

1951.] *Acts Amendment (Fire Brigades Board and Fire Hydrants)* [No. 41.]

**ACTS AMENDMENT (FIRE BRIGADES  
BOARD AND FIRE HYDRANTS).**

15° and 16° Geo. VI., No. XLI.

No. 41 of 1951.

**AN ACT to amend the Fire Brigades Act, 1942-1949  
and certain other related Acts.**

[Assented to 20th December, 1951.]

**BE** it enacted by the King'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. This Act may be cited as the *Acts Amendment (Fire Brigades Board and Fire Hydrants) Act, 1951.* Short title.

2. This Act shall come into operation on a day to be fixed by Proclamation. Commencement.

**FIRE BRIGADES.**

3. (1) This section shall be read as one with the *Fire Brigades Act, 1942-1949* (Act No. 35 of 1942, as amended by Act No. 31 of 1949), referred to in this section as the principal Act. Construction.

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Citation of  
the principal  
Act as  
amended by  
this Act.  
S. 5  
amended.

(2) The principal Act, as amended by this Act, may be cited as the Fire Brigades Act, 1942-1951.

(3) The following paragraph is added to the proviso to subsection (1) of section five of the principal Act to follow paragraph (c)—

(ca) the Governor may, by Order in Council, adjust the boundaries of a fire district where the boundaries of a local authority are altered, whether before or after the coming into operation of this paragraph, pursuant to the provisions of the Act under which the local authority is constituted;

S. 9  
amended.

(4) Section nine of the principal Act is amended by—

(a) adding the words, “subject to the provisions of subsection (6) of this section”—

(i) after the word, “shall” in line two of subsection (3);

(ii) before the word, “In” in line one of each of subsections (4) and (5);

(b) adding the following subsection:—

(6) (a) Notwithstanding that,

but for the provisions of this paragraph,

the term of office of the occupant of the respective offices mentioned in Column 1 of the Table set out hereunder, which term is current at the time of the coming into operation of this paragraph,

would expire

on the day shown in Column 2 of the Table,

the term of his office,

except in the cases of the offices mentioned in Items 2, 5 and 9 of the Table, which are not affected by this paragraph,

shall by virtue of this paragraph continue until the time shown in Column 3 of the Table.

TABLE.

Item.	Column 1.		Column 2.	Column 3.
	Office mentioned in the following paragraphs of subsection (2) of this section.		Date when, but for this paragraph, the term of office would expire.	Date to which term of office to continue.
1.	par. (a)	President ....	31st December, 1951	Such time as the Governor thinks fit.
2.	(a)	member ....	31st December, 1952	(not affected)
3.	(b)	member ....	31st December, 1951	31st December, 1954
4.	(b)	member ....	31st December, 1952	31st December, 1953
5.	(b)	member ....	31st December, 1952	(not affected)
6.	(c)	member ....	31st December, 1951	31st December, 1954
7.	(d)	member ....	31st December, 1952	31st December, 1953
8.	(e)	member ....	31st December, 1951	31st December, 1954
9.	(f)	member ....	31st December, 1952	(not affected)
10.	(g)	member ....	31st December, 1951	31st December, 1953

(b) The order in which the occupants of the offices mentioned in Items 4 and 5 of the Table shall retire, shall be that determined by the insurance companies mentioned in paragraph (b) of subsection (2) of this section, or if not determined by those companies, that determined by the Governor.

(c) In November or December of the year one thousand nine hundred and fifty-two and in either of those months in each following year, members shall be appointed or elected to fill the vacancies in office which shall occur on the expiration of the term of each of the three offices on the thirty-first day of December in each year, and the term of office of members so appointed or elected shall be for three years expiring on the thirty-first day of December in the third year of the term.

