

LANDLORD AND TENANT (No. 2).**No. 41 of 1950.**

AN ACT to amend the *Landlord and Tenant Act* 1949. [31 October, 1950.]

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 com-
mencement.

1—(1) This Act may be cited as the *Landlord and Tenant Act (No. 2) 1950*.

(2) The *Landlord and Tenant Act 1949**, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall be deemed to have commenced on the thirtieth day of October, 1950.

Expiry
of Act.

2 Section eighty-eight of the Principal Act is amended by omitting therefrom the words “thirty-first day of October” and substituting therefor the words “thirtieth day of November”.

* No. 21 of 1949, as amended by No. 20 of 1950.

RURAL FIRES.**No. 42 of 1950.**

AN ACT to make provision for the prevention and control of rural fires and for matters incidental thereto; to constitute a Rural Fires Board; and to repeal certain enactments relating to bush fires. [16 November, 1950.]

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.**

Short title
and com-
mencement.

1—(1) This Act may be cited as the *Rural Fires Act 1950*.

(2) This Act shall commence on a date to be fixed by proclamation.

2 In this Act, unless the contrary intention appears—

“Board” means the Rural Fires Board constituted under this Act;

“Commission” means the Forestry Commission;

“forest officer” means the holder of any of the following offices in the Forestry Department, namely, divisional forester, assistant divisional forester, technical assistant, ranger, guard, inspector, fire protection officer, assistant fire protection officer, working plans officer, forest engineer, or forest surveyor;

“local authority” means the council of any city or municipality;

“occupier” includes any person having the care, control, or management of any land;

“State forest” means a State forest, within the meaning of the *Forestry Act 1920**;

“timber reserve” means a timber reserve, within the meaning of the *Forestry Act 1920**;

“vegetation” includes trees, bushes, plants, and undergrowth of all kinds (whether alive or dead) and any parts of any trees, bushes, plants and undergrowth (whether severed therefrom or not), but does not include any trees of such kinds, species, or sizes as the Governor, by proclamation, may declare not to be vegetation within the meaning of this Act.

Interpretation.

Cf. 10 Geo. VI. No. 17 (Qld.), s. 4; 26 Geo. V. No. 36 (Tas.), s. 3.

3 The Acts specified in the schedule are repealed.

Repeal.

4 Except as otherwise expressly provided in this Act, the provisions of this Act—

Application of Act.
Qld., s. 5 (1);
Tas., s. 4.

(a) shall apply throughout the whole of the State; and

(b) shall not apply to any fire in any enclosed building.

5 This Act shall bind the Crown.

Act to bind the Crown.

6—(1) The Governor may, by proclamation, declare any part of the State specified in the proclamation to be a rural fire district for the purposes of this Act, and may, by proclamation, alter the boundaries of, or abolish, any rural fire district.

Constitution of rural fire districts and fire warden's districts.
Qld., s. 5 (2) (3).

(2) The Board may, by notification published in the *Gazette*, declare any areas within a rural fire district to be a fire warden's district for the purposes of this Act.

* 11 Geo. V. No. 60. For this Act, as amended to 1949, see Appendix B to the Annual Volume of the Statutes for 1949.

PART II.

ADMINISTRATION.

Rural Fires
Board.
Qld., s. 6.

7—(1) For the purposes of this Act there shall be a board, to be called the Rural Fires Board, consisting of eight members as provided by this section.

(2) Of the members of the Board—

- (a) one shall be the Chief Commissioner for Forests, who shall be the chairman of the Board;
- (b) one shall be the officer of the Forestry Department certified by the Chief Commissioner to be the officer for the time being in charge of the fire protection activities of that Department; and
- (c) six shall be persons appointed by the Governor in accordance with subsection (3) of this section.

(3) Of the members appointed pursuant to paragraph (c) of subsection (2) of this section—

- (a) one shall be the Commissioner of Police or an officer of the Police Department nominated by the said Commissioner;
- (b) one shall be a person nominated by the Fire Brigades Commission of Tasmania;
- (c) one shall be a person actively engaged (otherwise than as an employee) in either or both of the trades of—
 - (i) pulp and paper making; and
 - (ii) sawmilling;

(d) two shall be persons nominated jointly, as prescribed, by—

- (i) the Tasmanian Farmers' Federation;
- (ii) the Tasmanian Farmers', Stockowners', and Orchardists' Association; and

(iii) the Municipal Association of Tasmania, or, in default of agreement between those bodies as to the persons to be nominated, shall be persons appointed by the Governor on the recommendation of the Minister, as provided by subsection (4) or subsection (5) of this section; and

(e) one shall be a person nominated jointly, as prescribed, by—

- (i) the Australian Workers' Union; and
- (ii) the Timber Workers' Union,

or, in default of agreement between those bodies as to the person to be nominated, shall be a person appointed by the Governor on the recommendation of the Minister, as provided by subsection (6) or subsection (7) of this section.

(4) If the bodies mentioned in paragraph (d) of subsection (3) of this section are unable to agree as to the persons to be nominated for appointment to the Board, each of those bodies shall, within thirty days after being required by the Minister so to do, nominate two persons for appointment to the Board, and the Minister may, from the persons so nominated, select two persons and recommend to the Governor that the persons so selected be appointed as members of the Board, and the Governor may appoint those persons accordingly.

(5) If any of the bodies mentioned in paragraph (d) of subsection (3) of this section fails, within the time limited in that behalf by subsection (4) of this section, to nominate persons for appointment to the Board, the Minister may, for the purposes of the lastmentioned subsection, select two persons from the persons who are nominated within that time and recommend to the Governor that they be appointed as members of the Board and the Governor may appoint those persons accordingly; or if all of those bodies fail, within that time, to nominate persons for appointment to the Board, the Governor, without any nomination, may, on the recommendation of the Minister, appoint two persons as members of the Board to represent those bodies.

(6) If the bodies mentioned in paragraph (e) of subsection (3) of this section are unable to agree as to the person to be nominated for appointment to the Board, each of those bodies shall, within thirty days after being required by the Minister so to do, nominate two persons for appointment to the Board, and the Minister may, from the persons so nominated, select one person and recommend to the Governor that the person selected by the Minister be appointed as a member of the Board, and the Governor may appoint that person accordingly.

