



ANNO QUINTO

GEORGII VI REGIS.

A.D. 1941.

No. 24 of 1941.

An Act to amend the Bush Fires Act, 1933-1939.

[Assented to 13th November, 1941.]

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, 1941". Short titles.

(2) The Bush Fires Act, 1933-1939, as amended by this Act, may be cited as the "Bush Fires Act, 1933-1941".

(3) The Bush Fires Act, 1933-1939, is hereinafter referred to as "the principal Act".

2. Subsection (1) of section 3 of the principal Act is amended by inserting therein after the definition of "council" the following definitions:— Amendment of s. 3 of principal Act— Interpretation.

"producer gas" means gas which is produced by the incomplete combustion of solid fuel and whose active constituent is chiefly carbon monoxide, but does not include gas produced at a fixed station and distributed through mains for consumption at a distance from the place of production:

"producer gas equipment" means equipment for the production of producer gas or for conducting producer gas to an engine:

Amendment of
principal Act—

3. The principal Act is amended by inserting therein after section 15 the following section:—

Use of producer
gas equipment.

15a. (1) Any person who, during the period between the thirtieth day of September and the first day of the following May, in the open air—

- (a) lights any fire in any producer gas equipment ; or
- (b) opens any entrance (other than any entrance used for the insertion of fuel) to any producer gas equipment which contains live coals, hot ashes, or any material from which sparks or fire may be emitted,

shall be guilty of an offence unless the space of ground immediately around the producer gas equipment and to a distance of twelve feet at least in all directions is clear of all stubble, scrub and other inflammable material.

(2) Any person who, during the period between the thirtieth day of September and the first day of the following May, whilst on any road outside of any municipality or township, empties from any gas producer equipment any live coals, hot ashes, or any material from which sparks or fire may be emitted, shall be guilty of an offence unless the live coals, hot ashes, or material is emptied into a receptacle containing water sufficient to extinguish completely the coals, ashes or material.

(3) Any person who, during the period between the thirtieth day of September and the first day of the following May, in the open air opens or empties or carries out any operation with respect to any part of any gas producer equipment so that there is emitted from the gas producer equipment any live coals, hot ashes or any material from which sparks or fire may be emitted, shall be guilty of an offence unless the live coals, hot ashes or other material is immediately and completely extinguished.

(4) Any person who, during the period between the thirtieth day of September and the first day of the following May, in the open air—

- (a) operates any producer gas equipment which is not fitted and mounted so as to prevent effectively the escape of fire, sparks, grit, cinders, ashes, coals and burning gas ; or
- (b) operates any gas producer equipment which is so constructed that during the operation thereof any outside surface thereof is likely to reach a temperature sufficient to ignite any stubble,

grass, leaves, wood, or other inflammable material which may come into contact therewith,

shall be guilty of an offence.

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

4. Section 31 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :—

Amendment of s. 31 of principal Act—Regulations.

(1a) Without limiting the effect of subsection (1), the Governor may, for the purpose of preventing the outbreak of fire, make regulations prescribing the conditions under and the manner in which producer gas equipment or any type of producer gas equipment may be used or operated or charged or emptied and prohibiting the use or operation or charging or emptying thereof except as prescribed in the regulations.

5. Section 33 of the principal Act is amended by adding at the end thereof the following subsection :—

Amendment of s. 33 of principal Act—Evidence.

(3) In any proceedings for an offence against this Act, the allegation in the complaint that any specified apparatus or equipment is producer gas equipment shall be taken to be proved, until the contrary is proved.

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

C. M. BARCLAY-HARVEY, Governor.