(5) Section fifty-four of the principal Act is **S. 54 amended.** amended by—

(a) adding before the word, “The” in line one the following:—

(1) In this section, unless the context requires otherwise—

“fire hydrant” means a fire plug or fixed pillar fire hydrant;

“proclaimed day” means the day fixed by Proclamation for the coming into operation of the Acts Amendment (Fire Brigades Board and Fire Hydrants) Act, 1951;

“re-instatement” means the filling in of ground opened up and the re-instating and making good of the paving of any street broken up in the course of installing or abolishing a fire hydrant or keeping a fire hydrant in effective order.

(2) Subject to the provisions of the next succeeding subsection,;

(b) adding the following subsection:—

(3) (a) On and after the proclaimed day, the provisions of the last preceding subsection shall cease to operate, but the provisions of this paragraph do not relieve a local authority from complying with those provisions in respect of any notice served on it pursuant to those provisions before the proclaimed day, and do not affect the right to lodge or the determination of any appeal referred to in that subsection in respect of a notice so served.

(b) On and after the appointed day, the Board may, subject to the provisions of the succeeding paragraphs of this subsection, provide and abolish fire hydrants at such locations in fire districts as the Board thinks fit.

(c) Where the location at which the Board intends to provide or abolish a fire hydrant is in an area mentioned in Column 1 of the Table set out hereunder, the Board shall request the appropriate water supply authority mentioned in Column 2 of the Table to instal or abolish the fire hydrant at the specified location.

TABLE.

Item.	Column 1.	Column 2.	Column 3.
	Area.	Authority.	Act.
1.	The Metropolitan Water, Sewerage, and Drainage Area	The Minister of Water Supply, Sewerage and Drainage	The Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1941 (See especially ss. 5, 44, 45 and 46.)
2.	Water area	The Water Board constituted for the water area, or the Minister for Water Supply, Sewerage and Drainage in his corporate capacity as constituted by the Water Supply, Sewerage and Drainage Act, 1912, as the case may be	The Water Boards Act, 1904-1949. (See especially ss. 5, 63 and 64.)
	Country water area	The Water Board constituted or deemed to be constituted for the whole or part of the country water area	The Country Areas Water Supply Act, 1947-1950. (See especially ss. 5, 13, 36 and 37.)

(d) So soon after receiving the request as is reasonably practicable, the water supply authority shall, in accordance with the powers conferred upon it by the Act pursuant to the provisions of which it is constituted, which Act is mentioned in Column 3 of the Table, instal or abolish the fire hydrant as requested.

(e) The water supply authority shall keep all fire hydrants in fire districts except those which are abolished, whether installed before, on or after the proclaimed day, in effective order.

(f) When the water supply authority has, in pursuance of the provisions of this subsection, installed, abolished, or kept in effective order a fire hydrant, it shall render to the Board a statement of account showing the cost to the water supply authority of the labour and materials incurred in doing so, except the cost of re-instatement, and shall render to the local authority in whose district the work is done a statement of account showing the cost to the water supply authority of the labour and materials incurred in re-instatement, and the amounts of the respective accounts

shall, in the event of non-payment, be recoverable at the suit of the water supply authority in a court of competent jurisdiction from the Board or the local authority respectively as a debt due.

(g) (i) By virtue of this section, the property in the fire hydrants referred to in the respective items of Column 1 of the Table set out hereunder shall vest in the Board as owner at the times set out opposite those respective items in Column 2 of the Table.

TABLE.

Item.	Column 1.	Column 2.
1.	Fire hydrants installed before, on, or after the proclaimed day at the cost of a local authority in a fire district constituted before and subsisting at the proclaimed day	The proclaimed day.
2.	Fire hydrants installed before, on, or after the proclaimed day at the cost of a local authority in an area constituted as a fire district or part of a fire district on or after the proclaimed day	The day when the area is constituted as a fire district or part of a fire district.
3.	Fire hydrants installed on or after the proclaimed day at the cost of the Board	The day of installation

(ii) Compensation shall not be payable to a local authority in respect of fire hydrants mentioned in Items 1 and 2 of the Table.

### METROPOLITAN WATER SUPPLY.

Construction.

