



ANNO QUARTO

EDWARDI VII REGIS.

A.D. 1904.

No. 860.

An Act to consolidate and amend the Law relating to,
and to make further provision for, the Protection
of Life and Property from Fire.

[*Assented to, November 24th, 1904.*]

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

1. This Act may be cited as “The Fire Brigades Act, 1904,” Short title.
and shall come into operation on a day to be fixed by the Governor
by Proclamation in the *Government Gazette*.

2. The “Fire Brigades Act, 1890,” is hereby repealed: Repeal.
Provided that such repeal shall not affect the validity of any by-laws
or regulations heretofore made by the Fire Brigades Board under the
provisions of such Act, which said by-laws or regulations shall con-
tinue in force until repealed or varied under the powers hereinafter
contained, nor shall such repeal affect the validity of anything done
or suffered, or commenced to be done or suffered, under the said Act,
or condone or affect any offence committed, or liability contracted,
contribution owing, or penalty incurred thereunder.

3. In this Act, unless inconsistent with the subject-matter or Interpretation.
context, the words and expressions following shall have the re-
spective meanings set opposite to them respectively, that is to say— Sec. 2, Act 495/90.

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

The Fire Brigades Act.—1904.

- “Council” means the mayor and councillors, and includes aldermen, of a municipality :
- “District” means a locality under the local government of a District Council :
- “District Council” means a District Council established or continued by or under “The District Councils Act, 1887” :
- “Insurance company” means and includes any corporate body, company, partnership, association, or person carrying on business within the State, and insuring against loss or damage by fire property situated within the limits of any municipality or district for the time being subject to the provisions of this Act; and also includes the agent, attorney, or representative of, or person collecting premiums for, any such corporate body, company, partnership, association, or person, whether any such corporate body, company, partnership, association, or person is incorporated or resident within the said State or not :
- “Minister” means the Chief Secretary :
- “Municipality” means a locality under the local government of a Municipal Council :
- “Owner” means and includes the person for the time being in actual receipt of, or entitled to receive, the rents and profits of the lands or premises in connection with which the word is used, or who, if such lands or premises were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, or executor, mortgagee in possession, or as agent or attorney for any other person :
- “Superintendent” means the Superintendent of Fire Brigades, and includes any deputy superintendent of fire brigades, foreman, officer, or fireman for the time being in charge or in command of a Fire Brigade :
- “The Board” means the Fire Brigades Board constituted 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 premises, with the consent of the owner or occupier of such building or premises.

Application of Act.

**Section 3 of Act
of 1890, altered.**

4. This Act shall apply—

- I. To the Municipality of Adelaide :
- II. To the municipalities and districts proclaimed under the provisions of “The Fire Brigades Act, 1890” :
- III. To every municipality and district to which the Governor, upon the application of the Council of such municipality or of the District Council of a district other than the districts

The Fire Brigades Act.—1904.

districts mentioned in section 60 of "The District Councils Amendment Act, 1904," and upon the recommendation of the Board, may by Proclamation in the *Government Gazette* declare that this Act shall apply:

iv. To any fire in a municipality or district not under this Act, to which fire a brigade proceeds under the provisions of section 40 of this Act.

5. This Act is divided into the following Parts:—

Divisions of Act.

PART I.—Incorporation, Constitution, Duties, and Powers of Board:

PART II.—Salvage Corps:

PART III.—Volunteer Fire Brigades:

PART IV.—The Superintendent: his Appointment, Duties, and Powers:

PART V.—Contributions to Board:

PART VI.—Miscellaneous.

PART I.

PART I.

INCORPORATION, CONSTITUTION, DUTIES, AND POWERS OF BOARD.

6. (1) A Board of six members is hereby constituted, which shall be a body corporate by the name of "The Fire Brigades Board," and by that name shall have perpetual succession and a common seal, and be capable in law of suing and being sued.

Constitution of Board.

Sec. 5, Act 495/90, altered.

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

7. No act or proceeding of the Board shall be invalidated 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; and all acts and proceedings of the Board shall, notwithstanding the subsequent 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 every such person had been duly appointed and was qualified to be and to act and vote as a member of the Board.

Certain acts of Board not to be invalidated.

Sec. 6, Act 495/90.

8. In the month of January, one thousand nine hundred and five, and in the month of January in every succeeding alternate year the Governor shall appoint six persons to be members of the Board, who shall hold office until the appointment of their successors, and each retiring member of the Board shall be eligible for re-appointment.

Appointment of the Board.

9. (1) At

The Fire Brigades Act.—1904.

PART I.

Nomination of mem-
bers of the Board.

