

FIRE BRIGADES.

6° AND 7° GEO. VI., No. XXXV.

 No. 35 of 1942.

AN ACT to consolidate and amend the law relating to the prevention and extinguishing of fires and the protection of life and property from fire.

[Assented to 23rd December, 1942.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 *Fire Brigades Act*, 1942, and shall come into operation on a day to be fixed by Proclamation.

Short title
and com-
mencement.

2. This Act is divided into Parts as follows:—

Act divided
into Parts.

PART I.—SS. 3 AND 4: PRELIMINARY.

PART II.—S. 5: FIRE DISTRICTS.

PART III.—S. 6: THE FIRE BRIGADES BOARD.

PART IV.—SS. 7 TO 17: CONSTITUTION OF
BOARD.

PART V.—SS. 18 TO 22: PROCEEDINGS OF
BOARD.

PART VI.—SS. 23 TO 28: VESTING OF PROPERTY
AND GENERAL POWERS AND DUTIES OF
BOARD.

PART VII.—SS. 29 TO 34 : OFFICERS AND MEMBERS OF BRIGADES AND ADMINISTRATIVE EMPLOYEES.

PART VIII.—S. 35 : REGULATIONS.

PART IX.—SS. 36 TO 47 : FINANCIAL PROVISIONS.

PART X.—SS. 48 TO 73 : MISCELLANEOUS.

FIRST SCHEDULE : ACTS REPEALED.

SECOND SCHEDULE : FIRE DISTRICTS.

THIRD SCHEDULE : FEES AND CHARGES FOR ATTENDANCE AT FIRES.

FOURTH SCHEDULE : RULES RELATING TO RECEIVERS.

PART I.—PRELIMINARY.

Repeal.

3. The Acts mentioned in the First Schedule to this Act are hereby repealed.

Interpretation.
No. 13 of
1917, s. 3.
cf. Vic., No.
2653, s. 3.

4. In this Act, unless inconsistent with the subject-matter or context, the following words shall have the meanings respectively assigned to them (that is to say) :—

“Board” means the Western Australian Fire Brigades Board constituted under this Act;

“Brigade” includes all fire brigades, whether permanent or volunteer, or private;

“Chief Officer” means the Chief Officer of Fire Brigades;

“District” means a fire district constituted by or under this Act;

“Inflammable matter” includes all substances capable of ignition or combustion by the application of heat or by means of sparks or flame or by spontaneous causes;

cf. N.S.W.,
No. 9 of 1909,
s. 5.

“Insurance company” means any corporate body, company, partnership, association, underwriters or persons insuring against loss or damage by fire any property situate within any fire district;

ibid.

“Local authority” means a municipality and the council thereof, or the road board of a road district, and “the local authority” means the local authority for the particular district;

“Minister” means the Minister of the Crown charged for the time being with the administration of this Act;

“Owner” means and includes any person, whether as beneficial owner, trustee, or executor, mortgagee in possession, or as agent or attorney for any person or otherwise for the time being in actual receipt of, or entitled to receive, the rents and profits of the lands or buildings in connection with which the word is used, or who, if such land or buildings were let to a tenant, would be entitled to receive the rents and profits thereof;

cf. N.S.W.
No. 9 of 1909,
s. 5.

“Permanent fire brigade” means a fire brigade established and maintained by the Board, the services of whose members are wholly at the disposal of the Board;

ibid.

“Premises” includes any building, structure, erection, vessel, wharf, jetty, land or other premises;

cf. Qld., 10
Geo. V., No.
23, s. 2.

“Private fire brigade” means any association of persons authorised by the Board and formed for the purpose of the prevention and extinguishing of fires and the protection of life and property from fire within the boundaries of property owned or used by any person, if the carrying out of the purpose of such association is not the sole or principal calling or means of livelihood of such persons or of a majority of them;

“Property,” without in any wise limiting the ordinary meaning of the term, “property” also includes any fences, outhouses, trees, crops, grasses, goods, chattels or effects, furniture, fittings, furnishings, machinery, or improvements contained in, or on, or used in or in connection with any premises;

cf. Qld., 10,
Geo. V., No.
23 of 1920,
s. 2.

“Vessel” means any ship, steamship, barge, punt, boat, or other floating vessel used for storing or carrying goods or for carrying passengers;

cf. Qld., 10
Geo. V., No.
23 of 1920,
s. 2.

“Volunteer fire brigade” means any association of persons authorised by the Board and formed for the purpose of the prevention and extinguishing of fires and the protection of life and property from fire, if the carrying out of the

cf. N.S.W.,
No. 9 of 1909,
s. 5.

purpose of such association is not the sole or principal calling or means of livelihood of such persons or of a majority of them;

“Year” means year ending the thirtieth day of September;

PART II.—FIRE DISTRICTS.

Fire Districts.
No. 13 of
1917, s. 4.
cf. Vic. No.
2653, s. 4, 2nd
Schedule.

5. (1) The municipal and road districts mentioned in the Second Schedule to this Act are hereby, for the purposes of this Act, constituted fire districts, by the names as in the said Schedule stated:

Provided that—

- (a) The Governor may, by Order in Council, constitute the district of any other local authority a fire district; assign a name to any such district, and include the same in Part II. or Part III., or Part IV. of the Second Schedule, and may by any subsequent Order in Council cancel the same;
- (b) the Governor may, by Order in Council, excise from any fire district any specified portion thereof, and thereupon such portion shall, for the purposes of this Act, be no longer included in or be part of such district, but any such order may be altered or revoked;
- (c) subject to paragraph (d) of this subsection the Governor may, by Order in Council, unite the district of or portions of the districts of two or more local authorities, or may unite the districts of any one or more local authorities with any portion or portions of another or others into one fire district, by such name as the Governor may think fit, and may by any subsequent Order in Council cancel the same; but before any such order is made at least one month's notice of intention to make the same shall be given to the local authorities concerned;
- (d) the municipal and road districts mentioned in Parts I. and II., of the Second Schedule shall be and by virtue of this paragraph are united into one fire district, to be known as the metropolitan fire district.

(2) Any vessel lying in any river, harbour, or other water within or adjacent to any district shall be subject to this Act in the same manner as if it were premises within a district. But this subsection shall not apply to any of His Majesty's vessels of war or to any vessel which belongs to the Government of any foreign State (not being an enemy).

cf. Qld., 10
Geo. V., No.
23 of 1920,
s. 4.

PART III.—THE FIRE BRIGADES BOARD.

6. (1) For the purpose of carrying out the provisions of this Act there shall be a Board, to be called the Western Australian Fire Brigades Board, constituted as hereinafter provided.

Fire Brigades Board,
No. 13 of
1917, s. 5 ;
No. 18 of
1918, s. 3,
cf. Vic., No.
2653, s. 6.

(2) Such Board shall be a body corporate with perpetual succession, and shall adopt and use a common seal, and shall be capable in law of suing and being sued, and of taking, purchasing, holding, exchanging, leasing, and disposing of real and personal property.

(3) No member of the Board shall be personally liable for any act of the Board, but the Board shall alone be liable.

cf. N.S.W.,
No. 9 of 1909,
s. 7.

(4) The said Board shall be successor to the Western Australian Fire Brigades Board constituted under the Fire Brigades Act, 1916.

(5) Until the constitution of a Board under this Act all the powers hereby conferred on the Board may be exercised by the Western Australian Fire Brigades Board, as constituted under the Fire Brigades Act, 1916, but such Board shall, on the constitution of a Board under this Act, be dissolved.

PART IV.—CONSTITUTION OF BOARD.

7. The Board to be constituted under this Act shall consist of ten members, as follows:—

Constitution
of Board,
No. 13 of
1917, s. 6.
cf. Vic., No.
2653, ss. 7
and 8.

