

## FIRE BRIGADES ACT, 1942-1971.

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## FIRE BRIGADES.

6° and 7° Geo. VI., No. XXXV.

No. 35 of 1942.<sup>1</sup>

(Affected by Acts No. 38 of 1945 and No. 53 of 1954.)

[As amended by Acts:

No. 31 of 1949, assented to 25th October, 1949;  
No. 41 of 1951,<sup>2</sup> assented to 20th December, 1951;  
No. 34 of 1959, assented to 30th October, 1959;  
No. 5 of 1961, assented to 10th October, 1961;  
No. 34 of 1963,<sup>3</sup> assented to 19th November, 1963;  
No. 3 of 1964, assented to 2nd October, 1964;  
No. 42 of 1966, assented to 4th November, 1966;  
No. 27 of 1971, assented to 1st December, 1971;  
and reprinted pursuant to the Amendments Incorporation Act,  
1938.]

**AN ACT to consolidate and amend the law relating  
to the prevention and extinguishing of fires and  
the protection of life and property from fire.**

[Assented to 23rd December, 1942.]

BE it enacted—

1. This Act may be cited as the *Fire Brigades Act*, 1942–1971, and shall come into operation on a day to be fixed by Proclamation.<sup>1</sup>

Short title  
and com-  
mencement.  
Amended by  
No. 27 of  
1971, s. 1.

2. This Act is divided into Parts as follows:—

PART I.—ss. 3 AND 4 : PRELIMINARY.  
PART II.—s. 5 : FIRE DISTRICTS.  
PART III.—s. 6 : THE FIRE BRIGADES BOARD.  
PART IV.—ss. 7 TO 17 : CONSTITUTION OF BOARD.  
PART V.—ss. 18 TO 22 : PROCEEDINGS OF BOARD.  
PART VI.—ss. 23 TO 28 : VESTING OF PROPERTY AND  
GENERAL POWERS AND DUTIES OF BOARD.

Act divided  
into Parts.  
Amended by  
No. 34 of  
1963, s. 3;  
No. 42 of  
1966, s. 2.

<sup>1</sup> Came into operation on 17th May, 1943 (*Gazette* 14/5/43, p. 463).

<sup>2</sup> Came into operation on 4th April, 1952 (*Gazette* 4/4/52, pp. 799–800).

<sup>3</sup> Came into operation on 14th February, 1964 (*Gazette* 14/2/64, p. 643).

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PART VII.—ss. 29 TO 34 : OFFICERS AND MEMBERS OF BRIGADES AND OTHER EMPLOYEES.

PART VIII.—ss. 35 TO 35A : REGULATIONS.

PART IX.—ss. 36 TO 47 : FINANCIAL PROVISIONS.

PART X.—ss. 48 TO 73 : MISCELLANEOUS.

FIRST SCHEDULE : ACTS REPEALED.

SECOND SCHEDULE : FIRE DISTRICTS.

THIRD SCHEDULE : FEES AND CHARGES FOR ATTENDANCE AT FIRES.

FOURTH SCHEDULE : RULES RELATING TO RECEIVERS.

PART I.—PRELIMINARY.

Repeal.

3. The Acts mentioned in the First Schedule to this Act are hereby repealed.

Interpretation.  
Amended by No. 34 of 1963, s. 4; No. 3 of 1964, s. 2; No. 42 of 1966, s. 3; No. 27 of 1971, s. 2. (No. 13 of 1917, s. 3. Cf. Vic., No. 2653, s. 3).

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

“ Board ” means the Western Australian Fire Brigades Board constituted under this Act ;

“ Brigade ” includes all fire brigades, whether permanent or volunteer, or private ;

“ Chief Officer ” means the Chief Officer of Fire Brigades ;

“ District ” means a fire district constituted by or under this Act ;

“ Inflammable matter ” includes all substances capable of ignition or combustion by the application of heat or by means of sparks or flame or by spontaneous causes ;

“ Insurance company ” means any body corporate, company, partnership, association, underwriter or person—

(a) issuing, or undertaking liability under a policy of insurance ;  
or

(b) receiving premiums in respect of a policy of insurance, on behalf of, or for transmission to, any body corporate, company, partnership, association, underwriter or person outside the State ; or

Cf. N.S.W., No. 9 of 1909, s. 5.

(c) deemed to be an insurance company under the provisions of this Act ;  
and includes The State Government Insurance Office established under the State Government Insurance Office Act, 1938 ;

“ Local authority ” means a municipality and the council thereof, and “ the local authority ” means the local authority for the particular district ;

“ Owner ” means and includes any person, whether as beneficial owner, trustee, or executor, mortgagee in possession, or as agent or attorney for any person or otherwise for the time being in actual receipt of, or entitled to receive, the rents and profits of the lands or buildings in connection with which the word is used, or who, if such land or buildings were let to a tenant, would be entitled to receive the rents and profits thereof ;

Cf. N.S.W.,  
No. 9 of 1909,  
s. 5.

“ Permanent fire brigade ” means a fire brigade established and maintained by the Board, the services of whose members are wholly at the disposal of the Board ;

“ Policy of insurance ” means any policy of insurance or re-insurance indemnifying against loss of, or damage to, any property within the State and that is declared by Order in Council to be a policy of insurance for the purposes of this Act ; and includes every certificate or declaration as to the existence of, and any agreement for, any such policy of insurance or re-insurance, and any instrument or writing whereby any contract for such a policy of insurance or re-insurance is made or agreed to be made or is evidenced ;

“ Premises ” includes any building, structure, erection, vessel, wharf, jetty, land or other premises ;

Cf. Qld., 10  
Geo. V., No.  
23, s. 2.

“ Private fire brigade ” means any association of persons authorised by the Board and formed for the purpose of the prevention and extinguishing of fires and the protection of life

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and property from fire within the boundaries of property owned or used by any person, if the carrying out of the purpose of such association is not the sole or principal calling or means of livelihood of such persons or of a majority of them ;

Cf. Qld., 10  
Geo. V., No.  
23 of 1920,  
s. 2.

“ Vessel ” means any ship, steamship, barge, punt, boat, or other floating vessel used for storing or carrying goods or for carrying passengers ;

Cf. N.S.W.,  
No. 9 of  
1909, s. 5.

“ Volunteer fire brigade ” means any association of persons authorised by the Board and formed for the purpose of the prevention and extinguishing of fires and the protection of life and property from fire, if the carrying out of the purpose of such association is not the sole or principal calling or means of livelihood of such persons or of a majority of them ;

“ Year ” means, until the thirtieth day of September, one thousand nine hundred and sixty-seven, year ending the thirtieth day of September, and from that date until the thirtieth day of June, one thousand nine hundred and sixty-eight, the period of nine months ending that latter date, and thereafter means year ending the thirtieth day of June.

## PART II.—FIRE DISTRICTS.

Fire Districts.  
Amended by  
No. 41 of  
1951, s. 3 ;  
No. 34 of  
1959, s. 2 ;  
No. 34 of  
1963, s. 5 ;  
No. 27 of  
1971, s. 3.

5. (1) Subject to the provisions of subsection (2) of this section, the municipal districts and parts thereof constituted as fire districts prior to the coming into operation of the Fire Brigades Act Amendment Act, 1971, as set out in the Second Schedule to this Act, are for the purposes of this Act fire districts under the respective names as set out in the Schedule.

(2) For the purposes of this Act the Governor may from time to time, by order in council—

(a) constitute the district or a part of the district of any other local authority, a fire district ;

- (b) constitute as a fire district, any portion of a district of a local authority which after the coming into operation of the Fire Brigades Act Amendment Act, 1971, is not a fire district ;
- (c) subject to subsection (5) of this section, unite any two or more fire districts the areas of which are contiguous, into one fire district ;
- (d) adjust the boundaries of a fire district ;
- (e) abolish a fire district ;
- (f) assign a name to, or alter the name of a fire district ;
- (g) include or remove, as the case may be, the name of a fire district or local authority in or from Part II., III., or IV. of the Second Schedule ; and
- (h) transfer the name of a fire district from one Part to another Part of the Second Schedule.

(3) An order in council made pursuant to the provisions of this section may from time to time be varied or cancelled.

(4) The municipal districts and parts thereof mentioned in Parts I. and II. of the Second Schedule are united into one fire district under the name of the Metropolitan Fire District.

(5) Before an order is made under the provisions of paragraph (c) of subsection (2) of this section, the Minister on behalf of the Governor shall give to the local authorities whose districts or portion thereof are to be the subject of the order, at least thirty days' notice of intention to make the order.

(6) Any vessel lying in any river, harbour, or other water within or adjacent to any district shall be subject to this Act in the same manner as if it were premises within a district. But this subsection shall not apply to any of Her Majesty's vessels of war or to any vessel which belongs to the Government of any foreign State (not being an enemy).

Cr. Qld., 10  
Geo. V., No.  
23 of 1920,  
s. 4.

