

TASMANIA.

THE FIRE BRIGADES ACT 1945.

ANALYSIS.

PART I.—PRELIMINARY.

1. Short title and repeal.
2. Interpretation.

PART II.—THE FIRE BRIGADES COMMISSION OF TASMANIA.

3. Constitution of Commission.
4. Incorporation of Commission.
5. Terms of office of members of the Commission.
6. Vacation of office.
7. Payment of expenses of members.
8. Proceedings of the Commission.
9. Duties and powers of Commission.
10. Annual report.
11. Officers and employees of the Commission.

PART III.—FIRE DISTRICTS.

12. Proclamation of fire districts.
13. Enlargement or diminution of districts.
14. Dissolution or amalgamation of boards.

PART IV.—FIRE BRIGADE BOARDS.

15. Constitution of boards.
16. Continuance of existing boards.
17. Election of members by local authorities.
18. Election of members by fire insurance companies.
19. Postponement of election.
20. Incorporation of boards.
21. Duties of boards.
22. Power of boards to acquire and dispose of property.
23. Charges for attendance of brigades at fires where house and property uninsured.
24. Operations of brigade outside district.
25. Fire alarms.

26. Protection of public buildings and places of entertainment.
27. Storage of inflammable material.
28. Prevention of grass fires, &c.
29. Reward for meritorious service, &c.
30. Annual reports of boards.

PART V.—OFFICERS AND MEMBERS OF FIRE BRIGADES — APPOINTMENT, POWERS, AND DUTIES.

31. Appointment of officers, &c.
32. Appointment of chief officer.
33. Duties and powers of chief officer at fires.
34. Power of chief officer to place persons in charge of property in which fire has occurred.
35. Duties and powers of chief officer generally.
36. Exercise of powers of chief officer by his deputy, &c.
37. Inspection of buildings by officers and members of brigades.
38. Payment of compensation to members of brigades.

PART VI.—FINANCIAL PROVISIONS.

39. Estimate of expenditure by Commission.
40. Advances to Commission by Treasurer.
41. Estimate of expenditure of boards.
42. Contributions to expenditure of boards.
43. Contributions by municipal councils.
44. Power to municipality to levy rates for raising contributions.

45. Contributions of fire insurance companies.
46. Returns by insurance companies of premiums received.
47. Penalty for default in payment of contributions.
48. Advances to new boards from Consolidated Revenue.
49. Power of boards to borrow on debentures.
50. Temporary overdrafts.
51. Expenditure outside Act.
52. Audit of accounts.

PART VII.—AUXILIARY FIRE BRIGADES.

53. Registration of auxiliary fire brigades.
54. Inspection and control of auxiliary fire brigades.

PART VIII.—MISCELLANEOUS.

55. Power to use water for fires and drills, &c., without charge.
56. Damage caused by brigade to be damage within meaning of fire policy.
57. Protection of boards and officers.
58. Removal of debris after a fire.
59. Owner to give information as to insurance.
60. Power of agents to deduct payments made for owners.
61. Powers of trustees.
62. Salvage corps or fire brigade may not be constituted unless authorised.
63. Recovery of possession of premises from discharged, &c., member of brigade.
64. Offences.
65. Recovery and appropriation of penalties, &c.
66. Regulations.



1945.

ANNO NONO

GEORGII VI. REGIS.

No. 15.

AN ACT to consolidate and amend the Law
relating to the Protection of Life and Property from
Fire. [28 November, 1945.]

A.D.
1945

BE it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:—

PART I.

PRELIMINARY.

- 1**—(1) This Act may be cited as the *Fire Brigades Act* Short title
and repeal.
1945.
- (2) The Acts specified in the first schedule are repealed.

Fire Brigades.

A.D. 1945.

Int rpretation.
11 Geo. V.
No. 61, s. 3.

- 2** In this Act, unless the contrary intention appears—
- “auxiliary fire brigade” means any organisation (other than a fire brigade established and maintained by a board under Part IV.) formed for the purpose of extinguishing fires;
 - “board” means a fire brigade board constituted or continued under this Act;
 - “brigade” means any fire brigade established and maintained by a board under Part IV.;
 - “chief officer” means the chief officer of a brigade or his deputy or any officer or member in charge of any brigade;
 - “Commission” means the Fire Brigades Commission of Tasmania constituted under this Act;
 - “contributory company” means a fire insurance company liable to pay contributions under this Act;
 - “district” means—
 - (a) the whole or such part of the City of Hobart, and such part, if any, of any adjoining municipality, as may be declared by the Governor by proclamation to constitute the Hobart District (in this Act referred to as the “Hobart District”);
 - (b) the whole or such part of the City of Launceston, and such part, if any, of any adjoining municipality, as may be declared by the Governor by proclamation to constitute the Launceston District (in this Act referred to as the “Launceston District”); and
 - (c) the whole or such part or parts of any municipality or municipalities as is or are proclaimed a district under section twelve (in this Act referred to as a “municipal district”);
 - “fire insurance company” means any company, co-partnership, or other association carrying on in any district the business of insuring property against loss or damage by fire, either alone or in conjunction with any other business, whether the head office of the company, co-partnership, or association is in the district or not, and whether the policies issued by the company, co-partnership, or association are signed in the district or not;
 - “officer or member” includes a permanent officer or member of a brigade and a part-time officer or member of a brigade;
 - “owner”, used with reference to any property, means the person for the time being in the actual receipt of, or entitled to receive, or who, if the property were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as beneficial

Fire Brigades.

owner, trustee, executor, mortgagee in possession, or otherwise, but does not include any mesne tenant; A.D. 1945.

“part-time officer or member” means any officer or member of a brigade whose sole or principal calling or means of livelihood does not consist of the services rendered by him as an officer or a member of the brigade;

“permanent officer or member” means any officer or member of a brigade who receives a fixed remuneration for his services as an officer or a member thereof, and whose sole or principal calling or means of livelihood consists of those services;

“ship” includes any description of vessel used, or intended to be used, in navigation, however propelled, and whether in course of construction or completed.

PART II.

THE FIRE BRIGADES COMMISSION OF TASMANIA.

3—(1) For the purposes of this Act, there shall be a Commission, called the Fire Brigades Commission of Tasmania, which shall consist of six persons appointed by the Governor, one of whom shall be appointed as the chairman of the Commission. Constitution
of Commis-
sion.

(2) Of the members of the Commission—

- (a) one shall be a person nominated by the Minister;
- (b) one shall be a member of the fire brigade board for the Hobart District nominated by that board;
- (c) one shall be a member of the fire brigade board for the Launceston District nominated by that board;
- (d) one shall be a member of the fire brigade board for the district of Burnie or of the fire brigade board for the district of Devonport, who shall be elected by the members of those boards;
- (e) one shall be a member of one of the fire brigade boards for the several districts situated to the North of Oatlands (other than the districts of Launceston, Burnie, and Devonport, and any district on the West Coast of this State), who shall be elected by the members of those boards; and
- (f) one shall be a member of one of the fire brigade boards for the several districts situated to the South of Oatlands (including the district of Oatlands and all districts on the West Coast of this State, but not including the Hobart District), who shall be elected by the members of those boards.

Fire Brigades.

A.D. 1945. (3) Every election for the purposes of subsection (2) shall be conducted, in accordance with the rules prescribed in the second schedule, at such times, and by such returning officer, as the Minister may determine.

(4) An officer of the Public Service may be appointed as a member of the Commission, and may hold office as a member thereof in conjunction with his office as an officer of the Public Service.

(5) The members of the Commission, as such, shall not be subject to the provisions of the *Public Service Act 1923**.

Incorporation
of Commis-
sion.

4—(1) The Commission shall be a body corporate having perpetual succession and a common seal and may sue and be sued by its corporate name.

(2) The seal of the Commission shall not be affixed to any document except by resolution of the Commission and the sealing of any document shall be authenticated by the signatures of two members and the secretary.

Terms of
office of
members of
the Commis-
sion.

5—(1) Except where otherwise expressly provided, each member of the Commission shall hold office for the term of four years.

(2) Of the members of the Commission first appointed at the commencement of this Act, three shall retire from office on the thirtieth day of September, 1947, and the remaining members shall retire from office on the thirtieth day of September, 1949.

(3) For the purposes of subsection (2) the Commission shall, at its first meeting determine, by ballot, which of its members shall retire from office in the year 1947 and which of its members shall retire from office in the year 1949.

(4) Where any vacancy occurs in the office of any member of the Commission otherwise than by reason of the effluxion of time, the person appointed to fill such vacancy shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed.

Vacation of
office.

6 The office of a member of the Commission shall become vacant if the holder thereof—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) is absent, without leave granted by the Commission, from four consecutive meetings of the Commission;
- (d) becomes bankrupt, or makes any assignment or arrangement for the benefit of his creditors;
- (e) becomes of unsound mind;

* 13 Geo. V. No. 25. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. VI., page 263; subsequently amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. No. 6, 5 Geo. VI. No. 64, 6 Geo. VI. No. 9, 6 Geo. VI. No. 54, 7 Geo. VI. No. 18, and 7 & 8 Geo. VI. No. 104.

Fire Brigades.

- (f) not being the member appointed under paragraph (a) of subsection (2) of section three, ceases to be a member of a board; or
- (g) is removed from office by the Governor for incapacity or misconduct.

A.D. 1945.

7 Members of the Commission shall not receive any remuneration or allowance, but shall be entitled to be paid such travelling expenses and other out-of-pocket expenses as may be prescribed.

Payment of expenses of members.