(a) Two members shall be appointed by the Governor, one of whom shall be appointed by the Governor to be the President of the Board.

(b) Three members shall be elected by the insurance companies carrying on business within the State.

(c) One member shall be elected by the Council of the city of Perth.

- (d) One member shall be elected by the municipal councils and road boards of the municipal and road districts mentioned in Part II. of the Second Schedule to this Act, and by the municipal councils or road boards the districts of which or portions of the districts of which may hereafter be included in Part II. of the Second Schedule, pursuant to section five of this Act.
- (e) One member shall be elected by the municipal councils and road boards of the municipal and road districts mentioned in Part III. of the Second Schedule to this Act and by the municipal councils or road boards the districts of which or portions of the districts of which may hereafter be included in Part III. of the Second Schedule pursuant to section five of this Act.
- (f) One member shall be elected by the municipal councils and road boards of the municipal and road districts mentioned in Part IV. of the Second Schedule to this Act, and by the municipal councils or road boards the districts of which or portions of the districts of which may hereafter be included in Part IV. of the Second Schedule, pursuant to section five of this Act.
- (g) One member shall be elected by the registered volunteer fire brigades.

Elections to be under regulations, etc., No. 13 of 1917, s. 11. cf. Vic. No. 2653, s. 13.

8. All elections of members of the Board shall be conducted in all respects whatsoever in such manner as may be prescribed by the regulations, and every such election shall be held under the direction of such returning officers as the Governor may from time to time appoint.

Tenure of members. No. 13 of 1917, s. 12. cf. Vic. No. 2653, s. 14.

9. (1) All members of the Board when appointed or elected shall, subject to subsection (2) of this section and to subsection (1) of section eleven of this Act, enter upon their duties on the first day of January next following their appointment or election.

(2) The members of the Board first appointed or elected after the commencement of this Act shall hold office as follows:—

- (a) of the two members appointed by the Governor the President shall hold office until the thirty-first day of December, one thousand nine hun-

dred and forty-five, and the other member until the thirty-first day of December, one thousand nine hundred and forty-four;

- (b) of the three members elected by the insurance companies, the member who receives the greatest number of votes shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five, and the other two members until the thirty-first day of December, one thousand nine hundred and forty-four;
- (c) the member elected by the council of the city of Perth shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five;
- (d) the member elected by the municipal councils and road boards included in Part II. of the Second Schedule shall hold office until the thirty-first day of December, one thousand nine hundred and forty-four;
- (e) the member elected by the municipal councils and road boards included in Part III. of the Second Schedule shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five;
- (f) the member elected by the municipal councils and road boards included in Part IV. of the Second Schedule shall hold office until the thirty-first day of December, one thousand nine hundred and forty-four;
- (g) the member elected by the registered volunteer fire brigades shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five.

(3) All members of the Board appointed or elected thereafter, shall hold office until the thirty-first day of December in the second year of the term for which they are appointed or elected.

(4) In November or December, one thousand nine hundred and forty-four, and every second year thereafter, members shall be appointed or elected to fill the vacancies in office caused by the retirement of the five members appointed or elected, pursuant to subsection (2) hereof, for the term expiring on the thirty-first day of December, one thousand nine hundred and forty-four.

(5) In November or December, one thousand nine hundred and forty-five, and every second year thereafter, members shall be appointed or elected to fill the vacancies in office caused by the retirement of the five members appointed or elected, pursuant to subsection (2) hereof, for the term expiring on the thirty-first day of December, one thousand nine hundred and forty-five.

Periodical elections.
No. 13 of 1917, s. 13, Vic. No. 2653, s. 15.

10. (1) All elections under this Act other than extraordinary elections shall be held in the month of November or December; but the first election may be held at such other time as the Governor may think fit.

(2) Notwithstanding that any person is a member of the Board, he shall be eligible for re-election or re-appointment, and every retiring member shall, if not otherwise disqualified, be entitled to act as a member during the progress of any election.

Extraordinary vacancies.
No. 13 of 1917, s. 14, cf. Vic., No. 2653, s. 16.

11. (1) Any vacancy in the office of a member of the Board, occasioned by any cause whatsoever other than the expiration of the term for which he was appointed or elected shall be filled within two months after the occurrence of such vacancy, or within such longer time as may be prescribed by the regulations.

(2) In the case of an appointed member, such vacancy shall be filled by the appointment by the Governor of a new member.

(3) In the case of an elected member, such vacancy shall be filled by the election of a new member by the body or bodies by which the member whose place is to be filled was originally elected.

(4) Such new member, whether so appointed or elected, shall hold office as long as the person in whose place he was appointed or elected would have held office had he continued in office, and such new member shall be eligible for re-appointment or re-election.

Failure to elect.
No. 13 of 1917, s. 15, cf. Vic., No. 2653, s. 17.

12. If from any cause the body or bodies whose duty it is to elect a member of the Board fail, neglect, or refuse so to do at or within the time appointed or specified in that behalf in this Act or in the regulations or by the Governor, then the Governor may appoint any person whomsoever to be a member of such Board in lieu of the member whom such body or bodies should have elected,

and such person shall be deemed for all purposes to have been elected by such body or bodies and to have been duly qualified.

13. The Governor may at any time, if he thinks fit, remove any member of the Board.

Governor may remove member of Board. No. 13 of 1917, s. 10. Vic. No. 2653, s. 12.

14. No person who—

- (i) is an employee of the Board, or is concerned or participates in the profits of any contract with the Board; or
- (ii) has his affairs under liquidation by arrangement with his creditors, or is an uncertificated or undischarged insolvent; or
- (iii) is undergoing a sentence of imprisonment; or
- (iv) is of unsound mind;

Disqualifications. cf. Qld. 10, Geo. V., No. 23 of 1920, s. 6 (3).

shall be capable of being or continuing a member of the Board:

Provided that nothing herein contained shall disqualify any person from being or continuing a member solely because he is concerned or participates in a transaction with the Board in respect of—

- (a) a lease, sale, or purchase of land, or an agreement for such lease, sale, or purchase; or
- (b) a contract entered into by an incorporated company for the general benefit of such company; or
- (c) a contract for the publication of advertisements in a public journal.

15. The seat of a member of the Board shall become vacant and the said member shall cease to be a member of the Board in any of the following circumstances:—

How seat vacated. No. 13 of 1917, s. 17. Vic. No. 2653, s. 19. N.S.W. No. 9 of 1909, s. 10.

- (a) if the member becomes disqualified under section fourteen of this Act;
- (b) if the member, being a councillor of a municipality or a member of a road board at the time of his election pursuant to paragraphs (c), (d), (e), or (f) (as the case may be) of section seven of this Act, ceases to be a councillor of a municipality or a member of a road board;
- (c) if the member is absent from four consecutive periodical meetings of the Board without leave obtained from the Board in that behalf;

- (d) if the member dies, or resigns by notice in writing given to the president of the Board; or
 (e) if the member ceases to reside in this State.

Acts of members not invalidated by vacancies. No. 13 of 1917, s. 18. cf. Vic. No. 2653, s. 20.

16. (1) No acts or proceedings of the Board or any committee thereof shall be invalidated or be deemed illegal in consequence only of the number of the members of the Board or committee not being complete at the time of such act or proceeding.

Nor by irregularity in appointment or disqualification.

(2) All acts and proceedings of the Board or committee shall, notwithstanding it is afterwards discovered that there was some defect in the appointment or election of any person as a member thereof, or that any member thereof was disqualified or not entitled to act or vote, be as valid as if every such person had been duly appointed or elected (as the case may be) and was qualified to be and to act and vote as a member of the Board or committee (as the case may be).

Board fees. No. 13 of 1917, s. 12.