## PART III.—THE FIRE BRIGADES BOARD.

Fire Brigades Board.  
(No. 13 of 1917, s. 5; No. 18 of 1918, s. 3. Cf. Vic., No. 2653, s. 6.)

6. (1) For the purpose of carrying out the provisions of this Act there shall be a Board, to be called the Western Australian Fire Brigades Board, constituted as hereinafter provided.

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

Cf. N.S.W., No. 9 of 1909, s. 7.

(3) No member of the Board shall be personally liable for any act of the Board, but the Board shall alone be liable.

(4) The said Board shall be successor to the Western Australian Fire Brigades Board constituted under the Fire Brigades Act, 1916.

(5) Until the constitution of a Board under this Act all the powers hereby conferred on the Board may be exercised by the Western Australian Fire Brigades Board, as constituted under the Fire Brigades Act, 1916, but such Board shall, on the constitution of a Board under this Act, be dissolved.

## PART IV.—CONSTITUTION OF BOARD.

Constitution of Board.  
Amended by No. 34 of 1963, s. 6. (No. 13 of 1917, s. 6. Cf. Vic., No. 2653, ss. 7 and 8.)

7. The Board to be constituted under this Act shall consist of ten members, as follows :—

- (a) Two members shall be appointed by the Governor, one of whom shall be appointed by the Governor to be the President of the Board.
- (b) Three members shall be elected by the insurance companies carrying on business within the State.
- (c) One member shall be elected by the Council of the City of Perth.
- (d) One member shall be elected by the councils of the municipal districts, or portions of municipal districts, from time to time included in Part II of the Second Schedule to this Act.



- (e) One member shall be elected by the councils of the municipal districts, or portions of municipal districts, from time to time included in Part III of the Second Schedule to this Act.
- (f) One member shall be elected by the councils of the municipal districts, or portions of municipal districts, from time to time included in Part IV of the Second Schedule to this Act.
- (g) One member shall be elected by the registered volunteer fire brigades.

8. (1) All elections of members of the Board shall be conducted in all respects whatsoever in such manner as may be prescribed by the regulations, and every such election shall be held under the direction of such returning officers as the Governor may from time to time appoint.

Elections to be under regulations, etc.  
Amended by No. 34 of 1959, s. 3.  
(No. 13 of 1917, s. 11.)  
Cf. Vic. No. 2653, s. 15.)

(2) (a) Where a question or dispute arises as to the regularity or validity of an election held under the provisions of this Act or the voting at the election, the Minister shall appoint a stipendiary magistrate to determine in the manner prescribed the question or dispute.

(b) The determination of the magistrate is final.

9. (1) All members of the Board when appointed or elected shall, subject to subsection (2) of this section and to subsection (1) of section eleven of this Act, enter upon their duties on the first day of January next following their appointment or election.

Tenure of members.  
Amended by No. 41 of 1951, s. 3 (4).  
(No. 13 of 1917, s. 12.)  
Cf. Vic. No. 2653, s. 14.)

(2) The members of the Board first appointed or elected after the commencement of this Act shall hold office as follows :—

- (a) of the two members appointed by the Governor the President shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five, and the other member until the thirty-first day of December, one thousand nine hundred and forty-four ;

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- (b) of the three members elected by the insurance companies, the member who receives the greatest number of votes shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five, and the other two members until the thirty-first day of December, one thousand nine hundred and forty-four ;
- (c) the member elected by the council of the city of Perth shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five ;
- (d) the member elected by the municipal councils and road boards included in Part II. of the Second Schedule shall hold office until the thirty-first day of December, one thousand nine hundred and forty-four ;
- (e) the member elected by the municipal councils and road boards included in Part III. of the Second Schedule shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five ;
- (f) the member elected by the municipal councils and road boards included in Part IV. of the Second Schedule shall hold office until the thirty-first day of December, one thousand nine hundred and forty-four ;
- (g) the member elected by the registered volunteer fire brigades shall hold office until the thirty-first day of December, one thousand nine hundred and forty-five.

(3) All members of the Board appointed or elected thereafter, shall subject to the provisions of subsection (6) of this section hold office until the thirty-first day of December in the second year of the term for which they are appointed or elected.

(4) Subject to the provisions of subsection (6) of this section in November or December, one thousand nine hundred and forty-four, and every second year thereafter, members shall be appointed or elected to fill the vacancies in office caused by the retirement of

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the five members appointed or elected, pursuant to subsection (2) hereof, for the term expiring on the thirty-first day of December, one thousand nine hundred and forty-four.

(5) Subject to the provisions of subsection (6) of this section in November or December, one thousand nine hundred and forty-five, and every second year thereafter, members shall be appointed or elected to fill the vacancies in office caused by the retirement of the five members appointed or elected, pursuant to subsection (2) hereof, for the term expiring on the thirty-first day of December, one thousand nine hundred and forty-five.

(6) (a) Notwithstanding that,  
 but for the provisions of this paragraph,  
 the term of office of the occupant  
 of the respective offices mentioned in Column 1 of the Table set out hereunder, which term is current at the time of the coming into operation of this paragraph,  
 would expire  
 on the day shown in Column 2 of the Table,  
 the term of his office,  
 except in the cases of the offices mentioned in Items 2, 5 and 9 of the Table, which are not affected by this paragraph,  
 shall by virtue of this paragraph continue until the time shown in Column 3 of the Table.

TABLE

Item.	Column 1.		Column 2.	Column 3.
	Office mentioned in the following paragraphs of subsection (2) of this section.		Date when, but for this paragraph, the term of office would expire.	Date to which term of office to continue.
1.	PAR. (a)	President ....	31st December, 1951 ....	Such time as the Governor thinks fit.
2.	(a)	member ....	31st December, 1952 ....	(not affected)
3.	(b)	member ....	31st December, 1951 ....	31st December, 1954
4.	(b)	member ....	31st December, 1952 ....	31st December, 1953
5.	(b)	member ....	31st December, 1952 ....	(not affected)
6.	(c)	member ....	31st December, 1951 ....	31st December, 1954
7.	(d)	member ....	31st December, 1952 ....	31st December, 1953
8.	(e)	member ....	31st December, 1951 ....	31st December, 1954
9.	(f)	member ....	31st December, 1952 ....	(not affected)
10.	(g)	member ....	31st December, 1951 ....	31st December, 1953

(b) The order in which the occupants of the offices mentioned in Items 4 and 5 of the Table shall retire, shall be that determined by the insurance companies mentioned in paragraph (b) of subsection (2) of this section, or if not determined by those companies, that determined by the Governor.

(c) In November or December of the year one thousand nine hundred and fifty-two and in either of those months in each following year, members shall be appointed or elected to fill the vacancies in office which shall occur on the expiration of the term of each of the three offices on the thirty-first day of December in each year, and the term of office of members so appointed or elected shall be for three years expiring on the thirty-first day of December in the third year of the term.

Periodical elections.  
(No. 13 of 1917, s. 13.  
Vic. No. 2653, s. 15.)

10. (1) All elections under this Act other than extraordinary elections shall be held in the month of November or December ; but the first election may be held at such other time as the Governor may think fit.

(2) Notwithstanding that any person is a member of the Board, he shall be eligible for re-election or re-appointment, and every retiring member shall, if not otherwise disqualified, be entitled to act as a member during the progress of any election.

Extraordinary vacancies.  
(No. 13 of 1917, s. 14.  
Cf. Vic., No. 2653, s. 16.)

11. (1) Any vacancy in the office of a member of the Board, occasioned by any cause whatsoever other than the expiration of the term for which he was appointed or elected shall be filled within two months after the occurrence of such vacancy, or within such longer time as may be prescribed by the regulations.

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

(3) In the case of an elected member, such vacancy shall be filled 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 such new member shall be eligible for re-appointment or re-election.

12. If from any cause the body or bodies whose duty it is to elect a member of the Board 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 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.

Failure to elect.  
(No. 13 of 1917, s. 15.  
Cf. Vic. No. 2653, s. 17.)

13. The Governor may at any time, if he thinks fit, remove any member of the Board.

Governor may remove member of Board.  
(No. 13 of 1917, s. 10.  
Vic. No. 2653, s. 12)

14. No person who—

- (i) is an employee of the Board, or is concerned or participates in the profits of any contract with the Board ; or
- (ii) has his affairs under liquidation by arrangement with his creditors, or is an uncertificated or undischarged insolvent ; or
- (iii) is undergoing a sentence of imprisonment ; or
- (iv) is of unsound mind ;

Disqualifications.  
Cf. Qld. 10, Geo. V., No. 23 of 1920, s. 6 (3).

shall be capable of being or continuing a member of the Board :

Provided that nothing herein contained shall disqualify any person from being or continuing a member solely because he is concerned or participates in a transaction with the Board in respect of—

- (a) a lease, sale, or purchase of land, or an agreement for such lease, sale, or purchase ; or
- (b) a contract entered into by an incorporated company for the general benefit of such company ; or

- (c) a contract for the publication of advertisements in a public journal.

