

# Can I or can't I?

October 2021

To report a fire  
**DIAL 000**

This guide gives you general information about 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 in Victoria during periods of increased fire risk and may declare different periods in different areas across the state. Refer to the CFA website [cfa.vic.gov.au](http://cfa.vic.gov.au) for further details about your location. In state forests, national parks and on protected public land, fire restrictions are in force all year round. Contact the Department of Environment, Land,

Water and Planning (DELWP) for advice on fire restrictions in these areas. Also, always check with your municipality as some have restrictions in place all year round.

Total Fire Bans are declared by CFA on days when fires are likely to spread rapidly and be difficult to control. They can apply to the whole of Victoria or defined districts. Penalties for lighting fires illegally during the Fire Danger Period and on Total Fire Ban days include large fines and possible imprisonment.

## Can I have a barbecue, light a camp fire or light a fire for warmth or comfort?



## 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 or hotplate at outdoor functions?



### During Fire Danger Period

#### No, unless:

- the wind is not more than 10km/h (this can be observed if leaves and small twigs are in constant motion)
- the fire is lit in a **properly-constructed fireplace** or in a trench at least 30 centimetres deep
- the area within a distance of 3 metres from the outer perimeters of the fire and the uppermost point of the fire is clear of flammable material
- 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
- a person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire
- the fire is completely extinguished before the person leaves

Note that the CFA Act 1958 defines, a properly-constructed fireplace as a fireplace that is constructed of stone, metal, concrete or any other non-flammable material that contains the perimeter of the fire. A commercially-produced barbecue or portable gas stove is considered a properly-constructed fireplace.

### During Fire Danger Period

#### No, unless:

- the wind is not more than 10km/h (this can be observed if leaves and small twigs are in constant motion)
- the fire is lit in a **properly-constructed fireplace** or in a trench at least 30 centimetres deep
- the area within a distance of 3 metres from the outer perimeters and uppermost point of the fire is clear of flammable material
- the fire does not occupy an area of more than 1 square metre and the size and dimensions of fuel used are the minimum necessary for the purpose
- a person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire
- the fire is completely extinguished before the person leaves

If you cannot meet these conditions you will need to apply for a permit online ([firepermits.vic.gov.au](http://firepermits.vic.gov.au)) or from a CFA or FRV district office depending on the location of the activity.

### On Total Fire Ban Days

 **All camp fires, fires for warmth or personal comfort are banned during Total Fire Ban Days. Solid and liquid fuel barbecues and ovens (including hangis) are also banned during Total Fire Ban Days.**

#### No, unless:

- the barbecue uses only gas or electricity and is a permanently fixed structure built of stone, metal, concrete or another non-flammable material designed exclusively for meal preparation, or is designed and commercially manufactured exclusively for meal preparation (including portable gas barbecues and portable gas stoves), and when alight is 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
- you have 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 a fire is alight who has the capacity and means to extinguish the fire
- the fire is completely extinguished before the adult leaves.

### On Total Fire Ban Days

 **No, unless you have a written permit issued by CFA, DELWP or FRV and you comply with the conditions of that permit.**

A community organisation, a charitable organisation or an organisation involved in fundraising (for example, a school or sporting group) 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 CFA, DELWP or FRV depending on the location of the activity.

Municipal Fire Prevention Officers cannot issue these permits.

# Can I or can't I?

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## Can I have a spit style rotisserie fired by heat beads, wood or other solid fuel?



## Can I use a gas-powered wildlife scare gun?



## Can I light a fire in the open air to burn off grass, stubble, weeds, undergrowth or other vegetation?



## Can I drive a vehicle in places where the vehicle will be in contact with crops, grass, stubble, weeds, undergrowth or other vegetation?

