbing hoes.

Penalty: Fine not exceeding 26 penalty units.

- (3) If premises are being used as a landing for timber harvesting operations during the prescribed period, the occupier of the premises

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must ensure that the following fire-fighting equipment, at a minimum, is located on the premises:

- (a) a mobile tank, containing not less than 300 litres of water, and the means to move it;
- (b) a standard pump;
- (c) a standard hose;
- (d) a standard nozzle;
- (e) standard fittings;
- (f) 2 pulaskis, fire rakes or grubbing hoes.

Penalty: Fine not exceeding 26 penalty units.

- (4) If premises are being used as a sawmill, wood-fuel mill or landing for timber harvesting operations during the prescribed period, the occupier of the premises must not cause or allow a person to operate a chainsaw on, or in connection with, the premises unless, within 100 metres of where the chainsaw is to operate, there is –

- (a) a standard knapsack pump; or
- (b) a standard air/water extinguisher.

Penalty: Fine not exceeding 26 penalty units.

**9. Firebreaks for sawmills and wood-fuel mills**

If premises are being used as a sawmill or wood-fuel mill during the prescribed period, the occupier of the premises must ensure that the premises are surrounded by a firebreak that is –

- (a) cleared to bare earth; and
- (b) wide enough to isolate the premises from all surrounding vegetation.

Penalty: Fine not exceeding 26 penalty units.

**10. Open-air operation of solid-fuel engines**

- (1) In this regulation –

*day of total fire ban* means a day that is declared under section 70 of the Act to be a day of total fire ban;

*solid-fuel engine* means an engine that is being operated by solid fuel.

- (2) A person must not operate a solid-fuel engine outside an enclosed building unless –
- (a) the dumping of coals or ash from the engine is confined to an area specified by an officer of the Fire Service; and
  - (b) the ash box of the engine is constructed so that burning material cannot escape from it except when coals or ash are being cleared out for dumping in the area referred to in paragraph (a); and

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- (c) a spark arrestor is fitted to the smoke stack of the engine; and
  - (d) all other requirements, specified by an officer of the Fire Service, in respect of the engine are met.

Penalty: Fine not exceeding 26 penalty units.

- (3) On a day of total fire ban throughout the State, a person must not operate a solid-fuel engine outside an enclosed building in any part of the State.

Penalty: Fine not exceeding 26 penalty units.

- (4) On a day of total fire ban in a part of the State, a person must not operate a solid-fuel engine outside an enclosed building in that part of the State.

Penalty: Fine not exceeding 26 penalty units.

**11. Inspection of engines and appliances**

- (1) This regulation applies to –
  - (a) a burner, incinerator, furnace or other engine or appliance used for the burning of wood waste or other flammable materials that is used, or installed, in or on premises used as a sawmill or factory; and
  - (b) a chimney, smoke-stack, exhaust-pipe or other outlet used in connection with such

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a burner, incinerator, furnace, engine or appliance.

- (2) A burner, incinerator, furnace or other engine or appliance to which this regulation applies may be inspected by –
- (a) the Chief Officer; or
  - (b) an officer of the Fire Service; or
  - (c) if the burner, incinerator, furnace or other engine or appliance is in a locality declared to be a fire protected area under section 53(1) of the Act, a forest officer.

**12. Routine inspection of fire hydrants and fire plugs**

A brigade chief of a brigade may –

- (a) cause the fire hydrants and fire plugs within the operational district of the brigade to be inspected as often as the brigade chief considers necessary; and
- (b) report any fault, or damage, found as a result of such an inspection to the owner or occupier of the land, building or premises on, or in, which the fault or damage is found.

**13. Hindering inspections**

A person must not hinder, or obstruct, an inspection performed under regulation 11 or 12.

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Penalty: Fine not exceeding 26 penalty units.