17. (1) The members of the Board shall be entitled to receive remuneration out of funds of the Board at rates to be prescribed from time to time by regulation: Provided that the total amount which shall be paid to all the members as remuneration in any one year shall not exceed the sum of five hundred and fifty pounds in the aggregate.

(2) The members of the Board may be insured for compensation in cases of accidents whilst engaged in the business of the Board, and the premiums for such insurance may be paid from the funds of the Board.

PART V.—PROCEEDINGS OF THE BOARD.

Meetings of Board. No. 13 of 1917, s. 19. cf. Vic. No. 2653, s. 22.

18. (1) Meetings of the Board shall be held not less than eleven times a year, and notice in writing of each meeting, except an adjourned meeting, shall be sent by post to each member at least seven clear days before the day of any such meeting.

(2) The president of the Board shall preside at all meetings of the Board at which he is present.

(3) The Minister may appoint a member of the Board to be deputy president of the Board, and such member, when so appointed, shall have and may exercise all the powers of the president during the absence of the president.

cf. Qld. 10, Geo. V., No. 23 of 1920, Sch. Part III., s. 5.

(4) In the absence of the president and the deputy president, the members present shall elect from their number a chairman for the day.

19. (1) The president of the Board may at any time, and shall, upon receiving a requisition in writing requiring him so to do signed by at least three members of the Board, convene a special meeting for any particular purpose.

Special meetings.
No. 13 of
1917, s. 20.
cf. Vic. No.
2653, s. 23.

(2) Notice in writing of a special meeting shall be sent by post to each member at least seven clear days before the day of such special meeting and the notice shall set forth the particular purpose for which such special meeting is convened.

20. (1) Six members of the Board present at any meeting shall form a quorum for the transaction of business, and no business shall be transacted at any meeting at which there is not a quorum present.

Quorum.
No. 13 of
1917, s. 21.
cf. Vic. No.
2653, s. 24.

(2) All questions at any meeting shall be determined by a majority of the votes of the members present, and in the case of an equal division of votes, the president or chairman (as the case may be) shall have a second or casting vote in addition to his ordinary or deliberative vote.

21. (1) The Board may appoint a committee for any purpose which in the opinion of the Board would be better regulated and managed by means of such committee, and at any meeting may continue, alter, or discontinue such committee.

Committees of Board.
No. 13 of
1917, s. 23.
cf. Vic. No.
2653, s. 26.

(2) The acts of every committee of the Board shall be submitted to the general body of the Board for approval or otherwise.

(3) Every committee so appointed may meet from time to time and may adjourn from place to place, as the members thereof may think proper, for carrying into effect the purposes of its appointment, but no business shall be transacted at any meeting of the committee unless three members thereof are present.

22. (1) Entries of all proceedings of the Board and of every committee, with the names of the members who attend each meeting, shall be made in books to be pro-

Minutes of Proceedings.
No. 13 of
1917, s. 24.
cf. Vic. No.
2653, s. 27.

vided and kept for that purpose under the direction of the Board or committee, and shall be signed at the next or some subsequent meeting of the Board or committee respectively by the president or chairman thereof.

(2) Entries purporting to be signed, and any minute made of proceedings at a meeting and copies of any orders made or resolutions passed at a meeting, if purporting to be so signed by the president or the chairman (as the case may be), shall be received as evidence in all legal proceedings and by all Judges and other persons having by law or by consent of parties authority to hear, receive, and examine evidence without proof of any meeting of the Board or committee having been duly convened or held, or of the presence at any such meeting of the person named in any such entry as being present thereat, or of such persons being members of the Board or committee, or of the signature of the president or the chairman of such meeting, or of the fact of his being president or chairman, all which matters shall be presumed until the contrary is proved.

PART VI.—VESTING OF PROPERTY AND GENERAL POWERS AND DUTIES OF BOARD.

Vesting of property.
No. 13 of 1917, s. 25.

23. On the constitution of the Board under this Act, all the property and assets whatsoever of the Western Australian Fire Brigades Board as constituted under the Acts repealed by this Act, shall, by force of this Act, vest in the Board, and all the liabilities of the said Western Australian Fire Brigades Board constituted under the Acts repealed by this Act shall become the liability of the Board.

Power to purchase property for stations, etc.
No. 13 of 1917, s. 26.
Vic. No. 2658, s. 28.

24. (1) The Board may purchase, take on lease, or otherwise acquire buildings or land, and all such apparatus and plant and other property as the Board may think requisite for carrying into effect the purposes of this Act, and may from time to time sell or exchange or let any property acquired by or vested in the Board for the purposes of this Act.

(2) All moneys resulting from the sale, exchange, or letting of any property by the Board shall be applied in the purchase of property for the Board or the improvement of the property of the Board:

Provided that any real property acquired by the Board, or the Board to which the Board is a successor, from a local authority without pecuniary consideration, if no longer required for the purposes of this Act, shall revert in the local authority, subject to the payment by the local authority to the Board of the value of the improvements (if any) effected thereon after such acquisition.

25. The duty of taking, superintending, and enforcing all necessary steps for the prevention and extinguishing of fires and the protection of life and property from fire, and the general control of all fire brigade premises and of all fire brigades shall, subject to the provisions of this Act, be vested in the Board.

General duties of Board.
No. 13 of 1917, s. 27.
cf. Vic. No. 2653, s. 29.

26. The Board may—

- (a) take measures for the formation of permanent or volunteer or private fire brigades;
- (b) amalgamate, or disband, or cancel the registration of, any fire brigade;
- (c) determine the number of permanent and volunteer and private fire brigades necessary for the protection of any district, and also the apparatus and plant to be used by each brigade;
- (d) establish and support schools of instruction, and issue certificates of qualification in fire-extinction to members of fire brigades;
- (e) provide and maintain fire-alarms and apparatus and plant for the prevention and extinguishing of fires;
- (f) provide and maintain telephonic or other communication between fire brigade premises and between any such premises and any other places.

Formation of brigades, etc.
No. 13 of 1917, s. 29.
cf. Vic. No. 2653, s. 31.

27. (1) The Board shall submit its proposals in respect of the class of brigade and method of fire protection to be established in each district to the local authority before putting such proposals into operation, and shall advise the local authority of any intended change in the class of brigade and method of fire protection, and any difference between the Board and the local authority on such matters shall be referred to the Minister for his decision:

Board's proposals to be submitted to local authority.
No. 13 of 1917, s. 30.

Provided that this subsection shall not apply when the districts of two or more local authorities have been united into one fire district as provided for in section five of this Act.

(2) Any local authority may make representations to the Board in regard to the class of brigade and method of fire protection in its district, and may appeal to the Minister if dissatisfied with the action of the Board, and the Minister may decide all matters in dispute between the local authority and the Board.

28. The Board shall furnish a report to the Minister in the month of December in every year upon all proceedings and accounts of such Board under this Act during the previous year, and a report generally upon all matters which have come within the scope of the Board during such year, and such report shall be laid before both Houses of Parliament.

Annual reports to Minister. No. 13 of 1917, s. 31. Vic. No. 2653, s. 32.

PART VII.—OFFICERS AND MEMBERS OF BRIGADES AND ADMINISTRATIVE EMPLOYEES.

29. (1) The Board shall from time to time appoint such officers and members of every permanent fire brigade and such administrative employees and by such designations as shall be deemed necessary, and, subject to the provisions of any relevant award or industrial agreement and to the regulations, the Board shall have the power of suspension and removal of all such officers and members and employees.

Appointment, etc., of officers and members of permanent brigade. No. 13 of 1917, s. 32. cf. Vic. No. 2653, s. 34.

