

# NORTHERN TERRITORY OF AUSTRALIA

## FIRE AND EMERGENCY REGULATIONS

As in force at 11 March 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 11 March 2008

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## 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.

**offender** means a person whom a police officer or a member reasonably believes has 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 Standards Australia International Limited (A.C.N. 087 326 690) or the Standards Association of Australia as constituted before 1 July 1999, 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 is not permitted to 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.

Penalty: 100 penalty units.

## **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.

Penalty: 100 penalty units.

## **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 top of the stack of material in 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.

Penalty: 100 penalty units.

## **7A Stacked tyres**

- (1) The occupier of land in an emergency response area on which motor vehicle tyres (whether new or used) are stacked must ensure that:

- (a) the height of any stack does not exceed 3 metres;
- (b) the base layer of tyres in any stack does not exceed 45 metres in length and 5 metres in width; and
- (c) the slope of any side of any stack is not steeper than 1:1.

Penalty: 100 penalty units.

- (2) The occupier must ensure that stacks are separated from each other, and from the boundary of the land:

- (a) by not less than 10 metres at any point; or
- (b) by walls that have a fire rating of not less than 4 hours.

Penalty: 100 penalty units.

- (3) The occupier must ensure that, if stacks are separated by walls:

- (a) the walls exceed the height of the stacks by not less than 1.5 metres and protrude not less than 1.5 metres past the stack at either end;
- (b) the stacks are not grouped more than 2 stacks in either direction;
- (c) the aggregate width of the group does not exceed 10 metres;
- (d) the aggregate length of the group does not exceed 90 metres; and
- (e) a group of stacks is separated from any other flammable or combustible material (including any other group of stacks, any individual stacks and grass or weeds) by not less than 10 metres at any point.

Penalty: 100 penalty units.

**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 at least twice annually; and
- (c) cleaned at least annually.

**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.

Penalty: 100 penalty units.

- (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 contained within the immediate vicinity of the equipment and properly extinguished.

Penalty: 100 penalty units.

**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.

Penalty: 100 penalty units.

**11 Duties of owners and occupiers of certain buildings**

- (1) The owner or occupier of a prescribed building in an emergency response area must ensure that all persons who work in the building are, not later than 30 days after commencing work in the building 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.

Penalty: 100 penalty units.

- (2) The instruction must include information relating to:
- (a) the means of access to and escape from the building;
  - (b) the location of fire-fighting equipment available in the building and the method of use of the equipment;
  - (c) the location of warning apparatus in the building and the method of use of the apparatus; and
  - (d) for persons nominated as fire wardens for areas of the building:
    - (i) conducting other persons to the means of escape referred to in paragraph (a) or a place of safety; and
    - (ii) the methods of accounting for persons and reporting to the person for the time being in charge of the building or the Director.
- (3) The owner or occupier of a prescribed building in an emergency response area must keep a register containing details of:
- (a) the information to be given to persons working in the building;
  - (b) the name of the person responsible for giving the instruction required by this regulation 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.
- (4) The owner or occupier must produce the register for inspection on demand by a member.



- (5) The owner or occupier of a prescribed building in an emergency response area must ensure that the requirements of AS 3745 are applied to safety systems that are installed in the building.

Penalty: 100 penalty units.

- (6) The owner or occupier of a prescribed building in an emergency response area must ensure that:

- (a) exit lights, emergency lighting and fire-fighting equipment are maintained in accordance with relevant standards;
- (b) there is no obstruction of designated fire exits or the path of travel to those exits;
- (c) combustible material is not stored in or in the vicinity of stairways;
- (d) designated fire exits are:
  - (i) fitted with locking devices that comply with the relevant Australian Standard and any legislative requirements; and
  - (ii) not fitted with any non-compliant locking devices; and
- (e) if any law provides for a maximum permissible number of persons that may be in the building at any time – the number of persons in the building does not exceed the maximum.

Penalty: 100 penalty units.