**14. Fires for burning, &c., wood waste, &c., from use of sawmills and factories**

- (1) A person must not light, or maintain or use, in the open air a fire to burn or destroy any wood waste or other flammable material produced on premises used as a sawmill or factory unless –
  - (a) the fire is only lit, maintained and used during a period that is not a fire permit period; or
  - (b) a permit has been granted by a fire permit officer under subregulation (2) authorising the fire.

Penalty: Fine not exceeding 26 penalty units.

- (2) Subject to subregulation (3), a fire permit officer may grant, to a person, a permit that authorises the person to light, or maintain or use, in the open air a fire to burn or destroy any wood waste or other flammable material produced on premises used as a sawmill or factory.
- (3) A fire permit officer may only grant a permit under subregulation (2) with the consent of, and on such conditions as may be determined by –
  - (a) if the permit relates to an area in an operational district, the brigade chief of a brigade in the operational district; or
  - (b) in relation to any other area, the Chief Officer.

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- (4) Without limiting subregulation (3), a brigade chief or the Chief Officer may determine under that subregulation that a permit is to contain a condition that –
  - (a) if the burning or destruction of the wood waste or flammable material is to be done in a pit, the surface of the burning materials is to be at least 1.5 metres below the level of the top of the pit; or
  - (b) if the burning or destruction of the wood waste or flammable material is to be done on the surface of the ground, the site of the fire is to be enclosed by a fence, made of solid non-flammable material, at least 2 metres high.
- (5) A permit granted under subregulation (2) is to be in an approved form.
- (6) A permit granted under subregulation (2) may be revoked or amended, by notice to the permit holder, by a fire permit officer –
  - (a) on his or her own initiative; or
  - (b) at the direction of –
    - (i) the Chief Officer; or
    - (ii) the brigade chief of a brigade in the operational district in respect of which the permit is granted; or
    - (iii) the fire permit officer who granted the permit.

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- (7) A person may appeal to the Commission against the refusal of a fire permit officer to grant a permit to the person under subregulation (2).
- (8) An appeal under subregulation (7) is to –
- (a) be in writing; and
  - (b) set out the grounds for the appeal; and
  - (c) be supported by such evidence, or information, as the Commission may require to determine the appeal.
- (9) As soon as practicable after receiving an appeal under subregulation (7), the Commission is to –
- (a) investigate the appeal in such a manner as it considers appropriate; and
  - (b) determine the appeal on such conditions as it considers appropriate in the circumstances; and
  - (c) give the appellant written notice of its determination in respect of the appeal.

**15. Fires to which section 69 applies**

For the purposes of section 69(1)(c) of the Act, a fire –

- (a) that is lit, maintained and used to burn domestic garden refuse; and
- (b) where the burning is done –

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(i) in heaps that do not exceed one cubic metre in volume; or

(ii) in an incinerator –

is a fire of a prescribed class for the purposes of that section.

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**PART 3 – MISCELLANEOUS**

**16. Misuse of Fire Service insignia, &c.**

Unless otherwise authorised by the Commission or the Chief Officer, a person must not use a badge or uniform issued by the Fire Service.

Penalty: Fine not exceeding 26 penalty units.

**17. Provisions as to notices**

(1) For the purposes of section 116(1)(d) of the Act, the following means of serving or giving a notice to its intended recipient are prescribed:

- (a) direct word of mouth;
- (b) telephone;
- (c) facsimile;
- (d) email.

(2) If a person serves or gives a notice orally in the manner provided by subregulation (1)(a) or (b), the person must, as soon as practicable after doing so, serve or give to the recipient of the oral notice written confirmation of the notice –

- (a) in accordance with section 116(1)(a), (b) or (c) of the Act; and
- (b) in the same, or substantially the same, terms as the oral notice.

Penalty: Fine not exceeding 5 penalty units.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 29 November 2017.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations –

- (a) prescribe a number of administrative, fire safety and miscellaneous matters for the purposes of the *Fire Service Act 1979*; and
- (b) are made consequentially on the repeal of the *Fire Service (Miscellaneous) Regulations 2007* under section 11 of the *Subordinate Legislation Act 1992*.