

# CAN I OR CAN'T I?

Updated September 2014

This brochure provides general guidance as to what you can and can't do during declared Fire Danger Periods, and on days of Total Fire Ban, when fires in the open air are legally restricted.

CFA declares Fire Danger Periods municipality by municipality during periods of increased fire risk. Refer to the CFA website [cfa.vic.gov.au](http://cfa.vic.gov.au) for further details about your location. In State forests, National, State and Regional Parks and on protected public land, fire restrictions are in force all year round. Contact local DEPI and Parks Victoria offices for advice on fire restrictions for these areas.

Total Fire Bans are declared by CFA on days when fires are likely to spread rapidly and be difficult to control. The penalties for lighting fires illegally during the Fire Danger Period and on Total Fire Ban Days include large fines and possible imprisonment.

Can I or can't I?	During Fire Danger Period	On Total Fire Ban Days
<p>Can I have a barbecue, light a campfire or light a fire for warmth or comfort?</p> 	<p><b>YES</b></p> <p><b>But only if:</b></p> <ul style="list-style-type: none"> <li>✓ The wind is not more than 10 kph (this can be observed if leaves and small twigs are in constant motion)</li> <li>✓ The fire is lit in a <b>properly constructed fireplace</b> or in a trench at least 30 centimetres deep</li> <li>✓ The area within a distance of 3 metres from the outer perimeter of the barbecue is clear of flammable material</li> <li>✓ The fire does not occupy an area in excess of 1 square metre and the size and dimensions of solid fuel used are the minimum necessary for the purpose</li> <li>✓ A person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire</li> <li>✓ The fire is completely extinguished before the person leaves.</li> </ul> <p>Note that in accordance with the CFA Act, a "properly constructed fireplace" means a fireplace that is constructed of stone, metal, concrete or any other non-flammable material so as to contain the perimeter of the fire. A commercially produced barbecue would be considered a properly constructed fireplace.</p>	<p><b>YES</b></p> <p><b>Barbecues that are:</b></p> <ul style="list-style-type: none"> <li>✓ <b>fired by gas or electricity, being permanently fixed structures built of stone, metal, concrete or another non-flammable material designed exclusively for meal preparation, or</b></li> <li>✓ <b>that use only gas or electricity, are designed and commercially manufactured exclusively for meal preparation (including portable barbecues), and when alight are placed in a stable position,</b></li> </ul> <p><b>provided that:</b></p> <ul style="list-style-type: none"> <li>➤ the area within a distance of 3 metres from the outer perimeter of the barbecue is clear of flammable material</li> <li>➤ you have either a hose connected to a water supply or a container with at least 10 litres of water for immediate use</li> <li>➤ an adult is there at all times when the fire is alight who has the capacity and means to extinguish the fire</li> <li>➤ the fire is completely extinguished before the adult leaves.</li> </ul> <p><b>NO</b> <b>Campfires, fires for warmth or personal comfort are banned during Total Fire Ban Days. Solid and liquid fuel barbecues and ovens are also banned during Total Fire Ban Days.</b></p>
<p>I run a meal preparation business (eg. catering), or am a community/charitable/fundraising or similar organisation. Can I set up and light a fire to operate a barbecue, cooker, hotplate or a spit at outdoor functions?</p> 	<p><b>YES</b></p> <p><b>But only if:</b></p> <ul style="list-style-type: none"> <li>✓ The wind is not more than 10 kph (this can be observed if leaves and small twigs are in constant motion)</li> <li>✓ The fire is lit in a <b>properly constructed</b> fireplace or in a trench at least 30 centimetres deep</li> <li>✓ The area within a distance of 3 metres from the outer perimeter of the appliance (barbecue, cooker, hotplate or spit) is clear of flammable material</li> <li>✓ The fire does not occupy an area of more than 1 square metre and the size and dimensions of solid fuel used are the minimum necessary for the purpose</li> <li>✓ A person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire</li> <li>✓ The fire is completely extinguished before the person leaves.</li> </ul> <p>If you cannot meet these conditions you will need to apply for a permit from a CFA District office.</p>	<p><b>YES</b></p> <p><b>But only if you have a written permit issued by CFA or MFB and you comply with the conditions of that permit.</b></p> <p>A community organisation, a charitable organisation or an organisation involved in fundraising (for example, a school or sporting group involved in fundraising) may apply for permission to light a fire to prepare meals for other people in the course of their business. These permits are issued by – and at the discretion of – local CFA District offices, CFA Headquarters or MFB Zone offices.</p> <p>Municipal Fire Prevention Officers cannot issue these permits.</p>