8—(1) The chairman shall preside at all meetings of the Commission, and shall have a deliberative vote only.

Proceedings of the Commission.

(2) Any three members of the Commission shall constitute a quorum for the transaction of the business of any meeting of which notice has been given, personally or by post, to all the members, and the Commission may function, notwithstanding any vacancy in its membership, if a quorum remains.

(3) If the chairman is absent from any meeting of the Commission, the members present shall elect one of their number to preside at that meeting.

(4) Any question arising at any meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the question, and, in the event of an equality of votes, the question shall pass in the negative.

(5) The Commission may, by resolution, delegate to any member of the Commission, either generally or in any particular case, such of the powers, authorities, duties, and functions of the Commission as may be specified in the resolution.

(6) A delegation under subsection (5) may be revoked by the Commission at any time, and shall not prevent the exercise of any power, authority, duty, or function by the Commission.

(7) Subject to this section, the Commission may regulate its own procedure.

9—(1) It shall be the duty of the Commission to—

- (a) advise the Minister in relation to the administration of this Act;
- (b) take such measures as may be necessary or desirable to facilitate the extension of fire brigade services throughout the State;
- (c) purchase, on behalf of boards, such classes of equipment as the Commission thinks desirable;

Duties and powers of Commission.

Fire Brigades.

A D. 1945.

- (d) take such measures for the standardisation of fire brigade equipment as it considers necessary for the efficient and economical operation of brigades;
 - (e) establish, as far as is practicable, throughout the State uniform methods of training of officers and members of brigades;
 - (f) keep a register of brigades and of officers and members of brigades to whom certificates of competency and other awards have been granted;
 - (g) visit, as far as is practicable, each district at least once in every year for the purpose of conferring with boards and inspecting brigades;
 - (h) make such provision as the Commission considers appropriate for rewarding officers and members of brigades who have rendered lengthy or meritorious service; and
 - (i) exercise and discharge such other powers, authorities, duties, and functions as may be prescribed.
- (2) Subject to this Act, the Commission may—
- (a) take such measures as it considers necessary for the formation of new fire brigades, and determine the apparatus and appliances to be used by such brigades;
 - (b) take such measures as it thinks necessary for the amalgamation of any two or more brigades or the disbanding of any brigade;
 - (c) acquire or dispose of fire brigade equipment (including fire engines, cords, reels, buckets, post-ladders, fire escapes, ladder-trucks, hook and ladder carriages, tools, implements, accoutrements, and other fire brigade property) and supply such equipment to brigades;
 - (d) give such instructions as it considers necessary to any board for the purpose of ensuring that adequate provision is made by the board for performing its duties and meeting its obligations under this Act;
 - (e) establish schools of instruction, and issue certificates of qualification in fire-fighting to officers and members of brigades;
 - (f) make arrangements to facilitate the exchange, as between brigades, of officers and members of brigades for securing the more efficient training of such officers and members; and
 - (g) generally, do all such acts and things, enter into such contracts, and exercise and perform such powers, authorities, duties, and functions as may be necessary for carrying out or giving effect to the purposes of this Act.

Fire Brigades.

(3) The Commission may give to any board such directions or instructions as appear to the Commission to be necessary or desirable for giving effect to this section or for the execution of the powers conferred on the Commission by this Act. A.D. 1945.

(4) Every board shall comply with, and give effect to, all directions and instructions given to it by the Commission in pursuance of this section.

10—(1) The Commission shall, not later than the thirtieth day of November in each year, submit to the Minister an annual report and statement of accounts for the previous financial year. Annual report.

(2) The Minister shall cause a copy of the report and statement of accounts to be laid on the table of each House of Parliament within the first fourteen sitting days after it is received by him.

11—(1) The Governor may appoint a secretary and a technical adviser to the Commission and such other officers and employees of the Commission as may be necessary for the purposes of this Act at such remuneration as the Governor may, on the recommendation of the Commission, in each case determine. Officers and employees of the Commission.

(2) The officers and employees appointed under subsection (1) shall not, as such, be subject to the provisions of the *Public Service Act 1923**.

PART III.

FIRE DISTRICTS.

12 On the request of the council of any municipality, or the councils of two or more adjoining municipalities, and on receiving a certificate from the Commission that it is necessary or desirable so to do, the Governor may, by proclamation, declare that the municipality or municipalities or any part or parts of the municipality or municipalities defined in the proclamation shall be a district for the purposes of this Act, and thereupon there shall be constituted a fire brigade board for that district. Proclamation of fire districts.
Section 4.

13—(1) On the request of the board for any district comprising any part of a municipality, and with the approval of the council of that municipality, the Governor may, by proclamation, declare that the whole of the municipality not comprised in the district, or any part thereof defined in the proclamation, shall be added to and form part of that district, and thereupon the whole of the municipality, or part thereof, shall, for the purposes of this Act, be included in, and become part of, that district. Enlargement or diminution of districts.
Section 5.

* 18 Geo. V. No. 25. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. VI., page 263; subsequently amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. No. 6, 5 Geo. VI. No. 64, 6 Geo. VI. No. 9, 6 Geo. VI. No. 54, 7 Geo. VI. No. 18, and 7 & 8 Geo. VI. No. 104.

Fire Brigades.

A.D. 1945.

(2) On the request of the board for any district comprising the whole or any part of a municipality, or of more than one municipality, and with the approval of the council of any adjoining municipality, the Governor may, by proclamation, declare that the whole or any part of such adjoining municipality defined in the proclamation shall be added to, and form part of, that district, and thereupon the whole of the adjoining municipality, or part thereof, as so defined, shall for the purposes of this Act be included in, and become part of, that district.

(3) Whenever the Commission certifies that it is necessary or desirable that any specified part of a district should be omitted therefrom, the Governor may, by proclamation, declare that such part shall be omitted accordingly, and thereupon that part shall, for the purposes of this Act, be no longer included in that district.

(4) Whenever any proclamation is made under this section, the Governor may specify therein the manner in which the representation on the board of the councils and fire insurance companies concerned shall be adjusted, and section fifteen shall thereafter be read and take effect, in relation to that board, subject to the terms of the proclamation.

14—(1) Where a board has ceased to function or, in the opinion of the Commission, has become unnecessary, the Governor may, by proclamation, dissolve that board and abolish its district, and thereupon that board shall cease to exist and all property vested in or belonging to it shall be disposed of in the manner directed in the proclamation.

(2) Where, in the opinion of the Commission, any two districts can with advantage be amalgamated and controlled by one board, the Governor may, by proclamation—

- (a) dissolve one or both of the boards for those districts;
- (b) enlarge the district of one of the boards to include both districts, or constitute a new board for an area including the whole or part of the area comprised in both districts; and
- (c) assign a name to the new district.

PART IV.

FIRE BRIGADE BOARDS.

15—(1) There shall be a fire brigade board for each district.

(2) The board for the Hobart District and for the Launceston District respectively shall consist of six members, of whom two members shall be appointed by the Governor, two members shall be elected by the council of the City of Hobart or the council of the City of Launceston, as the case may be, and two members shall be elected by the fire insurance companies as provided in this Part.

Dissolution
or amalga-
mation of
boards.
Section 5A.

Constitution
of boards.
Section 6.

Fire Brigades.

(3) The board for each municipal district shall consist of six members, of whom two members shall be appointed by the Governor, two members shall be elected by the council or councils of the municipality or municipalities in respect of which the district is constituted, and two members shall be elected by the fire insurance companies as provided in this Part. A.D. 1945.

(4) Subject to this Act, the members of each board shall hold office for the term of two years.

(5) Each board shall elect one of its members to be the chairman thereof, and the chairman so elected shall have a deliberative vote, and in the event of an equality of votes shall have also a casting vote.

(6) Of the members of each board, one of the members elected by the council or councils, one of the members elected by the fire insurance companies, and one of the members appointed by the Governor, respectively, shall retire annually.

(7) In the case of a board which is constituted after the commencement of this Act, the first retirements of the members thereof shall be determined by ballot, and thereafter those members who have been longest in office shall, at each retirement, be the members to retire.

(8) The chairman of a board shall be paid such allowance, not exceeding fifty pounds per annum, as the board may, by resolution, determine.

16—(1) Every board constituted under the *Fire Brigades Act 1920** shall, subject to this Act, continue as and shall be a board for the purposes of this Act. Continuance
of existing
boards.

(2) Each member of a board so constituted, other than a member appointed by the Governor, shall hold office, subject to this Act, for the term for which he was elected under the *Fire Brigades Act 1920**, and shall be eligible for re-election under the provisions of this Act at the expiration of that term.

(3) Of the members of each board so constituted who are appointed by the Governor, one shall retire at the expiration of a period of one year, and one shall retire at the expiration of a period of two years, after the commencement of this Act. The members who shall retire at the expiration of each of such periods shall be determined by ballot at the first meeting of the board after the commencement of this Act.

17 The council of—

(a) the City of Hobart and the City of Launceston respectively, at its last ordinary meeting in the month of December; and

(b) each municipality, at its first ordinary meeting in the month of May,

in each year, or at such other time as may be prescribed, shall elect to the board for its district such number of members as may be required to fill the vacancies then required to be filled.

Election of
members
by local
authorities.
Section 8.

* 11 Geo. V. No. 61, as amended by 4 Geo. VI. No. 32, 5 Geo. VI. No. 56, 7 Geo. VI. No. 26, 7 & 8 Geo. VI. No. 103, and by Statute Law Revision. (See Reprint of Statutes, Vol. IV., page 204.)

Fire Brigades.

A.D. 1945.

