

## No. III.

**An Act to make better provision for the protection of Life and Property from Fire and for other purposes. [24th January, 1884.]**

WHEREAS it is expedient to make better provision for the protection of life and property against loss or damage by fire in Sydney and its suburbs (hereinafter termed the Metropolitan District) and within Municipalities to which this Act shall be extended Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

*Constitution duties and powers of the Fire Brigades Board.*

1. For the purpose of carrying out the provisions of this Act a Fire Brigades Board. Board shall be constituted consisting of six members viz.—a Chairman to be appointed by the Governor who shall have the right to vote on all occasions and in the event of an equality of votes shall have a second or casting vote—one member to be elected by the Municipal Council of the City of Sydney—one to be elected by the Councils of the Municipalities enumerated in Schedule A hereto—two to be elected by the Insurance Companies namely one by the Fire Insurance Companies whose head-quarters are in New South Wales and one by the other Fire Insurance Companies carrying on business within the Colony and one by the Volunteer Companies as hereinafter provided The elected members shall hold office for two years and shall then retire but shall be eligible for re-election The Board shall under the name of the "Fire Brigades Board" be a body corporate and have a common seal and in its corporate name be capable of holding property of any description and of suing and being sued four members to form a quorum at all meetings of the Board If any of the electoral bodies herein mentioned shall on the prescribed day of election fail to elect the number of members which such body is by this Act empowered to elect the Governor shall within fourteen days after such default appoint and notify in the *Gazette* a member or members (as the case may be) instead of such electoral body so failing to elect And every person so appointed shall for all purposes of this Act be deemed to be a duly elected member of the Board.

2. The election of members by the said Municipal Councils shall take place on such day and be held in all other respects in accordance with such directions as may be prescribed by regulations to be made by the Governor.

3. The election of members by Insurance Companies and by the Volunteer Fire Companies shall take place under regulations to be made by such companies respectively And for that purpose the Minister shall publish in the *Gazette* a notice specifying the time and place of a meeting of representatives of the Insurance Companies and likewise of the Volunteer Fire Companies. Each meeting shall elect its own chairman and all matters shall be decided by a majority of votes each representative having one vote only whether he represent one or more than one company The Chairman shall have a vote and in the event of equality of votes shall have a second or casting vote And such regulations when approved by the Governor and published in the *Gazette* shall have the force of law.

*Fire Brigades.***Duties of Board.**

4. It shall be the duty of the Board subject to the approval of the Minister to establish and maintain an efficient Brigade for the extinction and suppression of fires and for protecting life and property from loss and damage thereby and to furnish such Brigade with such fire engines hoses tools implements accoutrements horses and appliances as may be necessary for the due equipment thereof.

**Transfer to Board of Companies' Brigade &c.**

5. The Board may enrol and take over the present Insurance Companies Fire Brigade and all property thereto belonging and the Colonial Treasurer shall out of the Consolidated Revenue Fund pay such sums as may be required equal to the aggregate amount of the valuation of such property and such further sums as Parliament may vote to enable the Board to acquire additional plant including both land and floating engines and to establish fire alarms telephones and other appliances in connection with the extinction of fire.

**Appointments of Officers of Fire Brigade and Board Regulations.**

6. The Board shall appoint all officers of the Fire Brigade other than the Superintendent and fix the salaries or emoluments of such officers and of the members of the Brigade. The Board may appoint subject to the Ministers approval one of the officers of the Brigade to be Deputy Superintendent to act in case of the absence or other disability of the Superintendent and may frame regulations providing—

- (i.) For payment of salaries or wages to members of the Brigade
- (ii.) For payment of compensation in cases of accidents to members of the Brigade or where death ensues therefrom to their wives and families
- (iii.) For payment of gratuities in respect of voluntary or special services to the Brigade
- (iv.) For dividing the Metropolitan District and for establishing stations or divisions of the Brigade
- (v.) For subsidising Volunteer Fire Brigades and for ensuring discipline and good conduct among members of the Brigade and such regulations may be enforced by penalties not exceeding in any case five pounds
- (vi.) For regulating the meetings and conduct of business by the Board for payment of fees to the Members of the Board or any committee thereof not exceeding in the aggregate the sum of three hundred pounds per annum and generally for the purpose of carrying into effect the objects of this Act
- (vii.) For regulating and directing the procedure in respect of inquests on fires to be held by Coroners And for this purpose the Act twenty-fourth Victoria No. ten shall be read as if in the first section thereof after the word "he" the words "or the Fire Brigades Board" were inserted

And all such regulations when approved by the Governor and published in the *Gazette* shall have the force of law

**Board to report to Parliament.**

7. The Board shall report to the Minister in every year upon all matters within the scope of their administrative duties under this Act and such report shall be laid by him before Parliament.

*The Superintendent of Fire Brigades.***Superintendent &c. of Fire Brigades.**

8. It shall be lawful for the Governor to appoint a Superintendent of Fire Brigades for the Metropolitan District at such salary as Parliament may sanction.

