

T A S M A N I A.

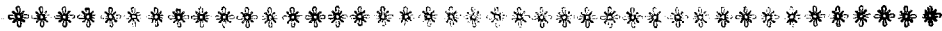


1883.

ANNO QUADRAGESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 21.



AN ACT to make better provision for the Protection of Life and Property from Fire. A.D. 1883.

[29 October, 1883.]

WHEREAS it is expedient to make better provision than now exists for the protection of life and property from Fire in *Hobart* and *Launceston* and the Suburbs thereof respectively: PREAMBLE.

Be it therefore 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 This Act may be cited as “The Fire Brigades Act, 1883.” Short title.
- 2 In this Act, unless the context otherwise determines— Interpretation.
 - “Fire Insurance Company” means any Company, Copartnership, or other Association carrying on in the District the business of insuring property against loss or damage by Fire, either alone or in conjunction with any other business, whether the head office of such Company, Copartnership, or Association is in the District or not, and whether the Policies issued by such Company or Association are signed in the District or not:
 - “Brigade” means any Fire Brigade:
 - “Board” means the Fire Brigade Board for the District in relation to which the term is used:
 - “Superintendent” means a Superintendent of Fire Brigades or his Deputy or any Officer acting as Superintendent:
 - “Contributory Company” means a Fire Insurance Company liable to pay the contribution fixed by this Act:

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“District” means—

The City of *Hobart* and the Suburbs thereof, within a radius of Three miles from *Wellington Bridge* in the said City ;
 The Town of *Launceston* and the Suburbs thereof, within a radius of Three miles from the Post Office in the said Town ;
 as the case may require.

“Prescribed” means prescribed by any Regulations made by the Governor in Council under this Act :

“Agent” includes any person collecting or receiving fire premiums in a District on behalf of a Fire Insurance Company.

“Owner,” used with reference to any property, shall mean the person for the time being in the actual receipt of or entitled to receive, or who, if such property were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, executor, mortgagee in possession, or otherwise, but shall not mean or include any mesne tenant.

Boards for
Hobart and
Launceston.

3 There shall be a Fire Brigade Board for the City of *Hobart* and the Suburbs thereof, and a Fire Brigade Board for the Town of *Launceston* and the Suburbs thereof.

Constitution of
Hobart Board.

4 The Board for the City of *Hobart* and the Suburbs thereof shall consist of Five members, viz.—One Member to be appointed by the Governor in Council, Two members to be elected by the Municipal Council of the said City, and Two members to be elected by the Fire Insurance Companies as hereinafter provided.

Constitution of
Launceston
Board.

5 The Board for the Town of *Launceston* and the Suburbs thereof shall consist of Five members, viz.—One Member to be appointed by the Governor in Council, Two members to be elected by the Municipal Council of the said Town, and Two members to be elected by the Fire Insurance Companies as hereinafter provided.

Retirement of
members.

6 Of the Four elected members of each Board, Two shall retire annually, but shall be eligible for re-election.

The first retirements shall be determined by lot, and thereafter those Two members who have been longest in office shall at each retirement be the members to retire.

Boards to be
Bodies Corporate.

7 Each Board, under the name of “The Fire Brigade Board for the City of *Hobart*,” or as the case may be, shall be a Body Corporate, and have a Common Seal, and in its corporate name be capable of holding property of any description, and of suing and being sued ; and such Board shall elect one of its Members to be Chairman of such Board.

Election of
members by
Municipal
Councils.

8 The election of members by the said Municipal Councils shall take place on such day and be held in all other respects in accordance with such directions as may respectively be prescribed.

Election of
members by Fire
Insurance
Companies.

9 The election of members of each Board by Fire Insurance Companies shall take place as may be prescribed.

The Chief Secretary shall cause a notification to be inserted in the *Gazette* specifying the times and places at which meetings of representatives of each Fire Insurance Company in each District shall be held. Each such meeting shall elect its own Chairman, and all matters shall

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be decided by a majority of votes. Each representative shall have such number of votes as shall be prescribed, not exceeding Three, according to the amount of contribution paid by the Company or Companies of which he is the representative as hereinafter mentioned.

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10 It shall be the duty of each Board to establish and maintain an efficient Brigade for the extinction and suppression of fires, and for protecting life and property from loss and damage thereby, and to furnish such Brigade with such fire-engines, hoses, tools, implements, accoutrements, and appliances as may be necessary for the due equipment thereof.

Duties of Board.

Any Board may, with the approval of the Governor in Council arrange with any existing Fire Brigade, or with the owners, to purchase and take over, on such terms as may be agreed upon, any property or appliances now used for the extinction of Fires, or any property real or personal now belonging to any Fire Brigade, and generally to take such measures as may be found expedient for the amalgamation of such existing Brigade with any Brigade to be established and maintained under this Act, upon such terms and conditions as may be mutually agreed upon and as may be approved as aforesaid.