(2) Subject to any award or industrial agreement, the officers and members of any permanent fire brigade and the administrative employees aforesaid shall be respectively paid such salaries and wages from the funds of the Board as the Board shall from time to time direct, or as may be directed by regulations.

30. No election or appointment of the officers and members of any volunteer or private brigade shall have any force or effect until approved by the Board.

Approval of members of volunteer brigade. No. 13 of 1917, s. 33. cf. Vic. No. 2653, s. 33.

31. (1) There shall be an officer, to be called the Chief Officer of Fire Brigades, who shall be from time to time appointed by the Board, and shall be subject to suspension or removal by the Board.

Chief Officer. No. 13 of 1917, s. 34. cf. Vic. No. 2653, s. 35.

(2) Subject to the general powers and authority of the Board, every brigade and all officers and members thereof in a fire district shall be under the immediate order and control of the Chief Officer of Fire Brigades.

32. There shall be an officer, to be called the Deputy Chief Officer, who shall be from time to time appointed by the Board, and shall be subject to suspension or removal by the Board.

Deputy Chief
Officer.
No. 13 of
1917, s. 35.

33. The Chief Officer or any officer authorised in that behalf by the Board shall, in addition to such other duties as the Board may prescribe, exercise the general duties and powers following, that is to say—

General duties
and powers
of Chief
Officer.
No. 13 of
1917, s. 36.
cf. Vic. No.
2653, s. 37.

- (a) he shall cause a book to be kept containing the names, ages, occupations, and places of abode of all officers and members of every fire brigade;
- (b) he shall summon once a month at the least all or as many of the officers and members of brigades as may be required for practice in order to render them fit and efficient for service;
- (c) he shall from time to time inspect all fire brigades and report to the Board on their state of efficiency and make such recommendations as to him may seem fit;
- (d) he shall have the immediate charge and control of all apparatus and plant, and other property of the Board, and shall keep the same in a fit state for efficient service;
- (e) (i) he shall at all reasonable times have free access to any premises, and if in his opinion there exists in or on any premises any potential danger to life or property from fire, he may direct or order the owner or occupier of such premises to abate such danger within reasonable time, as named in the requisition.

(ii) Any person who fails to comply with the requirements of a requisition served as aforesaid shall be liable on conviction to a penalty not exceeding fifty pounds:

Provided that any person aggrieved by any such requisition may, within seven days after its receipt, appeal against such requisition to a magistrate sitting as a court of petty sessions within the district, and no proceedings shall be instituted against such person pending the hearing of an appeal;

- (f) he shall at all reasonable times have free access to all premises used or intended for purposes of public entertainment or of public concourse, for the purpose of ascertaining whether the laws and regulations pertaining to the prevention of and escape from fire are being observed;
- (g) he shall attend the Board at all times, when required to do so, and shall make all such inquiries and reports as the Board may direct.

Duties and powers of Chief Officer, etc., at fires. No. 13 of 1917, s. 37. cf. Vic. No. 2653, s. 38.

34. For the purpose of extinguishing any fire, the Chief Officer or, in his absence the officer in charge, shall perform the following duties and may exercise the following powers (that is to say):—

- (a) he shall, with all possible speed, proceed upon the first alarm to the place where the fire is, and shall endeavour by all practicable means to extinguish the fire and save all property in jeopardy;
- (b) he shall have the control and direction of any brigade or brigades present at any fire and of any persons who voluntarily place their services at his disposal;
- (c) he may take and direct any measures which appear to him to be necessary or expedient for the protection of life and property, or for the control and extinguishing of fire, and may cause any premises to be entered, taken possession of, pulled down wholly or partially, or otherwise destroyed for such purpose, or for preventing fire or for preventing the spread of fire;
- (d) he may cause water to be shut off from any main or pipe to obtain a greater pressure and supply of water for the purpose of extinguish-

cf. Qld. 10. Geo. V., No. 23 of 1920; Sch. Part III., 24 (2) (VII.).

ing any fire; and no water supply authority shall be liable to any penalty or claim by reason of any interruption in the supply of water occasioned by compliance with the provisions of this section;

(e) he may cause gas, electricity, or other illuminant to be shut off or disconnected to or at any premises; and no person supplying gas, electricity, or other illuminant shall be liable to any penalty or claim by reason of any interruption in the supply occasioned by compliance with the provisions of this section;

cf. N.S.W. No. 9 of 1909, s. 29 (d1).

(f) he may cause any street, private road, right-of-way, or thoroughfare in the vicinity of any fire to be closed against traffic during the continuance of any fire;

(g) he may remove or order any member of any fire brigade or any member of the police force to remove any person who or anything which interferes with the operations of the brigade;

(h) he may, at the time of a fire or thereafter, pull down or shore up any wall or building which may be damaged, or which in his opinion may be likely to be damaged, by fire, or which may be in the vicinity of any place where a fire has occurred, and which may in his opinion be, or may be likely to become, dangerous to life or property; and the expense of such pulling down and shoring up, as the case may be, shall be borne by the owner of such wall or building, and shall be paid by him to the Board;

cf. Qld. 10, Geo. V, No. 23 of 1920; Sch. Part III., 24 (2) (IX).

(i) he may cause the debris and also any premises where any fire has occurred, and every part of such premises, to be searched, and may remove and keep possession of any materials which may tend to prove the origin of such fire;

(j) he may take such measures as he thinks proper for the protection and saving of life or property and for the control and extinguishing of a fire.

cf. N.S.W. No. 9 of 1909, s. 29 (g).

PART VIII.—REGULATIONS.

Power to make
regulations.
No. 13 of
1917, s. 38.
Vic. No. 2653,
s. 39.

35. The Governor may make regulations for all or any of the following purposes:—

- (a) for regulating the business and proceedings at the meetings of the Board and of committees thereof;
- (b) for defining the functions, powers and duties of the president of the Board, and the chairman of any committee thereof;
- (c) for prescribing the rates of remuneration to be paid to the president and members of the Board;
- (d) for the examination, appointment, suspension, and removal of officers and members of brigades and administrative employees, and for regulating the duties and conduct of such officers and members and administrative employees;
- (e) for the establishment and maintenance of brigades and for the payment of salaries or wages to officers and members of permanent brigades and administrative employees;
- (f) for the training of officers and members of brigades;
- (g) for the payment of compensation in cases of accidents to officers and members of brigades and administrative employees of the Board or where death ensues therefrom to their dependants;
- (h) for the establishment of a pension or superannuation fund for officers and members of brigades and administrative employees of the Board contributing to such fund;
- (i) for paying gratuities in respect of voluntary or special services rendered;
- (j) for permitting, when occasion requires, any portion of a brigade or its apparatus and plant to proceed or be taken beyond the limits of any district for the purpose of attending fires, and for regulating the charges for such service;
- (k) for dividing any district into subdistricts;

- (l) for ensuring discipline and good conduct amongst officers and members of brigades, and generally for the maintenance of brigades in a due state of efficiency;
- (m) for the registration of all brigades;
- (n) for prescribing the various apparatus and appliances for saving life and property at fires to be kept and maintained at or in all premises, excluding private dwellings, which term shall not include flats;
- (o) for regulating and controlling demonstrations and competitions;
- (p) for establishing and maintaining a salvage force, and for prescribing the charges to be levied for the services of such force;
- (q) for prescribing charges to be levied for attending fires on vessels, and for the recovery of such charges from the owner or master;
- (r) for prescribing the uniforms to be worn by officers and members of brigades when on duty;
- (s) for regulating the storage and deposit of inflammable matter;
- (t) for regulating the conduct of all elections;
- (u) for providing for and fixing the voting power of local authorities, insurance companies, and volunteer fire brigades in connection with the election of members of the Board;
- (v) for the control and attendance of officers and members of brigades on duty in public buildings and premises, and prescribing fees to be paid by the owner or occupier of any such building and premises for such service, and for the recovery thereof;
- (w) for managing and regulating the distributing of all revenue received under the provisions of this Act;
- (x) for altering the date prescribed by this Act for the doing or performance of any duty to any other date;

- (y) for imposing penalties for breaches of regulations, the maximum penalty in any case not to be fixed at a greater sum than twenty pounds; and
- (z) for such other purposes as the Governor may by proclamation order, and generally for the purposes of carrying into effect the objects of this Act.

