



Western Australia.

ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. VIII.

AN ACT to provide for the Extinction of Fire in Municipalities and their Suburbs.

[Assented to, 28th October, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Fire Brigades Act, 1898, and shall come into operation on the 1st day of January, 1899.

Short title.

2. IN this Act, unless the context otherwise indicates—

Interpretation

“Board” shall mean the Fire Brigades Board, as constituted under this Act:

“Contributory Company” shall mean an insurance company liable to pay contribution towards the expenditure of the Board, as provided by this Act:

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- “Insurance Company” shall mean and include any corporate body, company, partnership, association, or person insuring against loss or damage by fire property situate within the limits of any municipality or district for the time being, subject to the provisions of this Act; and shall also include the agent, attorney, or representative of, or person collecting premiums for, any corporate body, company, partnership, association, or person so insuring, whether any such corporate body, company, partnership, association, or person shall be incorporated or resident within Western Australia or not:
- “Municipality” shall mean a locality under the local government of a municipal council:
- “Owner,” used in relation to real property, shall mean and include the person for the time being in actual receipt of, or entitled to receive, the rents and profits of the lands or premises in connection with which the word is used, or who, if such lands or premises were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, or executor, mortgagee in possession, or as agent or attorney for any other person, or otherwise:
- “Representative,” in relation to an insurance company, shall mean the person appointed by power of attorney, or otherwise, to act for the company in the absence of the directors or other principals:
- “Summary,” in relation to legal proceedings, shall refer to proceedings before two Justices of the Peace in Petty Sessions or a Police or Resident Magistrate exercising summary jurisdiction.
- “Superintendent” shall mean the superintendent for the time being of Fire Brigades:
- “Volunteer Fire Brigade” shall mean any fire brigade supported by voluntary contributions, but shall not include any fire brigade or corps formed for the purpose of protecting any particular building or premises, with the consent of the owner or occupier of such building or premises:
- “Water authority” shall include the Metropolitan Waterworks Board, the councils of municipalities and their contractors as defined by the Waterworks Act, 1889, and all bodies and persons having the control of waterworks:
- “Writing” shall include print or part writing and part print.

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3. THIS Act shall apply to the Municipality of Perth, and all plant, fire engines, reels, fire escapes, carts, and other appliances, in use by the said Municipality, at the time of the passing of this Act for the service of its fire brigade, shall, on the passing of this Act, vest in and become the property of the Board.

Application of Act to Perth.

4. THE Governor, on the recommendation of the council of any other municipality, and on being satisfied that an efficient fire brigade has been enrolled in such municipality, may accept the services of such fire brigade, under such name or designation as the Governor thinks fit; and on notification thereof in the *Government Gazette* such fire brigade shall be deemed to be lawfully constituted for the purposes of this Act.

Constitution of fire brigades in other Municipalities.

45 Vict., 10, s. 4 (Queensland).

5. ON notification of the acceptance of the services of any fire brigade, the Governor shall forthwith, by proclamation in the *Government Gazette*, declare the provisions of this Act to be in force in the Municipality in which such fire brigade has been so constituted, whereupon all the plant, fire engines, reels, fire escapes, carts and appliances, the property of and in use by the Municipality for the service of such fire brigade, shall vest in and become the property of the Board constituted by this Act.

Bringing this Act into operation.

Ib., s. 5.

Fire Brigades Board.

6. THERE is hereby constituted a Board which shall be a central authority having control of all fire brigades throughout the Colony wherever this Act is in force.

Constitution of Board.

The Board shall be a body corporate by the name of the Fire Brigades Board, and by that name shall have perpetual succession and a common seal, and be capable in law of suing and being sued, and shall consist of seven members, of whom three shall form a quorum, and may exercise all the powers and authorities which by this Act are vested in the Board. All courts, judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and such seal shall be deemed to have been properly affixed thereto.

495 of 1890, s. 5 (S.A.).

7. NO act or proceeding of the Board shall be invalidated or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding, and all acts and proceedings of the Board shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any person as a member thereof, or that any member thereof was disqualified or disentitled to act, be as valid as if every such person had been duly appointed and was qualified to be and to act and vote as a member of the Board.

No act of Board invalidated by reason of members of Board not being complete or defect in appointment.

Ib., s. 6.

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Appointment of the Board.

Ib., s. 8.

8. IN the month of January, in the year One thousand eight hundred and ninety-nine, and in the month of January in every succeeding year, the Governor shall appoint the members of the Board, and the members of the Board shall continue in office until the appointment of their successors, and each retiring member of the Board shall be eligible for re-appointment.

Nomination of members.

See Ib., s. 9.

9. OF the persons so to be appointed members of the Board—

Three shall be nominated by the Councils of the Municipalities to which this Act shall for the time being apply, or, in case there shall be only one such Municipality, then by the Council thereof, and three shall be nominated by the contributing Companies.

One shall be appointed by the Governor irrespective of any nomination.