Sec. 8, Act 495/90,
altered.

9. (1) At the appointment of a Board in the month of January, one thousand nine hundred and five, and at every subsequent appointment, one of the persons appointed shall be appointed on the nomination of the council of the municipality of Adelaide, one on the nomination of the other municipalities and districts subject to the provisions of this Act, and two on the nomination of the contributory companies.

(2) The name of the 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; and the name of the person nominated on behalf of such other municipalities and districts shall be certified in manner to be provided for by regulations; and the name of the persons nominated by the contributory companies shall be so certified under the hand of the chairman of the meeting, to be held as hereinafter provided, of the representatives of such companies.

(3) Such nominations shall be made and certified to the Governor on or before the fifteenth day of January, one thousand nine hundred and five, and on or before the fifteenth day of January in every succeeding alternate year.

(4) If the council of the municipality of Adelaide, or such other municipalities and districts, or the said contributory companies, fail to exercise their respective rights of nomination in manner hereinbefore provided, such right shall lapse for that year, and the Governor may appoint a member or members of the Board, without any nomination, who shall hold office during the same period and in all respects as if he or they had been appointed on the nomination of the body or persons so failing to nominate as aforesaid.

Secretary to convene
meeting of contribu-
tory companies.

Sec. 10, Act 495/90.

10. (1) In the month of December, one thousand nine hundred and four, and in the month of December in every succeeding alternate year the secretary of the Board shall, for the purpose of nominating a person for appointment as a member of the Board, convene a meeting of the representatives of the contributory companies by circular addressed to each company, or the secretary or representative thereof.

Chairman to be
elected.

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

Voting.

(3) The votes allotted to each representative shall be as follows:—Where the company's premium income in the State does not exceed Two Thousand Pounds, one vote; where such income is above Two Thousand Pounds and does not exceed Five Thousand Pounds, two votes; where such income is above Five Thousand Pounds, three votes.

Chairman's vote.

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

Governor may make
rules for nomination.

11. (1) The Governor may make, alter, amend, or vary rules and regulations, providing the method and conditions under which the

the

The Fire Brigades Act.—1904.

PART 1.

Sec. 11, Act 495/90.

the municipality of Adelaide, and the other municipalities and districts subject to this Act, and the contributory companies shall exercise the respective rights of nomination hereinbefore given to them.

(2) Such rules shall, upon publication in the *Government Gazette*, be valid and have the force of law.

(3) The tenor and validity of such rules shall be conclusively proved by the production of the *Government Gazette* in which such rules are published.

12. (1) No uncertificated insolvent shall be appointed a member of the Board.

Insolvent person not to be or continue a member of the Board.

(2) Any member who is adjudicated insolvent, or who applies to take the benefit of any Act for the relief of insolvent debtors, or who assigns or attempts to assign his estate for the benefit of his creditors, or who compounds with his creditors for less than Twenty Shillings in the Pound, shall vacate his seat on the Board.

Sec. 12, Act 495/90.

(3) If any member shall, without leave of the Board, be absent from three consecutive meetings of the Board, the Board may declare the seat of such member vacant, and he shall thereupon vacate his seat.

13. The Governor may—

Governor may remove or suspend member of Board and appoint successor.

i. At pleasure remove or suspend any member of the Board:

ii. Without nomination appoint any person to fill any vacancy on the Board caused by death, resignation, or removal, or occurring under section 12, and such person shall hold office so long only as the member in whose place he is appointed would have held office had no such vacancy occurred.

Sec. 13, Act 495/90.

14. 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 brigades shall, subject to the provisions of this Act, be vested in the Board; and, in the performance of that duty, the Board may provide and maintain Fire Brigades, consisting of efficient firemen, furnished with such appliances as may be necessary for the complete equipment of such brigades and the performance of their duties.

Duty of Board.

Sec. 14, Act 495/90.

15. All real and personal property which at the time when this Act comes into operation is vested in the Fire Brigades Board, as constituted by the "Fire Brigades Act, 1890," shall thereupon vest in the Board, subject to all liabilities and obligations attaching thereto.

Vesting of property of existing Board.

Sec. 15, Act 495/90.

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

Meetings of the Board

Sec. 16, Act 495/90.

(2) Special

The Fire Brigades Act.—1904.

PART I.

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

(3) The members of the Board may elect one of their number to be chairman of the Board, and all questions shall be decided by a majority of votes; the chairman shall have only one vote.

(4) The members of the Board shall have the custody and use of the common seal of the Board, and such seal shall not be affixed to any deed or instrument except in the presence of two of the members, and every deed or instrument to which such seal is required shall be signed by two of the members and countersigned by the secretary of the Board.

