



ANNŌ SEXTO

GEORGII VI REGIS.

A.D. 1942.

No. 30 of 1942.

An Act to amend the Bush Fires Act, 1933-1941.

[Assented to 26th November, 1942.]

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, 1942". Short titles.

(2) The Bush Fires Act, 1933-1941, as amended by this Act, may be cited as the "Bush Fires Act, 1933-1942".

(3) The Bush Fires Act, 1933-1941, is hereinafter referred to as "the principal Act".

2. Section 4 of the principal Act is amended by inserting after the word "council" in the fifth line of subsection (3) thereof the words "or (with the consent in writing of the Commissioner of Crown Lands) on any travelling stock reserve". Amendment of principal Act, s. 4—
Burning of stubble by council.

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

5a. It shall not be deemed a contravention of section 4 or section 5 if any person burns any stubble on any land or lights or maintains any fire with the intention of burning any stubble or if any council causes stubble to be burnt or a fire lighted or maintained for the purpose of burning Power of Minister to authorize burning of stubble.

any stubble or any street, road or reserve vested in or under the control of the council if, prior to the stubble being burnt or the fire lighted or maintained, permission in writing is obtained from the Minister for the purpose, and if all conditions specified by the Minister are fully complied with. The permission of the Minister aforesaid may be given subject to such conditions as the Minister thinks sufficient or proper in the circumstances of the case. If application for permission as aforesaid is made by other than a council and if the land in respect of which the application is made is situated within an area, the Minister shall not give permission as aforesaid except upon the recommendation of the council of the area.

Amendment of
principal Act,
s. 8—
Burning of
scrub.

4. Section 8 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) It shall not be deemed a contravention of this section if any person burns any scrub on any land or lights or maintains any fire with the intention of burning any scrub if, prior to the scrub being burnt or the fire lighted or maintained, permission in writing is obtained from the Minister for the purpose and if all conditions specified by the Minister in the permission in writing are fully complied with. The permission of the Minister aforesaid may be given subject to such conditions as the Minister thinks sufficient or proper in the circumstances of the case.

Amendment of
principal Act,
s. 17—
Harvesting of
inflammable
crop.

5. Section 17 of the principal Act is amended by adding at the end thereof the following subsections (the preceding portion of the said section being read as subsection (1) thereof) :—

(2) Any person who uses any producer gas equipment for the purpose of reaping or cutting 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 the whole of the area to be so reaped or cut is bounded by one or other of the following, namely :—

- I. A strip of land ploughed to a width of at least twelve feet :
- II. A strip of land cleared of all inflammable material to a width of at least twelve feet :
- III. An irrigation or drainage channel containing water to the width of at least six feet.

(3) Any person who uses any producer gas equipment for the purpose of removing any inflammable crop from the place where the crop was reaped or cut, shall be guilty of

an offence and liable to a penalty of not less than two pounds and not more than twenty pounds unless there is carried with the producer gas equipment a water spray of the knapsack pattern fully charged with water.

6. Section 19 of the principal Act is amended by striking out in the first line thereof the words "being conveyed" and the word "moving".

Amendment of principal Act, s. 19—
Throwing cigarette, etc., from vehicle.

7. Section 29 of the principal Act is amended by inserting therein after subsection (6) thereof the following subsections:—

Amendment of principal Act, s. 29—

(6a) Any councillor may be appointed as a fire control officer by any council or, in exercise of the powers conferred by subsection (4), by the Minister, if, under the conditions of the appointment, no payment is to be made to the councillor by any council as fees, salary, or wages for his services as fire control officer.

Fire control officers.

Notwithstanding the provisions of the Local Government Act, 1934-1941, no such appointment shall disqualify any councillor so appointed from being or continuing a councillor.

In this subsection "councillor" means mayor, alderman or councillor in any council.

(6b) If any person (whether a person such as is referred to in subsection (6a) or not) is appointed as a fire control officer by a council or by the Minister in exercise of the powers conferred by subsection (4), and, under the conditions of his appointment, no payment is to be made to the fire control officer as fees, salary or wages for his services as fire control officer, then for the purposes of any Act relating to the liability of employers in respect of injury to or the death of workmen employed by them, the person so appointed shall not be deemed to be employed as a workman by the council by which he is appointed or, as the case may be, deemed to be appointed and the provisions of any such Act shall not apply upon the injury or death of any such person.

A council by which any such person is appointed or, as the case may be, is deemed to be appointed, shall obtain from an insurance office a policy of insurance under which the following benefits shall be payable to such person or his personal representatives on the death or total or partial incapacity of such person when such death or incapacity is brought about by accident arising out of and in the

course of such person's duties as a fire control officer, namely :—

- (a) On the death or total incapacity of such person—an amount not less than five hundred pounds :
- (b) On the partial incapacity of such person—an amount not less than two pounds per week to be payable during such partial incapacity for a period of at least six months :
- (c) If any such person suffers any of the injuries mentioned in the first column of the table in section 26 of the Workmen's Compensation Act, 1932-1941—an amount being such ratio of the sum of five hundred pounds as is shown in the second column of the said table as being payable in respect of such injury : Provided that any amount payable in pursuance of paragraph (b) hereof shall be deducted from any amount payable under this paragraph.

Amendment of
principal Act,
s. 29b—

Powers of
fire control
officers.

8. Section 29b of the principal Act is amended by inserting therein after subsection (2) thereof the following subsection :—

(2a) Notwithstanding any other provision of this Act, a fire control officer appointed for any area may on the outbreak of any fire at any place outside that area have control and the direction of the measures taken to control and extinguish such fire or to prevent its spreading as if he had been appointed a fire control officer for the area in which the outbreak of fire occurred ; but the powers hereby given to any such fire control officer shall be exercised only until such time as a fire control officer appointed for the area in which the outbreak of fire occurred assumes the control and direction of the measures aforesaid.

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

J. M. NAPIER, Deputy-Governor.