

WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

XLVII.

No. 51 of 1909.

AN ACT to make further provision for the
Protection of Life and Property from Fire.

[Assented to 21st December, 1909.]

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:—

Preliminary.

1. This Act may be cited as the *District Fire Brigades Act*, Short title.
1909, and shall come into operation on the first day of January, See Vict., No. 1200
one thousand nine hundred and ten. of 1890, s. 1.

2. In this Act, unless inconsistent with the subject-matter or Interpretation.
context, the following words shall have the meanings respectively See *Ibid* s. 2.
assigned to them (that is to say):—

“ Board ” means a Fire Brigades Board constituted by this Act :

“ Brigade ” includes all Fire Brigades, whether permanent
or volunteer or municipal or insurance companies, or
private or otherwise :

“ Chief Officer ” means the Chief Officer of District Fire
Brigades :

“ District ” means a fire district constituted by this Act :

“ Insurance

“ Insurance company ” includes any person or persons, incorporate or unincorporate, carrying on the business of fire insurance or of granting for consideration indemnity in whole or in part against loss or damage by fire, whether by itself or in conjunction with any contract other than that of insurance ; and shall include as well the company as its agent or agents :

“ 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 the person for the time being receiving the rack rent of the premises in connection with which the word is used either on his own account or as agent or trustee for some other person, or who would receive the same if the premises were let at a rack rent :

“ Permanent Fire Brigade ” means any association formed for the purpose of extinguishing fire and consisting of persons whose whole time shall be devoted to duties connected with that object and who receive a fixed remuneration for their services :

“ Proclamation ” means a proclamation by the Governor published in the “ Government Gazette ” :

“ Regulations ” means any regulations made under this Act :

“ Volunteer Fire Brigade ” means any association of persons formed for the purpose of extinguishing fires if the carrying out of the purpose of such association is not the sole or principal calling or the means of livelihood of such persons or of a majority of them :

“ Year ” means year ending the thirty-first day of December.

Act not to apply to municipal districts in which Fire Brigades Act, 1898, in force.

3. This Act shall not apply to the municipal district of the municipality of Perth, or to any other municipal district to which the provisions of the Fire Brigades Act, 1898, for the time being apply :

Provided that the Governor may, on the petition of the council of any municipality, by proclamation, declare that the provisions of the last mentioned Act shall cease to be in force in any municipal district.

Fire Districts.

Fire districts.

See Vict., No. 1200 of 1890, ss. 3, 4, 5.

4. (1.) For the purposes of this Act, Western Australia is divided into two Fire Districts, namely :—

(a.) The South-West District.

(b.) The Central District.

(2.) The boundaries of the said districts shall be as described in the First Schedule to this Act.

(3.) The Governor may, from time to time, by proclamation, alter the boundaries of any district.

Fire Brigades Board and Local Committees.

5. (1.) There shall be constituted as hereinafter provided a Fire Brigades Board to be called the West Australian Fire Brigades Board. The Board.
See *Ibid* s. 6.

(2.) Such Board shall be a body corporate with perpetual succession and 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.

Constitution of Board.

6. The Board shall consist of nine members as follows:—

Constitution of
Board.
See *Ibid* s. 7.

(1.) Two members shall be appointed by the Governor.

(2.) Three members shall be elected by the Insurance Companies carrying on business within Western Australia.

(3.) Three members shall be elected by the local authorities as follows:—

(a.) One of such members shall be elected by the Councils of the Municipalities of Coolgardie, Kalgoorlie, and Boulder, and the Road Board of the Kalgoorlie Road District conjointly; and

(b.) One of such members shall be elected, subject as hereinafter provided, by the remaining local authorities conjointly in each fire district, but only those local authorities which contribute under this Act shall be permitted to vote at such election.

(4.) One member shall be elected by the volunteer brigades.

Provided that if this Act within six months after its commencement is, on the petition of the Council of the City of Perth, applied to that municipality, the following provisions shall apply in lieu of paragraph (b.) of subsection three:—

(i.) One of such members shall be elected by the Council of the City of Perth; and (ii.) One of such members shall be elected by the local authorities throughout Western Australia conjointly, other than the Council of the City of Perth, and the Councils of the Municipalities of Coolgardie, Kalgoorlie, and Boulder, and the Road Board of the Kalgoorlie Road District; but only those local authorities which contribute under this Act shall be permitted to vote at such election.

Local committees.
See *Ibid* s. 9.

7. The Governor may, by proclamation, constitute any portion of a district a sub-district, and in every sub-district the powers by this Act conferred on local committees may be exercised by a local committee under the supervision of the Board and subject to the regulations.

Constitution of local committees.
Vict., No. 1200 of 1890, s. 10.

8. The local committee for any sub-district shall consist of three members—

One of such members shall be elected by the local authority or authorities (as the case may be) of any municipal or road district or districts or portions thereof forming part of such sub-district, and shall be the chairman of the committee;

One member shall be elected by the brigade or brigades in such sub-district, or if there are no such brigades shall be appointed by the Governor; and

One member shall be elected by the insurance companies insuring property within such sub-district.

Voters at first elections.
Ibid s. 11.

9. (1.) Before the first election of members of the Board the Minister shall cause to be prepared for each district a roll of all the brigades in such district and shall certify every such roll.

(2.) No brigade shall be entitled to vote at the first election of members of the Board unless the name of such brigade is included in such roll, and no brigade shall be entitled to vote at the first election of the local committee for any sub-district unless the name of such brigade be included in the certified roll for such sub-district.

Voters after the first election in any district.

(3.) After the first election of members of the local committee in any sub-district no brigade therein shall be entitled to vote at any election of members of the Board or of members of the local committee unless such brigade is duly registered under this Act and is included in a roll in force in such district or sub-district of brigades entitled to vote therein at elections under this Act. No such roll shall be of any force or effect unless it be certified by the Board.

