
RURAL FIRES ACT 1973.

ANALYSIS.

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RURAL FIRES.

No. 92 of 1973.

AN ACT to amend the *Rural Fires Act 1967*.

[22 January 1974.]

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 *Rural Fires Act 1973*.

(2) The *Rural Fires Act 1967*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) The several provisions of this Act shall commence on such dates respectively as may be fixed by proclamation in relation thereto.

Short title,
citation, and
commencement.

Interpretation.

2 Section four of the Principal Act is amended—

(a) by inserting after the definition of “equipment” the following definition:—

“‘fire control officer’ means a person who is appointed under section sixteen A to the office of fire control officer and who is, for the time being, the holder of that office;”;

(b) by inserting after the definition of “fire permit officer” the following definition:—

“‘fire protected area’ means a fire protected area declared under section twenty-two;”;

(c) by inserting after the definition of “Minister” the following definitions:—

“‘municipal fire committee’ means a municipal fire committee appointed under section twenty;

“‘municipal fire officer’ means a municipal fire officer appointed under section twenty A;”;

(d) by inserting after the definition of “rural fire brigade” the following definition:—

“‘special fire area’ means a special fire area constituted under section twenty-four or section twenty-five;”;
and

(e) by inserting after the definition of “urban brigade” the following definition:—

“‘urban fire district’ means a district within the meaning of the *Fire Brigades Act 1945*;”.

State Fire
Control Officer**3** Section fifteen of the Principal Act is amended—

(a) by adding at the end of subsection (1) the words “, and may, for those purposes, appoint another person as Deputy State Fire Control Officer.”; and

(b) by adding at the end thereof the following subsection:—

“(5) The Board may authorize the Deputy State Fire Control Officer to exercise, either generally or in a particular case, all or any of the functions of the State Fire Control Officer.”.

Regional fire
control officers.**4** Section sixteen of the Principal Act is amended—

(a) by adding at the end of subsection (1) the words “, and may appoint a deputy regional fire control officer for any region.”;

(b) by adding at the end thereof the following subsections:—

“(5) The Board may authorize a deputy regional fire control officer for a region to exercise, either generally or in a particular case, all or any of the functions of the regional fire control officer for that region.

“(6) The Board may authorize or direct a regional fire control officer for a region or a deputy regional fire control officer for a region, in such circumstances or subject to such conditions as the Board may specify, to exercise or perform any of the functions of a regional fire control officer for another region.”.

5 After section sixteen of the Principal Act the following section is inserted:—

“16A—(1) The Board may appoint fire control officers, and may assign any such officer to a region. Fire control officers.

“(2) An appointment under this section is of no effect until it is confirmed by the Minister.

“(3) It is the duty of a fire control officer assigned to a region to assist the regional fire control officer for that region in the exercise of his functions, and in relation thereto to comply with the directions of that regional fire control officer.

“(4) The Board may authorize a fire control officer to exercise, either generally or in a particular case, all or any of the functions of a regional fire control officer.”.

6 Section seventeen of the Principal Act is amended—

(a) by omitting from subsection (1) the words “sections fifteen and sixteen” and substituting therefor the words “the foregoing provisions of this Division”; and

(b) by omitting from subsection (2) the words “section fifteen, or section sixteen, or subsection (1) of this section” and substituting therefor the words “this Division”.

General provisions relating to officers of the Board.

7 After section seventeen of the Principal Act the following section is inserted in Division II of Part II of that Act:—

“17A Where under this Division an officer (in this section referred to as ‘the deputy’) is authorized to exercise any of the functions of another officer (in this section referred to as ‘the senior officer’) anything done by the deputy in the exercise of those functions has

Exercise of functions by deputies.

the like effect as if it were done by the senior officer and, in relation to the functions so exercised, references in this Act to the senior officer shall be construed as including references to the deputy.”.

Certificates of appointment, &c., of certain officers.