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<p><b>Can I light a fire in the open air for burning off grass, stubble, weeds, undergrowth or other vegetation?</b></p> 	<p><b>YES</b></p> <p><b>But only if:</b></p> <ul style="list-style-type: none"> <li>✓ You have a written permit issued by a Municipal Fire Prevention Officer, by the CFA District office or by a Fire Prevention Officer of a public authority.</li> <li>✓ You comply with the conditions of that permit</li> <li>✓ A person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire</li> <li>✓ The fire is completely extinguished before the person leaves.</li> </ul> <p>Many councils have local laws that ban burning off on certain days, or within certain locations or at certain times within their municipalities. Check with the Municipal Fire Prevention Officer.</p>	<p><b>NO</b></p> <p>All fires in the open air for burning off grass, scrub, stubble or rubbish are banned during Total Fire Ban Days.</p> <p>Any permits issued by Municipal Fire Prevention Officers are suspended for the duration of any Total Fire Ban Days.</p> <p>Any fires must be completely extinguished prior to the commencement of the Total Fire Ban.</p>
<p><b>Can I drive a vehicle in places where the vehicle will be in contact with crops, grass, stubble, weeds, undergrowth or other vegetation?</b></p> 	<p><b>YES</b></p> <p><b>But only if the vehicle is fitted with an efficient silencing device (eg. muffler) that takes all of the exhaust from the engine through the silencing device.</b></p> <p>You should avoid driving vehicles through dry vegetation in hot and dry conditions, even if it is not a Total Fire Ban Day, due to the risk posed by the hot exhaust system.</p>	<p><b>YES</b></p> <p><b>But only if the vehicle is fitted with an efficient silencing device (eg. muffler) that takes all of the exhaust from the engine through the silencing device.</b></p> <p>This should be avoided wherever possible as the risk of starting fires is extremely high and the impact of fire on these days may be much greater.</p>
<p><b>Can I use a chainsaw, plant or grass trimmer or lawn mower?</b></p> 	<p><b>YES</b></p> <p><b>Chainsaws, plant or grass trimmers or lawn mowers may be used in green vegetation without limitation.</b></p> <p>But, for use in <i>vegetation that is not green (that is dry vegetation)</i>, chainsaws, plant or grass trimmers or lawn mowers must be:</p> <ul style="list-style-type: none"> <li>✓ Free from faults and mechanical defects that could cause an outbreak of fire</li> <li>✓ Fitted with an efficient spark arrester</li> <li>✓ Have an area of at least 3 metres around the machine cleared of flammable material.</li> </ul> <p>Further, the operator of the machine, who must be in attendance at all times the machine is being used, must carry either of the following fire suppression equipment:</p> <ul style="list-style-type: none"> <li>&gt; at least one knapsack spray pump, in working order, fully charged with water, with a capacity of not less than 9 litres</li> <li>&gt; at least one water (stored pressure) fire extinguisher, in working order, fully charged with water and maintained at the correct pressure, with a capacity of not less than 9 litres.</li> </ul> <p>Note that the spark arrester, the knapsack spray pump and the water fire extinguisher referred to above must comply with the applicable Australian Standards.</p>	<p><b>YES</b></p> <p><b>As for the Fire Danger Period.</b></p> <p>This should be avoided wherever possible as the risk of starting fires is extremely high and the impact of fire on these days may be much greater.</p>