4. (1) This section shall be read as one with the *Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1941* (Act No. 43 of 1909, as reprinted with amendments to and including Act No. 2 of 1941, incorporated pursuant to the provisions of the *Amendments Incorporation Act, 1938*, and as approved for reprint on the 21st of February, 1950), referred to in this section as the principal Act.

Citation of principal Act as amended by this Act.

(2) The principal Act, as amended by this Act, may be cited at the *Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1951*.

S. 44 repealed and re-enacted.

(3) Section forty-four of the principal Act is repealed and as section forty-five is re-enacted in the form in the Schedule to this Act.

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(4) Section forty-five of the principal Act is repealed. S. 45  
repealed.

WATER BOARDS.

5. (1) This section shall be read as one with the *Water Boards Act, 1904-1949* (Act No. 4 of 1904, as reprinted with amendments to and including Act No. 10 of 1949, incorporated pursuant to the provisions of the *Amendments Incorporation Act, 1938*, and as approved for reprint on the 23rd of February, 1951), referred to in this section as the principal Act. Construc-  
tion.

(2) The principal Act, as amended by this Act, may be cited as the *Water Boards Act, 1904-1951*. Citation of  
principal Act  
as amended  
by this Act.

(3) Section sixty-three of the principal Act is repealed and as section sixty-three is re-enacted in the form in the Schedule to this Act, but with the words, "Water Board" substituted for the word, "Minister" wherever the latter appears in that Schedule. S. 63  
repealed and  
re-enacted.

(4) Section sixty-four of the principal Act is repealed. S. 64  
repealed.

COUNTRY AREAS WATER SUPPLY.

6. (1) This section shall be read as one with the *Country Areas Water Supply Act, 1947-1950* (Act No. 62 of 1947, as amended by Act No. 22 of 1950), referred to in this section as the principal Act. Construc-  
tion.

(2) The principal Act, as amended by this Act, may be cited as the *Country Areas Water Supply Act, 1947-1951*. Citation of  
principal Act  
as amended  
by this Act.

(3) Section thirty-six of the principal Act is repealed and re-enacted as follows:— S. 36  
repealed and  
re-enacted.

36. When a fire district referred to in the next succeeding section, or the district of a local authority is wholly or partly in a country water area, the provisions of that section shall apply in respect of the fire district or district of the local authority.

(4) Section thirty-seven of the principal Act is repealed and as section thirty-seven is re-enacted in the form in the Schedule to this Act. S. 37  
repealed and  
re-enacted.

MUNICIPAL CORPORATIONS.

Construction.

7. (1) This section shall be read as one with the *Municipal Corporations Act, 1906-1947* (Act No. 32 of 1906, as reprinted with amendments to and including Act No. 86 of 1947, incorporated pursuant to the provisions of the *Amendments Incorporation Act, 1938*, and as approved for reprint on the 13th of February, 1950, in Volume 4 of the Reprinted Acts of the Parliament of Western Australia, 1951, and as affected by Act No. 15 of 1950), referred to in this section as the principal Act.

Citation of principal Act as amended by this Act.

(2) The principal Act, as amended by this Act, may be cited as the *Municipal Corporations Act, 1906-1951*.

S. 346 amended.

(3) Section three hundred and forty-six of the principal Act is amended by—

- (a) adding before the word, "The" in line one the figure one in brackets, thus, "(1)";
- (b) redesignating paragraphs (1), (2) and (3) as paragraphs (a), (b) and (c), respectively;
- (c) adding after the word, "fire-plugs" in line two of the paragraph so redesignated as paragraph (a) the words, "or fixed pillar hydrants";
- (d) adding the following subsection:—
  - (2) To the extent of any inconsistency between the provisions of the *Fire Brigades Act, 1942-1951*, and of this Act relating to fire-plugs and fixed fire hydrants, the former shall prevail.

ROAD DISTRICTS.

Construction.