Powers to lease or purchase.

Sec. 17, Act 495/90.

17. The Board may lease, purchase, or otherwise acquire and hold, for the purposes of this Act, such real or personal property as the Board may deem necessary.

Power to sell or mortgage.

Sec. 18, Act 495/90.

18. (1) The Board may sell, demise, or lease, or otherwise dispose of any real or personal property belonging to the Board, and may mortgage any freehold or leasehold lands, but every such dealing shall be subject to the previous consent of the Minister.

(2) Any sale 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 may determine.

(3) Any mortgage 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 may determine.

(4) Any demise or lease of real or personal property may be granted by the Board 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 may determine; and any such demise or 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.

(5) The Board may enter into any contract or agreement with any person or body corporate for any purpose having relation to the provisions of this Act.

Power to borrow.

Sec. 19, Act 495/90.

19. (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 Five Thousand Pounds.

20. The

The Fire Brigades Act.—1904.

PART I.

Contracts for telegraphic and telephonic communication.

Sec. 20, Act 495/90.

20. The Board may contract with the Government of the Commonwealth of Australia, or with any company, or corporate body, or person, for the establishment and maintenance of telegraphic or telephonic communication between the several fire stations at which their fire engines or firemen may be placed, and between any such station and other parts of any locality to which the provisions of this Act shall apply.

Board may make by-laws and regulations.

Sec. 22, Act 495/90.

21. (1) The Board may repeal, or vary, wholly or in part, any by-laws or regulations heretofore in force under the "Fire Brigades Act, 1890," and may make, alter, and repeal such by-laws and regulations as may be necessary for the following purposes:—

- i. For the management and conduct of the meetings of the Board and for the dispatch of business:
- ii. For the payment of salaries or wages to the officers and members of the Fire Brigades:
- iii. For the payment of compensation in case of accident to officers or members of any Fire Brigade, or to the wife and family of any such officer or member in the event of his death by accident whilst acting in the discharge of his duty:
- iv. For the payment to any person in respect of voluntary or special services rendered to the Fire Brigades:
- v. 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:
- vi. For regulating the registration of Volunteer Fire Brigades:
- vii. For regulating the meetings and general business of the Board, and generally for duly administering and carrying out the duties entrusted to the Board by this Act:
- viii. For defining and regulating the conditions of service for permanent members and auxiliary members of Fire Brigades:
- ix. Regulating the conditions under and subject to which the superintendent or foreman shall have access to the places referred to in section 38 of this Act:
- x. For such other purposes as the Governor, by Proclamation in the *Government Gazette*, may order:
- xi. For fixing penalties for the breach of any by-law or regulation not exceeding the sum of Ten Pounds.

(2) Such by-laws and regulations shall have the common seal of the Board affixed thereto, and, when approved by the Governor and published in the *Government Gazette*, shall be valid and have the force of law.

(3) Such

*The Fire Brigades Act.—1904.***PART I.**

(3) Such by-laws and regulations shall be laid before both Houses of Parliament within fourteen days after the publication thereof if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next sitting of Parliament.

Annual report.

Sec. 23, Act 495/90.

22. The Board shall, on or before the thirty-first day of January in the year one thousand nine hundred and six, and on or before the thirty-first day of January in every succeeding year, report to the Minister its proceedings during the twelve months ending on the thirty-first day of December of the preceding year, and a copy of such report shall be laid each year before Parliament.

Audit of accounts.

Sec. 24, Act 495/90.

23. The accounts of the Board shall be audited annually by the Commissioner of Audit, who shall exercise the powers conferred upon him by "The Audit Act, 1882," and an abstract of such accounts shall be annually forwarded to the Minister.

PART II.**PART II.****SALVAGE CORPS.**

Board may establish and maintain Salvage Corps.

Sec. 25, Act 495/90.

24. 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, carts, hoses, accoutrements, implements, tools, and plant.

Salvage Corps established by companies.

Sec. 26, Act 495/90.

25. (1) In the event of the insurance companies, or any of them, establishing any Salvage Corps, the Fire Brigades, subject to any regulations made by the Board—

- i. Shall afford all necessary assistance to the members of such corps in the performance of their duties:
- ii. Shall, upon the application of any officer of such corps, hand over to his custody or as he may direct property saved from fire.

(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.

Superintendent may inspect Salvage Corps.

26. The superintendent may inspect any Salvage Corps and enforce compliance with any regulations affecting such corps.

PART III.**PART III.****VOLUNTEER FIRE BRIGADES.**Registration, inspection, control, and payment of Voluntary Fire Brigades.
Sec. 27, Act 495/90.