### During Fire Danger Period

#### No, unless:

- the wind is not more than 10km/h (this can be observed if leaves and small twigs are in constant motion)
- the fire is lit in a **properly-constructed fireplace** or in a trench at least 30 centimetres deep
- the area within a distance of 3 metres from the outer perimeter of the fire and the uppermost point of the fire is clear of flammable material
- 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
- a person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire
- the fire is completely extinguished before the person leaves

### On Total Fire Ban Days

#### No

**Solid Fuel barbecues and spit style rotisseries fired by heat beads, wood or other solid material are banned in the open air on Total Fire Ban days.**



Note that the CFA Act 1958 defines, a properly-constructed fireplace as a fireplace that is constructed of stone, metal, concrete or any other non-flammable material that contains the perimeter of the fire. A commercially-produced barbecue is considered a properly-constructed fireplace.

### During Fire Danger Period

#### No, unless:

- you have a fire danger period (Schedule 14) permit issued by CFA or FRV, depending on the location of the activity; and comply with all permit conditions

### On Total Fire Ban Days

#### No

Gas-powered scare guns cannot be used on days of Total Fire Ban.



### During Fire Danger Period

#### No, unless:

- you have a Fire Danger Period permit issued by CFA, FRV or a Municipal Fire Prevention Officer, depending on the location of the activity
- you have a written permit issued by a Fire Prevention Officer of a public authority if planning to burn on land under their jurisdiction
- you comply with the conditions of that permit
- a person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire
- the fire is completely extinguished before the person leaves.

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.

### On Total Fire Ban Days

#### No

All fires in the open air for burning off grass, scrub, stubble or rubbish are banned during Total Fire Ban days.

All Fire Danger Period permits issued by CFA, FRV, a Municipal Fire Prevention Officer or a Fire Prevention Officer of a public authority, are suspended for the duration of any Total Fire Ban day.

Any existing fires, including those that were allowed under an exemption or permit for the Fire Danger Period, are prohibited and must be completely extinguished before the Total Fire Ban begins.



### During Fire Danger Period

#### No, unless:

- the vehicle is fitted with an efficient silencing device (eg muffler) which takes all the exhaust from the engine through the silencing device.

You should avoid driving vehicles through dry vegetation in hot and dry conditions even if it is not a Total Fire Ban Day, because of the risk posed by the hot exhaust system.

### On Total Fire Ban Days

#### No, unless:

- the vehicle is fitted with an efficient silencing device (eg muffler) which takes all the exhaust from the engine through the silencing device.

This should be avoided wherever possible because the risk of starting fires is extremely high and the impact of fire on these days may be much greater.

# Can I or can't I?

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## Can I use a chainsaw, plant or grass trimmer or lawn mower?



## Can I carry out: • welding, grinding, charring, soldering or gas cutting? • rail maintenance? • heating bitumen? • relocating bees using a bee smoker? • extracting honey using heat or flame?



### During Fire Danger Period

#### No, unless:

- the chainsaw, plant or grass trimmer or lawn mower complies with the following when used in vegetation that is not green (that is dry vegetation):
  - free from faults and mechanical defects that could cause an outbreak of fire
  - fitted with an efficient spark arrester
  - have an area of at least 3 metres around the machine cleared of flammable material.

Also, a person must be in attendance at all times the machine is being used, and must carry at least one of the following fire suppression equipment items:

- one knapsack spray pump, in working order, fully charged with water, with a capacity of not less than 9 litres, or
- 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.

Work undertaken in GREEN vegetation is permitted, however CFA suggests maintaining equipment and carrying fire suppression equipment as described above.

### On Total Fire Ban Days

This should be avoided wherever possible on Total Fire Ban days because the risk of starting fires is extremely high and the impact of fire on these days may be much greater. If the work is essential, follow the guidelines in the adjacent column for the Fire Danger Period.



Note that the spark arrester, the knapsack spray pump and the water fire extinguisher referred to above must comply with the applicable Australian Standards.

### During Fire Danger Period

#### No, unless:

- a fire-resistant shield or guard is in place to stop sparks, hot metal or slag from the fire
- 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
- you have a hose connected to a reticulated water supply or water spray knapsack containing at least 9 litres of water
- all cut-offs and hot materials from the operation are placed in fire-proof containers
- a person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire
- the fire is completely extinguished before the person leaves.