Election of
members by
fire insurance
companies.
Section 9.

18—(1) The election of members of each board by fire insurance companies shall take place at the meeting of representatives of fire insurance companies held in accordance with this section.

(2) The Minister shall cause a notification to be inserted in the *Gazette* specifying the times and places at which meetings of representatives of fire insurance companies shall be held for the purposes of this section.

(3) A meeting of the representatives of fire insurance companies shall be held once in each year at the times and places specified in the notice under subsection (2), and shall be conducted in accordance with the rules prescribed in Part I. of the third schedule.

(4) Every election under this section shall be conducted in accordance with the rules prescribed in Part II. of the third schedule.

Postponement
of election.

19 If, from any unforeseen cause, any election under section seventeen or section eighteen is not held on the appointed date, the election shall be held—

(a) in the case of a council, at its next ordinary meeting ;
or

(b) in the case of representatives of insurance companies, at a time and place approved by the Minister and advertised as he may direct.

Incorporation
of boards.
Section 7.

20 Each board shall be a body corporate, under the name of "the Hobart Fire Brigade Board," or as the case may be, and have a common seal, and in its corporate name be capable of holding property of any description and of suing or being sued.

Duties of
boards.
Section 10.

21 It shall be the duty of each board, subject to the directions of the Commission, to establish and maintain an efficient fire brigade or fire brigades and take and enforce all necessary steps for the prevention, extinguishment, and suppression of fires, and for protecting life and property from loss and damage thereby, and to furnish any fire brigade maintained by it with suitable premises, and with such fire-engines, hoses, tools, implements, accoutrements, and appliances as may be necessary for the due equipment and efficient functioning thereof.

Power of
boards to
acquire and
dispose of
property.
Section 11.

22—(1) Subject to this section, a board may purchase, take on lease, or otherwise acquire, and hold for the purposes of this Act, such real and personal property as the board thinks necessary, and may sell, exchange, let on hire, or otherwise dispose of, any such property.

(2) Any moneys derived from the sale or other disposition of any real or personal property of a board may be applied by the board in or towards the purchase of property or the improvement of any other real or personal property of the board.

Fire Brigades.

(3) No board shall purchase, take on lease or otherwise acquire, or sell, exchange, let on lease, or otherwise dispose of, any real property except with the consent of the Commission. A.D. 1945.

23—(1) A board may make charges in accordance with the prescribed rates in any case in which services are rendered by the board where a fire occurs in or causes damage to—

Charges for attendance of brigades at fires where house and property uninsured.

Section 20.

- (a) any house, building, premises, or ship, or any goods therein or thereon, or any goods elsewhere than in any house, building, premises, or ship, and the house, building, premises, ship, or goods is or are not insured to the extent of at least one-third of the value thereof with a contributory company; or
- (b) any house, building, premises, or ship which is or are insured to the extent of at least one-third of the value thereof with a contributory company but which contains goods which are not so insured,

and the charges shall be paid by, and shall be recoverable from, the owners and occupiers of the house, building, premises, ship, or goods, or the charterer of the ship, or from the owner of the property or goods, as the case may be, in proportion to their respective interests in the value thereof.

(2) Where a fire occurs only in a chimney the charges made under this section shall not exceed five guineas.

(3) The value of any house, building, premises, ship, or goods (in this subsection referred to as "property") for the purposes of subsection (1) shall be determined by the board in accordance with the following provisions:—

- (a) The secretary of the board and the chief officer of the brigade (or, if more brigades than one are maintained by the board, the chief officer of such of the brigades as the board may appoint) shall determine the value of the property for the purposes of this section;
- (b) If the owner or occupier of the property, or any other person having any estate or interest therein objects to the determination made by the secretary and chief officer under paragraph (a), the board shall appoint two competent persons to value the property;
- (c) If the persons appointed under paragraph (b) disagree as to the value of the property, they shall appoint a third person as umpire;
- (d) The value determined by the secretary and chief officer, or, as the case may be, by the persons appointed under paragraph (b), or their umpire, if any, shall be deemed to be the value of the property for the purposes of this section.

(4) No charge under this section shall be payable by any person who is a lodger or guest only in any house, building, or premises.

Fire Brigades.

A.D. 1945.

(5) No charges shall be recovered by any board if a fire occurs in any house, building, or premises not insured with a contributory company and being of less value than one hundred pounds, or in respect of any goods not so insured and being of less value than fifty pounds, but charges in respect of a fire causing damage to any goods which exceed fifty pounds in value may be recovered, notwithstanding that the value of the building containing the goods is less than one hundred pounds.

(6) The costs incurred in determining the value of any property in accordance with subsection (3) shall be paid by such persons, and in such proportions, as the board determines.

Operations
of brigade
outside
district.

24—(1) In any case where application is made for the services of any brigade for the purpose of assisting at a fire occurring outside the district of the board by which the brigade is maintained and the chief officer of the brigade is of opinion that effective assistance can be rendered by the brigade at that fire, he may, subject to any instructions of the board, direct the brigade or any part thereof to proceed to, and assist at, that fire, or may make available any of the equipment of the brigade for that purpose.

(2) The charges to be made for any services rendered by a brigade under this section shall be as prescribed, and shall be paid by and be recoverable from the same persons and in the same proportions as charges under section twenty-three.

(3) A board may enter into an agreement with the council of any municipality with respect to the payment by the council to the board of any part of the charges payable under this Act.

Fire alarms.

25—(1) A board may install and maintain in any public place such fire alarms as the board thinks necessary for the protection of life or property from fire, and, for that purpose, may erect and maintain standards or other containers in any place which the board considers suitable.

(2) Before exercising the powers conferred on it by this section, a board shall notify the authority having control of the place in which it proposes to install the fire alarm of its intention so to do, and shall have regard to any reasonable objections made by or on behalf of that authority.

(3) If a board and the authority having control of any public place fail to agree as to the installation by the board of any fire alarm, or as to the location thereof, the matter shall be referred to the Commission, and the decision of the Commission thereon shall be final.

Protection
of public
buildings
and places
of entertain-
ment.
Section 32.

26—(1) Each board shall furnish the Director of Public Health or the local authority with such information and recommendations as it thinks necessary in relation to the protection from fire of public buildings and places of public entertain-

Fire Brigades.

ment, as defined by the *Public Health Act 1935**, and the *Places of Public Entertainment Act 1917†*, respectively. A.D. 1945.

(2) Where a board has reported to the Director of Public Health, or to the local authority, in pursuance of subsection (1), that a fire risk exists, or that the existing precautions for the protection of life and property are insufficient, and has recommended that steps be taken for the removal or minimising of such fire risk, the Director or the local authority, as the case may be, shall, unless the Minister otherwise directs, take all such steps as may be necessary to give effect to the recommendation of the board.

(3) Each board shall furnish all licensing courts constituted under the *Licensing Act 1932‡* in respect of its district and the Guest House Board constituted under the *Guest Houses Registration Act 1937§* with such information and recommendations as the board may consider necessary in relation to the protection from fire of hotels, public-houses, and registered guest houses.

27—(1) Where, on the report of the chief officer, a board is satisfied that any inflammable material is stored or about to be stored or used in such a place or under such conditions as to constitute a danger to life or property the board may, by notice in writing under the hand of the chairman, require the owner or person in charge of the material to take such measures as may be necessary, in the opinion of the chief officer, to ensure the safe storage of the material, or, if the chief officer reports that the material cannot be stored in such place with safety, may prohibit the storage of the material in that place. Storage of inflammable material.

(2) No owner or person in charge of any material referred to in subsection (1) shall fail to comply with any requirement or prohibition made by a board under this section.

Penalty: Twenty-five pounds.

(3) Nothing contained in this section shall affect any of the provisions of the *Explosives Act 1916||* or the *Inflammable Liquids Act 1929¶*.

28—(1) In any case where, in the opinion of a board, any hedge, gorse, ferns, grass, weeds, rubbish, or similar matter in or on any land or premises within the board's district constitutes a fire risk, the board may, by notice to the occupier of the land or premises, require the occupier to take such steps Prevention of grass fires, &c.

* 26 Geo. V. No. 43, as amended by 2 Geo. VI. No. 10, 3 Geo. VI. No. 26, 4 Geo. VI. No. 23, 4 Geo. VI. No. 52, 5 Geo. VI. No. 63, 7 Geo. VI. No. 41, 8 & 9 Geo. VI. No. 44, and by Statute Law Revision. (See Reprint of Statutes, Vol. VI., page 134.)

† 8 Geo. V. No. 49, as amended by 26 Geo. V. No. 7, 7 & 8 Geo. VI. No. 79, and by Statute Law Revision. (See Reprint of Statutes, Vol. I., page 81.)

‡ 23 Geo. V. No. 25. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. IV., page 843. Since amended by 1 Geo. VI. No. 39, 1 Geo. VI. No. 40, 1 Geo. VI. No. 55, and 7 Geo. VI. No. 38.

§ 1 Geo. VI. No. 57, as amended by 2 Geo. VI. No. 11.

|| 7 Geo. V. No. 9, as amended by 15 Geo. V. No. 12 and by Statute Law Revision. (See Reprint of Statutes, Vol. IV., page 2.)

¶ 20 Geo. V. No. 7, as amended by Statute Law Revision. (See Reprint of Statutes, Vol. IV., page 10.)

Fire Brigades.

A.D. 1945. as the board may require, and as may be specified in the notice, for the—

- (a) trimming, cutting back, or removal of the hedge; or
- (b) burning off, or removal of the gorse, ferns, grass, weeds, rubbish, or matter.