27. (1) Every Volunteer Fire Brigade existing upon the coming into operation of this Act shall forthwith be registered at the office of the Board.

(2) Every

The Fire Brigades Act. —1904.

(2) Every Volunteer Fire Brigade formed after the coming into operation of this Act shall be registered within twenty-eight days from the formation thereof.

PART III.

(3) Every Volunteer Fire Brigade, whether established within the municipality of Adelaide or elsewhere, shall be subject to inspection by the superintendent.

(4) Every Volunteer Fire Brigade when present at any fire shall be under the control, and shall obey the orders of, the superintendent.

(5) The Board may, upon the certificate of the superintendent that efficient or valuable services have been rendered by a Volunteer Fire Brigade, or any members thereof, pay to such brigade or members thereof, such moneys as the Board may determine.

PART IV.

PART IV.

THE SUPERINTENDENT: HIS APPOINTMENT, DUTIES,
AND POWERS.

28. The Board may appoint the following officers —

- (a) The Superintendent of Fire Brigades,
- (b) The Deputy Superintendent of Fire Brigades, and
- (c) The Secretary of the Board,

Superintendent of
Fire Brigades.

Sec. 28, Act 495/90.

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

29. The present superintendent and all other officers of the Fire Brigades holding office, and all firemen and servants employed by the Board on the coming into operation of this Act, shall be deemed to have been appointed and engaged under this Act.

Present superinten-
dent and officers to
continue in office.

Sec. 42, Act 495/90.

30. The Fire Brigades for the municipality of Adelaide shall be under the command of the superintendent.

Fire Brigades to be
under command of
superintendent.
Sec. 29, Act 495/90.

31. The superintendent shall, subject to the approval of the Board, appoint all foremen, officers, and members of the permanent brigades, upon such terms and at such salaries or wages as the Board may determine, and may, without such approval, suspend any foreman, officer, fireman, or servant.

Appointment and
dismissal of officers.Sec. 41, Act 495/90,
altered.

32. The superintendent may inspect any Fire Brigade, whether established within the municipality of Adelaide or elsewhere.

Power to inspect any
Fire Brigade.See sec. 29, Act
495/90.

The Fire Brigades Act.—1904.

PART IV.

Duties and powers of
superintendent.

Sec. 30, Act 495/90

33. The superintendent shall, subject to any regulations made by the Board, perform the following duties, and may exercise the following powers within the municipality of Adelaide:—

- i. He shall, upon alarm of fire, proceed with all possible speed to the place where such fire has happened, and endeavor by all practicable means to extinguish the fire and save lives and all 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 extinguishment 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 shall not be liable for any damages by reason of any interruption of the supply of water occasioned only by the exercise of such power :
- vi. He may cause any street, private road, right-of-way, or thoroughfare in the vicinity of any fire to be closed for 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 artificial light to any building or premises which may be on fire, or to any building or land adjoining such building or premises or adjacent thereto ; and no company supplying gas shall be liable for any damages by reason of any interruption in the supply of gas occasioned by the exercise of this power :
- viii. He may at the time of a fire, or thereafter, pull down or shore up any wall or building which may be damaged, or which in his opinion may be likely to be damaged, by fire, or which may be in the vicinity of any place where a fire has occurred, and which may in his opinion be, or may be likely to become, dangerous to life or property ; and the expense of such pulling down and shoring up, as the case may be, 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, any person who interferes with the operations of any Fire Brigade.

34. The

The Fire Brigades Act.—1904.

PART IV.

34. The superintendent or any officer or person authorised by him, may—

Superintendent may enter building on fire and remove inflammable materials.

Sec. 40, Act 495/90.

- i. Enter and, if necessary, break into any building or premises on fire, or any building or premises adjacent thereto ;
- ii. Remove or cause to be removed, 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.

35. The superintendent, in addition to the duties and powers imposed and conferred upon him by section 33, shall—

General duties of superintendent.

Sec. 31, Act 495/90

- i. Keep a book containing the name, age, occupation, and place of abode of each member of the brigades :
- ii. Summon, once a month at least, all, or as many of the members of the brigades as may be required for practice, in order to render the members fit and efficient for service :
- iii. Have at all times the immediate charge and control of all engines, horses, carts, reels, buckets, hoses, ladders, fire escapes, and other plant belonging to the Board, and keep the same in a fit state for efficient service.

36. The superintendent shall—

Superintendent may inspect buildings and report to Board.

Sec. 32, Act 495/90.

