



# ENGAGING A CONTRACTOR TO BURN

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Fire is commonly used for reducing bush fire hazards, ecological management, cultural burning, or conducting agricultural activities. Irrespective of who is undertaking the burn or the purpose, all burning must be undertaken in accordance with the relevant laws, including matters such as safety, environmental and any other approvals. There are significant penalties for failing to obtain relevant approvals or comply with the conditions.

This factsheet provides guidance on engaging a contractor to undertake a burning activity on your property. It is important that you read the detailed information contained in the documents referred to below. These materials outline the requirements for implementing a burn and are available from the [NSW RFS](#) as well as the [Fire and Rescue NSW websites](#).

If you are engaging a contractor to undertake a burn on your land (or on your behalf) then it is still your responsibility to ensure that you are complying with the law.

## Here is a checklist of the key elements that must be accounted for:

- ✓ Appropriate environmental and any other approvals are obtained, including permissions to produce smoke (if required).
- ✓ A Fire Permit has been granted (if required).
- ✓ Notifications to all adjoining landowners and your local fire authority have been undertaken.
- ✓ You have checked to make sure it's not a Total Fire Ban Day.
- ✓ You have checked that Fire Permits have been not been suspended.
- ✓ You have checked that the Environmental Protection Authority has not issued a No Burn Notice.

The local fire authority for your area will depend on where you live. Broadly, Fire and Rescue NSW is responsible for metropolitan and urban centres, whereas the NSW RFS is responsible for rural and non-

urban areas. If you are not certain, contact a local [Fire and Rescue NSW Fire Station](#) or [NSW RFS Fire Control Centre](#) and they will advise you.

You should liaise with your local fire authority early in your planning so that you are familiar with the relevant requirements, followed by considered selection and discussion with your chosen contractor, if this is how you intend to proceed with the burn. Note that depending on the circumstances your local fire authority may be able to assist you to carry out the burn.

## Engaging a contractor

If you decide to hire or contract someone or a company to conduct your burn, consider the following:

- You are not relinquishing your responsibility under the Rural Fires Act (1997), especially clause 63 (2), 'It is the duty of the owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land'.
- Use competent, reputable and professional services.
- Although no trade or accreditation licence is required to carry out this type of work, you should ask what training, experience, resources and related qualifications the contractor has to carry out the burn, and sight evidence. Be aware that membership of an association is an indication but not necessarily a guarantee.

- You should check and make sure that the company or person has appropriate Work, Health and Safety Standards and NSW WorkCover Codes of Practice.
- You should check that the contractor you use has current and appropriate insurances such as workers compensation, professional indemnity and public liability insurance. Ask the contractor to show a Certificate of Currency or contact the insurance company to check that the policy is current and covers the type of work being undertaken. Your home insurance policy is unlikely to cover the use of fire on your land or any damage to neighbouring properties.
- A contractor should also be licensed as a business and have an Australian Business Number (ABN).
- In Fire and Rescue NSW areas, a Fire Permit is required all year round.
- In NSW RFS areas, a Fire Permit is required during the Bush Fire Danger Period. The Bush Fire Danger Period generally runs from 1 October to 31 March, however, be aware that it may commence earlier and / or finish later due to local conditions. A Permit is also required if your burn is likely to endanger a building. You should always check with your local NSW RFS Fire Control Centre prior to undertaking your burn.
- You as the land owner need to be satisfied that the contractor is executing the burn in accordance with the conditions specified on the Fire Permit.

## Responsibilities

- You as the landowner are responsible for engaging a suitable contractor.
  - You as the landowner are responsible for obtaining all relevant environmental and any other approvals.
  - Before you light a fire on your land, you need to contact the NSW Rural Fire Service or Fire and Rescue NSW to determine whether you are required to obtain a Fire Permit (fire safety approval). A valid Fire Permit is free and allows a person to use fire (on the land identified on the Permit) for the purpose and under the conditions specified on the Permit. Lighting a fire without a required Fire Permit carries a maximum penalty of 50 penalty units, imprisonment for 12 months or both.
  - You as the landowner must give written consent for the contractor to conduct the burn which will be provided to the relevant fire authority.
  - Your contractor is responsible for seeking a Fire Permit from your local fire authority. The Permit places responsibility on the person to whom the Permit is granted to use fire (only on the land identified on the Permit) and only for the purpose and under the conditions specified in the Permit.
- Note:
- You as the landowner are responsible for giving at least 24 hours' notice to your neighbours and the local fire authority (or as otherwise specified in the Fire Permit and/or environmental approval conditions). The local fire authority will record the information and monitor weather conditions. Your neighbours may be exposed to the smoke from your burn and may need to make preparations to avoid any negative impacts (medical conditions, impacts on sensitive crops, livestock and pets)/
  - Both you and your contractor have a responsibility to monitor and report any escape of the fire immediately to triple zero '000'.
  - You must not burn toxic materials such as rubber tyres, plastic, paint, and treated timber.
  - You must not burn if a Total Fire Ban has been declared, if Fire Permits have been suspended or a No Burn Notice has been issued by the Environmental Protection Authority. This information is available at the NSW RFS and Environmental Protection Authority website.
  - Check current and forecast weather conditions to make sure the fire will stay contained. Postpone the burn if there is any doubt.



### Important documents

Each fire authority has developed information to guide you through the processes of utilising fire in their jurisdiction. It is important that you read these documents and understand the requirements. These materials can be accessed via the links:

#### FIRE & RESCUE NSW

-  [Fire Permits](#)
-  [Burning Approvals](#)
-  [Lighting a Fire - Quick Facts](#)
-  [Total Fire Bans](#)
-  [Standards for Pile Burning](#)

#### NSW RURAL FIRE SERVICE

-  [Hazard Reduction](#)
-  [Before You Light That Fire](#)
-  [Total Fire Bans](#)
-  [Lighting a Fire - Quick Facts](#)
-  [Standards for Low Intensity Burning](#)
-  [Standards for Pile Burning](#)
-  [Standards for Windrow Burning](#)