Provided that the nominations aforesaid shall be certified to the Governor on or before the fifteenth day of January of each year, as follows:—

Nominations by the Councils of Municipalities by a certificate signed by the Town Clerks thereof respectively; and

Nominations by the contributing Companies, by a certificate signed by the Chairman of the General Meeting to be held as hereinafter provided:

Provided also that if the several bodies or persons fail to exercise their rights of nomination on or before the fifteenth day of January in any year such rights of nomination respectively shall lapse for that year, and the Governor may appoint without nomination persons of the number that might have been, but are not, nominated; and such persons shall hold office during the same period and in all respects as if they had been appointed on the nomination of such bodies or persons so making default as aforesaid: Provided always that no Superintendent or other officer or member of any fire brigade shall be nominated or appointed a member of the Board.

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

Ib., s. 10 slightly altered.

10. IMMEDIATELY after the coming into operation of this Act the Town Clerk of the City of Perth, and in the month of December of every succeeding year the Secretary of the Board, shall convene a general meeting of the chairmen, principals, or representatives of the contributing companies by circular addressed to each such company, or the chairman, secretary, or representative thereof, for the purpose of nominating persons for appointment as members of the Board. 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

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meeting shall be according to the following scale, that is to say : Where the company's premium income in the Colony 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.

11. THE Governor may make, alter, amend, or vary rules and regulations, providing the method and conditions under which the said several bodies or persons shall exercise the respective rights of nomination hereinbefore given to them. Such rules shall be published in the *Government Gazette*, and shall thereupon be valid and have the force of law ; and the production of a copy of the *Government Gazette* containing such publication shall be conclusive evidence of the tenor and validity of such rules.

Governor may make rules for nomination.
Ib., s. 11.

12. NO person being an uncertificated bankrupt shall be appointed a member of the Board ; and if any member assigns his estate for the benefit of his creditors, or makes any composition with his creditors for less than twenty shillings in the pound, such member shall vacate his seat on the Board. If any member, without leave of the Board, is absent from the meetings of the Board for three consecutive months the Board may declare the seat of such member vacant, and he shall thereupon vacate his seat.

Insolvent person not to be or continue to be member.
Ib., s. 12.

13. THE Governor may at pleasure suspend or remove any member of the Board, and any vacancy caused by the removal of any member may be filled up as hereinafter mentioned. If any vacancy in the Board shall occur (which may be caused by the death, resignation, or removal by the Governor of any member, or by the disqualification of any member under the provisions of the last preceding section), the Governor may, without nomination, appoint a person to fill such vacancy, and such person shall thereupon become a member of the Board, and shall hold office so long only as the member in whose place he shall have been appointed would have held his office if no such vacancy had occurred.

Governor may remove any member of Board and appoint successor.
Ib., s. 13.

14. THE duty of extinguishing fires and protecting life and property in case of fire wherever this Act is in force shall be deemed, for the purposes of this Act, to be entrusted to the Board ; and, with a view to the performance of that duty, the Board may provide and maintain the fire brigades, enrolled as aforesaid, and may furnish them with such fire engines, fire escapes, reels, horses, carts, hoses,

Duty of Board.
Ib., s. 14.
28 & 29 Vict., c. 90,
s. 4.

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accountrements, plant, tools, implements and other appliances as may be necessary for the complete equipment of such brigades and the performance of their duties.

Meetings of the Board.

Ib., s. 16.

15. ORDINARY meetings of the Board for the despatch of business shall be held in Perth at such times, not being less than once in every four weeks, as the Board shall from time to time determine, but special meetings may be held at any time.

The members of the Board may from time to time elect one of their number to be chairman of the Board, and at every meeting of the Board all questions shall be decided by a majority of votes; the chairman shall have a deliberative, and, in the event of an equality of votes, a second or casting vote.

The members for the time being of the Board shall have the custody and use of the common seal of the Board, and such seal shall not be affixed to any deed or instrument except in the presence of two of the members, and every deed or instrument to which such seal is required shall be signed by two of the members and countersigned by the secretary of the Board.

Power to lease or purchase.

Ib., s. 17.

28 & 29 Vict., c. 90, s. 5.

16. THE Board may take on lease, purchase, or otherwise acquire and hold such real or personal property as the Board may determine for the purposes of this Act.

Power to sell and mortgage.

Ib., s. 18.

17. THE Board may from time to time sell, demise, or lease, or otherwise dispose of any real or personal property, and may mortgage any freehold or leasehold lands belonging to the Board, but such power shall not be exercised without the consent of the Colonial Treasurer.

Any sale of real or personal property belonging to the Board may be by public auction or private contract, and either for cash or on credit or partly for cash and partly on credit, and generally upon such terms and conditions as the Board may determine.

Any mortgage to be executed by the Board may contain a power of sale by the mortgagee, and such other powers, terms, and provisions as the Board may determine.

Any demise or lease of any real or personal property belonging to the Board may be granted by the Board for any term of years, or from year to year, or for any term less than a year, at such rent, and subject to such covenants, conditions, provisos, and agreements as the Board may determine; and any such demise or lease may be granted subject to or in consideration of the payment of any fine or premium, and with or without a covenant to or a right of purchase. The Board may enter into any contract or agreement with any person or body corporate for any purpose having relation to the provisions of this Act.

