

*Fire Brigades.*

## Act No. 80, 1902.

An Act to consolidate the enactments relating to making provision for the protection of life and property from fire. [15th September, 1902.]

FIRE BRIGADES.

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 :—

## PART I.

## PRELIMINARY.

1. This Act may be cited as the "Fire Brigades Act, 1902," and is divided into Parts, as follows :—

PART I.—PRELIMINARY—*ss.* 1-3.

PART II.—CONSTITUTION, DUTIES, AND POWERS OF THE BOARD—*ss.* 4-14.

PART III.—THE SUPERINTENDENT—*ss.* 15-19.

PART IV.—CONTRIBUTIONS TO BOARD—*ss.* 20-27.

PART V.—MISCELLANEOUS—*ss.* 28-37.

2. (1) The Act forty-seven Victoria number three is hereby repealed.

(2) All persons appointed or elected under the Act hereby repealed and holding office at the time of the passing of this Act shall be deemed to have been appointed or elected hereunder.

(3) All regulations made under the authority of the Act hereby repealed and being in force at the time of the passing of this Act shall be deemed to have been made under the authority of this Act.

(4) The Fire Brigades Board constituted under the authority of the Act hereby repealed shall continue and be deemed to be the board directed to be constituted hereunder.

(5) The Metropolitan Fire Brigade established and maintained under the authority of the Act hereby repealed shall continue and be deemed to be the Metropolitan Fire Brigade directed to be established and maintained hereunder.

(6) All proclamations made under the authority of the Act hereby repealed, the operation of which is not exhausted at the time of the passing of this Act, shall be deemed to have been made hereunder.

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Interpretation.  
47 Vic. No. 3,  
Preamble, and s. 24.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

- “Brigade” means the Metropolitan Fire Brigade;
- “contributory company” means a fire insurance company liable to pay the contribution hereby prescribed;
- “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 Board” means the Fire Brigades Board for the Metropolitan District;
- “the Metropolitan District” means Sydney and its suburbs;
- “Superintendent” means the Superintendent or his deputy or any officer acting as Superintendent of Fire Brigades appointed under this Act.

## PART II.

## CONSTITUTION, DUTIES, AND POWERS OF THE BOARD.

Incorporation  
of Board.  
*Ibid.* s. 1.

4. (1) For the purpose of carrying out the provisions of this Act, a Board shall be constituted, which 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.

Membership  
of Board.

(2) Such Board shall consist of six members, who shall be appointed and elected as follows:—

- (a) A Chairman to be appointed by the Governor;
- (b) one member to be elected by the municipal council of the City of Sydney;
- (c) one member to be elected by the councils of the municipalities enumerated in the Schedule hereto;
- (d) one member to be elected by the fire insurance companies whose headquarters are in New South Wales;
- (e) one member to be elected by fire insurance companies carrying on business in New South Wales, but not having their headquarters therein; and
- (f) one member to be elected by the volunteer fire brigades as hereinafter provided.

Schedule.

Election of members  
by municipal  
councils.  
*Ibid.* s. 2.

5. The election of members of the Board by the said municipal councils shall take place on such day, and be held in all other respects in accordance with such directions as are prescribed by regulations to be made by the Governor.

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6. (1) The election of members of the Board by fire insurance companies, and by the volunteer fire brigades, shall take place under regulations to be made by such companies and brigades respectively.

Election of members by volunteer fire brigades, and fire insurance companies. 47 Vic. No. 3, s. 3.

Such regulations, when approved by the Governor and published in the Gazette, shall have the force of law.

(2) For that purpose the Minister shall publish in the Gazette a notice specifying the time and place of a meeting of representatives of the fire insurance companies, and also of a meeting of the volunteer fire brigades.

(3) Each such meeting shall elect its own chairman.

(4) All matters shall be decided at such meetings by a majority of votes, each representative having one vote only, whether he represents one or more than one company, and the chairman having a vote, and in the event of equality of votes a second or casting-vote.

7. If any electoral body mentioned in section four fails on the prescribed day of election to elect a member the Governor shall, within fourteen days after such default, by notification in the Gazette, appoint a member to fill the vacancy caused by such default, and every person so appointed shall for all purposes of this Act be deemed to be a duly elected member of the Board.

On failure to elect by electoral bodies, Governor may appoint. *Ibid.* s. 1.

8. (1) The Chairman of the Board 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.

Board meetings. *Ibid.*

(2) Four members of the Board shall form a quorum at all meetings thereof.

9. The elected members of the Board shall hold office for two years, and shall then retire, but shall be eligible for re-election.

