

NORTHERN TERRITORY OF AUSTRALIA
FIRE AND EMERGENCY AMENDMENT REGULATIONS 2005

Regulations No. 47 of 2005

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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

Regulations No. 47 of 2005*

Fire and Emergency Amendment Regulations 2005

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Fire and Emergency Act*.

Dated 2 November 2005.

E. J. EGAN
Administrator

By His Honour's Command

CLARE MARTIN
Chief Minister
acting for the
Minister for Police, Fire and Emergency Services

* Notified in the *Northern Territory Government Gazette* on 9 November 2005.

Fire and Emergency Amendment Regulations 2005

1. Citation

These Regulations may be cited as the *Fire and Emergency Amendment Regulations 2005*.

2. Principal Regulations amended

These Regulations amend the *Fire and Emergency Regulations*.

3. Amendment of regulation 5 (Stacked containers)

Regulation 5, at the end –

insert

Penalty: 100 penalty units.

4. Amendment of regulation 6 (Stacked timber and wood)

Regulation 6, at the end –

insert

Penalty: 100 penalty units.

5. Amendment of regulation 7 (Stacked flammable or combustible material)

(1) Regulation 7(b)(ii) –

omit

tops of each bay

substitute

top of the stack of material in each bay

(2) Regulation 7, at the end –

insert

Penalty: 100 penalty units.

6. New regulation 7A

After regulation 7 –

insert

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.

7. Amendment of regulation 8 (Flues)

- (1) Regulation 8(b) –

omit

regularly

substitute

at least twice annually

- (2) Regulation 8(c) –

omit

regularly

substitute

at least annually

- (3) Regulation 8, at the end –

insert

Penalty: 100 penalty units.

8. Amendment of regulation 9 (Cutting, heating and welding equipment)

- (1) Regulation 9(1), at the end –

insert

Penalty: 100 penalty units.

- (2) Regulation 9(2) –

omit

properly extinguished and

- (3) Regulation 9(2), at the end –

insert

and properly extinguished

- (4) Regulation 9(2), at the end –

insert

Penalty: 100 penalty units.

9. Amendment of regulation 10 (Oily waste)

Regulation 10, at the end –

insert

Penalty: 100 penalty units.

10. Repeal and substitution of regulations 11, 12 and 13

Regulations 11, 12 and 13 –

repeal, substitute

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.

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(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.

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.

11. New regulations 18A and 18B

After regulation 18 in Part 3 –

insert

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;
- (b) a police officer authorised for the purpose by the Commissioner;
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.

12. Repeal of regulations 20 and 21

Regulations 20 and 21 –

repeal

13. Amendment of Schedule 3

Schedule 3, items relating to regulation 12(2)(a), (b) and (e) –

omit, substitute

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

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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
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

14. Further amendments

The Schedule has effect.

SCHEDULE

Regulation 14

FURTHER AMENDMENTS

Provision	Amendment	
	omit	substitute
Regulation 2(1)		
– definition of "offence"	specified in column 1 of Schedule 3	
– definition of "offender"	is believed to have	a police officer or a member reasonably believes has
Regulation 2(2)	the Standards Association of Australia	Standards Australia International Limited (A.C.N. 087 326 690) or the Standards Association of Australia as constituted before 1 July 1999
Regulation 4(1)(a)	does not	is not permitted to
Regulation 14	An authorised member	A police officer or an authorised member
Regulation 15(a) and (b)	offence	alleged offence
Regulation 16	offence (first reference)	alleged offence
Regulation 17(1)	regulation 18	regulations 18 and 18B
	offence (first reference)	alleged offence
Regulation 19	Divisional Commander	District Officer