(2) A notice under this section shall be in writing in accordance with the prescribed form, and shall be forwarded to the occupier by registered post.

(3) Every occupier to whom a notice is forwarded under this section shall, within such time as may be specified in the notice, do all such acts and things as may be necessary to comply with the requirements of the notice.

Penalty: Twenty-five pounds.

(4) In the case of any land or premises which is or are unoccupied, the owner thereof shall be deemed to be the occupier for the purpose of this section.

Reward for meritorious service, &c.

29 If the chief officer of any brigade certifies that any officer or member thereof has rendered conspicuous or meritorious service, the board may reward that officer or member in such manner as the board may determine.

Annual reports of boards. Section 14.

30 Each board shall report to the Commission in every year upon the activities of the board.

PART V.

OFFICERS AND MEMBERS OF FIRE BRIGADES—APPOINTMENT, POWERS, AND DUTIES.

Appointment of officers, &c. Section 12.

31—(1) Each board shall appoint a secretary to the board, and such officers and members of the brigade (other than the chief officer) as the board thinks necessary.

(2) Subject to any determination under the *Wages Boards Act 1920** or any award or agreement under the *Commonwealth Conciliation and Arbitration Act 1904-1934* which is applicable, the secretary and all officers and members of a brigade (other than the chief officer) shall be paid salaries and emoluments in accordance with such rates and conditions as the Commission may determine, and all such salaries and emoluments shall be paid in the prescribed manner.

(3) A board may, with the approval of the Commission, appoint one of the members of the brigade to be the deputy chief officer in the event of the absence or incapacity of the chief officer or of a vacancy occurring in the position of chief officer.

Appointment of chief officer. Section 15.

32 The Commission may, when requested by the board, appoint a chief officer of fire brigades for any district at such salary as the Commission may determine, and such salary shall be paid by the board.

* 11 Geo. V. No. 51, as amended by 14 Geo. V. No. 27, 19 Geo. V. No. 38, 24 Geo. V. No. 37, 25 Geo. V. No. 85, 2 & 3 Geo. VI. No. 71, 6 Geo. VI. No. 31, and by Statute Law Revision. (See Reprint of Statutes, Vol. VI., page 1236.)

Fire Brigades.

33—(1) When any fire occurs within any district, the chief officer— A.D. 1945.

- Duties and powers of chief officer at fires. Section 16.
- (a) 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) shall control, direct, and regulate the working of the brigade;
 - (c) shall have authority, either alone or with others under his command, to enter into, and, if necessary, to force open any outer or inner doors of, any buildings or premises which are on fire or in the near neighbourhood of any fire, for the purpose of taking any steps which he deems necessary for the extinguishment, or for the prevention of the extension, of a fire, and he may take, or give directions for taking, any hose, engine, or other apparatus into, through, or upon any house, land, or premises which he considers convenient for the purpose;
 - (d) may take any measures which appear to him necessary or expedient for the protection of life and property, and may cause any building or ship to be entered, taken possession of, pulled down, sunk, or otherwise damaged, destroyed, or removed for the purpose of extinguishing or preventing the spread of fire;
 - (e) may cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing any fire;
 - (f) may cause any street or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of such fire;
 - (g) may at any time pull down or shore up any wall or building damaged by fire which may be, or may be likely to become, dangerous to life or property;
 - (h) shall have the control and direction of any auxiliary fire brigade present at any fire, and of any persons who voluntarily place their services at his disposal;
 - (i) may remove or cause to be removed any person, vehicle, or thing, whose presence in his opinion interferes with the operations of the brigade, and generally, may take any measures which appear to him expedient for the protection of life and property;
 - (j) may cause the debris resulting from any fire and also any building, premises, or ship where any fire has occurred, and every part thereof, to be searched, and may remove and keep possession of anything which may tend to prove the origin of such fire; and

Fire Brigades.

A.D. 1945.

(*l*) may cause the supply of gas, electricity, or other illuminant to any premises in the vicinity of any fire to be shut off or disconnected.

(2) Every person supplying gas, electricity, or other illuminant to any buildings or premises which are on fire or any buildings or premises in the vicinity of any fire shall, upon being directed by the chief officer of a brigade so to do, forthwith send some competent person to shut off or disconnect the supply thereof to such buildings or premises.

(3) No person supplying gas, electricity, or other illuminant to any premises shall be liable for any damages by reason of any interruption of the supply thereof occasioned by the observance of any direction of the chief officer of a brigade under subsection (2).

Power of chief officer to place persons in charge of property in which fire has occurred.

34—(1) In any case where a fire occurs on or in any land or premises and the board for the district in which the land or premises is or are situated, or the chief officer of any brigade in attendance at the fire, is satisfied that, by reason of the nature of the fire or of the land or premises in or on which it has occurred, or of the risk of the extension of the fire, it is necessary or desirable so to do for the purpose of preventing further outbreaks of fire, or the entry of persons on areas of danger, or damage to, or interference with, any property or goods, the chief officer may, when the fire has been extinguished, place in charge of the land or premises on which the fire occurred, or of any land or premises in the vicinity thereof, such officers of the brigade or other persons as the chief officer directs.

(2) Where any officers of a brigade or other persons have been placed in charge of any land or premises in pursuance of subsection (1), the chief officer may give to those officers or persons such directions as he considers necessary for the purposes of this section, and shall, as soon as may be practicable thereafter, furnish those officers or persons with a written authority specifying the time for which, and the conditions under which, they have been so placed in charge of the land or premises.

(3) Any officer of a brigade or other person placed in charge of any land or premises in pursuance of subsection (1) shall, while remaining in charge thereof, give effect to all directions given to him in relation to the property by the chief officer.

Duties and powers of chief officer generally.
Section 17.

35 The chief officer, in addition to the duties and powers imposed and conferred upon him by sections thirty-three and thirty-four, shall—

- (a) cause a register to be kept containing the names, ages, occupations and places of abode of all members of the brigade;
- (b) summon at least once a month all or as many of the members of the brigade as may be required for practice in order to render the members fit and efficient for service;

Fire Brigades.

- (c) have at all times the immediate charge and control of all engines, vehicles, horses, carts, reels, buckets, hoses, ladders, fire-escapes, and other plant and equipment the property of the board, and shall keep the same in a fit state at all times for efficient service; A.D. 1945.
- (d) at all times have free access to any land, building, ship, or premises for the purpose of ascertaining and reporting to the board on any infringement of the laws relating to the storage of explosives, petrol, kerosene, or inflammable liquid, or on any matters relating to the storage, in or on such land, building, ship, or premises, of any packages, saw-dust, shavings, hay, or straw, or other inflammable substance or matter;
- (e) at all times have free access to all hotels and public-houses and all places which are public buildings within the meaning of section one hundred and three of the *Public Health Act 1935**, or which are places of public entertainment as defined by section three of the *Places of Public Entertainment Act 1917†*, and shall report to the board in any case where the laws against fire are not being observed, and may in respect of any such places, exercise all the like powers and authorities as are vested in inspectors under either of the said Acts; and
- (f) shall attend at meetings of the board whenever required by the board so to do, and make all such enquiries and reports as the board directs.

36 The powers conferred upon the chief officer by sections thirty-three, thirty-four, and thirty-five may, in case of his absence or incapacity, be exercised by the deputy chief officer or other officer or member in charge of a brigade, and the authority of the chief officer or his deputy or such other officer or member shall be recognised by all police officers and all other persons; and it shall be the duty of the senior police officer present at any fire to support and assist the chief officer or deputy or other officer or member in the maintenance of his authority, and in enforcing due obedience by all persons to his orders in the execution of his duties.

Exercise of powers of chief officer by his deputy, &c.
Section 18.

37—(1) The chief officer of a brigade, or any officer or member thereof authorised, in writing, by the chief officer so to do, shall, as often as may be necessary, enter and inspect any land, building, or premises to which this section applies, whether such land, building, or premises is or are situated within or beyond the boundaries of the district in respect of

Inspection of buildings by officers and members of brigades.

26 Geo. V. No. 43. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. VI., page 134; subsequently amended by 2 Geo. VI. No. 10, 3 Geo. VI. No. 26, 4 Geo. VI. No. 23, 4 Geo. VI. No. 52, 5 Geo. VI. No. 63, and 7 Geo. VI. No. 41.

† 8 Geo. V. No. 49, as amended by 26 Geo. V. No. 27 and 7 & 8 Geo. VI. No. 99 and by Statute Law Revision (see Reprint of Statutes, Vol. I., page 81).

Fire Brigades.

A.D. 1945. which the board by which the brigade is maintained is constituted, and shall make such recommendations to the board in respect of that building as he considers necessary or desirable for the purposes of the—

- (a) prevention of fire;
- (b) minimising of fire risk; or
- (c) protection of life and property.

(2) Upon receipt of any recommendation under subsection (1) the board may, if it considers it desirable in the public interest so to do, by notice to the owner or occupier of the land, building, or premises in respect of which the recommendation is made, or the agent of the owner, require the owner, occupier, or agent, as the case may be, to take such steps as the board may require and as may be specified in the notice for the—

- (a) prevention of fire;
- (b) minimising of fire risk; or
- (c) provision of precautions for the protection of life and property,

in respect of that land, building, or premises.

(3) A notice under this section shall be in writing in accordance with the prescribed form, and shall be forwarded to the owner, occupier, or agent by registered post.

(4) Every person to whom a notice is forwarded under this section shall, within such time as may be specified in the notice, do all such acts and things as may be necessary to comply with the requirements of the notice.

Penalty: Twenty-five pounds.