- (7) In this regulation:

***prescribed building*** means a building of type specified in Schedule 2 or a building declared by the Director under section 27B of the Act.

## **12 Caravan parks**

- (1) The owner or occupier of land used as a caravan park must ensure that caravans are separated from each other, from any accommodation cabins or other buildings on the land and from the boundary of the land by not less than 3 metres at any point.

Penalty: 100 penalty units.

- (2) The owner or occupier of land used as a caravan park must ensure that:

- (a) vehicle access into and within the caravan park is sufficient to enable fire-fighting equipment to enter and access all areas of the park; and
- (b) where caravans are separated from each other or from cabins or other buildings by an internal roadway, a minimum separation of 6 metres is maintained along the internal roadway.

Penalty: 100 penalty units.

- (3) The owner or occupier of land used as a caravan park must ensure that:

- (a) hose reels complying with AS 2441; or
- (b) if water pressure at the park is not adequate to comply with AS 2441 – alternative arrangements approved by the Director,

are installed and connected to a permanent water supply.

Penalty: 100 penalty units.

- (4) The owner or occupier of land used as a caravan park must ensure that every rental caravan, and every permanently sited caravan that is controlled by the owner or occupier of the land, is fitted with a smoke alarm that is:

- (a) hard wired to mains electricity; or
- (b) a sealed long life lithium battery unit.

Penalty: 100 penalty units.

- (5) The owner or occupier of land used as a caravan park must ensure that flammable or combustible material is not permitted to accumulate on the land in a way that constitutes a danger by fire.

Penalty: 100 penalty units.

- (6) The owner or occupier of land used as a caravan park must:

- (a) prepare an emergency management plan;
- (b) ensure that all staff of the caravan park are trained in the procedures contained in the plan; and

- (c) ensure that copies of the plan are:
  - (i) given to all residents of the caravan park; and
  - (ii) displayed in at least one prominent location within the park.

Penalty: 100 penalty units.

(7) For this regulation:

- (a) a caravan:
  - (i) is a habitable container designed to be towed, driven or carried by a vehicle, whether the container is fixed or mobile and whether or not it has wheels; and
  - (ii) includes an annex attached to the caravan; and
- (b) land is taken to be used as a caravan park if:
  - (i) the land is advertised (whether seasonally or not) as available for the parking of caravans for the purpose of providing accommodation to members of the public; and
  - (ii) the owner or occupier of the land receives payment from another person as consideration for permitting the person to park or live in a caravan on the land.

## **Part 3                      Infringement notices**

### **13                      Issuing of infringement notices**

- (1) If a police officer or an authorised member has reason to believe that an offence specified in Schedule 3 has been committed, the officer or member may:
  - (a) require the offender to provide his or her name, address and date of birth; and
  - (b) serve on the offender an infringement notice.
- (2) A person who is required under subregulation (1) to provide information must comply with the requirement and not give false or misleading information.

Penalty: 100 penalty units.

**14 Service of infringement notice**

A police officer or 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 alleged offence;
- (b) the nature of the alleged 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 alleged 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 regulations 18 and 18B, 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 alleged 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.

## **18A Enforcement of infringement notices**

- (1) The *Fines and Penalties (Recovery) Act* applies in relation to an infringement notice issued under regulation 13 if the amount payable under the infringement notice is not paid within the specified time.
- (2) The Director is an enforcement agency for the *Fines and Penalties (Recovery) Act*.

## **18B Withdrawal of infringement notice**

- (1) An infringement notice issued under regulation 13 may be withdrawn, at any time within 28 days after the notice is served, by addressing to the offender a notice of withdrawal.
- (2) A notice of withdrawal must state that the infringement notice is withdrawn and that any money paid by way of penalty under the notice will be refunded.
- (3) A notice of withdrawal may be issued by:
- (a) the member or police officer who served the infringement notice; or
- (b) a police officer authorised for the purpose by the Commissioner of Police; or
- (c) a member authorised for the purpose by the Director.