(7) If either of the bodies mentioned in paragraph (e) of subsection (3) of this section fails, within the time limited in that behalf by subsection (6) of this section, to nominate persons for appointment to the Board, the Minister may, for the purposes of the lastmentioned subsection, select a person from the persons nominated by the other of those bodies and recommend to the Governor that the person selected by the Minister be appointed as a member of the Board, and the Governor may appoint that person accordingly; or if both bodies fail, within that time, to nominate persons for appointment to the Board, the Governor, without any nomination, may, on the recommendation of the Minister, appoint a person as a member of the Board to represent those bodies.

(8) If any nomination required by this section (other than a nomination for the purposes of paragraph (d) or paragraph (e) of subsection (3) of this section) is not made within thirty days after the relevant person or body is required by the Minister to make the nomination, the Governor, without any nomination, may, on the recommendation of the Minister, appoint a person as a member of the Board to represent that person or body.

(9) Subject to this Act, each member of the Board appointed pursuant to subsection (3) of this section shall hold office for a term of four years.

(10) Subject to the directions of the Minister, the duties and functions of the Board shall be—

- (a) to advise the Minister in relation to the administration of this Act;
- (b) to execute and carry out such works for the prevention and extinguishment of fires in rural areas and for the protection of persons and property from those fires, and such works incidental thereto, as the Board thinks necessary or desirable;
- (c) to make investigations into the use of fire in rural areas; to instruct the public in the wise use of fire and to disseminate information regarding fire protection measures, and matters incidental thereto;
- (d) to collect and record information or statistics regarding outbreaks of fire in rural areas and other matters relating thereto; and
- (e) to perform and undertake such powers, duties, and responsibilities as the Minister may direct or as may be prescribed.

(11) The Board shall meet at such times as may be considered necessary by the Board or as may be prescribed.

(12) Each member of the Board shall be entitled to be paid such travelling and out-of-pocket expenses as the Minister, may, on the recommendation of the Board, approve.

(13) Subject to this section, the regulations may prescribe and regulate the appointment of members of the Board and the meetings, proceedings, and conduct of the business of the Board and the number of members who shall constitute a quorum of the Board.

(14) The Board, as soon as may be after the thirtieth day of June in every year, shall submit to the Minister a report on the administration of this Act, covering the period of twelve months ended on the thirtieth day of June then last past, and shall, if the Board so decides, subjoin a plan of rural fire control and protection for the ensuing twelve months.

Vacation
of office.

8—(1) The office of any member of the Board appointed pursuant to subsection (3) of section seven 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 Board, from four consecutive meetings of the Board;
- (d) becomes bankrupt or makes any assignment or arrangement for the benefit of his creditors or otherwise takes advantage of any law relating to bankruptcy;

- (e) becomes of unsound mind; or
- (f) is removed from office by the Governor for incapacity or misconduct.

(2) An application made by a member of the Board under the provisions of the *Farmers' Debt Adjustment Act 1936** shall not constitute a disqualification under this section.

9—(1) The Board may, with the approval of the Minister, by instrument in writing in the prescribed form, delegate to any person specified in the instrument of delegation such of the powers, authorities, duties, or functions of the Board under this Act as may be specified therein. Delegation-
Qld., s. 7.

(2) A delegation under this section may be made either generally or in respect of any particular matter or class of matters or in respect of any particular part of the State and may be subject to such terms and conditions as the Board may, with the approval of the Minister, determine and as may be specified in the instrument of delegation.

(3) Every delegation under this section shall be revocable at the will of the Board, and no such delegation shall prevent the exercise or performance of any power, authority, duty, or function by the Board itself.

10—(1) The Board may appoint such and so many chief fire wardens, fire wardens, and other officers as it considers necessary for the purposes of this Act; and any chief fire warden or fire warden may be so appointed in and for any district declared, pursuant to section six, to be a fire warden's district, or for any two or more districts so declared. Officers.
Qld., s. 9.

(2) For the purposes of this Act, the Board, subject to subsections (3) and (4) of this section, may, with the approval of the Minister and the consent of the Minister administering the relevant Department, make use of the services of any officer employed in any Department.

(3) The services of any officer who is subject to the provisions of the *Public Service Act 1923†* shall not be made available to the Board except upon the recommendation of the Public Service Commissioner.

(4) The services of any officer of the Hydro-Electric Commission shall not be made available to the Board except upon the recommendation of the Commissioner of the Hydro-Electric Commission.

(5) Every forest officer shall, by virtue of his office and without further appointment, be a fire warden under and for the purposes of this Act and may, subject to this Act, exercise the powers of a fire warden throughout the State.

(6) Chief fire wardens and fire wardens, respectively, shall, in relation to the district or districts in and for which they are appointed, have such powers, authorities, duties, and functions as are conferred or imposed on them by this Act, and shall, in addition, have such other powers, and shall perform such other duties, as are prescribed.

¹ Edw. VIII. & 1 Geo. VI. No. 48, as amended by 1 Geo. VI. No. 9 and 2 Geo. VI No. 9.

[†] 13 Geo. V. No. 25. For this Act, as amended to 1948, see Appendix C to the annual volume of the Statutes for 1948. Subsequently amended by No. 36 of 1949.

(7) A chief fire warden or a fire warden may appoint any person to act as his deputy, and any person so appointed shall have such of the powers, authorities, duties, and functions of the chief fire warden or fire warden as may be prescribed.

Standing
Committee.
Qld., s. 11.

11—(1) The Board may appoint, in any rural fire district or portion thereof, a standing committee consisting of three persons of whom one shall be a fire warden, who shall be the chairman of the committee.

(2) Any standing committee so appointed shall co-operate with the Board in the administration of this Act and shall exercise such powers and perform such duties as may be delegated to it by the Board or as may be prescribed.

(3) The regulations may prescribe and regulate the meetings, proceedings, and conduct of the business of standing committees appointed under this section.

Costs of
administration.

12 The costs and expenses incurred in the administration of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

PART III.

PREVENTION AND CONTROL OF RURAL FIRES.

Application
of this Part.
Qld., ss. 11,
14, 20.

13—(1) The provision of sections fifteen to nineteen shall apply only within rural fire districts.

(2) Except as provided by subsection (3) of this section, the provisions of subsection (2) of section fourteen and of sections fifteen to nineteen and of section twenty-three shall have effect only during the period commencing on the first day of December in each year and ending on the thirty-first day of March then next ensuing.

(3) Notwithstanding subsection (2) of this section, the Board may, if it thinks it necessary or desirable so to do, by notification published in the *Gazette* direct that all or any of the provisions referred to in that subsection shall have effect during such period or periods (in addition to the period prescribed in that subsection) and either throughout the whole of the State or within any part or parts of the State, as may be specified in the notification, and thereupon those provisions shall have effect accordingly.

