



ANNO QUARTO

# GEORGII V REGIS.

A.D. 1913.

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No. 1130.

An Act to consolidate and amend the Law relating to the Protection of Life and Property from Loss and Damage by Fire, and for other purposes.

[Assented to, December 18th, 1913.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

## PART I.

PART I.

### PRELIMINARY.

1. This Act may be cited as "The Fire Brigades Act, 1913."

Short title.

2. The provisions of this Act are arranged as follows:—

Arrangement of Act.

PART I.—Preliminary:

PART II.—Continuance and Constitution, Duties and Powers of the Board:

PART III.—Salvage Corps:

PART IV.—Volunteer Fire Brigades:

PART V.—The Officers: their Appointment, Duties, and Powers:

PART VI.—Contributions to the Board:

PART VII.—Miscellaneous.

3. In

## PART I.

*The Fire Brigades Act.—1913.*

## Interpretation.

Fire Brigades Act,  
1904, s. 3 (altered).

## 3. In this Act, unless some other meaning is clearly intended—

“Board” means the Fire Brigades Board continued by this Act :

“By-law” means by-law made by the Board, and includes a by-law or regulation made by the Board and by this Act continued in force :

“Chairman” means chairman of the Board :

“Chief officer” means the Chief Officer of Fire Brigades, and includes any Deputy Chief Officer of Fire Brigades, foreman, officer, or fireman for the time being in charge or in command of a fire brigade :

“Contributory company” means an insurance company liable to contribute towards the expenditure of the Board, as provided by this Act :

“Council” means a Municipal Council or a District Council :

“District” means the locality under the local government of a District Council :

“Financial year” means the period of twelve months ending on the thirty-first day of December in any year :

“Fire District” means a fire district constituted under this Act :

“Insurance Company” means any corporate body, company, partnership, association, or person carrying on business in the State, and insuring against loss or damage by fire property situated within any locality in which for the time being this Act applies, whether such corporate body, company, partnership, or association (or the members thereof or any of them), or such person, is incorporated or resident within the State or not ; and includes any agent, attorney, or representative of, or person collecting premiums for, any such corporate body, company, partnership, association, or person :

“Justice” means Justice of the Peace for the State :

“Member” means member of the Board :

“Minister” means the Minister of the Crown to whom, for the time being, the administration of this Act is committed by the Governor :

“Owner” includes the person for the time being in actual receipt of, or entitled to receive, the rents and profits of the particular lands or premises, or who, if such lands or premises were let to a tenant, would be entitled to receive  
the

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the rents and profits thereof, whether as beneficial owner, trustee, executor, administrator, committee, mortgagee in possession or otherwise, or as agent or attorney for any other person :

“ Proclamation ” means proclamation published in the *Government Gazette* :

“ Regulation ” means regulation or rule made by the Governor and continued in force by this Act, or regulation made by the Governor under this Act :

“ Secretary ” means the secretary of the Board.

“ The State ” means the State of South Australia :

“ This Act ” includes regulations and by-laws, and also includes proclamations made under this Act :

“ Volunteer fire brigade ” means any fire brigade supported by voluntary contributions ; but does not include any fire brigade or corps formed for the purpose of protecting any particular building or buildings or premises, with the consent of the owner or occupier of such building or buildings or premises.

4. (1) “ The Fire Brigades Acts, 1904 to 1910, ” are hereby repealed. Repeal of existing Acts.

(2) Except so far (if at all) as may be necessary to give effect to this Act or anything lawfully done under this Act, such repeal shall not affect— Saving.

(a) the past operation of any enactment, nor any appointment made, or thing done, suffered, or omitted under any enactment before the passing of this Act, nor the effect of the doing, suffering, or omission of anything under any enactment before such passing ;

(b) the validity or effect of any order or document made or issued under any enactment before such passing ;

(c) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment before such passing ;

(d) any penalty, forfeiture, or punishment imposed, or liable to be imposed, in respect of any offence committed against any enactment before such passing ; nor

(e) any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment.

Any such investigation, legal proceeding, or remedy may be instituted, carried on, and prosecuted as if the Act had not been passed.

(3) All

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(3) All rules, regulations, and by-laws made under "The Fire Brigades Act, 1904," which are in force at the passing of this Act shall, except so far as inconsistent with this Act, continue in force until—

- (a) in the case of a rule or regulation made by the Governor, repealed by a regulation made under this Act, or,
- (b) in the case of a by-law or regulation made by the Board, repealed by a by-law made under this Act.

Any such rule, regulation, or by-law, though not expressly repealed, shall be deemed to be repealed in so far as it is inconsistent with this Act, or

- (a) in the case of a rule or regulation made by the Governor, with any regulation made under this Act, or
- (b) in the case of a by-law or regulation made by the Board, with a by-law made under this Act.

Application of Act.  
F.B. Amendment Act,  
1904, s. 4 (altered).

5. (1) This Act shall apply in and throughout the following localities, namely:—

- i. the municipality of Adelaide ;
- ii. the municipalities proclaimed under the provisions of Acts hereby repealed, namely, the municipalities of Port Adelaide, Kensington and Norwood, St. Peters, Unley, Glenelg, Gawler, Kapunda, Moonta, Kadina, Port Pirie, and Port Augusta ;
- iii. every municipality or district, or part of a municipality or district, in which the Governor, upon the recommendation of the Board, by proclamation declares that this Act shall apply: Provided that such proclamation shall not be made before the expiration of three months from the giving to the council of such municipality or district of notice in writing that the recommendation has been made.

(2) This Act shall also apply to and in respect of any fire in any other locality to which fire a brigade proceeds under the provisions of section 51.

Fire districts.  
N.S.W. Act, 9,  
1909, s. 6.

6. (1) The Board may do the following acts relating to the constitution of fire districts:—

- i. It may constitute any fire district, consisting of any municipalities or districts, or municipalities and districts, in which this Act applies, and which form one continuous area:

ii. It

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11. It may—

- (a) dissolve a fire district ; or
- (b) alter any fire district by adding any area in which this Act applies thereto or taking any area therefrom: Provided that the fire district remains one continuous area.

(2) No such act shall be done by the Board until—

- (a) the Governor has consented thereto ; and
- (b) at least one month's notice in writing of the intention to do such act has been given to every council whose municipality or district will be, or is, included in, or will be excluded from, the particular fire district by the intended act.

(3) Notice of any such act having been done shall be published in the *Government Gazette*, and such act shall thereupon take effect.

(4) For the purpose of this section an area shall not be deemed not to be a continuous area merely because part of such area is separated from the remainder thereof by a road, river, creek, harbor, or arm of the sea.

(5) In this section the terms "municipality" and "district" respectively include part of a municipality or district.

## PART II.

PART II.

## CONTINUANCE AND CONSTITUTION, DUTIES, AND POWERS OF THE BOARD.

7. (1) The Fire Brigades Board constituted by "The Fire Brigades Act, 1904," shall continue to be a body corporate by the name of "The Fire Brigades Board"; but, from the first appointment under this Act of a chairman, the Board shall consist of five members.

Constitution  
of Board.  
F.B. Act, 1904,  
s. 6 (altered).

