



ANNO VICESIMO QUARTO
GEORGII V REGIS.
A.D. 1933.

No. 2139.

An Act to make better provision for the Prevention and Control of Bush Fires and other Fires, and for other purposes.

[Assented to, December 7th, 1933.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the " Bush Fires Act, 1933." Short title.
2. The Acts mentioned in the Schedule are hereby repealed. Repealing provision.
3. (1) In this Act, unless a contrary intention clearly appears— Interpretation.
" Area " means a municipality or district council district : 1123, 1913, s. 2.
" Council " means a municipal council or district council :
" Scrub " includes trees, bushes, plants, and undergrowth of all kinds and sizes, whether alive or dead, and whether standing or not standing, and also includes any parts of any trees, bushes, plants, or underwood, and whether severed therefrom or not so severed, but does not include trees of such kinds or sizes as the Governor, by proclamation, declares not to be scrub within the meaning of this Act :
" Stubble " includes stubble, hay, straw, grass, and herbage, whether alive or not alive, and whether standing or not standing.
(2) Wherever in this Act a period between one specified date and another specified date is fixed, such period does not include either of the said specified dates.

4. (1) Subject

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Stubble not to be burnt between 15th October and 1st February, except for firebreaks and under conditions. 1123, 1913, s. 6. 1768, 1926, s. 2. 2023, 1931, s. 3.

4. (1) Subject to subsections (2), (3), and (4), no person shall, during the period between the fifteenth day of October and the first day of the following February, burn any stubble standing on any land, or light or maintain any fire with the intention of burning any stubble standing on any land.

(2) Where the stubble is burned or the fire is lighted and maintained only for the purpose of clearing strips of land to act as firebreaks for preventing the spread of fire, it shall not be deemed a contravention of this section, provided that all the following conditions are strictly observed, namely:—

- i. None of the strips shall be more than two chains in width at any part thereof :
- ii. Before the fire is lighted, the land immediately adjoining each strip shall, throughout the whole length of each side of such strip, either be ploughed to a width of at least six feet or be cleared of all scrub, stubble, and other inflammable material to a width of at least twelve feet ; or immediately before the fire is lighted all inflammable material on the land immediately adjoining the strip is thoroughly sprayed or wetted with water to a width of at least twelve feet :
- iii. Not less than six hours before the fire is lighted, notice of intention to burn the strips, stating the date and the probable time at which the fire is to be lighted, shall be given to the owner or occupier or person in charge of any land or building immediately adjoining the field or place wherein the strips are situated, who resides within five miles of such field or place. If notice as aforesaid cannot be given to any person to whom notice is required by this paragraph to be given, by reason of the absence of such person from his place of residence or for any other reasonable cause, notice as aforesaid shall in lieu thereof be given to the police constable stationed nearest to the land whereon the burning is to take place. Any land or building shall be deemed to be immediately adjoining a field or place as aforesaid notwithstanding that they are separated by a road : Provided that the land or building shall not be deemed to be immediately adjoining as aforesaid in any case where the road is formed and metalled to a width of more than ten feet or the roadway is cleared of all inflammable material to a width of more than ten feet :
- iv. Notice as aforesaid shall also be given to the clerk of the area in which the land is situated, or to the nearest fire control officer of such area :

v. Four

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- v. Four men at least shall be present at the fire, from the time it is lighted until it is thoroughly extinguished, to assist in keeping it under control and prevent it from spreading beyond the strips :
- vi. No such fire shall be lighted before two o'clock in the afternoon, and every such fire shall be thoroughly extinguished before nine o'clock in the evening of the same day.

(3) It shall not be deemed a contravention of this section if a district council causes stubble to be burnt, or a fire lighted and maintained for the purpose of burning any stubble on any street, road, or reserve vested in or under the control of the district council in any case where all the following conditions are strictly observed, namely :—

Two fire control officers and at least four other men shall be present at the fire, from the time it is lighted until it is thoroughly extinguished, to assist in keeping it under control and prevent it from spreading beyond the land whereon the burning is to take place ; and during the said time the district council shall provide adequate fire fighting appliances and an adequate supply of water in order to prevent any spread of fire.