(5) If any person to whom a notice is forwarded under this section makes default in complying with the requirements of the notice, the board may cause the necessary works to be executed at the cost of that person, and all costs and expenses incurred by the board in so doing may be recovered from that person by action in any court of competent jurisdiction.

(6) This section shall apply to such classes of land, buildings, and premises as may be prescribed.

Payment of
compensation
to members
of brigades.

38—(1) Where an accident occurs at, or in connection with, any fire, or otherwise in the course of the duties of any officer or member of a brigade, and as a result of such accident the officer or member of the brigade is injured or dies, there shall, if such officer or member, or his dependants in the case of his death, is or are not entitled to compensation under the *Workers' Compensation Act 1927**, be payable by the board to such officer or member, or to his dependants in the case of death, an amount, by way of compensation, calculated in accordance with such rates or scales of compensation as the Commission may determine.

* 18 Geo. V. No. 82. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. V., page 283; subsequently amended by 4 Geo. VI. No. 30, 6 Geo. VI. No. 38, and 9 Geo. VI. No. 56.

Fire Brigades.

(2) All payments under this section shall be made at such times, in such manner, and to such persons, as the board may, with the approval of the Commission, in each case determine. A.D. 1945.

(3) In the case of any officer or member of a brigade who is injured or dies as the result of any accident occurring at, or in connection with, any fire, or otherwise in the course of his duties, and who, or whose dependants, is or are entitled to compensation under the provisions of the *Workers' Compensation Act 1927**, the board may, in its discretion, with the approval of the Commission, pay to such officer or member, or to his dependants in the case of his death, such compensation, in addition to the compensation payable under that Act, as the board may, in each case, determine.

PART VI.

FINANCIAL PROVISIONS.

39—(1) The Commission shall, in each financial year, prepare and submit to the Minister an estimate of its expenditure for administrative purposes under this Act. Estimate of expenditure by Commission.

(2) All administrative expenses incurred by the Commission shall be defrayed out of moneys provided by Parliament for the purpose.

(3) All expenses reasonably incurred by, and all fees payable to, a returning officer conducting an election for the purposes of section three shall be defrayed out of moneys provided by Parliament for the purpose.

40—(1) The Treasurer may, on the application of the Commission, advance to the Commission such sums, not exceeding in the aggregate the sum of five thousand pounds, as may be required for capital expenditure in connection with the purchase by the Commission of equipment on behalf of boards. Advances to Commission by Treasurer.

(2) Where any sum has been advanced to the Commission under this section, the Commission shall, until repayment of the whole of the sum so advanced, pay to the Treasurer all moneys received by the Commission in respect of any equipment sold by it to any board in pursuance of this Act.

41—(1) Each board shall, on or before the thirty-first day of July in every year, submit to the Commission an estimate of the probable expenditure to be incurred by the board during the financial year ending on the ensuing thirtieth day of June in or in connection with— Estimate of expenditure of boards.

(a) the general expenses of the board in the administration of this Act within its district; and

(b) the repayment of any moneys borrowed by the board, and the payment of interest thereon, and the provision of a sinking fund for the repayment of any moneys so borrowed.

* 18 Geo. V. No. 82. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. V., page 283; subsequently amended by 4 Geo. VI. No. 30, 6 Geo. VI. No. 38, and 9 Geo. VI. No. 56.

Fire Brigades.

A.D. 1945. (2) Every estimate under this section shall be accompanied
 — by a statement specifying—

- (a) the amount (if any) of the unexpended balance of the contributions paid to the board under this Part, and of any penalties and charges recovered by the board under this Act, as at the preceding thirtieth day of June (after making provision for undischarged liabilities), which shall be set off against the probable expenditure of the board during the year to which the estimate relates; and
- (b) the amount (if any) of expenditure in excess of contributions paid to the board under this Part, as at the preceding thirtieth day of June, which shall be added to the estimated expenditure of the board for the year to which the estimate relates.

Contributions
to expenditure
of boards.
Section 22.

42—(1) The amount of the estimated expenditure of each board in respect of each financial year shall be contributed in equal proportions and shall be paid to the Commission by—

- (a) the fire insurance companies insuring property within the district;
- (b) the council or councils of the city or of the municipality or municipalities, the whole or part of which is included in the district; and
- (c) the Treasurer, out of the Consolidated Revenue.

(2) The Commission shall, forthwith after receiving the estimates from each board as provided in section forty-one, notify the Treasurer and the relevant fire insurance companies and councils of the amounts required to be contributed by each of them for the purposes of this section.

(3) The Commission shall, as soon as practicable after receiving such contributions, pay to each board the amount payable to that board under this Part.

(4) All payments required to be made to the Commission by any fire insurance company or council for the purposes of this section shall, unless any company or council otherwise agrees with the Commission, be made by equal quarterly instalments.

Contributions
by municipal
councils.
Section 22.

43—(1) When a district comprises areas situated in more than one municipality, the aggregate contribution payable under section forty-two by the councils of the municipalities shall, unless the councils, with the approval of the Commission, otherwise agree, be one-third of the estimated expenditure of the board for that district, and the proportion thereof to be contributed by each council shall be an amount bearing the same proportion to the aggregate contribution so payable as the total annual value of such rateable property in each municipality as is within the district bears to the total annual value of all such property in such municipalities as is within the district.

(2) For the purposes of subsection (1), the annual value of any property shall be the annual value thereof as shown by

Fire Brigades.

the latest assessment of that property under the *Annual Values Assessment Act 1911**. A.D. 1945.

(3) In this section "municipality" includes a city.

44 The amount of any contribution payable under section forty-two by any council may be paid out of the municipal fund; or the council may make and levy a special rate or separate local rate for the purpose of raising such amount, and all the provisions of any Act relating to the making, levying, and recovery of rates by such council, except subsections (4) to (6) of section one hundred and seventy-two of the *Local Government Act 1906*†, shall be applicable to every rate so made and levied.

Power to municipality to levy rates for raising contributions. Section 25.

45 The contribution payable by fire insurance companies in accordance with section forty-two shall be an amount determined by the Commission, and shall be made by each company providing a sum of money bearing the same proportion to the aggregate contributions so payable as the total amount of all premiums received or charged in account by each company or its agents in respect of the insurance against loss or damage by fire of property situated in the district (as may appear by the return referred to in section forty-six) bears to the total amount of such premiums so received or charged in account by all of such companies.

Contributions of fire insurance companies. Section 23.

46—(1) For the purpose of ascertaining the amounts of the contributions required to be paid by fire insurance companies under section forty-two, every company shall, annually in the month of July, or at such other time as the Commission may direct, transmit to the Commission a return showing the amount of the premiums received or in any manner charged in account by the company or its agents during the twelve months ending on the preceding thirtieth day of June, in respect of the insurance against loss or damage by fire of property in each district insured by such company.

Returns by insurance companies of premiums received. Section 24.

(2) The premiums referred to in subsection (1) shall be the gross premiums, and shall include any commission or discount, but shall not include any portion of the gross premiums actually paid away by way of re-insurance effected in this State with any other company.

(3) Every return under this section shall be verified by a statutory declaration by the manager, secretary, or other officer of the company certifying that according to the books thereof, and to the best of his knowledge and belief, the return contains a true account and statement of the amount of the premiums received by the company during the period to which the return relates.

* 2 Geo. V. No. 61, as amended by 4 Geo. VI. No. 14, 8 Geo. VI. No. 44, and by Statute Law Revision. (See Reprint of Statutes, Vol. I., page 187.)

† 6 Edw. VII. No. 31. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. V., page 15; subsequently amended by 2 Geo. VI. No. 8, 2 Geo. VI. No. 33, 4 Geo. VI. No. 46, 5 Geo. VI. No. 20, 5 Geo. VI. No. 42, 6 Geo. VI. No. 26, 6 Geo. VI. No. 62, 7 & 8 Geo. VI. No. 88, and 8 Geo. VI. No. 17.

Fire Brigades.

A.D. 1945. (4) Any company which makes default in transmitting to the Commission any return or declaration under this section shall be liable to a daily penalty of five pounds.

(5) The manager, secretary, or other officer having the custody of the books and papers of any contributory company shall allow any officer appointed by the Commission to inspect during the hours of business any books and papers of the company, and to make extracts therefrom in order to verify any return or declaration made in pursuance of this section.

(6) Any manager, secretary, or officer of a contributory company who fails to comply with the requirements of this section shall be liable to a penalty of five pounds.

Penalty for default in payment of contributions.
Section 26.

47 Any council or fire insurance company which fails to pay any contribution required to be paid by it under this Part within thirty days after it becomes due shall be liable to a daily penalty of ten pounds.

Advances to new boards from Consolidated Revenue.
Section 27.

48 For the purpose of providing funds to enable any board to commence operations, the Governor may, on the recommendation of the Commission, authorise the Treasurer to advance to the board a sum not exceeding one thousand pounds, and any sum so advanced shall be set off against any contributions from the Consolidated Revenue payable under this Act to that Board.

Power of boards to borrow on debentures.
Cf. S.A. Act No. 2272 of 1936, s. 27; W.A. Act No. 35 of 1942, s. 46.

49—(1) A board may, with the consent of the Commission, borrow and take up at interest such sums of money as it considers necessary for the purpose of enabling the board to exercise and perform the powers, authorities, duties, and functions conferred or imposed upon it by this Act, or to repay any moneys borrowed by the board under any Act repealed by this Act, or to redeem any debentures which may be issued by the board under this section.

