



ANNO SEXTO

GEORGII VI REGIS.

A.D. 1942.

No. 32 of 1942.**An Act to amend the Fire Brigades Act, 1936-1938.**

[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 :

Short titles.

1. (1) This Act may be cited as the " Fire Brigades Act Amendment Act, 1942 ".

(2) The Fire Brigades Act, 1936-1938, as amended by this Act, may be cited as the " Fire Brigades Act, 1936-1942 ".

(3) The Fire Brigades Act, 1936-1938, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be cited as one Act.

Amendment of s. 53 of the principal Act—

3. Section 53 of the principal Act is amended by adding at the end thereof the following subsection :—

Provision for life insurance, pensions, etc.

(4) The expenditure of the board in any year may include a sum to be applied towards the cost of providing life insurance, pensions, annuities, retiring allowances or other financial benefits for all or any of the officers and members of fire brigades or the dependents of such officers and members.

Amendment of s. 54 of the principal Act— Contributions to expenditure of the board.

4. Subsection (2) of section 54 of the principal Act is amended—

(a) by striking out the words " ten thousand pounds " in the second, third, and fourth and fifth lines, and inserting in lieu thereof in each case the words " the prescribed amount " :

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

In this subsection “the prescribed amount” shall be ten thousand pounds, plus two-ninths of any amount included in the estimate made pursuant to section 53, as a sum to be applied towards the cost of providing life insurance, pensions, annuities, retiring allowances or other financial benefits for all or any of the officers and members of fire brigades or the dependents of such officers and members.

5. The following section is enacted and inserted in the principal Act after section 60 thereof:—

Enactment of
s. 60a of
principal Act—

60a. (1) Any person who pays or becomes liable to pay to any person (not being an “insurance company” within the meaning of this Act) or to any person on behalf of any such person, any premium in respect of an insurance against loss or damage by fire effected on any property situated within the localities in which this Act applies shall within one calendar month after paying or becoming liable to pay such premium—

Contributions
where property
insured with
insurer outside
the State.

(a) furnish to the board a return showing the amount of the premium and the name of the person to whom he has paid or become liable to pay it; and

(b) pay to the board a contribution in respect of the premium, of an amount ascertained as prescribed in subsection (3) of this section.

(2) The return shall be verified by a statutory declaration made by the person liable to pay the contribution or by some person on his behalf having knowledge of the facts of the case, and declaring that the return contains a true account and statement of all such premiums as mentioned in subsection (1) of this section which the person by or on whose behalf the return is made has paid or become liable to pay during the period covered by the return.

(3) The contribution in respect of every such premium shall be a sum bearing the same ratio to the whole premium, as the aggregate of the amounts payable to the board pursuant to section 54 of this Act by the insurance companies during the financial year in which the premium is payable, bears to the aggregate of their premium incomes derived from insurance business as shown by the returns on the basis of which the said amounts were

computed. A certificate signed by the chairman of the board and the secretary certifying the amount of any contribution shall be *prima facie* evidence of that amount.

(4) All contributions received by the board under this section shall be applied by the board for the purposes of this Act in the same manner as contributions paid to it pursuant to section 54.

(5) Any contribution payable under this section may be recovered by action or in a summary manner.

(6) If any person liable under this section to furnish any return to the board makes default in furnishing the return or declaration required by this section, that person and every director, manager, secretary, agent, or attorney thereof who authorizes or permits the default shall be guilty of an offence against this Act and liable to a fine of not less than one pound nor more than ten pounds for every day during which the default is made or continued.

(7) Any person who wilfully makes a false statement in any declaration required by this section shall be guilty of an offence against this Act and liable to a fine not exceeding one hundred pounds.

Amendment of
s. 68 of the
principal Act—
Penalty for
tampering
with fire
alarms.

6. Section 68 of the principal Act is amended by striking out all words therein after the word "liable" in the fourth line and inserting in lieu thereof the following words:—

“to the following penalties:—

- (a) For a first offence, a fine of not less than two pounds nor more than ten pounds, or imprisonment for not more than one month:
- (b) For a subsequent offence a fine of not less than ten pounds nor more than one hundred pounds or imprisonment for not less than one month nor more than six months.

Notwithstanding any enactment to the contrary a court shall not have power to reduce or mitigate the minimum penalties prescribed by this section.”

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

J. M. NAPIER, Deputy Governor.