(4) It shall not be deemed a contravention of this section if a person burns stubble or lights or maintains a fire for the purpose of burning any stubble in or on any irrigation channel or lucerne field in any case where the consent of the council or body corporate exercising the powers of a council in the part of the State in which the land is situated is obtained to such burning and all the following conditions and all such further conditions as the said council or body corporate may prescribe are strictly observed, namely :—

- i. Before the fire is lighted the land immediately adjoining on all sides the whole of the land on which the burning is to take place shall, throughout the whole length of every such side, either be ploughed to a width of at least six feet or be cleared of all scrub, stubble, and other inflammable material to a width of at least twelve feet :
- ii. Not less than six hours before the fire is lighted, notice of intention to burn the stubble shall be given to the owner or occupier or person in charge of any land or building immediately adjoining the land whereon the burning is to take place, who resides within five miles of the last-mentioned land. If notice as aforesaid cannot be given to any person to whom notice is required by this paragraph to be given, by reason of the absence of such person from his place of residence or for any other reasonable cause, notice as aforesaid shall in lieu thereof be given to the police constable stationed nearest to the land whereon the
burning

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burning is to take place. Any land or building shall be deemed to be immediately adjoining any land as aforesaid notwithstanding that they are separated by a road: Provided that the land or building shall not be deemed to be immediately adjoining as aforesaid in any case where the road is formed and metalled to a width of more than ten feet or the roadway is cleared of all inflammable material to a width of more than ten feet:

- III. At least four men shall be present at the fire, from the time it is lighted until it is thoroughly extinguished, to assist in keeping it under control and prevent it from spreading beyond the land whereon the burning is to take place:
- IV. No such fire shall be lighted before two o'clock in the afternoon, and every such fire shall be thoroughly extinguished before nine o'clock in the evening of the same day.

(5) Any person who is guilty of any contravention of this section shall be guilty of an offence and liable to a penalty for a first offence of not less than two pounds nor more than twenty pounds, and for every subsequent offence of not less than five pounds nor more than fifty pounds.

Stubble not to be burnt between 31st January and 15th May, except under conditions. 1123, 1913, s. 7. 1768, 1926, s. 3.

5. (1) No person shall during the period between the thirty-first day of January and the fifteenth day of the following May, burn any stubble standing on any land, or light or maintain any fire with the intention of burning any stubble standing on any land, except subject to all the following conditions, namely:—

- I. Before the fire is lighted, the land immediately adjoining on all sides the whole of the land on which the burning is to take place shall, throughout the whole length of every such side, either be ploughed to a width of at least six feet or be cleared of all scrub, stubble, and other inflammable material to a width of at least twelve feet:
- II. Not less than six hours before the fire is lighted, notice of intention to burn the stubble, stating the date and the probable time at which the fire is to be lighted, shall be given to the owner or occupier or person in charge of any land or building immediately adjoining the land whereon the burning is to take place, who resides within five miles of the last-mentioned land. If notice as aforesaid cannot be given to any person to whom notice is required by this paragraph to be given, by reason of the absence of such person from his place of residence or for any other reasonable cause, notice as aforesaid shall in lieu thereof be given to the police constable stationed nearest to the land whereon the burning is to take place. Any land or building shall be deemed to be immediately adjoining any land as aforesaid notwithstanding that they are separated by a road: Provided that the land or building

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building shall not be deemed to be immediately adjoining as aforesaid in any case where the road is formed and metalled to a width of more than ten feet or the roadway is cleared of all inflammable material to a width of more than ten feet :

- III. Notice as aforesaid shall also be given to the clerk of the area in which the land is situated or to the nearest fire control officer of such area :
- IV. Four men at least shall be present at the fire, from the time it is lighted until it is thoroughly extinguished, to assist in keeping it under control and prevent it from spreading beyond the land whereon the burning is to take place :
- V. No such fire shall be lighted before two o'clock in the afternoon, and any such fire shall be thoroughly extinguished before nine o'clock in the evening of the same day.