(2) All moneys borrowed under the authority of this section shall be raised by the sale of debentures, which shall be in the form contained in the fourth schedule.

(3) Every debenture issued under this section shall be issued for such period and amount, at such time, on such terms and conditions, and at such rates of interest as the board, with the approval of the Commission, may determine, and coupons in the form in the fourth schedule may be annexed thereto.

(4) The title to every debenture and coupon issued under this section (whether or not the coupon is separated from the debenture to which it belongs) shall pass by delivery only, without any assignment or indorsement.

(5) The amount secured by every debenture issued under the authority of this section and the interest payable thereon shall be a charge on all the revenue of the board (whether accrued or to accrue) and on all the real and personal property of the board.

(6) All debentures, when redeemed by the board, shall be forthwith cancelled by the board, and shall not be sold or re-issued.

Fire Brigades.

(7) The regulations may prescribe the manner in which a board shall provide a sinking fund for the purpose of redeeming any debentures issued by the board under the authority of this section, and the amount or rate of the periodical or other payments to be made into the sinking fund so provided, and may regulate generally the establishment and application of any such sinking fund. A.D. 1945.

(8) If a board at any time makes default in repaying any principal money or interest secured by any debenture or in providing a sinking fund for the purposes of this section, the Minister shall, if so authorised by the Governor, be entitled to receive from the Treasurer and to receive and recover from the councils and insurance companies respectively either the whole of the annual contributions which would otherwise have been payable to the Commission on behalf of the board, or such part thereof as the Governor may determine to be necessary for the purpose of paying any principal moneys or interest in arrear, or making payments into such sinking fund, and shall apply the moneys so received in and towards the payment of such principal moneys or interest.

(9) Notwithstanding anything contained in subsection (8), where any board has made default in payment of any principal moneys or interest secured by any debentures issued by the board under the authority of this section, or in providing a sinking fund for the redemption of such debentures, a judge may, whether or not the Minister has received and recovered any contributions in pursuance of subsection (8), on the petition of the holder of any debenture, appoint a receiver of the whole of the revenue of the board and thereupon the provisions set forth in the fifth schedule shall apply and have effect:

Provided that, whenever the Minister is authorised by the Governor to receive and recover contributions as provided by subsection (8), the powers conferred on a receiver under the provisions set forth in the fifth schedule may be exercised by the Minister.

(10) Nothing in this section shall derogate from or affect any rights which, apart from this section, might at any time be exercised by the holder of any debenture in respect of the property and revenues of the board.

(11) The provisions of the *Bills of Sale Act 1900** shall not apply to any debenture issued under the authority of this section.

(12) The provisions of section five of the *Trustee Act 1898†* shall, notwithstanding anything contained in that Act, be deemed to apply to the investment of trust funds in any debentures issued under the authority of this section.

* 64 Vict. No. 70, as amended by 17 Geo. V. No. 6 and by Statute Law Revision. (See Reprint of Statutes, Vol. I., page 294.)

† 62 Vict. No. 34. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. VI., page 1099; subsequently amended by 5 Geo. VI. No. 17.

Fire Brigades.

A.D. 1945.

Temporary
overdrafts.
11 Geo. V.
No. 61, s. 11
(4).

50 A board may, for the purposes of obtaining temporary accommodation, obtain advances from a bank by overdraft of the current account upon the credit of the board, but, except with the prior approval of the Commission, no such overdraft or accommodation shall exceed one-half of the expenditure of the board during the previous financial year.

Expenditure
outside Act.
Section 11
(5).

51 A board may, in any financial year, expend out of its funds any sums of money, not exceeding in the aggregate the sum of twenty-five pounds, for any purposes whatsoever approved by the board, notwithstanding that such expenditure may not be authorised under any other provision of this Act.

Audit of
accounts.
Section 22
(5).

52 The accounts of the Commission and of each board shall be subject to the provisions of the *Audit Act* 1918*.

PART VII.

AUXILIARY FIRE BRIGADES.

Registration
of auxiliary
fire brigades.
Section 28.

53—(1) Every auxiliary fire brigade, whether established before or after the commencement of this Act, shall, unless registered under any Act repealed by this Act, be registered, in accordance with the regulations, at the office of the board for the district in which it is established within three months after the commencement of this Act or after the establishment of the brigade, as the case may be.

(2) Any brigade which has been registered as a volunteer fire brigade under any repealed Act shall be deemed to have been registered as an auxiliary fire brigade under this Act.

Inspection
and control
of auxiliary
fire brigades.
S.A. Act
No. 2272 of
1936, s. 38.

54—(1) Every auxiliary fire brigade shall be subject to inspection by the chief officer of fire brigades for the district in which the auxiliary fire brigade is established and, when present at any fire shall be under the control of, and shall comply with all orders given by, such chief officer.

(2) An auxiliary fire brigade shall use such equipment and adopt such methods of training as may be approved by the chief officer of fire brigades for the district in which the auxiliary fire brigade is established.

PART VIII.

MISCELLANEOUS.

Power to
use water
for fires
and drills,
&c., without
charge.

55 A board, and any officer or member of a brigade shall, at all times, have the use, free of charge, of all water mains, water plugs, valves, pipes, and works of water supply vested in, or under the control of, any local authority or other public

* 9 Geo. V. No. 3. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. I., page 237; subsequently amended by 1 Geo. VI. No. 63 and 3 Geo. VI. No. 34.

Fire Brigades.

body, and of all water therein, and of all water in any tank or well belonging to any person whomsoever, for the purpose of extinguishing any fire, and shall have the reasonable use, free of charge, of any such water mains, water plugs, valves, pipes, and works of water supply and of all water therein, for the purpose of any drill, demonstration, practice, or competition carried out by the brigade with the permission of the board. A.D. 1945.

56 Any damage to property caused by the chief officer or by any officer or member of a brigade in the lawful execution of any power conferred by this Act, or by any auxiliary fire brigade assisting at any fire, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire, covering the property so damaged, notwithstanding anything in such policy to the contrary. Damage caused by brigade to be damage within meaning of fire policy. Section 19.

57 A board, or any chief officer, or any officer or member of a brigade, exercising any powers conferred by this Act, shall not be liable for any damage caused in the exercise in good faith of those powers. Protection of boards and officers. Section 33.

58 Where any fire occurs in any building or premises, the owner of the building or premises shall remove any debris or inflammable material which may be in or on such building or premises, and if, after notice in writing given to him by the secretary of the board requiring him within twelve hours, or such longer time as the board may in the circumstances of the case deem necessary, to remove such debris, the owner fails or neglects to comply with the terms of the notice, the board may— Removal of debris after a fire. Section 29.

- (a) cause the debris to be removed; and
- (b) recover in any court of competent jurisdiction the expenses actually incurred in removing the debris and in employing watchmen, if necessary, to protect the building or premises until such debris is removed.

59—(1) The owner of any building, premises, or ship where a fire occurs or of any goods which may be in any such building, premises, or ship, or which may be destroyed or damaged by fire shall, on being requested so to do by any member of a board, or by the chief officer or any other officer or member of a brigade— Owner to give information as to insurance. Section 30.

- (a) inform the member or officer whether or not the building, premises, ship, or goods is or are insured; and
- (b) furnish the member or officer with full particulars of the insurance, if any, effected on such building, premises, ship, or goods including the name of the insurance company with which the insurance is effected and the amount of the insurance.

Fire Brigades.

A.D. 1945.

(2) Any person who refuses to comply with any request under subsection (1) or who wilfully gives any false information, or who wilfully gives any incorrect particulars with respect to any insurance referred to in that subsection, shall be liable to a penalty of twenty pounds.

Power of agents to deduct payments made for owners.

W.A. Act, No. 35 of 1942, s. 69.

60 Any person acting as the agent of the owner of any land, building, or premises may deduct from any moneys held by him for the owner thereof all charges necessarily or properly incurred and paid by him under this Act in respect of any such land, building, or premises, or he may, in any court of competent jurisdiction, recover from the owner the amount so incurred and paid.

Powers of trustees.

W.A. Act, No. 35 of 1942, s. 70.

61 The trustee of any house, building, land, or premises may apply any of the trust funds in his hands in defraying any charges necessarily or properly incurred by him under this Act as the trustee thereof in respect of such house, building, land, or premises.

Salvage corps or fire brigade may not be constituted unless authorised.

W.A. Act, No. 35 of 1942, s. 50.

62 No person shall constitute or maintain within any district any salvage corps or fire brigade for the purpose of the salvage of property at fires or of the extinguishment of fire elsewhere than on the premises or land owned or occupied by such person, or at or on which such person is employed, unless the salvage corps or fire brigade is constituted by a board or is authorised by a board to act as a salvage corps or fire brigade.

Penalty: Twenty pounds.

Recovery of possession of premises from discharged, &c., member of brigade.

Section 37.

63 Where any chief officer or any other person who has been employed by a board in any capacity under this Act and has been discharged therefrom, continues to occupy any house or building which may have been provided for his use, or any part thereof, after one week's notice in writing from the board to deliver up possession thereof, any police magistrate may, on the oath of one witness stating such notice to have been given, by warrant under his hand, order any police officer to enter into the house or building occupied by such chief officer or other person and remove him and his family and servants therefrom and afterwards deliver the possession thereof to the board, as effectually to all intents and purposes as the sheriff having jurisdiction within the place where such house and building is situated might lawfully do by virtue of a writ of possession.

Offences.

Section 31.

64 No person shall—

- (a) wilfully obstruct or interfere with the chief officer or any officer or member of a fire brigade while in the execution of his duty under this Act;
- (b) injure, damage, or interfere with, any building, materials, or appliances belonging to a board;

Fire Brigades.

