



ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO
SEXTO

VICTORIÆ REGINÆ.

A.D. 1882.

No. 273.

An Act to provide for the establishment of Fire Brigades.

[*Assented to, November 17th, 1882.*]

WHEREAS it is desirable to provide for the protection of property against loss or damage by fire, and for such purpose to provide for the establishment and maintenance of Fire Brigades—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

Preamble.

1. This Act may be for all purposes cited as the “ Fire Brigades Act, 1882.”

Short title.

2. In the construction and for the purposes of this Act the words and expressions following shall have the meanings hereinafter respectively assigned to them, unless there be something in the subject-matter or context repugnant thereto, that is to say—

Interpretation.

“ Board ” shall mean the Fire Brigades Board appointed under the provisions of this Act :

“ Superintendent ” shall mean any superintendent or Deputy Superintendent, or other duly appointed officer in charge of Fire Brigades appointed under the provisions of this Act :

“ Owner,” when used in relation to any house, messuage, or tenement, land, or other property, shall mean the person in actual occupation of the same, but if the same shall be unoccupied then the person entitled to receive the rents thereof, either on his own account or as agent or trustee for some other person :

“ Insurance

Fire Brigades Act.—1882.

“Insurance Company” shall mean—

- (a) Any Company whether incorporated under the provisions of the “Companies Act, 1864,” or by Act of Parliament of the said province, or otherwise howsoever;
- (b) Any person, firm, body of persons, or co-partnership;
- (c) Any Company lawfully formed within the United Kingdom, any British possession, or any foreign State or colony, or the agent or representative of any such company who shall carry on the business of insuring against loss or damage by fire within the limits of any municipality or council within the said province:

The expressions “Municipality” and “Council” shall have respectively the meanings assigned to them by “The Municipal Corporations Act, 1880,” and “The District Councils Act of 1876.”

Insurance companies to be registered.

3. Every Company now carrying on the business of insuring, or which shall hereafter carry on the business of insuring, against loss or damage by fire within the said province, shall obtain within thirty days after the passing of this Act from the Registrar of Companies a certificate of registration, and shall pay to the said Registrar the sum of Five Pounds Five Shillings for such certificate, and notice of such registration shall be published in the *Government Gazette* by such Registrar.

Fee payable.

Penalty for non-registration.

4. Every Company or person who shall carry on such business as aforesaid without being registered as hereinbefore provided, shall forfeit and pay a sum not being less than Twenty Pounds, and a further sum of Five Pounds for every day during which default shall be made.

Application of Act.

5. This Act shall apply to the Municipality of Adelaide: Provided that the Governor may, by Proclamation in the *Government Gazette*, on the application of any Municipality or District Council, and upon the recommendation of the Board, appoint the Mayor of any Municipality, or the Chairman of any District Council, and three other members of the Municipality or District Council, to be a Local Fire Brigade Board: Provided always, that every Local Fire Brigade Board shall be subject to the control, and shall conform to and abide by all directions that may be received from the Board.

Appointment of members of Board.

6. The Governor shall annually, in the month of January in each and every year, appoint seven persons to be the Fire Brigade Board, two of whom shall be appointed on the nomination of the Council of the Municipality of Adelaide, and three by the Fire Insurance Companies doing business within the Municipality of Adelaide;

Fire Brigades Act.—1882.

Adelaide; and the members of such Board shall continue in office until their successors are appointed.

If the Council of the Municipality or the Fire Insurance Companies shall fail to exercise their right to nominate a member or members of the Board at any time within twenty-one days after such right to nominate shall occur, the Governor may appoint such person or persons as he may think fit to be a member or members of the Board.

Failure of nomination of members, Governor may appoint.

If any vacancy shall occur in the Board by reason of any death, resignation, or removal of any member appointed on the nomination of the Municipality or of the Fire Insurance Companies as aforesaid, or of any member appointed by the Governor by reason of the failure of the Municipality or Fire Insurance Companies to nominate, and the Municipality or Fire Insurance Companies shall fail to nominate any other person or persons to be a member or members in their place, within twenty-one days after such vacancy or vacancies occurring, such vacancy shall be filled up by the Governor.

Vacancies in Board, how filled.

7. Immediately on the passing of this Act the Secretaries of any three Fire Insurance Companies shall convene a general meeting of the representatives of the Fire Insurance Companies doing business in the Province, and duly registered as aforesaid, for the purpose of their nominating three persons for appointment as members of the Board; and in the month of December of every subsequent year for the like purpose.