(2) Any person who is guilty of any contravention of this section shall be guilty of an offence and liable to a penalty for a first offence of not less than two pounds nor more than twenty pounds, and for every subsequent offence of not less than five pounds nor more than fifty pounds.

6. In any case where it is necessary to use a fire-rake in order to burn any stubble on any land, the occupier of such land may, with the consent of a fire control officer, burn such stubble during any period to which section 4 or section 5 applies, and in any such case the provisions of sections 4 and 5 shall not apply to any such burning : Provided that before the fire is lighted there is around the land upon which the fire is to be lighted a space cleared of all inflammable material to a width of twelve feet or a space ploughed to a width of six feet.

Burning of stubble without restriction under certain conditions.
New.

7. Any person who, during the period between the fifteenth day of October and the first day of the following February, burns any scrub on any land, or lights or maintains any fire with the intention of burning any scrub on any land, shall be guilty of an offence and liable to a penalty for a first offence of not less than five pounds nor more than twenty-five pounds, and for every subsequent offence, of not less than ten pounds nor more than fifty pounds.

Scrub not to be burnt between 15th October and 1st February.
1123, 1913, s. 8.

8. (1) No person shall, during the period between the last day of January and the first day of the following May, burn any scrub on any land, or light or maintain any fire with the intention of burning any scrub on any land, except subject to all the following conditions, namely :—

Scrub not to be burnt between end of January and 1st May, except under conditions.
1123, 1913, s. 9.
1768, 1926, s. 4.
2023, 1931, s.

- I. Before the fire is lighted, a space of at least thirty-three feet in width immediately adjoining on all sides the whole of the land whereon such burning is to take place, and throughout the whole length of every such side, shall either be ploughed or be cleared of all scrub, stubble, and other inflammable material :

II. Not

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- ii. Not less than six hours before the fire is lighted, notice of intention to burn the scrub, stating the date and the probable time at which the fire is to be lighted, shall be given to the owner or occupier or person in charge of any land or building immediately adjoining the land whereon such burning is to take place, who resides within five miles of the last-mentioned land. If notice as aforesaid cannot be given to any person to whom notice is required by this paragraph to be given, by reason of the absence of such person from his place of residence or for any other reasonable cause, notice as aforesaid shall in lieu thereof be given to the police constable stationed nearest to the land whereon the burning is to take place. Any land or building shall be deemed to be immediately adjoining any land as aforesaid notwithstanding that they are separated by a road: Provided that the land or building shall not be deemed to be immediately adjoining as aforesaid in any case where the road is formed and metalled to a width of more than ten feet or the roadway is cleared of all inflammable material to a width of more than ten feet:
- iii. Notice as aforesaid shall also be given to the clerk of the area in which the land is situated, or to the nearest fire control officer of such area:
- iv. Not less than fourteen days before a fire is lighted for the purpose of burning an area of scrub of more than five hundred acres, notice of intention to burn the scrub shall, if the land is situated within an area, be given to the council thereof:
- v. Four men at least shall be present at the fire, from the time it is lighted until it is thoroughly extinguished, to assist in keeping it under control and prevent it from spreading beyond the land whereon the burning is to take place:

In any case where notice is given to a council pursuant to paragraph iv., and the council or mayor or chairman thereof is of opinion that more than four men will be necessary in order to control the fire and prevent it from spreading as aforesaid, the council or mayor or chairman may not later than ten days after the giving of the notice as aforesaid, give notice to the person aforesaid directing him to have present at the fire such number of men (but not exceeding three) additional to those hereinbefore provided for as the council or mayor or chairman thinks fit:
- vi. The fire shall be first lighted from the leeward side of the scrub to be burnt before the fire shall be lighted from the windward side of such scrub:
- vii. No such fire shall be lighted before twelve o'clock noon.