8 Section eighteen of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

“(1) On confirming the appointment of a person as—

- (a) the State Fire Control Officer or the Deputy State Fire Control Officer;
- (b) a regional fire control officer or a deputy regional fire control officer; or
- (c) a fire control officer,

the Minister shall furnish to him a certificate of his appointment.”.

9 After section nineteen of the Principal Act the following section is inserted:—

Duties of municipalities.

“19A—(1) A corporation shall, in consultation with the Board, make arrangements to ensure that the regional fire control officer for a region is immediately informed of a fire burning in any part of the municipality within that region that is beyond the resources of the rural fire brigades having headquarters within the municipality to suppress or that is not being attended by any of those brigades and is, or is likely to become, a serious danger to life or property.

“(2) Subsection (1) of this section does not apply to fires burning in an urban fire district.”.

Municipal fire committees.

10 Section twenty of the Principal Act is amended—

(a) by inserting after subsection (1) of that section the following subsection:—

“(1A) Where a rural fire brigade has its headquarters in a municipality one of the members of the committee appointed by the corporation of that municipality under paragraph (b) of subsection (1) of this section shall be the captain of such a rural fire brigade.”;

(b) by omitting paragraph (b) of subsection (6) and substituting therefor the following paragraph:—

“(b) to consider, and make to the corporation, such reports and recommendations and tender such advice as it thinks desirable in relation to the prevention and suppression of fires in the municipality;”;

- (c) by adding at the end of paragraph (c) of that subsection the word “and”, and omitting paragraph (d) of that subsection;
- (d) by inserting after that subsection the following subsection:—
“(6A) Where the municipal fire committee is of the opinion that the corporation is not giving proper effect, or will not give proper effect, to any recommendation of the committee it may after consultation with the corporation inform the Board of its opinion.”; and
- (e) by omitting from subsection (7) the words “pursuant to paragraph (b) of that subsection” and substituting therefor the words “with respect to the policy to be observed in relation to the granting of permits under section thirty-nine”.

11 After section twenty of the Principal Act the following section is inserted:—

“20A—(1) The corporation of a municipality may appoint a person approved by the Board to be municipal fire officer for the municipality. Municipal fire officers.

“(2) A person may be appointed under this section whether or not he is an employee of the corporation.

“(3) In addition to any other duties imposed on him by this Act, it shall be the duty of the municipal fire officer for a municipality to advise and assist the municipal fire committee for that municipality and to furnish it with such information as it may require for the purpose of carrying out its functions.”.

12 Section twenty-one of the Principal Act is amended by omitting subsection (5), and substituting therefor the following subsection:— Fire permit officers.

“(5) In the exercise of his functions under this Act, a fire permit officer shall have regard to the advice, reports, and recommendations of the municipal fire committee that are furnished to him by that committee under subsection (7) of section twenty.”.

13 After section twenty-five of the Principal Act the following section is inserted:—

“25A—(1) The Board may, in accordance with this section, cause the formation of such firebreaks as it considers necessary or desirable to arrest the spread of fires that may occur in any part of the State or to facilitate the suppression of any such fires. Formation of firebreaks.

“(2) The powers of the Board under this section may, to such extent as the Board determines, be exercised on behalf of the Board by a committee established under section twenty-four or section twenty-five, and any powers exercisable by such a committee under this subsection shall be exercised subject to and in accordance with directions given by the Board.

“(3) The corporation of a municipality may, in accordance with this section, cause the formation in its municipality of such fire breaks as it considers necessary or desirable to arrest the spread or to facilitate the suppression of fires.

“(4) The Board, and any committee, and the corporation of any municipality exercising on behalf of the Board, any powers conferred by this section, are referred to therein as firebreak authorities.

“(5) A firebreak authority may, for the purposes of this section, make arrangements with any other person for the formation of a firebreak, and, without prejudice to the generality of the foregoing provisions of this subsection, any such arrangements may be made with the holder of any office or with any body established under any enactment, and the holder of that office for the time being, or that body, as the case may be, shall be deemed to have power to enter into and carry out those arrangements.