(4) A notification under subsection (3) of this section may be amended or revoked by a subsequent notification by the Board published in the *Gazette*.

14—(1) No person shall light any fire or cause or procure any fire to be lit upon land of which he is not the owner, except with the authority of the owner of that land, or, in the case of any unoccupied Crown land, except in pursuance of and subject to the conditions of a permit in the prescribed form obtained from the nearest forest officer.

Restriction
and regulation
of lighting
of fires.

(2) No person shall light any fire for the purpose, or which is likely to have the effect, of clearing vegetation from any part of any land, or for any like purpose, unless—

- (a) before lighting the fire he gives, to the persons referred to in subsection (3) of this section, not less than two days' notice of his intention to light the fire within the period of fourteen days following the expiry of the notice; and
- (b) he takes all reasonable precautions to prevent the fire spreading to adjoining lands.

(3) Notice under paragraph (a) of subsection (2) of this section shall be given to—

- (a) the fire warden (if any) for the district in which the land on which the fire is to be lit is situated; and
- (b) the owners or occupiers of all lands adjoining the land on which the fire is to be lit, being adjoining lands the boundaries of which nearest to the place at which the fire is to be lit are within three miles of that place:

Provided that it shall not be necessary to give notice to any owner or occupier whose place of residence is situated more than three miles from the place at which the fire is to be lit.

(4) In their application to any public authority which is responsible for the construction or maintenance of any transmission lines or of any road or railway, the provisions of subsection (2) of this section shall have effect as if paragraph (a) were omitted therefrom and the following paragraph were substituted therefor:—

“(a) before lighting the fire, he gives—

- (i) to the fire warden (if any) for the relevant district notice of his intention to light the fire; and
- (ii) not less than two days' public notice, in the prescribed manner, of his intention to light the fire within the period of twenty-eight days following the expiry of the notice.”.

(5) For the purposes of this section, the expression “owner” includes any person lawfully occupying any land (including Crown land).

Special provisions relating to the lighting of fires in rural fire districts for the purpose of clearing vegetation. Qld., s. 13.

15—(1) Subject to this section, no person shall light any fire for the purpose, or which is likely to have the effect, of clearing vegetation from any land or for any like purpose, except upon compliance with the following provisions, that is to say:—

(a) Before lighting the fire the person proposing to light it shall—

(i) Give or cause to be given to the persons referred to in subsection (2) of this section, notice of his intention to light the fire;

(ii) Notify the fire warden, in writing, of the precautions which he proposes to take to prevent the spread of the fire from the land on which it is to be lit and of the number of persons who will be available to assist, under his direction, in controlling the fire; and

(iii) Give to the fire warden notice of his intention to light the fire not more than twenty-four hours or less than six hours before actually lighting it; and

(b) The person by whom the fire is lit shall observe such precautions as the fire warden may require or as may be prescribed.

(2) Subject to subsection (3) of this section, notice under sub-paragraph (i) of paragraph (a) of subsection (1) of this section shall be given to—

(a) the fire warden for the district in which the land on which the fire is to be lit is situated; and

(b) the owners or occupiers of all lands adjoining the land on which the fire is to be lit, being adjoining lands the boundaries of which nearest to the place at which the fire is to be lit are within such distance of that place (being not more than seven miles or less than three miles) as may be prescribed, either generally or in respect of the relevant locality.

(3) It shall not be necessary to give notice, pursuant to subsection (2) of this section, to any owner or occupier who resides more than the prescribed distance from the place at which the fire is to be lit.

(4) For the purposes of subsection (3) of this section, “the prescribed distance” means such distance (being not less than three miles) as may be prescribed.

(5) A notice under sub-paragraph (i) of paragraph (a) of subsection (1) of this section shall be given not less than seven days before the fire is lit and shall notify the intention to light the fire within the period of fourteen days after the expiry of the notice.

(6) Notwithstanding anything contained in subsection (1) of this section, it shall not be necessary for the notices referred to in sub-paragraph (i) of paragraph (a) of that subsection to be given in any case where the nearest boundary of the land on which the fire is proposed to be lit is more than one mile from any adjoining land and the place at which the fire is to be lit is surrounded by a firebreak approved by the fire warden for the district.

(7) For the purposes of this section, the forest officer in charge of any fire protected area shall be deemed to be the occupier of any State forest, timber reserve, or Crown land situated within that area, and any notice required by this section to be given to the occupier of any land shall be given to any such forest officer accordingly.

16—(1) Any person—

- (a) to whom a notice under sub-paragraph (i) of paragraph (a) of subsection (1) of section fifteen has been given; or
- (b) who otherwise has reason to believe that a fire is likely to be lit on any land adjoining the land of which he is the owner, occupier, or person having the care and management,

Request that lighting of fire be prohibited.
Qld., s. 14.

may lodge with the fire warden a request that the lighting of such fire be prohibited.

(2) A request under subsection (1) of this section shall—

- (a) be in writing, stating the reasons for the request; and
- (b) in the case of a request by a person to whom paragraph (a) of subsection (1) of this section applies, be made within three days after the receipt by that person of the notice referred to in that paragraph,

and a copy of the request shall be served on the person intending, or believed to be intending, to light the fire.

(3) No person upon whom a copy of a request is served pursuant to subsection (2) of this section shall light any fire upon any land of which he is the owner or occupier until the request has been considered by the fire warden and the fire warden has issued a permit under section seventeen.

17—(1) Upon receipt of a request under section sixteen, the fire warden shall enquire into the matter as speedily as possible, and may, after so enquiring—

- (a) prohibit the lighting of the fire;
- (b) order the lighting of the fire to be postponed; or
- (c) issue a permit for the lighting of the fire, subject to such conditions (if any) as he may consider necessary.

Enquiry into request under preceding section.
Qld., s. 15.

(2) The fire warden shall notify his decision, in writing, to the person intending to light the fire and the person by whom the request under section sixteen was made.

Saving of
fire warden's
powers.
Qld., s. 16

18—(1) Nothing in sections fifteen to seventeen shall prevent the fire warden, in his absolute discretion, and not less than one day before the expiration of the notice of intention to light a fire, from serving on the person intending to light the fire an order—

- (a) prohibiting the lighting of the fire;
- (b) ordering the lighting of the fire to be postponed;
or
- (c) requiring the observance of such special conditions as may be set forth in the order.

