

No. 6228.

## COUNTRY FIRE AUTHORITY ACT 1958.

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An Act to consolidate the Law relating to the Country  
Fire Authority and the Control of Fire in  
Country Areas.

[30th September, 1958.]

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Country Fire Authority Act* 1958, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*, and is divided into Parts and Divisions as follows:—

Short title,  
commence-  
ment and  
division.

Part I.—Constitution of Country Fire Authority ss. 6–13.

Part II.—Fire Control Regions, Fire Districts Officers, &c., ss. 14–19.

Part III.—Country Fire Control ss. 20–50.

Division 1.—General ss. 20–29.

Division 2.—Fire Suppression ss. 30–34.

Division 3.—Fire Prevention ss. 35–50.

Part IV.—Regional and Local Advisory Committees ss. 51–61.

Division 1.—Preliminary s. 51.

Division 2.—Regional Advisory Committees ss. 52–53.

Division 3.—Local Advisory Committees ss. 54–55.

Division 4.—General ss. 56–61.

Part V.—Compensation of Casual Fire-fighters ss. 62–74.

Part VI.—Financial ss. 75–91.

Part VII.—Miscellaneous ss. 92–110.

Repeal.  
Schedule.

2. (1) The Acts mentioned in the Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.

(2) Except as in this Act expressly or by necessary implication provided—

(a) all persons things and circumstances appointed or created by or under the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any proclamation regulation rule order appointment contribution recommendation determination direction permit contract notice consent election registration certificate loan fund vesting approval authority liability or right made effected issued granted given presented fixed accrued incurred or acquired or existing or continuing by or under any of such Acts before the commencement of this Act nor shall such repeal affect the continuance of the rights and privileges of any person which rights and privileges were preserved by the *Country Fire Authority Act 1944* or the continuance in force of any regulations preserved by the said Act until revoked under this Act.

3. In this Act unless inconsistent with the context or subject-matter—

Interpretation.  
No. 5040  
s. 4 (1);  
No. 5191 s. 27,  
No. 5651 ss. 2  
(1) (a), 3 (1),  
No. 6159  
s. 2 (a).

- “Apparatus” includes all engines vehicles horses reels buckets hoses pumps ladders escapes tools implements and things used for or in connexion with the prevention or suppression of fires or the protection of life or property in case of fire. “Apparatus.”
- “Authority” means the Country Fire Authority under this Act. “Authority.”
- “Brigade” includes any fire brigade whether urban or rural and whether permanent or volunteer. “Brigade.”
- “Chief Officer” means the Chief Officer of all urban and rural brigades. “Chief Officer.”
- “Country area of Victoria” means that part of Victoria which lies outside the metropolitan fire district, but does not include any forest as hereinafter defined or any Crown land reserved from sale for the purposes of a national park pursuant to the *Land Act* 1958. “Country area of Victoria.”
- “Department” means any Government department under the direct control of a Minister of the Crown. “Department.”
- “Deputy Chief Officer” means, in respect of urban districts and urban brigades, the Deputy Chief Officer of urban brigades, and in respect of rural districts and rural brigades, the Deputy Chief Officer of rural brigades. “Deputy Chief Officer.”
- “Division” means division of a Part of this Act. “Division.”
- “Financial year” means year ending on the thirtieth day of June. “Financial year.”
- “Forest” means any State forest within the meaning of section three of the *Forests Act* 1958 excluding any unused road or water frontage which does not lie within or adjoin a reserved forest within the meaning of the said section or an area of Crown land proclaimed as a protected forest pursuant to the said Act or any corresponding previous enactment. “Forest.”
- “Heat engine” means any internal combustion engine any steam engine or any other engine in which any furnace, fire or spark or any burning or exploding oil or vapor is used in driving the engine but does not include any locomotive or other engine used on any railway line under the control of the Victorian Railways Commissioners. “Heat engine.”
- “Insurance company” includes any person or body of persons corporate or unincorporate (and whether incorporated or domiciled in Victoria or not) carrying “Insurance company.”