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18. THE Board may, from time to time, borrow, with the consent of the Colonial Treasurer, upon giving security over any freehold or leasehold lands of the Board, or without security, such moneys as the Board shall deem necessary for the purpose of enabling the Board to carry out and perform the powers, authorities, and duties vested in or conferred or imposed upon the Board by this Act.

Power to borrow.
Ib., s. 19.

Any person lending money to the Board under this provision shall not be concerned or bound to inquire as to the application of any such money, or be responsible for the misapplication or non-application thereof: Provided that the moneys borrowed shall not at any time exceed Five thousand pounds.

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19. THE Board may at any time and from time to time—

- (1.) Take measures to facilitate the formation of permanent or volunteer fire brigades; and
- (2.) Amalgamate or disband or cancel the enrolment and registration of any fire brigade under the authority of the said Board; and
- (3.) Acquire for the Board or dispose of plant, including fire engines, horses, carts, reels, buckets, hose, ladders, fire-escapes, ladder trucks, hooks and ladder carriages, tools, implements, accoutrements, and other property, or furnish the same to fire brigades; and
- (4.) Determine the apparatus and appliances to be used by each brigade; and
- (5.) Establish schools of instruction, issue certificates of qualification in fire extinction to members of fire brigades; and
- (6.) Establish and maintain fire alarms and other appliances for the prevention and extinction of fires; and
- (7.) 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 station 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.

Formation of
brigades, etc.

20. THE Board may delegate any of their powers to a committee, consisting of not less than three of the members of the Board, and such committee shall, to the extent of the powers delegated, be deemed to be the Board within the meaning of this Act.

The Board may
delegate powers.
Ib., s. 21.
28 & 29 Vict., c. 90,
s. 28.

21. THE Board may from time to time make, alter, and repeal such by-laws and regulations as may be necessary for the following purposes:—

Board may make by-
laws and regulations.

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Ib., s. 22.

- (1.) For the management and conduct of the meetings of the Board and for the despatch of business:
- (2.) For the payment of fees to the members of the Board, or any committee thereof, not exceeding in the aggregate the sum of One hundred and eighty-two pounds per annum:
- (3.) For the payment of salaries or wages to the officers and members of the fire brigades:
- (4.) For the payment of compensation in cases of accident to officers or members of any fire brigade, or to the wife and family of any such officer or member in the event of his death by an accident which has happened to him while acting in the discharge of his duty:
- (5.) For the payment to any persons in respect of voluntary or special services rendered to the fire brigades:
- (6.) For the maintenance of discipline and the insuring of good conduct of the officers and members of the fire brigades and of any salvage corps whether established or maintained by the Board or by any insurance companies:
- (7.) For providing the method of registering volunteer fire brigades:
- (8.) For the regulation of the meetings and general business of the Board, and generally for duly administering and carrying out the duties entrusted to the Board by this Act:
- (9.) For such other purposes as the Governor, by proclamation in the *Government Gazette*, may order:
- (10.) For fixing penalties for the breach of any by-law or regulation not exceeding the sum of Ten pounds.

All such by-laws and regulations shall be in writing, and shall have the common seal of the Board affixed thereto, and when approved by the Governor, and published in the *Government Gazette*, shall be valid and have the force of law, and a production of a copy of the *Government Gazette* containing such by-laws or regulations shall be conclusive evidence of the tenor and validity of such by-laws and regulations.

Annual report.

Ib., s. 23.

22. THE Board shall, on or before the Thirty-first day of January in the year One thousand nine hundred, and on or before the Thirty-first day of January in every succeeding year, report its proceedings during the twelve months ending on the Thirty-first day of December of the preceding year, and a copy of such report shall be laid each year before Parliament.

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23. THE accounts of the Board shall be audited annually by the Auditor General, and an abstract of such accounts shall be annually laid before Parliament.

Audit of accounts.

Ib., s. 24.

Salvage Corps.

24. THE Board may, if it be so determined, establish and maintain salvage corps, consisting of efficient firemen and others, and may furnish such corps with all necessary quarters and with all such appliances, horses, carts, hoses, accoutrements, implements, tools, and plant as may be necessary for the complete equipment of the corps, or conducive to the performance of their duties.

Board may establish and maintain salvage corps.

Ib., s. 25.

25. IF the insurance companies, or any of them, establish any salvage corps, it shall be the duty of the fire brigades, with the sanction of the Board, and subject to any regulations that may be made by the Board, to afford the necessary assistance to the members of such corps in the performance of their duties, and, upon the application of any officer of such corps, to hand over to his custody or as he may direct property saved from fire, and no charge shall be made by the Board for the services so rendered by any fire brigade: Provided that such salvage corps shall not be entitled to any payment out of the funds of the Board.

Salvage corps established by insurance companies.

Ib., s. 26.

28 & 29 Vict., c. 90, s. 29.

Proviso.

Volunteer Fire Brigades.

26. EVERY volunteer fire brigade existing at the time when this Act comes into operation shall forthwith be registered at the office of the Board; and every volunteer fire brigade which may be formed after this Act comes into operation shall be registered at the office of the Board within twenty-eight days from the formation thereof; and every volunteer fire brigade, whether established within a municipality or elsewhere, shall be subject to inspection by the superintendent.