PART IX.—FINANCIAL PROVISIONS.

Annual estimate of expenditure.

No. 13 of 1917, s. 40. cf. Vic. No. 2653, s. 41.

36. (1) Before the thirty-first day of July in every year or within such extended time as the Governor may approve, the Board shall prepare estimates of—

- (a) the probable expenditure to be incurred in the operation of this Act within each district during the next following year;
- (b) the interest payable during such year on the debentures issued by the Board under this Act, or by the Western Australian Fire Brigades Board, or by the West Australian Fire Brigades Board, or the Fire Brigades Board under the Acts hereby repealed, and for contributions to the sinking funds for the redemption thereof; and
- (c) the general administration expenses of the Board: Provided that no estimate under paragraphs (a) and (c) hereof shall exceed in any one year such limit as may be fixed by the Minister, nor have any force or effect until approved by the Governor.

(2) The estimated expenditure for interest on debentures and contribution to sinking funds shall be apportioned between the several districts in proportion to the amount of borrowed money expended in each district save and except as hereinafter provided, and such apportionment shall be subject to the approval of the Minister:

Provided that the Minister shall determine what amount of loan moneys have been expended in the city of Perth municipal district in the erection of executive offices for the Board and the fire brigade premises occupied by the Chief Officer and the administrative employees of the Board, and the estimated expenditure for interest on this amount, and contribution to the sinking fund shall

be apportioned between the several districts in the manner specified by the next succeeding clause.

(3) The general administration expenses of the Board referred to in subsection (1) hereof shall be apportioned between the several districts in ratio to the amount of the actual expenditure in each district during the year.

37. (1) The annual expenditure estimated in accordance with subsection (1) of section thirty-six of this Act in respect of each district shall be contributed to annually in the portions hereinafter set out, and be paid to the Board as follows, by—

Contributions
towards ex-
penditure.

No. 13 of
1917, s. 41.
cf. Vic. No.
2653, s. 42.

- (a) the Treasurer of Western Australia, out of the consolidated revenue, which is hereby appropriated for that purpose accordingly;
- (b) the local authorities whose districts are constituted fire districts, or united with other districts into a fire district;
- (c) the insurance companies insuring from fire property situated within districts to which this Act applies. For the purposes of this Act, every such company shall include as well the company itself its agent or agents.

(2) The Treasurer of Western Australia shall contribute two-ninths of the amount of such annual estimated expenditure, the said local authorities two-ninths thereof, and the said insurance companies five-ninths thereof:

Amendment
No. 31 of
1941.

Provided that for the purposes of this subsection the term "annual estimated expenditure" shall not include any moneys expended or proposed to be expended in relation to or arising from either directly or indirectly war or warlike operations.

(3) The amounts to be so contributed shall in all cases be paid by equal quarterly payments on the first day of October, January, April and July in each year.

38. (1) The amount of the contributions payable under this Act by local authorities may be raised—

Contributions
of local auth-
orities, how
raised.

No. 13 of
1917, s. 42.
cf. Vic. No.
2653, s. 44.

- (a) by the levy of an annual fire brigade rate; or
- (b) by increasing the annual general rates under the Municipal Corporations Act, 1906-1941, or the Road Districts Act, 1919-1941, as the case may be, notwithstanding any statutory limit of such rate.

Provided that such annual rate or increased annual general rate may, with the approval of the Governor, be levied only on the rateable land within a prescribed portion of the district of the local authority.

(2) When the municipal or road districts of several local authorities are united into one fire district, the contribution payable by such local authorities shall be apportioned between them in such proportions as the annual value of all land subject to water rates within the fire district of each local authority's district, as determined by the water supply authority, bears to the aggregate of the said annual value within the whole united fire district.

Returns by
insurance
companies.

No. 13 of
1917, s. 43 ;
No. 18 of
1918, s. 5.
cf. Vic. No.
2653, s. 45 ;
S.A. No. 2272,
s. 58.

39. (1) To enable the Board to determine the amounts of the contributions to be paid by the various insurance companies, every contributory company shall, in the month of July in every year or at such other time as the Board may direct, furnish the Board with a return showing the amount of its premium income for the period of twelve months ended on the next preceding thirty-first day of December from insurance against the risk of fire of property situated within the districts to which this Act applies.

(2) In arriving at the amount of such premium income an insurance company shall be entitled to deduct—

- (a) premiums, less commissions, paid by it for re-insurance with contributory insurance companies of property situated as aforesaid;
- (b) discount, brokerage, and commission allowed by it on premiums on insurance of property situated as aforesaid.

(3) To every such return there shall be annexed a statutory declaration by the manager, secretary, or agent or other officer performing the duties of manager, secretary, or agent of such company that according to the books thereof, and to the best of his knowledge and belief the said return contains a true account and statement of the amount of such premiums.

(4) If any such company makes default in transmitting such return and declaration, or furnishes an incorrect or incomplete return, such company shall be liable to a penalty of not more than five pounds for every day during which it is so in default.

(5) Every insurance company which commences to carry on business after this Act comes into operation shall, until the first return is duly made by such company under the provisions of this section, contribute to the funds of the Board the sum of two pounds ten shillings quarterly on the days prescribed by section thirty-seven of this Act.

(6) Every broker, agent, or other person who negotiates any contract insuring against fire any property situate within any district on behalf of any insurance company not carrying on business in this State shall, for the purposes of this Act, himself be deemed to be an insurance company.

(7) Every owner of property situate within any district who insures such property against fire with an insurance company not carrying on business in this State shall, for the purposes of this Act, himself be deemed to be an insurance company.

(8) Every person other than the owner who has an insurable interest in any property situate within any district which is insured against fire with an insurance company not carrying on business in this State, and which insurance has not been negotiated by any broker, agent or other person in this State shall, for the purposes of this Act, himself be deemed to be an insurance company.

40. The portion of the five-ninths contribution which is to be paid by any one of the insurance companies under section thirty-seven of this Act shall be in the same ratio to the whole of such five-ninths contribution as the premium income derived from fire insurance business by that company (as shown in its then latest return pursuant to section thirty-nine of this Act) bears to the aggregate amount of premium incomes derived from fire insurance business by all the insurance companies (as shown by their then latest returns pursuant to section thirty-nine of this Act):

Amount of contribution by individual insurance companies, how to be ascertained.
No. 13 of 1917, s. 44.
cf. Vic. No. 2653, s. 46 :
S.A. No. 2272, s. 53 (3).

Provided that the minimum amount to be paid by any insurance company under this section shall be ten pounds per annum.

Marine insurance companies.

No. 13 of 1917, s. 45.

41. Insurance companies carrying on the business of marine insurance and not otherwise contributing to the funds of the Board, shall, under and subject to the regulations, contribute such annual sum as may be prescribed for the protection of the interests insured under their policies on wharves and jetties.

Insurance companies to permit books to be inspected.

No. 13 of 1917, s. 46. cf. Vic. No. 2653, s. 47.

42. (1) The manager, secretary, agent, or other person having the custody of the books and papers of any insurance company shall allow any person appointed by the Board to inspect, during the hours of business, any books and papers of such company, and to make extracts therefrom in order to verify any return or declaration made in pursuance of this Act.