- on in the country area of Victoria the business of fire insurance, that is to say, of granting for consideration indemnity in whole or in part against loss or damage by fire whether by itself or in conjunction with any contract other than that of fire insurance, and includes the agent or agents of any such company.
- “ Insured.” “ Insured,” in relation to any property, means the subject of a contract of indemnity in whole or in part against loss or damage by fire, and all derivatives of “ insure ” have a corresponding interpretation.
- “ Metro-  
politan fire  
district.” “ Metropolitan fire district ” means the metropolitan fire district as in force for the time being under the *Metropolitan Fire Brigades Act 1958*.
- “ Minister.” “ Minister ” means the Chief Secretary of Victoria.
- “ Municipal  
district.” “ Municipal district ” includes the city of Geelong.
- “ Owner.” “ Owner ” means the person for the time being entitled to receive the rack rent of the premises in connexion with which the word is used either on his own account or as agent or trustee for some other person or who would be entitled to receive the same if the premises were let at a rack rent.
- “ Part.” “ Part ” means Part of this Act.
- “ Part-time  
officer or  
member.” “ Part-time officer or member ” of a brigade means an officer or member of the brigade who receives some form of remuneration for his services in relation to the brigade but whose sole or principal calling or means of livelihood does not consist of those services.
- “ Permanent  
brigade.” “ Permanent brigade ” means any association of persons formed for the purpose of the prevention and suppression of fires and solely or principally composed of permanent or part-time officers and members.
- “ Permanent  
officer or  
member.” “ Permanent officer or member ” of a brigade means an officer or member who receives a fixed remuneration for his services in relation to the brigade and whose sole or principal calling or means of livelihood consists of those services.
- “ Prescribed.” “ Prescribed ” means prescribed by this Act or the regulations.
- “ Proper  
officer.” “ Proper officer ”, in relation to a department municipality or public authority, means an officer or any one of several officers nominated for the purposes of this Act (whether generally or for a specified period or in a particular case) by the permanent head of the department or by the council of the municipality or by the public authority (as the case may be).

- “Public authority” means any board commission trust or other body corporate or unincorporate established or constituted by or under any Act for any public purpose, whether in respect of the whole or any part of Victoria, but does not include a municipality or the council thereof. “Public authority.”
- “Region” means a part of the country area of Victoria proclaimed as a fire control region pursuant to this Act. “Region.”
- “Regional Officer” means a person appointed as a Regional Officer pursuant to this Act. “Regional Officer.”
- “Regulations” means regulations made under this Act. “Regulations.”
- “Rural brigade” means rural fire brigade under this Act. “Rural brigade.”
- “Rural district” means a part of a region proclaimed as a rural fire district under this Act. “Rural district.”
- “Station” means fire station. “Station.”
- “Summer period”, in respect of the country area of Victoria or any part thereof, means the period proclaimed pursuant to this Act as the summer period in respect of the said country area or the said part thereof (as the case may be). “Summer period.”
- “Urban brigade” means urban fire brigade under this Act. “Urban brigade.”
- “Urban district” means a part or (as the case may be) the whole of a region proclaimed as an urban fire district under this Act. “Urban district.”
- “Volunteer brigade” means any association of persons formed for the purpose of the prevention and suppression of fires and solely or principally composed of volunteer officers and members. “Volunteer brigade.”
- “Volunteer officer or member” of a brigade means an officer or member who receives no remuneration for his services in relation to the brigade. “Volunteer officer or member.”

4. The Governor in Council, after consultation by the Minister with the Minister of Forests, may from time to time by proclamation published in the *Government Gazette* proclaim any period as the summer period in respect of the country area of Victoria or any specified part or parts thereof and, without affecting the generality of the foregoing, may proclaim different summer periods in respect of different parts of the said country area. Any proclamation so published may be revoked amended or varied by a subsequent proclamation so published.

Proclamation  
of summer  
period.  
No. 5040  
s. 4 (2);  
No. 5651 s. 4.

5. The council of a municipality shall not nominate two or more proper officers to act at the same time except with the consent of the Authority first obtained.

Nomination  
of proper  
officers by  
municipal  
councils.  
No. 5651  
s. 3 (2).

## PART I.—CONSTITUTION OF COUNTRY FIRE AUTHORITY.

Appointment  
of Country  
Fire  
Authority.  
No. 5040 s. 5.

6. (1) For the more effective control of the prevention and suppression of fires in the country area of Victoria there shall be an Authority appointed by the Governor in Council to be called the "Country Fire Authority".

Authority  
to be a body  
corporate.

(2) By such name such Authority shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and of being sued and of taking purchasing holding exchanging leasing and disposing of real and personal property.

Constitution  
of Authority.  
No. 5040 s. 6.