Convening of representatives of Fire Insurance Companies

8. Upon the first appointment of seven members as aforesaid the Board (of which three members shall be a quorum) shall become a corporation with perpetual succession and a common seal. It may sue and be sued, plead and be impleaded, in all Courts, both of Law and Equity, and before Justices, and may take on lease, purchase, or otherwise acquire land, stations for engines, stables, houses for firemen, and other buildings, and make such contracts as it may think fit for carrying into effect the purposes of this Act, and may from time to time surrender, sub-let, or assign any leases, or sell any property acquired by or vested in them for the purpose of this Act.

Incorporation of Board.

9. Upon the incorporation of the Board it shall have entrusted to it the duty of extinguishing fires and protecting and saving life and property in case of fire, and with a view to the performance of that duty the Board shall provide and maintain a Fire Brigade and salvage corps, consisting of an efficient force of firemen, and furnish them with all such fire-engines, horses, carts, hoses, accoutrements, tools, telephones, and implements as may be necessary for the complete equipment of the force, or conducive to the efficient performance of their duties.

Duty of Board.

10. The Board may delegate any powers conferred on them by this Act to a committee of their body, and such committee shall, to the extent to which such powers are delegated, be deemed to be the Board within the meaning of this Act.

Delegation of power of Board.

11. On

Fire Brigades Act.—1882.

Vesting in Board for
Adelaide of plant.

11. On the appointment of the Board, all the estate and interest of the Liquidators of the Adelaide Fire Insurers' Association, Limited, in all plant belonging to the Fire Brigade heretofore maintained under the Act No. 9 of 1867, intituled "An Act to provide for the appointment of a Superintendent of Fire Brigades, and for other purposes therein mentioned," shall become vested in the Board, together with the fire-escape heretofore purchased by the Corporation of the City of Adelaide jointly with Her Majesty's Government for the said province, but subject to all legal liabilities and obligations attaching thereto, and the said Liquidators shall be indemnified against all such liabilities and obligations.

Treasurer to contribute to funds of Board.

12. The Treasurer of the said province shall pay to the Board, in quarterly payments, on the first days of January, April, July, and October in each year, out of the General Revenue of the province, a sum of money being two-sixths of the total outlay of the Board in respect of the objects of this Act during the preceding three months, but so that the total amount to be paid during any one year shall not exceed the sum of One Thousand Pounds.

Municipality to contribute to funds of Board.

13. The Municipality shall pay to the Board, in quarterly payments, on the first days of January, April, July, and October in each year, out of the funds of the Municipality (which shall mean, as regards the Municipality of the City of Adelaide, the funds derived from extraneous sources beyond the city rates), a sum of money being one-sixth of the outlay of the Board in respect of the objects of this Act during the preceding three months, but so that the total amount to be paid during any year shall not exceed the sum of Five Hundred Pounds.

Insurance Companies to contribute to expenses.

14. Every Insurance Company shall pay to the Board, in quarterly payments, on the first days of January, April, July, and October in each year, by way of contribution towards three-sixths of the outlay of the Board, a sum (not being less than Ten Pounds per annum) calculated ratably on the premium income derived from insurance business within the province during the year ending the thirtieth day of June, one thousand eight hundred and eighty-two, and thereafter, in each succeeding year ending the thirtieth day of June, after the deduction of returns and re-insurances with Companies registered in pursuance of clause 3 of this Act.

Returns to be furnished to Board.

15. For the purpose of ascertaining the amount to be contributed by every such Insurance Company, every Insurance Company shall, within thirty days after the thirtieth day of June in each and every year, furnish the Board with a return, in such form as they may require, of the amount of annual premium receipts (re-insurances in the province excepted) for the preceding twelve months. Every such return shall be verified by the statutory declaration of the secretary or agent of the Insurance Company, or of some person cognizant of the facts.

Funds.

16. For the purpose of supplying funds until the first quarter's payment

Fire Brigades Act.—1882.

payment is payable under clauses 12, 13, and 14 of this Act, there shall be paid to the Board, within thirty days after the passing of this Act, the following sums, viz., by the Municipality One Hundred Pounds, by Her Majesty's Government Two Hundred Pounds, and by the Insurance Companies Three Hundred Pounds, and such payments shall be calculated as payments on account of their contributions for the ensuing year.

17. All amounts payable to the Board, by way of contribution by any Municipality, Council, or Insurance Company may be recovered in a summary manner.

Amounts due to the Board may be recovered summarily.

18. If any person shall knowingly make a false declaration as to any return to be furnished by any Insurance Company as aforesaid, he shall be liable, for every such offence, to a penalty of not less than Twenty nor more than Fifty Pounds.