Governor may remove members.
Ibid s. 12.

10. The Governor may at any time, if he thinks fit, remove any member of the Board or of any local committee.

Convention of meeting of representatives of fire insurance companies to nominate members.

11. (1.) Immediately after the coming into operation of this Act, the Minister, and in the month of December of every alternate year thereafter the Board, shall convene a general meeting of the chairman, principals, or representatives of the insurance companies by circular addressed to each such company, or the representative thereof, for the purpose of electing persons as members of the Board.

(2.) Each such meeting shall elect its own chairman, and all matters shall be decided by a majority of votes, and the votes allotted to each person representing an insurance company at such meeting shall be according to the following scale, that is to say:—

Where the company's premium income in the State does not exceed two thousand pounds, the person representing such company

shall be entitled to one vote at every such meeting; where such income is above two thousand pounds and does not exceed five thousand pounds, such person shall have two votes; where such income is above five thousand pounds, such person shall have three votes; and the chairman of each such meeting shall have, in addition to his own vote or votes, a casting vote.

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

Elections to be under regulations, etc.

Ibid s. 13.

13. All members of the Board or of any local committee shall be appointed or elected for any term not exceeding two years, and, subject to the provisions hereinafter contained, shall hold office until the thirty-first day of December in the second year of the term for which they are appointed or elected.

Tenure of members not to exceed two years.

Ibid s. 14.

The members of the Board may receive from the funds of the Board a sum not exceeding Two hundred and fifty pounds per annum in the aggregate.

14. All elections under this Act for the Board or any local committee other than extraordinary elections and other than the first election in any district shall be held in the month of December. Notwithstanding that any person is a member of the Board or of any local committee he shall be eligible for re-election or re-appointment thereto, and every retiring member shall if not otherwise disqualified be entitled to act as a member during the progress of any election.

Periodical elections.

Vict., No. 1200 of 1890, s. 15.

15. (1.) Any vacancy in the office of a member of the Board or of any local committee, occasioned by death, resignation, removal, or any cause whatsoever other than retirement on the thirty-first day of December in the second year of the term for which he was appointed or elected, shall be filled up within one month after the occurrence of such vacancy, or within such longer time as may be prescribed by the regulations.

Extraordinary vacancies.

Ibid s. 16.

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

(3.) In the case of an elected member, such vacancy shall be filled up 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 no longer.

Failure to elect.

Ibid. s. 17.

16. If from any cause the body or bodies whose duty it is to elect a member of the Board or of any local committee 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 or local committee (as the case may be) 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.

Bankrupts not to be or continue to be members.

Ibid. s. 18.

17. No person being an undischarged bankrupt shall be capable of being appointed or elected a member of the Board or of any local committee, and no member who is adjudicated bankrupt or who applies to take the benefit of any Act for the relief of bankrupt debtors, or who compounds by deed or instrument in writing with his creditors, or who stops payment in the common mercantile acceptance of the term, shall be capable of continuing a member thereof, and the seat of such member shall thereupon become vacant.

How seat vacated.

Vict., No. 1200 of 1890, s. 19.

18. (1.) If a member of the Board at any time subsequent to his appointment or election accepts or continues to hold any office or place of profit under the Board, or is concerned in any contract, or participates in any manner in any work to be done or goods to be supplied under the authority of this Act, or derives or is entitled to any benefit either directly or indirectly therefrom, or if a member of a Board or of any local committee is absent from four consecutive periodical meetings of the Board or local committee without leave obtained from the Board or local committee in that behalf, he shall cease to be a member of the Board or local committee (as the case may be), and his office shall thereupon become vacant.

Exception.

(2.) No person being a shareholder or member of any incorporated or joint stock company consisting of more than twenty persons shall be disqualified from acting as a member of a Board or any local committee by reason of any contract entered into between such company and the Board, nevertheless it shall not be lawful for any such shareholder or member to act as a member of a Board or any local committee in any matter relating to any contract entered into between such company and the Board.

Acts of members not invalidated by vacancies,

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

nor by irregularity in appointment or disqualification.

Ibid. s. 20.

(2.) All acts and proceedings of such Board or committee or any local 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 such Board or committee or local committee (as the case may be).

Proceedings of the Board and Local Committees.

20. The Board shall at its first meeting elect one of its members as its president, who shall hold office until the first meeting of the Board after the thirty-first day of December following the date of his election, or until the appointment of his successor. And the Board shall annually at its first meeting after the thirty-first day of December elect its president, who shall hold office for a like term, and every retiring president shall be eligible for re-election.

Election of President.

Ibid. s. 21.

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

Meetings of Board or local committees.

Ibid. s. 22

(2.) The president of the Board or chairman of a local committee shall preside at all meetings of the Board or local committee at which he is present; but in his absence the members present shall elect a member to preside at such meeting.

President.

(3.) The members of the Board shall hold their first meeting at such time and place as the Governor by notice in the "Government Gazette" may appoint in that behalf, and on and after the day so appointed in respect of the Board, whether the whole number of members thereof shall or shall not have been appointed or elected, such Board shall be deemed to be duly and legally constituted in pursuance of this Act.

First meeting of Board.

(4.) The members of each local committee shall hold their first meeting at such time and place as the Board by notice in the "Government Gazette" may appoint in that behalf, and on and after the day so appointed in respect of any local committee, whether the whole number of members thereof shall or shall not have been elected, such local committee shall be deemed to be duly and legally constituted in pursuance of this Act.

First meeting of local committees.

22. (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, and the chairman of any local committee may at any time, convene a special meeting for any particular purpose.

Special meetings.

Vict., No. 1200 of 1890, s. 23.

(2.) Such special meeting shall be convened by giving seven clear days' notice in writing, sent through the post, of such meeting to each member, and such notice shall set forth the particular purpose for which such special meeting is convened.