“(6) Where, under this section, a firebreak is required by a firebreak authority to be formed on any land the authority may serve notice in writing on the occupier of the land requiring the formation of that firebreak in such manner as is specified in the notice and within the time so specified.

“(7) Where an occupier of land refuses to comply with the requirements of a notice served under subsection (6) of this section with respect to that land or those requirements are not complied with, the firebreak authority by whom the notice was served may enter upon the land and do such things as are necessary to form the firebreak.

“(8) Nothing in subsection (7) of this section authorises a firebreak authority to destroy, injure, or remove any vegetation that is required for the purposes of shade or shelter, or as a windbreak, or for the production of food for human beings or animals, or that contains timber of commercial value.

“(9) Any trees that are, by a proclamation made under section four, declared not to be vegetation for the purposes of this Act, shall nevertheless be deemed to be vegetation for the purposes of subsection (8) of this section.

“(10) The expenses reasonably incurred by a firebreak authority in the exercise of the powers conferred on it by subsection (7) of this section are a debt due by the occupier of the land to the firebreak authority and are recoverable in a court of competent jurisdiction.

“(11) If, having regard to the circumstances of any particular case, a firebreak authority considers it reasonable so to do it may remit the whole or any part of a debt otherwise recoverable under subsection (10) of this section.

“(12) References in this section to the formation of a firebreak shall be construed as including references to the clearing of the means of access to a firebreak formed or to be formed.”.

14 Section twenty-six of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “ regional fire control officer or a brigade captain ” and substituting therefor the words “ responsible fire officer ”;
- (b) by inserting in that subsection, after the word “ extinguished ”, the words “ or controlled ”;
- (c) by omitting from that subsection the words “ or captain ”;
- (d) by omitting from that subsection the words “ diligent steps to extinguish ” and substituting therefor the words “ such steps as are specified in the order for the extinguishment or control of ”;
- (e) by omitting from subsection (2) the words “ the regional fire control officer or brigade captain ” and substituting therefor the words “ a responsible fire officer ”;
- (f) by omitting from that subsection the words “ may be necessary for extinguishing ” and substituting therefor the words “ he considers necessary for extinguishing or controlling ”;
- (g) by inserting in that subsection, after the word “ expenses ”, the word “ reasonably ”; and
- (h) by adding at the end thereof the following subsection:—

Power of certain officers to order fires to be extinguished or controlled.

“(4) For the purposes of this section the State Fire Control Officer and each regional fire control officer, group captain, brigade captain, and municipal fire officer is a responsible fire officer.”.

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

Duties and powers of brigade captains, &c., at fires.

15 Section twenty-seven of the Principal Act is repealed.

16 Section thirty-one of the Principal Act is amended—

(a) by omitting from subsection (1) paragraphs (b), (c), and (d) and substituting therefor the following paragraph:—

“(b) He may, for the purpose of the discharge of his duties under this subsection—

- (i) enter any land or building, using force if necessary, and take equipment through, over, or upon any land or building;
- (ii) pull down or remove any building, structure, erection, or other work, or any part thereof;
- (iii) remove any goods or materials;
- (iv) remove or destroy any vegetation or inflammable materials;
- (v) make firebreaks;
- (vi) make or improve means of access to any place;
- (vii) take water from any source or place, whether or not that water occurs naturally on the land or is retained in any dam, tank, or other work; and
- (viii) disconnect or stop up any supply of electricity, gas, or water; and”;

(b) by inserting after subsection (1) the following subsections:—

“(1A) For the purpose of facilitating the taking of the steps referred to in subsection (1) of this section or of preventing harm to persons or property arising from the fire, the brigade captain may give such directions or take such other action as he considers necessary—

(a) for the closure of any street, road, or other way in the vicinity of the fire; or

(b) for prohibiting or regulating the use of any such street, road, or other way.

