

BUSH FIRES.

6° Elizabeth II., No. XXXV.

No. 35 of 1957.

AN ACT to amend the Bush Fires Act, 1954.

[Assented to 5th November, 1957.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Bush Fires Act Amendment Act, 1957.*

(2) In this Act the Bush Fires Act, 1954,
Act No. 53 of 1954,
is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Bush Fires Act, 1954-1957.

2. Section twelve of the principal Act is amended— S. 12 amended.

(a) by adding after the section designation, “12” the subsection designation, “(1)”; and

(b) by adding the following subsection:—

(2) Notwithstanding that a person has been so appointed as a bush fire warden for a defined district of the State, the Board with the approval of the Minister may appoint another person as a bush fire warden or other persons as bush fire wardens for the whole or any part of that or any other defined district or districts of the State.

3. Section eighteen of the principal Act is amended by adding after subsection (3) the following subsections:— S. 18 amended.

(3a) The Board on application being made to the Board by a local authority may order the suspension or variation of all or any of the conditions prescribed by subsection (2) of this section in the whole or part of the district of the local authority for the whole or part of any period commencing on the first day of October and ending on the thirtieth day of the next succeeding November, or for the period commencing on the first day of April and ending on the thirty-first day of the next succeeding May.

(3b) An order made by the Board under subsection (3a) of this section has effect according to its tenor.

4. The principal Act is amended by adding after section twenty-four the following section:— S. 24A added.

24A. (1) This section applies in those parts of the State only, which are prescribed by the regulations as areas of irrigation to which this section applies.

Bush on land in prescribed irrigation areas may be burnt during prohibited times for the purpose of germinating clover.

(2) The owner or occupier of land in any area of irrigation so prescribed may for the purpose of conducing to the early germination of subterranean clover on the land, burn bush on the land during the prohibited burning times, subject to the regulations and conditions which are referred to in section twenty-four of this Act, and which shall apply subject to modification or variation under subsection (3) of this section.

(3) (a) A fee is not payable for a permit required under this section unless regulations made under paragraph (b) of this subsection prescribe otherwise.

(b) The provisions of the regulations mentioned in section twenty-four of this Act, and the provisions of paragraphs (a) and (b) of that section, may be modified, varied, added to, or substituted, by regulations made in relation to burning under this section, but until so modified, varied, added to, or substituted, those provisions continue to apply, subject to paragraph (a) of this subsection, to burning under this section.

5. Section twenty-six of the principal Act is amended by inserting after the word "order" in line four the words "to eradicate the plant or."

Ss. 27A, 27B
and 27C
added.

6. The principal Act is amended by adding after section twenty-seven the following sections:—

Blasting.

27A. (1) The Governor may make regulations—

- (a) regulating the use of any materials for the purpose of blasting, including explosives and fuses, either generally or in any prescribed locality or localities or during any prescribed period or periods; and prescribing that locality or those localities or that period or those periods; and may by the regulations provide that preparations for, or the carrying out of, blasting, shall be in accordance with the directions, and to

the satisfaction, of a bush fire control officer, officer of a bush fire brigade, or a forest officer; and

- (b) prescribing as the penalty for a breach of any regulation so made a maximum penalty of fifty pounds.

(2) The provisions of subsection (1) of this section are in addition to and not in derogation of those of section sixty-one of this Act.

27B. (1) A person who, knowing it is false, gives a false alarm of fire to a member, employee or agent, of the Board, or of a local authority, or to a member of a bush fire brigade, or to a bush fire warden, bush fire control officer, or forest officer employed in connection with any forest, commits an offence.

False
alarms.

Penalty: Fifty pounds.

(2) A court convicting an offender of an offence of giving a false alarm of fire against subsection (1) of this section, may assess the amount of any expenses needlessly incurred by the Board or any local authority, bush fire brigade, or other body or person, as a result of the false alarm, and order the offender to pay the amount so assessed to the authority, brigade, body, or person by which or by whom the expenses were so incurred, in addition to or without imposing a penalty on the offender.

27C. (1) A person who, except by lawful authority, moves, uses, interferes with, damages, or destroys, anything provided by the Board, a local authority, a bush fire control officer, or a bush fire brigade, for preventing, controlling, or extinguishing, bush fires, commits an offence.

Vandalism.
Of. Justices
Act, 1902,
s. 72.

(2) A court convicting an offender of an offence against subsection (1) of this section may assess the amount of expense of replacing, or as the case may be, of repairing or restoring, anything the subject matter of the offence, and order the offender to pay the amount to the Board, or, as the case may be, the local authority, bush fire control officer, or bush fire brigade.

S. 38
amended.

7. Section thirty-eight of the principal Act is amended by adding after subsection (4) the following subsection:—

Burning of
bush at sides
of streets,
roads, and
ways.

(5) (a) A local authority may issue directions to a bush fire control officer appointed by the local authority, or to an officer of a bush fire brigade registered by the local authority to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, in the district of the local authority.

(b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.

(c) The provisions of this subsection are not in derogation of those of subsection (4) of this section.

S. 39A
added.

8. The principal Act is amended by adding after section thirty-nine, the following section:—

Duties of
bush fire
authorities
on outbreak
of fire.

39A. (1) On the outbreak of a bush fire at a place within or adjacent to the district of a local authority, the bush fire control officers, bushfire brigade officers, or bush fire brigade members, of the local authority, or as many of them as may be available may, subject to this Act, take charge of the operations for controlling and extinguishing the bush fire or for preventing the spread or extension of the fire.

(2) Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local authority in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a local authority whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local authority in whose district the fire is burning.

(3) This section applies only to bush fires which—

- (a) have been lit or are maintained unlawfully;
- (b) have occurred accidentally;
- (c) have ceased to be under control or are not adequately controlled; and
- (d) to such other bush fires as are prescribed by regulations.

9. Section forty-four of the principal Act is amended— S. 44
amended.

- (a) by adding after the word, “brigade” in line seven of subsection (1), the passage, “, or in the absence of the captain and all other officers, any other member of the bush fire brigade”; and
- (b) by adding after the word, “brigade” in line six of paragraph (a) of subsection (3), the passage, “of the local authority, or in the absence of the captain and all other officers of that bush fire brigade, any other member of that bush fire brigade”.

10. Section fifty-nine of the principal Act is amended by substituting for subsection (3) the following subsections:— S. 59
amended.

(3) A local authority may by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its secretary, bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local authority, and if the delegate thinks fit, to institute and carry on proceedings against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings. Power for
local
authority
to delegate
functions
relating to
prosecutions.

(4) A local authority may by written instrument cancel, or from time to time vary any instrument of delegation conferred under subsection (3) of this section.

(5) Notwithstanding that a local authority has under subsection (4) of this section conferred authority on a delegate, the local authority is not precluded from exercising but may itself exercise the authority.

S. 65
amended.

11. Section sixty-five of the principal Act is amended—

- (a) by adding after the word, “Minister” in paragraph (b) of subsection (1), the words, “or of a local authority”; and
 - (b) by adding after the word, “Board” in line two of paragraph (c) of subsection (1), the words, “or of a local authority”.
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