Quorum of Board or
local committees.

Ibid. s. 24.

23. (1.) Four members of the Board or two members of a local committee 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.

(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.

Revocation of
resolution of a
previous meeting.

Ibid. s. 25.

24. No resolution of the Board or of any local committee shall be revoked at a subsequent meeting held within six months after the passing of such resolution unless such meeting is specially convened for the purpose, and unless in the case of the Board such revocation is determined upon unanimously or by a majority consisting of a larger number of the members of the Board than the majority by which the resolution proposed to be revoked was passed, or, in the case of a local committee, by all the members thereof.

Committees of
Boards.

Vict., No. 1200 of
1890, s. 26.

25. (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.

(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.

Minutes of
proceedings.

Ibid. s. 27.

26. (1.) Entries of all proceedings of the Board and of every committee or local committee, with the names of the members who attend each meeting, shall be made in books to be provided and kept for that purpose under the direction of the Board committee or local committee, and shall be signed at the next or some subsequent meeting of the Board committee or local 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 committee or local 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 committee or local 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.

General Powers and Duties of the Board and Local Committees.

27. (1.) On the constitution of the Board under this Act, all real and personal property of the local authorities the districts whereof are wholly or partly comprised within a fire district, and in use for the service of any fire brigade, shall vest in and become the property of the Board.

Vesting of property.
See 62 Vict., No. 8,
s. 5.

(2.) On the extension of this Act, pursuant to a petition under section three to the municipal districts or any municipal district to which at the commencement of this Act the provisions of the Fire Brigades Act, 1898, apply, all real and personal property of the Fire Brigades Board constituted under the last-mentioned Act within such municipal districts shall become the property of and vest in the Board constituted under this Act, subject to the Board becoming responsible for and indemnifying the said Fire Brigades Board from and against all liabilities in respect thereof; and thereupon the debts and liabilities of the last-mentioned Board, or a proportionate part thereof to be fixed by the Minister, shall by force of this Act alone become the debts and liabilities of the Board constituted under this Act.

28. (1.) The Board may purchase, take on lease, or otherwise acquire stations for engines, stables, houses for firemen, and such other buildings or land and all such engines, escapes, and other 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 them for the purposes of this Act.

Power to purchase
property for
stations, etc.

Vict., No. 1200 of
1890, s. 28.

(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.

29. The duty of taking, superintending, and enforcing all necessary steps for the extinguishment of fires and for the protection of life and property in case of fire, and the general control of all stations and of all fire brigades shall, subject to the provisions of this Act, so far as regards each district, be vested in the Board.

General duties of
Board.

Vict., No. 1200 of
1890, s. 29.

Limit of authority
of local committees.
Ibid., s. 30.

30. In this Act, unless the context otherwise requires, where powers or duties are conferred or imposed upon any local committee such powers or duties may be exercised by any such local committee only within and for the sub-district for which such local committee is constituted.

Formation of
brigades, etc.
Ibid., s. 31.

31. The Board or any local committee by direction and subject to the approval of the Board may at any time and from time to time—

- (a) take measures to facilitate the formation of permanent or volunteer fire brigades; and
- (b) amalgamate or disband or cancel the enrolment and registration of any fire brigade; and
- (c) acquire for the Board or dispose of plant including fire-engines, horses, carts, reels, buckets, hose, ladders, fire-escapes, ladder-trucks, hook-and-ladder carriages, tools, implements, accoutrements, and other property, or furnish the same to fire brigades; and
- (d) determine the number of permanent and volunteer fire brigades necessary for the protection of any district, and also the apparatus and appliances to be used by each brigade; and
- (e) establish schools of instruction, issue certificates of qualification in fire-extinction to members of fire brigades; and
- (f) establish and maintain fire-alarms and other appliances for the prevention and extinction of fires; and
- (g) also establish or contract for the establishment of telephonic, telegraphic, or other communication between the several stations at which fire-engines or firemen are placed, and between any such stations and any other places, subject to the approval of the municipal councils of the means whereby such communication is to be established in their respective districts.

Annual reports to
Minister.
Vict., No. 1200 of
1890, s. 32.

32. The Board shall furnish a report to the Minister and to each of its constituent bodies in the month of March in every year upon all proceedings 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.

Officers and Members of Brigades.

Approval of officers
of volunteer
brigade.
Ibid., s. 33.

33. No election or appointment of the principal officer of any volunteer brigade shall have any force or effect until approved by the Board or local committee of the sub-district in which such brigade is established. The designation of such principal officer shall be decided by the Board.

34. (1.) The Board shall from time to time appoint so many officers and members of every permanent fire brigade and by such designations as shall seem fit, and the Board shall have the power of suspension and removal of all such officers and of all members of any permanent fire brigade under the Board.

Appointment, etc.,
of officers and
members of
permanent brigade.
Ibid. s. 34.

(2.) The officers and members of any permanent fire brigade shall be respectively paid such salaries and wages from the funds at the disposal of the Board as the Board shall from time to time direct, or as may be directed by regulations.

(3.) Before any provisions of this section are exercised with regard to a permanent fire brigade in any sub-district, notice shall be given to the local committee of such sub-district, and the recommendation, if any, of the local committee thereon shall be duly considered by the Board.

(4.) Persons who at the time of the passing of this Act are members of any brigade, on satisfying the Board of their efficiency, shall as against persons who are not members of a brigade have a prior claim to be so appointed to a permanent brigade.

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

Chief Officers.
Ibid. 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 the District Fire Brigades.

36. (1.) The Board may appoint a deputy Chief Officer, and may at any time suspend or remove any such deputy.

Deputy Chief Officer
and assistant Chief
Officers.