(2) The Board by the said name—

- (a) shall continue to have perpetual succession and a common seal ; and
- (b) shall be capable in law of suing and being sued, and of doing and suffering, in addition to anything expressly stated in this Act, all such things as may be necessary or convenient for carrying out the purposes of this Act.

(3) All Courts, Judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and shall, until the contrary is shown, presume that the same was properly affixed thereto.

8. (1) The

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Present members  
and chairman  
continued in office.

**8.** (1) The members in office at the passing of this Act are hereby, subject to the provisions of this Act, continued in office as members of the Board, and as being respectively the nominees of the bodies or persons on whose nomination they were appointed.

(2) The chairman in office at such passing is hereby, subject as aforesaid, continued in that office until the first chairman is appointed under this Act.

Constitution of  
the Board.

F.B. Act, 1904,  
s. 8 (altered).

**9.** The Board shall consist of—

I. a chairman appointed by the Governor without nomination;  
and

II. four other members appointed by the Governor after nomination, pursuant to section 10:

Provided that until the first chairman is appointed the Board shall, subject to section 15, consist of the members continued in office by this Act or their respective successors (if any) appointed under this Act in case casual vacancies occur in their offices.

Nomination for  
appointment of  
members.

Ibid., s. 9 (1).

**10.** (1) The members to be appointed after nomination shall be nominated as follows:—

I. One by the council of the municipality of the City of Adelaide,

II. One by the councils of the other municipalities and districts in which, or in parts of which, this Act applies, and

III. Two by the contributory companies.

Ibid., s. 11 (1).

(2) The method and conditions of any nomination shall be in accordance with anything prescribed by regulation.

Ibid., s. 9 (2).

(3) The name of any person nominated by the council of the municipality of Adelaide shall be certified to the Governor under the hand of the mayor or town clerk thereof; the name of any person nominated by the councils of the other municipalities and districts shall be certified in manner prescribed by regulation; and the name of any person nominated by the contributory companies shall be certified under the hand of the chairman of the meeting of the representatives of such companies to be held as provided by section 11.

Meeting of con-  
tributory companies  
for nominating a  
member.

F.B. Act, 1904, s. 10.  
Amending Act, 1905,  
s. 7.

**11.** (1) In the month of December in every year the secretary shall, by circular addressed to each contributory company or to the secretary or representative thereof, convene a meeting of the contributory companies for the purpose of nominating a person for appointment as a member of the Board.

(2) Such meeting shall elect a chairman, and all matters shall be decided by a majority of votes.

(3) The votes allotted to each representative on the question who is to be nominated as aforesaid shall be as follows:—  
Where the company's premium income does not exceed Two  
Thousand

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Thousand Pounds, one vote; where such income exceeds Two Thousand Pounds and does not exceed Five Thousand Pounds, two votes; where such income exceeds Five Thousand Pounds, three votes. On any other question each representative shall have one vote.

(4) The chairman shall have a deliberative vote or votes, and, in the event of equality of votes, shall also have a casting vote.

(5) Notwithstanding anything in this section, the first meeting to be held under this section may be convened and held at any time before the thirty-first day of January, nineteen hundred and fourteen.

**12.** A member, other than the chairman, shall be appointed, or if continued in office by this Act shall be deemed to have been appointed, for the term of two years: Provided that—

Tenure of office.

F.B. Act, 1904, s. 8.

(a) On whatever date a member is or was appointed, his term of office shall (subject to the later provisions of this section) be deemed to end on the thirty-first day of January in the year next but one after the year in which he is or was appointed:

(b) A member appointed to fill a vacancy occurring otherwise than by effluxion of time, shall be appointed, or be deemed to have been appointed, only for the remainder of the term of office of the member in whose place he is or was appointed:

Ibid., s. 13 II.

(c) Of the members continued in office by this Act—

- I. both of the members appointed without nomination, and
- II. either the member appointed on the nomination of the council of the municipality of Adelaide, or the member appointed on the nomination of the other municipalities and districts, and
- III. one of the members appointed on the nomination of the contributory companies,

shall retire from office on the thirty-first day of January in the year nineteen hundred and fourteen, and the Minister, before that date, shall determine by lot, in each case, which of the members referred to in subdivisions II. and III. respectively hereof is to so retire:

(d) Any retiring member shall continue in office until his successor is appointed; and

Ibid., s. 8.

(e) Every member shall on retirement by effluxion of time, if not disqualified for office, be eligible for re-appointment.

Ibid.

**13.** (1) When a vacancy occurs in the office of chairman or of any other member, whether by effluxion of time or otherwise, such vacancy shall be filled by the Governor.

How vacancies to be filled.

Ibid., s. 8 (part), and s. 13 II.

(2) If

(2) If the vacancy occurs in the office of a nominated member the appointment shall be made after nomination by the body or bodies or persons entitled to nominate pursuant to section 10: Provided that if—

Ibid., s. 9 (3).

I. when the vacancy occurs by effluxion of time, the nomination is not certified to the Governor, as required by section 10, before the thirty-first day of January in the year in which the appointment is to be made, or

New.

II. in any other case, the nomination is not so certified within one month after notice has been given as prescribed by regulation calling for the nomination,

Ibid. (4).

the Governor may make the appointment without nomination, and the member so appointed shall, for the purposes of this Act, be deemed to have been appointed after nomination by the body or bodies or persons which or who had the power to nominate.

Insolvent person not to be appointed.

Ibid., s. 12 (1).

14. No uncertificated insolvent shall be appointed a member of the Board.

Casual vacancies — how caused.

Ibid., s. 12 (2), (3) (altered).

15. In addition to the retirement of members by effluxion of time, the office of a member shall become vacant on—

(a) his death, lunacy, or insolvency, or his executing a statutory deed of assignment for the benefit of his creditors for less than Twenty Shillings in the Pound, or his being convicted of an indictable offence; or

(b) his resignation by notice in writing posted or delivered to the chairman, or in the case of the chairman, to the Minister; or

(c) his seat being declared vacant by the Board, after his absence from three consecutive meetings thereof without the leave of the Board; or

Cf. ibid., s. 13 i.

(d) in the case of the chairman, on the Governor declaring his seat to be vacant.

Defect in appointment of member not to affect proceedings of the Board.

Ibid., s. 7.

16. (1) No act or proceeding of the Board shall be invalid or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the Board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been duly appointed and was qualified to be, and to act, and had acted as a member of the Board, and as if the Board had at the time been properly and fully constituted.

Quorum.

New.

17. Any three members shall constitute a quorum at any meeting of the Board.

18. (1) Ordinary



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**18.** (1) Ordinary meetings of the Board shall be held for the dispatch of business at such times, not being less frequent than once in every period of four weeks, as the Board determines.

Meetings of the Board.  
Ibid., s. 16 (1), (2).

(2) Special meetings may be held at any time.

**19.** (1) The chairman, when present, shall preside at any meeting of the Board. In his absence from any meeting, another member chosen for the purpose by the majority of those present and voting shall preside.

Who to preside at meetings.  
Cf. *ibid.* (3).

(2) The chairman shall have a deliberative vote, and, in the event of equality of votes, shall also have a casting vote; any other member, when presiding, shall have a deliberative vote only.

Voting power.

