

FIRE BRIGADES ORDINANCE 1956.*

Amended 67/63
33/66.
88/73 An Ordinance to provide for the Establishment of Fire Brigades, and for matters relating to the Prevention and Extinction of Fires.

PART I.—PRELIMINARY.

Short title.

1. This Ordinance may be cited as the *Fire Brigades Ordinance 1956*.*

Commencement.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

Parts.

3. This Ordinance is divided into Parts as follows:—

Part I.—Preliminary. (Sections 1-5).

Part II.—Establishment, powers and duties of fire brigades. (Sections 6-15).

Part III.—Miscellaneous. (Sections 16-24).

State Act to cease to apply.

4. The Fire Brigades Acts, 1904-1910, of the State of South Australia shall cease to apply in the Northern Territory.

Definitions.

5. In this Ordinance, unless the contrary intention appears—

“auxiliary fire brigade” means a fire brigade in which the members perform their duties and are paid as members on a part-time basis;

“Chief Fire Officer” means a person appointed to be the Chief Fire Officer under this Ordinance, and includes a person appointed to act as Chief Fire Officer under this Ordinance;

“fire brigade” means—

(a) a permanent fire brigade;

(b) an auxiliary fire brigade; or

(c) a volunteer fire brigade,
 established or authorized under this Ordinance;

* No. 9, 1956; assented to by Administrator on 4th May, 1956.

† The date fixed was 21st June, 1956.

“ inflammable matter ” includes—

- (a) a substance capable of ignition or combustion—
 - (i) by the application of heat;
 - (ii) by means of a spark or flame; or
 - (iii) by spontaneous causes; and
- (b) a substance prescribed to be inflammable matter;

“ occupier ” includes—

- (a) a person having, or being entitled to, the use or management of premises; and
- (b) where premises are let in separate parts—a person receiving or entitled to receive the rent payable in respect of those separate parts, either on his own account or as agent for another person,

and includes a person in occupation of premises belonging to the Commonwealth, notwithstanding any want or defect of title to occupy those premises;

“ owner ” means the person for the time being in actual receipt of, or entitled to receive, the rents and profits of the lands or premises in connexion with which the word is used or who, if those lands or premises were let to a tenant, would be entitled to receive the rent and profits whether as beneficiary, owner, trustee, executor or mortgagee in possession or as agent or attorney for any other person;

“ permanent fire brigade ” means a fire brigade in which the members perform their duties and are paid as members on a full-time basis;

“ premises ” includes a building or other structure or erection, a wharf or jetty and a vessel;

“ State Act ” means an Act of the State of South Australia continuing in force in the Northern Territory as a law of the Northern Territory;

“ Station Officer ” means—

- (a) a person appointed to be the Station Officer of a fire brigade under this Ordinance; or
- (b) where that person is absent or through illness, injury or some other cause is unable to act—the member of a fire brigade for the time being in charge of the fire brigade;

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“ vehicle ” means any means of conveyance which runs on wheels but does not include any vehicle used on a railway;

“ vessel ” includes a ship, barge, punt and boat and any other floating vessel used for storing goods or for carrying goods or passengers;

“ volunteer fire brigade ” means a fire brigade in which the members are not paid as members.

PART II.—ESTABLISHMENT, POWERS AND DUTIES OF FIRE BRIGADES.

Fire Brigades.

6. The Administrator may—

- (a) establish and maintain permanent fire brigades;
- (b) establish and maintain auxiliary fire brigades; and
- (c) authorize the formation of and contribute to the maintenance of volunteer fire brigades.

Chief Fire Officer.

7.—(1.) The Administrator may appoint a person to be the Chief Fire Officer.

(2.) The Chief Fire Officer shall be in charge of all fire brigades in the Northern Territory.

(3.) In the case of the illness or absence of the Chief Fire Officer, the Administrator may appoint a person to act as Chief Fire Officer during the illness or absence, and a person so acting has all the powers and shall perform all the duties of the Chief Fire Officer during the illness or absence.

Station Officers.

8.—(1.) The Administrator may appoint a person to be the Station Officer of a fire brigade.

(2.) Except when the Chief Fire Officer is present, the Station Officer of a fire brigade is in charge of the fire brigade and at or immediately after a fire or emergency has all the powers and shall perform all the duties of the Chief Fire Officer.

Chief Fire Officer may direct brigad to proceed to any location.