How seat  
vacated.

Amended by  
No. 34 of  
1963, s. 7;  
No. 42 of  
1966, s. 4.  
(No. 13 of  
1917, s. 17.  
Vic. No. 2653,  
s. 19.  
N.S.W. No. 9  
of 1909, s. 10.)

15. (1) The seat of a member of the Board shall become vacant and the said member shall cease to be a member of the Board in any of the following circumstances :—

- (a) if the member becomes disqualified under section fourteen of this Act ;
- (b) if the member, being a councillor of a municipality at the time of his election pursuant to paragraphs (c), (d), (e), or (f) (as the case may be) of section seven of this Act, ceases to be a councillor of a municipality ;
- (c) if the member is absent from four consecutive periodical meetings of the Board without leave obtained from the Board in that behalf ;
- (d) if the member dies, or resigns by notice in writing given to the president of the Board ;  
or
- (e) if the member ceases to reside in this State.

(2) Notwithstanding the provisions of subsection (1) of this section, a member of the Board whose seat as such a member becomes vacant in the circumstances set out in paragraph (b) of that subsection shall continue to hold office until the vacancy so occasioned is filled by the election of a new member pursuant to the provisions of section eleven of this Act, and while continuing to hold that office shall have and may exercise all the rights and powers of a member of the Board as fully and effectually as he could have done prior to his seat as a member of the Board becoming vacant.

Acts of  
members not  
invalidated  
by vacancies.  
(No. 13 of  
1917, s. 18.  
Cf. Vic. No.  
2653, s. 20.)

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

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

Nor by irregularity in appointment or disqualification.

17. (1) A member of the Board is entitled to receive out of the funds of the Board, such remuneration for his services as the Minister, in respect of each member, approves.

Remuneration of Board members. Amended by No. 31 of 1949, s. 3; No. 34 of 1959, s. 4; No. 42 of 1966, s. 5.

[Paragraph (b) deleted by No. 42 of 1966, s. 5]

(2) The members of the Board may be insured for compensation in cases of accidents whilst engaged in the business of the Board, and the premiums for such insurance may be paid from the funds of the Board.

PART V.—PROCEEDINGS OF THE BOARD.

18. (1) Meetings of the Board shall be held not less than eleven times in each calendar year, and notice in writing of each meeting, except an adjourned meeting, shall be sent by post to each member at least seven clear days before the day of any such meeting.

Meetings of Board. Amended by No. 42 of 1966, s. 6. (No. 13 of 1917, s. 19. Cf. Vic. No. 2653, s. 22.)

(2) The president of the Board shall preside at all meetings of the Board at which he is present.

(3) The Minister may appoint a member of the Board to be deputy president of the Board, and such member, when so appointed, shall have and may exercise all the powers of the president during the absence of the president.

Cf. Qld. 10, Geo. V., No. 23 of 1920, Sch. Part III, s. 5.

(4) In the absence of the president and the deputy president, the members present shall elect from their number a chairman for the day.

Special meetings.  
(No. 13 of 1917, s. 20.  
Cf. Vic. No. 2653, s. 23.)

19. (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, convene a special meeting for any particular purpose.

(2) Notice in writing of a special meeting shall be sent by post to each member at least seven clear days before the day of such special meeting and the notice shall set forth the particular purpose for which such special meeting is convened.

Quorum.  
(No. 13 of 1917, s. 21.  
Cf. Vic. No. 2653, s. 24.)

20. (1) Six members of the Board 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.

Committees of Board.  
(No. 13 of 1917, s. 23.  
Cf. Vic. No. 2653, s. 26.)

21. (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.



22. (1) Entries of all proceedings of the Board and of every 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 or committee, and shall be signed at the next or some subsequent meeting of the Board or committee respectively by the president or chairman thereof.

Minutes of Proceedings.  
(No. 13 of 1917, s. 24.  
Cf. Vic. No. 2653, s. 27.)

(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 or 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 or 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.

PART VI.—VESTING OF PROPERTY AND GENERAL POWERS AND DUTIES OF BOARD.

23. On the constitution of the Board under this Act, all the property and assets whatsoever of the Western Australian Fire Brigades Board as constituted under the Acts repealed by this Act, shall, by force of this Act, vest in the Board, and all the liabilities of the said Western Australian Fire Brigades Board constituted under the Acts repealed by this Act shall become the liability of the Board.

Vesting of property.  
(No. 13 of 1917, s. 25.)

24. (1) The Board may purchase, take on lease, or otherwise acquire buildings or land, and all such apparatus and plant and other property as the Board

Power to purchase property for stations, etc.  
(No. 13 of 1917, s. 26.  
Vic. No. 2653, s. 28.)

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 the Board for the purposes of this Act.

(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 :

Provided that any real property acquired by the Board, or the Board to which the Board is a successor, from a local authority without pecuniary consideration, if no longer required for the purposes of this Act, shall revert in the local authority, subject to the payment by the local authority to the Board of the value of the improvements (if any) effected thereon after such acquisition.

General  
duties of  
Board.  
(No. 13 of  
1917, s. 27.  
Cf. Vic. No.  
2653, s. 29.)

25. The duty of taking, superintending, and enforcing all necessary steps for the prevention and extinguishing of fires and the protection of life and property from fire, and the general control of all fire brigade premises and of all fire brigades shall, subject to the provisions of this Act, be vested in the Board.

Board may  
require  
certain fire  
fighting  
appliances.  
Added by  
No. 34 of  
1959, s. 5.

25A. (1) The Board may by notice in writing addressed to the owner or occupier of any premises direct him to instal and provide within the time specified in the notice, such—

- (a) water taps, water pipes, connections, fittings and equipment in respect thereof ; and
- (b) equipment, apparatus or appliances for the purpose of—
  - (i) preventing the outbreak of or extinguishing fire ; or
  - (ii) preventing injury or damage to persons or property by fire ;

in or upon the premises and in such positions as the Board directs in the notice.

(2) In this section the expression, "premises" does not include premises which consist of a private dwelling house designed for the use and occupation of one family.

(3) The occupier of the premises shall keep and maintain in good working order and fit for immediate use any equipment, apparatus, appliances, taps, pipes or connections installed on the premises under the provisions of this section.

(4) (a) A person who is aggrieved by a direction of the Board may within twenty-one days of the receipt by him of the notice appeal in manner prescribed against the direction to a Judge of the Supreme Court or a Court of Petty Sessions held nearest to the premises referred to in the direction, on the ground that the things directed to be installed and provided in or upon the premises are not reasonably required by the Board for any of the purposes referred to in paragraph (b) of subsection (1) of this section.

Appeal  
against  
direction of  
Board.

(b) On the hearing of the appeal the Judge or Stipendiary Magistrate as the case may be may confirm, vary or cancel the direction and effect shall be given to the decision of the Judge or Stipendiary Magistrate as the case may be.

(c) A Court of Petty Sessions hearing an appeal under this subsection shall consist of a Stipendiary Magistrate.

(d) Costs of the hearing shall be at the discretion of the Court.

26. The Board may—

- (a) take measures for the formation of permanent or volunteer or private fire brigades ;
- (b) amalgamate, or disband, or cancel the registration of, any fire brigade ;
- (c) determine the number of permanent and volunteer and private fire brigades necessary for the protection of any district, and also the apparatus and plant to be used by each brigade ;

Formation of  
brigades, etc.  
(No. 13 of  
1917, s. 29.  
Cf. Vic. No.  
2653, s. 31.)

- (d) establish and support schools of instruction, and issue certificates of qualification in fire-extinction to members of fire brigades ;
- (e) provide and maintain fire-alarms and apparatus and plant for the prevention and extinguishing of fires ;
- (f) provide and maintain telephonic or other communication between fire brigade premises and between any such premises and any other places.

Board's proposals to be submitted to local authority. (No. 13 of 1917, s. 30.)

27. (1) The Board shall submit its proposals in respect of the class of brigade and method of fire protection to be established in each district to the local authority before putting such proposals into operation, and shall advise the local authority of any intended change in the class of brigade and method of fire protection, and any difference between the Board and the local authority on such matters shall be referred to the Minister for his decision :

Provided that this subsection shall not apply when the districts of two or more local authorities have been united into one fire district as provided for in section five of this Act.

(2) Any local authority may make representations to the Board in regard to the class of brigade and method of fire protection in its district, and may appeal to the Minister if dissatisfied with the action of the Board, and the Minister may decide all matters in dispute between the local authority and the Board.

Annual reports to Minister. Repealed and re-enacted by No. 42 of 1966, s. 7. (No. 13 of 1917, s. 31. Vic. No. 2653, s. 32.)

28. (1) The Board shall in every year furnish a report to the Minister upon all proceedings and accounts of the 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 that previous year, and such report shall be laid before both Houses of Parliament.