**Duties and powers of the Superintendent at fires.**

9. The Superintendent shall perform the following duties and may exercise the following powers within the Metropolitan District that is to say—

- (i.) He shall with all possible speed proceed upon alarm of fire to the place where such fire is and shall control and direct the working of the Brigade or in the event of being unable to do so and an urgent necessity arises for the immediate appointment

*Fire Brigades.*

appointment of a Deputy Superintendent the Superintendent may appoint such officer who shall have the same powers as those exercisable by the Superintendent

- (ii.) He shall control and direct any volunteer fire brigade present at any fire and any persons who place their services at his disposal
- (iii.) He may take and direct any measures which appear to him necessary or expedient for the protection of life and property or for the control and extinguishment of fire and may cause any buildings or tenements to be entered taken possession of pulled down or otherwise destroyed for such purposes or for preventing the spread of fire
- (iv.) He may cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for purpose of extinguishing any fire
- (v.) He may cause any street or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of any fire
- (vi.) He may at the time of such fire or immediately thereafter pull down or shore up any wall or building damaged by fire that may be dangerous to life or property

10. The Superintendent shall in addition to the duties and powers respectively imposed and conferred by the last preceding section and subject to the directions of the Board exercise the duties and powers following viz.—

- (i.) He shall cause a book to be kept containing the names ages and occupations and several places of abode of all members of the Brigade
- (ii.) He shall summon once a month at the least all or as many of the members of the Brigade as may be required for practice in order to render the members fit and efficient for service
- (iii.) He shall have at all times the immediate charge and control of all engines horses carts reels and buckets hose ladders fire escapes and other plant the property of the Board and shall keep the same in a fit state at all times for efficient service
- (iv.) He shall have power to inspect all volunteer brigades or companies and to enforce compliance with the regulations
- (v.) He shall at all times have free access to any building or premises for the purpose of ascertaining and reporting on any infringement of the rules and regulations against storage of gunpowder dynamite or any other dangerous explosive or of kerosene or other inflammable material or matter or as to the storage of empty crates cases and other packages sawdust shavings hay and straw either in packages or loose
- (vi.) He shall at all times have free access to all theatres and other buildings within his district used for purposes of public entertainment or of public concourse in order to report to the Board whether the proper or prescribed regulations or precautions against fire are being duly observed.

11. The authority of the Superintendent shall be recognized by all officers and members of the Police Force and all other persons and it shall be the duty of the officer commanding the Police Force present at any fire to support and assist such Superintendent in the maintenance of his authority and in enforcing due obedience by all persons to his orders in the due execution of his duties.

12. Any damage to property caused by the Superintendent in the lawful execution of any power conferred by this Act or by any member of a Fire Brigade acting under his orders shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.

Duties and powers of the Superintendent generally.

Powers of Superintendent exercisable by Deputy.

Damage done to be within policy.

*Fire Brigades.**Contributions to Board by Insurance Companies Municipalities and from the Treasury.**Contributions to expenditure of Board.*

13. Towards the annual outlay as estimated by the Board in maintaining the Brigade and for other purposes authorized by this Act a sum equal to the whole of such outlay shall be contributed annually in equal portions and be paid to the Board by—

- (I.) The Fire Insurance Companies insuring property within the Metropolitan District
- (II.) The Municipal Councils of the City of Sydney and of the several Municipalities enumerated in Schedule A hereto
- (III.) The Colonial Treasurer out of the Consolidated Revenue Fund.

The said Companies contributing one-third of such annual outlay the said Municipal Councils one-third and the Colonial Treasurer one-third thereof and in all cases by equal quarterly payments commencing on the first day of January in the year one thousand eight hundred and eighty-four.

*Contributions of Insurance Companies how ascertained.*

14. The contribution of the said Fire Insurance Companies shall be made by each of such Companies providing a sum of money calculated on a percentage on the amount held at risk by such Company on property situate within the Metropolitan District as may appear by the return hereinafter mentioned.

*Returns by Insurance Companies.*

15. For the purpose of ascertaining the amounts of such contributions every such Fire Insurance Company shall annually in the month of January or at such other time as the Board may from time to time direct transmit to the Board a return showing the amount held at risk by such Company on the preceding thirty-first day of December (less the sums reinsured with other Contributory Companies under this Act) to which return there shall be annexed a statutory declaration by the Manager Secretary or Agent of such Company that according to the books thereof and to the best of his knowledge and belief the said return contains a true account and statement of the amount so held at risk by such Company. If any such Company shall make default in transmitting such return and declaration such Company shall be liable to a penalty of not less than five pounds for every day during which such default is made or continued.

*Insurance Company to permit books to be inspected.*

16. The secretary or other officer having the custody of the books and papers of any contributory Insurance Company shall allow any officer appointed by the Board to inspect during the hours of business any books and papers of such Company and to make extracts therefrom in order to verify any return or declaration made in pursuance of this Act and any such secretary or officer failing to comply with the requirements of this section shall be liable to a penalty not exceeding five pounds for every such offence.

*Municipal contributors how ascertained.*

17. The contribution of the Municipal Councils of the City of Sydney and of the several Municipalities enumerated in Schedule A hereto shall be ascertained and provided by a *pro rata* apportionment thereof according to the assessed value of ratable property situate in the said City and Municipalities respectively as shown by the then last preceding assessment.