9. The Chief Fire Officer may direct a fire brigade or one or more of its members to proceed, with such of the engines, hoses, reels and other equipment and appliances of the fire brigade as he specifies, to any location for the purpose of extinguishing a fire.

10.—(1.) When a fire occurs, or an emergency which necessitates the services of a fire brigade arises, the Chief Fire Officer or a Station Officer—

Powers of
Chief Fire
Officer at a
fire or
emergency.

- (a) shall proceed with all possible speed to the place of the fire or emergency, and endeavour by all practicable means to extinguish the fire or deal with the emergency and save such life and property as may be in jeopardy;
- (b) shall control and direct—
 - (i) the fire brigade; and
 - (ii) any person who voluntarily places his services at the disposal of the Chief Fire Officer or Station Officer; and
- (c) may take such measures as he thinks proper to control and extinguish the fire or to deal with the emergency and to protect and save life and property.

(2.) Without limiting the generality of the last preceding sub-section, the Chief Fire Officer or a Station Officer, at or immediately after a fire, may, for the purpose of protecting life or property or controlling or extinguishing the fire—

- (a) enter, or cause to be entered, and, if necessary, force open, or cause to be forced open, any premises on fire or which he considers may be on fire, menaced by fire, or in the neighbourhood of the fire;
- (b) cause premises to be entered, taken possession of, pulled down, sunk, damaged, destroyed or removed;
- (c) take, or cause to be taken, a hose, fire engine or other apparatus to be used at the fire into, through, over or upon premises which he considers provide convenient access to the fire;
- (d) take possession of, remove and keep in safe custody any property on premises on fire or near the fire;
- (e) cause a street or thoroughfare in the vicinity of the fire to be closed to traffic during the continuance of the fire;
- (f) order a person to vacate premises on fire or in the vicinity of the fire;
- (g) remove, or order a member of a fire brigade or a member of the Police Force to remove, any person, vehicle or thing the presence of whom

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or which at or near the fire might, in his opinion, interfere with the work of the fire brigade, or create a danger;

- (h) pull down, destroy or shore up, or cause to be pulled down, destroyed or shored up, a wall or building which, in his opinion, has as a result of the fire, become damaged, insecure or dangerous to life or property;
- (i) use any convenient supply of water to extinguish the fire, without being liable to pay for it;
- (j) cause water to be shut off from a main or pipe to obtain a greater pressure or supply of water;
- (k) cause the supply of electricity to premises—
 - (i) on fire; or
 - (ii) adjacent to premises on fire,
 to be shut off or disconnected; and
- (l) direct or authorize the doing by a member of the fire brigade, by a member of the Police Force or by a person who voluntarily places his services at the disposal of the Chief Fire Officer or Station Officer of any act or thing which the Chief Fire Officer is, under this section, empowered to do.

(3.) Where—

- (a) at or immediately after a fire, a member of a fire brigade or a member of the Police Force is of opinion that, for the purpose of protecting life or property or controlling or extinguishing the fire, it is necessary or desirable to do an act or thing which the Chief Fire Officer or a Station Officer is empowered to do under the last preceding sub-section, not being an act or thing specified in paragraph (h) or (l) of that sub-section; and
- (b) it is not practicable for the authority of the Chief Fire Officer or Station Officer for the doing of that act or thing to be obtained,

the member of the fire brigade or the member of the Police Force, as the case may be, may, without the authority of the Chief Fire Officer or Station Officer, do that act or thing.

(4.) A person or authority supplying water or electricity to premises shall not be liable to a penalty or damages by reason of an interruption of supply caused by the exercise of a power specified in paragraph (j) or (k) of the last preceding sub-section.

(5.) The expense of pulling down, destroying or shoring up a wall or building in the exercise of the power specified in paragraph (h) of sub-section (2.) of this section shall be borne by the owner of the wall or building, and shall be paid by him to the Commonwealth.

11—(1.) A person shall obey an instruction or order given, in accordance with a duty imposed or a power conferred by this Ordinance or the regulations, by—

Authority of Chief Fire Officer to be recognized.

- (a) the Chief Fire Officer or a Station Officer;
- (b) a member of a fire brigade or a member of the Police Force acting under the orders of the Chief Fire Officer or a Station Officer; or
- (c) a member of a fire brigade or a member of the Police Force acting in accordance with the provisions of sub-section (3.) of the last preceding section.

(2.) A member of the Police Force shall—

- (a) support the authority of the Chief Fire Officer or a Station Officer; and
- (b) enforce obedience to an instruction or order given by the Chief Fire Officer, a Station Officer or a member of a fire brigade in the performance of a duty imposed or the exercise of a power conferred by this Ordinance or the regulations.

