

FIRE BRIGADES.

8° Elizabeth II., No. XXXIV.

No. 34 of 1959.

AN ACT to amend the Fire Brigades Act, 1942-1951.

[Assented to 30th October, 1959.]

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 *Fire Brigades Act Amendment Act, 1959.* Short title and citation.

(2) In this Act the Fire Brigades Act, 1942-1951, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Fire Brigades Act, 1942-1959.

S. 5
amended.

2. Section five of the principal Act is amended—

- (a) by repealing subsection (1) and re-enacting it as follows—

(1) Subject to the provisions of subsection (2) of this section, the municipal and road districts and parts thereof constituted as fire districts prior to the coming into operation of the Fire Brigades Act Amendment Act, 1959, as set out in the Second Schedule to this Act, are for the purposes of this Act fire districts under the respective names as set out in the Schedule.

(2) For the purposes of this Act the Governor may from time to time, by order in council—

- (a) constitute the district or a part of the district of any other local authority, a fire district;
- (b) constitute as a fire district, any portion of a district of a local authority which after the coming into operation of the Fire Brigades Act Amendment Act, 1959, is not a fire district;
- (c) subject to subsection (5) of this section, unite any two or more fire districts the areas of which are contiguous, into one fire district;
- (d) adjust the boundaries of a fire district;
- (e) abolish a fire district;
- (f) assign a name to, or alter the name of a fire district;
- (g) include or remove, as the case may be, the name of a fire district or local authority in or from Part II., III., or IV. of the Second Schedule; and

- (h) transfer the name of a fire district from one Part to another Part of the Second Schedule.

(3) An order in council made pursuant to the provisions of this section may from time to time be varied or cancelled.

(4) The municipal and road districts mentioned in Parts I. and II. of the Second Schedule are united into one fire district under the name of the Metropolitan Fire District.

(5) Before an order is made under the provisions of paragraph (c) of subsection (2) of this section, the Minister on behalf of the Governor shall give to the local authorities whose districts or portion thereof are to be the subject of the order, at least thirty days' notice of intention to make the order. ; and

- (b) by substituting for the subsection designation, "(2)" the subsection designation, "(6)".

3. Section eight of the principal Act is amended— S. 8
amended.

- (a) by adding after the section designation, "8", the subsection designation, "(1)"; and

- (b) by adding a subsection as follows—

(2) (a) Where a question or dispute arises as to the regularity or validity of an election held under the provisions of this Act or the voting at the election, the Minister shall appoint a stipendiary magistrate to determine in the manner prescribed the question or dispute.

(b) The determination of the magistrate is final.

S. 17
amended.

4. Section seventeen of the principal Act is amended by substituting for subsection (1) the following—

Remunera-
tion of
Board
members.

(1) (a) A member of the Board is entitled to receive out of the funds of the Board, such remuneration for his services as the Minister, in respect of each member, approves.

(b) The total amount paid to the members of the Board as remuneration for their services, shall not exceed in any one year the sum of thirteen hundred pounds.

S. 25A
added.

5. The principal Act is amended by adding after section twenty-five, a section as follows—

Board
may require
certain fire
fighting
appliances.

25A. (1) The Board may by notice in writing addressed to the owner or occupier of any premises direct him to instal and provide within the time specified in the notice, such—

(a) water taps, water pipes, connections, fittings and equipment in respect thereof; and

(b) equipment, apparatus or appliances for the purpose of—

(i) preventing the outbreak of or extinguishing fire; or

(ii) preventing injury or damage to persons or property by fire;

in or upon the premises and in such positions as the Board directs in the notice.

(2) In this section the expression, "premises" does not include premises which consist of a private dwelling house designed for the use and occupation of one family.

(3) The occupier of the premises shall keep and maintain in good working order and fit for immediate use any equipment, apparatus, appliances, taps, pipes or connections installed on the premises under the provisions of this section.

(4) (a) A person who is aggrieved by a direction of the Board may within twenty-one days of the receipt by him of the notice appeal in manner prescribed against the direction to a Judge of the Supreme Court or a Court of Petty Sessions held nearest to the premises referred to in the direction, on the ground that the things directed to be installed and provided in or upon the premises are not reasonably required by the Board for any of the purposes referred to in paragraph (b) of subsection (1) of this section.

Appeal
against
direction
of Board.

(b) On the hearing of the appeal the Judge or Stipendiary Magistrate as the case may be may confirm, vary or cancel the direction and effect shall be given to the decision of the Judge or Stipendiary Magistrate as the case may be.

(c) A Court of Petty Sessions hearing an appeal under this subsection shall consist of a Stipendiary Magistrate.

(d) Costs of the hearing shall be at the discretion of the Court.

S. 35
amended.

6. Section thirty-five of the principal Act is amended—

(a) by deleting paragraphs (c) and (n); and

(b) by adding after the word, “elections” in paragraph (t), the words, “and prescribing the manner in which a question or dispute arising out of an election may be determined under the provisions of section eight of this Act”.

S. 37
amended.

7. Section thirty-seven of the principal Act is amended by adding after the word, “districts” in line one of paragraph (b) of subsection (1), the words, “or portions thereof”.

S. 46
amended.

8. Subsection (2) of section forty-six of the principal Act is amended by deleting the words, “at a rate not to exceed six and a half per centum per annum” in lines three and four.