- i. Have free access at all reasonable times 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 Entertainment Act," or any Act amending the same, or any Act of Parliament for a like object, in order to inspect the same and ascertain whether the provisions of such Act are complied with :
- ii. Report any non-compliance with such provisions to the Board :
- iii. Every person who obstructs or hinders the superintendent in his inspection of any such building, room, or place shall be liable to a penalty not exceeding Ten Pounds.

37. The Board, upon receiving a report from the superintendent under section 36, shall forward a copy thereof to the mayor of the municipality or chairman of the district council of the district in which such building, room, or place is situate.

Board to forward report to municipality or district council.

Sec. 33, Act 495/90.

38. (1) The superintendent or any foreman shall, at all times, but subject to any regulations made by the Board, have free access to any building, erection, ship, vessel, wharf, jetty, land, or premises, and any part or parts thereof respectively, where he suspects that any gunpowder explosive, or explosive substance, or kerosine, or any empty cases, paper shavings, crates packed with straw, or any other dangerous combustible or inflammable material or substance

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

Sec. 38, 495/90.

The Fire Brigades Act.—1904.

PART IV.

is or are stored, placed, stacked, or kept contrary to law or to the provisions of any by-law or regulation made under any Act of Parliament.

(2) If he discovers that any such material or substance is so stored, placed, stacked, or kept, he shall report such discovery to the Board.

(3) Upon the receipt of such report the Board may deliver, or cause to be delivered or posted, to the master or owner or agent, or to the person in charge of any such ship or vessel, or to the occupier of any such building, erection, wharf, jetty, land, or premises, or to the owner or any of the owners of any such material or substance, notice to remove such material or substance from such ship, vessel, building, erection, wharf, jetty, land, or premises, within a time to be specified in such notice.

(4) If default shall be made in compliance with such notice the person so making default shall be liable to a penalty of not less than Five Pounds and not exceeding Fifty Pounds.

(5) Every person who obstructs, hinders, or delays the superintendent in making any such inspection as aforesaid shall be liable to a penalty of not less than Five Pounds and not exceeding Fifty Pounds.

Superintendent may proceed to fire outside Adelaide and take command.

Sec. 34, Act 495/90.

39. When a fire occurs outside the municipality of Adelaide the superintendent may, and he shall if directed so to do by regulation of the Board, proceed to such fire, and take command of all Fire Brigades present, and upon so taking command he shall and may exercise all the duties and powers which are hereby imposed or conferred upon, or are exercisable by him, within the municipality of Adelaide, or such of them as may be applicable.

Brigade may proceed beyond limits of municipality.

Sec. 39, Act 495/90.

40. (1) The superintendent or any foreman may permit the whole or any part of any Fire Brigade or Salvage Corps, with their engines, hoses, reels, horses, carts, escapes, and other appliances, to proceed beyond the limits of any municipality or district for the purpose of extinguishing fire.

Owner and occupier to pay expenses.

(2) In such case the owner and occupier of the property where the fire has occurred shall be jointly and severally liable to pay all the expenses which may be incurred by the Fire Brigades in attending the fire, and shall also pay to the Board charges in accordance with the Schedule hereto, and in default of payment any such expenses and charges may be recovered by the Board in a summary manner.

Owner or occupier paying may recover moiety from person jointly liable.

(3) If any such owner or occupier shall pay such expenses and charges, he may recover from the person jointly liable with him to pay such expenses and charges one-half of the amount thereof.

Police to recognise authority of superintendent.

Sec. 35, Act 495/90.

41. (1) The authority of the superintendent shall be recognised by all officers and members of the Police Force and all other persons.

(2) The

The Fire Brigades Act.—1904.

PART IV.

Police to assist superintendent.

(2) The officer commanding the Police Force present at any fire shall support and assist the superintendent in maintaining his authority and enforcing his orders, and such officer and all constables may, if he or they shall think proper, and he and they shall, at the request of the superintendent, remove any person interfering with the operations of any Fire Brigade.

42. (1) The Fire Brigade for each municipality (other than the municipality of Adelaide) and the Fire Brigade for each district shall be commanded by an officer to be called a foreman.

Command of Fire Brigades outside municipality of Adelaide.
Sec. 36, Act 495/90.

(2) Every foreman shall, within such municipality or district, perform the like duties and may exercise the like powers as are by this Act imposed or conferred upon the superintendent, except where the superintendent attends at any fire outside the municipality of Adelaide, and assumes command of any Fire Brigade, in which case such foreman shall act under the directions and obey the orders of the superintendent.

Powers and duties of foreman.

43. The powers conferred by this Act upon the superintendent or any foreman may, in case of the absence or disability of such superintendent or foreman, be exercised by any deputy superintendent, or by any other officer or fireman for the time being in command of any Fire Brigade.