- (c) remain in or upon any property of a board, or in or upon any premises where a fire occurs or has recently occurred, after being ordered by the chief officer to quit such property or premises; A.D. 1945.
- (d) retain possession of any property of a board after the property has been demanded of him by the chief officer;
- (e) cover up or close any fireplug so as to render its position difficult to locate, or injure any fireplug;
- (f) obliterate or remove any mark used to indicate the position of any fireplug;
- (g) tamper or interfere with any fire-alarm or other signalling apparatus;
- (h) give a false alarm of fire;
- (i) drive any vehicle over a fire hose;
- (j) drive any vehicle within such distance of the place of any fire or of any apparatus in use at any fire as will interfere with the operations of any brigade or the use of such apparatus; or
- (k) contravene or fail to comply with any provision of this Act, for which no penalty is specially provided:

Penalty: Fifty pounds, or imprisonment for six months.

65—(1) Any charge or contribution incurred or made payable under this Act may be recovered by a board or, as the case may be, by the Commission, by action in any court of competent jurisdiction. Recovery and appropriation of penalties, &c.
Sections 35 and 36.

(2) All penalties, charges, and contributions recovered under this Act shall be paid to the board for the district within which they were incurred or became payable, and shall be applied by the board in and towards defraying its expenses under this Act.

66 The Governor may, upon the recommendation of the Commission, make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular for— Regulations.
Section 34.

- (a) regulating the business and proceedings at meetings of boards;
- (b) regulating the payment of salaries, wages, or other remuneration, and expenses to permanent officers and members of brigades and part-time officers and members of brigades;
- (c) providing for and regulating the provision, grant, or payment by boards of superannuation allowances, retiring allowances, pensions, or gratuities to officers and members of brigades, or their wives, families, widows, or dependants, on the resignation, retirement, or death of such officers and

Fire Brigades.

A.D. 1945.

- members, and the creation and establishment of funds for such purposes, or the continuation of any fund or funds for such purposes established before the commencement of this Act;
- (d) providing for the payment of special allowances or gratuities to any person in respect of voluntary or special services rendered to a brigade;
 - (e) defining and regulating the terms and conditions of service of officers and members of brigades;
 - (f) providing for the maintenance of discipline and good conduct among officers and members of brigades;
 - (g) regulating the keeping of the accounts, and the receipt and disbursement of moneys by boards and by the Commission;
 - (h) prescribing the charges or rates of payment to be imposed by boards in respect of—
 - (i) the attendance and services of a brigade outside its district;
 - (ii) the attendance of a brigade at fires where property is uninsured;
 - (iii) the attendance and services of a brigade at any fire occurring elsewhere than in a building;
 - (iv) the performance by a brigade or board of services not connected with the work of fire fighting; and
 - (v) the use of any equipment supplied by a board on loan, or made available, to any person;
 - (i) prescribing the methods of training of officers and members of fire brigades;
 - (j) prescribing the uniforms to be worn by officers and members of brigades when on duty;
 - (k) regulating and controlling demonstrations and competitions; and
 - (l) providing for and regulating the establishment and maintenance of salvage corps and auxiliary fire brigades and prescribing the charges to be made in respect of services rendered by such corps and brigades.
-

Fire Brigades.

THE FIRST SCHEDULE.

A.D. 1945.

ACTS REPEALED.

Section 1 (2).

| Regnal Year and Number of Act. | Title of Act. |
|--------------------------------|-----------------------------------|
| 11 Geo. V. No. 61 | <i>The Fire Brigades Act 1920</i> |
| 4 Geo. VI. No. 32 | <i>The Fire Brigades Act 1940</i> |
| 5 Geo. VI. No. 56 | <i>The Fire Brigades Act 1941</i> |
| 7 Geo. VI. No. 26 | <i>The Fire Brigades Act 1943</i> |
| 7 & 8 Geo. VI. No. 103 | <i>The Fire Brigades Act 1944</i> |

THE SECOND SCHEDULE.

Section 3.

RULES FOR THE CONDUCT OF ELECTIONS OF MEMBERS OF THE COMMISSION.

1. At least six weeks before the date appointed for holding any election for the purposes of section 3, the Minister shall—

- (a) cause to be published in the *Gazette* and in a newspaper—
- (i) the name and address of the returning officer appointed to take the poll;
 - (ii) the date and hour for the closing of nominations (which shall be not less than fourteen days prior to the date for the taking of the poll); and
 - (iii) the date and time of the poll; and
- (b) forthwith after the publication in the *Gazette* of the notice referred to in paragraph (a), forward a copy of such notice to the secretary of every board entitled to take part in the election.

2. The secretary of each board shall, within fourteen days after the publication in the *Gazette* of a notice under rule 1, forward to the returning officer a list of the names and addresses of all members of the board of which he is the secretary, certified as correct by writing under his hand.

3. The returning officer shall, from the list so supplied, compile a roll for each election (in these rules referred to as the "voters' roll") specifying the persons entitled to vote at the election.

4. The voters' roll for each election shall show all names in alphabetical order and numbered consecutively, and shall be signed by the returning officer and certified by him as correct.

5. No person whose name is not included in the voters' roll for any election shall be entitled to vote at that election.

6.—(1) At every election only persons whose names are included in the voters' roll for that election shall be eligible to become candidates for election.

(2) No person may be nominated for more than one election to be conducted at one and the same time.

7.—(1) Subject to sub-rule (2), any person who is a member of two or more boards taking part in separate elections for the purposes of section 3 shall be entitled to vote at each of such elections.

(2) Any person who is a member of two or more boards taking part in any one election shall be entitled, at that election, to one vote in respect of each of such boards of which he is a member.

Fire Brigades.

- A.D. 1945.** 8. Nominations shall be in accordance with Form 1 in this schedule, and shall be signed by two persons entitled to vote at the election, and the consent of the person nominated shall be signed by such person; but a consent notified to the returning officer by telegram may be accepted if received before the hour appointed for the closing of nominations.
9. If any person nominated for election is absent from the State at the time of his nomination his consent to be nominated may be signified to the returning officer by letter sent by post or affixed to the nomination paper, or by ordinary message by telegraph; but if, in either of such cases, such consent is received by the returning officer after the hour fixed for the closing of nominations, the returning officer shall reject the nomination.
10. Nominations shall be lodged at the office of the returning officer at or before the time appointed for that purpose in the notice under rule 1.
11. If the number of persons who have been nominated for election does not exceed the number of persons required to be elected, the returning officer shall, as soon as may be practicable after the hour appointed for the closing of nominations, by notice published in the *Gazette*, declare the persons so nominated to be elected, and they shall thereupon be deemed to have been elected accordingly.
- 12.—(1) If no nominations are made for any election the Governor may, on the recommendation of the Minister, appoint such number of members as are required to be elected at that election, without nomination.
- (2) If the number of persons nominated is less than the number required to be elected, the persons nominated shall be declared to be elected in accordance with rule 11, and the Governor may, on the recommendation of the Minister, appoint such other members as may be required, without nomination.
- (3) Where any members are appointed by the Governor under this rule, the Minister shall publish a notice in the *Gazette* specifying the names and addresses of the members so appointed and stating the name of the board on behalf of which the members were so appointed.
13. If the number of persons nominated exceeds the number of members to be elected, the poll shall be taken by postal ballot in the manner prescribed in these rules on the date and at the time specified in the notice published in accordance with rule 1.
- 14.—(1) A candidate may retire from his candidature by delivering to the returning officer a notice in writing notifying his retirement.
- (2) Upon receipt of a notice under sub-rule (1) the returning officer shall omit from the ballot-papers the name of the candidate so retiring, but if there is not time to omit or erase the name, he shall take such steps as may be practicable to make known the name of the person so retiring.
- (3) A candidate who retires from his candidature in accordance with sub-rule (1) shall not be capable of being elected, and if the number of candidates by his retirement is reduced to the number required to be elected, the returning officer shall declare the remaining candidates to be elected.
15. The returning officer shall, forthwith after the date for the closing of nominations, transmit by post to every voter entitled to vote at the election a ballot-paper, which shall be in accordance with form II. in this schedule.
16. Every ballot-paper transmitted to a voter shall be accompanied by an envelope addressed to the returning officer with a place for the voter's signature indicated thereon, and a smaller envelope unmarked to contain the ballot-paper.
17. A separate ballot-paper shall be issued for each election and every ballot-paper shall contain the names in full in alphabetical order of all the candidates, and shall be initialled by the returning officer.
18. The ballot-papers shall be so printed and prepared that the voter may effectually conceal the name of the person for whom he has voted.

Fire Brigades.

19. In printing the ballot-papers regard shall be had to the following A.D. 1945. provisions:—

- (a) the paper used for ballot-papers shall be of such thickness as, when folded, will conceal the names of the candidates and the manner in which a voter has voted;
- (b) the name of every candidate shall be printed in plain capital letters of not smaller than pica type; and
- (c) the name of one candidate only shall be printed in one line.

20.—(1) At any time before 3 o'clock in the afternoon of the day next preceding the day appointed for closing the poll the returning officer may issue a second or duplicate ballot-paper to any voter whose original ballot-paper has miscarried or has been destroyed:

Provided that the voter shall first make a declaration before the returning officer or a justice of the peace certifying that he has not received the original ballot-paper or that it has been destroyed, as the case may be, and that he has not already voted at the election.

(2) Where a declaration under sub-rule (1) is made before a justice of the peace, the declaration shall accompany the application for the duplicate ballot-paper.