S. 65
amended.

9. Subsection (1) of section sixty-five of the principal Act is repealed and re-enacted as follows—

(1) (a) Where within a district a fire occurs in or on—

uninsured premises or uninsured property,

uninsured vacant land,

an uninsured crop, grass, scrub, stubble or any other vegetable matter whether of the same class or kind as the class or kind before enumerated or not and whether it is alive or dead or standing or not,

whether or not the same is insurable; or

in or on any rubbish, refuse or waste matter,

if the fire is attended by a Brigade which is under the control of the Board,

the owner of the premises or property;

the owner of the vacant land;

the occupier of the land upon which the crop, grass, scrub, stubble or vegetable matter is situate;

the occupier of the land upon which the rubbish, refuse or waste matter is situate,

as the case may be, is liable to pay to the Board for the attendance of the Brigade at the fire, an amount to be determined by the Board but not exceeding the fees and charges set out in the Third Schedule to this Act.

(b) For the purposes of this section—

(i) “uninsured” means not insured against damage by fire by one of the insurance companies contributing under the provisions of section thirty-seven of this Act;

(ii) “occupier” in relation to land means the person in or entitled to possession of the land.

10. The principal Act is amended by substituting for the Second Schedule the following—

Second
Schedule
amended.

THE SECOND SCHEDULE.

<i>Fire District.</i>	<i>Municipal or Road District.</i>
PART I.	
Metropolitan Fire District	City of Perth.
PART II.	
Metropolitan Fire District	Municipal District of Claremont.
	Municipal District of Cottesloe.
	Municipal District of East Fremantle.
	Municipal District of Fremantle.
	Municipal District of Guildford.
	Municipal District of Midland Junction.
	Municipal District of Netherlands.
	Municipal District of North Fremantle.
	Municipal District of South Perth.
	Municipal District of Subiaco.
	Road District of Bassendean.
	Road District of Bayswater.
	Road District of Belmont.
	Road District of Canning.
	Road District of Gosnells.
	Road District of Melville.
	Road District of Mosman Park.
	Road District of Mundaring.
	Road District of Peppermint Grove.
	Road District of Perth.
	Road District of Swan.
PART III.	
Kalgoorlie - Boulder Fire District (United Fire District) (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Municipal District of Boulder.
	Municipal District of Kalgoorlie.
	Road District of Kalgoorlie.

<i>Fire District.</i>	<i>Municipal or Road District.</i>
Coolgardie Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Road District of Coolgardie.
Cue Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Road District of Cue.
Norseman Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Road District of Dundas.
Leonora Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943, as amended by Order in Council, <i>Government Gazette</i> , 24/11/1944)	Road District of Leonora.
Meekatharra Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943, as amended by Order in Council, <i>Government Gazette</i> , 24/11/1944)	Road District of Meekatharra.
Southern Cross Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	} Road District of Yilgarn.
Bullfinch Fire District (see Order in Council, <i>Government Gazette</i> , 30/11/1951)	
PART IV.	
Albany Fire District	Municipal District of Albany.
Bunbury Fire District (see Order in Council, <i>Government Gazette</i> , 25/7/1958)	Municipal District of Bunbury.
Geraldton Fire District (see Order in Council, <i>Government Gazette</i> , 3/2/1956)	Municipal District of Geraldton.
Narrogin Fire District	Municipal District of Narrogin.
Northam Fire District	Municipal District of Northam.
Wagin Fire District	Municipal District of Wagin.
York Fire District	Municipal District of York.
Margaret River Fire District (see Order in Council, <i>Government Gazette</i> , 24/11/1950)	Road District of Augusta-Margaret River.

<i>Fire District.</i>	<i>Municipal or Road District.</i>
Beverley Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Road District of Beverley.
Bridgetown Fire District (see Order in Council, <i>Government Gazette</i> , 24/11/1950)	Road District of Bridgetown.
Brookton Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Road District of Brookton.
Busselton Fire District (see Order in Council, <i>Government Gazette</i> , 11/7/1958)	Road District of Busselton.
Collie Fire District	Road District of Collie Coalfields.
Cunderdin Fire District (see Order in Council, <i>Government Gazette</i> , 3/2/1956)	Road District of Cunderdin.
Kalamunda Fire District (see Order in Council, <i>Government Gazette</i> , 19/9/1958)	Road District of Darling Range.
Waroona Fire District (see Order in Council, <i>Government Gazette</i> , 15/6/1956)	Road District of Drakesbrook.
Harvey Fire District (see Order in Council, <i>Government Gazette</i> , 1/11/1946)	Road District of Harvey.
Katanning Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Road District of Katanning.
Kellerberrin Fire District (see Order in Council, <i>Government Gazette</i> , 23/7/1954)	Road District of Kellerberrin.
Kojonup Fire District (see Order in Council, <i>Government Gazette</i> , 15/6/1956)	Road District of Kojonup.
Kwinana Fire District (see Order in Council, <i>Government Gazette</i> , 3/2/1956)	Road District of Kwinana.
Manjimup Fire District (see Order in Council, <i>Government Gazette</i> , 24/11/1950)	Road District of Manjimup.

<i>Fire District.</i>	<i>Municipal or Road District.</i>
Merredin Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943, as amended by Order in Council, <i>Government Gazette</i> , 24/11/1944)	Road District of Merredin.
Moora Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943, as amended by Order in Council, <i>Government Gazette</i> , 24/11/1944)	Road District of Moora.
Pingelly Fire District (see Order in Council, <i>Government Gazette</i> , 13/3/1959)	Road District of Pingelly.
Tammin Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Road District of Tammin.
Toodyay Fire District (see Order in Council, <i>Government Gazette</i> , 4/6/1943)	Road District of Toodyay.
Boyup Brook Fire District (see Order in Council, <i>Government Gazette</i> , 24/9/1954)	Road District of Upper Blackwood.