Volunteer fire brigades to be registered.

Ib., s. 27.

Every volunteer fire brigade present at any fire shall be under the control, and shall obey the orders of, the superintendent, captain, or other person in command of the fire brigades present at such fire; and on the certificate of the superintendent or captain, or other person in command at any fire, that efficient or valuable services have been rendered by any volunteer fire brigade, or any member or members thereof, the Board may pay to such volunteer fire brigade, or any member thereof, such moneys as the Board may determine.

The Superintendent of Fire Brigades—His Appointment, Duties, and Powers.

27. THE Board may from time to time appoint an officer to be called the Superintendent of Fire Brigades, and an officer to be

Superintendent of fire brigades.

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Ib., s. 28, with addition.

called the Assistant Superintendent of Fire Brigades, at such salaries respectively and upon such terms as the Board may determine, and the Board may suspend and remove such officers.

Fire brigades under command of superintendent.
Ib., s. 29.

28. THE fire brigade or brigades for the Municipality of Perth shall be under the command of the superintendent.

The superintendent may from time to time inspect any fire brigade, whether established within the Municipality of Perth or elsewhere.

Duties and powers of the superintendent.
Ib., s. 30.

29. THE superintendent shall perform the following duties, and may exercise the following powers within the Municipality of Perth, that is to say:—

- (1.) He shall with all possible speed proceed, upon alarm of fire, to the place where such fire has happened, and endeavour by all practicable means to extinguish the fire and save all property which in his opinion may be in jeopardy:
- (2.) He shall control, direct, and regulate the working of the fire brigades at any fire:
- (3.) He shall control and direct any volunteer fire brigade present at any fire, and any persons who place their services at his disposal:
- (4.) He may take and direct any measures which appear to him necessary or expedient for the protection of life and property, or for the control and extinguishment of fire, and may cause any buildings or premises to be entered, taken possession of, pulled down wholly or partially, or otherwise destroyed for such purpose, or for preventing fire or for preventing the spread of fire:
- (5.) 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 Her Majesty's Government shall not, nor shall any Board or company supplying water, be liable for any damages by reason of any interruption of the supply of water occasioned only by the exercise of such power:
- (6.) He may cause any street, private road, right-of-way, or thoroughfare, in the vicinity of any fire, to be closed for traffic during the continuance of any fire:
- (7.) He may shut off or disconnect, or cause to be shut off or disconnected, the supply of gas or artificial light to any building or premises which may be on fire, or to any building or land adjoining such building or premises or

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adjacent thereto, and no company supplying gas or artificial light shall be liable for any damages by reason of any interruption in the supply of gas or light occasioned by the exercise of this power:

- (8.) He may at the time of a fire or thereafter, pull down or shore up any wall or building which may be damaged, or which in his opinion may be likely to be damaged, by fire, or which may be in the vicinity of any place where a fire has occurred, and which may in his opinion be, or may be likely to become, dangerous to life or property; and the expense of such pulling down, and shoring up, as the case may be, shall be borne by the owner of such wall or building, and shall be paid by him to the Board.
- (9.) He may remove, or cause to be removed, any person who interferes with the operations of any fire brigade.

30. THE superintendent shall, in addition to the duties and powers respectively imposed and conferred upon him by the last preceding section, and subject to the direction of the Board, and within the Municipality of Perth, exercise the general duties and powers following, viz.:—

General duties of
the superintendent.
Ib., s. 31.

- (1.) He shall cause a book to be kept containing the name, age, and occupation, and place of abode of each member of the brigades, and also an "occurrence book" containing an entry of everything material occurring at the head station:
- (2.) He shall, once a month at the least, cause to be summoned all or as many of the members of the brigades as may be required for practice, in order to render the members fit and efficient for service, and the engines, hoses, and plant in good working order and repair:
- (3.) He shall have at all times the immediate charge and control of all engines, horses, carts, reels, buckets, hoses, ladders, fire escapes, and other plant, the property of the Board, and shall keep the same in a fit state at all times for efficient service:
- (4.) He may from time to time inspect all salvage corps, and also all volunteer fire brigades, and enforce compliance with the regulations.

31. THE superintendent shall at all times have free access to any and every part of any theatre, concert-room, or assembly-room, and every building, room, or place used for public meeting or amusement, in order to inspect the same and ascertain whether proper means are adopted for the prevention of and escape from fire;

Superintendent may
inspect certain
buildings and report
to the Board.

See Ib., s. 32.

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and, if such means are not adopted, he shall report the fact to the Board, whereupon any such theatre, concert room, or assembly room, and any building, room, or place used for public meeting or amusement, shall be deemed unfit for public use within the meaning of "The Building Act, 1884"; and every person who shall obstruct or hinder the superintendent in any inspection as aforesaid shall be liable to a penalty not exceeding Fifty pounds.

Board to notify to
Director of Public
Works.
Ib., s. 33.

32. THE Board, upon the receipt of the report from the superintendent as in the preceding section provided, shall forward the same, or a copy thereof, to the Director of Public Works.

Superintendent may
proceed to fire out-
side Municipality of
Perth, and take
command.