Insurance Company making false returns liable to penalty.

19. If any Insurance Company shall fail or neglect to furnish the return required by this Act upon the days appointed by the Board, such Insurance Company, for every such offence, shall be liable to a penalty not exceeding Five Pounds for every day during the continuance of such default.

Insurance Company neglecting to furnish returns.

20. The secretary or other officer having the custody of the books and papers of any Insurance Company that is required to pay a contribution to the Board in pursuance of this Act, shall allow any officer appointed by the Board to inspect, during the hours of business, any books and papers, and to make extracts from such books or papers, to enable him to verify any return or declarations made in pursuance of this Act; and any secretary or other such officer as aforesaid of an Insurance Company failing to comply with the requisitions of this section in respect of such inspections and extracts shall be liable, on summary conviction, to a penalty not exceeding Five Pounds for each offence.

Secretary of Insurance Company to permit books to be inspected.

21. The body, goods, or lands of any member of the Board shall not be liable to any execution of any legal process by reason of any lawful act done in the execution of any of the powers granted to them by this Act or any Act hereby repealed.

The Board not to be sued by reason of any acts done to carry into effect this Act.

22. The Fire Brigade established by the Board shall be under the command of an officer, to be called the Superintendent of the Fire Brigade, but nothing herein contained shall be taken to authorise any superintendent to incur any expenditure on account of the Fire Brigade or the Fire Brigade plant, unless the sanction of the Board be previously obtained. The superintendent, officers, and firemen shall be appointed, and may be removed from time to time by the Board.

Fire Brigade.

23. The superintendent, officers, and firemen shall be furnished by the Board with some distinguishing uniform, and each be furnished

Uniform.

Fire Brigades Act.—1882.

furnished by the Board with a badge of office clearly showing to what branch of the brigade the wearer belongs, with a distinguishing number.

Duties and powers of the superintendent.

24. The superintendent shall perform the following duties, and may exercise the following powers, that is to say—

- i. He shall cause a book to be kept containing the names, ages, and occupations, and several places of abode of all firemen or other members of the Fire Brigade :
- ii. He shall summon once a month at the least all or as many of the members of the Fire Brigade as may be required for practice, in order to render the members fit and efficient for service :
- iii. He shall proceed, upon the first alarm of fire, with all possible speed to the place where the fire is, and endeavor by all possible means to extinguish the fire and save jeopardised property, and for that purpose may exercise any of the powers given him by this section :
- iv. He shall, on any fire occurring, control, direct, and regulate the working of the Fire Brigade :
- v. He shall have at all times the immediate charge and control of all engines, horses, carts, reels, buckets, hose, ladders, fire-escapes, and other plant, the property of the Board, and shall keep the same in a fit state at all times for efficient service :
- vi. He may at any fire take any measures which appear to him necessary or expedient for the protection of life and property, and may cause any buildings or tenements to be entered, taken possession of, or pulled down, for the purpose of extinguishing or preventing the spread of fire :
- vii. He may cause water to be shut off from any main or pipe, in order to give a greater pressure and supply of water for the purpose of extinguishing any fire :
- viii. He may cause any street or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of any fire :
- ix. He may at any time pull down or shore up any wall or building damaged by fire that may be or may be likely to become dangerous to life or property :
- x. He may at his discretion take command of any volunteer fire brigade, or brigades, or other persons who voluntarily place their services at his disposal :
- xi. He shall at all times have free access to any building or premises for the purpose of ascertaining and reporting on any infringement of the rules and regulations against storage

Fire Brigades Act.—1882.

storage of kerosine, gunpowder, dynamite, and other inflammable material, empty crates, cases, and other packages, sawdust, shavings, hay, and straw, either in packages or loose.

25. Any damage occasioned to property by any Fire Brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of, but subject to any special conditions in, any policy of insurance against fire which may be current on such property.

Damage done by superintendent.

26. Upon the occasion of any fire occurring within the Municipality or Council, the superintendent shall, on the following morning, with the exception of Sundays, send information by post or otherwise to all the Insurance Companies of such fire, in such form as may be agreed upon between the Board and the said Companies.

Superintendent to give information to Insurance Companies.

27. It shall be lawful for the superintendent, when requested by the owner or occupier of any property on fire, or by the duly authorised agent of such occupier, to permit any part of the fire brigade establishment, with their engines, horses, carts, escapes, and other implements, to proceed beyond the limits of the Municipality or Council for the purpose of extinguishing any fire or fires, or saving jeopardised property. In such case the owner and occupier of the property, as the case may be, where the fire has occurred, shall be liable to defray all the expenses that may be incurred by the Fire Brigade in so attending, and shall pay to the Board a charge in accordance with the Schedule hereto annexed. In default of payment, any expenses under this section may be recovered by the Board in a summary manner.