Tenure of office of members. *Ibid.*

10. The Board shall, subject to the approval of the Minister, establish and maintain an efficient brigade, to be called the Metropolitan Fire Brigade, for the extinction and suppression of fires, and for protecting life and property from loss and damage thereby, and shall furnish such brigade with such fire-engines, hoses, tools, implements, accoutrements, horses, and appliances as are necessary for the due equipment thereof.

Duties of Board. *Ibid.* s. 4.

11. The Colonial Treasurer shall, out of the Consolidated Revenue Fund, pay such sums as Parliament votes to enable the Board to acquire plant, including both land and floating engines, and to establish fire-alarms, telephones, and other appliances in connection with the extinction of fire.

Cost of plant, &c., to be defrayed out of Consolidated Revenue. *Ibid.* s. 5.

12. (1) The Board shall appoint all officers of the Brigade other than the Superintendent, and fix the salaries or emoluments of such officers, and of the members of the Brigade.

Appointment of officers of fire brigade. *Ibid.* s. 6.

(2) The Board may, subject to the Minister's approval, appoint one of the officers of the Brigade to be deputy superintendent to act in case of the absence or other disability of the Superintendent.

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Regulations by  
Board.  
47 Vic. No. 3, s. 6.

**13.** The Board may make regulations—

- (a) for payment of salaries or wages to members of the Brigade ;
- (b) for payment of compensation in cases of accident to members of the Brigade, to such members, or, where death ensues therefrom, to their wives and families ;
- (c) for payment of gratuities in respect of voluntary or special services rendered to the Brigade ;
- (d) for dividing the Metropolitan District, and for establishing stations or divisions of the Brigade ;
- (e) for subsidising volunteer fire brigades ;
- (f) for ensuring discipline and good conduct among members of the Brigade, and may by such regulations impose a penalty not exceeding five pounds for any breach thereof ;
- (g) for regulating the meetings of and conduct of business by the Board ;
- (h) 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 ;
- (i) for regulating and directing the procedure in respect of inquests on fires to be held by coroners ; and
- (j) generally for carrying out the purposes of this Act.

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

Board to report to  
Minister.  
*Ibid.* s. 7.

**14.** 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.

## PART III.

## THE SUPERINTENDENT.

Superintendent  
of Fire Brigades.  
*Ibid.* s. 8.

Duties and powers  
of the Superintendent  
at fires.

*Ibid.* s. 9.

**15.** The Governor may appoint a Superintendent of Fire Brigades for the Metropolitan District at such salary as Parliament sanctions.

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

- (1) 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, if he is unable to do so, and an urgent necessity arises for the immediate appointment of a deputy superintendent, the Superintendent may appoint such deputy, who shall have the same powers as those exercisable by the Superintendent ;

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- (2) he shall control and direct any volunteer fire brigade present at any fire and any persons who place their services at his disposal;
- (3) 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 purpose, or for preventing the spread of fire;
- (4) 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 the purpose of extinguishing any fire;
- (5) he may cause any street or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of any fire;
- (6) 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.

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

- (1) 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;
- (2) he shall summon once a month at the least all or as many of the members of the Brigade as are required for practice in order to render the members fit and efficient for service;
- (3) he shall at all times have the immediate charge and control of all engines, horses, carts, reels, buckets, hose, ladders, fire-escapes, and other plant the property of the Board, and shall keep the same at all times in a fit state for efficient service;
- (4) he may inspect all volunteer brigades or companies, and may enforce compliance with the regulations;
- (5) 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;
- (6) 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.

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Police officers to assist  
Superintendent.  
47 Vic. No. 3, s. 11.

**18.** The authority of the Superintendent shall be recognised by all officers and members of the police force and all other persons, and the officer commanding the police force present at any fire shall 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.

Volunteer fire  
brigades to be  
subject to inspection  
by Superintendent.  
*Ibid.* s. 19.

**19.** All volunteer fire brigades established within the Metropolitan District shall be subject to inspection by the Superintendent, and shall at all fires be subject to his orders.

## PART IV.

## CONTRIBUTIONS TO BOARD.

Contributions to  
expenditure of  
Board.  
*Ibid.* s. 13.

**20.** (1) Towards the annual outlay, as estimated by the Board, in maintaining the Brigade and for other purposes authorised 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—

(a) the fire insurance companies insuring property within the Metropolitan District;

(b) the municipal councils of the City of Sydney and of the several municipalities enumerated in the Schedule hereto;

(c) 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.

(2) The amount of such contributions shall in all cases be paid by equal quarterly payments on the first days of January, April, July, and October in each year.

Schedule.

Contributions of  
insurance companies  
how ascertained.  
*Ibid.* s. 14.