(2.) In case at any time it shall seem expedient for the purposes of this Act to appoint one or more assistant Chief Officers to act at any fire at which the Chief Officer or deputy Chief Officer cannot attend, the Board may either generally or specially appoint any assistant Chief Officer to act under the Board either for a limited time or for any one occasion only, and the Board may at any time suspend or remove such assistant Chief Officers.

Ibid. s. 36.

(3.) Every deputy Chief Officer in the absence of the Chief Officer and every assistant Chief Officer in the absence of the Chief Officer and deputy Chief Officer shall, unless otherwise directed by the Board or the regulations, have the same powers, authorities, and liabilities as are conferred or imposed by this Act or the regulations upon the Chief Officer.

37. The Chief Officer of the District Fire Brigades 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.

(a.) He shall cause a book to be kept containing the names, ages, and occupations, and several places of abode of all members of every fire brigade:

Vict., No. 1200 of
1890, s. 37.

- (b.) He shall summon once a month at the least all or as many of the members of brigades as may be required for practice in order to render the members 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 or otherwise, and make such recommendations as to him may seem fit:
- (d.) He shall at all times have the immediate charge and control of all fire-engines, horses, carts, reels, buckets, hose, ladders, fire-escapes, ladder-trucks, hook-and-ladder carriages, tools, implements, accoutrements, and other property of the Board, and shall keep the same in a fit state at all times for efficient service:
- (e.) He shall at all reasonable times have free access to any building or premises for the purpose of ascertaining and reporting on any infringement of the laws against storage of gunpowder, dynamite, or other dangerous explosive, or of kerosene or other inflammable material or matter, or as to the storage of empty crates, cases, and other packages, sawdust, shavings, hay and straw, either in packages or loose:
- (f.) He shall at all times have free access to all theatres and other buildings used or intended for purposes of public entertainment or of public concourse and to all buildings or premises concerning which provision is made in this Act or in the regulations, in order to report to the Board whether all laws and regulations for prevention of and escape from fire are being duly 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; and
- (h.) He shall send by post or otherwise to all the insurance companies within any district notice of all fires which have taken place within such district in such form as may be agreed upon between the Board and the said companies or as may be determined by regulation.

Duties and powers
of Chief Officer, etc.,
at fires.
Vict., No. 1200 of
1890, s. 38.

38. For the purpose of extinguishing any fire, the Chief Officer of the District Fire Brigades or any officer of a district brigade appointed generally or specially for the purpose by the local committee of the sub-district, with the approval of the Board, 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 shall have authority, either alone or with others under his command, to enter into and if necessary to force open any outer or inner doors of any house or premises which may be on fire or in the near neighbourhood of any fire, for the purpose of taking any steps which he may deem necessary for the extinguishment or for the prevention of the extension of a fire, and he may take or give directions for taking any hose engine or other apparatus required to be used at a fire into, through, or upon any house, land, or premises which he may consider convenient for the purpose :
- (d.) He may take any measures which appear to him necessary or expedient for the protection of life and property, and may cause any houses, buildings, or tenements to be entered, taken possession of, pulled down, or otherwise destroyed for the purposes of extinguishing or preventing the spread of fire :
- (e.) He may cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing any fire ; and no person or body having the management of any water supply 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 :
- (f.) He may cause any street or thoroughfare in the vicinity of any fire to be closed for 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 present at any fire to remove any persons who interfere by their presence or otherwise with the operations of the brigade, and generally may take any measures which appear expedient for the protection of life and property :
- (h.) He may at any time pull down or shore up any wall or building damaged by fire that may be or may be likely to become dangerous to life or property.

Regulations.

39. The Governor may as to the whole or any part of Western Australia 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 appointed by them and of local committees :

Power to make regulations.

Vict., No. 1200 of 1890, s. 39.

- (b.) For the examination, appointment, suspension, and removal of officers and servants, and for regulating the duties, conduct, and remuneration of such officers and servants :
- (c.) For the establishment and maintenance of fire brigades and for the payment of salaries or wages to members thereof :
- (d.) For the training of the men belonging to any brigade :
- (e.) For the payment of compensation in cases of accidents to members of brigades, or where death ensues therefrom to their wives and families :
- (f.) For paying gratuities in respect of voluntary or special services rendered in connection with the extinction of fires or saving of life or property at fires or for special services rendered to any brigade, whether by members of the brigade or by other persons :
- (g.) For fixing allowances to be paid to volunteer fire brigades for special services at fires :
- (h.) For permitting, when occasion requires, any portion of a brigade or any of its officers or men or engines, escapes, or other property to proceed or be taken beyond the limits of any district for the purpose of attending fires :
- (i.) For dividing any district into sub-districts and for establishing stations and companies or divisions of brigades :
- (j.) For ensuring discipline and good conduct amongst members of brigades, and for ensuring their speedy attendance with engines, fire-escapes, and all necessary apparatus and implements on the occasion of any alarm of fire, and generally for the maintenance of brigades in a due state of efficiency :
- (k.) For the enrolment and registration of all permanent fire brigades, volunteer brigades, municipal brigades, insurance companies' brigades, private brigades, or brigades established or formed under any other description whatever, and also for prescribing the various engines, apparatus, and appliances for the extinguishment of fire and the saving of lives at fires to be kept and maintained by all such brigades :
- (l.) For prescribing the various apparatus and appliances for saving life at fires to be kept and maintained at hotels, inns, coffee houses or coffee palaces, houses of entertainment, factories, warehouses, stores, offices, and banks, theatres, opera-houses, concert-rooms, music or assembly halls, skating-rinks or other places of public amusement :