(2) Any decision or order of a fire warden under section seventeen or this section shall be final, and no appeal shall lie in respect thereof.

Camp fires,
&c.
Qld., s. 17.

19 No person shall—

- (a) elsewhere than in an enclosed building, light or cause to be lit, or use, a camp fire or fire for the purpose of burning carcasses, or any other kind of fire prescribed for the purposes of this section, unless he first clears all inflammable material from around the site of the fire for a distance of five feet; or
- (b) leave any such fire, either temporarily or permanently, without covering or completely extinguishing it.

Fire pro-
tected areas.
Tas., s. 11.

20—(1) The Board may, by notice in the *Gazette*, declare any specified locality to be a fire protected area for the purposes of this Act, and thereupon such part of that area as is not already within a rural fire district shall be deemed to be a rural fire district for the purposes of this Act.

(2) The Board may, in like manner, alter the boundaries of any fire protected area or may revoke the notice declaring any area to be a fire protected area.

(3) Any area in respect of which any notice under section eleven of the *Bush Fires Act 1935** is in force at the commencement of this Act shall be deemed to be a fire protected area for the purposes of this section, but that notice may at any time be altered or revoked by a notice under subsection (2) of this section.

(4) Any land vested in or occupied by the Hydro-Electric Commission or acquired under the authority of the *Hydro-Electric Commission Act 1944†* or any enactment repealed by that Act for hydro-electric works or purposes shall, for the purposes of this Act, be a fire protected area, and shall, notwithstanding the foregoing provisions of this section, continue to be a fire protected area so long as it remains vested in or occupied by the said Commission or required for hydro-electric works or purposes.

* 26 Geo. V. No. 36. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 281. Subsequently amended by 1 Geo. VI. No. 10, 3 & 4 Geo. VI. No. 38, 4 Geo. VI. No. 54, 7 Geo. VI. No. 9, 7 & 8 Geo. VI. No. 75, and 10 Geo. VI. No. 42.

† 8 & 9 Geo. VI. No. 22, as amended by 8 & 9 Geo. VI. No. 61, 10 Geo. VI. Nos. 2 and 33, 11 & 12 Geo. VI. No. 82, and No. 9 of 1948. See also 10 Geo. VI. No. 46.

21—(1) The Board may, by order in writing, direct the owner or occupier of any land within a fire protected area to burn off or remove, within the time specified in that behalf in the order, any inflammable material on that land, or to take such other action as the Board may direct to abate the danger of fire occurring on, or spreading from, that land, and any such order may specify the conditions upon and subject to which the burning off or removal of the material or the taking of such other action shall be effected (including the making of such firebreaks as the Board may consider necessary).

Orders to owners, &c. to burn off or remove inflammable material.
Qld., s. 21.

(2) Any person to whom an order under this section is directed who fails or refuses to comply in all respects with the requirements of the order shall be guilty of an offence against this Act.

(3) If any person to whom an order under this section is directed fails or refuses to comply with the requirements of the order, the Board may, at the expense in all things of that person, cause the inflammable material to which the order relates to be burned off or removed, and may recover from that person the expenses incurred by the Board in so doing, by action in any court of competent jurisdiction.

(4) Any expenses payable by any person under subsection (3) of this section shall be in addition to any other penalty which may be imposed on him for failing or refusing to comply with any order of the Board under this section.

22—(1) Where, in the opinion of the fire warden for the relevant fire warden's district, a fire burning on any land within a rural fire district constitutes a fire danger, the fire warden may order the owner or occupier of that land forthwith to take diligent steps to extinguish the fire, and if the owner or occupier fails or refuses to comply with the order, he shall be guilty of an offence against this Act.

Power of fire warden to order fires to be extinguished.
Qld., s. 22.

(2) If any person to whom an order under this section is directed fails or refuses to comply with the requirements of the order, the fire warden may, at the expense in all things of that person, do all such acts and things as may be necessary for extinguishing the fire, and may, by action in any court of competent jurisdiction, recover from that person all costs and expenses incurred in so doing.

(3) Any expenses payable by any person under subsection (2) of this section shall be in addition to any other penalty which may be imposed on him for failing to comply with any order of the fire warden under this section.

23—(1) No person shall light any fire in the open air at any place within any fire protected area within the boundaries of which the whole or any part of any State forest, timber reserve, or Crown land is included, except under the authority and in accordance with the terms and conditions (if any) of a permit for that purpose granted to him by a forest officer under this section.

Provisions as to lighting fires near State forests, &c.
Qld., s. 23.

(2) A forest officer, in his discretion, may, upon the application of any person, grant, or refuse to grant, to that person, a permit under this section.

(3) A permit under this section may be granted unconditionally or upon and subject to such terms and conditions as the forest officer granting the permit may determine or as may be prescribed.

(4) The terms and conditions upon and subject to which a permit under this section may be granted may include the condition that the forest officer may assist in controlling the fire by placing free of charge at the disposal of the holder of the permit the services of any persons or the use of any equipment or in such other manner as the forest officer thinks fit.

(5) The grant to any person of a permit under this section shall not absolve that person from complying with all relevant provisions of this Act.

(6) Notwithstanding the foregoing provisions of this section, it shall be lawful for any person, without obtaining a permit under this section, to light a fire in the open air in any place specially constructed for the purpose, but this subsection shall not be construed as absolving any such person from compliance with all relevant provisions of this Act.

24—(1) Any person who discovers any fire burning within one mile of any land of which he is the owner or occupier, being a fire—

(a) in respect of which any notice required by section fourteen or section fifteen to be given to him has not been so given; or

(b) which has been lit or is burning in contravention of any of the provisions of this Act,

may, subject to this section, enter upon the land on which the fire is burning, with such servants and equipment as may be necessary and may do all such acts and things as may reasonably be necessary for extinguishing the fire.

(2) No person shall enter on any land under the authority of subsection (1) of this section without first giving to the fire warden for the district notice of his intention so to do, if it is reasonably practicable for that notice to be given, and, upon receipt of any notice under this subsection, the fire warden may give to the person proposing to enter on the land such directions as the fire warden considers desirable for the prevention of unnecessary damage and for the proper extinguishment of the fire, and that person shall comply in all respects with any directions so given.

(3) No person who enters on any land under the authority of subsection (1) of this section shall be liable for any damage done to that land, except such damage as arises from any negligence on the part of that person or of any of his servants assisting him in such entry or from any failure by that person or of any such servants to comply with any directions of the fire warden under subsection (2) of this section.