(2) The report referred to in subsection (1) of this section shall be furnished in the month of December where the previous year is one ending the thirtieth day of September, and in the month of September where the previous year is one ending the thirtieth day of June.

PART VII.—OFFICERS AND MEMBERS OF BRIGADES AND OTHER EMPLOYEES.

Amended by No. 42 of 1966, s. 8.

29. (1) The Board shall from time to time appoint such officers and members of every permanent fire brigade and such other employees and by such designations as shall be deemed necessary, and, subject to the provisions of any relevant award or industrial agreement and to the regulations, the Board shall have the power of suspension and removal of all such officers and members and employees.

Appointment, etc., of officers and members of permanent brigade.  
Amended by No. 42 of 1966, s. 9.  
(No. 13 of 1917, s. 32.  
Cf. Vic. No. 2653, s. 34.)

(2) Subject to any award or industrial agreement, the officers and members of any permanent fire brigade and the other employees aforesaid shall be respectively paid such salaries and wages from the funds of the Board as the Board shall from time to time direct, or as may be directed by regulations.

30. No election or appointment of the officers and members of any volunteer or private brigade shall have any force or effect until approved by the Board.

Approval of members of volunteer brigade.  
(No. 13 of 1917, s. 33.  
Cf. Vic. No. 2653, s. 33.)

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

Chief Officer.  
(No. 13 of 1917, s. 34.  
Cf. Vic. No. 2653, 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 Fire Brigades.

Deputy Chief  
Officer.  
(No. 13 of  
1917, s. 35.)

32. There shall be an officer, to be called the Deputy Chief Officer, who shall be from time to time appointed by the Board, and shall be subject to suspension or removal by the Board.

General  
duties and  
powers of  
Chief Officer.  
Amended  
by No. 42 of  
1966, s. 10.  
(No. 13 of  
1917, s. 36.  
Cf. Vic. No.  
2653, s. 37.)

33. The Chief Officer or any officer authorised in that behalf by the Board shall, in addition to such other duties as the Board may prescribe, exercise the general duties and powers following, that is to say—

- (a) he shall cause a book to be kept containing the names, ages, occupations, and places of abode of all officers and members of every fire brigade ;
- (b) he shall summon once a month at the least all or as many of the officers and members of brigades as may be required for practice in order to render them 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 and make such recommendations as to him may seem fit ;
- (d) he shall have the immediate charge and control of all apparatus and plant, and other property of the Board, and shall keep the same in a fit state for efficient service ;
- (e) (i) he shall at all reasonable times have free access to any premises, and if in his opinion there exists in or on any premises any potential danger to life or property from fire, he may direct or order the owner or occupier of such premises to abate such danger within reasonable time, as named in the requisition.
- (ii) Any person who fails to comply with the requirements of a requisition served as aforesaid shall be liable on conviction to a penalty not exceeding one hundred dollars, and also to a further penalty not

exceeding four dollars for every day during which the offence continues after that conviction.

Provided that any person aggrieved by any such requisition may, within seven days after its receipt, appeal against such requisition to a magistrate sitting as a court of petty sessions within the district, and no proceedings shall be instituted against such person pending the hearing of an appeal ;

- (f) he shall at all reasonable times have free access to all premises used or intended for purposes of public entertainment or of public concourse, for the purpose of ascertaining whether the laws and regulations pertaining to the prevention of and escape from fire are being 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.

34. For the purpose of extinguishing any fire, the Chief Officer or, in his absence the officer or any member of the brigade who for the time being is in charge, shall perform the following duties and may exercise the following powers (that is to say) :—

Duties and powers of Chief Officer, *c.f.* at fires. Amended by No. 42 of 1966, s. 11. (No. 13 of 1917, s. 37. Cf. Vic. No. 2653, s. 38.)

- (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 may take and direct any measures which appear to him to be necessary or expedient for the protection of life and property, or for the control and extinguishing of fire, and may cause any premises to be entered, taken

Cf. Qld. 10. Geo. V., No. 23 of 1920; Sch. Part III., 24 (2) (VII.).

*Fire Brigades.*

possession of, pulled down wholly or partially, or otherwise destroyed for such purpose, or for preventing fire or for preventing the spread of fire ;

- (d) he may cause water to be shut off from any main or pipe to obtain a greater pressure and supply of water for the purpose of extinguishing any fire ; and no water supply authority 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 ;
- (e) he may cause gas, electricity, or other illuminant to be shut off or disconnected to or at any premises ; and no person supplying gas, electricity, or other illuminant shall be liable to any penalty or claim by reason of any interruption in the supply occasioned by compliance with the provisions of this section ;
- (f) he may cause any street, private road, right-of-way, or thoroughfare in the vicinity of any fire to be closed against 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 to remove any person who or anything which interferes with the operations of the brigade ;
- (h) 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 ;

Cf. N.S.W.,  
No. 9 of  
1909, s. 29  
(d1).

Cf. Qld. 10,  
Geo. V., No.  
23 of 1920;  
Sch. Part III.,  
24 (2) (IX.).



- (i) he may cause the debris and also any premises where any fire has occurred, and every part of such premises, to be searched, and may remove and keep possession of any materials which may tend to prove the origin of such fire ;
- (j) he may take such measures as he thinks proper for the protection and saving of life or property and for the control and extinguishing of a fire. Cf. N.S.W. No. 9 of 1909, s. 29 (g).

PART VIII.—REGULATIONS.

35. The Governor may make regulations for all or any of the following purposes :— Power to make regulations. Amended by No. 34 of 1959, s. 6. No. 34 of 1963, s. 8; No. 42 of 1966, s. 12. (No. 13 of 1917, s. 38. Vic. No. 2653, s. 39.)

- (a) for regulating the business and proceedings at the meetings of the Board and of committees thereof ;
- (b) for defining the functions, powers and duties of the president of the Board, and the chairman of any committee thereof ;
- (c) [*Deleted by No. 34 of 1959, s.6.*]
- (d) for the examination, appointment, suspension, and removal of officers and members of brigades and other employees, and for regulating the duties and conduct of such officers and members and other employees ;
- (e) for the establishment and maintenance of brigades and for the payment of salaries or wages to officers and members of permanent brigades and other employees ;
- (f) for the training of officers and members of brigades ;
- (g) for the payment of compensation in cases of accidents to officers and members of brigades and other employees of the Board or where death ensues therefrom to their dependants ;
- (h) for the establishment of a pension or superannuation fund for officers and members of brigades and other employees of the Board contributing to such fund ;

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- (i) for paying gratuities in respect of voluntary or special services rendered ;
- (j) for permitting, when occasion requires any, portion of a brigade or its apparatus and plant to proceed or be taken beyond the limits of any district for the purpose of attending fires, and for regulating the charges for such service ;
- (k) for dividing any district into subdistricts ;
- (l) for ensuring discipline and good conduct amongst officers and members of brigades, and generally for the maintenance of brigades in a due state of efficiency ;
- (m) for the registration of all brigades ;
- (n) [*Deleted by No. 34 of 1959, s. 6.*]
- (o) for regulating and controlling demonstrations and competitions ;
- (p) for establishing and maintaining a salvage force, and for prescribing the charges to be levied for the services of such force ;
- (q) for prescribing charges to be levied for attending fires on vessels, and for the recovery of such charges from the owner or master ;
- (r) for prescribing the uniforms to be worn by officers and members of brigades when on duty ;
- (s) for regulating the storage and deposit of inflammable matter ;
- (t) for regulating the conduct of all elections and prescribing the manner in which a question or dispute arising out of an election may be determined under the provisions of section eight of this Act ;
- (u) for providing for and fixing the voting power of local authorities, insurance companies, and volunteer fire brigades in connection with the election of members of the Board ;

- (v) for the control and attendance of officers and members of brigades on duty in public buildings and premises, and prescribing fees to be paid by the owner or occupier of any such building and premises for such service, and for the recovery thereof ;
- (w) for managing and regulating the distributing of all revenue received under the provisions of this Act ;
- (x) for altering the date prescribed by this Act for the doing or performance of any duty to any other date ;
- (y) for imposing penalties for breaches of regulations, the maximum penalty in any case not to be fixed at a greater sum than one hundred dollars ; and
- (z) for any purpose for which regulations are contemplated or required, or may, in his opinion, be necessary or expedient, for giving effect to the provisions of, and for the due administration of, this Act.

35A. The Governor may, by Order in Council, declare—

- (a) any policy of insurance to be a policy of insurance for the purposes of this Act ;
- (b) which of the policies of insurance so declared are to apply within fire districts, only, and which are to apply within the whole of the State, generally ;  
and
- (c) the percentage of the gross premium, paid or payable in respect of any policy of insurance so declared, that is to be taken in computing a contribution numerator, for the purposes of sections thirty-nine and forty of this Act ;

Power to declare policies of insurance, etc. for purposes of this Act.  
Added by No. 34 of 1963, s. 9.

and may, in like manner, cancel or vary any Order so made.

