



ANNO DECIMO QUARTO

GEORGI VI REGIS.

A.D. 1950.

No. 23 of 1950.

An Act to amend the Bush Fires Act, 1933-1946.

[Assented to 9th November, 1950.]

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

1. (1) This Act may be cited as the "Bush Fires Act Amendment Act, 1950". Short titles.

(2) The Bush Fires Act, 1933-1946, as amended by this Act, may be cited as the "Bush Fires Act, 1933-1950".

(3) The Bush Fires Act, 1933-1946, is hereinafter referred to as "the principal Act".

2. (1) Section 4 of the principal Act is amended—

(a) by striking out the word "two" in the third line of subsection (5) thereof and by inserting in lieu thereof the word "five";

(b) by striking out the word "twenty" in the fourth line of subsection (5) thereof and by inserting in lieu thereof the word "twenty-five";

(c) by striking out the word "five" in the last line of subsection (5) thereof and by inserting in lieu thereof the word "ten".

Amendment of
principal Act,
ss. 4, 5 and 8—
Penalties.

(2) Section 5 of the principal Act is amended—

(a) by striking out the word "two" in the third line of subsection (2) thereof and by inserting in lieu thereof the word "five";

(b) by striking out the word "twenty" in the fourth line of subsection (2) thereof and by inserting in lieu thereof the word "twenty-five";

(c) by striking out the word "five" in the last line of subsection (2) thereof and by inserting in lieu thereof the word "ten".

(3) Section 8 of the principal Act is amended by striking out the word "twenty" in the fourth line of subsection (2) thereof and by inserting in lieu thereof the word "twenty-five".

Amendment of
principal Act,
s. 4, 5 and 8—
Notice of
burning.

3. (1) Section 4 of the principal Act is amended by striking out the word "or" in the second line of paragraph IV of subsection (2) thereof and by inserting in lieu thereof the word "and".

(2) Section 5 of the principal Act is amended by striking out the word "or" in the second line of paragraph III of subsection (1) thereof and by inserting in lieu thereof the word "and".

(3) Section 8 of the principal Act is amended by striking out the word "or" in the second line of paragraph III. of subsection (1) thereof and by inserting in lieu thereof the word "and".

Amendment of
principal Act,
s. 11—
Alteration of
burning
periods, etc.

4. Section 11 of the principal Act is amended by striking out subsection (4) thereof and by inserting in lieu thereof the following subsection:—

(4) In every case where the Minister is of opinion that the alteration of periods, hours or distances, as the case may be, to be made pursuant to any notice given under this section (whether given by a council or by the Minister) should have effect only for a time to be stated in the notice, the Minister may give directions in writing fixing the time during which the alterations shall continue and the time so fixed shall be stated in the notice aforesaid. Upon the expiration of the time so fixed, the periods, hours or distances, as the case may be, shall revert to the periods, hours, or distances, as the case may be, which applied within the area, or portion thereof, or part of the State, as the case may be, immediately prior to the notice taking effect.

Enactment of
s. 13a of
principal Act—

5. The following section is enacted and inserted in the principal Act after section 13 thereof:—

Warning of
day of extreme
fire hazard.
Cf. Vic. 5040,
1944, s. 41.
Cf. Vic. 5191,
1946, s. 20.

13a. Whenever the Minister is of opinion that it is desirable so to do, the Minister may cause to be broadcast from a broadcasting station in the State a warning of the likelihood of the occurrence of weather conditions conducive to the spread of bush fires in the whole of the State or any part or parts of the State and warning all persons against the fire hazard which would be created by the lighting of fires in the open.

6. Section 15 of the principal Act is amended so as to read as follows:—

Re-enactment
of s. 15 of
principal Act—

15. (1) If—

Using
stationary
engine in open.

(a) any person drives or uses in a stationary position any steam engine or internal combustion engine (other than a steam engine or internal combustion engine which is enclosed on all sides with non-inflammable material); and

(b) either—

(i) a space of ground around the engine to a width of twelve feet at least is not cleared of all stubble, scrub, and other inflammable material; or

(ii) some person is not present during the whole time the engine is driven or used; and

(c) there is not provided with the engine during the time it is driven or used an effective water spray of the knapsack pattern fully charged with water and a shovel,

the said person if whilst so driving or using the steam engine or internal combustion engine, he fails to comply with the provisions of either or both of paragraphs (b) and (c) hereof, and also any other person who causes the said person to so drive or use the steam engine or internal combustion engine, shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

(2) If—

(a) any person drives or uses in a stationary position any internal combustion engine and the engine is enclosed on all sides with non-inflammable material; and

(b) any exhaust pipe from the engine projects outside the non-inflammable material; and

(c) the engine is not equipped with an effective spark arrester or muffler,

the said person and also any other person who causes the said person to so drive or use the internal combustion engine shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

7. Section 17 of the principal Act is amended—

Amendment of
principal Act,
s. 17—
Use of
internal
combustion
engines.

(a) by adding at the end of subsection (1) thereof the words "and a shovel".

- (b) by striking out in the first line of subsection (4) the words " If any crop is reaped or cut on any land and " ;
- (c) by striking out in the second and third lines of subsection (4) the words " , for the purpose of removing the crop, " ;
- (d) by striking out in the third line of subsection (4) the words " the said " and inserting in their place the word " any " ;
- (e) by adding at the end thereof the following subsection :—
 - (5) If—
 - (a) any person drives on any land any tractor propelled by an internal combustion engine ; and
 - (b) the tractor is not fitted with an effective spark arrester ; and
 - (c) there is not carried with the tractor whilst so driven an effective water spray of the knapsack pattern fully charged with water ; and
 - (d) the tractor whilst so driven is in contact with any stubble or inflammable material,

the said person, if whilst so driving the tractor he fails to comply with the provisions of either or both of paragraphs (b) and (c) hereof, and also any other person who causes the said person to so drive the tractor, shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

In this subsection " tractor " means any vehicle adapted for use in hauling other vehicles, but not built to carry passengers or loads other than fuel or water for its own consumption.

Amendment of principal Act, s. 19—
Throwing live tobacco ash from vehicle.

8. Section 19 of the principal Act is amended by inserting after the word " cigar " the words " or any live tobacco ash " .

Enactment of s. 23b of principal Act—

9. The following section is enacted and inserted in the principal Act after section 28a thereof:—

Power to provide sirens.

28b. A council may erect or authorize the erection of any siren in any suitable place for the purpose of being used to give an alarm on the outbreak of any fire and may from time to time test any siren so erected.

10. Section 29 of the principal Act is amended—

Amendment of principal Act, s. 29—

(a) by striking out the words “, but not exceeding fifteen,” in the seventh line of subsection (2) thereof.

Appointment of fire control officers.

(b) by adding at the end of subsection (2) thereof the following passage :—

The number of additional fire control officers which under this subsection may be authorized to be appointed by the Minister shall not exceed the following :—

Where the area of the council is less than six hundred square miles in extent—fifteen :

Where the area of the council is six hundred square miles or more but is less than eight hundred square miles in extent—twenty :

Where the area of the council is eight hundred square miles or more in extent—twenty-five.

11. The following section is enacted and inserted in the principal Act after section 29d thereof :—

Enactment of s. 29e of principal Act—

29e. Any person who in any way wilfully obstructs, hinders, delays, or interferes with any fire control officer in the exercise or discharge of any power or duty of the fire control officer under this Act shall be guilty of an offence and liable to a penalty not exceeding ten pounds or to imprisonment for any term not exceeding two months.

Hindering fire control officer.
Cf. 2272, 1936, s. 66.

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

C. W. M. NORRIE, Governor.