



SACFS INFORMATION SHEET

ON THE SPOT FINES

The Fire and emergency services Act, 2005 allows for expiation fees, for alleged offences and other offences under the Act. This means that any as alleged offences against the following section of the Act listed below will result in you receiving an on the spot fine. These fines can be issued up to six months after the offence occurred. Any council nominated Fire Prevention Officer or a Police office can issue these fines.

Expiable Offences apply to any breaches of the following

(1) The following expiation fees are fixed for alleged offences against the following sections of the Act:

- **Section 79(1) (Expiation fee \$315):**

- (a) the offence falls within one of the following subparagraphs:
 - I. if the fire is for cooking or personal comfort – the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(a);
 - II. if the fire is for the burning of refuse – the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(b);
 - III. if the fire is for heating bitumen, welding, gas-cutting, soldering, grinding or charring – the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(c);
 - IV. if the fire is lighted or maintained pursuant to a permit issued under section 81 of the Act for burning off land – the offence consists of a failure to comply with a condition of the permit prescribed by regulation 33(4)(a), (b) or (c).
 - V. if the fire is lighted or maintained pursuant to a permit issued under section 81 of the Act other than for burning off land – the offence consists of a failure to comply with a condition of the permit prescribed by regulation 33(5)(a), (b) or (c);
 - VI. if the fire is lighted or maintained for a gas fire or electric element for cooking purposes under subregulation (1) of regulation 34 – the offence consists of a failure to comply with a requirement imposed under that subregulation; and

(b) the fire does not contravene a prohibition or restriction under regulation 32A(2).

SA COUNTRY FIRE SERVICE
EXPIATION POLICY

- **Section 89 if the offence consists of a breach of, or failure to comply with, one or more of the following (Expiation fee \$315):**
 - a) in the case of an offence involving the operation, during the fire danger season, of a stationary engine not enclosed by non-flammable material to the open air - *regulation 37(3)(a) or (b)*;
 - b) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine used in connection with harvesting a flammable crop; or moving a flammable crop on the land holding where it has been harvested; or spreading lime or fertiliser - *regulation 38(2)(d)*.
 - c) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with cutting flammable bush, grass, pasture or stubble - *regulation 38(3)(a)(i) or (b)(i)*.
 - d) in the case of an offence involving the operation, during the fire danger season of an electric welder, a mechanical cutting tool, a gas appliance, an angle grinder or a mechanical grinding tool - *regulation 41(2)(a) or (b)*.
 - e) in the case of use of an appliance to generate smoke for the manipulation of bees during the fire danger season - *regulation 42(2)*.
 - f) in the case of an offence involving the use, during the fire danger season, of an appliance used as a rabbit fumigator - *regulation 43(2)(a) or (b)*.
 - g) in the case of an offence involving the use, during the fire danger season, of an appliance used as a bird scarer - *regulation 44(3)(a)*.
 - h) in the case of an offence involving the blasting of any tree, wood or timber by the use of explosive materials - *regulation 46(2)(a)*.
 - **Section 105F(1).** Failing to prevent fire or protect property from fire on private land **(Expiation fee \$315).**
 - **Section 105F(8).** Refusing to comply or failing to comply to a Section 105F notice **(Expiation fee \$315).**
- (2) The following expiation fees are fixed for alleged offences against the following regulations:
- **Regulation 47(1).** Smoking in open air in the country within 2 m of flammable bush **(Expiation fee \$315).**
 - **Regulation 47(2), (3) or (4).** Dropping or throwing a burning object or material from a vehicle **(Expiation fee \$500).**
 - **Regulation 51.** Failing to carry a fire extinguisher that complies to Australian Standards **(Expiation fee \$315).**

If you have any questions relating to these changes please contact your local council Fire Prevention Officer or Contact the Regional Office of the South Australian Country Fire Service on 08 8762 2311.