

## BUSH FIRES.

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No. 51 of 1979.

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### AN ACT to amend the Bush Fires Act, 1954-1977.

[Assented to 7th November, 1979.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Bush Fires Act Amendment Act, 1979*.

Short title  
and  
citation.

(2) In this Act the Bush Fires Act, 1954-1977 is referred to as the principal Act.

Reprinted as  
approved  
for  
reprint  
21st June,  
1978.

(3) The principal Act as amended by this Act may be cited as the Bush Fires Act, 1954-1979.

Section 27  
amended.

2. Section 27 of the principal Act is amended—

- (a) as to subsection (1), by deleting the word “except” in line three of paragraph (b) and substituting the words “contrary to the regulations or otherwise than”; and
- (b) by adding at the end of the section subsections as follows—

(6) The Governor may make regulations with respect to the prohibition or regulation of the use of engines, vehicles, plant and machinery during the prohibited burning times or restricted burning times.

(7) Regulations made under subsection (6) of this section may—

- (a) authorise a local authority or a bush fire control officer to prohibit the carrying out of an activity or operation either absolutely or except in accordance with conditions specified in the notice or direction by which the prohibition is imposed or in the regulations;
- (b) prohibit the carrying out of an activity or operation without the consent of a local authority or bush fire control officer;
- (c) provide that an act or thing shall be done subject to the approval or to the satisfaction of a local authority or a bush fire control officer;
- (d) provide as the penalty for a breach of any regulation so made a maximum penalty of two hundred dollars.

(8) The provisions of subsections (6) and (7) of this section are in addition to and not in derogation of those of section sixty-one of this Act. .

3. Section 33 of the principal Act is amended— Section 33 amended.

- (a) as to subsection (1), by deleting the word “all” in the penultimate line of paragraph (a); and
- (b) as to subsection (5), by deleting the word “conclusive” in the penultimate line of paragraph (a) and substituting the words “*prima facie*”.

4. Subsection (6) of section 38 of the principal Act is amended— Section 38 amended.

- (a) as to paragraph (b), by deleting the words “and may stipulate the number of senior bush fire control officers who may be appointed to the office of fire weather officer” in lines two, three, four and five of subparagraph (i);
- (b) by repealing paragraph (c) and substituting paragraphs as follows—

(c) An approved local authority may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(ca) Where more than one fire weather officer is appointed by a local authority the local authority shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h) of this subsection.

(cb) An approved local authority may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local authority and where two or more deputies are so appointed they shall have seniority in the order determined by the local authority.

(cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) of this subsection is, subject to paragraph (cd) of this subsection, entitled to act in the discharge of the duties of that office.

(cd) A deputy who is one of two or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) of this subsection is available and able to discharge those duties. ;

- (c) as to paragraph (d), by inserting before the word "of" in line two the passage "or (cb)";
- (d) as to paragraph (e), by deleting the words "his deputy appointed" in line three and substituting the words "any deputy of a fire weather officer acting in the place of that officer";
- (e) as to paragraph (f), by deleting the words "his deputy" in line two and substituting the words "a deputy of a fire weather officer while acting in the place of that officer"; and
- (f) as to paragraph (h), by deleting the words "his deputy while acting in his place" in line two and substituting the words "a deputy of that fire weather officer while acting in the place of that officer".

## SCHEDULE.

Provision Amended	Amendment
Section 2	Delete " <i>Constitution. Officers</i> " in lines 4 and 5.
Section 21(2) (a)	Delete "to" where it occurs in each of lines 1 and 2 of the penalty.
Section 21(3) (b)	Delete "wardens" in line 3, substitute "liaison officers".
Section 22(2)	Delete "(3)" in line 2, substitute "(4)".
Section 24(a)	After "fee" in line 2 add "for".
Section 24B(3) (b)	Delete "(1)" in line 1, substitute "(2)".
Section 25(1) (f)	Delete "subsection (1) of this section" in line 4, substitute "this subsection".
Section 25(1b)	Delete "(1)" in line 1, substitute "(1a)".
Section 33(1)	Delete "of" where it first occurs in line 4, substitute "for".
Section 34(1) (a)	Delete "sections sixteen and" in line 15, substitute "section".
Section 36	Delete paragraph (e).
Section 39(1) (i)	Delete "to" in line 2.
Section 39(1) (i)	Before "except" in line 6 insert "but".
Section 39A(3)	Delete "and" after paragraph (c), substitute "or".
Section 39A(3)	Delete paragraph (d), substitute a paragraph as follows— <div style="margin-left: 40px;">(d) are declared in the regulations to be bush fires to which this section applies.</div>
Section 43	Delete ", and every association of persons formed as a bush fire brigade shall by its rules," in lines 2, 3 and 4.
Section 43	Delete "by the by-laws or rules as the case may be" in the penultimate and last lines.
Section 64	Delete "subsection (2) of section sixteen, subsections (1) and (8) of section seventeen, subsections (2) and (5)" in lines 1, 2 and 3, substitute "subsections (1), (2) and (12) of section seventeen, subsections (2), (3), (6) and (12)".
Section 64	After "and" where it occurs for the second time in line 5 add "subsection (1)".