- (m.) For regulating and controlling the carriage of members of brigades and their engines, apparatus, and appliances to and from fire brigade demonstrations and competitions, and for the regulation of all fire brigade demonstrations and competitions :
- (n.) For establishing a salvage force :
- (o.) For regulating the charges to be made for use of plant and services of salvage force after extinction of fires :
- (p.) For prescribing the uniforms to be worn by the various grades and classes of firemen when on duty :
- (q.) For regulating the storage of empty crates, cases, and other packages, sawdust, shavings, hay and straw, either in packages or loose :
- (r.) For regulating the conduct of all elections, the preparation of rolls of brigades entitled to vote thereat, the mode in which nominations shall be made and polls taken thereat, the form of voting papers, the mode in which brigades shall vote, and generally all matters whatsoever necessary for the proper carrying out thereof :
- (s.) For defining the powers and duties of local committees and the furnishing of the Board with reports and returns by such local committees both periodically and when required by the Board :
- (t.) For managing and regulating the distributing of all revenue received under the provisions of this Act :
- (u.) For registering insurance companies, their agents or representatives :
- (v.) For altering the date prescribed by this Act for the doing or performance of any duty to any other date :
- (w.) And 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.
- (x.) For imposing penalties for breaches of regulations, the maximum penalty in any case not to be fixed at a greater sum than Twenty pounds :

40. (1.) All regulations, when made by the Governor and published in the "Government Gazette," shall be valid in law as if the same were enacted in this Act.

To be laid before
Parliament.
Vict., No. 1200 of
1890, s. 40.

(2.) After the first meeting of the Board all regulations shall be prepared by the Board and submitted to the Minister for approval prior to being made by the Governor.

(3.) All regulations shall, within one month after the making thereof, be laid before both Houses of Parliament if Parliament is then in session, or if not then within fourteen days after the commencement of the next session of Parliament.

Financial Provisions.

Proportion of value of vested property to be paid by insurance companies.

41. (1.) All property vested in the Board under section twenty-seven shall be held by the Board subject to all incumbrances.

(2.) The insurance companies shall pay to the Board on demand one-third of the value of all property vested in the Board, by subsection one of section twenty-seven.

(3.) Such payment by the insurance companies shall be made by each insurance company providing such sum of money as shall amount to the *pro rata* proportion of such payment, calculated in manner hereinafter provided for the annual contribution towards the expenditure of the Board.

(4.) Any question or dispute that may arise between the Board and any local authority or insurance company shall be submitted to arbitration under the provisions of the Arbitration Act, 1895.

Annual estimate of expenditure.
Ibid. s. 41.

42. Before the thirty-first day of January in every year, or within such extended time as the Governor may approve, the Board shall prepare an estimate of the probable expenditure which may be necessary to be incurred in the execution of this Act within each district during the then current year between the first day of January and the thirty-first day of December ; but no estimate shall exceed in any one year such limit as may from time to time be fixed by the Minister nor have any force or effect until approved by the Governor.

Contribution towards expenditure.
Ibid. s. 42.

43. (1.) Towards the annual expenditure so estimated a sum equal to the whole of such estimated expenditure in each district shall be contributed annually in the portions hereinafter set out and be paid to the Board as follows, namely, by—

- (a.) The Colonial Treasurer, out of the consolidated revenue, which is hereby appropriated for that purpose accordingly ;
- (b.) The local authorities whose districts are within or partly within the fire district: Provided that the Governor may exempt any municipality from liability to contribute: Provided, also that a road board shall not be liable to contribute unless the Governor so orders, and by such order the liability to contribute may be restricted to a prescribed area of the road district.
- (c.) The insurance companies insuring from fire property situated within the district. For the purposes of this Act, every such company shall include as well the company itself as its agent or agents.

(2.) The Colonial Treasurer shall contribute one-fourth of the amount of such annual estimated expenditure, the said municipalities three-eighths thereof, and the said insurance companies three-eighths thereof.

(3.) The amounts to be so contributed shall in all cases be paid by equal quarterly payments on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December respectively in each year, such payments to commence on such day as may be determined by the Governor and notified in the "Government Gazette."

44. As to the annual contribution payable by the local authorities whose districts are within or partly within any fire district, the following provisions shall apply, viz. :—

Contributions of local authorities, how ascertained.
Vict., No. 1200 of 1890, s. 43.

- (a.) The amount of the proportion of such contribution to be paid by each such local authority shall be a *pro rata* proportion of such contribution calculated upon the amount which would be recoverable under a general rate levied at the maximum amount upon rateable property in the municipal district or road district, or such portion thereof as is within the fire district, as shown by the latest municipal or road board assessment thereof:
- (b.) The amount of the contribution payable by each local authority shall be absolutely determined by the Board, and shall be so fixed as to produce upon the aggregate of such contributions the whole amount of the contributions to be provided by the said local authorities.
- (c.) Every local authority and every officer thereof shall, when so requested by the Board, permit the Board and its officers to inspect the books of the local authority, and furnish the Board with any information relating to such local authority necessary in order to enable the Board to determine the amount of such contribution.

45. The amount of any contribution payable under this Act by any local authority may be paid out of the annual general rate: Provided that if the liability of a road board to contribute is restricted to a prescribed area of its district the board may increase the general rates payable in respect of ratable property in such area within the statutory limit of the general rates.

Contributions of local authorities to form part of rate.
Ibid., s. 44.

46. (1.) For the purpose of ascertaining the sum of money or contribution to be paid by each insurance company, every such company shall annually, before the twenty-eighth day of February, or at such other time as the Board may from time to time direct, transmit to the Board a return showing the total amount of the premiums received by or due to such company during the year preceding the return in respect of the amount held at risk by such company during the whole or any part of that year.

Returns by insurance companies.
Ibid., s. 45.

(2.) Such premiums shall be the gross premiums received by or due to such company in respect of all property situate within the district insured from fire by such company, and shall be reckoned so as to include any commission or discount, but to exclude any portion of such gross premiums actually paid away by way of re-insurance effected in Western Australia with any other company contributing under this Act.

(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.

Amount of contribution by individual insurance companies how to be ascertained.
Vict., No. 1200 of 1890, s. 46.