Ib., s. 34.

See 28 & 29 Vict.,
c. 90, ss. 12 and 22.

33. ON the occasion of any fire which may occur outside the Municipality of Perth, the superintendent may, if he thinks fit and he shall, if directed by the Board so to do, proceed to the place where such fire has occurred, and may, if requested by the officer in charge, take command of all fire brigades present at such fire, and upon so taking command he shall and may exercise all the duties and powers which are hereby imposed or conferred upon him within the Municipality of Perth, or are exercisable by him within such Municipality, or such of the same as may be applicable.

See Queensland Act,
45 Vict., No. 10, s. 9.

During the absence and during the disability, from any cause, of the superintendent his powers may be exercised and his duties discharged by an assistant superintendent, if appointed, who shall be entitled to the like obedience from members of fire brigades, and the like support and assistance from members of the police force as the superintendent is entitled to.

Authority of super-
intendent to be
recognised by police.

495 of 1890, s. 35
(S.A.).

See 28 & 29 Vict., c.
90, s. 12.

34. THE authority of the superintendent shall be recognised by all officers and members of the police force and all other persons; and it shall be the duty of the officer commanding the police force present at any fire to support and assist such superintendent in the maintenance of his authority, and in enforcing due obedience to his orders, and such officer and all police constables may, if he or they shall think proper, and he and they shall, at the request of the superintendent, remove any person who interferes with the operations of any fire brigade.

Captain.

35. THE fire brigade for each municipality (other than the Municipality of Perth) shall be under the command of an officer to be called a captain.

Ib., s. 36.

Every captain shall, within such municipality or district, perform the like duties and may exercise the like powers and discretions as are by this Act imposed or conferred upon the superintendent, except that where the superintendent shall, in the exercise of the power conferred by this Act, attend at any fire outside the Muni-

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city of Perth, and assume command of any fire brigade, then and in such case such captain shall act under the directions and obey the orders of the superintendent.

36. THE powers conferred by this Act upon the superintendent or any captain may, in case of the absence or disability of such superintendent or captain, be exercised by the assistant superintendent, or by any other officer or fireman for the time being in command of any fire brigade.

Power of superintendent and captain may be exercised by deputy.

Ib., s. 37.

37. THE superintendent or any captain shall at all times have free access to any building, erection, ship, vessel, wharf, jetty, land, or premises, and any part or parts thereof respectively, where he suspects that any gunpowder, explosive, or explosive substance, or kerosene, or any empty cases, paper, shavings, crates packed with straw, or any other dangerous, combustible, or inflammable material or substance is or are stored, placed, stacked, or kept contrary to law or to the provisions of any by-law or regulation made under the provisions of any Act of Parliament now or hereafter to be in force; and if he discovers that any such material or substance is so stored, placed, stacked, or kept, he shall forthwith report such discovery to the Board, and upon the receipt of such report the Board may deliver, or cause to be delivered or posted, to the master or owner or agent, or to the person in charge of any such ship or vessel, or to the occupier of any such building, erection, wharf, jetty, land, or premises, or to the owner or any of the owners of any such material or substance, notice to remove such material or substance from such ship, vessel, building, erection, wharf, jetty, land, or premises, within a time to be determined by the Board, and to be specified in such notice; and if default shall be made in compliance with such notice, the person so making default shall be liable to a penalty not exceeding Fifty pounds; and every person who obstructs, hinders, or delays the superintendent or any officer in charge in making any such inspection as aforesaid shall be liable to a penalty not exceeding Fifty pounds.

Superintendent or captain to have access to all premises where he suspects explosives or dangerous materials are kept.

Ib., s. 38.

38. THE superintendent or any captain may, when in his opinion occasion requires, permit the whole or any part of any fire brigade or salvage corps, with their engines, hoses, reels, horses, carts, escapes, and other implements, to proceed beyond the limits of any municipality or district, for the purpose of extinguishing fire.

Brigade may proceed beyond limits of Municipality.

First Schedule.

Ib., s. 39, altered.

In such case the owner and the occupier of the property where the fire has occurred shall be jointly and severally liable to pay all the expenses which may be incurred by the fire brigades in attending the fire, and shall also pay to the Board charges in accordance with the First Schedule hereto, and in default of payment

28 & 29 Vict., c. 90, s. 30.

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any such expenses and charges may be recovered by the Board in a summary manner.

If any such owner or occupier shall pay such expenses and charges, he may recover contribution from the person or persons jointly and severally liable with him to pay such expenses and charges.

During progress of fire superintendent may enter buildings and remove explosives or dangerous materials.

Ib., s. 40.

39. DURING the progress of any fire, the superintendent, or any officer or person authorised by him, may enter, and if necessary break into, the building or premises on fire, or any building or premises adjacent thereto; and if he shall find in any such building or on any such premises any dangerous, combustible, or inflammable material or substance, he may remove or cause the same to be removed, and shall not be responsible for any consequent loss or damage.

Appointment of officers.

Ib., s. 41.

40. THE Board may appoint all captains, officers, and men, and also all servants and other persons employed by the Board for the purposes of this Act, upon such terms and at such salaries or wages as the Board may determine, and may dismiss and suspend any captain, officer, fireman, or servant.