Power of owner, &c., to enter on neighbouring lands and extinguish fires in certain cases. Qld., s. 24.

25—(1) If any person creates a fire hazard, whether by Fire hazards. Qld., s. 25. felling, lopping, or scrubbing vegetation or otherwise, which, in the opinion of a chief fire warden, is likely, if ignited, to cause damage to any property of any other person or of the Crown, the chief fire warden may notify the person creating the hazard accordingly and may direct that any measures which he considers necessary to abate the hazard be taken, and may specify the time at or within which those measures shall be taken.

(2) Subject to subsection (3) of this section, if any person to whom a direction under subsection (1) of this section is given fails or refuses to comply with the direction, the chief fire warden may, at the expense in all things of that person, do or cause to be done all such acts and things as may be reasonably necessary to abate the hazard, and may recover from that person the expenses incurred in so doing by action in any court of competent jurisdiction.

(3) Any person to whom any direction is given by a chief fire warden pursuant to this section may, within seven days after the date on which the direction is given, apply to the Board, as prescribed, to vary or annul the direction and the Board, on the hearing of the application, may, in its discretion, vary or annul the direction as it thinks fit, and may give to the applicant such directions as it considers necessary or desirable in the circumstances, and the applicant shall comply in all respects with any directions given to him by the Board under this subsection.

(4) Subject to this section, every application under subsection (3) of this section shall be determined by the Board as prescribed, and the decision of the Board thereon shall be final.

26 Nothing contained in the foregoing provisions of this Part shall be construed as relieving any occupier of Crown land from any liability or obligation to which he may be subject under the provisions of the *Crown Lands Act 1935*^{*}, and this Part shall be construed as in addition to and not in derogation of the provisions of that Act. Liabilities of occupiers under Crown Lands Act 1935 not affected by this Part.

27 Notwithstanding any Act or law to the contrary, the Hydro-Electric Commission (in this section referred to as "the Commission") shall, for the purposes only of this Act, be deemed to be the owner of any land which is subject to any wayleave easement or affected by any wayleave contract acquired or entered into by the Commission pursuant to the *Hydro-Electric Commission Act 1944*[†] or any enactment repealed by that Act, and the Commission or any officer of the Commission authorised by it so to do may, if it or he thinks it necessary for the purpose of protecting Powers of Hydro-Electric Commission.

^{*} 26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Subsequently amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, 7 Geo. VI. No. 59, 9 Geo. VI. No. 22, and 10 Geo. VI. No. 52. See also 5 Geo. VI. No. 15.

[†] 8 & 9 Geo. VI. No. 22, as amended by 8 & 9 Geo. VI. No. 61, 10 Geo. VI. Nos. 2 and 33, 11 & 12 Geo. VI. No. 82, and No. 9 of 1948. See also 10 Geo. VI. No. 46.

any transmission lines, poles, or other equipment or works of the Commission, cause any vegetation or inflammable material on any such land to be burned off or removed, but, in the exercise of the powers conferred on it by this section, the Commission shall be subject in all respects, to the provisions of this Part.

Assistance to
fire wardens.

28 No person shall, whether directly or indirectly, prevent or dissuade any person who is willing to assist a fire warden in the control or extinguishment of any fire from so assisting at the request of the fire warden, or hinder, impede, or obstruct him when so assisting, or when proceeding to any place for the purpose of so assisting.

Penalty: Twenty pounds.

PART IV.

SPECIAL EMERGENCY PROVISIONS.

Fire danger
days.

29—(1) The Board, or with the authority of the Board, the chairman of the Board, may declare any day to be a fire danger day throughout the whole of the State or within any specified part or parts of the State.

(2) Where any day is declared to be a fire danger day pursuant to this section, the chairman of the Board shall take such steps as he may consider necessary or as may be prescribed for the purpose of giving publicity to the declaration.

(3) Forthwith upon the declaration of a fire danger day all notices under sections fourteen and fifteen and all permits under section seventeen or section twenty-three shall be deemed to be null and void on and from that day.

(4) On any fire danger day no fires shall be lit in the open air without a permit being first obtained from the prescribed authority, and the occupier of any land on which any fire is burning shall forthwith take diligent steps to extinguish that fire.

State of fire
emergency.
Qld., s. 27.

30—(1) The Board may, by notice published in the *Gazette*, declare that, for the period specified in the notice, a state of fire emergency exists within any area specified therein (in this Act referred to as a "fire emergency district").

(2) A notice under this section may relate to any particular part or parts of the State or to the whole of the State.

(3) A notice under this section may be amended or revoked by a subsequent notice published in the *Gazette*.

31—(1) In any fire emergency district the Board may do all or any of the following things, that is to say:—

Powers of
Board in
fire emergency
districts.
Qld., s. 28.

- (a) It may prohibit the lighting of fires in the open air;
- (b) It may require that, before a fire is lit in the open air, a permit be obtained from such authority or authorities as may be specified by the Board in that behalf;
- (c) It may require that any person finding any fire burning in the open air shall—
 - (i) Do everything reasonably within his power to prevent that fire from spreading;
 - (ii) Report that fire as soon as practicable to the fire warden for the district, or to a forest officer, or to a police officer, or to the Board; or
 - (iii) Being an owner or occupier of land on which a fire is burning, take all reasonable measures to extinguish that fire and report that fire as soon as practicable to the fire warden for the district, or to a forest officer, or to a police officer, or to the Board;
- (d) It may, either by itself or its officers, take all necessary steps to abate the fire emergency, and for that purpose, may requisition the services of any person or any animals or any plant, machine, engine, article, appliance, or material of any description for the purposes of fire-fighting; and
- (e) It may prohibit the use, within the fire emergency district, of any specified plant, machine, engine, article, appliance, or material which it considers likely to cause a risk of fire.

(2) The Board may make such orders, give such notices and directions, and do all such other acts and things as appear to it to be necessary or desirable for giving effect to this section or for the execution of the powers conferred on the Board by this section.

(3) Any order, notice, or direction made by the Board under this section may—

- (a) be made or given so as to apply to—
 - (i) the persons specified in the order, notice, or direction, or to the persons included in any class of persons, or to persons generally;
 - (ii) fires generally or to any particular class or kind of fires; or

- (iii) any premises, animals, plant, machines, engines, articles, appliances, or materials specified in the order or to any class or kind thereof;
- (b) be made or given so as to apply generally throughout all fire emergency districts or within any specified fire emergency district or districts or any specified part or parts of any fire emergency district or districts;
- (c) exempt—
 - (i) any person or all or any persons included in any class of persons;
 - (ii) any particular class or kind of fire; or
 - (iii) any premises, animals, plant, machines, engines, articles, appliances, or materials or any class or kind thereof,
 from the operation of all or any of the provisions of the order, notice, or direction; and
- (d) contain such incidental or supplementary provisions as the Board considers to be necessary or convenient for the purposes thereof.

