



ANNO QUARTO

ELIZABETHAE II REGINAE

A.D. 1955

No. 58 of 1955

An Act to amend the Bush Fires Act, 1933-1952.

[Assented to 8th December, 1955.]

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

Short titles.

1. (1) This Act may be cited as the "Bush Fires Act Amendment Act, 1955".

(2) The Bush Fires Act, 1933-1952, as amended by this Act, may be cited as the "Bush Fires Act, 1933-1955".

(3) The Bush Fires Act, 1933-1952, is hereinafter referred to as "the principal Act".

Amendment of
principal Act,
s. 4—
Burning of
stubble.

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

(4a) The council may by permit in writing given in any particular case, authorize the lighting of a fire without paragraphs II or V of subsection (2) or paragraphs I or III of subsection (4) being fully complied with but subject to such conditions as are specified by the council in the permit. Every such permit shall specify the conditions upon which the fire may be lighted.

It shall be a defence to any proceedings for a contravention of paragraph II or paragraph V of subsection (2) or of paragraph I or paragraph III of subsection (4) if

proof is given that the fire was lighted in accordance with a permit in writing given as aforesaid.

3. Section 5 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :—

Amendment of principal Act, s. 5—
Burning of stubble.

(1a) The council may by permit in writing given in any particular case, authorize the lighting of a fire without paragraphs I, IV or V of subsection (1) being fully complied with but subject to such conditions as are specified by the council in the permit. Every such permit shall specify the conditions upon which the fire may be lighted.

It shall be a defence to any proceedings for a contravention of paragraph I, paragraph IV or paragraph V of subsection (1), if proof is given that the fire was lighted in accordance with a permit in writing given as aforesaid.

4. The following sections are enacted and inserted in the principal Act after section 5b thereof :—

Enactment of ss. 5c. and 5d. of principal Act—

5c. (1) It shall not be a contravention of section 4 or section 5 if any person burns any stubble or lights or maintains a fire for the purpose of burning any stubble on any allotment of land situated within a municipality or township within a district council district if—

Burning of stubble in township allotments.

- (a) prior to the lighting of the fire, the council has issued to that person a permit in writing to light the fire ;
- (b) all the conditions of the permit are fully complied with ; and
- (c) at least six hours prior to lighting the fire the person has given notice of his intention to light the fire to the person in charge of the fire brigade nearest to the allotment or to the fire control officer resident nearest to the allotment.

(2) The council may issue any such permit subject to such conditions as are thought fit by the council.

5d. It shall not be a contravention of section 4 or section 5 if a person burns any stubble on any land or lights or maintains a fire for the purpose of burning any stubble on any land if—

Burning of stubble by direction of Chief Officer of Fire Brigades.

(a) the fire is lighted in accordance with the direction of the Chief Officer of Fire Brigades or the Deputy Chief of Fire Brigades within the meaning of the Fire Brigades Act, 1936-1944 : and

(b) any condition specified by the Chief Officer of Fire Brigades or, as the case may be, the Deputy Chief Officer of Fire Brigades when giving the direction aforesaid are fully complied with.

Amendment of
principal Act,
s. 7—
Burning of
scrub.

5. Section 7 of the principal Act is amended by striking out the words "for the purpose of providing a firebreak" in the second and third lines of subsection (2) thereof.

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

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

(4) The council may by permit in writing given in any particular case, authorize the lighting of a fire without paragraphs I, V, or VII of subsection (1) being fully complied with but subject to such conditions as are specified by the council in the permit. Every such permit shall specify the conditions upon which the fire may be lighted.

It shall be a defence to any proceedings for a contravention of paragraph I or paragraph V or VII of subsection (1), if proof is given that the fire was lighted in accordance with a permit in writing given as aforesaid.