### On Total Fire Ban Days

#### No

**These activities are banned on Total Fire Ban Days:**

In limited circumstances, CFA, DELWP or FRV may issue a permit on Total Fire Ban Days.

These permits are issued by CFA, DELWP or FRV depending on the location of the activity. They cannot be issued by Municipal Fire Prevention Officers.

See the back page for details about how to apply for a permit.



# Can I or can't I?

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## Can I use an incinerator?

### During Fire Danger Period

#### No, unless:

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)
2. And the following requirements are met:
  - the fire is effectively restricted within the incinerator which means that sparks, embers or coals cannot escape from the top, side or bottom of the incinerator
  - the wind is not more than 10km/h (this can be observed if leaves and small twigs are in constant motion)
  - the ground and air space within 3 metres from the outer perimeter of the incinerator are clear of flammable material
  - a supply of water adequate to extinguish the fire is available at all times when the fire is burning
  - a person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire
  - the fire is completely extinguished before the person leaves.

### On Total Fire Ban Days

#### No

Using an incinerator is banned on Total Fire Ban Days.



Note that the CFA Act 1958 defines an incinerator as a structure or device which is used, or may be used, for the destruction or disposal of unwanted materials by burning and is:

- constructed from non-flammable material, and
- fitted with a shield or guard of non-flammable material to prevent the emission of sparks, embers or other burning material.

## 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?

### During Fire Danger Period

#### No, unless the machinery:

- is free from faults and mechanical defects that could cause an outbreak of fire
- is fitted with a spark arrester in working order, a turbocharger or exhaust aspirated air cleaner
- carries fire suppression equipment comprising either:
  - at least one knapsack spray pump, in working order, fully charged with water, with a capacity of not less than 9 litres, or
  - 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.

### On Total Fire Ban Days

This should be avoided wherever possible because the risk of starting fires is extremely high and the impact of fire on these days may be much greater.

If the work is essential, follow the guidelines in the adjacent column for Fire Danger Period.



Note that the spark arrester, the knapsack spray pump and the water fire extinguisher referred to above must comply with the applicable Australian Standards.

It is the responsibility of every individual using fire to ensure they comply with the fire restriction laws. Anyone using fire must ensure their actions do not cause a fire to spread to other property. Severe penalties apply under the Crimes Act 1958 (Vic) to anyone who intentionally or recklessly lights, maintains or fails to contain a fire and allows it to spread onto other property. This brochure mentions permits in several sections.

#### How can I apply for a permit to use fire during the declared Fire Danger Period or on a day of Total Fire Ban?

To apply for a permit to use fire anywhere in Victoria refer to [firepermits.vic.gov.au](http://firepermits.vic.gov.au).

#### Who must I advise if I'm going to light fire in accordance with my permit?

You must notify the Emergency Services Telecommunications Authority (ESTA) via [firepermits.vic.gov.au](http://firepermits.vic.gov.au), or by phoning

1800 668 511. Check your permit conditions as there are often other people identified who must also be notified.

#### Who must I advise if I'm going to have a burn-off?

At any time of the year, you must notify ESTA before burning off via [firepermits.vic.gov.au](http://firepermits.vic.gov.au) or by phoning 1800 668 511.

For any clarification or further information contact:

CFA: phone (03) 9262 8444; email [fire.restrictions@cfa.vic.gov.au](mailto:fire.restrictions@cfa.vic.gov.au)

DELWP: phone 136 186; [ffm.vic.gov.au/permits-and-regulations/fire-permits](http://ffm.vic.gov.au/permits-and-regulations/fire-permits)

FRV: phone (03) 9662 2311;

email [firepermitqueries@frv.vic.gov.au](mailto:firepermitqueries@frv.vic.gov.au)

In many municipalities north-east and east of Melbourne, DELWP fire restrictions also apply within 1.5km of the public land boundary. Check the DELWP website for details.