(2) Any such manager, secretary, agent or other person as aforesaid who fails to comply with the requirements of this section shall be guilty of an offence against this Act:

(3) Provided that, except for the purpose of a prosecution for an offence against this Act, all such returns and all information obtained and all extracts made in order to verify such returns shall be kept secret by the Board and every member thereof, and by every person appointed thereby; and every person guilty of non-observance of the secrecy hereby required shall be liable on conviction to a fine of not less than twenty pounds and not exceeding fifty pounds, or to imprisonment, with or without hard labour, for not more than three months.

Recovery of contributions and further contribution for delay in payment.

No. 13 of 1917, ss. 47, 78, and 79. cf. Vic. No. 2653, ss. 48, 75, and 76.

43. (1) If any local authority, or if any insurance company liable to contribute under this Act, fails to pay any payment prescribed by this Act within twenty-eight days after it becomes due, such local authority or insurance company (as the case may be) shall be liable to a penalty of not less than five pounds and not more than fifty pounds, and also to a further penalty of two pounds every day during which such failure to pay continues.

(2) All contributions and penalties, whether from any local authority or any insurance company, shall be recoverable by action at the suit of the Board either in the Supreme Court or any local court, whatever the amount sought to be recovered.

(3) Where an insurance company is not incorporated or has no public officer the proceedings, whether for any contribution or any penalty, may be taken against the company in the name of the firm or of the manager, secretary, or agent of such insurance company, in which case judgment against such firm, manager, secretary, or agent shall bind the property of such insurance company.

44. (1) In the event of any fire brigade attending a fire in which there is interested any insurance company which has failed or omitted to make any payment under this Act within the prescribed time, it shall be lawful for the Board to levy such charges for such attendance as the Board may deem adequate.

Insurance companies to contribute in certain cases.
No. 13 of 1917, s. 48.
cf. Vic. No. 2653, s. 49.

(2) Such charges may be recovered from the owner or occupier of such property in any court of competent jurisdiction, and shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the said property, notwithstanding any clause or condition to the contrary in any such policy; and every such occupier, unless he is under contract or agreement with the owner thereof to insure such property, shall be entitled to deduct all charges so paid by him and all costs and expenses incurred by him in relation thereto from any rent then due or thereafter accruing due to such owner, or to recover the same from such owner in any court of competent jurisdiction.

(3) Unless otherwise prescribed by regulations, such charges shall not exceed the charges set forth in the Third Schedule to this Act.

45. If in any year the amount received by the Board from contributions under this Act in respect of any district falls short of the expenditure within or on account of such district, based upon the estimate for the year, then the deficit shall be added to the estimate of expenditure for the ensuing year, and the rate of contributions increased proportionately; but if the amount received by the Board in any year from contributions as aforesaid exceeds the expenditure based upon the estimate for the year, then the excess shall be treated as a credit in favour of the estimated income of the ensuing year, and the rate of contribution for the said ensuing year reduced proportionately.

Supply of deficit in any year and appropriation of any surplus.
No. 13 of 1917, s. 49.
cf. Vic. No. 2653, s. 50.

Borrowing
powers.

No. 13 of
1917, s. 50;
No. 21 of
1924, s. 2; No.
36 of 1925,
s. 2; see 1909,
No. 51S, 53,
cf. Vic. 2653,
s. 51.

46. (1) The Board may, with the consent of the Governor, from time to time borrow such moneys as may be deemed necessary to enable the Board to carry out and perform the powers, authorities, and duties vested in or conferred or imposed on the Board by this Act, or to redeem any debentures lawfully issued under this Act or any Act hereby repealed.

(2) The Board shall have power, with the like consent, to issue debentures under the seal of the Board for the amount so borrowed, with interest thereon at a rate not to exceed six and a half per centum per annum.

(3) The amount so borrowed shall be a charge upon all the property and revenue, whether accrued or to accrue, of the Board.

(4) Where more than one loan is raised, priority shall depend upon the date of issue, but all debentures forming part of the same loan shall rank *pari passu*.

(5) Such debentures shall be redeemable at such time or times as may be fixed by the Governor.

(6) The Governor may make regulations prescribing the form of such debentures and the conditions on which they may be issued and the mode in which a sinking fund may be provided for the purpose of paying off such debentures and the amount or rate of the periodical or other payments to be made into such sinking fund.

(7) Such sinking fund may be invested in Government securities under the control of the Minister, or in the purchase of debentures so issued.

(8) If the Board at any time makes default in paying any principal money or interest secured by any debenture or in forming a sinking fund under this section, the Minister, if so authorised by the Governor, shall be entitled to receive from the Treasurer of Western Australia, and to receive and recover from the local authorities and insurance companies respectively either the whole of the annual contributions which would otherwise have been payable to the Board, or such part thereof as the Governor may determine to be necessary for the purpose of paying any principal money or interest in arrear, or making payments into such sinking fund, and shall apply to such purposes the moneys so received:

Provided that, if and whenever such default has been made, and whether the Minister has obtained or acted on such authority as aforesaid or not, the Supreme Court or a Judge thereof may, on the petition of the holder of any debenture, appoint a receiver of the whole revenue of the Board to which the provisions set forth in the Fourth Schedule to this Act are applicable, and thereupon the said provisions shall apply and have effect:

Provided also, that whenever the Minister is authorised as aforesaid under this subsection, the powers conferred by the said schedule on a receiver may be exercised by the Minister.

(9) Nothing in this section shall be deemed to take away any right of action or proceedings which any debenture holder at any time has in respect of the property and revenues of the Board.

(10) The provisions of this section shall apply in relation to moneys already borrowed by the Western Australian Fire Brigades Board, the West Australian Fire Brigades Board, and the Fire Brigades Board under the Acts hereby repealed.

(11) The Bills of Sale Act, 1899, and the amendments thereof shall not apply to debentures issued under this Act or any Act hereby repealed.

47. (1) The accounts of all moneys received and disbursed by the Board shall be audited once at least in every year by the Auditor General, who shall have in respect of such accounts all the powers conferred on him by any law now or hereafter to be in force relating to the audit of the public accounts.

Audit of accounts.
No. 13 of 1917, s. 51.
Vic. No. 2653, s. 53.

(2) A particular statement of all moneys received and of the expenditure thereof by the Board shall be included in the annual report to be furnished, in accordance with the provisions of section twenty-eight of this Act, to the Minister and both Houses of Parliament.

PART X.—MISCELLANEOUS.

48. The Board shall from time to time furnish the Commissioner of Public Health with information and recommendations as to the requirements for the prevention of and escape from fire in premises used or intended for purposes of public entertainment or of public course.

Board to furnish information to Central Board of Health.
No. 13 of 1917, s. 70.
cf. Vic. No. 2653, s. 67.

Brigades to be registered, etc.

No. 13 of 1917, s. 52. cf. Vic. No. 2653, s. 54.

49. Volunteer and private brigades already established or hereafter to be established shall conform to the regulations affecting such brigades, and shall be registered in such manner and subject to such conditions as may be prescribed by the regulations, and shall be subject to inspection by any member or officer of the Board.

Restriction as to establishment of salvage corps.

No. 13 of 1917, s. 55.

50. It shall not be lawful for any person to constitute or maintain within any fire district to which this Act applies any salvage corps or fire brigade for the purpose of salvage of property at fires or of extinguishing fire outside of the premises or land owned or used by such person, or at or on which such person is employed, unless such corps or brigade is constituted by the Board or is authorised by the Board to act as a salvage corps or fire brigade.

Rewards to brigades.

No. 13 of 1917, s. 64. cf. Vic. No. 2653, s. 59.