*Penalty for default in payment of contribution.*

18. If the Municipal Council of the City of Sydney or if the Council of any Municipality or if any Insurance Company liable as a contributory under this Act fails to pay the quarterly payments prescribed by this Act within thirty days after it shall become due such Council or Company shall be liable to a penalty of fifty pounds

*Miscellaneous provisions.*

19. All Volunteer Fire Brigades established within the Metropolitan District shall be registered at the office of the Board and shall be subject to inspection by the Superintendent and at all fires shall be subject to his orders and on his certificate of the efficiency of any such Brigade or on proof that efficient and valuable service has been rendered by any member thereof at any fire the Board may pay to such Volunteer Fire Brigade by way of bonus such sum as the Board may think fit and may likewise reward such individual member thereof.

20. It shall be lawful for the Governor by Proclamation in the *Gazette* to extend this Act to any Borough or Municipal District in the Colony on application to that effect by such Borough or Municipal District and by such Proclamation to give effect to such extension by the substitution of any Local Officer for the "Superintendent" under this Act and such provisions of this Act as may meet the requirements of the Municipality in question shall apply. Provided always that upon any such extension of this Act to such Borough or Municipal District the Mayor for the time being of such Borough or District together with two persons one to be appointed by the Governor and one to be elected by the Insurance Companies shall be the Fire Brigades Board for the purposes of such extension and the funds of such Board shall be provided in equal proportions by the Fire Insurance Companies insuring property within such Borough or District the Municipal Council thereof and the Colonial Treasurer in the same proportions and under the same penalties *mutatis mutandis* as provided by this Act in respect of the Board hereby constituted and their expenditure.

21. It shall be lawful for the Governor to make Regulations for the purpose of giving effect to this Act in all matters whatsoever and may by such Regulations fix the maximum penalty for every offence against such Regulations or any of them. And such Regulations when published in the *Gazette* shall have the full force of law and a copy of such Regulations shall be laid before Parliament within fourteen days after the publication thereof if Parliament be then in Session and if not then within fourteen days after the commencement of its next ensuing Session.

22. The amount of any contribution payable under this Act by the Municipal Council of the City of Sydney or the Council of any Municipality to which this Act applies or may be extended may be raised by such Council if necessary (and notwithstanding any statutory limit of such rate) by increasing the City or Municipal rate for the year next following the payment of such contribution by such a sum in the pound as shall be sufficient to provide the amount thereof and such increased rate shall for all purposes be deemed a City or Municipal rate for that year and be recoverable as such.

23. Any penalty or contribution or both incurred or made payable under or pursuant to this Act or any regulation made thereunder may be recovered in a summary way before any Stipendiary or Police Magistrate in the Police District within which such penalty has been incurred or such contribution has become payable on an information in the name of the Superintendent within the Metropolitan District and elsewhere on an information in the name of any officer or person authorized in that behalf by the Fire Brigades Board of the Borough or Municipal District within which the penalty or contribution has been incurred or become payable. And payment thereof may be enforced by distress and sale of the offender's or defaulter's goods and chattels. All penalties and contributions recovered under this Act shall be paid over to the Board of the District or Municipality within which the same were incurred or became payable. Where a company is not incorporated or

Volunteer Fire  
Brigades to be  
registered.

Extension of Act to  
Country Municipi-  
palities.

Municipal contribu-  
tions under this Act  
to form part of Rate.

Penalties and  
contributions how  
recovered.

*Consolidated Revenue Fund (No. 2).*

or has no public officer the proceedings may be laid in the name of the manager secretary or agent of such company in which case judgment against such manager secretary or agent shall bind the property of the company.

Interpretation of terms.

24. In the construction of this Act the expression "Fire Insurance Company" means any Joint Stock Company or other Association carrying on in the Metropolitan District or any Municipality or Borough the business of insuring property against loss or damage by fire—The word "Governor" means Governor with the advice of the Executive Council—The word "Brigade" means the Metropolitan Fire Brigade—The word "Board" means the Fire Brigades Board for the Metropolitan District—The word "Minister" means the Minister charged with the administration of this Act—"Superintendent" means the Superintendent or his Deputy or any Officer acting as Superintendent of Fire Brigades appointed under this Act—And "Contributory Company" means a Fire Insurance Company liable to pay the contribution hereby prescribed.

Commencement and short title.

25. This Act shall commence on the first day of January in the year one thousand eight hundred and eighty-four and be cited as the "Fire Brigades Act 1884."

## SCHEDULE A.

Alexandria	Paddington
Ashfield	Petersham
Balmain	Randwick
Burwood	Redfern
Camperdown	St. Leonards
Darlington	St. Leonards East
Five Dock	St. Peters
Glebe	Victoria
Leichhardt	Waterloo
Macdonald Town	Waverley
Manly	Willoughby North
Marrickville	Woollahra
Newtown	

and any other Borough or Municipal district situated within the county of Cumberland to which the Governor may by proclamation in the *Gazette* declare that the provisions of this Act shall extend.