



# South Australian Country Fire Service

## Code of Practice

### Personal Comfort and cooking fires

### Braziers, Chimineas, fire drums and fire pits



Government  
of South Australia

#### **DRAFT FOR COMMENT**

This document has not been approved for issue

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**Foreword:**

The activity of having a comfort fire is something associated with the Australian way of life. Since the 1990's we have seen a steady increase in the use of back yard comfort fires. The *Fire and Emergency Services Act 2005* gives general exceptions for the use of solid fuel comfort fires, but these exemptions do not take into account a number of the modern devices such as braziers, chimineas, drums or domestic fire pits.

The *Environment Protection Act 1993*, through the *Environment Protection (Air Quality) Policy 2016* regulates the use of fires across the state throughout the entire year, particularly with regard to the type of fuel that can be used.

The controls under these pieces of legislation need to be adhered to alongside any requirements in this code of practice.

This code has been developed to address the ambiguity of the undertaking of this activity during the fire danger season, days of total fire bans and outside of the fire danger season

**Legislation**

The activity of having a camp fire or comfort fire is covered under the *Fire and Emergency Services Act 2005 (FES)* and the *Environment Protection Act 1993*. Both pieces of legislation need to be complied with when using burning solid fuel devices. (See appendix A)

## Code History

The first version of this Code was developed in 2017

### 1 General

#### 1.1 Scope:

This code applies to any person using a fire for personal comfort or cooking. This code applies across the entire state. This code does not apply to any gas fire used for personal comfort or cooking.

#### 1.2 Terminology:

In this code standard terminology has been used to reduce any confusion.

##### **Abbreviations:**

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*FES Act 2005 – Fire and Emergency Services Act 2005*

*FES Regs 2005 – Fire and Emergency Service Regulations 2005*

#### 1.3 Definitions

***A portable water spray in good working order*** – Is a portable water spray device that is designed to be used for fire fighting operations and maintained to the appropriate Australian Standard. This may also include a Farm Fire Unit or suitable trailer mounted water tank, hose and pump.

***At Hand*** – objects would be considered at hand if a person was to take less than 5 steps to reach the object

***Person who is able to control*** – A person who is not under the effect of any alcohol or drugs and of an age and physical ability that they can take reasonable steps to control the prescribed equipment or any fire that may result from the prescribed equipment being used.

***Flammable materials*** – refers to all vegetation, bush or grasses that may be ignited by sparks and embers and includes undergrowth that is likely to become flammable.

***Portable water spray*** - means—

(a) a knapsack spray pump that—

(i) is fully charged; and

(ii) complies with Australian Standard 1687-1991: *Knapsack Spray Pumps for Fire Fighting*; or

(b) a water fire extinguisher that—

(i) is fully charged; and

(ii) has a tank capacity of at least 9 litres; and

(iii) complies with Australian Standard 1841.2-1997: *Portable Fire Extinguishers—Specific Requirements for Water Type Extinguishers*; and

(iv) is maintained in accordance with Australian Standard 1851.1-1995: *Maintenance of Fire Protection Equipment—Portable Fire Extinguishers and Fire Blankets*.

***Properly constructed fireplace - means***

A device that holds fire and does not allow any spark and ember to leave the device. This device may have doors and openings that will generally remain closed during its operation and free of any opening (other than loading door) of more than 5mm in size.

***A portable cooking appliance – means***

Any solid fuel cooking appliance that holds fire that is portable. This device is generally commercially made similar to a kettle type solid fuel bbq for domestic use. This does not mean an open drum or open trench type device used for cooking large amounts of food on spits etc.

**1.4 References:**

AS 1841.2-1997 – *Portable Fire Extinguishers – Specific requirements for Water Type Extinguishers*  
AS 1851.1-1995 – *Maintenance of Fire Protection Equipment – Portable Fire Equipment – portable fire extinguishers and Fire Blankets.*  
*Fire and Emergency Service Act 2005*  
*Fire and Emergency Services Regulations 2005*

**1.5 General legislative requirements:**

a fire for cooking or personal comfort may be lighted or maintained provided that—

- (i) the fire is contained in a properly constructed fire place, a portable cooking appliance or a trench at least 30 cm deep; and
- (ii) the space immediately around and above the fire is cleared of all flammable material to a distance of at least 4 m; and
- (iii) the fire does not occupy an area in excess of 1 m<sup>2</sup>; and
- (iv) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished; and
- (v) an appropriate agent adequate to extinguish the fire is at hand;

Note: If you are within a township then the burning will also be subject to controls under the *Environment Protection (Air Quality) Policy 2016*,

**1.5.1 Days outside of the declared Fire Danger Season.**

The *Fire and Emergency Services Act* does not regulate the use of a solid fuel fire for personal comfort or cooking outside the fire danger season unless that day is declared a total fire ban day. However caution still needs to be taken to prevent a fire from escaping from its intended use.

Note: If you are within a township then the burning will also be subject to controls under the *Environment Protection (Air Quality) Policy 2016* apply throughout the year.

### 1.5.2 Normal days during the Fire Danger Season:

Current legislation restricts the use of fire for personal comfort and cooking. For the purposes of the *Fire and Emergency Services Act 2005*, if the conditions listed in 1.5 cannot be met, then a permit must be issued by the local council. This will include a formal risk assessment prior to a permit being issued. A permit issued under the *Fire and Emergency Services Act 2005* also allows such fires for the purposes of the *Environment Protection (Air Quality) Policy 2016*.