7. (1) The Authority shall consist of ten members appointed by the Governor in Council of whom—

- (a) two shall be selected by the Governor in Council from a panel of not less than four names submitted by the Minister of Forests;
- (b) two shall be selected by the Governor in Council from a panel of not less than four names submitted by the governing body of the Rural Fire Brigades Association under this Act;
- (c) two shall be selected by the Governor in Council from a panel of not less than four names submitted by the governing body of the Urban Fire Brigades Association under this Act;
- (d) two shall be selected by the Governor in Council from a panel of not less than four names submitted by the governing body of the Fire and Accident Underwriters Association of Victoria;
- (e) one shall be selected by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of not less than two persons each of whom at the time of the submission is a municipal councillor representing a ward or riding in an urban area which is supplied with water by a permanent reticulated water supply system; and
- (f) one shall be selected by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of not less than two persons each of whom at the time of the submission is a municipal councillor representing a ward or riding in a rural area which is not supplied with water as aforesaid.

Provision  
in case of  
failure to  
submit a  
panel.

(2) If at any time any of the said bodies fails to submit to the Minister a panel of names as aforesaid within fourteen days after the receipt of a request in writing from the Minister in that

behalf, the Governor in Council may without such submission appoint any otherwise eligible person or persons (as the case requires) to be a member or members of the Authority and the person or persons so appointed shall for all purposes be deemed to be duly appointed.

8. (1) The members of the Authority shall subject to this Act be appointed to hold office for such term not exceeding three years as the Governor in Council determines before appointment, but any person appointed a member of the Authority shall upon expiration of the term for which he is so appointed be eligible for re-appointment if then qualified.

Term of office  
of members.  
No. 5040 s. 7.

(2) The Governor in Council may at any time remove any member of the Authority from office.

(3) If any member of the Authority is absent without permission of the Authority from four consecutive meetings of the Authority or becomes bankrupt or insolvent or compounds with his creditors, or is convicted of any indictable offence, or becomes insane, or accepts or holds any office or place of profit under the Authority, or is directly or indirectly concerned in any contract with the Authority or participates in or derives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied or to be supplied to the Authority, or is removed from office by the Governor in Council, or resigns or dies, his office shall thereupon become vacant and every such vacancy shall be deemed to be an extraordinary vacancy:

Vacating  
office.

Provided that—

- (a) no member of the Authority being a shareholder in any company of not less than twenty shareholders shall vacate his office by reason of any contract entered into between such company and the Authority or any work done or to be done by such company for the Authority or any goods supplied or to be supplied by such company to the Authority in the ordinary course of such company's business; but
- (b) no such member shall be entitled to act or vote as a member in any matter relating to any such contract or work or supply of goods.

(4) On the occurrence of any vacancy in the office of any member of the Authority a qualified person shall in accordance with this Act be appointed to fill the vacancy, and any person appointed to fill an extraordinary vacancy shall subject to this Act hold office for the remainder of the term of office of the person in whose place he is so appointed.

Filling  
vacancies.

Chairman.  
No. 5040 s. 8.

9. (1) The members of the Authority shall annually elect one of their number to be chairman of the Authority for a period of twelve months from such election or for the balance of his term of office as a member of the Authority (whichever is the shorter period).

(2) The Governor in Council may at any time remove the chairman from his office as chairman, and the chairman shall vacate his office as chairman if he ceases to be a member of the Authority.

(3) Any vacancy arising in the office of chairman otherwise than by the effluxion of the period for which he is appointed or elected shall be filled by the election by the members of the Authority of a person to be chairman for the balance of the term of office as chairman of the person in whose place he is so appointed or elected.

(4) At any meeting of the Authority—

(a) held during any vacancy in the office of chairman; or

(b) at which the chairman is not present—

a person elected for the purpose by the members present at the meeting shall act as chairman at the meeting and may exercise the powers conferred on the chairman by this Act.

Quorum of  
Authority.  
No. 5040 s. 9.

10. (1) A quorum of the Authority shall consist of not less than six members.

Acts of  
Authority  
during  
vacancy.

(2) During any vacancy in the Authority the continuing members, subject to there being a quorum, may act as if no vacancy existed.

Invalid  
appointments  
&c. not to  
affect acts of  
Authority.

(3) No act or proceeding of the Authority shall be invalidated or affected by reason of any subsequently discovered defect or illegality in the appointment thereto or membership thereof of any person or the acting or voting in any matter of any member.

Voting at  
meetings.  
No. 5040 s. 10.

11. (1) The decision on any matter of the majority of the members present at any meeting of the Authority shall be the decision of the Authority on that matter, but in the case of an equality of votes on any matter the chairman shall have a second or casting vote.