51. Upon the Chief Officer certifying that efficient and valuable service has been rendered by any brigade or by any member thereof the Board may, in its discretion, pay to such brigade by way of bonus or by way of subsidy for such time as the Board thinks desirable such sum as the Board may by resolution determine, and may likewise reward any individual member of any brigade.

Penalty for soliciting contributions for brigades without authority.

No. 13 of 1917, s. 67. cf. Vic. No. 2653, s. 62.

52. (1) Subject to regulations, the Board may grant an authority in writing or in print to any person to collect contributions or subscriptions for the purposes of any brigade, and may at any time call in or cancel such authority.

(2) Any person not duly authorised in that behalf by the Board who solicits contributions or subscriptions for the purpose of any brigade shall on conviction thereof be guilty of an offence against this Act.

Permission for fire brigade demonstrations.

No. 13 of 1917, s. 69. cf. Vic. No. 2653, s. 64.

53. No fire brigade demonstration shall be held unless the permission of the Board is first obtained and published in the *Government Gazette*.

Provision of fire hydrants.

54. The Board may serve a written notice on a local authority demanding the provision of a fire hydrant at a specified location, and such local authority shall within two months after receipt of the demand either provide the said fire hydrant or lodge an appeal with a stipendiary magistrate.

Provided that:—

- (i) where an appeal is lodged and is dismissed, the local authority shall provide the said hydrant within one month after receipt of the Magistrate's decision;
- (ii) where the magistrate upholds the appeal, the Board may renew the demand after the expiration of a period of twelve months.

55. No fire hydrant shall be placed on or under the surface of any street, path, or roadway, except by or with the sanction of the Board, but instead thereof proper standpost or pillar-hydrants shall be fixed in conspicuous places on or near the kerbing of the street or roadway.

Use of pillar hydrants instead of fire-plugs.
No. 13 of 1917, s. 60.
cf. Vic. No. 2653, s. 64.

56. Every turncock employed by a water supply authority shall forthwith, on any fire occurring in a fire district within the area or part of the State allotted to him, proceed with all possible speed to the fire, and assist by all means in his power the ensuring of a copious supply and service of water.

Turncocks to attend fires.
No. 13 of 1917, s. 56.
cf. Vic. No. 2653, s. 60.

57. Every company or person supplying gas or electricity or other illuminant to any premises on fire in a fire district shall forthwith send some competent person to shut off or disconnect the supply to such premises or any adjoining premises.

Disconnection of gas or artificial light.
No. 13 of 1917, s. 57.
cf. Vic. No. 2653, s. 61.

58. The authority of the Chief Officer shall be recognised by all officers and members of the police force and other persons. It shall be the duty of officers and members of the police force to support the authority of the Chief Officer and assist him in enforcing obedience to any orders given in pursuance of this Act or the regulations.

Police and others to aid Chief Officer.
cf. N.S.W. No. 9 of 1909, s. 31.

59. Any person who—

- (i) wilfully interferes with any officer or member of any brigade in the discharge of his duty;
- (ii) wilfully damages or interferes with any water plug, fire hydrant, fire alarm, or other property of the Board;
- (iii) wilfully gives a false alarm of fire;
- (iv) drives a vehicle over a fire hose;

Penalties for interference, damage, etc.
cf. Qld. 10, Geo. V., No. 23 of 1920, Sch. Part III, 30.

(v) drives a vehicle within such proximity to the scene of the fire as to occasion interference, shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding six months, with or without hard labour, and shall also be liable for and may be ordered to pay the estimated damage.

Removal of persons not members of recognised fire brigades from burning premises.
No. 13 of 1917, s. 65.
cf. Vic. No. 2653, s. 60.

60. (1) Any person who is not a member of a fire brigade, or who is not acting under the control or direction of any officer of a brigade, may be ordered by any officer of a brigade or by any member of the police force to withdraw from any premises then burning or which are threatened by fire, and thereupon such person shall withdraw from such premises.

(2) If such person neglects or refuses to so withdraw, he may be forcibly removed by order of any such officer.

As to rights to water for extinguishing fires and for practice, etc.
No. 13 of 1917, s. 66.
cf. Vic. No. 2653, s. 61.

61. The Board, the officers and members of brigades and any brigade registered under this Act shall have the use of all water mains, fire hydrants, water plugs, valves, and pipes vested in or belonging to any water supply authority and of all water therein or in any well or tank, free of charge, for the purpose of extinguishing any fire, or for the purpose of drills, competitions, and practice conducted under the authority of the Board.

Owner to give information as to insurance.
No. 13 of 1917, s. 75.
cf. Vic. No. 2653, s. 72.

62. (1) The owner of any premises where a fire occurs shall, on being requested so to do by any officer or member of a brigade or administrative employee or member of the Board, furnish him with particulars of the insurance (if any) thereon.

(2) The owner of any personal property which may be in any premises where a fire occurs or which may be destroyed or damaged by fire shall, on being requested so to do by any officer or member of a brigade or administrative employee of the Board, furnish him with particulars of the insurance (if any) thereon.

(3) Any person who refuses to comply with any such request as aforesaid, or who wilfully gives any false information, or who wilfully gives any incorrect particulars with regard to such insurance as aforesaid, shall on conviction be liable to a penalty not exceeding twenty pounds.

63. The coroner exercising jurisdiction at any place within a fire district at which a fire has occurred shall, at the request in writing of the Board, hold an inquisition into the cause and origin of the fire.

Inquisition by coroner.
cf. N.S.W. No. 9 of 1909, s. 25.

64. Any damage to property caused by the Chief Officer or by any member of any brigade or by any brigade in the lawful execution of any power conferred by this Act shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged, notwithstanding any clause or condition to the contrary in any such policy.

Damage done to be within policy.
No. 13 of 1917, s. 54,
cf. Vic. No. 2653, s. 56.

65. (1) Where a fire occurs within a district in uninsured premises, or uninsured property, whether situate in premises or elsewhere, the owner of such uninsured premises or property shall be liable to pay to the Board for the attendance at the fire of any brigade under the control of the Board, an amount to be determined by the Board but not exceeding the fees and charges mentioned in the Third Schedule to this Act. For the purposes of this section the term "uninsured" means not insured with a contributory insurance company.

Charges for brigades attending fires.
cf. N.S.W. No. 9 of 1909, s. 22.
cf. Qld. 10, Geo. V., No. 23 of 1920, Sch. Part III., 26.

(2) Where a fire occurs in premises or property situate outside a district to which this Act applies, the owner of such premises or property shall be liable to pay to the Board for the attendance at the fire of any brigade under the control of the Board, an amount to be determined by the Board, but not exceeding the fees and charges mentioned in the Third Schedule to this Act.

(3) The Crown shall not under any circumstances be liable to pay the fees and charges referred to in the Third Schedule.

(4) The Board may remit the whole or part of the fees and charges hereinbefore mentioned.

(5) In default of payment any such fees and charges may be recovered by the Board summarily in any court of petty sessions, or in any other court of competent jurisdiction.

66. Where any officer or member of a brigade, or other person who has been employed by the Board in any capacity, and has resigned or been discharged continues to occupy any premises belonging to the Board, or to the possession whereof the Board may be entitled, after

Failure to deliver up any premises in occupation by officer or fireman.
No. 13 of 1917, s. 62.
cf. Vic. No. 2653, s. 66.

notice in writing from the Board to deliver up possession thereof, it shall be lawful for any justice of the peace, on the oath of one witness stating such notice to have been given, by warrant under his hand, to order any police constable to enter into such premises, and to remove such officer or member of a brigade, or person, and his family and servants therefrom, and afterwards to deliver the possession thereof to the Board as effectually to all intents and purposes as the sheriff having jurisdiction within the place where such premises are situate might lawfully do by virtue of a writ of possession.

Detention of Board's property.
No. 13 of 1917, s. 63.
cf. Vic. No. 2653, s. 67.

