

- (c) the establishment and maintenance of firebreaks; and
- (d) the taking of measures generally for the prevention, control, and extinguishment of fires.

Summary
abatement
of certain
nuisances.

5 Section six hundred and ten of the Principal Act is amended—

- (a) by inserting in paragraph (b) of subsection (2) thereof, after the word “ninety-nine,” the words “or, in the case of such a nuisance as is mentioned in sub-paragraph (ii), or sub-paragraph (iii), or sub-paragraph (iv) of that paragraph, a report of the State Fire Control Officer, or of a regional fire control officer, appointed under the *Rural Fires Act 1967*,”; and
- (b) by omitting from paragraph (c) thereof the word “chief” and substituting therefor the word “first” and by inserting in that paragraph, after the word “concerned,” the words “, or of the State Fire Control Officer, or of a regional fire control officer, appointed under the *Rural Fires Act 1967*,”.

FIRE BRIGADES.

No. 77 of 1967.

AN ACT to amend the *Fire Brigades Act 1945*
and the *Fire Brigades Act 1964*.

[20 December 1967.]

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:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Fire Brigades Act 1967*.

(2) The *Fire Brigades Act 1945*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Section three of this Act shall commence on the day on which Part II of the *Rural Fires Act 1967* commences, section six of this Act shall commence on the appointed day (within the meaning of subsection (1) of section two of that Act), section ten of this Act shall commence on the first day of July 1968, and the remaining provisions of this Act shall commence on the day on which the Governor assents to this Act.

2 Section two of the Principal Act is amended—

Interpretation.

- (a) by omitting from subsection (1) thereof the definition of “chief officer” and substituting therefor the following definition:—

“ ‘Chief Officer’ means the Chief Officer of Fire Brigades appointed by the Commission pursuant to section eleven;”;

- (b) by inserting in that subsection, after the definition of “Commission”, the following definition:—

“ ‘Deputy Chief Officer’ means the Deputy Chief Officer of Fire Brigades appointed by the Commission pursuant to section eleven;”;

- (c) by inserting in that subsection, after the definition of “district”, the following definition:—

“ ‘first officer’ means the person appointed by the Commission, pursuant to section thirty-two, to be the officer in charge of a brigade or his deputy, and includes any officer or member for the time being in charge of a brigade;”.

3 Section three of the Principal Act is amended—

Constitution of Commission.

- (a) by omitting from subsection (1) thereof the word “six” and substituting therefor the word “seven”; and

- (b) by inserting after paragraph (a) of subsection (2) thereof the following paragraph:—

“(ab) one shall be the chairman of the Rural Fires Board or a member of that Board nominated by him;”.

4 Section nine of the Principal Act is amended by inserting after paragraph (d) of subsection (2) thereof the following paragraph:—

Duties and powers of Commission.

- “(da) in a case of emergency, direct a board to make available the services of any members of its brigade or the use of any of its equipment to such other board as the Commission may direct;”.

5 Section eleven of the Principal Act is amended—

Officers, &c., of Commission.

- (a) by omitting from subsection (1) thereof the words “a technical adviser and”;

- (b) by inserting after that subsection the following subsection:—

“(1A) The Commission—

- (a) shall appoint a person as the Chief Officer of Fire Brigades, whose headquarters shall be in the Southern Division; and

(b) may appoint a person as the Deputy Chief Officer of Fire Brigades, whose headquarters shall be in the Northern Division.”; and

(c) by adding at the end of that section the following subsections:—

“(3) The Chief Officer of Fire Brigades—

(a) shall be the chief technical adviser to the Commission; and

(b) shall, subject to the directions of the Commission—

(i) inspect or arrange for the inspection, from time to time, of all brigades and their equipment and report to the Commission on their state of efficiency or otherwise and make such recommendations with respect thereto as he thinks fit;

(ii) take such steps as he thinks desirable to ensure that members of brigades take part in regular practice in order to render them fit and efficient for service, and generally supervise the training of members of brigades; and

(iii) attend the Commission when required to do so, and make such inquiries and reports, and perform such other duties, as the Commission directs.

“(4) The Deputy Chief Officer of Fire Brigades shall—

(a) act as, and perform the duties of, the Chief Officer of Fire Brigades in the event of the Chief Officer being absent or unable to act;

(b) generally assist the Chief Officer in the performance of his duties; and

(c) perform such other duties as the Commission directs.”.

6 Section twenty-eight of the Principal Act is repealed and the following section is substituted therefor:—

“28—(1) Where, in the opinion of a board, on any land ^{Removal of fire risks.} within the board’s district—

- (a) there is such a building or structure as is referred to in sub-paragraph (ii), or sub-paragraph (iii), or sub-paragraph (iv) of paragraph (l) of subsection (1) of section five hundred and ninety-nine of the *Local Government Act 1962*;
- (b) there are such materials as are, or such an escape of inflammable liquid or vapour as is, referred to in paragraph (m) of that subsection; or
- (c) there is such growth as is referred to in paragraph (o) of that subsection,

the board may, by notice in writing to the corporation of the municipality in which that land is situated, request the corporation to exercise, in relation to the building, structure, materials, liquid, vapour, or growth, the powers conferred on it by Division XVII of Part XVI of that Act.

“(2) If the corporation fails or refuses to comply with a request of the board under subsection (1) of this section, the board may, by its servants, enter on the land in question and do all such acts and things as the corporation could have done under section six hundred and ten of the *Local Government Act 1962*.

