



CARAVAN PARKS, FIRE DANGER PERIODS, AND TOTAL FIRE BANS.

Information regarding the use of various appliances in caravan parks in the country area of Victoria during declared Fire Danger Periods and Total Fire Bans

Fire and Emergency Management

Version 7

December 2015

1. Introduction

1.1 Purpose

The purpose of this document is to:

- provide clarification for CFA members, Municipal Fire Prevention Officers, caravan park managers and caravan park users in the **country area of Victoria** regarding-
 - The use of various appliances for cooking, heating and lighting utilised in caravan parks
 - during the fire danger period and
 - on days of total fire ban.

The document does not provide guidance for the Metropolitan (fire) District or any (State) forest, national park or protected public land.

1.2 Key definitions and explanations:

1.2.1 Country area of Victoria

This defined in section 3 of the CFA Act as meaning that part of Victoria which lies outside the metropolitan (fire) district, but does not include any (State) forest, national park or protected public land.

1.2.2 Open Air:

Section 34A of the CFA Act defines a fire as being “in the open air” if it is in any place other than a “**permanent structure**.”

The Act requires that “permanent structure”, needs to be of a permanent kind, have a roof and be fully enclosed on all sides.

The Act specifically **includes caravans** and **excludes tents** from this definition.

1.2.3 Caravan:

The CFA Act does not define the term “caravan.” Consequently, the ordinary meaning of the word conveyed by the text (taking into account its context in the Act and the purpose or object underlying the Act) must be used. In general terms, a caravan may be considered to be a kind of trailer with rigid sides and roof, designed to be towed by a powered vehicle via a hitch. The Caravan Industry Association of Australia sets out on their website the recognised categories of Recreational Vehicles (RVs) in Australia, among which they identify 2 categories of caravans: “caravans” and “pop - top caravans.”

1.2.4 Non - Caravan RVs

The CFA Act is silent on (RVs) other than Caravans, which include Tent Trailers, Camper Trailers, Fifth Wheelers and Class A, B & C Motorhomes.

For non-caravan RVs, judgements must be made as to whether fires within them fit the definition of being within a permanent structure (and therefore not in the open air) as described above. CFA recommends that campers and caravan park operators adopt a precautionary approach and err on the side of safety whenever in doubt.

Based on long standing legal advice, CFA advises that Tent Trailers and Camper Trailers do not satisfy the permanent structure test and therefore the rules that apply to open air fires apply to them.

1.2.5 Flammable materials

According to the Macquarie Dictionary, flammable and its Australian predecessor, inflammable, meant 'likely to burn easily.' This is distinct from the definition of combustible, which simply means that a material is capable of catching fire. Thus many materials are combustible, while those that are most easily ignited are defined as flammable. The point at which combustible becomes flammable can be subjective, so CFA recommends a precautionary approach for safety and protection from possible prosecution - if in doubt as to whether a material is flammable or merely combustible, assume flammability and treat it accordingly.

1.2.6 Properly constructed fireplace

Under 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.

1.2.7 Fixed appliance

Within the Total Fire Ban provisions {section 40(4D)}, **fixed appliance** means—

(a) a properly constructed and permanently fixed structure of stone, metal, concrete or any other non-flammable material designed exclusively for meal preparation and fired by gas or electricity; or

(b) an appliance that is designed and commercially manufactured exclusively for meal preparation and that—

- (i) uses only gas or electricity; and
- (ii) when alight is placed in a stable position.

2. Using appliances in caravan parks in the Fire Danger Period (excluding days of Total Fire Ban)

2.1 What the CFA Act says

Section 37 of the CFA Act mandates a general prohibition on lighting fires in the open air in the country area of Victoria, **not including any land within a fire protected area** (see section 4.2), in declared fire danger periods. The maximum penalty for breaking this prohibition is up to 120 penalty units or twelve months imprisonment or both.

Section 38A of the CFA Act gives an **exemption** to the general prohibition of fires in the open air, during a declared fire danger period if a person lights a fire for the purpose of **meal preparation** or **personal comfort**, provided that:

- (1) Air movement in the vicinity of the fire is 10 km/h or less;

- (2) Fire is in a trench at least 30cm deep, or a **properly constructed** fireplace
- (3) The ground and air space within for 3 metres from the outermost perimeter and uppermost point of the fire are clear of flammable material; and
- (4) The fire must occupy 1 square metre or less; and
- (5) The fire size and solid fuel dimensions are the minimum necessary for the purpose.

Section 39 of the CFA Act further provides that a **person** is there at all times when the fire is alight who has the capacity and means to extinguish the fire and that the fire is completely extinguished before the person leaves.

2.2 What this means for appliances used in caravan parks

2.2.1 In Caravans

Using gas and electric stoves and fridges within a caravan is allowed, because by the definitions under Section 34A of the *Country Fire Authority Act 1958* (“CFA Act”), they are within a “permanent structure” and not in the “open air”

The same applies for other appliances producing flames inside a caravan: they are not considered to be in the “open air,” hence their use would be permitted.

2.2.2 In the open air

2.2.2.1 Free standing

Commercially produced appliances such as gas and electric barbeques, gas lanterns, kerosene lanterns and stoves, gas stoves, gas fired heaters would all be allowable in declared Fire Danger Periods, as they may be considered properly constructed fireplaces.