Committees.

(2) Subject to the regulations, the Authority may appoint any number of its members to be a committee to consider and make a recommendation to the Authority upon any matter, but no decision or recommendation of any committee shall have any force or effect until approved by the Authority.



(3) The Authority shall meet at least twelve times in every year.

Periodical meetings.

(4) Notice of every meeting of the Authority shall be given at such time before the meeting and in such manner as is prescribed, and the regulations may provide for the calling of special meetings and for special notice in the case of such meetings.

Notice of meetings.

12. (1) The Authority shall cause minutes of its proceedings to be kept in the prescribed manner.

Minutes.  
No. 5040 s. 11.

(2) Such minutes purporting to be signed by the chairman shall in any court or before any person acting judicially be *prima facie* evidence of the holding of the meetings and of the making of the decisions or resolutions and of the other matters recorded therein.

13. (1) The chairman and other members of the Authority shall be severally entitled to receive from the funds of the Authority such personal and travelling expenses as are prescribed in respect of their attendance at meetings of the Authority and the carrying out of their duties as such chairman and members.

Expenses of chairman and members.  
No. 5040 s. 13.

(2) The Authority with the approval of the Minister may make all such payments as are necessary to insure the chairman and other members of the Authority against accidents happening to them while travelling to or from or in attendance at the scene of any fire for any purpose relating to the administration of this Act.

Insurance of chairman and members.

## PART II.—FIRE CONTROL REGIONS, FIRE DISTRICTS, OFFICERS, ETC.

14. The control of the prevention and suppression of fires in the country area of Victoria is, subject to this Act, vested in the Authority.

Control of the prevention and suppression of fires in the country area.  
No. 5040 s. 18 (a).

15. It is hereby declared that, pursuant to the *Country Fire Authority Act* 1944, the Governor in Council by proclamation published in the *Government Gazette*—

Original proclamation of regions and districts.  
No 5040 ss. 14, 15.

- (a) proclaimed parts of the country area of Victoria as fire control regions for the purposes of that Act;
- (b) proclaimed parts of any such region as urban fire districts or (where deemed expedient) the whole of any region as an urban fire district for the purposes of that Act; and

- (c) proclaimed the remainder (if any) or any divisions of the remainder of each such region as a rural fire district or rural fire districts (as the case require) for the purposes of that Act.

Alteration  
of regions,  
districts &c.  
No. 5040 s. 16.

16. The Governor in Council may from time to time, after consideration of a report submitted by the Authority, by proclamation published in the *Government Gazette*—

- (a) (i) create any new region;  
(ii) abolish any region; or  
(iii) add any area to or excise any area from any region—

but so that the boundaries between regions shall as nearly as practicable be co-incident with the boundaries of municipal districts of municipalities;

- (b) (i) create any new urban district;  
(ii) abolish any urban district; or  
(iii) add any area to or excise any area from any urban district;
- (c) amend or alter the boundaries of rural districts within any region or divide or re-divide the area comprised in rural districts in any region into new rural districts.

Officers,  
employés &c.  
No. 5040  
s. 17 (1);  
No. 5651  
s. 2 (1) (b).

17. The Authority may from time to time appoint, and may at any time suspend or remove—

- (a) a Chief Officer of all urban and rural brigades;
- (b) (i) a Deputy Chief Officer of urban brigades and as many Assistant Chief Officers of urban brigades as it thinks necessary; and  
(ii) a Deputy Chief Officer of rural brigades and as many Assistant Chief Officers of rural brigades as it thinks necessary;
- (c) a Regional Officer in respect of each region (not being a region consisting wholly of an urban district);
- (d) such permanent and part-time officers and members of brigades as it thinks necessary; and
- (e) a Secretary and such other administrative officers and such employés as it thinks necessary.

18. The Authority shall pay to such officers members and employes such salaries or wages or other remuneration and such expenses as are or is provided for in any award or agreement under any Act of the Commonwealth relating to conciliation and arbitration or determination of a wages board or Industrial Appeals Court applicable to such officers members or employes or (if such an award agreement or determination is not applicable) as are or is prescribed or, in the absence of such prescription, as the Authority thinks fit.

Salaries or wages of officers &c. No. 5040 s. 17 (2); No. 5316 s. 7 (1).