Powers of superintendent or foreman may be exercised by deputy.

Sec. 37, Act 495/90.

PART V.

CONTRIBUTIONS TO BOARD.

PART V.

44. (1) In the month of January in every year the Board shall prepare a separate estimate of the probable necessary expenditure for the current year in the execution of this Act within each municipality and district, subject to the provisions of this Act.

Yearly estimate of expenditure to be made.

(2) No estimate shall exceed in any one year such limit as may be fixed by the Minister, nor have any force or effect until approved by the Governor.

Limitation on estimate and approval. (See Victorian Act, 1890).

45. (1) The aggregate of the estimates made pursuant to section 44 shall be contributed and paid to the Board as follows:—

Contributions to expenditure of Board.

I. Three-ninths thereof by the Treasurer:

Sec. 43, Act 495/90, altered.

II. Four-ninths thereof by the insurance companies:

III. Two-ninths thereof by the municipalities and districts which are subject to the provisions of this Act, in the proportion which the estimate for each contributing municipality or district bears to such aggregate estimated expenditure.

(2) Such payments shall be made by quarterly payments on the first days of April, July, October, and January in each year, or at such other times as the Board may determine.

(3) The

The Fire Brigades Act.—1904.

PART V.

(3) The contribution of the insurance companies shall be made by each company paying to the Board towards each contribution a sum of money (being not less than Ten Pounds per annum) calculated ratably on the premium income derived from insurance business within the State by such company, as shown in the return hereinafter mentioned.

Returns by insurance companies.

Sec. 44, Act 495/90.

46. (1) For the purpose of ascertaining its contribution each contributing company shall, in the month of July in each year, or at such other time as the Board may direct, furnish the Board with a return showing the amount of annual premium receipts (re-insurance within the State excepted) for the preceding twelve months.

To be verified by statutory declaration.

(2) Such return shall have annexed thereto a statutory declaration by a director, or the manager, secretary, agent, or attorney of such company, 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 such premium income.

Penalty for neglect to furnish return.

(3) If any such company makes default in furnishing such return and declaration, such company and every director, secretary, agent, or attorney thereof who authorises or permits such default shall be liable to a penalty of not less than Five Pounds for every day during which such default is made or continued.

Penalty for false declaration.

(4) Any person who wilfully makes a false declaration as to any such return shall be liable to a penalty of not less than Twenty Pounds and not exceeding Fifty Pounds.

Contribution by new companies.

(5) Every contributory company commencing to carry on business after this Act comes into operation shall pay to the Board, on the days aforesaid or on such other days as may be determined by the Board as aforesaid, the sum of Two Pounds Ten Shillings for every quarter or portion of a quarter until the then next time for making returns, as provided by sub-section (1).

Companies to permit inspection of books.

Sec. 46, Act 495/90.

47. (1) The secretary or other officer having the custody of the books and papers of any contributory company shall allow any person appointed 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.

Penalty.

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

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

Sec. 47, Act 495/90, altered.

48. The contribution payable under this Act by any municipality or district council may (if necessary) be raised by the council of such municipality or such district council by increasing the rates for the year following the payment of such contribution by a sum in the Pound sufficient to provide the amount.

49. Any

The Fire Brigades Act.—1904.

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

PART V.

Contributions, how recoverable.
Sec. 48, Act 495/90.

PART VI.

MISCELLANEOUS.

50. The Board may permit the whole or any part of any Fire Brigade to be employed on special service at such remuneration and and upon such terms as the Board may determine.

Brigades may be employed on special service.
Sec. 49, Act 495/90.

51. The Board may furnish the superintendent, and also all officers and men of any Fire Brigade, with such uniforms as the Board may determine.

Uniforms.
Sec. 50, Act 495/90.

52. 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 for the purpose of preserving order and assisting any Fire Brigade present at such fire.

Police to attend fires.
Sec. 51, Act 495/90.

53. 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 fire, and assist by all means in his power the ensuring of a copious supply and service of water.

Turncocks to attend fires.
Sec. 52, Act 495/90.

54. Every company or person supplying gas or artificial light to any premises on fire shall forthwith 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, as and if directed so to do by the superintendent.

Disconnection of gas or artificial light.
Sec. 53, Act 495/90.

55. Any person who—

Offences.