(4) Any order, notice, or direction made or given by the Board may be published in the *Gazette* or advertised in a newspaper, or may be made or given in writing to any person.

(5) Any order, notice, or direction made or given by the Board under this section shall be sufficiently authenticated if signed on behalf of the Board by the chairman, or by any two members of the Board, and any order, notice, or direction purporting to have been so signed shall, in the absence of proof to the contrary, be deemed to have been made or given in pursuance of a resolution of the Board.

Certain permits, &c., deemed void. Qld., s. 29.

32 Forthwith upon the publication of a notice under subsection (1) of section thirty, all notices under sections fourteen and fifteen and all permits under sections seventeen and twenty-three shall be deemed to be null and void and of no effect in the fire emergency district or districts to which that notice relates.

Power of Board to give publicity to declaration of state of fire emergency. Qld., s. 30.

33 With a view to ensuring general public knowledge of the declaration of a state of fire emergency, the Board may take such measures as it thinks fit to give widespread publicity to the declaration and shall, if practicable, cause the announcement thereof to be broadcast by any wireless broadcasting station or to be made in newspapers circulating in the fire emergency district or districts concerned, but any failure by the Board to cause any such announcement to be made shall not affect the validity of the declaration or absolve any person from liability for any failure to comply with any provision of this Act which is applicable to him.

34—(1) The Board may, at the request of the owner or person having the care, control, or management of any area of land, by notice published in the *Gazette*, declare that area of land to be an area of extreme fire hazard. Area of extreme fire hazard.

(2) While any such notice is in force, no person (other than a fire warden or a person carrying out fire suppression duties under the direction of a fire warden) shall enter upon the area to which the notice relates without having first obtained a permit for that purpose from the nearest fire warden.

(3) Any notice under this section may be amended or revoked by a subsequent notice by the Board published in the *Gazette*.

PART V.

RURAL FIRE BRIGADES.

35—(1) The Board may, by notice published in the *Gazette*, declare any part of this State defined in the notice to be a rural fire brigade district for the purposes of this Act. Rural fire brigade districts.

(2) No declaration shall be made under subsection (1) of this section in respect of any part of this State which is comprised within any district proclaimed as a district under the *Fire Brigades Act 1945**, and, if any rural fire brigade district or any part thereof hereafter becomes part of a district proclaimed under the said Act, the Board shall forthwith, by notice published in the *Gazette*, revoke the notice declaring the district to be a rural fire brigade district or, as the case may be, amend that notice by excluding from the operation thereof the part of such rural fire brigade district which has become part of the district proclaimed under the said Act.

36—(1) Any persons desirous of forming themselves into a rural fire brigade may make application to the Board for registration as a rural fire brigade. Formation and registration of rural fire brigades.

(2) A local authority may make application for the registration as a rural fire brigade of any group of persons nominated by it for the purpose. Qld., ss. 31, 32.

(3) An application under this section shall be in writing in the prescribed form.

(4) Upon receipt of an application under this section, the Board may, in its discretion, register the persons concerned as a rural fire brigade or may refuse so to register them, and, if it so registers those persons, shall grant to them a certificate of registration.

(5) A certificate of registration under this section shall be in the prescribed form and shall define the rural fire brigade district within which the rural fire brigade to which it relates may operate.

(6) A certificate of registration under this section shall continue in force from the date thereof until it is revoked by the Board, and the Board may, at any time if it thinks fit, revoke any such certificate.

Officers of
rural fire
brigades.
Qld., s. 33.

37—(1) The Board shall appoint a first officer of every rural fire brigade, and the members of every such brigade shall elect, in the manner and for the period prescribed, a second officer, a third officer, and such other officers (if any) in order of seniority, as may be prescribed.

(2) No election under subsection (1) of this section shall have any force or effect until approved by the Board.

(3) The Board may disqualify any officer so elected from exercising any powers or authorities under this Act, and thereupon that officer or any person acting under or in accordance with the directions given by that officer shall cease to have the powers and privileges and the benefit of any immunity conferred by this Act.

Duty and
powers of
first officer
of rural fire
brigade.
Qld., ss. 34,
35.

38—(1) The first officer of a rural fire brigade shall, and is hereby authorised and empowered to, take all necessary steps to extinguish or prevent from spreading or otherwise keep within bounds any fire which in his opinion is burning without control or is likely to spread and cause danger to life or property, and, without limiting the generality of this section, shall have and may exercise all or any of the following powers and authorities, that is to say:—

- (a) He shall have the control and direction of the rural fire brigade and of any other persons whose services are at his disposal at any such fire;
- (b) He may, either alone or with others under his command or direction, enter (using force if necessary) upon any land or buildings on or in which a fire is burning or any land or building in the neighbourhood of any fire, and may take or give directions for taking, any apparatus required to be used at a fire into, through, over, or upon any land or building which he considers convenient for those purposes;
- (c) He may cause any fences to be pulled down or removed and any bush, scrub, stubble, or any inflammable material to be burnt or otherwise destroyed or removed;
- (d) He may take water from any river, creek, stream, watercourse, lake, lagoon, swamp, marsh, well, dam, tank, or other source or place, whether or not it is on or runs through any Crown land, land included in a reserve, or land contracted to be alienated from the Crown; and
- (e) He may exercise such other powers as may be prescribed.

(2) In the absence of the first officer of a rural fire brigade, or if the fire-fighting operations require the brigade to be split into two or more parties, the powers and authorities of the first officer may be exercised by the second officer of the brigade, or in the absence of the second officer, by the third officer thereof or in the absence of the second and third officers, by the senior officer of the brigade present.

(3) A chief fire warden, and any other officer authorised by the Board under this section, shall have all the powers and authorities of the first officer of a rural fire brigade, and any persons operating for the purposes of this Act under the direction and control of a chief fire warden or other officer so authorised shall be deemed, for all purposes, to be a rural fire brigade registered under this Act.

39 Where a chief fire warden is present at a fire burning in his district he shall, except as provided by section forty, have supreme control and charge of all operations for the extinguishment of that fire.