47. (1.) The contribution of the whole of the insurance companies shall be made by each of the said insurance companies providing annually, by quarterly payments, such a sum of money (not being less than ten pounds per annum) as shall amount to the pro rata proportion of such contribution calculated upon the amount of the premiums received by or due to such company during the past year in respect of risks held by such company on property situate within any district as may appear by the return hereinbefore provided for.

(2.) Such sums of money shall be absolutely determined by the Board, and shall be so fixed at such amounts as shall produce, upon the aggregate of such sums of money payable for each such district by all the said insurance companies, the total amount of the contribution to be provided by the whole of the insurance companies for the year.

Insurance company to permit books to be inspected.
Ibid., s. 47.

48. (1.) The manager, secretary, agent, or other officer having the custody of the books and papers of any insurance company shall allow any officer 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 officer 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 officer and 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.

49. If any local authority or if any insurance company liable to contribute under this Act fails to pay any quarterly 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 more than twenty pounds, and also to a further penalty of two pounds for every day during which such failure to pay continues.

Further contribution for delay in payment of contribution.

Ibid., s. 18.

50. (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 quarterly 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.

Vict., No. 1200 of 1890, 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 Second Schedule to this Act.

Second Schedule.

51. If in any year the amount received by the Board from contributions under this Act falls short of the expenditure 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 under the Act 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.

Ibid., s. 50.

52. For the purpose of supplying funds to enable the Board to commence operations, it shall be lawful for the Colonial Treasurer to advance, out of the consolidated revenue, to the Board a sum not exceeding one thousand pounds, which sum shall be set off against any accruing contribution from the consolidated revenue provided by this Act.

Advance from Treasury.

Ibid., s. 51.

Board may borrow moneys.

Ibid., s. 52.

53. (1.) The Board, with the consent of the Governor, may from time to time borrow such moneys (not exceeding five thousand pounds) as the Board deems necessary in order to enable the Board to carry out and perform the powers, authorities, and duties vested in or conferred or imposed upon the Board by this Act and shall have power, with the like consent, to issue debentures under the seal of the Board for the amount so borrowed together with interest thereon at a rate not exceeding six per centum per annum.

(2.) The amount so borrowed, with interest thereon, shall, subject to any existing charge on property vested in the Board under section twenty-seven, be a first charge upon all the property of the Board, and the Governor may make regulations prescribing the form of such debentures, and the term for which they may be issued, and the mode in which a sinking fund may be formed 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.

Audit of accounts.

Vict., No. 1200 of 1890, s. 53.

54. (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 to 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.

(2.) The Board shall, once at least in every year, furnish to the Governor and to each of its constituent bodies a true copy of the accounts so audited as aforesaid, together with a particular statement of all moneys received and of the expenditure thereof by such Board or local committee.

(3.) Copies of such accounts and of such statements shall, within one month after the making thereof, be laid before both Houses of Parliament if Parliament is then in session, or if not, then within fourteen days after the commencement of the next session of Parliament.

General Provisions.

Brigades to be registered, etc.

Ibid., s. 54.

55. All brigades already established or hereafter to be established shall conform to the laws 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 officer of the Board or of a local committee.

Certain associations to supply certain information to Minister.

Ibid., s. 55.

56. Forthwith after the coming into operation of this Act, and in the month of January in the year one thousand nine hundred and eleven, and in the same month in each year thereafter, all brigades shall lodge in the office of the Minister (or if the Governor so directs in the office of the Board) a copy of their rules or articles of association and a list of their members and executive officers; and from time to time the said brigades shall supply to the Minister or the Board such other information as the Minister or the Board may respectively require.

57. Any damage to property caused by the Chief Officer or the deputy or assistant 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.

Ibid., s. 56.

58. (1.) The Board may, if it thinks fit, establish and maintain a force of men charged with the duty of attending at fires and saving property, and it shall be the duty of every brigade, with the sanction of the Board or local committee (as the case may be) and subject to the regulations, to afford the necessary assistance to that force in the performance of their duties, and upon the application of any officer of that force to hand over to their custody property that may be saved from fire.

Establishment of salvage force.

Vict., No. 1200 of 1890, s. 57.

(2.) No charge shall be made by the Board or by any local committee for the services thus rendered during the progress of a fire.

59. It shall not be lawful for any person to constitute or maintain a salvage corps or a fire brigade for the purpose of salvage of property at fires or of extinguishing fire within any municipal district or road district, or at any port or place to which this Act applies outside 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. Any person who acts in contravention of this section shall be liable to a penalty not exceeding twenty pounds.

Restriction as to establishment of salvage corps.

60. Every turncock employed by a water authority shall forthwith, on any fire occurring within the district 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.

61. Every company or person supplying gas or artificial light to any premises on fire shall forthwith send some competent person to shut off or disconnect the supply of gas or artificial light to such premises or to any building or land adjoining such.

Disconnection of gas or artificial light.

62. Any person who wilfully obstructs or interferes with the superintendent or any member of any fire brigade, or with any person acting under the authority of the Board or the superintendent, or who injures or destroys any building, engine, reel, hose, pipe, ladder, or other thing belonging to the Board, or remains in any building belonging to the Board after being ordered by the superintendent to quit the same, or who retains possession of any property belonging to the Board after being ordered by the super-

Interfering with superintendent or members of the brigade or damaging property of Board.

intendent to give it up, shall be liable to a penalty of not less than Two pounds and not exceeding Twenty pounds, or may be imprisoned for any term not exceeding two years, with or without hard labour, and shall also be liable for, and may be ordered to pay, the estimated damage.

Penalty for covering up fire-plugs or injuring hydrants.

63. Any person who wilfully covers up or encloses any fire-plug so as to render its position difficult of identification, or shall obliterate any mark, sign, or letter used for the purpose of distinguishing the position of any fire-plug, or in any manner injure or tamper with any fire-plug, stand-post, or pillar-hydrant, shall be liable to a penalty not exceeding Fifty pounds.