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

7. Section 11 of the principal Act is amended by adding at the end thereof the following subsection :—

(6) In any case where the council is of opinion that the seasonal conditions warrant a variation of the periods mentioned in section 4, 5, 7, 8, 9, 13 or 20, or any of those sections, the council, after consulting with the Conservator of Forests (if any Government forest is situated within the area of the council), may by resolution—

(a) declare that the said periods or any of them shall, in respect of the area of the council or any part of the area, commence on a date not more than fourteen days earlier or not more than fourteen days later than the commencing date mentioned in the section to which the declaration relates ;

- (b) postpone for a period of up to fourteen days the final date of any such period in respect of the area of the council or any part thereof.

No such resolution shall have any force until notice thereof has been—

- (i) published once in some newspaper circulating in the area ; and
- (ii) displayed for at least seven days at the town office or district office of the council.

Notice of every such resolution shall forthwith after the passing thereof be forwarded by the council to the Minister.

8. Section 12 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

Amendment of principal Act, s. 12—
Prohibition of fires on certain days.

- (2) The council may make by-laws prohibiting the lighting of fires at any time on any Saturday or public holiday for any of the purposes mentioned in sections 4, 5, 7, 8 or 9.

All by-laws made pursuant to this subsection shall be made in manner prescribed by and be subject to the provisions of Division I of Part XXXIX of the Local Government Act, 1934-1954.

9. Section 13a of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

Repeal and re-enactment of s. 13a of principal Act—

13a. (1) Whenever the Minister or a person authorised by the Minister pursuant to this section is of opinion that it is desirable so to do, the Minister or person authorised as aforesaid 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 of the State and a prohibition of the lighting of fires in the open within the whole State or within any part of the State.

Warning of day of extreme fire hazard.

(2) Any person who on the day any such warning and prohibition is broadcast, lights any fire in the open contrary to the prohibition shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

(3) The Minister may, in writing, authorize any person as aforesaid and may, in writing, withdraw any such authority.

(4) In any proceedings for an offence against this section, a certificate purporting to be signed by the Minister to the effect that a warning and prohibition were broadcast pursuant to this section from a broadcasting station in the State in respect of any specified day and in respect of the whole of the State or any specified part thereof shall be *prima facie* evidence of the facts set out therein.

Enactment of
s. 17b of
principal Act—

10. The following section is enacted and inserted in the principal Act after section 17a thereof :—

Use of aircraft
for spraying.

17b. If any spraying or dusting operation is carried out from any aircraft and if in the course of that operation the aircraft is landed upon any land upon which there is any stubble, the owner of the aircraft shall be guilty of an offence and liable to a penalty not exceeding fifty pounds unless—

(a) at least one hand or power pump with adequate water and at least two effective water sprays of the knapsack pattern fully charged with water are at the place of landing ; or

(b) the land on which the aircraft lands is, throughout the whole length of every side of that land, either ploughed and cleared of all scrub, stubble, and other inflammable material to a width of at least six feet or cleared of all scrub, stubble, and other inflammable material to a width of at least twelve feet.

Amendment of
principal Act,
s. 19—
Throwing
cigarettes, etc.,
from vehicles.

11. Section 19 of the principal Act is amended by striking out the words “in any part of the State outside any municipality or town” in the first and second lines thereof.

Enactment of
s. 21a of
principal Act—

12. The following section is enacted and inserted in the principal Act after section 21 thereof :—

Power to
require fire
protection at
sawmill, etc.

21a. (1) A council may, by notice in writing given to the owner of any sawmill or any other premises to which this section applies require the owner to provide at the sawmill or premises within the time specified in the notice all or any of the following, namely :—

- I. A water supply adequate to deal with an outbreak of fire ;
- II. Such fire-fighting appliances as are specified in the notice ;
- III. Such telephonic communications as are specified in the notice.

(2) If the owner objects to any of the requirements of any such notice, he may appeal therefrom to the local court of full jurisdiction nearest to the sawmill or premises. Every such appeal shall be instituted by a notice of appeal in writing, which shall, within fourteen days after the service of the notice under subsection (1), be served upon the clerk of the council and the clerk of the local court.

(3) The local court shall hear and determine the appeal and shall make such order in the matter as the court deems fit.

(4) The powers conferred by section 28 of the Local Courts Act, 1926-1936, shall include power to make rules relating to appeals under this Act and for regulating the procedure to be followed in such appeals.