## PART IX.—FINANCIAL PROVISIONS.

Annual estimate of expenditure. Amended by No. 42 of 1966, s. 13. (No. 13 of 1917, s. 40. Cf. Vic. No. 2653, s. 41.)

36. (1) Before the thirty-first day of July in every calendar year or within such extended time as the Governor may approve, the Board shall prepare estimates of—

- (a) the probable expenditure to be incurred in the operation of this Act within each district during the year ending the next following thirtieth day of June ;
- (b) the interest payable during such year on the debentures issued by the Board under this Act, or by the Western Australian Fire Brigades Board, or by the West Australian Fire Brigades Board, or the Fire Brigades Board under the Acts hereby repealed, and for contributions to the sinking funds for the redemption thereof ; and
- (c) the general administration expenses of the Board : Provided that no estimate under paragraphs (a) and (c) hereof shall exceed in any one such year such limit as may be fixed by the Minister, nor have any force or effect until approved by the Governor.

(2) The estimated expenditure for interest on debentures and contribution to sinking funds shall be apportioned between the several districts in proportion to the amount of borrowed money expended in each district save and except as hereinafter provided, and such apportionment shall be subject to the approval of the Minister :

Provided that the Minister shall determine what amount of loan moneys have been expended in the erection of executive offices for the Board and the fire brigade premises occupied by the Chief Officer and the administrative employees of the Board, and the estimated expenditure for interest on this amount, and contribution to the sinking fund shall be apportioned between the several districts in the manner specified by subsection (3) of this section.

(3) The general administration expenses of the Board referred to in subsection (1) hereof shall be apportioned between the several districts in ratio to the amount of the actual expenditure in each district during the year.

37. (1) The expenditure for each year estimated in accordance with subsection (1) of section thirty-six of this Act in respect of each district shall be contributed to in each year in the portions hereinafter set out, and be paid to the Board as follows, by—

- (a) the Treasurer of Western Australia, out of the consolidated revenue, which is hereby appropriated for that purpose accordingly ;
- (b) the local authorities whose districts or portions thereof are constituted fire districts, or united with other districts into a fire district ;
- (c) the insurance companies that are insurance companies within the meaning of this Act, jointly.

Contributions towards expenditure.  
Amended by  
No. 34 of 1959, s. 7;  
No. 34 of 1963, s. 10;  
No. 42 of 1966, s. 14.  
(No. 13 of 1917, s. 41.  
Cf. Vic. No. 2653, s. 42.)

(2) The Treasurer of Western Australia shall contribute sixteen per centum, the local authorities twenty per centum, and the insurance companies sixty-four per centum, of the amount of the estimated expenditure for each of the respective years ending the thirtieth day of September, one thousand nine hundred and sixty-seven and the thirtieth day of June, one thousand nine hundred and sixty-eight, and for each year ending the thirtieth day of June thereafter.

(2a) For the purposes of subsection (2) of this section, the term "estimated expenditure" shall not include any moneys expended or proposed to be expended in relation to or arising either directly or indirectly from war or warlike operations.

(3) The amounts to be so contributed shall in all cases be paid by equal quarterly payments on the first day of October, January, April and July in each year to and including the year ending the thirtieth

day of September, one thousand nine hundred and sixty-seven, by three equal payments on the first day of October, January and April in the year ending the thirtieth day of June, one thousand nine hundred and sixty-eight, and thereafter by equal quarterly payments on the first day of July, October, January and April in each year ending the thirtieth day of June.

Contributions of local authorities, how raised.

Amended by No. 34 of 1963, s. 11. (No. 13 of 1917, s. 42. Cf. Vic. No. 2653, s. 44.)

38. (1) The amount of the contributions payable under this Act by local authorities may be raised—

- (a) by the levy of an annual fire brigade rate ;
- OR
- (b) by increasing the annual general rate under the Local Government Act, 1960, notwithstanding any statutory limit of such rate.

Provided that such annual rate or increased annual general rate may, with the approval of the Governor, be levied only on the rateable land within a prescribed portion of the district of the local authority.

(2) When the municipal districts of several local authorities are united into one fire district, the contribution payable by such local authorities shall be apportioned between them in such proportions as the annual value of all land subject to water rates within the fire district of each local authority's district, as determined by the water supply authority, bears to the aggregate of the said annual value within the whole united fire district.

Returns by insurance companies. Repealed and re-enacted by No. 34 of 1963, s. 12. Amended by No. 42 of 1966, s. 15.

39. (1) In this section and in section forty of this Act—

“ contribution denominator ” means the aggregate of all the contribution numerators of the insurance companies, for the same period of twelve months ;

“ contribution numerator ” means the aggregate of all the declared percentages of any one insurance company, (expressed as a sum of money) for a period of twelve months ending on the thirty-first day of December ;

“declared percentage” means the percentage of a gross premium that is declared by Order in Council made under this Act as that to be taken in computing a contribution numerator ;

“gross premium” means the premium paid or payable in respect of a policy of insurance, without the deduction of any commission, brokerage or discount.

(2) To enable the Board to determine the amounts to be paid by the various insurance companies for the purposes of section thirty-seven of this Act, every insurance company within the meaning of this Act shall, in the month of July in each year to and including the calendar year one thousand nine hundred and sixty-seven, and in the month of March in every calendar year thereafter, or at such other time as the Board may direct, furnish a return to the Board, in the prescribed form, setting out the contribution numerator of the company, in respect of the period of twelve months ending the thirty-first day of December immediately preceding the furnishing of the return.

(3) In computing the amount of the contribution numerator, an insurance company may deduct the gross premiums paid by it, during the period to which the contribution numerator relates, for re-insurance of, or part of, a policy of insurance with any other insurance company that is required to furnish a return, under this section, during the same period.

(4) Every return furnished pursuant to this section shall be accompanied by such statutory declaration as may be prescribed by regulations under this Act, verifying the amount of the contribution numerator and an insurance company shall be bound by an amount so verified.

(5) Every person who—

(a) negotiates a policy of insurance on behalf of an insurance company ; or

- (b) being the owner of property, without negotiating with a person in the State, takes out a policy of insurance in respect of that property with an insurance company; or
- (c) not being the owner, has an insurable interest in any property in respect of which a policy of insurance, not negotiated with a person in the State, has been taken out with an insurance company,

shall, if the insurance company is not carrying on business within the State, himself, be deemed to be an insurance company.

(6) Every insurance company, being an insurance company required to furnish a return under this section, that fails to furnish a return and a declaration verifying the return, within the period provided by this section, or that furnishes an incorrect or incomplete return is in default and is liable to a penalty not exceeding ten dollars for every day that the default continues.

Amount of contribution by individual insurance companies, how to be ascertained. Repealed and re-enacted by No. 34 of 1963, s. 13. Amended by No. 42 of 1966, s. 16.

40. (1) The portion of the contribution payable under section thirty-seven of this Act by the insurance companies shall be levied by the Board among them in the proportion that each insurance company's contribution numerator bears to the contribution denominator and, subject to the succeeding provisions of this section, every insurance company shall pay the amount so levied.

(2) In levying the amounts to be paid by insurance companies under subsection (1) of this section, the Board shall compute the amount payable by each insurance company to the nearest amount of twenty cents or multiple thereof.

(3) Notwithstanding the provisions of subsection (1) of this section, the minimum amount to be paid by any insurance company thereunder is twenty dollars in each year.

(4) Where an insurance company newly commences to carry on business, it shall, until it has been levied pursuant to a return furnished under the provisions



of section thirty-nine of this Act, contribute to the funds of the Board an amount of five dollars on the days provided by subsection (3) of section thirty-seven of this Act.

(5) Where any amount, or part of any amount levied on an insurance company under this section is determined by the Board as being irrecoverable, the amount so determined shall be added by the Board to the amount of the contribution payable by the insurance companies for the year next following that determination.

(6) Every amount levied by the Board on insurance companies, for the purposes of this Act, before the coming into operation of the Fire Brigades Act Amendment Act, 1963, is deemed to have been lawfully levied, to all intents and purposes as if the amount had been levied under the provisions of this section.

41. A body corporate, company, partnership, association, underwriter or person carrying on the business of marine insurance and not otherwise contributing to the funds of the Board, shall, under and subject to the regulations, contribute such annual sum as may be prescribed for the protection of the interests insured under their policies on wharves and jetties.

Marine insurance companies. Amended by No. 34 of 1963, s. 14. (No. 13 of 1917, s. 45.)

42. (1) The manager, secretary, agent, or other person having the custody of the books and papers of any insurance 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.

Insurance companies to permit books to be inspected. Amended by No. 42 of 1966, s. 17. (No. 13 of 1917, s. 46. Cf. Vic. No. 2653, s. 47.)

(2) Any such manager, secretary, agent or other person 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 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 forty dollars and not exceeding one hundred dollars, or to imprisonment, with or without hard labour, for not more than three months.