“(1B) Where a police officer is present at the fire the powers of a brigade captain under subsection (1A) of this section shall not be exercised without the approval of that officer.”;

(c) by omitting from subsection (3) the words “ paragraphs (b), (c), and (d) of subsection (1)” and substituting therefor the words “ paragraph (b) of subsection (1) and subsection (1A)”;

(d) by omitting subsection (4) and substituting therefor the following subsections:—

“(4) Where a person, other than an officer of a rural fire brigade or a group of rural fire brigades, has, under this Part, the supreme control and charge of the operations for the extinguishment of a fire, that person has, in relation to that fire, the powers and functions conferred by the foregoing provisions of this section on such an officer; and in such a case any powers or functions that are exercisable in relation to that fire by an officer of a rural fire brigade or group of fire brigades shall be exercised by that officer subject to any directions given to him by the person having the supreme control and charge of the operations for its extinguishment.

“(5) The powers that may be exercised by any person under any of the foregoing provisions of this section may also be exercised by any other person acting under his command or direction.”.

17 Section thirty-two of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsections:—

Chain of command at fires.

“(2) Where an urban brigade is present at a fire occurring outside an urban fire district at which the State Fire Control Officer or a regional fire control officer is not present the senior officer of that urban brigade present shall, at the request of the officer who, apart from this subsection, would have supreme control and charge of the operations for the extinguishment of the fire pursuant to subsection (1) of this section, exercise the supreme control and charge of all operations for the extinguishment of the fire.

“(3) Where an urban brigade is present at a fire occurring outside an urban district and there is not present at the fire any person who would by virtue of subsection (1) of this section have supreme control and charge of the operations for the extinguishment of the fire, the senior officer of that urban brigade present shall exercise the supreme control and charge of all operations for the extinguishment of the fire, and, in relation to that fire, may exercise the powers of a brigade captain under subsection (1) or subsection (1A) of section thirty-one.”.

Powers of
forest officer
in certain
cases.

18 Section thirty-three of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsections:—

“(1) Notwithstanding anything in section thirty-two, but subject to section thirty-four, a forest officer who is present at a fire burning within a fire protected area within the boundaries of which the whole or any part of a State forest or timber reserve, or any Crown land, is included shall take supreme control and charge of all operations for the extinguishment of the fire.

“(1A) Where a forest officer is present at a fire (not being a fire referred to in subsection (1) of this section) he may assist the person having, pursuant to any provision of this Part, supreme control and charge of the operations for the extinguishment of the fire, and, if he so assists that person, any officers or employees of the Forestry Department under his control shall, as he directs, assist that person in those operations.

“(1B) Where a forest officer is present at a fire at which there is present no person who has, pursuant to any other provision of this Part, supreme control and charge of the operations for the extinguishment of the fire, he may, if he considers the fire constitutes a danger to any State forest or timber reserve, or any Crown land, assume supreme control and charge of all operations for the extinguishment of the fire.

“(1C) Where, pursuant to this section, a forest officer has supreme control and charge of the operations for the extinguishment of a fire he has the control and direction of the persons (including members and officers of rural brigades or urban brigades) whose services are at his disposal at the fire and has otherwise, in respect of the operations for the extinguishment of the fire, the powers of a brigade captain; and any such powers exercisable in respect of those operations by any other person shall be exercised in accordance with the directions of that forest officer.

“(1D) References in subsection (1c) of this section to the powers of a brigade captain in respect of the operations for the extinguishment of a fire shall be construed as references to the powers exercisable by him if he were present at the fire and, pursuant to this Part, had supreme control and charge of those operations.”.

19 Section thirty-seven of the Principal Act is amended—

- (a) by omitting the word “No” and substituting the words “Without prejudice to the provisions of section thirty-nine, no”; and
- (b) by omitting paragraph (a).

Restrictions on lighting fires during fire danger periods.