12. Any damage to property caused by the Chief Fire Officer or a member of a fire brigade, or a member of the Police Force, purporting in good faith to perform a duty imposed or to exercise a power conferred by this Ordinance or the regulations, shall be deemed to be a damage by fire within the meaning of a policy of insurance against fire covering the property damaged, notwithstanding any clause or condition to the contrary in the policy.

Damage caused to be a damage by fire within policy.

13.—(1.) The Chief Fire Officer, or a member of a fire brigade authorized in writing by him to do so, may—

General powers of Chief Fire Officer.

- (a) at any time enter a theatre, hall, building or place used for public entertainment or public gathering in order to ascertain whether the provisions of any State Act, Ordinance or regulations relating to the prevention of fire or the protection of the public from danger arising from fire have been complied with;

- (b) at any time enter premises where there is, or he suspects that there is, any explosive or any inflammable matter in order to ascertain whether the provisions of any State Act, Ordinance or regulations relating to the storage or keeping of explosives or inflammable matter have been complied with; and
- (c) at all reasonable times, enter a building to examine the state of repair of the building and the arrangement and condition of the contents.

(2.) If, in the opinion of the Chief Fire Officer, a direct or indirect danger by fire to life or property arises from the state of repair of a building, the arrangement or condition of the contents of a building or inflammable matter on premises, the Chief Fire Officer may serve notice in writing—

- (a) where the danger arises from the state of repair of a building—to the owner of the building; or
- (b) where the danger arises from the arrangement or condition of the contents of a building or inflammable matter on premises—to the occupier of the building or premises,

requiring the owner or occupier, as the case may require, to take the action specified in the notice, within the time specified in the notice, for eliminating or reducing the danger of fire.

(3.) Subject to the next succeeding section, a person who does not comply with the requirements of a notice served on him under the provisions of the last preceding sub-section is guilty of an offence and is liable, upon conviction, to a penalty not exceeding Fifty pounds for each day after the expiry of the time specified in the notice during which the action specified in the notice is not taken.

(4.) Subject to the next succeeding section, if a person does not comply with the requirements of a notice served on him under the provisions of sub-section (2.) of this section, the Chief Fire Officer may cause the action specified in the notice to be taken; and in that case the person, in addition to any penalty for which he may become liable under the provisions of sub-section (3.) of this section, shall pay to the Commonwealth the cost of carrying out the action required.

Appeal against
notice.

14.—(1.) A person served with a notice under sub-section (2.) of the last preceding section may appeal to the Administrator for a review of the notice or of any of the requirements specified in the notice.

- (2.) The appeal shall—
 - (a) be in writing;

(b) state the grounds of the appeal and the particulars which support those grounds; and

(c) be lodged with the Administrator within three days after the person has been served with the notice.

(3.) The decision of the Administrator on the appeal shall be final.

(4.) If the Administrator decides that the requirements of the notice or any of them should be complied with, he shall fix a further time within which those requirements or any of them shall be complied with, and the provisions of sub-sections (3.) and (4.) of the last preceding section shall then apply as if that time were substituted for the time specified in the notice.

15.—(1.) If—

(a) a person has failed to comply with the requirements of a notice served on him under the provisions of sub-section (2.) of section eleven of this Ordinance; and

Liability in case of fire after notice not complied with.

(b) a fire occurs on the premises or in the building specified in the notice, he shall, subject to the next succeeding sub-section, be liable to pay, in addition to any penalty provided by this Ordinance—

(c) the expense incurred in extinguishing the fire; and

(d) the amount of the damage done to any property by the fire.

(2.) The provisions of the last preceding sub-section do not apply if the person served with the notice proves that the fire was not a result of the failure to comply with the notice.

(3.) The provisions of sub-section (1.) of this section apply whether or not an appeal has been made in accordance with the last preceding section.

PART III.—MISCELLANEOUS.

16. A notice or other document which by this Ordinance is required or permitted to be served on a person may be served personally or by post or by leaving it, with a person apparently at least sixteen years of age, at the usual or last known place of abode or business, whether in the Northern Territory or not, of the person to be served.

Service of notices.

17.—(1.) Where a fire brigade has attended a fire, the owner and the occupier of the premises where the fire occurred are jointly and severally liable to pay the charges specified in the Schedule to this Ordinance if demanded by the Administrator or an officer authorized thereto by the Administrator.