Use of pillar hydrants instead of fire-plugs.

64. From and after the date of the coming into operation of this Act, 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 stand-post or pillar-hydrants shall be fixed in conspicuous places on or near the kerbing of the street or roadway.

Tampering with fire alarms and signalling apparatus.

65. Any person who tampers or interferes with any fire alarm or other signalling apparatus, or gives a false alarm of fire, shall be liable for the first offence to a penalty not exceeding five pounds or seven days imprisonment, and for any such subsequent offence shall be liable to imprisonment for a period not exceeding six months, with or without hard labour, and without the option of a fine.

Failure to deliver up any premises in occupation by officer or fireman.

66. Where any officer, fireman, 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 notice in writing from the Board to deliver up possession thereof, it shall be lawful for any Magistrate, 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, fireman, 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.

67. The superintendent or any officer, servant, or agent 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 superintendent or of the Board, and may remove the same.

Any person hindering or obstructing the superintendent or any such officer, servant, or agent in so entering or breaking into any such place shall be liable to a penalty not exceeding Thirty pounds.

68. In order to avoid noise and the consequent confusion, telephonic communication wherever available shall be used to give alarm of fire and to summon firemen.

Telephonic communication to be used.

Ibid., s. 58.

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

Rewards to brigades.

Ibid., s. 59.

70. (1.) Any person who is not a member of a duly registered 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 fire brigades 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.

Removal of persons not members of recognised fire brigades from burning premises.

Ibid., s. 60.

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

71. The Board, its officers and servants, any local committee, its officers and servants, and any brigade registered under this Act shall have the use of all water mains, water plugs, valves, pipes vested in or belonging to any Water Board or any public or municipal corporation or local body whatsoever, 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 or any local committee.

As to rights to water for extinguishing fires and for practice, etc.

Ibid., s. 61.

72. (1.) Subject to regulations, the Board or any local committee 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.

Penalty for soliciting contributions for brigades without authority.

Vict., No. 1200 of 1890, s. 62.

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

73. (1.) Every member of the police force present at any fire shall support and assist the Chief Officer or any officer in charge of a brigade in the maintenance of his authority and in enforcing due obedience by all persons to his orders in the execution of his duty.

Police to aid fire brigades.

Ibid., s. 63.

(2.) All members of the police force are hereby authorised and enjoined to aid fire brigades in the execution of their duties.

They may close any street in or near which a fire is burning, and they may of their own motion or on the request of the Chief Officer or officer in charge of a brigade remove any persons who interfere by their presence or otherwise with the operations of the brigade.

Permission for fire
brigade demonstra-
tions.

Ibid., s. 64.

Hotels, theatres,
etc., to keep life-
saving apparatus,
etc.

Ibid., s. 65.

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

75. (1.) The owner or occupier of every hotel, inn, coffee house or coffee palace, or house of entertainment whatever, and of every factory, warehouse, store, office, or bank exceeding two stories in height, and of any other building specified by the Board, and the owner or occupier or the manager, trustees, or other persons by whose authority any theatre, opera-house, concert-room, music or assembly hall, skating rink, or other place of public amusement is kept open, shall provide and keep in a fit state for use all such appliances and apparatus for the prevention of and escape from fire as shall be required by any regulation.

(2.) Non-compliance at any time with this provision shall render the said owner or occupier, manager, trustees, and other persons liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for each day during which he or they shall neglect to provide and maintain the prescribed appliances and apparatus after he or they shall have received a written notice from the Chief Officer of the district of the absence of such appliances and apparatus.

(3.) In the case of an hotel or inn, in addition to the pecuniary penalties incurred, if the licensed victualler neglects to supply such appliances and apparatus for the period of seven days after receiving such notice, the licensing court may direct the licensed premises to be closed until such appliances and apparatus have been supplied to the satisfaction of the Chief Officer of the district.

Board to furnish
information to
Central Board of
Health.

Vict., No. 1200 of
1890, s. 67.

76. The Board shall from time to time furnish the Central Board of Health with information and recommendations as to the requirements for the prevention of and escape from fire in hospitals, asylums, theatres, opera-houses, concert-rooms, music or assembly halls, skating-rinks, churches, chapels, or any building, structure, or other place in which numbers of persons are occasionally assembled.

Payment of
expenses where
house and property
uninsured.

Ibid., s. 68.

Second Schedule.

77. (1.) The owner of any uninsured house or building, and the owner of any uninsured personal property which may be therein at the time of a fire therein or thereof, shall (subject to the limitation in the next subsection) be liable to pay to the Board the approved expenses and charges incurred by any brigade under the control of the Board in attending such fire mentioned in the Second

Schedule or such expenses and charges as may be determined by regulation, and in default such expenses and charges may be recovered by action or in a summary way.

(2.) The expenses and charges payable by any owner pursuant to this section shall in no case exceed one-eighth of the actual value of the house, building, or property, and such expenses and charges shall be rateably apportioned between the owner of the uninsured house or building and the owner of the uninsured personal property, according to the respective values of the house or building and the personal property and the amount of the damage caused by the fire.

Provided that the owner of an uninsured house or building the full insurable value of which does not exceed fifty pounds shall not be liable to pay or contribute to any such expenses or charges under this or the preceding subsection.

Provided also that the owner of the uninsured personal property, the full insurable value of which does not exceed thirty pounds, shall not be liable to pay or contribute to any such expenses or charges under this or the preceding subsection.

(3.) In any action or proceeding to recover moneys payable under this section it shall be sufficient to allege that the Board has made a determination fixing the amount payable by the defendant, and the onus of proving the contrary shall be on the defendant.

