

NORTHERN TERRITORY OF AUSTRALIA

FIRE AND EMERGENCY REGULATIONS

As in force at 7 July 2003

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 7 July 2003

FIRE AND EMERGENCY REGULATIONS

Regulations under the *Fire and Emergency Act*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Fire and Emergency Regulations*.

2 Interpretation

- (1) In these Regulations, unless the contrary intention appears:

offence means an offence against a provision of the Act or these Regulations specified in column 1 of Schedule 3.

offender means a person who is believed to have committed an offence.

- (2) In these Regulations, a reference to the abbreviation "AS" followed by a set of numerals or letters, or numerals and letters, is a reference to the Australian Standard, indicated by that group, recommended or adopted by the Standards Association of Australia, together with all additions and amendments thereto, if any, so recommended or adopted before the commencement of these Regulations.

3 Permit

For the purposes of section 30 of the Act, a permit shall be in accordance with the form in Schedule 1.

Part 2 Duties of owners and occupiers

4 Duties of occupiers and owners of land

- (1) The occupier or, where there is no occupier, the owner, of land in an emergency response area shall ensure that:
 - (a) flammable or combustible material does not accumulate on the land in such a way that it constitutes a danger by fire; and
 - (b) fire breaks are installed and maintained on the land.
- (2) For the purposes of subregulation (1), **fire break** means an area, not less than 4m in width, around the perimeter of an allotment of land, contiguous with the boundary on all sides, that consists of one or more of the following:
 - (a) bare earth;
 - (b) grass that does not exceed 50mm in height;
 - (c) lawn or cultivated garden.
- (3) A fire break referred to in subregulation (1) may contain trees if they do not restrict fire fighting vehicles being driven along the fire break.
- (4) The Director or an authorised member may, for the purposes of fire hazard control, direct the occupier or, where there is no occupier, the owner of land in an emergency response to install fire breaks in addition to, or of greater dimensions than, those required by subregulation (1).
- (5) An occupier or owner of land in an emergency response area given a direction under subregulation (4) shall not contravene or fail to comply with the direction.

5 Stacked containers

The occupier of land in an emergency response area on which empty cases, boxes, cartons or other containers of a flammable or combustible nature are stacked in the open air shall ensure that each stack:

- (a) is not more than 2m high;
- (b) is built on a base not more than 2m wide;
- (c) is accessible on all sides by means of a passageway at least 1m wide; and

- (d) is not less than 4m from any structure on the land or the boundary of the land.

6 Stacked timber and wood

The occupier of land in an emergency response area on which sawn timber or wood is stacked in the open air shall ensure that:

- (a) each stack is not more than 3m high;
- (b) each stack is built on a base not more than 2.5m wide;
- (c) each stack is accessible on all sides by means of a passageway at least 1.5m wide;
- (d) the ground is so cleared that there is no flammable or combustible matter within 4m of each stack; and
- (e) each stack is not less than 4m from any structure on the land or the boundary of the land.

7 Stacked flammable or combustible material

The occupier of land in an emergency response area on which bulk flammable or combustible material is stored, whether loose or packed in cases, bags, bales, cartons or boxes, shall ensure that:

- (a) the flammable or combustible material is not stored in such a way to constitute a danger of fire;
- (b) if the flammable or combustible material is stored in an enclosed building:
 - (i) it is stored in bays the dimensions of which do not exceed 3m in length or in width;
 - (ii) the tops of each bay is at least 0.75m below the ceiling of the building; and
 - (iii) there is a clear passageway at least 1.5m wide between each bay; and
- (c) the flammable or combustible material is stored not less than 4m from the boundary of the land.

8 Flues

The occupier of a building in an emergency response area in which a fume or exhaust flue has been constructed shall ensure that the flue is:

- (a) fitted with inspection ports;
- (b) inspected regularly; and
- (c) cleaned regularly.

9 Cutting, heating and welding equipment

- (1) The occupier of land in an emergency response area on which cutting, heating or welding equipment, as defined in AS 1674, is used as part of a business conducted on the land shall ensure that, while the equipment is being used:
 - (a) a fire extinguisher of a type that is appropriate in accordance with AS 2444, having regard to the equipment being used, is readily accessible to the person using the equipment; and
 - (b) where there is a possibility of danger by fire to life or property, a protective screen surrounds the area in which the equipment is being used.
- (2) A person using cutting heating or welding equipment, as defined in AS 1674, in an emergency response area, whether in the open air or in an enclosed space, shall ensure that all welding dross or residue that may be a source of ignition for flammable or combustible material or that may cause a fire is properly extinguished and contained within the immediate vicinity of the equipment.

10 Oily waste

The occupier of land in an emergency response area on which a factory, workshop, service station, engine-room, power station or shipyard is situated shall ensure that:

- (a) adequate steel containers are provided for all polishing cloths, oil-soaked rag or oily waste; and
- (b) the containers are fitted with secure tightly fitting lids.