19. (1) The provisions of sections eighty to eighty-five of the *Metropolitan Fire Brigades Act 1958* shall so far as applicable extend and apply to the granting by the Authority of long service leave or payment in lieu thereof to its duly entitled officers or employes with such modifications as are necessary and in particular with the modifications that—

Application of long service leave provisions to officers and employes of Country Fire Authority. No. 5517 ss. 13, 14.

- (a) any reference in the said sections to the Board shall be read and construed as a reference to the Authority;
- (b) any reference in the said sections to the Metropolitan Fire Brigade shall be read and construed as a reference to an urban or rural fire brigade; and
- (c) any reference to service as an officer or employe of the Board shall be read and construed as a reference to service as an officer or employe of the Authority and, in the case of persons who were transferred to the service of the Authority upon the abolition of the Country Fire Brigades Board, shall include a reference to their prior service as officers or employes of the said Country Fire Brigades Board as if it had been service as officers or employes of the Authority.

(2) In this section unless inconsistent with the context or subject-matter "Officer or employe" means a full-time paid officer or employe of the Authority, whether an officer or member of an urban or rural fire brigade or not, and does not include any part-time or volunteer member of any such brigade.

### PART III.—COUNTRY FIRE CONTROL.

#### DIVISION 1.—GENERAL.

20. The duty of taking superintending and enforcing all necessary steps for the prevention and suppression of fires and for the protection of life and property in case of fire and the general control of all stations and of all brigades shall, subject to the provisions of this Act, so far as relates to the country area of Victoria be vested in the Authority.

General duty of Authority. No. 5040 c. 22.

Property of  
Authority &c.  
No. 5040 s. 23.

21. (1) The Authority may purchase take on lease or otherwise acquire stations and other buildings and land and all such apparatus and other real and personal property and all such licences easements and rights in respect of real property as it thinks necessary for carrying into effect the purposes of this Act, and may from time to time sell or exchange or let any property whatsoever acquired by or vested in it for the purposes of this Act.

(2) All moneys resulting from the sale exchange or letting of any property by the Authority shall be applied in the purchase of property for the Authority or the improvement of the property of the Authority.

Power to  
persons  
holding  
property of  
brigades to  
transfer it to  
Authority or  
sell it &c.  
No. 5651 s. 5.

22. (1) Any person in whom any personal property is vested for or on behalf of any urban or rural brigade, if so authorized by a resolution of the members of the brigade duly passed in accordance with the rules of the brigade or, if there are no applicable rules, by a majority of members of the brigade present at a meeting of which not less than fourteen days notice, signifying intention to propose that resolution, has been given to all duly enrolled members, may—

- (a) transfer that property gratuitously to the Authority;  
or
- (b) sell or otherwise dispose of the property and devote the proceeds to the purposes of the brigade.

Power to  
captain and  
secretary to  
effect transfer  
or sale when  
property not  
vested in any  
person.

(2) Where any personal property (not being the property of the Authority or of any particular person or persons) is in the possession and control of any urban or rural brigade and there is no person in whom that property is specifically vested for or on behalf of the brigade, then for the purposes of this section that property shall be deemed to be vested in the captain and the secretary of the brigade jointly and the said captain and secretary may exercise the powers conferred by this section accordingly.

Saving from  
liability in  
respect of  
transfer or  
sale &c.

(3) Where in the exercise or purported exercise of the powers conferred by this section any personal property is transferred to and accepted by the Authority or sold or otherwise disposed of, that transfer sale or disposal shall be valid and effectual for all purposes and shall operate to convey the property free from all trusts and encumbrances, and no person shall be deemed guilty of any conversion or breach of trust by reason only of any such transfer sale or disposal if done in good faith.

Power to  
Authority to  
accept or  
decline  
transfer of  
property.

(4) The Authority may in its discretion accept or decline the transfer to it of any personal property pursuant to this section, and where any such transfer is accepted the property shall vest absolutely in the Authority for the purposes of this Act.