Present superintendent, officers, and firemen of Perth Brigade to continue in office.

Ib., s. 42.

41. THE present superintendent and all other officers of the Perth Fire Brigade holding office, and all the persons who are firemen and servants thereof on the date on which this Act shall come into operation, shall be deemed to have been appointed and engaged under the provisions of this Act.

Contributions to Board.

Board to prepare annual estimates.

42. BEFORE the 31st of January in every year the Board shall prepare estimates of the probable expenditure which may be necessary to be incurred in the execution of this Act during the then current year between the 1st day of January and the 31st 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 in Council.

Contributions to expenditure of Board.

43. TOWARDS the annual expenditure, as estimated by the Board, in establishing and maintaining fire brigades in each municipality, and for the purposes of this Act the following contributions shall be made, that is to say:—

- (1.) The Colonial Treasurer shall pay to the Board out of the consolidated revenue a sum of money equal to one-ninth of such expenditure;
- (2.) The fire insurance companies carrying on business in the municipality shall pay to the Board a sum of money equal to four-ninths of such expenditure; and

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- (3.) The Councils of the municipalities shall pay to the Board a sum of money equal to four-ninths of the expenditure.

The contributions by the insurance companies as aforesaid shall be made by each insurance company paying to the Board towards such contribution a sum of money (not being less than Ten pounds per annum) calculated ratably on the amount of premiums received by each of such companies for insurance and re-insurance within the municipality during the year last past, after deducting therefrom such amounts as have been paid away during the same period for re-insurance within the Colony as shown in the return hereinafter mentioned.

All such payments as aforesaid by the bodies and insurance companies aforesaid shall be made by quarterly payments on the first days of the months of April, July, October, and January in each year, or at such other times as the Board may determine.

Every insurance company which commences to carry on business after this Act comes into operation shall pay to the Board, on the days aforesaid or on such other days as may be determined by the Board as aforesaid, the sum of Two pounds ten shillings for every quarter or portion of a quarter until the then next time for making returns, as provided by the next succeeding section.

The annual expenditure of the Board incurred otherwise than in establishing and maintaining fire brigades in each municipality shall be contributed to by the Colonial Treasurer, the contributing companies, and the councils of municipalities in which this Act shall be in force at the time being in the proportions herein mentioned.

44. EVERY insurance company as aforesaid shall, on or before the fifteenth day of January in every year, furnish the Chairman of the Fire Brigades Board with a return in the form of the Second Schedule hereto, showing:—

Returns to be
furnished by Fire
Insurance Com-
panies.
Second Schedule.
(46 Vict., 9, s. 5
Queensland).

- (1.) The gross amount of premiums received for insurance and re-insurance in each municipality during the twelve months immediately preceding the first day of January then last past;
- (2.) The total amount of premiums paid away during the same period for re-insurance within the Colony to companies contributing to the Fire Brigades Board on such re-insurance premiums.

There shall be annexed to every such return a solemn declaration by the chairman, representative, or secretary of such company that the said return contains a true statement of the amount of premiums

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See Ib., s. 7.

received by such company, after deducting therefrom such amounts as have been paid away during the same period for re-insurance within the Colony, as shown in the return hereinbefore mentioned.

If any fire insurance company fails to furnish such return so verified within the time specified, such company, or the chairman, representative, or secretary thereof, shall be liable to a penalty of Five pounds for every day during which such return remains unfurnished in the manner required.

Penalty for false declaration.

Ib., s. 45 with addition.

45. ANY person who wilfully makes a false declaration as to any return to be furnished by any insurance company as aforesaid shall be guilty of perjury, and shall be liable to the penalties thereof, and shall, in addition thereto, be liable, on summary conviction, to a penalty of not less than Twenty pounds and not exceeding Fifty pounds.

Insurance companies to permit books to be inspected.

Ib., s. 46.

28 & 29 Viet., c. 90, s. 17.

46. THE secretary or other officer having the custody of the books and papers of any contributory company shall allow any person appointed by the Board to inspect, during the hours of business, any books and papers of such company, and to make extracts therefrom, in order to verify any return or declaration made in pursuance of this Act; and any such secretary or officer failing to comply with the requirements of this section shall be liable to a penalty not exceeding Five pounds.

Returns, etc., to be kept secret.

Penalty.

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.

Contributions by municipalities (except Municipality of Perth) may be raised by increased rate.

Ib., s. 47.

47. THE amount of any contribution payable under this Act by any municipality (other than the Municipality of Perth) may, if necessary, be raised by the Council of such Municipality by increasing the general rate for the year following the payment of such contribution by such a sum in the pound as shall be sufficient to provide the amount.

Contributions, how recoverable.

Ib., s. 48.

48. THE amount of any contribution payable under this Act may be recovered by action or in a summary manner before two Justices of the Peace in petty sessions.

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49. IF in any year the amount received by the Board from contributions under this Act shall fall short of the expenditure based upon the estimate for the year the deficit shall be added to the estimate of expenditure for the ensuing year; but if the amount received by the Board in any year from contributions under the Act shall exceed 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.