Recovery of contributions and further contribution for delay in payment. Amended by No. 42 of 1966, s. 18. (No. 13 of 1917, ss. 47, 78, and 79. Cf. Vic. No. 2653, ss. 48, 75 and 76.)

43. (1) If any local authority, or if any insurance company liable to contribute under this Act, fails to pay any 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 less than ten dollars and not more than one hundred dollars, and also to a further penalty of four dollars every day during which such failure to pay continues.

(2) All contributions and penalties, whether from any local authority or any insurance company, shall be recoverable by action at the suit of the Board either in the Supreme Court or any local court, whatever the amount sought to be recovered.

(3) 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.

Insurance companies to contribute in certain cases. Amended by No. 34 of 1963, s. 15. (No. 13 of 1917, s. 48. Cf. Vic. No. 2653, s. 49.)

44. (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 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.

(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 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 Third Schedule to this Act.

45. If in any year the amount received by the Board from contributions under this Act in respect of any district falls short of the expenditure within or on account of such district, 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 as aforesaid 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.  
(No. 13 of 1917, s. 49.  
Cf. Vic. No. 2653, s. 50.)

46. (1) The Board may, with the consent of the Governor, from time to time borrow such moneys as may be deemed necessary to enable the Board to carry out and perform the powers, authorities, and duties vested in or conferred or imposed on the Board by this Act, or to redeem any debentures lawfully issued under this Act or any Act hereby repealed.

Borrowing powers.  
Amended by No. 34 of 1959, s. 8.  
(No. 13 of 1917, s. 50;  
No. 21 of 1924, s. 2;  
No. 36 of 1925, s. 2;  
see 1909, No. 51 S, 53.  
Cf. Vic. 2653, s. 51.)

*Fire Brigades.*

(2) The Board shall have power, with the like consent, to issue debentures under the seal of the Board for the amount so borrowed, with interest thereon.

(3) The amount so borrowed shall be a charge upon all the property and revenue, whether accrued or to accrue, of the Board.

(4) Where more than one loan is raised, priority shall depend upon the date of issue, but all debentures forming part of the same loan shall rank *pari passu*.

(5) Such debentures shall be redeemable at such time or times as may be fixed by the Governor.

(6) The Governor may make regulations prescribing the form of such debentures and the conditions on which they may be issued and the mode in which a sinking fund may be provided 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.

(7) Such sinking fund may be invested in Government securities under the control of the Minister, or in the purchase of debentures so issued.

(8) If the Board at any time makes default in paying any principal money or interest secured by any debenture or in forming a sinking fund under this section, the Minister, if so authorised by the Governor, shall be entitled to receive from the Treasurer of Western Australia, and to receive and recover from the local authorities and insurance companies respectively either the whole of the annual contributions which would otherwise have been payable to the Board, or such part thereof as the Governor may determine to be necessary for the purpose of paying any principal money or interest in arrear, or making payments into such sinking fund, and shall apply to such purposes the moneys so received :

Provided that, if and whenever such default has been made, and whether the Minister has obtained or acted on such authority as aforesaid or not, the Supreme Court or a Judge thereof may, on the petition

of the holder of any debenture, appoint a receiver of the whole revenue of the Board to which the provisions set forth in the Fourth Schedule to this Act are applicable, and thereupon the said provisions shall apply and have effect.

Provided also, that whenever the Minister is authorised as aforesaid under this subsection, the powers conferred by the said schedule on a receiver may be exercised by the Minister.

(9) Nothing in this section shall be deemed to take away any right of action or proceedings which any debenture holder at any time has in respect of the property and revenues of the Board.

(10) The provisions of this section shall apply in relation to moneys already borrowed by the Western Australian Fire Brigades Board, the West Australian Fire Brigades Board, and the Fire Brigades Board under the Acts hereby repealed.

(11) The Bills of Sale Act, 1899, and the amendments thereof shall not apply to debentures issued under this Act or any Act hereby repealed.

**46A.** (1) The Board may establish Replacement Funds into which shall be paid such amounts—

Establishment of Replacement Funds.  
Added by No. 42 of 1966, s. 19

(a) as the Board from time to time deems necessary ; and

(b) as provided for in the approved estimates of the Board each year.

(2) The Board may from time to time apply any of the moneys in the Replacement Funds towards the purchase, construction, renewal, maintenance or replacement of land, buildings, machinery or plant.

**46B.** The Board may whenever it deems necessary place expenditure provided for in the estimates to the credit of an appropriate account into and from which moneys receivable and payable in connection with the undertaking or matter shall be paid and withdrawn,

Estimated expenditure may be placed in separate account.  
Added by No. 42 of 1966, s. 20.

and any sum unused standing to the credit of any such account may be credited to expenditure in such year as the Board approves.

Audit of accounts.  
(No. 13 of 1917, s. 51.  
Vic. No. 2653, s. 55.)

47. (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 of 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) A particular statement of all moneys received and of the expenditure thereof by the Board shall be included in the annual report to be furnished, in accordance with the provisions of section twenty-eight of this Act, to the Minister and both Houses of Parliament.

PART X.—MISCELLANEOUS.

Board to furnish information to Commissioner of Public Health.  
(No. 13 of 1917, s. 70.  
Cf. Vic. No. 2653, s. 67.)

48. The Board shall from time to time furnish the Commissioner of Public Health with information and recommendations as to the requirements for the prevention of an escape from fire in premises used or intended for purposes of public entertainment or of public concourse.

Brigades to be registered etc.  
(No. 13 of 1917, s. 52.  
Cf. Vic. No. 2653, s. 54.)

49. Volunteer and private brigades already established or hereafter to be established shall conform to the regulations 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 member or officer of the Board.

Restriction as to establishment of salvage corps.  
(No. 13 of 1917, s. 55.)

50. It shall not be lawful for any person to constitute or maintain within any fire district to which this Act applies any salvage corps or fire brigade for the purpose of salvage of property at fires or of extinguishing fire outside of the 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.

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

Rewards to brigades.  
(No. 13 of 1917, s. 64.  
Cf. Vlc. No. 2653, s. 59.)

52. (1) Subject to regulations, the Board 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.  
(No. 13 of 1917, s. 67.  
Cf. Vlc. No. 2653, s. 62.)

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

53. [*Repealed by No. 42 of 1966, s.21.*]

54. (1) In this section, unless the context requires otherwise—

Provision of fire hydrants.  
Amended by No. 41 of 1951, s. 3 (5).

“ fire hydrant ” means a fire plug or fixed pillar fire hydrant ;

“ proclaimed day ” means the day fixed by Proclamation for the coming into operation of the Acts Amendment (Fire Brigades Board and Fire Hydrants) Act, 1951 ;

“ re-instatement ” means the filling in of ground opened up and the re-instating and making good of the paving of any street broken up

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in the course of installing or abolishing a fire hydrant or keeping a fire hydrant in effective order.

(2) Subject to the provisions of the next succeeding subsection, the Board may serve a written notice on a local authority demanding the provision of a fire hydrant at a specified location, and such local authority shall within two months after receipt of the demand either provide the said fire hydrant or lodge an appeal with a stipendiary magistrate.

Provided that:—

- (i) where an appeal is lodged and is dismissed the local authority shall provide the said hydrant within one month after receipt of the Magistrate's decision ;
- (ii) where the magistrate upholds the appeal, the Board may renew the demand after the expiration of a period of twelve months.

(3) (a) On and after the proclaimed day, the provisions of the last preceding subsection shall cease to operate, but the provisions of this paragraph do not relieve a local authority from complying with those provisions in respect of any notice served on it pursuant to those provisions before the proclaimed day, and do not affect the right to lodge or the determination of any appeal referred to in that subsection in respect of a notice so served.

(b) On and after the appointed day, the Board may, subject to the provisions of the succeeding paragraphs of this subsection, provide and abolish fire hydrants at such locations in fire districts as the Board thinks fit.

(c) Where the location at which the Board intends to provide or abolish a fire hydrant is in an area mentioned in Column 1 of the Table set out hereunder, the Board shall request the appropriate water supply authority mentioned in Column 2 of the Table to instal or abolish the fire hydrant at the specified location.



TABLE

Item.	Column 1.	Column 2.	Column 3.
	Area	Authority	Act.
1.	The Metropolitan Water Sewerage, and Drainage Area	The Minister of Water Supply, Sewerage and Drainage	The Metropolitan Water Supply, Sewerage, and Drainage Act, 1900-1941 <sup>1</sup> (See especially ss. 5, 44, 45 and 46.)
2.	Water area ....	The Water Board constituted for the water area, or the Minister for Water Supply, Sewerage and Drainage in his corporate capacity as constituted by the Water Supply, Sewerage and Drainage Act, 1912, as the case may be	The Water Boards Act, 1904-1949. (See especially ss. 5, 63 and 64.)
3.	Country water area ....	The Water Board constituted or deemed to be constituted for the whole or part of the country water area	The Country Areas Water Supply Act, 1947-1950. <sup>2</sup> (See especially ss. 5, 13, 36 and 37.)