Properly constructed fireplaces using solid fuels, such as brick or steel fireplaces provided by the caravan park, braziers, Italian style wood fired ovens, chimineas, kettle type barbeques (of which ‘webers’ are the most widely known example) would also be allowable under the CFA Act.

Although intact or cut down steel drums may meet the Act’s performance requirements of being non-flammable and containing the perimeter of the fire, they are not recommended, as they are prone to corrosion and subsequent failure. Such a failure causing a fire could incur heavy penalties.

2.2.2.2 Annexes

Gas or electric appliances used for cooking or heating in caravan annexes are to be treated as fires in the open air.

2.2.2.3 Tents

Tents are not permanent structures or dwellings as defined under the CFA Act. Therefore, fires in tents are to be treated as fires in the open air

3. Using appliances in caravan parks on days of total fire ban (TFB)

3.1 What the CFA Act says

Section 40(4)(a) of the CFA Act states that notwithstanding the provisions contained in section 38 or 38A, a person in a part of Victoria where a declaration of Total Fire Ban applies,

Shall not light a fire in the open air or allow a fire in the open air to remain alight

Section 40(4C) provides an exemption to the prohibition in section 40(4) (a) to anyone who, in a fixed appliance, lights a fire or allows a fire to remain alight for **the sole purpose of meal preparation**, where—

(a) the area within a distance of three metres from the outer perimeters of the appliance is clear of flammable material;

(b) there is at hand and available for immediate use—
(i) a hose connected to a reticulated water supply; or
(ii) a vessel containing at least ten litres of water; and

(c) at all times when the fire in the appliance is alight the appliance is attended by an adult who has the capacity and the means to extinguish the fire.

3.2 What this means for appliances used in caravan parks on TFB days

3.2.1 In Caravans

Using gas and electric stoves and fridges within a caravan is allowed on total fire ban days, because by the definitions under Section 34A of the *Country Fire Authority Act 1958* (“CFA Act”), they are within a “permanent structure” and not in the “open air”

The same applies for other appliances producing flames inside a caravan: they are not considered to be in the “open air,” hence their use would be permitted.

3.2.2 In the open air

3.2.2.1 Free standing

Appliances designed and commercially manufactured **exclusively for meal preparation and fired by gas or electricity** may be used, provided that:-

- when alight they are placed in a stable position;
- the area within a distance of 3 metres from the outer perimeter of the barbecue is clear of flammable material;
- there is, available for immediate use if required, either a hose connected to a water supply or a container with at least 10 litres of water for immediate use;
- an **adult** is there at all times when the appliance is alight who has the capacity and means to extinguish the fire; and
- the fire is completely extinguished before the adult leaves.

These appliances include portable BBQ's, stoves, grills, frypans, woks and other gas or other electric appliances used for meal preparation.

Fixed BBQs fired by gas or electricity, being properly constructed and permanently fixed structures built of stone, metal, concrete or another non-flammable material designed exclusively for meal preparation are also allowed, subject to the following conditions:

- the area within a distance of 3 metres from the outer perimeter of the barbecue is clear of flammable material;
- there is, available for immediate use if required, either a hose connected to a water supply or a container with at least 10 litres of water for immediate use;
- an **adult** is there at all times when the appliance is alight who has the capacity and means to extinguish the fire; and
- the fire is completely extinguished before the adult leaves.

3.2.2.2 Annexes

Gas or electric appliances used for meal preparation in caravan annexes are to be treated as fires in the open air.

3.2.2.3 Tents

Tents are not permanent structures as defined under the CFA Act. Therefore, where the declaration of Total Fire Bans applies fires within tents are treated as fires in the open air.

Non cooking related appliances

Gas or kerosene fire appliances that create a flame in the open air, which are not used to for the sole purpose of preparing meals are banned on TFB days, whether they are free standing, in an annexe or in a tent. This applies to:

- Gas or kerosene lanterns
- Gas or kerosene fired heaters;
- Gas fired refrigerators and

Appliances using solid fuels are also banned, including-

- Solid fuel BBQs
- Chimneys
- Wood fired pizza ovens
- Braziers
- Kettle type barbeques

4. Other items of issue

4.1 Section 40 permits

There are some exceptional (usually business or statutory authority) categories for which special permits are available, called section 40 permits. These are issued by the Chief Officer and his delegates in CFA Area offices. The average camper will not fit into any of these categories.

4.2 Caravan Parks and camping areas within Fire Protected Areas

Fire Protected Areas (FPAs) are areas of land where DELWP declares a **prohibited period** (fire restrictions declared under the Forests Act 1958.) this is a separate set of restrictions to the CFA Fire Danger Period. FPAs include some areas of municipalities within the country area of Victoria that lie within 1.5km of public land.



Table 1 shows which municipalities have the FPA within their boundaries, where they adjoin public land.

Table 1: Municipalities with Fire Protected Areas

Municipalities	Municipalities	Municipalities	Alpine Resorts
Alpine Shire	Latrobe City	Towong Shire	Falls Creek
Baw Baw Shire	Mansfield Shire	Wangaratta Rural City	Mt Buller
Benalla Rural City	Mitchell Shire	Wellington Shire	Mt Hotham
East Gippsland Shire	Murrindindi Shire	Wodonga City	
Indigo Shire	Strathbogie Shire		

For information on fire regulations in fire protected areas, either visit the Department of Environment, Land, Water & Planning (DELWP) website: www.delwp.vic.gov.au or contact their Fire Management Branch.