**20.** (1) The chairman shall be paid by the Board a fee of Four Pounds for every meeting of the Board which he attends and at which a quorum is present: Provided that the chairman shall not be paid more than One Hundred and Four Pounds in respect of meetings attended by him during any financial year.

Chairman's salary and members' fees.  
New.

(2) Every other member shall be paid by the Board a fee of Two Pounds for every meeting of the Board which he attends and at which a quorum is present: Provided that no member shall be paid more than Fifty-two Pounds in respect of meetings attended by him during any financial year.

Amending Act, 1905, s. 6.

**21.** (1) The Board shall have the custody and use of the common seal of the Board.

Custody and use of the common seal.  
F.B. Act, 1904, s. 16 (4).

(2) Such seal shall not be affixed to any instrument except in the presence of at least two members: and no instrument to which such seal is required shall be validly executed unless it is also signed by at least two members and countersigned by the Secretary.

**22.** (1) The duty of regulating and enforcing all necessary steps for extinguishing fires and protecting life and property in case of fire, and the general control of all fire stations and fire brigades shall, subject to the provisions of this Act, be vested in the Board.

General duty of the Board.  
Ibid., s. 14.

(2) In the performance of that duty, the Board may provide and maintain fire brigades, consisting of efficient firemen, and furnished with such appliances as may be necessary for the complete equipment of such brigades and the performance of their duties.

**23.** All real and personal property which at the passing of this Act is vested in the Board shall continue to be vested in the Board, subject to all liabilities and obligations attached thereto.

Vesting of property in the Board continued.  
Cf. *ibid.*, s. 17.

**24.** (1) The Board may purchase, take on lease, or otherwise acquire and hold, for the purposes of this Act, such real and personal property as the Board deem necessary.

Powers to acquire property.  
Ibid., s. 17.

(2) Any

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Lease may, with consent of Minister, contain right of purchase.

Amending Act, 1910, s. 3.

Realty may be purchased for cash or on credit.

Ibid., s. 4.

Power to sell, let, or mortgage.

F.B. Act, 1904, s. 18.

(2) Any lease to the Board may, with the consent of the Minister, contain a covenant by the Board to purchase, either at an agreed date or during an agreed period, all or any part of the property comprised in such lease.

(3) Any purchase by the Board of any real property may be for cash or on credit, or partly for cash and partly on credit, and generally on such terms and conditions as the Board think fit; but no such purchase shall be made on credit or partly on credit without the consent of the Minister.

**25.** (1) The Board may sell, lease, or otherwise dispose of any real or personal property belonging to the Board, but every such dealing with any estate or interest in land shall be subject to the previous consent of the Minister.

(2) The Board may, with such consent, mortgage or otherwise encumber any real or personal property belonging to the Board.

(3) Any sale by the Board of real or personal property may be by public auction or private contract, and either for cash or on credit, or partly for cash and partly on credit, and generally upon such terms and conditions as the Board determine.

(4) Any mortgage or encumbrance to be executed by the Board may contain a power of sale by the mortgagee, and such other powers, terms, and provisions as the Board determine.

(5) Any lease granted by the Board of real or personal property may be for any term of years, or from year to year, or for any term less than a year, at such rent and subject to such covenants, conditions, provisos, and agreements as the Board determine; and any such lease may be granted subject to or in consideration of the payment of any fine or premium, and with or without a covenant to or a right of purchase.

Power to borrow.

Ibid., s. 19, and Amending Act, 1910, s. 5.

**26.** (1) The Board may, with the consent of the Minister, and either upon the security of any freehold or leasehold lands of the Board, or without security, borrow such moneys as may be necessary for the purpose of enabling the Board to carry out and perform the powers, authorities, and duties vested in or conferred or imposed upon the Board by this Act.

(2) Any person lending money to the Board under this section shall not be concerned or bound to inquire as to the application of any such money, or be responsible for the misapplication or non-application thereof.

(3) The moneys borrowed under this section shall not at any time exceed Twenty-five Thousand Pounds.

Contracts for telegraphic and telephonic communication.

F.B. Act, 1904, s. 20.

**27.** The Board may contract with the Government of the Commonwealth of Australia, or with any company, or corporate body, or other person, for the establishment and maintenance of telegraphic or telephonic communication between the several fire stations at which their fire engines or firemen are placed, and between any such station and any parts of any locality in which this Act applies.

**28.** The

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**28.** The Board may enter into any contract for any purpose having relation to any of the provisions of this Act.

Power to contract for purposes of Act. Ibid., s. 18 (5).

**29.** (1) The powers by this Act vested in the Board to make contracts may lawfully be exercised as follows, that is to say—

How contracts by the Board to be entered into.

Any contract which if made between private persons would by law be required to be in writing and under seal, the Board may make in writing in its corporate name under its common seal, and in accordance with section 21, and in the same manner the Board may vary or discharge the same:

Cf. Act 414, 1887, s. 62.

Any contract which if made between private persons would by law be required to be in, or to be evidenced by, writing, signed by the parties to be charged therewith, the Board may make in writing in its corporate name and signed by at least two members and countersigned by the secretary, and in the same manner the Board may vary or discharge the same.

(2) All contracts made according to the provisions of this section and duly executed by the parties thereto respectively shall be effectual in law, and shall be binding upon the Board and all other parties thereto, and their successors, heirs, executors, or administrators, as the case may be; and on any default in the performance of any such contract, such actions or suits may be brought thereon, and such damages and costs may be recovered by or against the Board in its corporate name, or the other parties failing in the execution thereof, as might be brought and recovered if the same contract had been made between private persons only.

To be binding on the parties and their successors.

Ibid.

**30.** (1) The Board may from time to time by by-laws repeal or alter, wholly or in part, any by-laws or regulations made by the Board and by this Act continued in force, and may also make, alter, and repeal such by-laws as may be necessary or convenient for the following purposes:—

Board may make by-laws and regulations.

F.B. Act, 1904, s. 21.

- I. For the management and conduct of the meetings of the Board, and for the despatch of business thereat:
- II. For fixing and paying the salaries and wages of the officers and members of fire brigades:
- III. For payment to any person in respect of voluntary or special services rendered to the fire brigades:
- IV. For the maintenance of discipline and the insuring of good conduct of the officers and members of the fire brigades and of any salvage corps, whether established or maintained by the Board or by any insurance companies:
- V. For defining and regulating the conditions of service for permanent and auxiliary members of fire brigades:
- VI. For regulating the registration of volunteer fire brigades:

VII. For

- VII. For regulating the conditions under and subject to which the chief officer or foreman shall have access to such places as referred to in section 49 :
- VIII. For regulating the general business of the Board, and generally for administering and carrying out the powers and duties conferred and imposed upon the Board by this Act :
- IX. For fixing penalties for the breach of any by-law or regulation made by the Board not exceeding for any single breach the sum of Ten Pounds.
- x. For any other purposes for which it is by this Act provided or contemplated that by-laws may or shall be made, or for which the Governor by proclamation authorises the Board to make by-laws.

Confirmation by the Governor required.  
Ibid.

(2) Any by-laws made by the Board shall have the common seal of the Board affixed thereto, and no by-law shall have any effect until confirmed by the Governor.

Publication and effect.