(2) Any

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(2) Any person who is guilty of any contravention of this section shall be guilty of an offence and liable to a penalty for a first offence of not less than five pounds nor more than twenty pounds, and for every subsequent offence of not less than ten pounds nor more than fifty pounds.

9. Any person who lights, uses, or maintains any fire in the open air for the purpose of making charcoal or lime during the period between the thirty-first day of October and the first day of the following May, unless either—

Fires for charcoal burning prohibited between 31st October and 1st May, except under conditions.

(a) a space of ground immediately round the pit or place in which the fire is situated, of the width of fifty feet at least in all parts, has before the fire is lighted been cleared, and is until the fire is completely extinguished, kept clear, of all stubble, scrub, and other inflammable material; or

1123, 1913, s. 11.
1768, 1926, s. 5.

(b) the fire is enclosed in a kiln of brick, iron, stone, or earth, so constructed as to prevent the escape of fire or any burning material therefrom,

shall be guilty of an offence and liable to a penalty for a first offence of not less than five pounds, nor more than twenty-five pounds; and for every subsequent offence, of not less than ten pounds nor more than fifty pounds.

10. (1) Every occupier of any land whereon any offence under section 4, 5, 7, 8, or 9 is committed shall be deemed guilty of such offence, unless he satisfies the court hearing the charge against him that the offence was not committed by him or by his authority.

Occupier of land *prima facie* liable fire thereon.
1123, 1913, s. 12.

(2) Nothing in this section shall be deemed to affect the liability of the actual perpetrator of the offence in respect of such offence.

11. (1) With the approval in writing of the Minister the council of any area may, as regards such area or any portion thereof, and the Minister may, as regards any part of the State (defined in a notice under subsection (2) hereof) which is not within any area, alter the periods or the hours, or the distances, or any of them, mentioned in sections 4, 5, 7, 8, or 9, or any of those sections, and may by any such alteration fix earlier or later and longer or shorter periods or hours, or greater or less distances, or all or any of such altered periods and hours and distances. No such alteration of any such distance shall be approved by the Minister unless the councils of all the areas adjoining such first-mentioned area agree to such alteration.

Municipal and district councils and Minister may alter periods and hours for burning.
1123, 1913, s. 13.
1768, 1926, s. 6

(2) No such alteration shall have any force until notice thereof has been—

(a) published once in the *Government Gazette*, and twice in some newspaper circulating in the area or defined part of the State; and

(b) in

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(b) in the case of an alteration made by a council, affixed for at least thirty days on the front door or the notice board of the council making such alteration.

(3) Upon such publication and affixing, such alteration shall have the force of law within such area or portion thereof or defined part of the State, and shall therein have the same effect as if the periods and hours and distances fixed thereby were respectively fixed by such of the said sections 4, 5, 7, 8, or 9, as is or are applicable.

(4) In any case in which the Minister by reason of any special circumstances thinks fit, the Minister may in writing authorise any council to make any such alteration as aforesaid, and may direct that the notice required by paragraph (b) of subsection (2) shall be given for seven days only, but in any such case the alterations made by such notice shall continue only until such time as the Minister directs, which shall be stated in the notice.

Fires not to be
lighted on Sunday.
1123, 1913, s. 14.

12. Notwithstanding any provision of this Act, any person who under any conditions, lights any fire at any time on any Sunday, for any of the purposes mentioned in sections 4, 5, 7, 8, or 9, shall be guilty of an offence and liable to a penalty for a first offence of not less than five pounds nor more than twenty-five pounds, and for every subsequent offence, of not less than ten pounds, nor more than fifty pounds.

Fires for purposes
other than those
mentioned in
sections 4 to 9.
1123, 1913, s. 15.
1768, 1926, s. 7.
2023, 1931, s. 5.

