

BUSH FIRES.

1 & 2 EDWD. VII., No. 18.

(As amended by No. 36 of 1904 and No. 27 of 1925.)

AN ACT to diminish the Dangers resulting from Bush Fires.

[Assented to 19th February, 1902.]

WHEREAS it is expedient to amend the law relating to Bush Fires: 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 *Bush Fires Act, 1902.* Short title.

2. This Act shall come into force on the first day of March, 1902, and shall be administered by the Minister for Lands, hereinafter referred to as "the Minister." Date of commencement and administration.
No. 27 of 1925, s. 2.

3. The Bush Fires Act, 1885 (49 Vict., No. 9), and the Bush Fires Act, 1885, Amendment Act, 1898 (62 Vict., No. 17) are hereby repealed. Repeal.

4. In this Act, if not inconsistent with the context— Interpretation.
 - "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 be declared by the Governor in Council to be unlawful to set fire to the bush within any district or part of the State.
 - "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.

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Governor may declare prohibited times.

5. (1.) The Governor may, by notice in the *Gazette*, declare the times of the year during which it shall be unlawful to set fire to the bush within any district or part of the State mentioned in the notice.

(2.) A copy of the *Gazette* containing any such notice shall be received in all courts of justice and elsewhere as evidence of the prohibited times within the district or part of the State named in such notice.

No. 36 of 1904, s. 2.

No. 27 of 1925, s. 7.

(3.) The Governor may, from time to time, suspend the operation of any declaration made under this section, so far as such declaration extends to any railway reserve, or any land under the control of the Conservator of Forests, for any period not exceeding six weeks in any one year.

Penalty for lighting fire during prohibited times.

6. Every person who shall wilfully or negligently set fire to the bush within any district or part of the State during the prohibited times for that district or part shall be liable to a penalty not exceeding fifty pounds:

No. 27 of 1925, s. 3.

Provided that, subject to section seven, it shall be lawful during such prohibited times for any owner or occupier of land to burn off the bush between two plough breaks or spade breaks, between the hours of eight o'clock in the evening and twelve o'clock midnight, for the purpose only of protecting any dwelling-house or other building or stack of hay, wheat, or other produce within ten chains of a dwelling-house or other building:

Provided also that the outer break shall not be distant more than ten chains from the property to be protected.

No bush to be burnt unless precautions taken.

7. No person shall burn any part of the bush at any time during the months of October to April; both inclusive, unless—

- (a) he has delivered or caused to be delivered personally to each owner or occupier of all adjoining lands four days' previous notice in writing of such intention; nor unless
- (b) he keeps at least three men in attendance until all grass, stubble, or scrub has been burnt, to prevent such fire extending beyond the limit of his own land or land occupied by him.

Every person acting contrary to this section shall be liable to a penalty not exceeding Fifty pounds.

Nothing in this section contained shall authorise any act or thing contrary to section six.

7a. (1.) The Governor may, by a notice published in the *Gazette*, declare any defined portion of the State to be a fire-protected area.

Fire protected areas.
No. 27 of 1925, s. 5.

(2.) Within any such area it shall be unlawful for any person to set fire to the bush on any land, or at any time, without the permission of the Minister, or an officer acting with his authority.

Penalty: Fifty pounds:

Provided that such permission shall be granted subject only to the compliance by the applicant with such conditions as may be prescribed by regulations under this Act to restrict the fire to the land on which the burning off is carried out.

(3.) Section five of this Act shall not apply to a fire-protected area, but section seven shall apply.

(4.) Notwithstanding that permission is granted as aforesaid, nothing in this section shall be deemed to relieve any person from liability for any actionable damage sustained by any other person in consequence of the burning-off operations.

8. No person between the first of October and the 30th April in any year shall (in connection with any gun, rifle, pistol, or other firearm) carry or use any wadding made of paper, cotton, linen, or any other ignitable substance.

No ignitable wadding to be carried or used.

Every person acting contrary to this section shall be liable to a penalty not exceeding Ten pounds.

9. If any person, within the period last aforesaid, shall use or carry any gun, rifle, pistol, or other firearm upon or over any land the property of or in possession of any other person, the owner or occupier of such land or his servant may seize and examine such gun, rifle, pistol, or other firearm, and all ammunition and material carried by such first-named person, for the purpose of ascertaining the nature of the wadding carried or used.

Person offending against preceding section may be searched.

Every person refusing to allow such seizure and examination, or who shall, upon the occasion thereof, refuse to disclose his name and address to the person demanding the

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same, or who shall give a false name or address, shall be liable to a penalty of not less than Two pounds nor more than Five pounds:

No fire to be lighted or used in open, unless precautions taken.

10. (1.) No person—

- (a) shall light or use any fire in the open air for the purpose of cooking, camping, or for any other purpose, without a space of ground around the same of the radius of ten feet at least having been previously cleared of all grass, bushes, and leaves or branches of trees; or
- (b) having lighted or used any such fire, shall neglect to fully and completely extinguish the same before leaving the place.

Every person acting contrary to this section shall be liable to a penalty of not less than Two pounds nor more than Twenty pounds.

(2.) Every person who is discovered or proved to have been in any party which has lighted or used any such fire, or to have been present when the same was lighted or used contrary to this section, shall be deemed guilty of having acted contrary to this section.

No smoking near stacks, etc.

11. Every person who shall at any time smoke any pipe, cigar, cigarette, or other substance within twenty yards of any stable or of any rick, stack, or field of hay, corn, straw, stubble, or other inflammable vegetable production, shall, unless such smoking was within a town, or with a pipe properly and securely covered, be liable to a penalty of not less than Ten shillings nor more than Two pounds.

Penalty for lighting or attempting to light a fire with intent to injure.

12. Whosoever shall—

- (a) light or cause to be lighted, or attempt to light any fire; or
- (b) put or place any matches or other inflammable or combustible substance, matter, or thing in such a position that the same may directly or indirectly be ignited by the sun's rays, or by friction or other means, or be exploded or set on fire, or whereby any fire may be lighted or caused.

under such circumstances as to be likely to injure or damage any person or property shall, whether such fire shall be caused or not, be guilty of an offence, and liable on summary

conviction to be imprisoned for any term not exceeding one year, with or without hard labour, or to a fine not exceeding One hundred pounds.

13. When a bush fire which a coroner has, by section one of the Fire Inquiry Act, 1887, jurisdiction to inquire into originates or extends within the district of a roads board, the coroner having jurisdiction within such district shall hold an inquiry into the cause and origin of such fire if requested, in writing, so to do by—

Coroner to hold inquiry when requested.

- (a) the roads board of the district; or
- (b) any *bona fide* resident who has suffered damage from such fire.

14. 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.

This Act not to affect rights at law.

15. The sections in the Second Schedule of the Interpretation Act, 1898, lettered respectively A, D, F, and I, shall be incorporated with this Act.

Interpretation Act.

16. All moneys received for penalties imposed for offences against this Act shall be paid to the Minister, who shall pay a moiety thereof, less expenses, to the municipal council or roads board within whose limits such offence was committed, for the use of the said council or board.

Penalties.
No. 27 of 1925,
s. 4.

16a. The Governor may make regulations for the purposes of this Act, and may prescribe a penalty not exceeding twenty pounds for any breach thereof.

Regulations.
No. 27 of 1925, s. 6.