Chief fire warden to control operations, if present.
Qld., s. 36.

40 Subject to section forty-one, where a fire is burning in any fire protected area within the boundaries of which the whole or any part of any State forest, timber reserve, or Crown land is included, the powers and authorities conferred by this Act upon the first officer of a rural fire brigade shall be exercisable by any forest officer who may be present at the fire, and, if any forest officer is present at any such fire, he shall, notwithstanding the provisions of sections thirty-eight and thirty-nine, have and take supreme control and charge of all operations for the extinguishment of that fire, and the officers and members of any rural fire brigade present at the fire shall, in all respects, be subject to the directions of the forest officer.

Powers of forest officer in certain cases.
Qld., s. 37.

41 Notwithstanding any other provision of this Act, where a fire is burning on any land which is a fire protected area by virtue of subsection (4) of section twenty, any officer of the Hydro-Electric Commission who may be present at the fire shall have and take supreme control and charge of all operations for the extinguishment of the fire and the officers and members of any rural fire brigade present at the fire shall, in all respects, be subject to the directions of that officer.

Powers of officers of the Hydro-Electric Commission.

42—(1) The Board, the Commission, or any local authority may provide any rural fire brigade with equipment of any description required for or incidental to fire-fighting or may subsidise the purchase by the brigade of any such equipment.

Equipment of rural fire brigades.
Qld., ss. 38, 39.

(2) The Board may, by itself or any officer authorised by it in that behalf, at any time inspect the equipment of any rural fire brigade, or may take such steps as it may deem necessary to satisfy itself that any rural fire brigade is efficient for the performance of its duties.

Operation in
area outside
district of
rural fire
brigade.
Qld., s. 40.

43—(1) At the request of a fire warden, or a police officer, or a first officer of a rural fire brigade, or of the officer in charge of a rural fire brigade in another district, a rural fire brigade may operate on an area outside the district defined in its certificate of registration.

(2) A rural fire brigade may operate on an area outside the district defined in its certificate of registration if, in the opinion of the first officer of the brigade, the fire is likely to spread to any part of that district.

(3) Where a rural fire brigade operates, pursuant to the foregoing provisions of this section on an area outside the district defined in its certificate of registration, that brigade, while so operating, shall be subject to the direction and control of the officer in charge of the rural fire brigade for the district in which it is so operating.

PART VI.

MISCELLANEOUS.

Protection
of officers.
Qld., s. 41.

44 No officer of a rural fire brigade, and no chief fire warden or forest officer exercising the powers and authorities of any such officer, and no fire warden carrying out the extinguishment of a fire under the powers conferred on him by section twenty-two shall be liable for any damage caused by the exercise in good faith of those powers and authorities; and no person acting under and in accordance with any directions given by any such officer, chief warden, fire warden, or forest officer shall be liable for any damage caused by his so acting in good faith.

Certain
engines, &c.,
to be fitted
with devices
for arresting
sparks. &c.
Tas., s. 13.

45—(1) Every burner, incinerator, destructor, furnace, or other engine for the destruction or burning of wood-waste or other inflammable material installed or operated in or on any premises used as a sawmill or factory, and every chimney, smoke-stack, exhaust-pipe, or other outlet used in connection therewith and which is likely to emit any sparks, shall be equipped, as prescribed, with the prescribed equipment for arresting sparks.

(2) No person shall light or maintain in the open air any fire for the purpose of burning or destroying any inflammable material, except with the permission of the Board, and where any such fire is lit or maintained the person by whom the fire is lit or maintained shall maintain a clear space not less than thirty-three feet in radius (or such greater radius as a fire warden may direct) all round the fire, and shall take such other precautions as the fire warden requires, or as may be prescribed, for the control of the fire and for preventing its spread.

(3) In any area outside a district proclaimed as a district under the *Fire Brigades Act 1945** the Board, or any officer authorised in writing in that behalf by the Board, may, by notice in writing, require any person in charge of any sawmill or other factory or plant to dispose of any inflammable material resulting from the operations of the sawmill or factory in a pit of a size and kind approved by the Board or in a burner or destructor of a pattern approved by the Board, and any person to whom any such notice is directed shall comply in all respects with the requirements of the notice.

(4) Any person operating a locomotive or traction engine which is operated by solid fuel shall cause the locomotive or engine to be equipped with such devices as a fire warden may direct or as may be prescribed for arresting sparks and for preventing the escape of fire or live coals from all ashpans and fireboxes thereof and such fire-fighting tools and appliances as may be prescribed.

(5) Any person operating a stationary engine, portable engine, or logging engine which is operated by solid fuel shall—

- (a) maintain a clear space all round the engine, as provided by subsection (6) of this section: and
- (b) cause the engine to be equipped with such fire-fighting tools and appliances as may be prescribed:

Provided that the presence of sound logs shall not constitute a contravention of this subsection.

(6) The clear space required by subsection (5) of this section to be maintained round any engine referred to in that subsection shall—

- (a) if the engine is being operated in the open air, be not less than one-half of a chain in radius: or
- (b) if the engine is being operated inside any sawmill or factory, be not less than two chains in radius, measured from the outer surface of the exterior walls of the sawmill or factory or, if there are no such walls, from the outer surface of any poles or piles by which the roof thereof is supported.

(7) Any person operating in the open air any locomotive or any engine of any kind whatsoever which is operated by solid fuel shall cause all fires to be properly banked or drawn before leaving the locomotive or engine.

(8) In any fire emergency district, the Board may direct that where railway lines are used by locomotives operating on solid fuel, the railway line shall be patrolled at such intervals as the Board may direct or that each locomotive shall be followed by a patrol car driven by an internal combustion engine and equipped with fire-fighting appliances of a kind approved by the Board and shall carry a crew sufficient in numbers to operate those appliances effectively in case of fire.

Offences and
penalties.
Qld. ss. 48,
49, 50.