13. (1) Any person who, during the period between the thirty-first day of October and the first day of the following May—

(a) lights, uses, or maintains any fire in the open air for any purpose whatever, except those mentioned in sections 4, 5, 7, 8, and 9, unless a space of ground immediately around such fire of the width of twelve feet at least in all parts has been previously cleared of all stubble, scrub, and other inflammable material; or

(b) having lighted, used, or maintained any fire in the open air, neglects to completely extinguish such fire before leaving the same,

shall be guilty of an offence and liable to a penalty for a first offence of not less than two pounds, nor more than twenty pounds, and for every subsequent offence of not less than five pounds nor more than fifty pounds.

(2) Nothing in this section shall be construed as varying any of the provisions of any of the sections mentioned in subsection (1).

Ignitable wadding
prohibited from
30th September to
1st May.
1123, 1913, s. 16.
1768, 1926, s. 8.

14. (1) Any person who, during the period between the thirtieth day of September and the first day of the following May, uses for the wadding of any gun, rifle, pistol, or other firearm used or carried by him, any paper, cotton, linen, or other ignitable substance, shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than ten pounds.

(2) If

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(2) If any person, within the period mentioned in subsection (1) hereof, uses or carries any gun, rifle, pistol, or other firearm upon or over the land of any other person, the owner or occupier of such land, or his servant or agent, or any member of the Police Force, may examine such gun, rifle, pistol, or other firearm, for the purpose of ascertaining the nature of the wadding used therein; and the person using or carrying such gun, rifle, pistol, or firearm who—

- (a) refuses to allow such examination; or
- (b) upon the occasion of such examination refuses to disclose his name and address, or either, to such owner or occupier, or servant or agent; or
- (c) gives a false name and address, or either,

shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than ten pounds.

15. (1) Every stationary steam engine (other than a steam engine enclosed on four sides with non-inflammable material) shall be placed so that the space of ground around the steam engine to the width of twelve feet at least is cleared of all stubble, scrub, and other inflammable material.

Penalty for using stationary steam engine or internal combustion engine in open.
New.

(2) Every stationary internal combustion engine (other than an internal combustion engine enclosed on four sides with non-inflammable material) shall be placed so that the space of ground around the internal combustion engine to a width of twelve feet at least is cleared of all stubble, scrub, and other inflammable material.

(3) Any person who drives or uses any steam engine or internal combustion engine in any manner contrary to this section shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

16. Any person who during the period between the thirty-first day of October and the following first day of May, lights or maintains any fire in any appliance which is used for the purpose of taking honey from any beehive or lights or maintains any fire in any honey-house shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds unless around the beehive or honey-house or around the apiary in which the beehive or honey-house is situated there is a space cleared of all inflammable material to a width of twelve feet or a space ploughed to a width of six feet.

Duty of beekeepers to clear space.
New.

17. Any person who uses any internal combustion engine for the purpose of harvesting any inflammable crop shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds unless such internal combustion engine is fitted with an effective spark arrester; and throughout the

Use of internal combustion engines in harvesting operations.
New.

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whole length of every side of the area to be so harvested there is a strip of land ploughed to a width of at least twelve feet or a strip of land cleared of all inflammable material to a width of at least twelve feet: Provided that it shall be sufficient compliance with this section if there is carried with the internal combustion engine a water spray of the knapsack pattern fully charged with water and a strip of land as aforesaid is ploughed to a width of six feet.

Any irrigation or drainage channel containing water to the width of at least six feet shall for the purposes of this section be deemed to be a strip of land twelve feet in width cleared of all inflammable material.

Smoking in the open air near stacks, &c., prohibited.

1123, 1913, s. 17.
1768, 1926, s. 9.

18. Any person who, during the period between the thirty-first day of October and the first day of the following May, smokes in the open air within twenty yards of any stable, or of any rick, stack, or field of hay, corn, straw, stubble, or other inflammable vegetable production, unless—

(a) within a town; or

(b) with a pipe properly covered,

shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

Penalty for throwing lighted cigarettes, &c., from vehicles.