11 Each Board shall appoint all officers of the Fire Brigade other than the Superintendent, and fix the salaries or emoluments of such officers and of the members of the Brigade. The Board may appoint, subject to the approval of the Governor, one of their officers to be Deputy Superintendent in case of the absence or other disability of the Superintendent.

Appointment of officers of Fire Brigade.

12 Each Board may frame Regulations providing—

Regulations.

- i. For payment of salaries or wages to members of the Brigade ;
- ii. For payment of compensation in cases of accidents to such members, or, where death ensues therefrom, their wives and families ;
- iii. For payment of pensions and retiring allowances to members ;
- iv. For payment of gratuities in respect of voluntary or special services rendered to the Brigade ;
- v. For ensuring discipline and good conduct among members of the Brigade ;
- vi. For regulating the meetings and conduct of business by the Board, and generally for the purpose of carrying into effect the objects of this Act.

Compliance with such Regulations or any of them may be enforced by a penalty not exceeding in any case the sum of Five Pounds. And all such Regulations, when approved by the Governor in Council and published in the *Gazette*, shall have the force of law.

13 Each Board shall report to the Governor in every year upon all matters within the scope of their administrative duties under this Act, and such report shall be laid before both Houses of Parliament.

Board to report to Parliament.

14 It shall be lawful for the Governor, upon the application of any Board, to direct any Coroner to hold an Inquest for the purpose of ascertaining the cause and origin of any fire in any case in which any Coroner has upon the application of such Board declined to hold any such Inquest.

Inquests on fires.

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*Superintendents of Fire Brigades.*Superintendent,
&c. of Fire
Brigades.

15 It shall be lawful for the Governor in Council, upon the nomination of any Board, to appoint a Superintendent of Fire Brigades for such District, at such salary as the Board may recommend and the Governor approve.

Duties and powers
of the Superin-
tendent at fires.

16 At and for the purpose of extinguishing any fire occurring within any District, the Superintendent shall perform the following duties, and may exercise the following powers; that is to say—

- i. He shall with all possible speed proceed upon the first alarm to the place where the fire is, and shall endeavour by all practicable means to extinguish the fire and save all property in jeopardy :
- ii. He shall control, direct, and regulate the working of the Brigade :
- iii. He may take any measures which appear to him necessary or expedient for the protection of life and property, and may cause any buildings or tenements to be entered, taken possession of, pulled down, or otherwise destroyed, for the purpose of extinguishing or preventing the spread of fire :
- iv. He may, in the absence of the Superintendent of Waterworks, cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing any fire :
- v. He may cause any street or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of any fire :
- vi. He may at any time pull down or shore up any wall or building damaged by fire that may be or may be likely to become dangerous to life or property :
- vii. He shall have the control and direction of any volunteer fire brigade or brigades present at any fire, and of any persons who voluntarily place their services at his disposal.

Duties and powers
of the Superin-
tendent generally.

17 The Superintendent shall, in addition to the duties and powers respectively imposed and conferred by the last preceding Section, have and may exercise the general duties and powers following; viz.—

- i. He shall cause a book to be kept containing the names, ages, and occupations and several places of abode of all members of the Brigade.
- ii. He shall summon once a month at the least all or as many of the members of the Brigade as may be required for practice in order to render the members fit and efficient for service.
- iii. He shall have at all times the immediate charge and control of all engines, horses, carts, reels, buckets, hose, ladders, fire-escapes, and other plant the property of the Board, and shall keep the same in a fit state at all times for efficient service.
- iv. He shall at all times have free access to any building or premises for the purpose of ascertaining and reporting on any infringement of the Rules and Regulations against storage of gunpowder, dynamite, or any other dangerous explosive, or of kerosene or other inflammable material or matter, or as to the storage of empty crates, cases, and other packages, sawdust, shavings, hay, and straw, either in packages or loose.

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v. He shall at all times have free access to all theatres and other buildings within his district used for purposes of public entertainment or of public concourse, in order to report to the Board whether the proper or prescribed regulations or precautions against fire are being duly observed. A.D. 1883.

18 The powers conferred upon the Superintendent by either of the last two preceding Sections may, in case of his absence or disability, be exercised by the Deputy Superintendent, and the authority of the Superintendent or his Deputy shall be recognised by all officers and members of the Police Force and all other persons. And it shall be the duty of the officer commanding the Police Force present at any fire to support and assist such Superintendent or Deputy in the maintenance of his authority, and in enforcing due obedience by all persons to his orders in the due execution of his duties. Powers of Superintendent exercisable by deputy.