**21.** 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 appearing by the return hereinafter mentioned to be held at risk by such company on property situated within the Metropolitan District.

Returns by insurance  
companies.  
*Ibid.* s. 15.

**22.** (1) 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 directs, 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.

(2) There shall be annexed to each such return 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.

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23. If any such company makes 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. Penalty for default in transmitting returns. 47 Vic. No. 3, s. 15.

24. (1) The secretary or other officer having the custody of the books and papers of any such 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. Insurance company to permit books to be inspected. Ibid. s. 16.

(2) 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.

25. The contribution of the municipal councils of the City of Sydney, and of the several municipalities enumerated in the Schedule 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. Municipal contributions how ascertained. Ibid. s. 17.

26. If the municipal council of the City of Sydney, or if the council of any municipality, or if any such contributory insurance company fails to pay the quarterly payment prescribed by this Act within thirty days after it becomes due, such council or company shall be liable to a penalty of fifty pounds. Penalty for default in payment of contribution. Ibid. s. 18.

27. (1) 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 is hereafter 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 is sufficient to provide the amount thereof. Municipal contributions under this Act to form part of rate. Ibid. s. 22.

(2) Such increased rate shall for all purposes be deemed a city or municipal rate for that year, and be recoverable as such.

PART V.

MISCELLANEOUS.

28. 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. Damage to property by Superintendent, &c., to be deemed loss by fire. Ibid. s. 12.

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Volunteer fire brigades to be registered.  
47 Vic. No. 3, s. 19.  
Bonus on Superintendent's certificate.  
*Ibid.*

**29.** All volunteer fire brigades established within the Metropolitan District shall be registered at the office of the Board.

**30.** On the Superintendent's certificate of the efficiency of any such brigade as mentioned in the next preceding section, 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 thinks fit, and may likewise reward such member.

Extension of Act within the County of Cumberland.  
*Ibid.* Schedule.

**31.** The Governor may, by proclamation in the Gazette, declare that the provisions of this Act shall extend to any borough or municipal district situate within the County of Cumberland and not named in the Schedule hereto, and thereupon the provisions of this Act shall extend to such borough or municipal district as if the same had originally been named in the said Schedule.

Extension of Act to country municipalities.  
*Ibid.* s. 20.

**32.** (1) The Governor may, by proclamation in the Gazette, extend this Act to any borough or municipal district in New South Wales situate outside the county of Cumberland, on application to that effect by such borough or municipal district.

(2) The Governor may, by such proclamation, give effect to such extension by the substitution of any local officer for the Superintendent under this Act.

(3) Upon such extension such provisions of this Act as meet the requirements of such borough or municipal district shall apply.

Country boards.  
*Ibid.* s. 20.

**33.** (1) Upon such extension of this Act to such borough or municipal district under the next preceding section, 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.

(2) 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 its expenditure.

Contributions in country municipalities.

Regulations.  
*Ibid.* s. 21.

**34.** (1) The Governor may 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 breach thereof.

(2) Such regulations when published in the Gazette shall have the force of law.

(3) A copy of such regulations shall be laid before Parliament within fourteen days after the publication thereof if Parliament is then in session, and if not, then within fourteen days after the commencement of its next ensuing session.



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**35.** (1) 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 was incurred or such contribution became payable—

Penalties and contributions how recovered.  
47 Vic. No. 3, s. 23.

- (a) within the Metropolitan District on an information in the name of the Superintendent; and
- (b) elsewhere on an information in the name of any officer or person authorised in that behalf by the fire brigades board of the borough or municipal district within which the penalty or contribution was incurred or became payable.

(2) Payment of any such contribution may be enforced by distress and sale of the defaulter's goods and chattels.

**36.** 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.

Application of penalties, &c.  
*Ibid.*

**37.** Where a company is not incorporated, 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.

Proceedings against unincorporated companies.  
*Ibid.*

SCHEDULE.

Sections 20, 31.

Alexandria	Manly
Annandale	Marrickville
Ashfield	Mosman
Auburn	Newtown
Balmain	North Botany
Bexley	North Sydney
Botany	Paddington
Burwood	Parramatta
Camperdown	Penrith
Canterbury	Petersham
Concord	Randwick
Darlington	Redfern
Drummoyne	Richmond
Enfield	Rockdale
Erskineville	Rookwood
Glebe	Strathfield
Granville	St. Peter's
Hurstville	Waterloo
Kogarah	Waverley
Leichhardt	Willoughby
Liverpool	Woollahra

and any other borough or municipal district situate within the county of Cumberland to which the provisions of this Act are extended under section thirty-one hereof.