(d) So soon after receiving the request as is reasonably practicable, the water supply authority shall, in accordance with the powers conferred upon it by the Act pursuant to the provisions of which it is constituted, which Act is mentioned in Column 3 of the Table, instal or abolish the fire hydrant as requested.

(e) The water supply authority shall keep all fire hydrants in fire districts except those which are abolished, whether installed before, on or after the proclaimed day, in effective order.

(f) When the water supply authority has, in pursuance of the provisions of this subsection, installed, abolished, or kept in effective order a fire hydrant, it shall render to the Board a statement of account showing the cost to the water supply authority of the labour and materials incurred in doing so, except the cost of re-instatement, and shall render to the local authority in whose district the work is done a statement of account showing the cost to the water supply authority of the labour and materials incurred in re-instatement, and the amounts of the respective accounts shall, in the event of non-payment, be

<sup>1</sup> Now Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1970.

<sup>2</sup> Now Country Areas Water Supply Act, 1947-1964.

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recoverable at the suit of the water supply authority in a court of competent jurisdiction from the Board or the local authority respectively as a debt due.

(g) (i) By virtue of this section, the property in the fire hydrants referred to in the respective items of Column 1 of the Table set out hereunder shall vest in the Board as owner at the times set out opposite those respective items in Column 2 of the Table.

TABLE

Item.	Column 1.	Column 2.
1.	Fire hydrants installed before, on, or after the proclaimed day at the cost of a local authority in a fire district constituted before and subsisting at the proclaimed day	The proclaimed day.
2.	Fire hydrants installed before, on, or after the proclaimed day at the cost of a local authority in an area constituted as a fire district or part of a fire district on or after the proclaimed day	The day when the area is constituted as a fire district or part of a fire district.
3.	Fire hydrants installed on or after the proclaimed day at the cost of the Board	The day of installation.

(ii) Compensation shall not be payable to a local authority in respect of fire hydrants mentioned in Items 1 and 2 of the Table.

Use of pillar hydrants instead of fireplugs. (No. 13 of 1917, s. 60. Cf. Vic. No. 2653, s. 64.)

55. 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 standpost or pillar-hydrants shall be fixed in conspicuous places on or near the kerbing of the street or roadway.

Turncocks to attend fires. (No. 13 of 1917, s. 56. Cf. Vic. No. 2653, s. 60.)

56. Every turncock employed by a water supply authority shall forthwith, on any fire occurring in a fire district within the area or part of the State 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.

57. Every company or person supplying gas or electricity or other illuminant to any premises on fire in a fire district shall forthwith send some competent person to shut off or disconnect the supply to such premises or any adjoining premises.

Disconnection of gas or artificial light.  
(No. 13 of 1917, s. 57.  
Cf. Vic. No. 2653, s. 61.)

58. The authority of the Chief Officer shall be recognised by all officers and members of the police force and other persons. It shall be the duty of officers and members of the police force to support the authority of the Chief Officer and assist him in enforcing obedience to any orders given in pursuance of this Act or the regulations.

Police and others to aid Chief Officer.  
(Cf. N.S.W. No. 9 of 1909, s. 31.)

59. Any person who—

- (i) wilfully interferes with any officer or member of any brigade in the discharge of his duty ;
- (ii) wilfully damages or interferes with any water plug, fire hydrant, fire alarm, or other property of the Board ;
- (iii) wilfully gives a false alarm of fire ;
- (iv) drives a vehicle over a fire hose ;
- (v) drives a vehicle within such proximity to the scene of the fire as to occasion interference,

Penalties for interference, damage, etc.  
Amended by No. 42 of 1966, s. 22.  
(Cf. Qld. 10, Geo. V, No. 23 of 1920, Sch. Part III., 30.)

shall be liable to a penalty not exceeding one hundred dollars or to be imprisoned for any period not exceeding six months, with or without hard labour, and shall also be liable for and may be ordered to pay the estimated damage.

60. (1) Any person who is not a member of a fire brigade, or who is not acting under the control or direction of any officer or member of a brigade, may be ordered by any officer or member of a brigade 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.  
Amended by No. 42 of 1966, s. 23.  
(No. 13 of 1917, s. 65.  
Cf. Vic. No. 2653, s. 60.)

(2) If such person neglects or refuses to so withdraw, he may be forcibly removed.

As to rights to water for extinguishing fires and for practice, etc.  
;No. 13 of 1917, s. 66.  
Cf. Vic. No. 2653, s. 61.)

61. The Board, the officers and members of brigades and any brigade registered under this Act shall have the use of all water mains, fire hydrants, water plugs, valves, and pipes vested in or belonging to any water supply authority 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.

Owner to give information as to insurance.  
Amended by No. 34 of 1963, s. 16;  
No. 42 of 1966, s. 24.  
(No. 13 of 1917, s. 75.  
Cf. Vic. No. 2653, s. 72.)

62. (1) The owner of any premises or property involved in a fire shall, on being requested so to do by any officer or member of a brigade or administrative employee or member of the Board, furnish him with particulars of any policy of insurance thereon.

(2) The owner of any personal property which may be in any premises where a fire occurs or which may be destroyed or damaged by fire shall, on being requested so to do by any officer or member of a brigade or administrative employee of the Board, furnish him with particulars of any policy of insurance thereon.

(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 any policy of insurance as aforesaid, shall on conviction be liable to a penalty not exceeding forty dollars.

Inquisition by coroner.  
(Cf. N.S.W. No. 9 of 1909, s. 25.)

63. The coroner exercising jurisdiction at any place within a fire district at which a fire has occurred shall, at the request in writing of the Board, hold an inquisition into the cause and origin of the fire.

64. Any damage to property caused by the 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 covering the property so damaged, notwithstanding any clause or condition to the contrary in any such policy.

Damage done to be within policy.  
Amended by No. 34 of 1963, s. 17. (No. 13 of 1917, s. 54. Cf. Vic. No. 2653, s. 56.)

65. (1) (a) Where within a district a fire occurs in or on—

Charges for brigades attending fires.

uninsured premises or uninsured property,

Amended by No. 34 of 1959, s. 9; No. 34 of 1963, s. 18. (Cf. N.S.W. No. 9 of 1909, s. 22. Cf. Qld. 10. Geo. V., No. 23 of 1920, Sch. Part III., 26.)

uninsured vacant land,

an uninsured crop, grass, scrub, stubble or any other vegetable matter whether of the same class or kind as the class or kind before enumerated or not and whether it is alive or dead or standing or not,

whether or not the same is insurable ; or

in or on any rubbish, refuse or waste matter, if the fire is attended by a Brigade which is under the control of the Board,

the owner of the premises or property ;

the owner of the vacant land ;

the occupier of the land upon which the crop, grass, scrub, stubble or vegetable matter is situate ;

the occupier of the land upon which the rubbish, refuse or waste matter is situate,

as the case may be, is liable to pay to the Board for the attendance of the Brigade at the fire, an amount to be determined by the Board but not exceeding the fees and charges set out in the Third Schedule to this Act.

(b) For the purposes of this section—

- (i) “uninsured” means not insured under a policy of insurance within the meaning of this Act ;
- (ii) “occupier” in relation to land means the person in or entitled to possession of the land.

(2) Where a fire occurs in premises or property situate outside a district to which this Act applies, the owner of such premises or property shall be liable to pay to the Board for the attendance at the fire of any brigade under the control of the Board, an amount to be determined by the Board, but not exceeding the fees and charges mentioned in the Third Schedule to this Act.

(3) The Crown shall not under any circumstances be liable to pay the fees and charges referred to in the Third Schedule.

(4) The Board may remit the whole or part of the fees and charges hereinbefore mentioned.

(5) In default of payment any such fees and charges may be recovered by the Board summarily in any court of petty sessions, or in any other court of competent jurisdiction.

Failure to deliver up any premises in occupation by officer or fireman.  
(No. 13 of 1917, s. 62.  
Cf. Vic. No. 2653, s. 66.)

66. Where any officer or member of a brigade, 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 justice of the peace, 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 or member of a brigade, 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.

67. (1) The Chief Officer or any officer, or other employee, 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 Chief Officer or of the Board, and may remove the same.

Detention of Board's property. (No. 13 of 1917, s. 63. Cf. Vic. No. 2653, s. 67.)

(2) Any person hindering or obstructing the Chief Officer or any such officer, employee, or agent in so entering or breaking into any such place shall be guilty of an offence against this Act.

68. 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.

Powers of agents. (No. 13 of 1917, s. 72. Cf. Vic. No. 2653, s. 69.)

69. 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 agents to deduct payments made for owners. (No. 13 of 1917, s. 73. Cf. Vic. No. 2653, s. 70.)

70. 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.

Power of trustees. (No. 13 of 1917, s. 74. Cf. Vic. No. 2653, s. 71.)

Documents signed by president to be evidence. (No. 13 of 1917, s. 80. Cf. Vic. No. 2653, s. 77.)