19 Any damage to property caused by the Superintendent or by any member of a Fire Brigade in the lawful execution of any power conferred by this Act shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged, anything in such policy to the contrary notwithstanding. Damage done to be within policy.

20 In case any fire shall occur in any house, buildings, or premises, and the same shall be uninsured, and any Fire Brigade shall attend at such fire and be employed in extinguishing the same, the expenses actually incurred by such Brigade at such fire, not exceeding those mentioned in the Schedule, shall be paid by the owners and occupiers thereof upon demand made by the public officer of the Board of the District in which such house, buildings, or premises are situate; and each owner and occupier shall contribute towards such expenses in proportion to the value of the property (real or personal) so protected or sought to be protected, and such value shall be ascertained by the Board of the District in which the fire occurs, in such manner as may be prescribed; but no greater sum than Five Guineas shall be recovered in any case when a chimney only shall be on fire. Remuneration for attendance of Fire Brigade, how contributed and recovered.

Contributions to Board.

21 Towards the annual outlay as estimated by each Board in maintaining the Brigade and for other purposes authorised by this Act, a sum equal to the whole of such outlay shall be contributed annually in equal portions, and be paid to the Board, by— Contributions to expenditure of Board.

- i. The Fire Insurance Companies insuring property within the District:
 - ii. The Municipal Council of the City of *Hobart* or of the Town of *Launceston*, as the case may be:
 - iii. The Treasurer, out of the Consolidated Revenue Fund:
- the said Companies contributing one-third of such annual outlay, the Municipal Council one-third, and the Treasurer one-third thereof, and in all cases by equal quarterly payments as from the First day of *January*, 1884, the first of such quarterly payments to become due and payable on the Thirty-first day of *March*, in the year One thousand eight hundred and eighty-four.

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The Accounts of each Board shall be subject and liable to all the provisions of the Acts in force relating to the Audit of Public Accounts by the Colonial Auditor.

Contributions of Insurance Companies how ascertained.

22 The contribution of the said Fire Insurance Companies shall be made by each of such Companies providing a sum of money calculated on a percentage on the amount of the premiums received or charged in account by each such Company, or by its agent or agents, during a period of Twelve months, as hereinafter mentioned, on property situate within the District as may appear by the return hereinafter mentioned.

Returns by Insurance Companies.

23—(1.) For the purpose of ascertaining the amounts of such contributions, every such Fire Insurance Company shall annually, in the month of *January*, or at such other time as the Board may from time to time direct, transmit to the Board a return showing the amount of the premiums, of any kind whatsoever, received or in any manner charged in account by every such Company, or by its agent or agents, during the Twelve months ending on the Thirty-first day of the month of *December* preceding, in respect of property in such District assured by such Company; such premiums shall be the gross premiums, and be reckoned so as to include any commission or discount, but to exclude any portion of such gross premiums actually paid away by way of re-insurance effected in *Tasmania* with any other Company.

(2.) To every such return there shall be annexed a statutory declaration by the Manager, Secretary, or Agent of each such Company that according to the books thereof, and to the best of his knowledge and belief, the said return contains a true account and statement of the amount of the premiums received by such Company as aforesaid. If any such Company shall make default in transmitting such return and declaration, such Company shall be liable to a penalty of not less than Five Pounds for every day during which such default is made or continued.

Insurance Company to permit books to be inspected.

24 The Secretary, Agent, or other officer having the custody of the books and papers of any contributory Insurance Company shall allow any officer appointed by the Board, to inspect during the hours of business any books and papers of such Company, and to make extracts therefrom in order to verify any return or declaration made in pursuance of this Act; and any such Secretary, Agent, or officer failing to comply with the requirements of this Section shall be liable to a penalty not exceeding Five Pounds for every such offence.

Municipal contributions under this Act to form part of Rate.

25 The amount of any contribution payable under this Act by the Municipal Council shall be paid out of the Municipal Fund; and if such fund is insufficient to pay the same, then the Council shall make and levy a Rate for the purpose of raising such amount, and such Rate shall be made and recovered in the same manner in all respects as any Municipal Rate is made and recovered; or such amount may be raised by such Council, if necessary (and notwithstanding any statutory limit of such rate), by increasing any Municipal Rate for the year next following the payment of such contribution by such a sum in the Pound as shall be sufficient to provide the amount thereof, and such increased Rate shall for all purposes be deemed a Municipal Rate for that year, and be recoverable as such.

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26 If the Municipal Council, or if any Fire Insurance Company liable as a contributory under the Act, fails to pay the quarterly payment prescribed by this Act within Thirty days after it shall become due, such Council or Company shall be liable to a penalty of Ten Pounds a day for each day during which such default continues.

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Penalty for default in payment of contribution.