“(3) The expenses incurred by the board in exercising the powers referred to in subsection (2) of this section are a debt due from the corporation to the board and are recoverable in a court of competent jurisdiction.

“(4) Where, during a period that is declared, pursuant to the *Rural Fires Act 1967*, to be a fire danger period in relation to a board’s district, there is on any land within that district any building, structure, material, or thing that, in the opinion of the board, constitutes a fire risk, the board may, by its servants, enter on that land and do all such acts and things as it considers necessary to remove that risk.

“(5) If on a day that has been declared, pursuant to the *Rural Fires Act 1967*, to be a day of acute fire danger in relation to a board’s district there is on any land within that district any building, structure, material, or thing that, in the opinion of the first officer of a brigade established by the board, constitutes a fire risk, the first officer may, either alone or with others under his command, enter on that land and do all such acts and things as he considers necessary to remove that risk.

“(6) The expenses incurred by the board in the exercise of the powers conferred on it by subsection (4) of this section, or by the first officer of a board in the exercise of the powers conferred on him by subsection (5) of this section, are a debt due by the occupier of the land to the board and are recoverable in a court of competent jurisdiction.

“(7) Nothing in subsections (4) and (5) of this section applies to or in relation to an engine or appliance in respect of which a certificate of exemption under the regulations made under paragraph (j) of subsection (2) of section seventy-three of the *Rural Fires Act 1967* is for the time being in force.”

7 After section thirty-one of the Principal Act the following section is inserted:—

Chief Officer to have control of brigades, &c.
Cf. No. 6228
(Vic.), s. 27;
No. 6315
(Vic.), s. 30.

“31A. Subject to the directions of the Commission, every brigade and all officers and members of brigades are under the order, control, and direction of the Chief Officer.”

Appointment of chief officer.

8 Section thirty-two of the Principal Act is amended by omitting therefrom the words “, when requested by the board, appoint a chief officer of fire brigades for any district” and substituting therefor the words “appoint a person to be the officer in charge of any brigade”.

Duties and powers of chief officer.

9 Section thirty-three of the Principal Act is amended—

(a) by omitting from subsections (1), (2), and (3) thereof the word “chief” (wherever occurring before “officer”) and substituting therefor, in each case, the word “first”; and

(b) by adding at the end of that section the following subsection:—

“(4) If the Chief Officer or the Deputy Chief Officer is present at a fire, the Chief Officer or Deputy Chief Officer, as the case may be, may take supreme control and charge of all operations for the extinguishment of the fire, and the powers and duties conferred and imposed by this section on the first officer of a brigade shall be exercised subject to any directions given to him by the Chief Officer or Deputy Chief Officer, as the case may be.”

Annual contributions to expenditure of boards.

10 Section forty-two of the Principal Act is amended—

(a) by omitting from paragraph (a) of subsection (1) thereof the word “fifty” and substituting therefor the word “fifty-five”; and

(b) by omitting from paragraphs (b) and (c) of that subsection the word “twenty-five” (wherever occurring) and substituting therefor, in each case, the words “twenty-two and one-half”.

Formal and consequential amendments.

11—(1) The Principal Act is amended—

(a) by omitting from paragraph (f) of section thirty-five the word “shall”; and

(b) by re-numbering paragraph 4 of the sixth schedule (being the first paragraph so numbered in that schedule) as paragraph 3.

(2) The sections of the Principal Act that are specified in the schedule to this Act are respectively amended by omitting the word "chief", wherever occurring therein before the word "officer", and substituting therefor, in each case, the word "first".

(3) Section twenty-six of the *Fire Brigades Act 1964* is amended by omitting from paragraph (f) thereof the word "paragraphs" and substituting therefor the word "rules".

12 On and after the date of the commencement of section eight of this Act, a reference to the chief officer of a brigade established under Part IV of the Principal Act contained in any Act or in any regulation, rule, by-law, proclamation, order-in-council, order, summons, warrant, notice, or other instrument or document made, issued, given, served, filed, or registered under or for the purposes of any Act or for the purposes of any proceedings shall be construed as a reference to the first officer of that brigade.

References
in Acts, &c.,
to the chief
officer of a
brigade.

13 A person who, immediately before the date of the commencement of section eight of this Act, was holding office as the chief officer of a brigade established under Part IV of the Principal Act shall be deemed to have been appointed as the officer in charge of that brigade under section thirty-two of the Principal Act (as amended by section eight of this Act).

Transitory
provisions.

THE SCHEDULE.

(Section 11 (2).)

Sections of the Principal Act to be amended by omitting the word "chief" (wherever occurring before the word "officer") and substituting therefor the word "first"—

Sections 24, 27, 29, 31, 34, 35, 36, 37, 54, 56, 57, 59, 63, and 64.

WORKERS' (OCCUPATIONAL DISEASES) RELIEF FUND.

No. 78 of 1967.

AN ACT to amend the *Workers' (Occupational Diseases) Relief Fund Act 1954*.

[20 December 1967.]

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:—

1—(1) This Act may be cited as the *Workers' (Occupational Diseases) Relief Fund Act 1967*.

Short title
and citation.

(2) The *Workers' (Occupational Diseases) Relief Fund Act 1954*, as subsequently amended, is in this Act referred to as the Principal Act.