Brigade may proceed beyond limits of municipality.

28. The Board may also permit any part of the Fire Brigade establishment to be employed on special services upon such terms of remuneration as the said Board may think just.

Brigade may be employed on special services.

29. The Commissioner of Police, or the senior officer on duty at the police station nearest to the place where any fire occurs, shall, on receiving information of any fire, forthwith dispatch a sufficient number of police constables to the place where such fire is for the purpose of maintaining order and preserving life and property.

Police to attend at fire.

30. Every person who shall obstruct or interfere with the superintendent or any member of the Fire Brigade, or with any officer thereof, or any police constable, at any fire, or who shall injure or destroy any building, engine, reel, hose, pipe, ladder, or other thing belonging to the Board, shall be liable to a penalty, on conviction, of not less than Two nor more than Twenty Pounds, in addition to the estimated damage done.

Penalty on interfering with brigade or police at fire.

31. The superintendent shall at all times have free access to any and every part of any building, room, or place licensed or sought to be licensed under the provisions of the "Places of Public Amusement Act, 1881" (hereinafter referred to as the said Act), or any Act of

Superintendent to inspect buildings licensed under the "Places of Public Amusement Act, 1881," and report to the Board.

Fire Brigades Act.—1882.

of Parliament for a like object, in order to inspect the same and ascertain whether the provisions of the said Act are or are not being complied with; and any infringement thereof he shall, in writing, report to the Board; and every person who shall obstruct or hinder the superintendent in inspecting any such building, room, or place as aforesaid shall be guilty of an offence against this Act, and, on conviction, shall forfeit and pay a sum not less than Ten Pounds and not exceeding Fifty Pounds.

Board to notify to Mayor.

32. The Board, upon the receipt of the report from the superintendent as in the preceding section provided, shall forward the same, or an attested copy thereof, to the Mayor of the municipality in which such building, room, or place is situate.

Inquest.

33. The Board may, at any inquest held on any fire, be represented by some person appointed by them, who may tender evidence and may examine any witnesses.

Debris of fire may be searched.

34. Before any inquest is held to ascertain the cause or origin of any fire, the Board may, if they deem it expedient, search amongst the *debris* for, and remove any materials which, in their or in the opinion of their officers, may tend to aid the jury empannelled in determining the cause or origin of such fire, and the Board may produce in evidence the material so removed, or may require the jury to view such material *in situ* which, from its nature or surrounding circumstances, may not be removable.

Payments for services of brigade.

35. The owner of any uninsured house or other buildings, or any property on any land or in any building, where a fire has occurred, shall pay to the Board a sum of money to be determined by the Schedule hereto in respect of the matter therein provided, together with any additional expenses reasonably incurred by the Fire Brigade in attending to extinguish the fire or save jeopardised property, and the same may be recovered in a summary manner.

Summary proceedings.

36. All proceedings for fines or penalties imposed by this Act, or for the recovery of any sum of money declared to be recoverable in a summary manner, may be heard and determined before any two Justices of the Peace in a summary way, under the provisions of the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the Duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders made by such Justices may be enforced as in the said Ordinance, or in any other Act as aforesaid, is or shall be provided.

Appeal to Local Court of Adelaide.

37. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction, and from any conviction of Justices for any offence under this Act, and from any order dismissing any information or complaint or other order made by Justices under this Act, and

Fire Brigades Act.—1882.

and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850 for appeals to Local Courts, or any Act hereinafter to be in force regulating such appeals, but the said Local Court of Adelaide shall have power to make such order as to the payment of the costs of appeal as may seem fit, although such costs may exceed Ten Pounds.

38. The Board may, from time to time, by by-laws or regulations, provide— Board may make by-laws.

- I. For payment of fees to the members of the Board, or any committee thereof, not exceeding the sum of One Hundred and Eighty-two Pounds per annum:
- II. For payment of salaries or wages to the officers and members of the Fire Brigade:
- III. For payment of compensation in cases of accidents to officers or members, or to their wives and families in case of death:
- IV. For payment of pensions and retiring allowances to such officers or members:
- V. For payment to persons in respect of voluntary or special services rendered to the brigade:
- VI. For the purpose of ensuring discipline and good conduct of the members of the Fire Brigade:
- VII. For the regulation of the meetings and general business of the Board:
- VIII. For the purpose of carrying into effect the objects of this Act, and may inflict for any breach of such regulations a sum not exceeding Twenty Shillings:

All such by-laws or regulations, when approved by the Governor and published in the *Government Gazette*, shall have the force of law.