(3) All by-laws made by the Board, when confirmed as aforesaid,—

(a) shall be published in the *Government Gazette* :

(b) from the date of such publication, or from a later date fixed by the order confirming the same, shall (subject as by subsection (4) hereof provided) be of the same effect as if they were contained in this Act :

(c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

Disallowance by Parliament.  
New.  
Cf. s. 79, *post*.

(4) If either House of Parliament passes a resolution disallowing any such by-law, of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law has been laid before it, such by-law shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen days, or some of them, do not occur in the same Session or Parliament as that in which the by-law is laid before it.

Resolution to be published in *Gazette*.

(5) When a resolution has been passed, as mentioned in subsection (4) hereof, notice of such resolution shall be published in the *Government Gazette*.

Annual report.  
Ibid., s. 22 (altered).

**31.** The Board shall, on or before the last day of February in every year, furnish the Minister with a report of its proceedings during the next preceding financial year, and a copy of such report shall be laid before Parliament as soon as practicable.

**32.** (1) The

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**32.** (1) The accounts of the Board shall be audited annually by the Commissioner of Audit, who shall in respect of such accounts and the audit thereof, have all the powers conferred upon him by "The Audit Act, 1882," in respect of the auditing of public accounts.

Audit of Accounts.  
Ibid., s. 23 (altered).  
No. 241 of 1882.

(2) An abstract of such accounts with the report of the Commissioner of Audit thereon shall be annually forwarded to the Minister.

## PART III.

## PART III.

## SALVAGE CORPS.

**33.** The Board may establish and maintain salvage corps, consisting of efficient firemen and others, and may furnish such corps with all necessary quarters, appliances, horses, vehicles, engines, hoses, accoutrements, implements, tools, and plant.

Board may establish and maintain salvage corps.  
Ibid., s. 24.

**34.** (1) In the event of any insurance company or companies establishing any salvage corps, the fire brigades shall, subject to any by-laws—

Salvage corps established by companies to be assisted by fire brigade.

i. afford all necessary assistance to the members of such corps in the performance of their duties:

Ibid., s. 25.

ii. upon the application of any officer of such corps, hand over to his custody, or as he may direct, property saved from any fire attended by such corps.

(2) No charge shall be made by the Board for the services so rendered by any fire brigade.

(3) Such salvage corps shall not be entitled to any payment out of the funds of the Board.

**35.** The chief officer may inspect any salvage corps, whether established by the Board or by any insurance company or companies, and wherever it is established, and may enforce compliance with any by-laws relating to salvage corps.

Superintendent may inspect salvage corps.  
Ibid., s. 26.

## PART IV.

## PART IV.

## VOLUNTEER FIRE BRIGADES.

**36.** (1) The registration under "The Fire Brigades Act, 1904," of any volunteer fire brigade existing at the passing of this Act is hereby continued, and such brigade shall be deemed to be registered under this Act.

Registration of volunteer fire brigades.  
Ibid., s. 27 (1), (2).

(2) Every volunteer fire brigade formed after such passing shall be registered in manner prescribed by by-law, within twenty-eight days from the date of the formation thereof.

**37.** (1) Every

## PART IV.

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Inspection and control of volunteer brigades.

Ibid. (3), (4).

**37.** (1) Every volunteer fire brigade, whether established within the municipality of Adelaide or elsewhere, shall be subject to inspection by the chief officer.

(2) Every volunteer fire brigade when present at any fire shall be under the control, and shall obey the orders, of the chief officer.

Payment for services of volunteer brigades.

Ibid. (5) (altered).

**38.** The Board may, upon the certificate of the chief officer that efficient or valuable services have been rendered by a volunteer fire brigade, or any members thereof, pay to such brigade or members, such moneys as are determined by the Board: Provided that such services were rendered within a locality in which this Act applies.

## PART V.

## PART V.

## THE OFFICERS: THEIR APPOINTMENT, DUTIES, AND POWERS.

Appointment of principal officers.

Ibid., s. 28.

**39.** The Board may appoint the following officers, namely:—

- (a) the Chief Officer of Fire Brigades,
- (b) the Deputy Chief Officer of Fire Brigades, and
- (c) the Secretary of the Board,

at such salaries and upon such terms as the Board determine, and may suspend and remove any of such officers.

Present officers and servants continued in office.

Ibid., s. 29.

**40.** The officers in office on the passing of this Act as the Superintendent of Fire Brigades and the Deputy Superintendent of Fire Brigades respectively are hereby continued in their respective offices, under the titles of "Chief Officer of Fire Brigades" and "Deputy Chief Officer of Fire Brigades," respectively, as if appointed under this Act; and the secretary, and all officers of fire brigades holding office on such passing, and all foremen, firemen, and servants employed by the Board on such passing, are hereby continued in their respective offices and employments as if appointed and engaged under this Act.

Appointment and dismissal of officers of brigades.

Ibid., s. 31.

**41.** The chief officer may—

- (a) subject to the approval of the Board, appoint all foremen, officers, and members of the fire brigades, upon such terms and at such salaries or wages as the Board determines;
- (b) subject as aforesaid, dismiss any such foreman, officer, or member; and
- (c) without such approval, suspend any such foreman, officer, fireman, or servant.

**42.** All

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## PART V.

**42.** All fire brigades in the State, with the exception of the volunteer fire brigades, shall be under the command of the chief officer.

Control of brigades.  
Amending Act, 1906,  
s. 5 (part).

**43.** In case of the absence or disability of the chief officer all his powers are hereby conferred upon, and shall be exercised by, the deputy chief officer or the senior officer or foreman for the time being acting in the place of the chief officer.

Exercise of powers of  
chief officer in his  
absence.  
Ibid. (part).

**44.** The chief officer may inspect any fire brigade, whether established within the municipality of Adelaide or elsewhere.

Chief officer may  
inspect any fire  
brigade.

**45.** The chief officer shall, subject to any by-laws, perform the following duties, and may exercise the following powers:—

F.B. Act, 1904, s. 32.  
Duties and powers of  
chief officer in  
connection with fires.  
Ibid., s. 33 (altered).

- I. He shall, upon alarm of fire at any place, proceed with all possible speed to such place, and endeavor by all practicable means to extinguish the fire and save all lives and property in jeopardy:
- II. He shall control, direct, and regulate the working of the fire brigades at any fire:
- III. He shall control and direct any volunteer fire brigade present at any fire, and any persons who place their services at his disposal:
- IV. He may take and direct any measures which appear to him necessary or expedient for the protection of life and property, or for the control and extinguishing of fire, and may cause any buildings or premises to be entered, taken possession of, pulled down wholly or partially, or otherwise destroyed for such purpose, or for preventing fire, or for preventing the spread of fire:
- V. He may cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing any fire; and the Government of the State, or any servant of the Crown, shall not be liable for any damages or to any other claim, by reason of any interruption of the supply of water occasioned by the exercise of this power:
- VI. He may cause any public or private street, road, right of way, or thoroughfare in the vicinity of any fire to be closed against traffic during the continuance of any fire:
- VII. He may shut off or disconnect, or cause to be shut off or disconnected, the supply of gas or electricity or other artificial light to any building or premises which are on fire, or to any building or premises adjacent to any building or premises on fire; and no company or person supplying gas or electricity shall be liable for any damages or to any other claim by reason of any interruption in the supply of gas or electricity occasioned by the exercise of this power:
- VIII. He

VIII. He may at the time of a fire or thereafter, pull down or shore up any wall or building which is damaged, or which in his opinion is likely to be damaged, by fire, or which is in the vicinity of any fire and in his opinion is or may be likely to become dangerous to life or property; and the expense of such pulling down or shoring up shall be borne by the owner of such wall or building, and shall be paid by him to the Board:

IX. He may remove, or cause to be removed, to such place as he thinks proper, any person who in any way obstructs or interferes with or delays the operation of any fire brigade, or threatens so to do.