20 Section thirty-eight of the Principal Act is amended by adding at the end thereof the following subsection:—

Duty of occupier of land on which a fire occurs during a fire danger period.

“(2) This section does not apply to—

- (a) a fire lit in pursuance of a permit granted under section thirty-nine if and so long as the provisions of that section are complied with in relation to that fire;
- (b) a fire to which section forty-three applies if and so long as the provisions of that section are complied with in relation to the fire; or
- (c) a fire within an enclosed building.”.

21 Section thirty-nine is amended by omitting subsections (1), (2), (3), (4), and (5) and substituting therefor the following subsections:—

Permits to light fires.

“(1) No person shall, during a fire danger period, light or cause to be lit, or maintain or use—

- (a) a fire in a fire protected area specified in subsection (2) of this section; or
- (b) a fire for the purpose, or that is likely to have the effect, of clearing vegetation from land or for a like purpose,

except under the authority and in accordance with the conditions of a permit granted by a fire permit officer in accordance with this section.

“(2) The fire protected areas referred to in paragraph (a) of subsection (1) of this section are those within the boundaries of which the whole or any part of a State forest or timber reserve, or any Crown land, is included.

“(3) Subsection (1) of this section does not apply to a fire, not being a fire referred to in paragraph (b) of subsection (1) of this section, that is lit in a place especially constructed for the purpose.

“(4) A permit shall not be granted under this section in respect of land in a fire protected area referred to in paragraph (a) of subsection (1) of this section without the approval of a forest officer.

“(5) Before determining an application for a permit under this section in respect of land not within a fire protected area referred to in paragraph (a) of subsection (2) of this section a fire permit officer shall, if practicable, confer with the appropriate officer and shall refuse the application if that officer considers that the prevailing conditions are such that a fire lit in pursuance of the permit, if granted, might spread to land other than that to which the permit relates or might be beyond the capacity to control of the fire brigades readily available for the purpose.

“(5A) For the purposes of subsection (5) of this section the appropriate officer is—

(a) in the case of land within an urban fire district an officer of an urban brigade for that district; or

(b) in the case of any other land—

(i) the brigade captain of the rural fire brigade the headquarters of which are nearest to the land; or

(ii) if there is no rural fire brigade in the municipality in which the land is situated, the regional fire control officer for the region in which the land is situated.

“(5B) A permit under this section may be granted subject to such conditions as may be determined by the fire permit officer by whom it is granted and, without prejudice to the foregoing provisions of this subsection, where any conditions are prescribed with respect to the permit, it shall only be granted subject to those conditions.

“(5C) Without affecting the generality of subsection (5B) of this section the conditions referred to therein may include—

(a) a condition that the fire to which the permit relates shall be lit and maintained by or under the supervision of a specified urban fire brigade, or rural fire brigade, or an officer of such a brigade; and

- (b) a condition that at least one person shall be present at the site of the fire from the time when it is lit until it is totally extinguished.”.

22 Section forty of the Principal Act is amended—

Revocation,
&c., of permits
to light fires.

- (a) by omitting from subsection (1) the words “ section twenty-seven or ”;
- (b) by omitting from subsection (2) all the words before the words “ is of the opinion ” and substituting therefor the words “ Where a permit has been granted in respect of any land under section thirty-nine and the appropriate officer ”;
- (c) by omitting from that subsection the words “ the forest officer or the brigade captain (as the case may be) ” and substituting therefor the word “ he ”;
- (d) by omitting from paragraph (b) of subsection (3) the words “ fire permit officer, forest officer, or brigade captain ” and substituting therefor the words “ person by whom it is given ”; and
- (e) by adding at the end thereof the following subsection:—
- “(4) In this section ‘ appropriate officer ’ means—
- (a) in respect of a permit relating to land in a fire protected area referred to in paragraph (a) of subsection (1) of section thirty-nine, a forest officer in charge of that area; and
- (b) in respect of a permit relating to any other land, the brigade captain of the rural fire brigade the headquarters of which are situated nearest to that land.”.