71. 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.

Penalty for offences. Amended by No. 5 of 1961, s. 2; No. 42 of 1966, s. 25. (No. 13 of 1917, s. 81. Cf. Vic. No. 2653, s. 78.)

72. Any person disobeying or failing to comply with any provisions of this Act or the regulations or failing to do that which by or under this Act he is required or directed to do shall be guilty of an offence, and, if no penalty be specially provided therefor, shall be liable to a penalty not exceeding forty dollars, and to a further penalty of not more than four dollars for each day such offence is continued after any conviction therefor.

Recovery of penalties. (No. 13 of 1917, s. 82. Cf. Vic. No. 2653, s. 79.)

73. 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 person authorised in that behalf by the Board.

#### THE FIRST SCHEDULE.

No. 13 of 1917	....	Fire Brigades Act, 1916.
No. 18 of 1918	....	Fire Brigades Act Amendment Act, 1918.
No. 21 of 1924	....	Fire Brigades Act Amendment Act, 1924.
No. 36 of 1925	....	Fire Brigades Act Amendment Act, 1925.
No. 31 of 1941	....	Fire Brigades Act Amendment Act, 1941.



THE SECOND SCHEDULE.

S. 5.  
Second  
Schedule.  
Substituted  
by No. 27 of  
1971, s. 4.

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Fire District.	Municipal District or part thereof constituting Fire District.
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PART I.

Metropolitan Fire District	City of Perth.
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PART II.

Metropolitan Fire District	City of Fremantle. City of Melville. City of Nedlands. City of South Perth. City of Stirling. City of Subiaco. Town of Canning. Town of Claremont. Town of Cockburn. Town of Cottesloe. Town of East Fremantle. Town of Mosman Park. Shire of Bassendean. Shire of Bayswater. Shire of Belmont. Shire of Gosnells. Shire of Kalamunda. Shire of Mundaring. Shire of Peppermint Grove. Shire of Swan. Shire of Wanneroo.
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PART III.

Coolgardie Fire District	Shire of Coolgardie.
Cue Fire District	Shire of Cue.
Kalgoorlie-Boulder Fire District	Town of Kalgoorlie. Shire of Boulder.
Leonora Fire District	Shire of Leonora.
Meekatharra Fire District	Shire of Meekatharra.
Mount Magnet Fire District	Shire of Mount Magnet.
Norseman Fire District	Shire of Dundas.
Southern Cross Fire District	Shire of Yilgarn.

PART IV.\*

Albany Fire District	Town of Albany.
Armadale Fire District	Shire of Armadale-Kelmscott.
Ballidu Fire District	Shire of Wongan-Ballidu.

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\* Part IV amended by including the Fire Districts added by Orders in Council published in *Gazette* on 21/1/72, p. 74 and 4/2/72, pp. 213-214.

*Fire Brigades.*

Beverley Fire District	Shire of Beverley.
Boyup Brook Fire District	Shire of Boyup Brook.
Bridgetown Fire District	Shire of Bridgetown-Greenbushes.
Brookton Fire District	Shire of Brookton.
Broome Fire District	Shire of Broome.
Brunswick Junction Fire District	Shire of Harvey.
Bunbury Fire District	Town of Bunbury.
Busselton Fire District	Shire of Busselton.
Carnarvon Fire District	Shire of Carnarvon.
Collie Fire District	Shire of Collie.
Corrigin Fire District	Shire of Corrigin.
Cunderdin Fire District	Shire of Cunderdin.
Dalwallinu Fire District	Shire of Dalwallinu.
Denmark Fire District	Shire of Denmark.
Derby Fire District	Shire of West Kimberley.
Donnybrook Fire District	Shire of Donnybrook-Balingup.
Dumbleyung Fire District	Shire of Dumbleyung.
Eaton-Australind Fire District	Shire of Dardanup, Shire of Harvey
Esperance Fire District	Shire of Esperance.
Exmouth Fire District	Shire of Exmouth.
Geraldton Fire District	Town of Geraldton.
Goomalling Fire District	Shire of Goomalling.
Harvey Fire District	Shire of Harvey
Kalamunda Fire District	Shire of Kalamunda.
Katanning Fire District	Shire of Katanning.
Kellerberrin Fire District	Shire of Kellerberrin.
Kojonup Fire District	Shire of Kojonup.
Kwinana Fire District	Shire of Kwinana.
Lake Grace Fire District	Shire of Lake Grace
Mandurah Fire District	Shire of Mandurah.
Manjimup Fire District	Shire of Manjimup.
Margaret River Fire District	Shire of Augusta-Margaret River.
Merredin Fire District	Shire of Merredin.
Moora Fire District	Shire of Moora.
Mount Barker Fire District	Shire of Plantagenet.
Nannup Fire District	Shire of Nannup.
Narrogin Fire District	Town of Narrogin.
Northam Fire District	Town of Northam.
Northcliffe Fire District	Shire of Manjimup
Onslow Fire District	Shire of Ashburton.

Pemberton Fire District	Shire of Manjimup.
Pingelly Fire District	Shire of Pingelly.
Pinjarra Fire District	Shire of Murray
Port Hedland Fire District	Shire of Port Hedland.
Quairading Fire District	Shire of Quairading.
Ravensthorpe Fire District	Shire of Ravensthorpe.
Rockingham Fire District	Shire of Rockingham.
Tammin Fire District	Shire of Tammin.
Toodyay Fire District	Shire of Toodyay.
Wagin Fire District	Shire of Wagin.
Walpole Fire District	Shire of Manjimup.
Waroona Fire District	Shire of Waroona.
Wongan Hills Fire District	Shire of Wongan-Ballidu.
Wundowie Fire District	Shire of Northam.
Wyalkatchem Fire District	Shire of Wyalkatchem.
York Fire District	Shire of York.

THE THIRD SCHEDULE.

Maximum Scale of Fees and Charges Allowed for Attendance at any Fire.

S. 65.  
Third  
Schedule,  
Substituted  
by No. 27 of  
1971, s. 5.

For first hour or part thereof and thereafter per hour or part thereof.

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*Appliances:*

Turntable Ladder or Snorkel ....	....	30.00
Pumps 750 GPM and Upwards	....	27.50
Pumps 500-749 GPM ....	....	25.00
Pumps Up to 499 GPM	....	21.00
Other Vehicles ....	....	10.20

*Equipment:*

Each 100 feet of Hose ....	....	2.00
Fire Extinguishers (2 gallons or 20 pounds) ....	....	2.00 each plus cost of recharge.
Knapsack Spray ....	....	2.00

*Breathing Apparatus:*

Oxygen (per 2 hour set) ....	....	8.00
C.A.B.A. (per 1 hour set) ....	....	6.00

*Manpower:*

Officer-in-Charge ....	....	5.00
Other Officer ....	....	2.75
Firemen ....	....	2.75

## THE FOURTH SCHEDULE.

S. 46 (8)  
Cf. No. 36 of  
1925, s. 3.

1. A receiver appointed under subsection (8) of section forty-six, or under the provisions of this Schedule, shall be deemed an officer of and shall act under the direction of the Supreme Court or a Judge thereof.

2. The Supreme Court or a Judge thereof may from time to time remove any receiver so appointed as aforesaid, and on the death or removal of any such receiver may appoint some other person in his place.

3. The receiver so appointed shall be entitled to receive and recover from the Treasurer, and from the local authorities and insurance companies, respectively, the whole of the annual contributions in respect of interest on debentures and contributions to the sinking fund for the redemption thereof which have become payable to the Board, or which shall or would but for the default committed by the Board become so payable.

4. For the purposes of paragraph three of this Schedule a receiver shall be deemed to be the Board, and shall have and may exercise, in the name of the Board, all or any of the powers of the Board including any power—

- (a) to make any estimate of any expenditure requisite for interest on debentures and contributions to any sinking fund for the redemption thereof ;
- (b) to make any determination requisite to be made regarding any annual contribution ;
- (c) to enforce the rendering of any necessary returns ;
- (d) to exercise any powers of inspection ;
- (e) to take any action or legal proceeding for the recovery or collection of any contribution or other moneys.

5. Every such receiver shall be entitled to such commission, as remuneration for his services, as the Supreme Court or a Judge thereof directs.

6. The Supreme Court or a Judge thereof may order the Minister or the Board or any other person to transfer all or any inscribed stock and other securities and fixed deposits standing in their respective names and forming part of any such sinking fund as aforesaid into the name of the receiver, and may likewise order the Minister or any other person to hand over to the receiver any money which such Minister or person has collected in exercise of any authority granted, in consequence of the Board's default, by the Governor or the Supreme Court or a Judge thereof.

7. The receiver shall hold all moneys received and recovered and the proceeds of all inscribed stock and other securities and all fixed deposits forming any sinking fund received by him, after payment of costs and expenses, for the benefit of all holders of debentures of the Board, according to their respective priorities, and, subject thereto, for the Board.