

LEGISLATIVE ASSEMBLY

Read 1^o 16 April 1980

(Brought in by Mr Thompson and Mr Austin)

A BILL

To amend the *Country Fire Authority Act 1958*.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Country Fire Authority (Amendment) Act 1980*. Short title.

(2) In this Act the *Country Fire Authority Act 1958* is called the Principal Act. Principal Act No. 6228. Reprinted to No. 8813. Subsequently amended by Nos. 8933, 9019, 9118, 9178, 9212 and 9218.

10 (3) The several provisions of this Act shall come into operation on the day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*. Commencement.

2. Section 40 of the Principal Act is amended as follows:

15 (a) In sub-section (1)—

(i) after the words "On any day" there shall be inserted the words "or part of a day";

(ii) after the words "of a day" there shall be inserted the expression "(whether in whole or in part)";

Amendment of No. 6228 s. 40. Declaration of a day of total fire ban may be made on the same day.

- (b) At the end of sub-section (1) there shall be inserted the following paragraph:

“A declaration caused to be broadcast by virtue of this sub-section may at any time in like manner be amended or revoked.”; 5

- (c) After sub-section (4) there shall be inserted the following sub-section:

Defence.

“(5) In any proceedings for an offence against this section, where the declaration under sub-section (1) was made in respect of part of a day and first broadcast on that day, it is sufficient defence for the defendant to prove that at the time of the commission of the offence he did not know and could not reasonably have known of the declaration of total fire ban, and that having regard to all the circumstances he had taken all necessary precautions to prevent the spread of the fire.”. 10
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Amendment of No. 6228 s. 41.

3. After section 41 (4) of the Principal Act there shall be inserted the following sub-section:

“(5) Any amount recovered as a monetary penalty for an offence against this section or section 41A shall be paid to the municipality in respect of which the proceedings were instituted.”. 20

Amendment of No. 6228.

Change of title of Minister.
S. 3.

4. The Principal Act is amended as follows:

- (a) In—

(i) section 3 for the interpretation of “Minister” there shall be inserted the following interpretation: 25

““Minister” means Minister for Police and Emergency Services.”;

(ii) section 40 (1c) for the words “Chief Secretary” (where twice occurring) there shall be substituted the word “Minister”; 30

“Minister.”

S. 40 (1c).

- (b) In section 42 (1A) for the words “the Minister” there shall be substituted the words “a Minister”; 30

S. 42 (1A).
Expenses of fire prevention works carried out at request of any Minister to be borne by Parliament.

S. 45 (2).
Consequential amendment to s. 45 (2).

- (c) In section 45 (2) after the words “Regional Officer” there shall be inserted the expression “Assistant Regional Officer”; 35

S. 80A.
Consequential amendment to comply with s. 96 of Stamps Act 1958.

- (d) In section 80A for the word “licensed” there shall be substituted the words “registered or deemed to be registered”; 35

(e) In

- (e) In section 94 (2) for the expression "sub-section (3) of section forty-one" there shall be substituted the expression "section 41B".

Consequential amendment to s. 94 (2).