8. (1) This section shall be read as one with the *Road Districts Act, 1919-1948* (Act No. 38 of 1919, as reprinted with amendments to and including Act No. 25 of 1948, incorporated pursuant to the provisions of the *Amendments Incorporation Act, 1938*, in Volume 4 of the Reprinted Acts of the Parliament of Western Australia, 1951, and as affected by Act No. 15 of 1950), referred to in this section as the principal Act.

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(2) The principal Act, as amended by this Act, may be cited as the *Road Districts Act, 1919-1951*. Citation of principal Act as amended by this Act.

(3) Section one hundred and ninety-six of the principal Act is amended by— S. 196 amended.

(a) adding after the word, "fire-plugs" in line four of paragraph (i) of subsection (1) the words, "or fixed pillar hydrants";

(b) adding the following subsection:—

(3) To the extent of any inconsistency between the provisions of the *Fire Brigades Act, 1942-1951*, and of this Act relating to fire-plugs and fixed fire hydrants, the former shall prevail.

SCHEDULE.

(1) In this section, unless the context requires otherwise—

Ss. 4 (3),  
5 (3) and  
6 (4).  
Interpre-  
tation.

"Fire Brigades Act" means the *Fire Brigades Act, 1942-1951*;

"Fire Brigades Board" means the Western Australian Fire Brigades Board constituted pursuant to the *Fire Brigades Act*;

"fire district" means a fire district constituted as such by or pursuant to the provisions of the *Fire Brigades Act*;

"fire hydrant" means a fire-plug or fixed pillar hydrant;

"proclaimed day" means the day fixed by Proclamation for the coming into operation of the *Acts Amendment (Fire Brigades Board and Fire Hydrants) Act, 1951*;

"re-instatement" means the filling in of ground opened up and the re-instating and making good of the paving of any street broken up in the course of installing or abolishing a fire hydrant, or keeping a fire hydrant in effective order.

(2) Subject to the provisions of the succeeding subsections of this section, the Minister shall fix hydrants upon the main or other pipes within the area, or abolish fire hydrants.

(3) The Board may request the Minister to instal or abolish a fire hydrant at such location in a fire district as the Board specifies.

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(4) A local authority may request the Minister to instal or abolish a fire hydrant at such location in the district of the local authority elsewhere than in a fire district as the local authority specifies.

(5) So soon after receiving the request as is reasonably practicable, the Minister shall comply with the request.

(6) The Minister shall keep all fire hydrants in the area in effective order.

(7) The Minister on installing, abolishing, or keeping a fire hydrant in effective order, shall render to the Board, where the fire hydrant is in a fire district, a statement of account of the cost to the Minister of the labour and materials incurred in doing so, except the cost of re-instatement, and shall render to the local authority in whose district the work is done a statement of account of the cost to the Minister of the labour and materials incurred in re-instatement.

(8) The Minister on installing, abolishing or keeping a fire hydrant in effective order, shall render to the local authority, where the fire hydrant is in the district of the local authority but elsewhere than in a fire district, a statement of the cost to the Minister of the labour and materials in doing so, including that of re-instatement.

(9) In the event of non-payment of the amount shown in a statement of account rendered pursuant to the provisions of the last two preceding sections, it shall be recoverable from the Board or the local authority to whom the statement is rendered at the suit of the Minister in a court of competent jurisdiction as a debt due.

(10) The property in fire hydrants, whether installed before, on, or after the proclaimed day, shall—

if the fire hydrant is in a fire district, whether constituted wholly or partly before, on, or after the proclaimed day, vest in the Board as owner;

if the fire hydrant is in the district of a local authority but elsewhere than in a fire district, vest in the local authority as owner.

(11) The Minister shall on installing, abolishing or keeping a fire hydrant in effective order deposit the keys of the fire hydrant at such station as shall be specified—

by the Board where the fire hydrant is in a fire district;  
by the local authority where the fire hydrant is in the district of the local authority elsewhere than in a fire district.

(12) A person having the possession or control of the keys to a fire hydrant shall at the request of the Minister deliver them to such person at such time as the Minister specifies.