



Western Australia.

ANNO QUADRAGESIMO NONO

VICTORIÆ REGINÆ.

No. IX.

AN ACT to diminish the dangers resulting from Bush Fires.

[Assented to, 18th September, 1885.]

WHEREAS it is expedient to amend the law relating to Bush Fires: Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Act may be cited as “The Bush Fires Act, 1885.” Short title.
2. THIS Act shall come into force on the first day of December, 1885; but it shall be lawful for the Governor in Council, previously to this Act coming into force, to declare the times during which it shall be unlawful to set fire to the bush in any part of the Colony after the commencement of this Act. Commencement of Act.
3. THE Ordinance No. 15 of 1847, intituled “An Ordinance to diminish the dangers resulting from Bush Fires,” is hereby repealed; provided that this repeal shall not affect any liability incurred, or any right accrued, or the validity of any proceedings commenced or taken before the commencement of this Act, but such liability or Repeal of 10 Vic., No. 15.

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right may be enforced, and such proceedings may be carried on, as if this Act had not passed.

Interpretation.

4. IN this Act the following words shall have the meanings respectively assigned to them, if not inconsistent with the context:—

“Bush” shall mean and include grass, stubble, scrub, bushes, trees, and all other vegetation.

“Prohibited times” shall mean the times of the year during which it shall have been declared by the Governor in Council to be unlawful to set fire to the bush within any district or part of the Colony, as hereinafter mentioned.

“Occupier of land” shall include any person residing on the land and having charge or control thereof, whether such person shall be the owner or tenant, or a bailiff, servant, caretaker, or other person residing and having charge or control as aforesaid.

Governor in Council to fix prohibited times.

5. THE Governor, with the advice of the Executive Council, may from time to time, by notice published in the *Government Gazette*, declare the times of the year during which it shall be unlawful within any district or part of the Colony, mentioned in the said notice, to set fire to the bush within that district or part, and may from time to time revoke, vary, or amend such declarations by notice as aforesaid.

Government Gazette to be evidence.

6. A COPY of the *Government Gazette*, purporting to be printed by the Government Printer, and containing any such notice as aforesaid, shall be received in all courts of justice and elsewhere as evidence of the prohibited times within the district or part of the Colony named in such notice.

Penalty for setting fire to the bush during prohibited times.

7. EVERY person who shall wilfully or negligently set fire to the bush within any district or part of the Colony, during the prohibited times for that district or part, shall be liable, on conviction thereof before any two or more Justices of the Peace, to a penalty not exceeding Fifty pounds. Provided that any lawful occupier of land may set fire to the bush on the land in his occupation if he shall have previously given to all the occupiers of the lands next adjacent to his said land, not less than seven days before he shall set fire to the bush as aforesaid, a notice in writing that he intends to set fire to the bush on the land in his occupation on some day or days between the seventh day and the fourteenth day after giving the said notice as aforesaid, and if he shall also take all such precautions as shall prevent the fire from extending to any of the

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lands adjacent, or from damaging the crops, grass, trees, houses, or buildings on any of the lands adjacent.

8. THE said notice may be in the form in the Schedule to this Act, or in any other form which shall clearly convey the information required by this Act to be given to the adjoining occupiers; provided that notice shall be deemed to have been duly given under this Act if it shall have been either given or shown to the occupier of the adjacent land, or if it shall have been left at his usual place of abode; and provided further, that no notice as aforesaid shall be necessary in the case of lands which are unoccupied.

Service of Notice.

9. IF any occupier of land shall wilfully set fire to the bush on the lands in his occupation during any prohibited times without having given notice to all the occupiers of adjacent land as aforesaid, he shall be liable, on conviction thereof before any two or more Justices of the Peace, to a penalty not exceeding Fifty pounds, although such fire shall not have extended to any of the adjacent lands and shall not have done any damage as aforesaid.

Penalty for setting fire to bush without notice to adjacent occupiers.

10. NO conviction, payment of penalty, endurance of punishment, or proceeding taken under this Act shall take away or affect any right of action or other remedy at Common Law or otherwise which any person may have in respect of any loss or damage caused by any such fire as aforesaid, nor interfere with the provisions of the Act of the Imperial Parliament relating to malicious injuries to property, adopted by "The Criminal Law Consolidation Ordinance, 1865."

Saving of other remedies and proceedings.

11. THE sections in the Schedule of "The Shortening Ordinance, 1853," lettered respectively A, C, F, and I, shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Incorporation of certain sections of Shortening Ordinance.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.

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SCHEDULE.

Form of Notice.

TAKE notice that I intend to set fire to the bush on my land situate
at _____ on some day or days between the _____ day
of _____ and the _____ day of _____ 188 .

To Mr. _____ Signed _____
of _____ Date _____