New.

19. Any person who, while being conveyed in any moving vehicle in any part of the State outside any municipality or town, during the period between the thirty-first day of October and the first day of the following May, throws out of such vehicle any lighted cigarette or cigar, shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

Prohibition on using rabbit fumigator during summer.

cf. 2023, 1931, s. 6.

20. Any person who, during the period between the thirtieth day of November and the fourteenth day of the following February lights or maintains any fire in any appliance which is used as a rabbit fumigator, shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

Trees not to be blasted between 31st October and 1st May except under conditions.

1123, 1913, s. 18.
1768, 1926, s. 10.

21. Any person who, during the period between the thirty-first day of October and the first day of the following May, employs gunpowder, or any other explosive substance, for the purpose of blasting any tree, wood, or timber, without having at least four persons present to prevent any fire from arising therefrom, shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

Placing of substances on the ground may be prohibited by proclamation.

1123, 1923, s. 19.

22. (1) The Governor may, by proclamation, prohibit the placing on the ground of the substance or substances specified in the proclamation—

(a) either at any time or during the periods of the year or of the day specified in the proclamation;

(b) either

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- (b) either anywhere in the State or within areas so specified ;
- (c) either for any purpose or for the purposes so specified ; and
- (d) either absolutely or except under conditions so specified.

(2) The Governor may, by proclamation, rescind, amend, or vary any proclamation made under subsection (1) hereof.

(3) Any proclamation made under this section shall be published—

- (a) in the *Government Gazette*, and
- (b) if the proclamation is to have effect throughout the State, twice in a newspaper published in Adelaide, or if the proclamation is to have effect only within specified areas, twice in a newspaper circulating in such areas.

(4) Any person who, after the expiration of the period of fourteen days from the latest of the publications of any proclamation required by subsection (3) hereof, does anything contrary to the provisions of such proclamation, shall be guilty of an offence and liable to a penalty for a first offence of not less than one pound, nor more than five pounds ; and for every subsequent offence of not less than two pounds nor more than twenty pounds.

23. (1) The Governor may, by proclamation, prohibit the sale, offering for sale, distribution, and use of any matches other than those made so as to strike only on a preparation affixed to the box containing the matches, or to a box containing matches of the same description—

Sale of matches of certain kinds may be prohibited during certain periods.
1123, 1913, s. 20.

- (a) either anywhere in the State or within the areas specified in the proclamation :
- (b) during the periods of the year so specified, being between the thirty-first day of October and the first day of the following May.

(2) The Governor may, by proclamation, rescind, amend, or vary any proclamation made under subsection (1) hereof.

(3) Any proclamation made under this section shall be published—

- (a) in the *Government Gazette* ; and
- (b) if the proclamation is to have effect throughout the State, twice in a newspaper published in Adelaide, or, if the proclamation is to have effect only in specified areas, twice in a newspaper circulating in such areas.

(4) Any person who, after the expiration of the period of fourteen days from the latest of the publications of any proclamation required by subsection (3) hereof, does anything contrary to the provisions of such proclamation, shall be guilty of an offence and liable to a penalty for the first offence of not less than one pound, nor more than five pounds ; and for every subsequent offence of not less than two pounds nor more than twenty pounds.

24. Any

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Placing inflammable material for the purpose of causing a fire to be punishable as a felony.
1123, 1913, s. 21.

24. Any person who unlawfully and maliciously, for the purpose of causing a fire, and with intent to injure or damage any person or property, puts or places any match or other inflammable or combustible substance, matter, or thing, in such a position—

(a) that the same may be ignited, exploded, or set on fire, by the sun's rays being focussed through glass or other substance, or by friction, or other means; or

(b) that a fire may be lighted,

shall, whether a fire is caused or not, be guilty of felony, and liable to be imprisoned for any term not exceeding fourteen years.