- i. Wilfully obstructs or interferes with the superintendent, or any member of any Fire Brigade, or with any person acting under the authority of the Board or of the superintendent:
- ii. Injures or destroys any building, engine, reel, hose, pipe, ladder, or other thing belonging to the Board:
- iii. Remains in any building belonging to the Board after being ordered by the superintendent to quit the same:
- iv. Retains possession of any property belonging to the Board after being ordered by the superintendent to give it up,

Sec. 54, Act 495/90.

shall be liable to a penalty of not less than Two Pounds and not exceeding Twenty Pounds, or may be imprisoned for any term not exceeding six months, with or without hard labor, and shall also be liable for, and may be ordered to pay, the estimated damage.

56. Any

The Fire Brigades Act.—1904.

PART VI.

Penalty for covering
up fireplugs.

Sec. 55, Act 495/90.

56. Any person who wilfully covers up or encloses any fireplug so as to render its position difficult of identification, or who obliterates any mark, sign, or letter used for the purpose of distinguishing the position of any fireplug, shall be liable to a penalty of not less than Five Pounds and not exceeding Fifty Pounds.

Tampering with fire
alarms.

Sec. 56, Act 495/90.

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

Payment of expenses
where house or pro-
perty uninsured.

Sec. 57, Act 495/90.

58. The owner of any uninsured house or building or uninsured vessel afloat, and the owner of any uninsured personal property which may be therein at the time of the fire, shall pay to the Board the expenses incurred by the Fire Brigades in attending the fire, and shall also pay to the Board the appropriate charges mentioned in the Schedule hereto, and in default such expenses and charges may be recovered by action, or in a summary way.

- I. "Uninsured house or building" means a house or building not insured with a contributory company, and "uninsured vessel afloat" means a vessel not insured with a contributory company and afloat within three miles of the shore of this State:
- II. "Uninsured personal property" means personal property not insured with a contributory company:
- III. The expenses and charges payable under this section shall be ratably apportioned between the owner of the uninsured house or building or uninsured vessel afloat and the owner of the uninsured personal property, according to the respective values of the house, or building, or vessel and the personal property, and the amount of the damage caused by the fire:
- IV. If any dispute arises between the parties liable to pay under this section as to the proportion payable by each or any of them, the Board may determine the amount payable by each such party, and such determination, when intimated to such parties by writing under the seal of the Board, shall be final and bind all the parties concerned:
- V. In any action or proceeding to recover moneys payable under this section it shall be sufficient to allege that the Board has fixed the amount payable by the defendant, and the onus of proving the contrary shall be on the defendant:
- VI. Where a fire occurs in an uninsured house or building wherein is personal property which is insured, the owner of such house or building shall pay the whole of the expenses and charges payable under this section:

VII. Where

The Fire Brigades Act.—1904.

PART VI.

VII. Where a fire occurs in any insured house or building wherein is uninsured personal property, the owner of such uninsured personal property shall pay a proportionate part of the expenses and charges payable under this section :

VIII. Where a fire occurs on any personal property not in any house or building at the time of a fire, the owner of such personal property shall pay to the Board the expenses incurred by the Fire Brigades in attending the fire and the charges mentioned in Part 1 of the Schedule hereto, and, in default, such expenses and charges may be recovered by action in a summary way :

IX. The Government shall not, under any circumstances, be liable to pay the expenses and charges referred to in this section.

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

Owner to give information as to insurance.

Sec. 58, Act 495/90

(2) Any person who refuses to comply with any such request, or who wilfully gives any false information, or incorrect particulars with regard to such insurance, shall be liable to a penalty not exceeding Twenty Pounds.

60. Any damage to property occasioned by a Fire Brigade, or by the superintendent, 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.

Damage done to be within policy.

Sec. 59, Act 495/90.

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

Representation at inquest.

Sec. 61, Act 495/90.

(2) Notwithstanding anything to the contrary contained in "The Coroners Act, 1884," an inquiry into the cause and origin of a 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.

Inquest on fires. Victorian Act, 1077 of 1890, sec 5 modified.

62. The superintendent or any officer, servant, or agent of the Board, may—

Débris of fire may be searched.

Secs. 60, 62, and 63, Act 495/90.

i. Enter any building or place where any fire has occurred and search the same and the *débris* of such fire:

ii. In

*The Fire Brigades Act.—1904.*PART VI.

- ii. In the event of circumstances which in the opinion of the superintendent or the police are of a suspicious nature, continue in possession until an inquest has been held concerning the cause or 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 :
- v. Should the Board not deal with the property so taken possession of by the superintendent within seven days of the date on which the fire occurred, such property shall be forthwith delivered by the superintendent to the owner thereof.

Failure to deliver up premises occupied by officer or fireman.

Sec. 64, Act 495/90.