Supply of deficit in any year and appropriation of surplus.

50. 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 contributions from the Consolidated Revenue provided by this Act.

Advance by Treasury.

Miscellaneous.

51. THE Board may permit the whole or any part of any fire brigade to be employed on special services, at such remuneration and upon such terms as the Board may determine.

Fire brigade may be employed on special services.
Ib., s. 49; 28 & 29
Vict., c. 90, s. 30.

52. THE Board may furnish the superintendent, and also all officers and men of any fire brigade, with such uniforms as the Board may determine.

Uniform.
Ib., s. 50.

53. THE Commissioner of Police, or the senior officer on duty at the police station nearest to the place where any fire occurs, shall, on receiving information of any fire, forthwith despatch a sufficient number of police to such fire for the purpose of preserving order and assisting any fire brigade present at such fire.

Police to attend at fires.
Ib., s. 51.

54. 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.
Ib., s. 52.

55. 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 premises, or adjacent thereto, as and if directed so to do by the superintendent.

Disconnection of gas or artificial light.
Ib., s. 53.

56. 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

Interfering with superintendent or members of the brigade or damaging property of Board
Ib., s. 54.

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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 superintendent 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.

Ib., s. 55.

57. 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.

58. FROM and after the date of the coming into operation of this Act, no fire plug shall be placed on or under the surface of any street, path, or roadway, but instead thereof proper stand-post or pillar-hydrants shall be fixed in conspicuous places on or near the curbing of the street or roadway.

Tampering with fire alarms and signalling apparatus.

Ib., s. 56.

59. 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 two years, with or without hard labour, and without the option of a fine.

Payment of expenses where house and property uninsured. See First Schedule.

Ib., s. 57.

60. THE owner of any uninsured house or building or uninsured vessel afloat, and the owner of any uninsured personal property which may be therein at the time of the fire, shall be liable to pay to the Board proportionately, as hereinafter provided, the expenses incurred by the fire brigades in attending the fire, and shall also pay to the Board proportionately, as hereinafter provided, the charges mentioned in the First Schedule hereto, and in default such expenses and charges may be recovered by action, or in a summary way—

(a.) “Uninsured house or building” shall mean a house or building which is not insured with a contributory company, and “uninsured vessel afloat” shall mean a vessel afloat which is not insured with a contributory company:

(b.) “Uninsured personal property” shall mean personal property which is not insured with a contributory company:

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- (c.) The expenses and charges made payable under this section shall be ratably 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:
- (d.) If any dispute arises between the parties liable to pay the expenses and charges payable under this section, as to the proportion of such expenses and charges which may be payable by each or any of them, the Board may determine the amount payable by each such person, and such determination shall be intimated to the parties interested by writing under the seal of the Board, and shall be final and binding upon all the parties concerned:
- (e.) 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:
- (f.) 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; and in the event of a fire occurring in any insured house or building, wherein is uninsured personal property, a proportionate part of the expenses and charges payable under this section shall be borne and paid by the owner of such uninsured personal property.

In the event of a fire occurring on any personal property not in any house, or building, at the time of a fire, the owner of such personal property shall be liable to pay to the Board the expenses incurred by the fire brigades in attending the fire, and the charges mentioned in the Schedule hereto, and, in default, such expenses and charges may be recovered by action or in a summary way.

The Government of Western Australia shall not, under any circumstances, be liable to pay the expenses and charges referred to in this section.

61. 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 superintendent, or by any foreman or officer of the Board, inform such member, superintendent, foreman, or officer whether such house or building is insured or not; and, at the like request, shall furnish such member, or the superintendent, or such foreman or

Owner to give information as to insurance.

Ib., s. 58.

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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.

The owner of any personal property which may be in any house or building, or on any premises where a fire occurs, 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 hereinbefore provided.

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

Damage done to be within policy.

Ib., s. 59.

62. ANY damage to property occasioned by any fire brigade, or by the superintendent, or any member of any brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.

Debris of fire may be searched.

Ib., s. 60.

63. THE Board 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.

Inquest.

Ib., s. 61.

64. THE Board may, at any inquest on any fire, be represented by any member or members of the Board, or by any person or persons to be appointed by them, who may adduce evidence and may examine witnesses and address the court.

Entering and remaining in charge of buildings where fire has occurred.

Ib., s. 62.

65. ANY member of the Board, and any officer, servant, or agent of the Board, may enter any building or place where any fire has occurred, and may remain in possession thereof and of any property which may be therein or thereon; and, in the event of circumstances which in the opinion of the superintendent or the police are of a suspicious nature, may continue in possession until an inquest has been held concerning the cause or origin of such fire.

Possession of goods found in premises on fire.

Ib., s. 63.

66. THE superintendent may at any fire take and keep possession, for safe custody, until authorised by the Board to return the same to the person entitled thereto, of all property of any sort which may be found on the premises where such fire has occurred, and may remove any such property from such premises: Provided that, if the Board does not deal with the property so kept possession of by the superintendent within seven days of the date on which the fire occurred, then such property shall be forthwith delivered by the superintendent to the owner thereof.

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67. 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.

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

Ib., s. 64.