23 Section forty-one of the Principal Act is amended—

Powers of Board
during fire
danger periods.

- (a) by omitting from paragraph (a) of subsection (1) the words “ either by itself or its officers,”;
- (b) by inserting after that subsection the following subsection:—
- “(1A) An officer of the Board, to the extent that he is authorized by the Board, may exercise on behalf of the Board any power conferred on the Board by paragraph (a) of subsection (1) of this section.”.

24 Section forty-two of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:—

Area of extreme
fire hazard.

“(2) Where a notice under this section is in force, no person shall, except in the exercise of a power or authority conferred on him by this Act or the *Fire Brigades Act 1945*, enter on the land to which the notice relates without having first obtained a permit for that purpose from the brigade captain of the rural fire brigade the headquarters of which are situated nearest to that land or from the regional fire control officer for the region in which the land is situated.”.

25 Section forty-three of the Principal Act is repealed and the following section is substituted therefor:—

Camp fires,
&c.

“ 43—(1) This section applies to—

- (a) any fire for cooking or warmth;
- (b) any fire for the burning of carcases; and
- (c) any other fire to which the Board declares this section to apply,

not being a fire within an enclosed building.

“(2) No person shall light a fire to which this section applies—

- (a) in or on peat, humus, or marram grass; or
- (b) within three metres of any stump, log, or standing tree.

“(3) No person shall leave unattended a fire to which this section applies unless it has been completely extinguished.

“(4) During a fire danger period no person shall light a fire to which this section applies unless all inflammable material has been cleared from around the site of the fire to a distance of three metres.”.

Days of total
fire ban.

26 Section forty-four of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “ acute fire danger ” (wherever occurring) and substituting therefor, in each case, the words “ total fire ban ”;
- (b) by inserting after that subsection the following subsections:—

“(1A) A declaration under subsection (1) of this section in relation to any day or days of total fire ban may—

- (a) specify fires that are not subject to the ban; and
- (b) prohibit or restrict the use on that day or those days in the open air of specified machines or apparatus.

“(1B) A reference in this Act to a fire excluded from the ban shall, in relation to a day of total fire ban, be construed as a reference to a fire specified in the declaration declaring that day to be a day of total fire ban as not being subject to the ban.

“(1C) The Board shall not under this section make a declaration prohibiting or restricting the use in the open air on any day or days of any machine or apparatus unless it is satisfied that the use in the open air on that day or days of that machine or apparatus is likely to give rise to a risk of fire.”;

- (c) by omitting from subsection (2) the words “ the declaration of a day or days of acute fire danger ” and substituting therefor the words “ a declaration made under subsection (1) of this section ”;
- (d) by omitting from subsection (3) the words commencing with the word “ Where ” and ending with the word “ danger ” (second occurring) and substituting therefor the words “ Subject to subsection (4) of this section, where pursuant to this section a declaration is made declaring a day to be a day of total fire ban or any days to be days of total fire ban ”;
- (e) by omitting from paragraph (a) of that subsection the words “ sections twenty-seven and ” and substituting therefor the word “ section ”;
- (f) by omitting from paragraph (b) of that subsection the words “ either of those sections ” and substituting therefor the words “ that section ”; and
- (g) by adding at the end thereof the following subsection:—

“(4) Subsection (3) of this section does not apply to any fire excluded from the ban or to any permit in so far as it authorizes the lighting of such a fire.”.

27 Section forty-five of the Principal Act is repealed and the following section is substituted therefor:—

“ 45 Where a declaration is made under section forty-four declaring any day to be a day of total fire ban or any days to be days of total fire ban, no person shall on that day or any of those days—

Prohibition on fires, &c., on days of total fire ban.