46—(1) No person shall—

- (a) set fire to, or cause fire to be set to, the land of any other person or to any Crown land, or permit any fire to escape from any land owned or occupied by him, in such circumstances as to cause or to be likely to cause injury or damage to that other person, or to any land owned or occupied by that other person or to that Crown land;
- (b) ignite, use, or carry, when ignited, so as to endanger any other person's land, or any Crown land, any inflammable material;
- (c) light any fire or cause any fire to be lit in the open air, or leave, any such fire unextinguished without taking such reasonable precautions as may be necessary or as may be prescribed for preventing the spread of the fire;
- (d) refuse or omit, without reasonable cause (proof of which shall lie upon that person) to comply with any order, requisition, or direction of the Board, or of any fire warden, forest officer, or other authorised officer, or of any police officer;
- (e) omit to notify the fire warden or that other person as may be prescribed, of his intention to light a fire;
- (f) in any fire emergency district, smoke, strike any match, or light any fire, within twenty feet of any stack of, or building containing, any hay, corn, straw, flax, or timber;
- (g) at any time during any period during which the provisions of sections fifteen to seventeen have effect and in any part of this State in which those provisions have effect, drop, throw down, or leave, in any open space, any match, tobacco, cigar, or cigarette which has at any time been alight without having first completely extinguished the same; or
- (h) destroy, damage, or interfere with any works executed or carried out by the Board under or for the purposes of this Act.

(2) Any person who commits any offence against any of the provisions of subsection (1) of this section shall, if the offence is committed within a fire emergency district, or on any day which is a fire danger day, be liable to a penalty of not less than ten pounds or more than one hundred pounds,

or imprisonment for twelve months; or, if the offence is committed elsewhere, or at any other time, to a penalty of not less than five pounds or more than fifty pounds, or imprisonment for six months.

(3) Any person who is guilty of an offence against this Act for which no penalty is prescribed elsewhere in this Act shall be liable to a penalty of—

- (a) one hundred pounds, if the offence is committed within a fire emergency district, or on any day which is a fire danger day; or
- (b) fifty pounds, if the offence is committed elsewhere, or at any other time.

(4) Where any person is convicted of any offence against this Act, having at any time previously been convicted of the like offence, he shall be liable to a penalty which is double the penalty prescribed by this Act in relation to that offence.

47 Any person who wilfully, maliciously, or unlawfully puts or places any inflammable or combustible material, or does any other act, in any place, for the purpose of causing a fire and with intent thereby to injure any person or property shall be guilty of a crime and shall be punishable upon indictment accordingly.

Wilfully causing risk of fire a crime. Tas., s. 17.

48 Any notice or other document or writing required or authorised by this Act to be given to, or served upon, any person may be given to, or served upon, that person—

Provisions as to giving of notices. &c.

- (a) by delivering it to that person or his agent;
- (b) by forwarding it to that person by registered post; or
- (c) in such other manner as may be prescribed.

49 Subject to section forty-seven, all proceedings in respect of offences against this Act shall be heard and determined by a police magistrate sitting alone.

Proceedings to be heard by police magistrate.

50 Nothing contained in this Act, and no proceedings in respect of any offence against this Act, shall in any way affect any right or remedy by civil process in respect of the wilful, reckless, or negligent use of fire which any person aggrieved might have had if this Act had not been enacted, but no person shall be held to be wilful, reckless, or negligent in the use of fire if, being in a rural fire district and not having been prohibited by a fire warden, pursuant to section seventeen or section eighteen from lighting a fire, he—

Civil remedies unaffected. Qld., s. 53 (1).

- (a) gave the notices required by section fourteen or section fifteen, as the case requires;
- (b) before lighting the fire, constructed firebreaks approved by the chief fire warden;
- (c) had in attendance under his direction, at all times while the fire was burning and until the fire was extinguished, assistance and equipment approved by the chief fire warden as being sufficient to control the fire;

- (d) lit the fire not earlier than three o'clock in the afternoon;
- (e) lit the fire on a day when the wind velocity did not exceed ten miles per hour and the temperature did not exceed ninety degrees Fahrenheit;
- (f) lit the fire against the direction of the wind (if any) and in such a manner that the fire was not reasonably likely to leap over the firebreaks referred to in paragraph (b) of this section; and
- (g) carried out and observed all precautions required by or under this Act.

Persons
suffering
injury
assisting
at fire.

51—(1) If any person (not being a person to whom subsection (2) of this section applies) while engaged, under the control, direction, or supervision of any chief fire warden, fire warden, or officer of a rural fire brigade, in any operations for the control or extinguishment of a fire is killed, or suffers any personal injury, or dies as the result of any such injury, he, or, in the case of his death, his dependants, shall be entitled to compensation as provided by this section.

(2) If any chief fire warden or fire warden, or any officer or member of a rural fire brigade, while engaged in the performance of his duties under this Act in any operations for the control or extinguishment of a fire, is killed, or suffers any personal injury, or dies as the result of any such injury, he, or, in the case of his death, his dependants, shall, unless otherwise entitled to compensation in respect thereof, be entitled to compensation as provided by this section.

(3) The compensation payable to any person under this section shall be such amount as the Governor, on the recommendation of the Board, may determine.

(4) Compensation payable under this section shall be calculated, as nearly as may be, in accordance with the rules relating to the calculation of compensation contained in the *Workers' Compensation Act 1927*, as if it were compensation payable under that Act.

(5) Any person who, or on whose behalf, compensation under this section is claimed shall, if so required by the Board, submit to the Board such evidence in support of his claim, and such medical certificates, as the Board may require, and such other information, if any, as may be prescribed.

(6) The compensation payable to any person under this section shall be defrayed out of moneys to be provided by Parliament for that purpose.

(7) In this section the expression "dependants" has the same meaning as in the *Workers' Compensation Act 1927*.

Regulations.

52 The Governor may 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 the provisions of this Act and the regulations may impose penalties (not exceeding twenty-five pounds) for any breaches thereof.

THE SCHEDULE.

(Section 3.)

ACTS REPEALED.

Regnal Year and Number of Act.	Short Title of Act.
26 Geo. V. No. 36 ...	The <i>Bush Fires Act</i> 1935
1 Geo. VI. No. 10 ...	The <i>Bush Fires Act</i> 1937
3 & 4 Geo. VI. No. 38 ...	The <i>Bush Fires Act</i> 1939
4 Geo. VI. No. 54 ...	The <i>Bush Fires Act</i> 1940
7 Geo. VI. No. 9 ...	The <i>Bush Fires Act</i> 1943
7 & 8 Geo. VI. No. 75 ...	The <i>Bush Fires Act</i> 1944

**STOCK MEDICINES, FERTILISERS, AND
PESTICIDES.**

No. 43 of 1950.

AN ACT to consolidate and amend the law relating to the regulation and control of the sale of stock medicines, fertilisers, and pesticides.

[16 November, 1950.]

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 *Stock Medicines, Fertilisers, and Pesticides Act* 1950. Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.

2 The Acts enumerated in the schedule to this Act are repealed.