(5) If any owner of any sawmill or premises fails to comply with the requirements of any notice given under subsection (1) or of any order made under subsection (3), he shall be guilty of an offence and liable to a penalty not exceeding ten pounds for every day during which that default continues.

(6) The Governor may by proclamation declare that any class of premises shall be premises to which this section applies and may by proclamation revoke or vary any such proclamation.

13. Section 29 of the principal Act is amended by inserting after the word "forest" in the third line of subsection (7) thereof the words "and the Director of Emergency Fire Services".

Amendment of
principal Act,
s. 29—
Fire control
officers.

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

Enactment of
s. 29f of
principal Act—

29f. (1) If any fire control officer is of opinion that a fire has been lighted on any land contrary to this Act or that a fire on any land (whether lighted in accordance with this Act or otherwise) is out of control, the fire control officer may give directions to the occupier of the land to take such measures to extinguish the fire as the fire control officer deems necessary.

Power of fire
control officers
as to certain
fires.

(2) If any fire control officer finds any fire upon any land which in his opinion has been lighted contrary to this Act or which (whether lighted in accordance with this Act or otherwise) may reasonably be expected to get out of control, the fire control officer may direct any person apparently responsible for the fire to take such measures to extinguish the fire as the fire control officer deems necessary.

(3) If any occupier or person fails to comply forthwith with any directions given under this section he shall be guilty of an offence and liable for a first offence to a penalty not exceeding fifty pounds and for a second or subsequent offence to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

Enactment of
ss. 37 to 48 of
principal Act—

15. The following sections are enacted and inserted in the principal Act after section 36 thereof :—

Interpretation.

37. In sections 37 to 48 (both inclusive) unless the context otherwise requires—

“committee” means the Bush Fires Fund Committee constituted pursuant to section 38 ;

“financial year” means the period of twelve months ending on the thirtieth day of June in any year ;

“fund” means the Bush Fires Fund ;

“insurer” means any corporate body, company, person or firm of persons required by the provisions of the Stamp Duties Act, 1923-1954, to take out an annual licence under that Act ;

“member” means a member of the committee and includes the chairman.

Appointment
of committee.

38. (1) There shall be a committee called “The Bush Fires Fund Committee”.

(2) There shall be three members of the committee who shall be appointed by the Minister. One of the members shall be appointed from a panel nominated by the Fire and Accident Underwriters’ Association of South Australia.

(3) The members of the committee shall hold office for such term as the Minister from time to time directs.

(4) Meetings of the committee shall be conducted in accordance with such procedure as the committee determines and the decision of any two members shall be binding.

(5) The members shall be entitled to such fees, to be paid from the fund, as are from time to time fixed by the Minister.

39. The Minister shall appoint one of the members to be the chairman of the committee. Chairman.

40. (1) There shall be established a fund to be called "The Bush Fires Fund" which shall be held by the Treasurer. Establishment of the fund.

(2) The fund shall consist of contributions paid by the Treasurer and insurers pursuant to this Act.

(3) The fund shall be managed by the committee.

41. (1) The committee shall keep complete and proper accounts of all its financial transactions. Accounts and audit.

(2) The accounts of the committee for each financial year shall be audited by the Auditor-General and copies of the accounts shall be laid before both Houses of Parliament.

42. The Treasurer shall make available to the committee the services of any public officer for the purpose of assisting the committee in the administration of this Act. Officers to assist committee.

43. At such time during the financial year ending on the thirtieth day of June, nineteen hundred and fifty-six, as is fixed by the Treasurer, the following contributions shall be paid into the fund :— Contributions to fund during 1955-1956.

(a) A contribution of five thousand pounds to be paid by the Treasurer ; .

(b) Contributions to be paid by each insurer so that the total of such contributions shall amount to five thousand pounds.

44. (1) For the purpose of every financial year subsequent to the financial year ending on the thirtieth day of June, nineteen hundred and fifty-six, the committee shall make a report to the Minister setting out what contributions are recommended by the committee to be made in respect of that financial year by the Treasurer and insurers respectively. Contributions for subsequent financial years.