39. Every turncock employed by the Commissioner of Waterworks shall forthwith, on any fire occurring within the district allotted to him, proceed with all possible speed to the place where the fire is, and assist by all means in his power the supply and service of water through the fire-plugs to the said Fire Brigade. Waterworks turncocks to attend fires.

40. Every gas or other artificial light-supplying company or person shall forthwith, on notice of any fire occurring within the municipality or District Council where their supply is laid on, send some competent person to shut off and disconnect the gas or other artificial light supply from the building on fire and those immediately adjoining. Gas Company to disconnect gas.

41. Any builder or other person who shall cover up, or so enclose any fire-plug fixed in any street that its situation may be obliterated, or it may be difficult or dangerous to gain access to such Penalty upon any builder or other person covering up fire plugs.

Fire Brigades Act.—1882.

such fire-plug by reason of such obliteration or enclosures, shall, on conviction, forfeit a sum not being less than Five Pounds and not exceeding Fifty Pounds.

Duty to protect property from fire.

42. In any municipal district in which, at the time of, or after the passing of this Act, there shall be an organised volunteer fire brigade, the duty of extinguishing fires and protecting life and property in case of fire within the municipal district in which the same is organised shall, subject to the approval of the Board, and to any regulations made by such Board from time to time, be deemed to be entrusted to such volunteer fire brigade, and the Municipality shall accept the services of such fire brigade as the recognised protection against fire within its municipal boundary: Provided that such volunteer fire brigade shall be under the control and management of the Superintendent of Fire Brigades, who shall, on the occasion of any fire, have power, by himself or his men, to break into or through, and take possession of any premises, for the purpose of putting an end to a fire, doing as little damage as possible; and may pull down, blow up, or otherwise remove any premises for the purpose aforesaid, as well those in which a fire has occurred as those in the neighborhood of such fire, though not then on fire, and shall not be liable for any damage so caused, or otherwise, in the execution of the powers given by this Act.

Audit of accounts of the Board.

43. The accounts of the Board in respect of expenses incurred by them under this Act shall be audited, and the Board shall in each year make a report to the Government of all acts done and expenditure incurred by them in pursuance of this Act, and that report shall be laid before Parliament within one month after the commencement of the session, the first audit and report to be made for the year ending thirty-first December, one thousand eight hundred and eighty-three.

Repeal.

44. The said Act No. 9 of 1867, intituled "An Act to provide for the appointment of a Superintendent of Fire Brigades and for other purposes therein mentioned," is hereby repealed, save so far as may be necessary to support any appointment lawfully made, or any act, matter, or thing lawfully done thereunder before the passing of this Act: Provided that nothing herein contained shall in any way interfere with the powers of the Board as provided by the 22nd clause of this Act.

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

WM. F. DRUMMOND JERVOIS, Governor.

Fire Brigades Act.—1882.

SCHEDULE REFERRED TO.

The following is the Scale of Charges allowed for attendance at any fire:—

	£	s.	d.
For Superintendent of Fire Brigades, for first hour, if actually attending	1	1	0
Ditto per hour for each succeeding hour, day or night.....	0	10	6
For each reel, with hose, pipes, &c., or fire escape, in attendance at any fire	2	10	0
For each fireman and turncock, when called out to any fire, day or night, for the first hour	0	5	0
For each fireman when called out to any fire, day or night, for the second hour.....	0	3	0
For each fireman when called out to any fire, day or night, for the third hour.....	0	2	0
For each fireman when called out to any fire, day or night, for each succeeding hour	0	2	0
For each horse, for taking a reel to and from any fire, day or night ..	0	10	6
For cleaning and drying the hose, and taking it to and from the drying yard, after each fire, for each hand reel	0	10	0
Ditto ditto for each horse reel	0	15	0
For horse for taking hose-cart to and from any fire in the suburbs	0	15	0
For the brigade and reel arriving first at any fire, as prize money	3	2	0
Ditto second at any fire	2	2	0
Ditto third at any fire.....	1	1	0
For notice of fire to the Superintendent of Fire Brigades at his residence	0	10	6
For notice of any fire within the City of Adelaide to the fireman in charge of the reel that obtains the first prize	0	5	0
Ditto ditto second prize	0	3	0
Ditto ditto third prize	0	2	0
For wages for each extra man engaged by the superintendent at any fire, day or night—			
For the first hour	0	2	0
second hour	0	1	6
third hour	0	1	0
each succeeding hour	0	1	0