Chief officer may enter building on fire and remove inflammable materials.

Ibid., s. 34.

46. The chief officer, or any officer or person authorised by him, may exercise the following powers:—

i. He may enter and, if necessary, break into any building or premises on fire, or any building or premises adjacent to any building or premises on fire:

ii. He may remove, or cause to be removed, to such place as he thinks proper, without responsibility for any consequent loss or damage, any dangerous combustible or inflammable material or substance found in any such building or on any such premises.

Duties of the chief officer with regard to brigades and appliances.

Ibid., s. 35.

47. The chief officer shall also perform the following duties:—

i. He shall keep a book containing the names, ages, occupations, and places of abode of the members of the fire brigades:

ii. He shall summon, once a month at least, all, or as many as he thinks proper, of the members of the fire brigades for practice, in order to render such members fit and efficient for service:

iii. He shall at all times have the immediate charge and control of all engines, horses, vehicles, reels, buckets, hoses, ladders, fire escapes, and other plant belonging to the Board, and keep the same in a fit state for efficient service.

Chief officer may inspect places of public entertainment and report to Board.

Ibid., s. 36.

48. (1) The chief officer, or any officer authorised in that behalf by the Board—

i. shall have free access at all reasonable times to any and every part of any place which is a place of public entertainment within the meaning of the "Places of Public Entertainment Act" or any Act amending the same, or any Act substituted therefor, in order to inspect the same and ascertain whether the provisions of such Act, or of any regulations thereunder, for the prevention of fire or for the safety of the public or other persons, have been or are being contravened or not complied with:

ii. shall



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11. shall report any contravention of or non-compliance with any such provision to the Board.

(2) The Board, upon receiving a report from the chief officer under subsection (1) hereof shall forward a copy thereof to the Minister.

Board to forward report to the Minister. Ibid., s. 37 (altered).

49. (1) The chief officer, or any officer authorised in that behalf by the Board, shall, at all times, but subject to any by-laws, have free access to any ship, vessel, building, erection, wharf, jetty, land, or premises, and any part or parts thereof respectively, where he suspects that any gunpowder or other explosive, or explosive substance, or kerosine or other inflammable oil, or any empty cases, paper shavings, crates packed with straw, or any other dangerous combustible or inflammable material or substance, is or are stored, placed, stacked, or kept contrary to law or to any by-law or regulation made under any Act, or in such manner as to be a source of danger to life or property in case of fire, or as to be likely to cause an outbreak of fire.

Chief officer or foreman to have access to places where he suspects explosives or dangerous materials are kept.

Ibid., s. 38 (altered).

(2) If he discovers that any such material or substance is so stored, placed, stacked, or kept he may deliver, or cause to be delivered or posted, to the master or owner or agent of, or to the person in charge of such ship or vessel, or to the occupier of such building, erection, wharf, jetty, land, or premises, or to the owner or any of the owners of such material or substance, notice to remove such material or substance from such ship, vessel, building, erection, wharf, jetty, land, or premises, within the time specified in such notice.

(3) If default is made in compliance with such notice the person so making default shall be guilty of an offence, and shall be liable to a penalty of not less than Five Pounds nor more than Fifty Pounds for every day on which such default exists.

50. (1) When a fire occurs in any locality in which this Act applies the chief officer may, if he thinks fit, and if directed so to do by the Board shall, proceed to such fire, and take command of all fire brigades present.

Chief officer may proceed to fire outside Adelaide and take command.

Ibid., s. 39.

Amending Act, 1905, s. 3.

(2) In this section the expression "chief officer" means the Chief Officer of Fire Brigades, or the Deputy Chief Officer of Fire Brigades, or any person directed by the Board, as mentioned in subsection (1) hereof.

51. (1) The chief officer may permit the whole or any part of any fire brigade, or of any salvage corps maintained by the Board, with their engines, hoses, reels, horses, vehicles, escapes, and other appliances, to proceed beyond the limits of any municipality or district or fire district for the purpose of extinguishing fire.

Brigade may proceed beyond limits of municipality or district.

Ibid., s. 40.

(2) In such case, if a fire brigade or salvage corps proceeds to any locality where this Act does not apply, the owner of the property where the fire has occurred shall be liable to pay all

Owner to pay expenses.

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all the expenses incurred by such brigade or corps in attending the fire, and shall also pay to the Board charges in accordance with the Schedule; and in default of payment such expenses and charges may be recovered by the Board in a summary manner.

Owner paying may recover moiety from person jointly liable.

(3) If any such owner pays such expenses and charges, he may recover from the occupier of the property such proportion of such expenses and charges as the value of the goods and chattels of such occupier, which were in or on the property at the time of the fire, bears to the total value of the property and all the goods and chattels which were therein or thereon at the time of the fire.

Police to recognise authority of chief officer.

Ibid., s. 41.

Police to assist chief officer.

**52.** (1) The authority of the chief officer shall be recognised by all members of the police force and all other persons.

(2) The officer commanding or in charge of the members of the police force present at any fire shall support and assist the chief officer in maintaining his authority and enforcing his orders, and any member of the police force may, if he thinks proper, and shall, at the request of the chief officer, remove to such place as he or the chief officer thinks proper, any person in any way obstructing or interfering with or delaying the operations of any fire brigade, or threatening so to do.

## PART VI.

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## CONTRIBUTIONS TO THE BOARD.

Yearly estimate of expenditure to be made.

Ibid., s. 44, and amending Act, 1905, s. 3.

**53.** (1) In the month of December in every year the Board shall prepare a separate estimate of the probable necessary expenditure during the succeeding financial year for the establishing and maintaining of fire brigades and for the other purposes of this Act, within each fire district, and within each municipality or district, or part of a municipality or district, in which this Act applies.

Limitation on estimate and approval thereof.

(2) No estimate for any one year shall exceed such limit as may be fixed by the Minister, and no estimate shall have any force until approved by the Governor.

Contributions to expenditure of Board.

Ibid., s. 45.

Amending Act, 1905, s. 8 (altered).

**54.** (1) The aggregate amount of the estimates made pursuant to section 53 for any financial year shall be contributed and paid to the Board in the following proportions:—

- I. three-ninths thereof by the Treasurer:
- II. four-ninths thereof by the insurance companies:
- III. two-ninths thereof on behalf of the fire districts, and the municipalities and districts in which, or in parts of which, this Act applies.

(2) The portion of the said four-ninths which is to be paid by any one of the insurance companies shall be in the same ratio to the whole of such four-ninths as the premium income derived from insurance business by that company (as shown in its then latest

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latest return pursuant to section 58) bears to the aggregate amount of the premium incomes derived from insurance business by all the insurance companies (as shown by their then latest returns pursuant to section 58).

