

BUSH FIRES ACT.

Act No. 14, 1930.

An Act to make further provision for the prevention and control of bush and other fires; to amend the Careless Use of Fire Act, 1912, the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 24th May, 1930.]

George V.
No. 14, 1930.

BE it enacted by the King'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:—

1. This Act may be cited as the "Bush Fires Act, 1930."

2.

No. 14, 1933.

Amendment of
Act No. 23, 1912.
Sec. 4.

2. (1) The Careless Use of Fire Act, 1912, is amended as follows:—

- (a) (i) by omitting from paragraph (a) of section four the words “except during the months which may be prescribed for any locality by regulations”;
- (ii) by omitting from the same paragraph the words “of not less than such distance as may be prescribed by regulations which the Colonial Secretary is authorised to make on the recommendation of the municipality or shire in which the land is situate, and until such regulations are so made”;
- (iii) by omitting from paragraph (b) of the same section the words “except during the months prescribed by regulations”;
- (b) by inserting next after section four the following new section:—

New s. 4A.

Regulations
prohibiting
burning off.

4A. (1) The Governor may, on the recommendation of the council of any area, make regulations absolutely prohibiting or prohibiting, subject to such conditions or exemptions as he, on the recommendation of such council, may impose or allow, the burning during such months of each year as are specified in such regulations of any straw, stubble, grass, or herbage, or the ignition during such months of any wood or other inflammable material in such area, or in any specified part thereof.

(2) The Governor may, in any such regulations, impose a penalty, recoverable in a summary manner, not exceeding fifty pounds for any breach thereof.

(3) Where regulations under this section have been made for any area, or part thereof, the operation of section four of this Act shall, in such area or part thereof, and during the months of each year specified as aforesaid in such regulations, be suspended.

(4) For the purposes of this section the word “area” means a city, municipality, or shire constituted or continued under the Local Government Act, 1919.

(c)

(c) by omitting section seven and by inserting in lieu thereof the following new section:—

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Sec. 7.

7. (1) The Governor may make regulations regulating and prescribing—

Regulations.

- (a) the manner of mixing and the use of phosphorous baits for poisoning rabbits;
- (b) the persons who may sell such baits;
- (c) the burning of fire-breaks on railway lands;
- (d) the use of appliances on, and the precautionary methods to be adopted by persons driving or controlling—
 - (i) a traction engine; or
 - (ii) an engine used for any agricultural purpose and in which wood, coal, or coke fuel is burned;
 - (iii) an engine used on any railway line or tram line,
 in order to prevent the escape of dangerous sparks or burning coals from any such engines;
- (e) the provision of approved fire extinguishers for use in connection with any motor tractor, steam tractor, or power-driven harvester or engine;
- (f) generally for carrying out the provisions of this Act.

(2) The Governor may in any such regulations impose a penalty, recoverable in a summary manner, not exceeding fifty pounds for any breach thereof.

(3) Regulations made under any section of this Act shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication, if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

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If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation, such regulation shall thereupon cease to have effect.

(2) This section shall commence on a day to be appointed by the Governor and notified by proclamation published in the Government Gazette.

Further amendment of Act No. 28, 1912. Substituted s. 6.

Sale, distribution or use of wax matches.

3. (1) The Careless Use of Fire Act, 1912, is further amended by omitting section six and by inserting in lieu thereof the following new section :—

6. (1) Any person who sells, offers for sale, distributes, or uses any wax matches or any matches other than those so made as to strike only on a preparation affixed to the containing box, or a box containing the same description of matches, shall be liable upon summary conviction to a penalty not exceeding five pounds for a first offence, to a penalty not exceeding twenty pounds for a second offence, and to a penalty not exceeding fifty pounds for a third or subsequent offence.

(2) The Governor may by proclamation published in the Gazette suspend the operation of this section in any locality specified in the proclamation either during the whole year or during such months as may be specified in the proclamation.

(2) This section shall commence on a day to be appointed by the Governor and notified by proclamation published in the Government Gazette.

Amendment of Act No. 41, 1919. Sec. 494.

4. The Local Government Act, 1919, is amended—

(a) by inserting at the end of section four hundred and ninety-four the following new subsections :—

(Bush-fire brigades.)

(3) The council may appoint such person as it thinks proper to be its officer either for the whole of or any particular part of its area to control and manage any bush-fire brigade or section thereof organised in pursuance of this section.

(4)

(4) Any officer so appointed shall, subject ^{No. 14, 1930.} to such (if any) directions as are given by the council and subject to the provisions of any ordinance made in that behalf, take any measures which appear to him to be necessary or expedient and practicable for—

- (a) preventing the outbreak of fire;
- (b) protecting life and property in the case of any such outbreak; and
- (c) controlling and extinguishing any fire or preventing the spread thereof.

(5) On the outbreak of fire at any place within the area or the part for which he is appointed such officer subject to the provisions of the ordinances and to the Fire Brigades Act, 1909–1927, as amended by subsequent Acts, shall have the control and direction of the measures taken to control and extinguish such fire or to prevent it from spreading, and subject as aforesaid shall for that purpose have as far as practicable in the circumstances all the duties and powers of the Chief Officer under the said Fire Brigades Act, 1909–1927.

This subsection shall apply only to fires which—

- (a) have been lighted or are maintained unlawfully (whether in contravention of the Careless Use of Fire Act, 1912, or not); or
- (b) have occurred accidentally; or
- (c) have ceased to be under control or are not adequately controlled; and
- (d) to such other fires as are prescribed by the ordinances.

(6) An officer of the council appointed to control any bush-fire brigade or any person acting by his directions shall not be liable for any damage caused in the bona fide exercise of such powers.

Any

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Any such damage shall be deemed to be a damage by fire within the meaning of any policy of insurance against fire covering any property so damaged.

(7) Any person who obstructs any such officer or person acting under his directions shall be liable to a penalty not exceeding fifty pounds.

Sec. 513.
(Ordinances.)

(b) by inserting at the end of section five hundred and thirteen the following new paragraphs:—

(r) the organization of bush-fire brigades ;

(s) regulating the appointment and prescribing the powers and duties of officers appointed to control a bush-fire brigade or any section thereof and all matters and things which may be necessary or convenient for enforcing the authority of such officers or for carrying out the objects and provisions of section four hundred and ninety-four.

Further
amendment
of Act No. 28,
1912.
New sec. 8A.
Honorary
rangers.

5. The Careless Use of Fire Act, 1912, is further amended by inserting next after section eight the following new section:—

8A. The Minister may from time to time appoint honorary rangers for the purpose of assisting in the enforcement of the provisions of this Act and the regulations made thereunder.

An honorary ranger shall exercise the powers and perform the duties prescribed by regulations made under this Act.