27 For the purpose of supplying funds to enable the Board to commence operations, it shall be lawful for the Governor in Council to authorise the Treasurer to advance to each Board, out of the Consolidated Revenue Fund, a sum not exceeding One thousand Pounds, which sum shall be set off against any accrued contributions from the Consolidated Revenue Fund provided by this Act.

Advance from Treasury to Boards.

Miscellaneous Provisions.

28 For the purpose of encouraging and securing the co-operation of Volunteer Fire Brigades and of promoting their efficiency, all such Brigades established within any District may be registered at the office of the Board, and shall be subject to inspection by the Superintendent, and at all fires shall be subject to his orders; and on his certificate that efficient and valuable service has been rendered by such Brigades or by any member thereof at any fire, the Board may pay to such Volunteer Fire Brigade, by way of bonus or annual subsidy, such sum as the Board may think fit, and may likewise reward any individual member thereof.

Volunteer Fire Brigades may be registered.

29 It shall be lawful for the Governor, on the recommendation of any Board, by Proclamation in the *Gazette*, to extend this Act to any Rural Municipality, and by such Proclamation, or by any Regulations to be made by the Governor in Council, to give effect to such extension by the substitution of any Local Officer for the "Superintendent" under this Act, and by the modification or omission of any provision in this Act so as to meet the requirements of the Municipality in question: Provided always, that upon such extension of this Act to such Municipality, the Warden for the time being of such Municipality, together with two persons to be appointed from time to time by the Governor on the nomination of the Board, shall be the Fire Brigade Board for the purposes of such extension; and the funds of the Board shall be provided in equal proportions by the Fire Insurance Companies insuring property within such Municipality, the Municipal Council thereof, and the Treasurer, in the same proportions and under the same penalties, *mutatis mutandis*, as provided by this Act in respect to the Boards hereby constituted and their expenditure.

Extension of Act to Country Municipalities.

30 It shall be lawful for the Governor in Council to make Regulations for the purpose of giving effect to this Act in all matters whatsoever; and such Regulations when published in the *Gazette* shall have the full force of law; and a copy of such Regulations shall be laid before Parliament within Fourteen days after the publication thereof if Parliament be then in Session, and if not, then within Fourteen days after the commencement of its next ensuing Session.

Regulations.

31 Any penalty, expenses, or contribution incurred or made payable under or pursuant to this Act or any Regulation made thereunder, may be recovered in a summary way in the mode prescribed by *The*

Penalties and contributions how recovered.

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Magistrates Summary Procedure Act in the District within which such penalty or expenses has been incurred, or such contribution has become payable, on an information or complaint in the name of the Superintendent or his Deputy, and elsewhere on an information or complaint in the name of any officer or person authorised in that behalf by the Fire Brigade Board of the Municipality within which the penalty, expenses, or contribution has been incurred or become payable. Where a Company is not incorporated, or has no public officer, the proceedings may be had against the Manager, Secretary, or Agent of such Company, in which case judgment against such Manager, Secretary, or Agent shall bind the property of the Company.

Appropriation.

32 All penalties, expenses, and contributions recovered under this Act shall be paid over to the Board of the District or Municipality within which the same were incurred or became payable, anything in any Act to the contrary notwithstanding.

Recovery of possession of premises from discharged officer of the Board.

33 Where any chief officer or other person who has been employed by the Board in any capacity under this Act and has been discharged therefrom, continues to occupy any house or building that may be provided for his use, or any part thereof, after one week's notice in writing from the Board to deliver up possession thereof, it shall be lawful for the Mayor or any Police Magistrate, on the oath of one witness stating such notice to have been given, by Warrant under his hand, to order any constable to enter into the house or building occupied by such discharged chief officer or other person as aforesaid and to remove him and his family and servants therefrom and afterwards to deliver the possession thereof to the Board, as effectually to all intents and purposes as the Sheriff having jurisdiction within the place where such house and building is situate might lawfully do by virtue of a Writ of Possession or a judgment at law.

SCHEDULE.

	£	s.	d.
For Superintendent of Fire Brigades, for first hour if actually attending	0	7	6
Ditto, per hour for each succeeding hour, day or night	0	2	6
For each reel or engine, with hose, pipes, &c. in attendance at any Fire	1	0	0
For each fireman when called out to any Fire, day or night, for the first hour	0	5	0
Ditto, for each succeeding hour	0	2	6
For each horse for taking a reel or engine to and from any Fire in <i>Hobart</i> or <i>Launceston</i> , day or night	0	7	6
For each horse for taking reel or engine to and from any Fire in the suburbs	0	10	0
For Brigade and reel or engine arriving first at any Fire, as prize money	1	1	0
For wages for extra men or boys engaged by the Superintendent at any Fire day or night, the sums actually paid.			