(3) If in any case the amount to be paid by a company, as determined by subsection (2) hereof is less than Ten Pounds, such company shall, in addition to such amount, pay to the Board the difference between such amount and the sum of Ten Pounds. Any amounts to be paid to the Board under this subsection shall be in addition to the aggregate amount by subsection (1) hereof required to be paid to the Board.

(4) The portion of the said two-ninths which is to be paid on behalf of any one of the fire districts, municipalities, or districts shall be in the same ratio to the whole of such two-ninths as the estimate under section 53 for such fire district, municipality, or district, bears to the aggregate amount mentioned in sub-section (1) hereof.

(5) Any amount to be paid under this section on behalf of a municipality or district shall be paid by the council thereof.

(6) Any amount to be paid under this section on behalf of a fire district shall be paid by the councils of the various municipalities and districts which, or parts of which, are comprised in such fire district.

The portion of the last-mentioned amount which is to be paid by any one of the last-mentioned councils shall be in the same ratio to the whole of such amount as the sum collected by such council, during its next preceding financial year, as general rates on property situated in the municipality or district of such council (or in the part thereof which is comprised in the fire district) bears to the aggregate amount of the sums collected by all the said councils, during their respective next preceding years, as general rates on properties situated in all the said municipalities and districts (or parts so comprised).

(7) The amounts to be paid by the various insurance companies, and by the various fire districts and councils, and, in the case of a fire district, the amounts to be paid by the various councils whose municipalities and districts, or parts thereof, are comprised in such fire district, shall be determined by the Board according to the principles stated in this section; and a notice sent to any of such companies or councils stating the amount to be paid, and signed by the chairman and the secretary, shall be *prima facie* evidence of the correctness of such amount.

(8) Any amount to be paid under this section shall be paid by equal quarterly instalments on the first days of July, October, January, and April respectively in the financial year for which the estimates used in determining such amount are made, or by such instalments and on such dates as are determined by the Board.

Contributions by new companies.

F.B. Act, 1904, s. 46 (5).

**55.** Every insurance company which—

(a) has before the passing of this Act, but since the time next before such passing when returns pursuant to section 46 of "The Fire Brigades Act, 1904," became due, commenced to carry on business in the State; or

(b) after such passing commences to carry on business in the State,

shall, until the amount of its first annual contribution has been determined under section 54 of this Act and the first instalment thereof becomes due under the said section 54, pay to the Board, on each day on which instalments by contributory companies fall due pursuant to subsection (8) of the said section 54, the sum of Two Pounds and Ten Shillings.

Contribution of municipalities and councils may be raised by increased rates.

Ibid., s. 48 (altered).

**56.** Any contribution payable under this Act by the council of any municipality or district may (if necessary) be raised by such council by increasing the rates, for the year following the payment of such contribution, by such a sum in the Pound as will be sufficient to produce the amount of such contribution: Provided that in any case where this Act applies only in part of a municipality or district the increase of rates shall be only in respect of property situated within such part.

Contributions, how recoverable.

Ibid., s. 49.

**57.** Any contribution payable under this Act may be recovered by action or in a summary manner.

#### *Returns.*

Returns by insurance companies.

Ibid., s. 46,

Amending Act, 1905, s. 3

**58.** (1) To enable the Board to determine the amounts of the contributions to be paid by the various insurance companies, each contributory company shall, in the month of July in each year, or at such other time as the Board directs, furnish the Board with a return showing the amount of its premium income for the period of twelve months ended on the next preceding thirtieth day of June, from insurance of property situated within the localities in which this Act applies.

In arriving at the amount of such premium income, a company shall be entitled to deduct—

(a) premiums paid by it for re-insurance, with contributory companies, of property so situated, and

(b) discount, brokerage, and commission allowed by it on premiums on insurance of property so situated.

To be verified by statutory declaration.

(2) Every such return shall have annexed thereto a statutory declaration by a director, or the manager, secretary, agent, or attorney, of the company, stating that, according to the books thereof and to the best of his knowledge, information, and belief, such return contains a true account and statement of the amount of the premium income mentioned in subsection (1) hereof.

(3) If

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(3) If any contributory company makes default in any year in furnishing the return or declaration required by this section, such company and every director, manager, secretary, agent, or attorney thereof who authorises or permits such default shall be guilty of an offence, and shall be liable to a penalty of not less than Five Pounds nor more than Ten Pounds for every day during which such default is made or continued; and the Board may, until such return is furnished with such declaration, regard the then latest return of such company furnished under this section as its return for the year and may act accordingly.

Penalty for neglect to furnish return.

(4) Any person who wilfully makes a false statement in any declaration as to any return required by this section shall be guilty of an offence, and shall be liable to a penalty not exceeding One Hundred Pounds.

Penalty for false declaration.

**59.** (1) The secretary or other officer having the custody of the books and papers of any contributory company shall allow any person authorised by the Board to inspect, during business hours, any books and papers of such company, and to make extracts therefrom in order to verify any return or declaration made in pursuance of this Act.

Companies to permit inspection of books. Ibid., s. 47.

(2) Any such secretary or officer failing to comply with the requirements of this section shall be guilty of an offence and shall be liable to a penalty not exceeding Five Pounds.

Penalty.

**60.** (1) The council of each municipality or district which, or part of which, is comprised in a fire district shall every year, in the month of March or within such other time as is determined by the Board, furnish the Board with a return showing the sum collected by such council, during its next preceding financial year, as general rates on property situated within its municipality or district, or within the part thereof which is comprised in such fire district.

Returns to be made by Councils within fire districts. New.

(2) If any such council fails in any year to furnish such return within the time required by subsection (1) hereof it shall be guilty of an offence and shall be liable to a penalty not exceeding Five Pounds for every day during which such default exists.

(3) If any such council furnishes a return under this section which is false in any material particular, it shall be guilty of an offence and shall be liable to a penalty not exceeding One Hundred Pounds.

## PART VII.

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## MISCELLANEOUS.

**61.** The Board may permit the whole or any part of any fire brigade to be employed on special service at such remuneration and upon such terms as the Board determine.

Brigades may be employed on special service.

F.B. Act, 1904, s. 50.

**62.** The

## PART VII.

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## Uniforms.

Ibid., s. 51.

**62.** The Board may furnish the chief officer, and also all officers and men of any fire brigade, with such uniforms as the Board think suitable.

## Police to attend fires.

Ibid., s. 52.

**63.** 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 such fire, forthwith dispatch a sufficient number of police for the purpose of preserving order and assisting any fire brigade present at such fire.

## Turncocks to attend fires.

Ibid., s. 53.

Cf. Waterworks Act, 1882, ss. 34, 36.

**64.** Every turncock employed by the Commissioner of Waterworks shall forthwith, on any fire occurring within any water district in which he is employed, proceed with all possible speed to the fire, and assist by all means in his power in the ensuring of a copious supply and efficient service of water.

## Disconnection of gas or artificial light.

F.B. Act, 1904, s. 54.

**65.** Every company or person supplying gas or artificial light to any premises on fire shall forthwith upon the fire occurring send some competent person to shut off or disconnect the supply of gas or artificial light to such premises, or to any building or land adjoining such premises, or adjacent thereto, if and as directed so to do by the chief officer.