Damage by fire to dividing fence caused by neglect of owner or occupier of land to be made good by him.
1123, 1913, s. 22.

25. (1) If the owner or occupier of any land clears the same of all inflammable materials for the space of at least twenty feet from any fence dividing such land from the land of any other owner or occupier; and

(a) such other owner or occupier does not clear his land contiguous to the said fence for the space of at least twenty feet; and

(b) any damage from fire happens to such dividing fence through his failing so to do;

such other owner or occupier shall, at his own costs and charges, repair or re-erect such fence within the period of one month from the day when the same is so damaged, or within such extended time as is allowed by a special magistrate, on application made to him in writing, of which application not less than seven days' notice in writing has been served on the owner or occupier who has cleared his land as aforesaid.

(2) If the owner or occupier who has so failed to clear his land fails to repair or re-erect such fence within such month or such extended time (if any), the owner or occupier of the first-mentioned land who has cleared the same as aforesaid may repair or re-erect such fence, and may recover the costs and expenses of so doing as money paid to the use of the owner or occupier so in default.

Power of occupier to clear portions of road.
New.

26. Where any land adjoins any road, the occupier of the land, with the consent of the council of the area in which the road is situated or of the Minister if the road is not situated within an area, may, for the purposes of providing a firebreak for the protection of any fences or other property on the said land, clear all scrub from the whole or any portion of that part of the road to the width of nine feet which adjoins the said land.

Coronial inquiry into certain fires.
New.

27. In the event of any fire (other than a fire confined to any building or other premises) an inquest shall be held thereon in any case where a request in writing is made to the member of the Police Force in charge of the police station nearest to the fire within three days of the outbreak of the fire by—

(a) the council of the area in which the fire occurred :

(b) any

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(b) any owner or occupier of property who suffered loss by reason of the fire.

28. A council may expend any portion of its rates in paying for the clearing of any roads vested in it of stubble, scrub, and other inflammable material for the purpose of preventing the spread of fire or in the purchase of fire-preventing apparatus; and, subject to the provisions of this Act, may light, use, and maintain fires, or cause the same to be lighted, used, and maintained, for the purpose of such clearing; and may prevent the passing of vehicles of any kind, cattle, and beasts of draught or burden along any road whilst fire is being used for the purpose of such clearing.

Power for councils to expend rates for prevention of fires. 1123, 1913, s. 23.

29. (1) Any council may, from time to time, appoint such persons (not exceeding fifteen in number) as it thinks proper to be its fire control officers under this Act, and may from time to time appoint as additional officers any persons (but not exceeding fifteen in number) who are officers under this Act appointed in respect of any adjoining area.

Officers may be appointed by councils for prevention and control of fires. 1123, 1913, s. 24. 1768, 1926, s. 11. 2023, 1931, s. 7. 2027, 1931, s. 2.

(2) If the Minister is satisfied that any council has not appointed fire control officers sufficient for its area, the Minister may appoint fire control officers for such area, and any person so appointed shall be deemed to have been appointed by the council. Sub-section (3) shall apply to any such appointment.

(3) No such appointment shall have any effect until notice thereof has been published in the *Government Gazette*.

(4) The general powers of the council whereby any such officer is appointed, with respect to other officers appointed by it, shall apply with respect to its officers appointed under this section.

(5) Any officer appointed under this section shall, subject to such (if any) directions as are given by the council, and subject to anything prescribed by regulations, 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.

(6) On the outbreak of any fire at any place within the area, any such officer shall proceed with all possible speed to such place, and, subject to anything prescribed by regulations, shall have 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 of Fire Brigades under the Fire Brigades Act, 1913.

(7) If

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(7) If a fire to which this section applies occurs and no fire control officer appointed for the area or portion of the State in which the fire occurs is present, any fire control officer for any adjoining area or portion of the State may have and exercise in respect of such fire all the powers of a fire control officer for the first-mentioned area or portion of the State in respect of the fire and shall in the event of the exercise of the said powers, have the same duties as such fire control officer.