If the member of the committee appointed from the panel nominated by the Fire and Accident Underwriters' Association of South Australia does not agree with the recommendation of the committee, the said association may make representations to the Minister and the Treasurer as to the amount of contributions to be made. After consideration of the recommendation of the committee and the representations (if any) of the said association the Treasurer shall, after consultation with the Minister, fix the contributions to be made in respect of that financial year.

(2) In respect of every such financial year the following contributions shall, at such time in the financial year as is fixed by the Treasurer, be paid into the fund :—

- (a) A contribution shall be paid by the Treasurer to the amount fixed as aforesaid to be paid by the Treasurer ;
- (b) Contributions shall be paid by each insurer but so that the total of such contributions shall not exceed the amount fixed by the Treasurer as aforesaid to be paid by insurers.

The amount fixed by the Treasurer as the total contributions to be paid by insurers in any financial year shall not exceed the amount fixed to be paid by the Treasurer in that financial year.

Computation of contributions by insurers.

45. (1) The contributions to be made by insurers shall be calculated as follows :—

- I. There shall be ascertained the amount payable by each insurer as stamp duty (other than stamp duty attributable to life assurance business of the insurer) in respect of the annual licence last taken out by the insurer under section 33 of the Stamp Duties Act, 1923-1954 ;
- II. There shall be ascertained the total of all such stamp duty payable by all such insurers ;
- III. The contribution payable by any insurer shall bear the same proportion to the total contributions payable by all insurers in that financial year as the stamp duty payable as aforesaid by that insurer bears to the total of the stamp duty payable as aforesaid by all such insurers.

(2) The Commissioner of Stamp Duties is hereby authorized to supply to the committee any information necessary to enable the amount of stamp duty payable as aforesaid to be ascertained.

(3) The committee shall determine the amount of the contribution of each insurer and any such determination shall be final and conclusive and binding on the insurer.

(4) Every insurer shall supply to the committee such information as the committee may require in order to assist the committee in determining the amount of the insurer's contribution.

46. (1) The committee may from the fund make payments to any organization formed for the purpose of fighting bush fires or other fires in parts of the State to which the Fire Brigades Act, 1936-1944, does not apply, for the purpose of providing up to two-thirds of the cost of providing any fire-fighting equipment.

Payments from fund to volunteer fire-fighting organizations.

(2) No such payments shall be made except with the approval of the Minister.

47. (1) The money which the Treasurer is required or authorized by section 43 or section 44 to contribute to the committee shall be paid by him out of the general revenue of the State.

Financial provision.

(2) The costs of the administration of the fund shall be paid out of the fund.

(3) This section, without further appropriation, shall be sufficient authority for making the payments mentioned in this section.

48. No act, matter, or thing *bona fide* done by the committee in the execution of this part shall subject the committee or any of the members personally to any action, liability, claim or demand whatsoever.

Protection of committee.

16. The principal Act is amended in the manner shown in the schedule to this Act.

Amendment of principal Act—Penalties.

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

R. A. GEORGE, Governor.

THE SCHEDULE.

AMENDMENTS TO THE BUSH FIRES ACT, 1933-1952.