28 & 29 Vict., c. 90, s. 22.

68. THE superintendent or any officer, servant, or agent of 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.

Detention of Board's property.

Ib., s. 65.

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.

69. WHERE any fire shall occur the superintendent or foreman in charge of the brigade which shall be present thereat shall, as soon as possible, report such fire to the Board, and upon receipt of such report the Board, or the secretary, or any other person authorised by the Board, shall forward to the insurance companies carrying on business within the Municipality of Perth a notice of such fire in such form as the Board may determine.

Report of fire to be sent to Board and notice to be given to Insurance Companies.

Ib., s. 66.

70. ALL actions to be brought against the Board, or against any person, for anything done or purporting to have been done under this Act, shall be commenced within six months after the act complained of was committed, or the damage was sustained, and no action shall be commenced or process issued against the Board or against any person for anything done, or purporting to have been done, under this Act until notice in writing of such intended action or process has been delivered at the office of the Board, or delivered to such person, or left at his usual place of abode, by the party aggrieved, or by his agent or attorney, at least one month before the commencing of such action; such notice shall clearly and explicitly set forth the nature of the intended action and the cause thereof, and on such notice shall be written the name and place of abode of the party intending to bring such action, and the name and place of business of his solicitor

Actions against Board.

Ib., s. 67.

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or agent (if any). No plaintiff shall recover in any such action if tender of sufficient amends has been made before such action was brought, or if the matter or thing complained of appears to have been done under the authority and in execution of this Act; and, if any such action be brought after the time limited for bringing the same, or if such notice shall not have been given as aforesaid, then the court, judge, or jury shall find, or judgment shall be given for the defendant, or a nonsuit may be ordered. In any such action the defendant may, in addition to any other plea, plead tender of amends, and may give this Act and the special matter in evidence.

Plant not liable to be seized under execution.

Ib., s. 68.

71. NO fire engine, fire escape, reel, horse, cart, hose, accoutrement, plant, tool, implement, or other appliance belonging to the Board shall be liable to be seized or sold under any writ or warrant of execution, or other process.

Members of the Board not to be personally liable.
Ib., s. 69.

72. NO member of the Board shall be personally liable for any act done by the Board of which he is a member.

Summary proceedings and appeal.
Ib., s. 70, abridged.

73. ALL proceedings for fines or penalties imposed by this Act may be heard and determined in a summary way, and from all summary convictions for offences under this Act there shall be a right of appeal in accordance with the One hundred and thirty-ninth section of the Police Act, 1892.

Provisions as to summary proceedings.
Ib. s. 71.

74. THE following enactments shall apply to proceedings under this Act, that is to say—

- (1.) The description of any offence in the words of this Act, or in similar words, shall be sufficient in law; and
- (2.) Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived in the information or complaint:
- (3.) A warrant of commitment shall not be held void by reason of any defect therein if it be therein alleged that the offender has been convicted, and there is a good and valid conviction to sustain the same.

Ib., abridged.

Government Gazette conclusive evidence of Proclamation and *prima facie* evidence of facts therein stated.
Ib., s. 73.

75. THE *Government Gazette* containing any Proclamation or order made by the Governor under this Act shall be conclusive evidence of the fact, tenor, and validity of such Proclamation or order, and shall be evidence of the facts stated, recited, or assumed

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therein, and no such Proclamation shall be invalid by reason of anything required as preliminary thereto not having been duly done.

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

ALEX. C. ONSLOW, Governor's Deputy.

First Schedule.

Scale of Charges.

Secs. 38, 60.

	£	s.	d.
For superintendent of fire brigades, for first hour	1	1	0
For superintendent of fire brigades, per hour for each succeeding hour, day or night	0	10	0
For use of steam engine	5	0	0
For each reel or fire escape in attendance at any fire	2	10	0
For each fireman, gasman, and turncock, when called out to any fire, day or night, for the first hour	0	5	0
For each fireman, gasman, and turncock, when called out to any fire, day or night, for the second hour	0	3	0
For each fireman, gasman, and turncock, 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 person in charge of a station	0	5	0
For wages for each extra man engaged by the superintendent 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

Fire Brigades.

Second Schedule.

Sec. 41

Return showing the gross amount of premiums received for insurance and re-insurance by the [*name of company*], in the municipality of _____ during the twelve months ended on the 31st day of December, 18____; also the total amount of premiums paid away during the same period for re-insurances within the Colony to insurance companies contributing to the Fire Brigades Board on such re-insurance premiums.

(1.) Gross amount of premiums received for the twelve months ended as above, on insurance and re-insurance...	£
(2.) Total amount of premiums paid away on re-insurance within the Colony, as above, during the same period	£
Nett income from premiums...				£

DECLARATION.

I, A.B., do solemnly and sincerely declare that the above return contains a true statement of the amount of premiums received by the said company on insurance and re-insurance within the municipality of _____ during the period above mentioned after deducting therefrom such amounts as have been paid away to other companies for re-insurance within the Colony during the same period. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the 18th year of the reign of Her present Majesty, No. 12, intituled "An Ordinance for the Abolition of unnecessary Oaths and the substitution of Declarations in lieu thereof."