## Offences.

Ibid., ss. 36 III., 38 (5), 55.

**66.** Any person who—

- i. wilfully in any way obstructs, hinders, delays, or interferes with the chief officer, or any officer or other member of any fire brigade, or any person acting under the authority of the Board or of the chief officer, in the exercise or discharge of any power or duty of such chief officer, officer, member, or person :
- ii. injures or destroys any building, engine, reel, vehicle, hose, pipe, ladder, or other thing belonging to the Board :
- iii. remains in any building belonging to the Board after being ordered by the chief officer to quit the same :
- iv. retains possession of any real or personal property belonging to the Board after being ordered by the chief officer to give it up,

shall be guilty of an offence, and shall be liable to a penalty of not less than Two Pounds nor more than Fifty Pounds, or to be imprisoned for any term not exceeding six months, with or without hard labor, and shall also be liable for, and may in any proceedings in respect of any such offence or otherwise be ordered to pay, the estimated amount of any damage caused in or by the commission of the offence.

## Penalty for covering up fireplugs.

Ibid., s. 56.

**67.** Any person who wilfully covers up, encloses, or conceals any fireplug or hydrant so as to render its position difficult to ascertain, or who obliterated or removes any mark, sign, or letter used for the purpose

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purpose of indicating the position of any fireplug or hydrant, shall be guilty of an offence, and shall be liable to a penalty of not less than Five Pounds nor more than Fifty Pounds.

**68.** Any person who tampers or interferes with any fire alarm or any signalling apparatus for giving notice of fire, or gives a false alarm of fire, shall be liable for the first offence to a penalty not exceeding Five Pounds or to be imprisoned for a term not exceeding seven days, with or without hard labor, and for any subsequent offence to be imprisoned for a term not exceeding six months, with or without hard labor, and without the option of a fine.

Tampering with fire alarms and giving false alarms.  
Ibid., s. 57.

**69.** (1) When a fire occurs on any uninsured vessel afloat, whether such vessel is or is not within a locality where this Act applies, the owners of such vessel, and the owners of any uninsured personal property (if any) which is in such vessel at the time of the fire, shall pay to the Board—

Payment of expenses where ship or property uninsured.  
Ibid., s. 58 (altered).

- i. the expenses incurred by any fire brigade, or any salvage corps maintained by the Board, in attending the fire; and
- ii. the appropriate charges mentioned in the Schedule.

(2) In any case where the owners of uninsured personal property are liable under subsection (1) hereof, the expenses and charges shall be apportioned by the Board between such owners and the owners of the vessel; and the Board's apportionment, when intimated to the parties by writing under the seal of the Board, shall be final and not subject to be questioned or appealed against in any way, and shall bind all the parties concerned.

(3) The Crown shall not, under any circumstances, be liable to pay the expenses and charges referred to in this section or any part of such expenses and charges.

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

In any such action or proceeding it shall be sufficient to allege a demand by the Board of a specified amount from the defendant. The onus of proving that such demand, or the demand of such amount, was not authorised shall be on the defendant.

N.S.W. Act, 9  
1909, s. 24 (2).

(5) In this section—

“uninsured vessel afloat” means a vessel afloat within three nautical miles of the low-water mark along the shore of the State, and not insured with a contributory company:

“uninsured personal property” means personal property not insured with a contributory company.

**70.** (1) The owner of a house or building where a fire occurs, and the owner of any personal property in or about such house or building

Owner to give information as to insurance.  
F.B. Act, 1904, s. 59

building, shall, upon request by any member or officer of the Board, or by the chief officer or any foreman, inform such member, officer, chief officer, or foreman whether such house or building, or personal property, is or was insured or not; and shall furnish such member, officer, chief officer, or foreman with full particulars of any insurance thereon, including the name of the insuring company and the amount of such insurance.

(2) Any person who fails to comply with any such request, or who wilfully gives any false information, or incorrect particulars in reply to such request or with regard to such insurance, shall be guilty of an offence and shall be liable to a penalty not exceeding Twenty Pounds.

Damage done to be  
within policy.  
Ibid., s. 60.

**71.** Any damage to property occasioned by a fire brigade, or by a salvage corps maintained by the Board, or by the chief officer or any member of a brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.

Representation at  
inquest.  
Ibid., s. 61.

**72.** (1) At any inquest on a fire the Board may be represented by a member of the Board, or by any person appointed by the Board, and such member or person may adduce evidence, examine witnesses, and address the Court.

Inquest on fires.  
Ibid.

(2) Notwithstanding anything to the contrary contained in "The Coroners Act, 1884," or any Act amending or substituted for that Act, an inquiry into the cause or origin of any fire shall, with the consent of the Minister, be held at the request of any person and upon payment by him to the Coroner of the sum of Five Pounds Five Shillings: Provided that if the request is made by the Board such inquiry shall, with the consent aforesaid, be held without payment of any fee.

*Débris* of fire may be  
searched.  
Ibid., s. 62.

**73.** (1) The chief officer or any officer, servant, or agent of the Board may—

- i. enter any building or place where any fire has occurred and search the same and the *débris* of such fire:
- ii. if there are circumstances which in the opinion of the chief officer or a member of the Police Force are of a suspicious nature, continue in possession until an inquest has been held concerning the cause and origin of such fire:
- iii. remove and keep possession of any materials which may tend to prove the origin of such fire:
- iv. take and keep possession, and remove for safe custody, until authorised by the Board to return the same to the person entitled thereto, all property found on such premises.

(2) If the Board does not deal with any property taken possession of by the chief officer under subsection (1) hereof within



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within seven days of the date on which the fire occurred, such property shall be forthwith delivered by the chief officer to the owner or apparent owner thereof.

**74.** (1) Where the chief officer or any officer, fireman, or other person who has been employed by the Board in any capacity, and has resigned or been discharged, continues to occupy any premises belonging to the Board, or to the possession whereof the Board is entitled, after notice in writing from the Board to deliver up possession thereof, it shall be lawful for any Justice, upon any person stating on oath that such notice has been given, by warrant under his hand, to order any member of the Police Force to enter into such premises and to remove such officer, fireman, or person and his family and servants therefrom, and afterwards to deliver the possession thereof to the Board.

Failure to deliver up premises occupied by officer or fireman.  
Ibid., s. 63.

(2) Any such warrant shall be as effectual for all intents and purposes as a writ of possession issued out of the Supreme Court and delivered to the Sheriff, and such member of the Police Force may and shall execute the same accordingly.

**75.** The chief officer, or any officer, servant, or agent of the Board may enter, and, if necessary, break into, any place where any property of the Board is unlawfully detained or is detained contrary to the order of the chief officer or of the Board, and may take possession of such property and remove it from such place.

Power to take Board's property unlawfully detained.  
Ibid., s. 64.

**76.** (1) The chief officer or foreman in charge of the fire brigade present at a fire shall, as soon as possible, report such fire to the Board.

Report of fire.  
Ibid., s. 65.

(2) Upon receipt of such report the Board, or the Secretary, or any other person authorised by the Board, shall forward to the contributory companies a notice of such fire.

*Regulations.*

**77.** (1) The Governor may make regulations prescribing—

Regulations.