- (a) light, or cause to be lit, or maintain or use, a fire in the open air on any land for any purpose, unless that fire is excluded from the ban; or

- (b) use or caused to be used in the open air on any land any machine or apparatus contrary to any prohibition or restriction in the declaration.”.

Power of fire officers on days of total fire ban.

28 Section forty-six of the Principal Act is amended by omitting from subsection (1) the words “acute fire danger” and substituting therefor the words “total fire ban (not being a fire excluded from the ban)”.

Power to enter on neighbouring lands and extinguish fires

29 Section forty-seven of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “one mile” and substituting therefor the words “one and a half kilometres”.
- (b) by omitting from paragraph (a) of that subsection the words “acute fire danger” and substituting therefor the words “total fire ban”;
- (c) by inserting in that paragraph after the word “situated” the words “and is not excluded from the ban”; and
- (d) by omitting from subsection (2) the words “acute fire danger” and substituting therefor the words “total fire ban”.

Formation and registration of rural fire brigades.

30 Section forty-eight of the Principal Act is amended by omitting subsections (1), (2), (3), (4), and (5) and substituting therefor the following subsections:—

“(1) Application may be made in the prescribed form to the corporation of a municipality for the registration of a rural fire brigade.

“(2) Within two months of receiving an application under subsection (1) of this section the corporation shall forward the application to the Board together with such recommendations or representations with respect thereto as it desires to make.

“(3) On receipt of an application under subsection (2) of this section, the Board may, in its discretion, register or refuse to register as a rural fire brigade the brigade to which the application relates.

“(4) The Board may at any time cancel the registration of a rural fire brigade.

“(5) Where the Board registers a rural fire brigade it shall issue a certificate of registration to the brigade captain and, on the cancellation of the registration of that brigade, the person having possession of that certificate shall forthwith deliver it to the Board.

“(5A) Subject to subsection (5B) of this section the members of a rural fire brigade shall consist of—

- (a) the persons named in the application for the registration of the brigade as the members thereof; and
- (b) any other person who the Board is notified in writing by the brigade captain has been admitted to membership of the brigade.

“(5B) A person ceases to be a member of a rural fire brigade when the Board is notified in writing by him or the brigade captain that he has ceased to be a member of the brigade.

“(5C) The Board shall maintain records of the membership of each rural fire brigade, and a certificate purporting to be under the hand of the chairman or secretary of the Board that a person was at any time a member of a rural fire brigade is sufficient evidence of the fact.”.

31 Section forty-nine of the Principal Act is amended—

Groups of
brigades.

- (a) by omitting from subsection (3) the words “prescribed officer” and substituting therefor the words “group captain”; and
- (b) by omitting subsection (4) and substituting therefor the following subsections:—

“(4) The Board may, at any time, cancel the registration of a group of brigades and on the cancellation of the registration of a group of brigades the person having possession of the certificate of registration of the group shall forthwith deliver it to the Board.

“(5) As between the group captains of two or more groups of brigades the Board may determine the senior group captain of those groups.”.

32 Section fifty of the Principal Act is amended by omitting from subsection (2) the word “brigade” (twice occurring).

Officers of
rural fire
brigades.

33 Section fifty-eight of the Principal Act is amended—

- (a) by adding the word “and” at the end of paragraph (a) of subsection (2); and
- (b) by omitting paragraph (b) of that subsection.

Grants in aid
of purchase of
equipment for
rural fire
brigade.

Expenses of
fire permit
officers, &c.

34 Section sixty-one of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “ shall ” and substituting therefor the word “ may ”;
- (b) by omitting from subsection (2) the word “ shall ” and substituting therefor the word “ may ”; and
- (c) by adding at the end thereof the following subsection:—

“(3) The expenses incurred by a brigade captain or deputy brigade captain in consequence of the reference to him by a fire permit officer pursuant to subsection (5) of section thirty-nine of an application for a permit under that section may be defrayed out of the revenues of the corporation by which the fire permit officer was appointed.”.

Protection of
officers, &c.

