

BUSH FIRES.

6° GEO. VI., No. XVI.

No. 16 of 1942.

AN ACT to amend the Bush Fires Act, 1937-1940.

[Assented to 9th 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:—

Short title.

1. This Act may be cited as the *Bush Fires Act Amendment Act, 1942*, and shall be read as one with the Bush Fires Act, 1937-1940 (No. 55 of 1937 as amended by the Act No. 53 of 1940 and reprinted pursuant to the Amendments Incorporation Act, 1938), hereinafter referred to as the principal Act.

Amendment
of s. 9.

2. Section nine of the principal Act is amended as follows:—

(a) by deleting from subsection (3) thereof the word "six" in line five of the said subsection and inserting in lieu thereof the word "eight;"

(b) by inserting after subsection (3) a new subsection as follows:—

(3a) The Minister may by notice published in the *Government Gazette* at any time after the declaration of the prohibited times for any year under subsection (1) hereof and before the commencing date of such prohibited times, postpone until a later date the commencing date of such prohibited times in any district or part of the State, whenever he considers that seasonal conditions warrant such postponement.

3. Section ten of the principal Act is amended by deleting from subsection (2) thereof the whole of paragraph (b) and inserting in lieu thereof a new paragraph as follows:—

Amendment
of s. 10.

(b) during the prohibited times in any yearly period prior to the fifteenth day of December in such yearly period when the prohibited times commence before that date, and during the first fourteen days of the prohibited times in any yearly period when the said prohibited times commence on or after the fifteenth day of December in such yearly period, and between sunrise and midnight on the same day, and with the approval in writing of the local authority in whose district the burning is to take place—

(i) to burn the bush on any road reserve between the road formation and an established firebreak; and

(ii) to burn the bush on any grass land of one chain in width on the land of such owner or occupier between two fire breaks each not less than six feet wide—

for the purpose of protecting from damage by fire his pasture or crop.

4. Section sixteen of the principal Act is amended as follows:—

Amendment
of s. 16.

(a) by deleting from subsection (1) the whole of paragraph (b);

(b) by deleting from paragraph (c) of subsection (1) the word "or" in line seven of the said paragraph and inserting in lieu thereof the word "and."

Amendment
of s. 17.

5. Section seventeen of the principal Act is amended by adding at the end of subparagraph (iv) of paragraph (d) of subsection (1) the words "or between such other hours as may be prescribed by the regulations."

New section.

6. A section is inserted in the principal Act after section seventeen as follows:—

Burning of
plants to pre-
vent disease.

17A. (1) When in the opinion of the Minister it is desirable that any plant, or the refuse thereof, should be burnt during the prohibited times in order to prevent or eradicate disease arising or likely to arise from such plant, or the refuse thereof, the Governor may, on the recommendation of the Minister, by proclamation—

(a) authorise the burning of any plant, to be specified in the proclamation, and the refuse thereof, during the prohibited times or during any period of the prohibited times, to be stated in the proclamation; and

(b) declare that such proclamation shall take effect either generally or only in particular road districts which are specified in the proclamation.

(2) Any proclamation issued under subsection (1) of this section may be revoked, amended, or varied at any time by a subsequent proclamation.

(3) When a proclamation authorises the burning of a plant, or the refuse thereof, the burning so authorised shall be carried out subject to and in accordance with the regulations.

(4) If any person who pursuant to a proclamation issued under this section carries out the burning of a plant, or the refuse thereof, but fails in any respect to carry out such burning in accordance with the regulations, he shall be guilty of an offence against this Act:

Penalty—Twenty Pounds.

7. Section twenty-one of the principal Act is amended by inserting therein, after paragraph (e), a new paragraph, as follows:—

Amendment
of s. 21.

(e1) In assisting the occupier of any farm lands within its district to acquire appliances, equipment, and apparatus for the prevention, control, and extinguishment of bush fires upon or threatening his said land, including the sale, loan, or exchange to such occupier of appliances, equipment, and apparatus belonging to the local authority.

8. Section thirty-nine of the principal Act is amended by inserting in subsection (2) thereof after the word "Every" where it first appears at the beginning of line one of the said subsection the words, "person authorised in that behalf by the Minister may, by virtue of such authority, and every."

Amendment
of s. 39.

9. The principal Act as amended by this Act may be cited as the Bush Fires Act, 1937-1942.

Citation of
principal Act
as amended.