- i. The method and conditions in and subject to which nominations for membership of the Board are to be made :
- ii. The manner in which such nominations by the councils other than that of the municipality of Adelaide are to be certified :
- iii. The manner of giving notices calling for such nominations :
- iv. The functions, powers, and duties of the chairman :
- v. Any other matters or things which it may be necessary or convenient to prescribe for the purposes of this Act, or more effectually carrying out its objects, and which the Board has not power to prescribe by by-law.

(2) Any

(2) Any regulation made under this section may prescribe a penalty not exceeding Twenty Pounds for a breach thereof, or of any other regulation.

(3) All regulations made under this section—

(a) shall be published in the *Government Gazette*:

(b) from the date of such publication, or from a later date fixed by the order making the same, shall (subject as by subsection (4) hereof provided) be of the same effect as if they were contained in this Act:

(c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

(4) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before it.

(5) When a resolution has been passed, as mentioned in subsection (4) hereof, notice of such resolution shall be published in the *Government Gazette*.

#### *Legal Proceedings and Evidence.*

*Government Gazette*  
to be evidence.  
*Ibid.*, s. 72.

**78.** The *Government Gazette* containing any proclamation or order made by the Governor under this Act, or any Act hereby repealed, shall be conclusive evidence of the fact, tenor, and validity of such proclamation or order, and shall be evidence of the facts stated, recited, or assumed therein, and no such proclamation shall be invalid by reason of anything required as preliminary thereto not having been duly done.

Actions against  
Board.  
*Ibid.*, s. 66.

**79.** (1) No action shall be brought against the Board, or against any person, for anything done or purporting to have been done under this Act, unless such action is commenced within six months after the act complained of was committed or the damage sued for was sustained, and notice in writing of the intended action has been delivered at the office of the Board, or delivered to such person, or left at his usual place of abode, by the party aggrieved or by his agent or attorney, at least one month before the commencement of the action.

(2) Such notice shall clearly and explicitly set forth the nature of the intended action and the cause thereof, and on such notice shall  
be

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## PART VII.

be written the name and place of abode of the party intending to bring such action, and the name and place of business of his attorney or agent (if any).

**80.** No fire engine, fire escape, reel, horse, vehicle, hose, accoutrement, plant, tool, implement, or other appliance belonging to the Board, shall be seized or sold under any writ or warrant of execution or other process.

Plant not to be seized.

Ibid., s. 67.

**81.** (1) No member of the Board shall be personally liable for anything done, suffered, or omitted by the Board of which he is a member.

Members of Board not to be personally liable. Board and officers not liable for *bonâ fide* exercise of powers.

Ibid., s. 68.

N.S.W. 9, 1909, s. 46.

(2) Neither the Board nor any member thereof, nor the chief officer or any officer or servant of, or person employed by, or acting under the authority of, the Board, shall be liable for anything done, suffered, or omitted in the *bonâ fide* exercise or discharge of any power or duty conferred or imposed by or under this Act.

**82.** (1) All proceedings in respect of offences against this Act or for the recovery of any sum of money which this Act provides may be recovered in a summary manner, shall be heard and determined by a Special Magistrate or two Justices.

Summary proceedings.

F.B. Act, 1904, s. 69.

(2) Such proceedings shall be regulated by the Ordinance No. 6 of 1850 and any amendments thereof, or any Act in force regulating summary proceedings of Justices.

(3) All convictions and orders made by such Magistrate or Justices may be enforced as provided by the said Ordinance or any other Act.

**83.** (1) There shall be an appeal to the Local Court of Adelaide in its full Jurisdiction, or to the Local Court of Full Jurisdiction nearest to the place where the offence is alleged to have been committed, from any conviction by a Magistrate or Justices under this Act, or from any order by a Magistrate or Justices dismissing any information or complaint under this Act, or from any other order by a Magistrate or Justices in proceedings under this Act.

Appeals from Magistrates and Justices.

(2) Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and any amendments thereof, or any other Act regulating appeals to Local Courts: Provided that the Court may make any order which it thinks just as to costs, and the amount thereof may exceed Ten Pounds.

**84.** (1) The Local Court, upon the hearing of any such appeal, may state a special case for the opinion of the Supreme Court.

Special case.

(2) The Supreme Court shall hear and decide such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs, as to the said Court appears just.

(3) The

(3) The Supreme Court may send the special case back for amendment, or may itself amend such case.

(4) The Magistrate or Justices, or the Local Court, shall make an order in respect to the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court, or of any Judge thereof.

(5) Such order of the Magistrate or Justices, or Local Court, shall be enforced in manner provided by section 82 of this Act or otherwise by law.

*Expenses—How Met.*

How expenses to be met and how Government contributions to be provided.

**85.** The money required for the purposes of this Act shall be paid by the Board out of the moneys received by the Board under this Act, and the sums to be contributed and paid to the Board by the Treasurer shall be paid out of moneys voted by Parliament for that purpose.

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

DAY H. BOSANQUET, Governor.

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## THE SCHEDULE.

Sections 51 and 69.

## PART I.

*Maximum Scale of Charges for Attendance and Service at a Fire on Land.*

	£	s.	d.
For the chief officer or other officer in charge at the fire—			
For the first hour .....	1	0	0
For each succeeding hour .....	0	10	0
For the use of a floating fire engine—			
For the first hour .....	10	0	0
For each succeeding hour .....	3	0	0
For the use of a steam fire engine, or motor fire engine—			
For the first hour .....	5	0	0
For each succeeding hour .....	2	0	0
For each reel, hose carriage, chemical engine, fire escape, or salvage van—			
For the first hour .....	2	10	0
For each succeeding hour .....	0	10	0
For each fireman in attendance at the fire—			
For the first hour .....	0	5	0
For each succeeding hour .....	0	2	6
For each horse taking a steam fire engine, reel, hose carriage, chemical engine, fire escape, salvage van, or other vehicle to or from a fire ..	0	10	0
For the use of hose, and cleaning and drying the hose, for each 100ft. or part thereof .....	0	10	0
For the wages of each extra man engaged by the chief officer or other officer in charge at the fire, for each hour .....	0	3	0

## PART II.

*Maximum Scale of Charges for Attendance and Service at a Fire on a Vessel.*

	£	s.	d.
For the chief officer or other officer in charge at the fire—			
For the first hour .....	2	0	0
For each succeeding hour .....	1	0	0
For the use of a floating fire engine—			
For the first hour .....	15	0	0
For each succeeding hour .....	5	0	0
For the use of a steam fire engine or motor fire engine—			
For the first hour .....	7	0	0
For each succeeding hour .....	2	10	0
For each reel, hose carriage, chemical engine, fire escape, or salvage van—			
For the first hour .....	2	10	0
For each succeeding hour .....	0	10	0
For each fireman in attendance at the fire—			
For the first hour .....	0	5	0
For each succeeding hour .....	0	2	6
For each horse taking a steam fire engine, reel, hose carriage, chemical engine, fire escape, salvage van, or other vehicle to or from the fire..	0	10	0
For the use of hose, and cleaning and drying the hose, for each 100ft. or part thereof .....	0	10	0
For the wages of each extra man engaged by the chief officer or other officer in charge at the fire, for each hour .....	0	3	0