Owner and occupier to pay charges.

(2.) Payment of the charges shall be made to the Administrator or to an officer authorized in writing by the Administrator to receive payment.

(3.) In default of payment, proceedings for the recovery of the amount of the charges may be instituted in any court of competent jurisdiction by the Administrator or by an officer authorized in writing by the Administrator to institute proceedings.

Offences.

18. A person shall not—

(a) wilfully obstruct or interfere with—

(i) the Chief Fire Officer, or

(ii) a Station Officer or a member of a fire brigade,

acting in the performance of a duty or the exercise of a power under this Ordinance;

(b) drive a vehicle over a fire hose;

(c) drive a vehicle so near a fire or apparatus in use at a fire as to interfere with the operation of a fire brigade;

(d) wilfully destroy, damage or interfere with—

(i) a reel, hose, ladder, engine or other fire appliance; or

(ii) a building used by a fire brigade, being the property of the Commonwealth;

(e) wilfully cover up, damage, enclose, conceal or interfere with a fire hydrant;

(f) wilfully cover up, conceal, obliterate or remove a mark, sign or letter indicating the position of or distinguishing a fire hydrant;

(g) tamper with a fire alarm or signalling apparatus for giving notice of fire;

(h) give a false alarm of fire;

(i) light a fire where it may be dangerous to a building without having first obtained the consent in writing of the Chief Fire Officer; or

(j) store or deposit inflammable matter of a nature capable of giving rise to a direct or indirect danger by fire to life or property unless the inflammable matter is stored in such a manner, position and quantity that it is unlikely to give rise to a direct or indirect danger by fire to life or property.

Penalty: Fifty pounds or imprisonment for six months.

19. The Chief Fire Officer or a Station Officer may—

Debris of
fire may be
searched.

- (a) cause the debris of a fire and premises where a fire has occurred to be searched; and
- (b) remove and keep possession of any materials which may tend to prove the origin of the fire.

20. The Chief Fire Officer or a person authorized in writing by him to do so may—

Chief Fire
Officer may
take possession
of premises
where fire has
occurred.

- (a) enter and take possession of premises where a fire has occurred;
- (b) retain possession of the premises and of anything in or on the premises—
 - (i) until an inquest on the fire has been held;
or
 - (ii) if no inquest is held, for a reasonable time;
- (c) prevent a person from entering the premises;
- (d) remove a person from the premises; and
- (e) prevent a person from removing anything from the premises.

21. Neither the Commonwealth nor any person is liable in any way for damage caused, either directly or indirectly, by the exercise of a power or the performance of a function by a person under this Ordinance or the regulations.

Protection
from liability
for damage.

22. On the approach of and during the passage of a fire engine, reel or vehicle apparently proceeding to a fire, the driver of a vehicle upon a public street shall—

Vehicles to
give way.

- (a) cause the vehicle to be drawn as near as practicable to and parallel with the left hand side of the roadway;
- (b) bring the vehicle to a standstill; and
- (c) keep the vehicle stationary.

23. A person who contravenes or fails to comply with a provision of this Ordinance for which no penalty is expressly provided shall be liable, on conviction, to a penalty not exceeding Fifty pounds.

Penalty.

24. The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which

Regulations.

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are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to—

- (a) measures for minimizing the danger of fire;
- (b) the protection of buildings and property from fire;
- (c) the stacking, storing and keeping of inflammable matter;
- (d) the charging and recovery of fees for services rendered by a fire brigade, whether at the request of a person or in pursuance of the regulations, in connexion with the inspection and maintenance of fire alarms and other implements or things for use in the prevention or extinguishing of fire;
- (e) the establishment, powers, duties and maintenance of permanent fire brigades and auxiliary fire brigades;
- (f) the formation, powers and duties of, and the payment of subsidies to, volunteer fire brigades; and
- (g) the imposition of penalties not exceeding Twenty pounds for breaches of the regulations.

THE SCHEDULE.

**MAXIMUM SCALE OF FEES AND CHARGES ALLOWED FOR
ATTENDANCE AT A FIRE.**

	£	s.	d.
For use of each motor engine	5	0	0
For the Chief Fire Officer or a Station Officer, for first hour ..	1	1	0
For the Chief Fire Officer or a Station Officer, for each succeeding hour ..	10	0	
For each member of a fire brigade, for each hour	5	0	
For the use of the hose and cleaning and drying it, for each 100 feet of hose	10	0	