11 Duties of owners and occupiers of certain buildings

- (1) For the purposes of this regulation, a **prescribed building** means a building of type specified in Schedule 2 or a building declared by the Director under subregulation (2).
- (2) The Director may, having regard to the nature of the hazards associated with a building, the size, location or class of building and/or the mobility of the persons in the building, declare the building to be a prescribed building.
- (3) The owner or occupier of a prescribed building in an emergency response area shall ensure that all persons who work in the building are, not later than 30 days after the commencement of these Regulations or after commencing work in the building, whichever is the later, and thereafter at intervals not longer than 12 months while they continue to work in the building, given instruction on measures for the protection of persons in the building from fire and other fire related emergencies.
- (4) The owner or occupier of a prescribed building in an emergency response area shall ensure that the requirements of AS 3745 are applied to safety systems that are installed in the building.
- (5) The instruction referred to in subregulation (3) shall comply with AS 3745 and shall include information relating to:
 - (a) the means of access to and escape from the building;
 - (b) the siting and method of use of fire fighting equipment available in the building;
 - (c) the siting and method of operation of warning apparatus in the building;
 - (d) the conducting of other persons to the means of escape referred to in paragraph (a) or a place of safety; and
 - (e) the methods of accounting for persons and reporting to the person for the time being in charge of the building or the Director.
- (6) The owner or occupier of a prescribed building in an emergency response area shall cause a register to be kept containing details of:
 - (a) the information to be given to persons employed in the building;

- (b) the name of the person responsible for giving instruction and the date on which such instruction was given; and
 - (c) the names of the persons or the groups of persons to whom instruction was given and a description of the kind of instruction given.
- (7) The register referred to in subregulation (6) shall be produced on demand for inspection by a member.

12 Caravan parks

- (1) The Minister may, by notice in the *Government Gazette*, declare that this regulation applies to and in relation to an area of the Territory.
- (2) The owner or occupier of land used as a caravan park in an area declared under subregulation (1) shall ensure that:
 - (a) a clear space of not less than 3 metres is left between each caravan;
 - (b) no caravan is parked within 4 metres of a boundary of the caravan park;
 - (c) fire hydrants are installed as directed by the Director or an authorised member;
 - (d) hose reels complying to AS 2441 are installed on the land and connected to a permanent water supply; and
 - (e) vehicle access to and on the land is sufficient to enable fire fighting equipment to enter and to access all areas on the land in the case of a fire or other emergency.
- (3) For the purposes of subregulation (2):
 - (a) **caravan** includes an annex attached to a caravan; and
 - (b) land is used as a caravan park if more than 3 caravans are regularly parked on the land and the owner or occupier of the land receives payment from another person as consideration for permitting that other person to park or live in a caravan on the land.

Part 3 Infringement notices

13 Issuing of infringement notices

Where an authorised member has reason to believe that an offence has been committed, the member may serve on the person who appears to have committed the offence an infringement notice.

14 Service of infringement notice

An authorised member may serve on an offender an infringement notice by:

- (a) personally handing it to the offender;
- (b) posting it to the offender at the offender's last known postal address or place of residence or business; or
- (c) leaving it for the offender at the offender's last known place of residence or business with some other person apparently resident or employed there and apparently not less than 16 years of age.

15 Particulars to be shown on infringement notice

An infringement notice shall have clearly shown on it:

- (a) the date, time and place of the offence;
- (b) the nature of the offence and the penalty payable;
- (c) the place or places at which a penalty may be paid;
- (d) the date of the infringement notice and a statement that the penalty or penalties may be paid within 28 days after that date; and
- (e) a statement to the effect that, if the appropriate amount specified in the infringement notice as the penalty for the offence is tendered at a place referred to in the notice within the time specified in the notice, no further action will be taken.

16 Penalty for offence

The penalty payable for the purposes of this Part for an offence is the amount specified in column 2 of Schedule 3 in relation to the offence specified in column 1 opposite the amount.

17 Payment before expiry date of infringement notice

- (1) Subject to regulation 18, where, before the expiration of the period specified in an infringement notice for the payment of a penalty, the amount of the penalty shown on the notice is paid at a place specified in the notice the offender shall be deemed to have expiated the offence by payment of the penalty and no further proceedings shall be taken in relation to the offence.
- (2) Where a person tenders a cheque in payment of a penalty under this regulation at, or sends it by post to, a place specified in an infringement notice where the penalty may be paid, payment shall be deemed not to be made unless the cheque is honoured on presentation.

18 General

Nothing in this Part:

- (a) prejudices or affects (except as provided by regulation 17) the institution or prosecution of proceedings, or limits the amount of the fine that may be imposed by a court, in relation to an offence; or
- (b) shall be construed as requiring the serving of an infringement notice or as affecting the liability of a person to be prosecuted in a court in relation to an offence in respect of which an infringement notice has not been served.

Part 4 Miscellaneous**19 Commissioned ranks**

For the purposes of section 44 of the Act, the rank of Divisional Commander is prescribed.

20 General penalty

A person who contravenes or fails to comply with a provision of these Regulations is guilty of an offence.

Penalty: \$10,000.

21 Repeal

The *Fire Service Regulations*, Regulations No. 38 of 1983 and No. 6 of 1985, and the *Fire Service (Fire Hazard) Regulations*, Regulations No. 39 of 1983, are repealed.