(4.) In the event of a fire occurring in an uninsured house or building wherein is personal property which is insured, the whole of the expenses and charges payable under this section shall be borne and paid by the owner of such uninsured house or building, subject however, to the second proviso in subsection two of this section.

(5.) The owner of any uninsured personal property not in any house or building at the time of a fire of such personal property shall (subject to the limitation in subsection (2) of this section) be liable, if such fire originated in such personal property, to pay to the Board the expenses incurred by the fire brigades in attending such fire and the charges mentioned in the Second Schedule, and in default such expenses and charges may be recovered by action or in a summary way.

(6.) If any person is wholly insured by an insurance company carrying on business outside Western Australia and not being a contributory under this Act, such person shall be deemed the owner of an uninsured house or building, and if such person is partially insured as aforesaid he shall be deemed the owner of an uninsured house or building in the proportion which the amount insured by a non-contributing company bears to the whole amount of insurance effected on such house or building.

(7.) The Government shall not, under any circumstances, be liable to pay the expenses and charges referred to in this section.

(8.) In this section and in any regulations—

“ Uninsured house ” shall mean a house or building which is not insured with an insurance company liable to contribute under this Act:

“ Uninsured personal property ” shall mean personal property which is not insured with an insurance company liable to contribute under this Act.

(9.) No charge shall be levied under this section if the owner or owners of the house or building or personal property satisfies the Board that no insurance company carrying on business in the district would accept an insurance over such property at a reasonable rate. The decision of the Board as to what constitutes a reasonable rate shall be final.

(10.) Expenses under this section shall include payments made to men employed at special rates on special occasions.

Powers of agents.
Vict., No. 1200 of
1890, s. 69.

78. 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.
Ibid., s. 70.

79. 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.
Ibid., s. 71.

80. 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.

Owner to give
information as to
insurance.
Vict., No. 1200 of
1890, s. 72.

81. (1.) The owner of a house or building where a fire occurs shall, on being requested so to do by any member of the Board, or by the Chief Officer or any other officer of the Board, inform such member or officer whether such house or building is insured or not, and at the like request shall furnish such member or officer with full particulars of the insurance (if any) thereon, including the name of the company with which the insurance is effected and the amount of such insurance.

(2.) The owner of any personal property which may be in any house or building or on any premises where a fire occurs, or which may be destroyed or damaged by fire, shall at the like request give the like information and furnish the like particulars as are required to be given with respect to a house or building as heretofore provided.

(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.

82. The Board or the Chief Officer thereof may cause the debris and also any building or premises where any fire has occurred, and every part of such building, to be searched, and may remove and keep possession of any materials which may tend to prove the origin of such fire.

Debris of fire may be searched.
Ibid., s. 73.

83. (1.) The Board may make such inquiry as it deems expedient concerning the cause and origin of any fire whereby any house, building, or personal property may have been destroyed or damaged.

Board may hold inquiries as to fires.
Ibid. s. 74.

(2.) For the purposes of any such inquiry each Board shall have all the powers of a coroner under the Fire Inquiry Act, 1887, and may hear, receive, and examine evidence.

(3.) Such inquiry shall not be deemed to be in substitution for any inquiry made by any coroner or justices pursuant to any law heretofore in force.

84. All contributions, whether from any local authority or any insurance company, shall be recoverable by action either in the Supreme Court or any Local Court, whatever the amount sought to be recovered.

Action for recovery of contributions.
Ibid. s. 75.

85. 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.

Unincorporated company may be sued in name of manager, etc.
Ibid. s. 76.

86. 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.
Ibid. s. 77.

Penalty for offences.
Vict., No. 1200 of
1890, s. 78.

87. Any brigade or any person disobeying or failing to comply with any provision of this Act shall be guilty of an offence against this Act, 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.

Recovery of
penalties. •
Ibid., s. 79.

88. 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 officer of the Board or by any person authorised in that behalf by the Board.

SCHEDULES.

First Schedule.

Section 4.

| Name of Fire District. | Boundaries. |
|----------------------------|---|
| South-West District | Boundaries corresponding with the boundaries of the South-West Division of Western Australia, as prescribed by the Land Act Amendment Act, 1906. |
| Central District | Boundaries corresponding with the boundaries of and to include the Central and Eucla Divisions, the North-West Division, the Kimberley Division, and the Eastern Division of Western Australia as prescribed by the Land Act Amendment Act, 1906. |

Second Schedule.

Sections 50, 77.

Scale of Expenses and Charges allowed for Attendance at any Fire.

| | £ | s. | d. |
|---|---|----|----|
| For the Chief Officer for first hour | 1 | 1 | 0 |
| For the Chief Officer per hour for each succeeding hour, day or night... | 0 | 10 | 0 |
| For use of steam engine | 5 | 0 | 0 |
| For use of manual engine | 2 | 10 | 0 |
| For the two first reels in attendance at any fire | 2 | 10 | 0 |
| For each fireman and turncock, when called out to any fire, day or night, for the first hour | 0 | 5 | 0 |
| For each fireman when called out to any fire, day or night, for the second hour | 0 | 3 | 0 |
| For each fireman when called out to any fire, day or night, for each succeeding hour | 0 | 2 | 0 |
| For each horse, taking a reel to and from any fire, day or night ... | 0 | 10 | 6 |
| For cleaning and drying the hose, and taking it to and from the drying yard after each fire, for each hand reel | 0 | 10 | 0 |
| For cleaning and drying the hose, and taking it to and from the drying yard after each fire, for each horse reel | 0 | 10 | 0 |
| For every horse and cart attending any fire | 0 | 10 | 0 |
| For first notice of fire to the Chief Officer at his residence | 0 | 5 | 0 |
| For wages for each extra man engaged by the Chief Officer at any fire, day or night-- | | | |
| For the first hour | 0 | 2 | 0 |
| For the second hour | 0 | 1 | 6 |
| For each succeeding hour | 0 | 1 | 0 |