Provision amended.	How amended.
Section 4 (5)	The words "less than five pounds nor more than twenty-five" in the third and fourth lines are struck out and the words "more than one hundred" are inserted in lieu thereof.
Section 5 (2)	The words "less than ten pounds nor more than fifty" in the fourth and fifth lines are struck out and the words "more than two hundred" are inserted in lieu thereof. The words "less than five pounds nor more than twenty-five" in the third and fourth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 7 (1)	The words "less than ten pounds nor more than fifty" in the last line are struck out and the words "more than one hundred" are inserted in lieu thereof. The words "less than five pounds nor more than twenty-five" in the sixth and seventh lines are struck out and the words "more than one hundred" are inserted in lieu thereof.
Section 8 (2)	The words "less than ten pounds nor more than fifty" in the eighth line are struck out and the words "more than two hundred" are inserted in lieu thereof. The words "less than five pounds nor more than twenty-five" in the third and fourth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 9	The words "less than ten pounds nor more than fifty" in the fifth line are struck out and the words "more than one hundred" are inserted in lieu thereof. The words "less than five pounds, nor more than twenty-five" in the fifteenth and sixteenth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 12	The words "less than ten pounds nor more than fifty" in the last line are struck out and the words "more than one hundred" are inserted in lieu thereof. The words "less than five pounds nor more than twenty-five" in the fifth and sixth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 12a (2)	The words "less than five pounds nor more than twenty-five" in the last line are struck out and the words "more than one hundred" are inserted in lieu thereof. The words "of not less than two pounds nor more than twenty pounds" in the second and third lines are struck out and the words "for a first offence of not more than fifty pounds and for every subsequent offence shall be liable to a penalty of not more than one hundred pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment" are inserted in lieu thereof.
Section 13 (1)	The words "less than two pounds nor more than twenty" in the fifteenth and sixteenth lines are struck out and the words "more than fifty" are inserted in lieu thereof. The words "less than five pounds nor more than fifty" in the sixteenth and seventeenth lines are struck out and the words "more than one hundred" are inserted in lieu thereof.
Section 13 (1a)	The words "less than two pounds nor" in the fourteenth line are struck out. The words "less than five pounds nor" in the fifteenth line are struck out.
Section 14 (1)	The words "less than two pounds nor more than ten" in the sixth and seventh lines are struck out and the words "more than twenty-five" are inserted in lieu thereof.
Section 14 (2)	The words "less than two pounds nor more than ten" in the last line are struck out and the words "more than twenty-five" are inserted in lieu thereof.
Section 15 (1)	The words "less than two pounds nor more than twenty" in the last line are struck out and the words "more than fifty" are inserted in lieu thereof.

AMENDMENTS TO THE BUSH FIRES ACT, 1933-1952—continued.

Provision amended.	How amended.
Section 15 (2)	The words "less than two pounds nor more than twenty" in the last line are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 15a (5)	The words "less than two pounds nor more than twenty" in the second and third lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 15b (1)	The words "less than five pounds nor more than fifty" in the fourth and fifth lines are struck out and the words "more than one hundred" are inserted in lieu thereof.
Section 16	The word "twenty" in the last line is struck out and the word "fifty" is inserted in lieu thereof.
Section 17 (1)	The words "less than two pounds nor more than twenty" in the sixth and seventh lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 17 (2)	The words "less than two pounds nor more than twenty" in the fourth line are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 17 (3)	The words "less than two pounds nor more than twenty" in the third and fourth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 17 (4)	The words "less than two pounds and not more than twenty" in the fourth and fifth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 17 (5)	The words "less than two pounds nor more than twenty" in the sixth and seventh lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 17a	The words "less than two pounds nor more than twenty" in the fifteenth and sixteenth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 18	The word "ten" in the last line is struck out and the word "twenty-five" is inserted in lieu thereof.
Section 19	The words "less than two pounds nor more than twenty" in the last line are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 20	The words "less than two pounds nor more than twenty" in the sixth and seventh lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 21	The words "less than two pounds nor more than twenty" in the fifth and sixth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 22 (4)	The words "less than two pounds nor more than twenty" in the last line are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 23 (4)	The words "less than one pound, nor more than five" in the sixth line are struck out and the words "more than ten" are inserted in lieu thereof.
Section 23a	The words "less than two pounds nor more than twenty" in the seventh and eighth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 28a (5)	The words "less than one pound, or more than five" in the sixth line are struck out and the words "more than ten" are inserted in lieu thereof.
Section 29d (2)	The words "less than two pounds nor more than twenty" in the seventh and eighth lines are struck out and the words "more than fifty" are inserted in lieu thereof.
Section 29e	The word "five" in the last line is struck out and the word "twenty" is inserted in lieu thereof.
	The word "ten" in the last line is struck out and the word "fifty" is inserted in lieu thereof.
	The word "five" in the last line is struck out and the word "twenty" is inserted in lieu thereof.
	The word "ten" in the fifth line is struck out and the word "fifty" is inserted in lieu thereof.