Schedule 1

regulation 3

NORTHERN TERRITORY OF AUSTRALIA

Fire and Emergency Act

PERMIT TO LIGHT FIRE IN OPEN AIR

BURNING FLAMMABLE OR COMBUSTIBLE MATERIAL AND FIRES IN THE
OPEN AIR

ADDRESS OF PREMISES:

NAME OF OCCUPIER:

NAME OF OWNER:

YOU ARE HEREBY GIVEN PERMISSION TO HAVE A FIRE BURNING AT:
.....

BETWEEN / / AND / / SUBJECT TO THE PROVISIONS OF
THE FIRE AND EMERGENCY ACT AND THE FIRE AND EMERGENCY
REGULATIONS AND THE CONDITIONS LISTED HEREUNDER:

CONDITIONS OF PERMIT

Notify Phone No:

Fire Station:

.....
INSPECTING MEMBER
FOR DIRECTOR OF FIRE
AND RESCUE SERVICE

.....
OWNER/OCCUPIER

Schedule 2

regulation 11

Buildings used for health care where the occupants undergo medical treatment and generally would need physical assistance to evacuate the building during an emergency, including:

- (a) public or private hospitals;
- (b) nursing homes or buildings used to accommodate sick or disabled persons needing full-time nursing care; and
- (c) medical clinics, day surgeries or procedure units where patients may require medical care for some time after treatment.

Buildings used as child care centres.

Buildings used as places of public entertainment.

Buildings used for educational purposes, including schools, educational colleges and universities.

Buildings where people may assemble including for civic, theatrical, social, political, religious, recreational or transit purposes.

Buildings used for long term or transient residential accommodation for unrelated persons, including:

- (a) boarding houses, guest houses, hostels, lodging-houses and back packers accommodation;
- (b) the residential parts of motels and hotels;
- (c) the residential parts of schools;
- (d) accommodation for the aged, disabled or children; and
- (e) the residential parts of buildings used for health care that accommodate medical staff.

Office buildings.

Shopping complexes, including super markets and large variety stores that incorporate smaller variety stores in the complex.

Buildings used as factories or warehouses, including buildings in which goods are manufactured, processed, produced, assembled, altered, packaged, finished, cleaned, stored or displayed.

Buildings used as fuel depots in which bulk fuels in tanks or packages are stored before distribution.

Buildings licensed under the *Liquor Act* for the sale of liquor for consumption on the buildings and where entertainment is provided, including bars, restaurants, discotheques and nightclubs.

Buildings used as laboratories, whether for commercial, industrial and educational purposes.

Schedule 3

		regulation 16
Column 1		Column 2
		\$
Section 28	Light fire without permit	100
Section 28	Light fire on rural lot without permit	300
Section 30(6)	Fail to comply with condition of permit	200
Section 32	Light fire on fire ban day	300
Section 33(a)	Fail to attempt to extinguish unlawful fire	100
Section 33(b)	Fail to report unlawful fire	100
Section 35(1)(a)(i)	Throw down or otherwise dispose of burning article or substance causing fire	200
Section 35(1)(a)(ii)	Throw down or otherwise dispose of burning article or substance likely to cause fire	100
Section 35(1)(b)	Destroy, damage or cover notice	100
Section 35(1)(c)	Obstruct or interfere with member	200
Section 35(1)(d)	Drive over hose	100
Section 35(1)(e)	Drive vehicle so as to interfere with emergency operations	100
Section 35(1)(f)	Destroy, damage or interfere with equipment used by member or building used by Fire and Emergency Response Group	100
Section 35(1)(g)	Interfere &c., with fire hydrant, hose reel or other equipment	100
Section 35(1)(h)	Interfere with mark &c., indicating position of fire hydrant	100
Section 35(1)(j)	Tamper with fire alarm	300

Section 35(1)(k)	Give false alarm	200
Regulation 4(1)	Fail to install fire break	300
Regulation 4(1)	Allow combustible material to accumulate on land	300
Regulation 4(5)	Fail to comply with direction to install additional fire break	300
Regulation 12(2)(a)	Fail to leave space between caravans in caravan park	300
Regulation 12(2)(b)	Fail to leave space around boundary of caravan park	300
Regulation 12(2)(e)	Fail to ensure access of fire fighting equipment in caravan park	300

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Fire and Emergency Regulations (SL No. 19, 1996)

Notified	1 May 1996
Commenced	1 May 1996

Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)

Assent date	11 December 2001
Commenced	11 December 2001 (s 2(1) and (4), s 2 <i>Corporations Reform (Consequential Amendments NT) Act 2001</i> (Act No. 17, 2001), s 2 <i>Corporations Act 2001</i> (Cth Act No. 50, 2001) and Cth Gaz S285, 13 July 2001)

Statute Law Revision Act (No. 2) 2003 (Act No. 44, 2003)

Assent date	7 July 2003
Commenced	7 July 2003

3 LIST OF AMENDMENTS

r 12	amd Act No. 44, 2003, s 6
r 19	amd Act No. 62, 2001, s 7