- (4) A notice of withdrawal may be served on the offender in any manner that an infringement notice may be served under regulation 14.
- (5) If an infringement notice is withdrawn for the purpose of prosecuting the offender for the offence, the production of a certificate signed by the member or the police officer who issued the notice of withdrawal is evidence of the following matters stated in the certificate:
  - (a) the member or officer is authorised to issue notices of withdrawal;
  - (b) on a specified date the member or officer issued a notice of withdrawal of a specified infringement notice.

## **Part 4                      Miscellaneous**

### **19                      Commissioned ranks**

For the purposes of section 44 of the Act, the rank of District Officer is prescribed.

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## 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.



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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

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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 5	Fail to stack flammable or combustible material in prescribed manner	300
Regulation 6	Fail to stack timber or wood in prescribed manner	300
Regulation 7	Fail to stack bulk flammable or combustible material in prescribed manner	300
Regulation 7A	Fail to stack tyres in prescribed manner	300
Regulation 8	Fail to have flue inspected or cleaned as prescribed	300
Regulation 9(1)	Fail to ensure fire extinguisher is accessible or protective screens used	300
Regulation 9(2)	Fail to contain and extinguish welding dross or residue	300
Regulation 10	Fail to provide containers as prescribed	300
Regulation 11(1)	Fail to ensure prescribed instruction is given	500
Regulation 11(3)	Fail to keep prescribed register	500
Regulation 11(4)	Fail to produce register on demand	500
Regulation 11(5)	Fail to ensure prescribed requirements of safety systems	500
Regulation 11(6)(a)	Fail to ensure exit lights, emergency lighting and fire-fighting equipment are maintained as prescribed	500
Regulation 11(6)(b)	Fail to ensure fire exits not obstructed	500
Regulation 11(6)(c)	Fail to ensure combustible material not stored in or near stairways	500

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Regulation 11(6)(d)	Fail to ensure fire exits fitted with (and only with) complying locking devices	500
Regulation 11(6)(e)	Fail to ensure maximum number of persons not exceeded	500
Regulation 12(1)	Fail to leave space between caravans and cabins, buildings or boundary of caravan park	300
Regulation 12(2)	Fail to ensure access for fire-fighting vehicles in caravan park	300
Regulation 12(5)	Permit flammable or combustible material to accumulate in caravan park	300
Regulation 12(6)(c)	Fail to provide emergency management plan to all residents or display plan	300

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## 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

#### ***Fire and Emergency Amendment Regulations 2005 (SL No. 47, 2005)***

Notified	9 November 2005
Commenced	9 November 2005

#### ***Statute Law Revision Act 2007 (Act No. 4, 2007)***

Assent date	8 March 2007
Commenced	8 March 2007

#### ***Statute Law Revision Act 2008 (Act No. 6, 2008)***

Assent date	11 March 2008
Commenced	11 March 2008

### 3 LIST OF AMENDMENTS

r 2	amd No. 47, 2005, r 14; Act No. 4, 2007, s 7
r 4	amd No. 47, 2005, r 14
r 5	amd No. 47, 2005, r 3

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r 6	amd No. 47, 2005, r 4
r 7	amd No. 47, 2005, r 5
r 7A	ins No. 47, 2005, r 6
r 8	amd No. 47, 2005, r 7
r 9	amd No. 47, 2005, r 8
r 10	amd No. 47, 2005, r 9
r 11	sub No. 47, 2005, r 10
r 12	amd Act No. 44, 2003, s 6
	sub No. 47, 2005, r 10
r 13	sub No. 47, 2005, r 10
rr 14 – 17	amd No. 47, 2005, r 14
r 18A	ins No. 47, 2005, r 11
r 18B	ins No. 47, 2005, r 11
	amd Act No. 6, 2008, s 4
r 19	amd Act No. 62, 2001, s 7; No. 47, 2005, r 14
rr 20 – 21	rep No. 47, 2005, r 12
sch 3	amd No. 47, 2005, r 13