63. Where 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 may be entitled, after notice in writing from the Board to deliver up possession thereof, it shall be lawful for any Magistrate on the oath of one witness, stating such notice to have been given by warrant under his hand, to order any police constable 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 as effectually to all intents and purposes as the Sheriff having jurisdiction within the place where such premises are situate might lawfully do by virtue of a writ of possession.

Detention of Board's property.

Sec. 65, Act 495/90.

64. (1) The superintendent 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 detained contrary to the order of the superintendent or of the Board, and may remove the same.

(2) Any person hindering or obstructing the superintendent or any such officer, servant, or agent in so entering or breaking into any such place, shall be liable to a penalty not exceeding Thirty Pounds.

Report of fire.

Sec. 66, Act 495/90.

65. The superintendent or foreman in charge of the brigade present at a fire shall, as soon as possible, report such fire to the Board, and upon receipt of such report the Board, or the secretary, or any other person authorised by the Board, shall forward to the contributing companies a notice of such fire.

Actions against Board.

Sec. 67, Act 495/90.

66. (1) All actions to be brought against the Board, or against any person, for anything done or purporting to have been done under this Act, shall be commenced within six months after the act complained of was committed or the damage was sustained.

(2) No

The Fire Brigades Act.—1904.

PART VI.

(2) No action shall be commenced or process issued against the Board, or against any person, or anything done, or purporting to have been done, under this Act until notice in writing of such intended action or process 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 commencing of such action.

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

(4) No plaintiff shall recover in any such action if tender of sufficient amends has been made before such action was brought, or if the matter or thing complained of appears to have been done under the authority and in execution of this Act.

(5) In any such action the defendant may, in addition to any other plea, plead tender of amends, and may give this Act and the special matter in evidence.

67. No fire engine, fire escape, reel, horse, cart, 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.

Sec. 68, Act 495/90.

68. No member of the Board shall be personally liable for any act done by the Board of which he is a member.

Members of Board not to be personally liable.

Sec. 69, Act 495/90.

Summary proceedings.

Sec. 70, Act 495/90.

69. 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 by any special Magistrate or 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.

70. The following enactments shall apply to proceedings under this Act, that is to say:—

Provisions as to summary proceedings.

i. The description of any offence in the words of this Act, or in similar words, shall be sufficient in law; and

Sec. 71, Act 495/90.

ii. Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant,

The Fire Brigades Act.—1904.

PART VI.

defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant; and

111. A warrant of commitment shall not be held void by reason of any defect therein if it be therein alleged that the offender has been convicted, and there is a good and valid conviction to sustain the same.

Appeal.

Sec. 72, Act 495/90.

71. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction, or to the Local Court of Full Jurisdiction nearest to where the fire occurred, from any conviction of any Special Magistrate or Justices for any offence under this Act, and from any order dismissing any information or complaint or other order made by any Special Magistrate or Justices under this Act; 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 now or hereafter 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.

Government Gazette to be evidence.

Sec. 73, Act 495/90.

72. The *Government Gazette* containing any Proclamation or order made by the Governor under this Act, or the 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.

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

GEORGE R. LE HUNTE, Governor.

The Fire Brigades Act.—1904.

SCHEDULE.

PART 1.

Scale of Charges allowed for Attendance at any Fires on Land.

	£	s.	d.
For Superintendent of Fire Brigades or officer in charge, for first hour..	1	0	0
For Superintendent of Fire Brigades or officer in charge, per hour for each succeeding hour, day or night	0	10	0
For use or attendance of steam engine, per hour	5	0	0
For each reel or fire escape in attendance at any fire	2	10	0
For each fireman, per hour	0	5	0
For each horse 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, per 300ft.	0	10	0
For every horse and cart attending any fire.....	0	10	0
For first notice of fire to the Superintendent of Fire Brigades	0	5	0
For wages for each extra man engaged by the Superintendent at any fire, day or night, for the first or each succeeding hour	0	2	0

PART 2.

Scale of Charges allowed for Attendance at any Ship Fires.

	£	s.	d.
For Superintendent of Fire Brigades or officer in charge, for first hour	2	2	0
For Superintendent of Fire Brigades or officer in charge, per hour for each succeeding hour, day or night	1	1	0
For use or attendance of steam engine, per hour	10	0	0
For each reel or fire escape in attendance at any fire.....	2	10	0
For each fireman, per hour	0	5	0
For each horse taking 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, per 300ft.	1	10	0
For every horse and cart attending any fire.....	0	10	0
For first notice of fire to the Superintendent of Fire Brigades	0	5	0
For wages for each extra man engaged by the Superintendent at any fire, day or night, for the first or each succeeding hour.....	0	2	0