67. (1) The Chief Officer or any officer, or other employee, of the Board, if authorised in writing by the Board, may enter, and, if necessary, break into any place where any property of the Board is detained contrary to the order of the Chief Officer or of the Board, and may remove the same.

(2) Any person hindering or obstructing the Chief Officer or any such officer, employee, or agent in so entering or breaking into any such place shall be guilty of an offence against this Act.

Powers of agents.
No. 13 of 1917, s. 72.
cf. Vic. No. 2653, s. 69.

68. Any agent may deduct from any moneys held by him for any insurance company all expenditure necessarily or properly incurred and paid by him under this Act for or in respect of any insurance company for which he is the agent, or he may in any court of competent jurisdiction recover from any insurance company the amount so incurred and paid.

Power of agents to deduct payments made for owners.
No. 13 of 1917, s. 73.
cf. Vic. No. 2653, s. 70.

69. Any agent may deduct from any moneys held by him for his principal all charges, costs, or expenses necessarily or properly incurred and paid by him under this Act as owner of any houses, lands, or premises for which he is the agent of such principal, or he may in any court of competent jurisdiction recover from such principal the amount so incurred and paid.

Power of trustees.
No. 13 of 1917, s. 74.
cf. Vic. No. 2653, s. 71.

70. Any trustee, being owner of any houses, lands, or premises may apply any of the funds under his control in defraying any charges, costs, or expenses necessarily or properly incurred by him under this Act as such owner.

71. All orders, directions, notices, and documents whatever purporting to be issued or written by or under the direction of the Board and purporting to be signed by the president of the Board shall be received as evidence in all courts of law, and shall be deemed to be issued or written by or under the direction of the Board without further proof, unless the contrary be shown.

Documents signed by president to be evidence. No. 13 of 1917, s. 80. cf. Vic. No. 2653, s. 77.

72. Any person disobeying or failing to comply with any provisions of this Act or the regulations shall be guilty of an offence, and, if no penalty be specially provided therefor, shall be liable to a penalty not exceeding ten pounds, and to a further penalty of not more than one pound for each day such offence is continued after any conviction therefor.

Penalty for offences. No. 13 of 1917, s. 81. cf. Vic. No. 2653, s. 78

73. Any penalty incurred or made payable under or pursuant to this Act or under any regulation made under this Act may be recovered by any person authorised in that behalf by the Board.

Recovery of penalties. No. 13 of 1917, s. 82. cf. Vic. No. 2653, s. 79.

THE FIRST SCHEDULE.

| | | |
|----------------|----|--|
| No. 13 of 1917 | .. | Fire Brigades Act, 1916. |
| No. 18 of 1918 | .. | Fire Brigades Act Amendment Act, 1918. |
| No. 21 of 1924 | .. | Fire Brigades Act Amendment Act, 1924. |
| No. 36 of 1925 | .. | Fire Brigades Act Amendment Act, 1925. |
| No. 31 of 1941 | .. | Fire Brigades Act Amendment Act, 1941. |

THE SECOND SCHEDULE.

| | |
|----------------------|-----------------|
| Municipal Districts. | Road Districts. |
|----------------------|-----------------|

PART I.

City of Perth.

PART II.

| | |
|--------------------|-------------------|
| Claremont. | Basendenan. |
| Cottesloe. | Bayswater. |
| East Fremantle. | Belmont Park. |
| City of Fremantle. | Canning. |
| Guildford. | Melville. |
| Midland Junction. | Mosman Park. |
| North Fremantle. | Mundaring. |
| Subiaco. | Nedlands. |
| | Peppermint Grove. |
| | Perth. |
| | South Perth. |
| | Swan. |

PART III.

| | |
|-------------|--------------|
| Boulder. | Coolgardie. |
| Kalgoorlie. | Cue. |
| | Dundas. |
| | Kalgoorlie. |
| | Leonora. |
| | Meekatharra. |
| | Wiluna. |
| | Yilgarn. |

PART IV.

| | |
|------------|---------------|
| Albany. | Beverley. |
| Bunbury. | Brookton. |
| Busselton. | Collie. |
| Collie. | Katanning. |
| Geraldton. | Kellerberrin. |
| Narrogin. | Meckering. |
| Northam. | Merredin. |
| Wagin. | Moora. |
| York. | Northam. |
| | Sussex |
| | Toodyay. |

Each district under Parts II., III., and IV. to be named the (name of municipal or road district) fire district. The letters (R.B.) to follow the names of the Collie, Perth, Kalgoorlie and Northam road districts.

THE THIRD SCHEDULE.*Maximum Scale of Fees and Charges allowed for Attendance at any Fire.*

| | £ | s. | d. |
|---|---|----|----|
| For use of each motor engine | 5 | 0 | 0 |
| For use of each hand reel | 1 | 15 | 0 |
| For the Chief Officer, for first hour | 1 | 1 | 0 |
| For the Chief Officer, per hour for each succeeding hour .. | 0 | 10 | 0 |
| For each officer and member of a brigade and turncock, when called out to any fire, for the first hour .. | 0 | 5 | 0 |
| For each officer and member of a brigade and turncock, when called out to any fire, for the second hour | 0 | 3 | 0 |
| For each officer and member of a brigade and turncock, when called out to any fire, for each succeeding hour | 0 | 2 | 0 |
| For wages for each extra man engaged by the Chief Officer at any fire, for the first hour | 0 | 2 | 0 |
| For wages for each extra man engaged by the Chief Officer at any fire, for the second hour | 0 | 1 | 6 |
| For wages for each extra man engaged by the Chief Officer at any fire, for each succeeding hour | 0 | 1 | 0 |

THE FOURTH SCHEDULE.

1. A receiver appointed under subsection (8) of section forty-six, or under the provisions of this Schedule, shall be deemed an officer of and shall act under the direction of the Supreme Court or a Judge thereof.

cf. No. 36 of
1925, s. 8.

2. The Supreme Court or a Judge thereof may from time to time remove any receiver so appointed as aforesaid, and on the death or removal of any such receiver may appoint some other person in his place.

3. The receiver so appointed shall be entitled to receive and recover from the Treasurer, and from the local authorities and insurance companies, respectively, the whole of the annual contributions in respect of interest on debentures and contributions to the sinking fund for the redemption thereof which have become payable to the Board, or which shall or would but for the default committed by the Board become so payable.

4. For the purposes of paragraph three of this Schedule a receiver shall be deemed to be the Board, and shall have and may exercise, in the name of the Board, all or any of the powers of the Board, including any power—

- (a) to make any estimate of any expenditure requisite for interest on debentures and contributions to any sinking fund for the redemption thereof;
- (b) to make any determination requisite to be made regarding any annual contribution;
- (c) to enforce the rendering of any necessary returns;
- (d) to exercise any powers of inspection;
- (e) to take any action or legal proceeding for the recovery or collection of any contribution or other moneys.

5. Every such receiver shall be entitled to such commission, as remuneration for his services, as the Supreme Court or a Judge thereof directs.

6. The Supreme Court or a Judge thereof may order the Minister or the Board or any other person to transfer all or any inscribed stock and other securities and fixed deposits standing in their respective names and forming part of any such sinking fund as aforesaid into the name of the receiver, and may likewise order the Minister or any other person to hand over to the receiver any money which such Minister or person has collected in exercise of any authority granted, in consequence of the Board's default, by the Governor or the Supreme Court or a Judge thereof.

7. The receiver shall hold all moneys received and recovered and the proceeds of all inscribed stock and other securities and all fixed deposits forming any sinking fund received by him, after payment of costs and expenses, for the benefit of all holders of debentures of the Board, according to their respective priorities, and, subject thereto, for the Board.