### 1.5.3 Total Fire Ban Days:

Total Fire Bans are declared on days of predicted Severe, Extreme and Catastrophic fire days (this equates to FDI's at or above 50) and can be declared on any day during the year. The legislation does not allow for the use of any solid fuel fires for personal comfort or cooking at all on these days, unless a permit has been issued by the local council.

Please note that a total fire ban day can be declared outside of the declared fire danger season

## 2 Code of Practice:

### 2.1 General

The SA CFS would only consider a brazier, chiminea, fire drum or fire pit a properly constructed fire place if they meet the following criteria:

- The device had a well fitting cover that has no opening larger than 5mm so as to not allow sparks and embers to be emitted.
- If a flue is fitted it needs to have a spark arrestor fitted.
- Any side holes or drafting holes need to have no opening larger than 5mm in size as to prevent the escape of any sparks or embers.
- Any doors fitted for the loading of solid fuels is tight fitting and has no opening larger than 5mm in size as to prevent the escape of any sparks or embers.

Outside of the above criteria any device that does not meet this would not be considered a properly constructed fireplace and will require a permit to operate.

## 2.2 Outside of the declared fire danger season

Although, the *Fire and Emergency Services Act 2005* allows the use of braziers, chimineas, fire drums and fire pits during this time caution should still be taken when using these items. A person can still face serious criminal charges if a fire starts from the use of these items.

Precautions should include:

- Ensure there is a 4 metre clearance of all flammable material, around and above the fire
- Ensure that there is a responsible person present who is able to control the fire from the time it is lit until its fully extinguished.
- Ensure all campfires are fully extinguished before leaving the site – this means all coals are cold to touch.

Please note: although you may have fully complied with all of the items in this code of practice, the onus remains with the operator of any equipment to ensure no fires start from or and no damage is caused by the operation of these activities.

## 2.2 During the Fire Danger season

**2.2.1** The use of any device considered to be “a properly constructed fire place” will still require the following:

- The space immediately around and above the fire is cleared of all flammable material to a distance of at least 4m; and
- A person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished; and
- An appropriate agent adequate to extinguish the fire is at hand

And the operation of such a device will still be subject to controls under the *Environment Protection Act 1993*, if being operated in the boundaries of a township

### 2.2.3 Assess risks before start up

- Check the weather forecast prior to the activity to ensure a full understanding of the likely conditions on the day
- Ensure all flammable materials are cleared for a distance of 4m
- Have due regard for where the smoke may travel and notify neighbours if appropriate.

### 2.2.4 Post burning

- Ensure all ashes are completely cold before disposing of them
- Use a metal container to transport or store ashes
- Do not place ashes on any flammable materials or dispose of in the normal rubbish bins as ashes may still be hot and reignite.

## 3 Days Declared as Total Fire Ban Days

Total Fire Ban days are declared due to the increased risk of fire. On these days no solid fuel fires are permitted without a permit being issued by the local council.

#### 4 Review

This COP will be initially reviewed 2 years from the implementation date. Then reviewed on an as needs basis

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## 5 Appendix

### 5.1 Legislation

#### FES Act

##### 79—Fires during fire danger season

(3) Subject to subsection (2), a person must not light or maintain a fire in the open air during the fire danger season.

Maximum penalty:

- (a) for a first offence—\$5 000 or imprisonment for 1 year;
- (b) for a second or subsequent offence—\$10 000 or imprisonment for 2 years.

(4) A fire may, subject to any other restrictions imposed under this or any other Act, be lighted or maintained in the open air in the circumstances prescribed by the regulations (and subject to any conditions or requirements that may be prescribed by the regulations).

(5) The fact that a person has lit and maintained a fire in accordance with this section does not of itself relieve the person from liability for any loss or damage caused by the fire.

#### FES Regulations

##### 32A—Fires permitted under section 79(2) of Act

(1) For the purposes of section 79(2) of the Act, a fire may be lighted or maintained in the open air in the following circumstances:

- (a) a fire for cooking or personal comfort may be lighted or maintained provided that—
  - (i) the fire is contained in a properly constructed fire place, a portable cooking appliance or a trench at least 30 cm deep; and
  - (ii) the space immediately around and above the fire is cleared of all flammable material to a distance of at least 4 m; and
  - (iii) the fire does not occupy an area in excess of 1 m<sup>2</sup>; and
  - (iv) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished; and
  - (v) an appropriate agent adequate to extinguish the fire is at hand;

## Environment Protection Act 1993

### *Environment Protection (Air Quality) Policy 2016*

#### **5—Burning in the open in council areas**

- (1) A person must not cause or permit the burning of matter by fire in the open on any land within a council area.

Mandatory provision: Category B offence.

- (2) However—

- (a) subclause (1) does not prevent a person from carrying out the following burning activities within a metropolitan council area or within a township in a non-metropolitan council area:
- (i) lighting or maintaining a fire using charcoal, dry wood or other dry plant material for the purpose of preparing food or beverages;
  - (ii) burning charcoal (but not wood or other plant material) in a brazier, chiminea or fire pit for domestic heating;
- (b) subclause (1) does not prevent a person from carrying out the following burning activities within a non-metropolitan council area (other than a township):
- (i) lighting or maintaining a fire in the open on land using charcoal, dry wood or other dry plant material—
    - (A) for the purpose of preparing food or beverages; or
    - (B) for a campfire or barbecue in the course of camping, scouting or a similar outdoor recreational activity;
  - (ii) burning charcoal, dry wood or other dry plant material in a brazier, chiminea or fire pit for domestic heating;