21.—(1) A voter who has received a ballot-paper shall record his vote by—

- (a) marking his ballot-paper in the manner provided by section 119 of the *Electoral Act 1907**, in respect of an election under that Act;
- (b) signing his name in the space provided for the purpose upon the envelope addressed to him by the returning officer; and
- (c) folding up the ballot-paper so that the vote cannot be seen, and after enclosing it in the unmarked envelope furnished to the voter in accordance with rule 16, forwarding it by post enclosed in the envelope addressed to the returning officer, so that it will reach him not later than the date and time specified in the notice published in accordance with rule 1.

(2) The voter shall prepay the postage on any envelope sent by him by post.

22. After posting the ballot-papers the returning officer shall provide a locked ballot-box with a cleft or opening therein capable of receiving the ballot-papers.

23. On receiving, between the day of nomination and before the expiration of the time of closing the poll, the envelope signed by the voter as provided in rule 21, the returning officer shall open the same and extract the envelope containing the ballot-paper, and place such envelope, unopened, in the ballot-box and file the signed envelope for reference.

24. All envelopes containing ballot-papers which have been posted or received through the post after the hour fixed for closing the poll shall be endorsed to that effect by the returning officer, and such ballot-papers shall not be counted.

25. The returning officer shall be responsible for the safe custody of the ballot-box.

26. The returning officer at every election shall appoint a place at which the votes shall be examined and the result of the election ascertained.

27. As soon as practicable after the hour fixed for the closing of the poll the returning officer, in the presence of such scrutineers as may be present, shall open the ballot-box and count the votes recorded in accordance with the method prescribed in the Fourth Schedule of the *Electoral Act 1907**.

* 7 Edw. VII. No. 6. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. I., page 936. Since amended by 5 Geo. VI. No. 26 and 8 & 9 Geo. VI. No. 57.

Fire Brigades.

A.D. 1945. 28. At the examination of the ballot-papers a ballot-paper shall be rejected by the returning officer if—

- (a) it does not bear the initials of the returning officer;
- (b) it has no vote indicated on it;
- (c) it has upon it any mark or writing not authorised by these rules to be put upon it which, in the opinion of the returning officer, would enable any person to identify the voter;
- (d) it has the same number (being the number 1, 2, or 3) opposite the names of more than one candidate;
- (e) it is so imperfectly executed that the intention of the voter cannot with certainty be ascertained; or
- (f) the envelope in which it is posted to the returning officer is not signed by the voter in the manner prescribed in these rules.

29. In any count of votes the Minister shall decide which of two or more candidates having an equal number of votes is to be excluded or declared to be defeated and shall give a casting vote in any final count where two candidates have an equal number of votes.

30. The returning officer shall, at the completion of the scrutiny, make out an abstract of the result of the ballot and shall specify therein—

- (a) the name of the person who is declared to be elected;
- (b) the number of votes received by each of the several candidates at each stage of the count; and
- (c) the total number of ballot-papers counted at the scrutiny, and the number of ballot-papers which were rejected by the returning officer, and shall certify the abstract, by writing under his hand, as being correct.

31. As soon as practicable after the completion of the scrutiny, the returning officer shall publish in the *Gazette* a notice specifying the full name and address of the candidate who is elected and, upon the publication of the notice, that candidate shall be deemed to be elected accordingly.

FORM I.

The Fire Brigades Act 1945.

NOMINATION.

We hereby nominate of
..... as a candidate for election
for appointment as a member of the Fire Brigades Commission of Tas-
mania to be held on the day of 19.....

.....
.....
Signatures of two Board Members.

I consent to the above nomination.

.....
Signature of Candidate.

Fire Brigades.

FORM II.

A.D. 1945.

ELECTION FOR APPOINTMENT AS A MEMBER OF THE FIRE BRIGADES COMMISSION OF TASMANIA.

The Examination of ballot-papers is fixed for.....
.....

List of Candidates Nominated.

(See directions at the back of the paper.)

.....
.....
.....

(Directions to be printed at the back of ballot-paper.)

(a) Every voter must place the figure 1 in the square opposite the name of the candidate for whom he desires to vote as his first choice; the figure 2 opposite his second choice; and the figure 3 opposite his third choice.

(b) A voter may indicate the order of his choice for as many more of the other candidates as he pleases by placing opposite their names other numbers next in numerical order after those already used by him.

(c) He must fold the ballot-paper and enclose it in the plain envelope supplied to him; fasten that envelope; sign his name in the space provided for the purpose on the envelope addressed to the returning officer, and forward that envelope by post or otherwise to reach the Returning Officer, Hobart, not later than noon of the day of the election.



THE THIRD SCHEDULE.

RULES FOR THE CONDUCT OF MEETINGS OF REPRESENTATIVES OF FIRE INSURANCE COMPANIES AND ELECTIONS OF MEMBERS OF FIRE BRIGADE BOARDS BY FIRE INSURANCE COMPANIES. Section 19.

PART I.—MEETINGS OF REPRESENTATIVES OF FIRE INSURANCE COMPANIES.

1. The manager, secretary, or principal officer in this State of a fire insurance company, or some person appointed by him in writing, shall be the representative of that company at the meeting of representatives of fire insurance companies, and every such appointment shall be presented to the chairman of the meeting before the representative votes thereat.

2. The secretary of the board shall certify to the chairman of the meeting the amount of contribution paid by each company to the board in respect of the immediately preceding year, where the amount exceeds fifty pounds.

3. The same person may be appointed as the representative of more companies than one, but no person so appointed shall have, in the aggregate, more votes than three.

Fire Brigades.

A.D. 1945. 4. At every meeting of representatives of fire insurance companies, each representative shall have, in respect of each company of which he is appointed representative, a number of votes, according to the contribution paid by the company to the board in the immediately preceding year, as follows:—

- (a) where the contribution did not exceed fifty pounds, one vote;
 - (b) where the contribution exceeded fifty pounds but did not exceed one hundred pounds, two votes;
 - (c) where the contribution exceeded one hundred pounds, three votes,
- but so that no representative shall exercise, in the aggregate, more votes than three.

5. At every meeting of representatives—

- (a) those present shall elect from among their number a chairman to preside at that meeting; and
- (b) any ten representatives shall constitute a quorum for the transaction of the business of the meeting.

PART II.—ELECTIONS OF MEMBERS OF FIRE BRIGADE BOARDS BY
FIRE INSURANCE COMPANIES.

6. Candidates for election by fire insurance companies as members of a board shall be nominated by two nominators who are representatives of fire insurance companies.

7. If the number of persons nominated does not exceed the number of members required to be elected, the chairman shall declare the persons nominated to be elected and shall transmit their names to the Minister accordingly.

Method of Conducting Election.

8. At every election under these regulations—

- (a) the names of all candidates nominated shall be listed, in writing, in the alphabetical order of their surnames on ballot-papers to be supplied by the chairman;
- (b) every person entitled to vote, and voting, shall mark the ballot-paper supplied to him by placing the figure "1" opposite the name of the candidate for whom he desires to vote, and shall place the ballot-paper so marked in a ballot-box provided for the purpose;
- (c) the ballot-box shall be empty when locked, and shall be kept locked until the voting is finished;
- (d) the chairman, in the presence of two scrutineers appointed by the meeting, shall open the ballot-box when the voting is finished, and shall count the votes and declare elected the candidate receiving the greatest number of votes;
- (e) if more candidates than one have each received the same number of votes, and an additional vote for either of them would procure his election, it shall be decided by lot which of them shall be declared elected; and
- (f) the chairman shall notify to the Minister forthwith the names of the persons elected.

Fire Brigades.

THE FOURTH SCHEDULE.

A.D. 1945.

TASMANIA.

Section 49.

The Fire Brigades Act 1945.

FORM OF DEBENTURE.

The..... Fire Brigade Board in consideration of the sum of..... pounds paid to the board hereby binds itself to pay to the bearer for the time being of this debenture the sum of..... pounds, and to the bearer or bearers for the time being of the coupons annexed hereto interest upon the said sum at the rate of..... per centum per annum, such interest to be payable on the..... day of..... and the principal to be paid on the..... day of..... in every year, and the in the year.....

The revenue of the board and all the real and personal property of the board shall be a security to the bearer for the time being of this debenture until the said principal sum be satisfied, and to the bearer or bearers for the time being of the coupons annexed hereto until the interest upon the said principal as represented by such coupons by him or them held shall be satisfied.

This debenture is issued subject to the provisions of the *Fire Brigades Act 1945.*

Given under the seal of the..... Fire Brigade Board this..... day of.....

The seal of the..... Fire Brigade Board was hereunto affixed on the date hereof in the presence of—

..... } Members.

Countersigned, Secretary.

TASMANIA.

The Fire Brigades Act 1945.

COUPON.

The..... Fire Brigade Board.

Coupon for £..... for half-year's interest due the day of..... on debenture No. payable to bearer at.....

..... } Members.

Countersigned, Secretary.

Fire Brigades.

A.D. 1945.

THE FIFTH SCHEDULE.

Section 49.

1. A receiver appointed for the purposes of section 49 shall be deemed an officer of the Supreme Court and shall act under the direction of the Court.

2. The Supreme Court may remove any receiver appointed for the purposes of section 49, and on the death or removal of any such receiver may appoint some other person in his place.

3. Any receiver appointed for the purposes of section 49 shall be entitled to receive from the Commission 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; and
- (b) to take any action or legal proceeding for the recovery or collection of any penalties or charges payable to or recoverable by the board under this Act.

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

6. The Supreme Court 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.

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.