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<p><b>Can I carry out activities including:</b></p> <ul style="list-style-type: none"> <li>&gt; welding, grinding, charring, soldering or gas cutting</li> <li>&gt; rail maintenance</li> <li>&gt; heating bitumen</li> <li>&gt; relocating bees using a bee smoker</li> <li>&gt; extracting honey using heat or flame?</li> </ul> <p><b>Any other activity associated with bee keeping that involves heat or flame requires a permit.</b></p> 	<p><b>YES</b></p> <p><b>But only if:</b></p> <ul style="list-style-type: none"> <li>✓ A fire-resistant shield or guard is in place to stop sparks, hot metal or slag from the fire</li> <li>✓ An area at least 1.5 metres from the operation is clear of flammable material or wetted down sufficiently to prevent the spread of fire</li> <li>✓ You have a reticulated water supply or water spray knapsack containing at least 9 litres of water</li> <li>✓ All cut-offs and hot materials from the operation are placed in fire-proof receptacles</li> <li>✓ A person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire</li> <li>✓ The fire is completely extinguished before the person leaves.</li> </ul>	<p><b>NO</b></p> <p><b>Activities such as:</b></p> <ul style="list-style-type: none"> <li>&gt; welding, grinding, charring, soldering or gas cutting</li> <li>&gt; rail maintenance</li> <li>&gt; heating bitumen</li> <li>&gt; relocating bees using a bee smoker</li> <li>&gt; extracting honey using heat or flame</li> </ul> <p>are banned on Total Fire Ban Days without special permits that apply to these days. These are called Section 40 permits.</p> <p>In limited circumstances, CFA or MFB may issue a permit on Total Fire Ban Days to:</p> <ul style="list-style-type: none"> <li>✓ community organisations, charitable organisations, fundraising organisations</li> <li>✓ statutory corporations, councils</li> <li>✓ industrial or trade operations</li> </ul> <p>for the purpose of carrying out their work, or for the purpose of public entertainment, or for religious or cultural purposes.</p> <p>These permits must come from CFA District offices, CFA Headquarters or MFB Zone offices, and cannot be issued by Municipal Fire Prevention Officers.</p>
<p><b>Can I use an incinerator?</b></p> 	<p><b>YES</b></p> <p><b>Provided that:</b></p> <ol style="list-style-type: none"> <li>1. You check with council about any local laws that might prescribe conditions or restrict or prohibit incinerator use (eg. bans on certain days, in certain areas or during certain times)</li> <li>2. And the following requirements are met: <ul style="list-style-type: none"> <li>✓ The fire is effectively restricted within the incinerator</li> <li>✓ The wind is not more than 10 kph (this can be observed if leaves and small twigs are in constant motion)</li> <li>✓ The ground and air space within 3 metres from the outer perimeter of the incinerator are clear of flammable material</li> <li>✓ A supply of water adequate to extinguish the fire is available at all times when the fire is burning</li> <li>✓ A person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire</li> <li>✓ The fire is completely extinguished before the person leaves.</li> </ul> </li> </ol>	<p><b>NO</b></p> <p>Incinerator use is banned during Total Fire Ban Days.</p>

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<p><b>Can I use self-propelled farm machinery, tractors, slashers, earth-moving, excavating or road-making machines propelled by a heat engine within 9 metres of any crops, grass, stubble, weeds, undergrowth or other vegetation?</b></p> 	<p><b>YES</b> <b>But only if the machinery:</b></p> <ul style="list-style-type: none"><li>✓ Is free from faults and mechanical defects that could cause an outbreak of fire</li><li>✓ Is fitted with a spark arrester in working order (unless it is fitted with a turbocharger or an exhaust aspirated air-cleaner)</li><li>✓ Carries fire suppression equipment comprising either:<ul style="list-style-type: none"><li>➤ at least one knapsack spray pump, in working order, fully charged with water, with a capacity of not less than 9 litres</li><li>➤ at least one water (stored pressure) fire extinguisher, in working order, fully charged with water and maintained at the correct pressure, with a capacity of not less than 9 litres.</li></ul></li></ul> <p>Note that the spark arrester, the knapsack spray pump and the water fire extinguisher referred to above must comply with the applicable Australian Standards.</p>	<p><b>YES</b> <b>As for the Fire Danger Period.</b></p> <p>This should be avoided wherever possible as the risk of starting fires is extremely high and the impact of fire on these days may be much greater.</p>

It is the responsibility of every individual using fire to ensure that they comply with the fire restriction laws. If there is any doubt about any of the guidance information contained in this publication, you should seek further advice or clarification from the relevant CFA District or MFB Zone office.

Anyone using fire must ensure that their actions do not cause a fire to spread to other property.

Note that severe penalties apply under the *Crimes Act 1958 (Vic)* to anybody who intentionally or recklessly lights, maintains or fails to contain a fire and allows it to spread onto other property.

## How can I seek further information or apply for a permit?

For any clarification or further information regarding this guidance material or to obtain a permit application form, please visit [cfa.vic.gov.au](http://cfa.vic.gov.au), contact your local CFA District Headquarters or phone **(03) 9262 8444**. A list of contact numbers for CFA District Headquarters is available on the CFA website.

If you require a permit to operate in the Metropolitan Fire District, you can contact MFB on **(03) 9662 2311** or [mfb.vic.gov.au](http://mfb.vic.gov.au)

## How do I get bushfire information or find out about planned burns in my area?

Call the Victorian Bushfire Information Line on **1800 240 667** or via National Relay Service on **1800 555 677** if you are hearing impaired.

## I am planning a burn-off on my property. How do I notify emergency services?

If you have been issued a burn-off permit by CFA or a Municipal Fire Prevention Officer, you need to give the Emergency Services Telecommunications Authority (ESTA) prior notification by phoning **1800 668 511** and any other person identified in the permit conditions.

## How do I report a fire?

To report a fire dial Triple Zero **(000)**.

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