35 Section sixty-four of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “ Act ” (second occurring) and substituting therefor the word “ act ”; and
- (b) by adding at the end thereof the following subsection:—

“(4) A fire permit officer is not liable for damages arising from the exercise in good faith of any powers conferred on him by this Act.”.

Compensation
for death or
injury in fire-
fighting opera-
tions, &c.

36 Section sixty-five of the Principal Act is amended by inserting after subsection (2) the following subsections:—

“(2A) Where a member of the Board, or of a committee established under section twenty, twenty-four, or twenty-five attends, in the course of his duties, any fire-fighting operations, fire-prevention operations or training in which an officer to which this section applies is engaged this section applies to that member in like manner as it applies to that officer.

“(2B) For the purposes of this section any person taking part in any competition or demonstration related to the prevention, control, or extinguishment of fires shall be regarded as undergoing training.”.

37 After section sixty-five of the Principal Act the following section is inserted:—

“ 65A—(1) The State Fire Control Officer, or any regional fire control officer or fire control officer, may—

Powers of
entry.

- (a) enter and inspect any land or building for the purpose of obtaining information required in connection with the taking of steps for the prevention of fire, or for the suppression or control of fires that are burning or may occur; and
- (b) enter upon any land or building for the purpose of determining whether the requirements of this Act are being, or have been, complied with in relation to any matter arising, or suspected of having arisen, thereon.

“(2) An officer on whom powers are conferred by this section may, with the approval of the Board, authorize any other officer of the Board to exercise those powers, and in accordance with the authorization so given those powers may be exercised by that officer accordingly.

“(3) A person authorized to enter any land or building under this section may take with him such persons as he considers necessary to effect the purpose for which the entry is made.”.

38 Section sixty-nine of the Principal Act is amended—

Offences and penalties.

(a) by omitting paragraph (f) of subsection (1) and substituting therefor the following paragraph:—

“(f) during a fire danger period, cause any ignited material to be within six metres of—

- (i) any ripened agricultural crop (whether standing, cut, or baled) or any stubble;
- (ii) any stack of, or building containing, hay, straw, chaff, flax, or grain, or other inflammable material produced from the cutting or rooting up of an agricultural crop;
- (iii) any stack of cut or sawn timber; or
- (iv) any broadcast cut scrub, brush, or similar vegetation;”;

(b) by inserting after subsection (1) the following subsection:—

“(1A) For the purposes of this section hay shall be regarded as an agricultural crop.”;

(c) by omitting from paragraph (a) of subsection (2) the words “acute fire danger” and substituting therefor the words “total fire ban”;

- (d) by omitting from that paragraph the words “ forty dollars or more than four hundred dollars ” and substituting therefor the words “ one hundred dollars or more than two thousand dollars ”;
- (e) by omitting from paragraph (b) of that subsection the words “ twenty dollars or more than four hundred dollars ” and substituting therefor the words “ fifty dollars or more than one thousand dollars ”; and
- (f) by omitting from subsection (3) the words “ four hundred dollars ” and substituting therefor the words “ not less than fifty dollars or more than one thousand dollars ”.

Regulations.

39 Section seventy-three of the Principal Act is amended—

- (a) by inserting in paragraph (a) of subsection (2), after the word “ require ”, the words “, in prescribed cases,”;
- (b) by inserting in paragraph (b) of that subsection, after the word “ materials ”, the words “ or any rubbish or waste produced on any premises or deposited in any place ”;
- (c) by omitting from paragraph (d) of that subsection the words “ acute fire danger ” and substituting therefor the words “ total fire ban ”; and
- (d) by adding at the end thereof the following subsection:—
 - “(3) Regulations under this Act may—
 - (a) make differing provisions for differing circumstances and cases and make provision for exemptions from any of the requirements of the regulations; and
 - (b) confer, in relation to any of the requirements or other provisions of the regulations, powers and discretions on the Board or any officer or other person.”.