(8) This section shall only apply to fires which—

- (a) have been lighted or are maintained unlawfully (whether in contravention of this Act or not); or
- (b) have occurred accidentally; or
- (c) have ceased to be under control or are not adequately controlled;

and to such other fires as are prescribed by regulations.

(9) Every forester and assistant forester employed in the Woods and Forests Department of the State, and every foreman in charge of any Government forest, shall *ex officio* be deemed to be an officer under this Act, and shall have and may exercise throughout the whole State all the powers of an officer under this Act.

(10) The Minister may appoint any person to be an officer for any portion of the State not comprised within an area, and any person so appointed shall have and may exercise within such portion of the State all the powers of an officer under this Act.

(11) This section shall not apply within any locality wherein the Fire Brigades Act, 1913, applies.

(12) The Governor may make regulations prescribing the powers and duties of officers appointed under this section, and all such matters and things as may be necessary or convenient for enforcing the authority of such officers, and for carrying out the objects and provisions of this section.

Act not to affect
other remedies.
1123, 1913, s. 25.

30. Nothing in this Act shall be construed as taking away or affecting any right of action or other remedy, whether civil or criminal, which any person may have in respect of any loss or damage occasioned by fire, or for any trespass committed.

Regulations.
1123, 1913, s. 26

31. (1) The Governor may make all such regulations as may be necessary or convenient for giving effect to the provisions of this Act or more fully carrying out its objects.

(2) Any regulation made under this Act may prescribe a penalty not exceeding twenty pounds in any case, for the breach of such regulation or of any other regulation under this Act.

Appropriation of
penalties.
1123, 1913, s. 27.

32. (1) Subject to subsection (2) all moneys received for or on account of penalties imposed for offences against this Act, shall be paid to the Treasurer for the public uses of the State.

(2) Moneys

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(2) Moneys received in respect of an offence committed within any area the complaint for which was laid by the council thereof or any officer of the council, shall be paid over to, and for the use of, the council.

33. (1) In any proceedings for an offence against this Act the allegation in the complaint—

Evidence in proceedings.
1123, 1913, s. 28.

(a) that a fire was lighted or maintained with the intention or for the purpose mentioned in such complaint; or

(b) that any stubble was not burned, or that any fire was not lighted, for the purpose mentioned in such complaint,

shall, if it is shown that the fire was lighted, or maintained, or that the stubble was burned (according to the nature of the charge), be taken to be proved, until the contrary is proved.

(2) In any proceedings for an alleged offence against this Act the burden of proving the observance of the conditions which would excuse the matter alleged in the complaint shall lie upon the defendant.

34. All proceedings in respect of offences against any provision of this Act other than section 24, shall be disposed of summarily.

Procedure for offences.
1123, 1913, s. 29.

35. Wherever in this Act there is a prohibition of the doing of anything, such prohibition shall be read as including a prohibition of the assisting in or in any way aiding or abetting the doing of such thing, and of the causing or suffering of the doing thereof, and of any attempt to do such thing, or cause it to be done, or to assist in or aid or abet the doing thereof.

Prohibition of any act to include assisting, &c., and attempts.
1123, 1913, s. 5.

36. Any notice required to be given to any person pursuant to sections 4, 5, or 7 may be given in writing or orally to such person personally or may be given by leaving written notice thereof at the place of residence of such person.

Giving of notices.
New.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.

Bush Fires Act—1933.

THE SCHEDULE.

No. of Act Repealed.	Title of Act Repealed.
No. 1123 of 1913 .	The Bush Fires Act, 1913.
No. 1768 of 1926 .	Bush Fires Act Amendment Act, 1926.
No. 2023 of 1931 .	Bush Fires Act Amendment Act, 1931.
No. 2027 of 1931 .	Bush Fires Act Amendment Act (No. 2), 1931.