**23. The Authority may at any time and from time to time—**

- (a) take measures to facilitate the formation of permanent or volunteer urban fire brigades and volunteer rural fire brigades;
- (b) upon application made in the prescribed manner and form register such brigades and enrol the officers and members thereof;
- (c) cause to be kept a book or other written record containing the names ages occupations and places of abode of all members of brigades;
- (d) amalgamate any urban brigades or any rural brigades or disband or cancel the registration of any brigade or the enrolment of any officer or member of any brigade;
- (e) furnish any apparatus and other property acquired by or vested in the Authority to any brigade;
- (f) determine the number of permanent and volunteer urban brigades necessary for the protection of any urban district and the number of volunteer rural brigades necessary for the protection of any rural district and also the apparatus and other property of the Authority to be used by each such brigade;
- (g) establish schools or courses of instruction and issue to members of brigades certificates of qualification in fire prevention and fire suppression;
- (h) establish and maintain or contract for the establishment and maintenance of fire alarms and other apparatus for the prevention or suppression of fires and, without affecting the generality of the foregoing, contract with the owner of any land building or premises for the maintenance by the Authority of fire alarms and other apparatus as aforesaid on such land building or premises;
- (i) establish and maintain or contract for the establishment and maintenance of telephonic telegraphic radio or other communication between the several stations at which members of brigades are placed and between any such stations and any other places;
- (j) contract for the carrying out of aerial reconnaissance of the country area of Victoria or any part or parts thereof for the detection of fires;
- (k) organize and conduct fire brigade demonstrations and competitions, defray the cost of transport of members of brigades thereto and therefrom, and provide prizes and certificates for presentation to brigades and competitors thereat; and

General  
powers of  
Authority  
with respect  
to brigades,  
apparatus &c.  
No. 5040 s. 24.

- (1) publish or disseminate or contract for the publication or dissemination of printed matter broadcast matter and general information in the interests of fire prevention and fire suppression.

Annual report and balance-sheet of Authority.  
No. 5040 s. 25.

24. (1) The Authority shall as soon as practicable after the end of each financial year furnish to the Minister a report upon its activities and generally upon the administration of this Act during that financial year together with a balance-sheet and statement of receipts and expenditure during that financial year duly audited by the Auditor-General and such report balance-sheet and statement shall be laid before both Houses of Parliament.

(2) The Authority shall as soon as practicable after such report balance-sheet and statement has been furnished to the Minister as aforesaid furnish to each municipality and each insurance company contributing to the expenditure of the Authority under this Act a true copy of such report balance-sheet and statement.

Special report by Authority.

(3) The Authority shall whenever so required by the Minister furnish to the Minister a special report upon any matter relating to its activities or to the administration of this Act.

Election of officers of volunteer brigades.  
No. 5040 s. 26.

25. (1) Every volunteer brigade shall, except so far as the officers or any of them have been appointed by the Authority, in the prescribed manner and for the prescribed period elect a captain and such other officers as are prescribed.

(2) No such election shall have any force or effect until approved by the Authority.

(3) The Authority may at any time disqualify any such captain or other officer from exercising any powers and authorities under this Act and thereupon such captain or other officer or any person acting under or in accordance with the direction given by such captain or other officer shall not have the powers and privileges or the benefit of any immunity conferred by this Act.

Prohibition of unregistered brigades.  
No. 5040 s. 27.

26. No association of persons shall operate as a fire brigade in the country area of Victoria unless it is first registered and its officers and members enrolled in accordance with this Act, and no persons so operating without such registration and enrolment shall have any powers or privileges or the benefit of any immunity conferred by this Act.

27. Subject to the general powers and directions of the Authority every brigade and all officers and members of brigades shall be under the order and control of the Chief Officer.

Chief Officer to have control of all brigades &c.  
No. 5040 s. 28;  
No. 5651  
s. 2 (1) (c).

28. (1) The appropriate Deputy Chief Officer in the absence of the Chief Officer shall, unless otherwise directed by the Authority or by the regulations, have all the powers authorities duties and liabilities conferred or imposed by this Act on the Chief Officer.

Powers and duties of Deputy Chief Officer.  
No. 5040 s. 29;  
No. 5651  
s. 2 (1) (d).

(2) In and for any urban or rural district any Assistant Chief Officer of urban or rural brigades (as the case requires) appointed generally or specially for the purpose by the Authority shall, in the absence of the Chief Officer and the appropriate Deputy Chief Officer, unless otherwise directed by the Authority or by the regulations, have all the powers authorities duties and liabilities conferred or imposed by this Act on the Chief Officer.

Powers and duties of Assistant Chief Officers and Regional Officers.

(3) In and for the rural districts in his region any Regional Officer shall, in the absence of the Chief Officer and the appropriate Deputy and Assistant Chief Officers, unless otherwise directed by the Authority or by the regulations, have all the powers authorities duties and liabilities conferred or imposed by this Act on the Chief Officer.

29. Within the country area of Victoria the Chief Officer shall in addition to such other duties as the Authority determines carry out the duties and exercise the powers following (that is to say):—

General powers and duties of Chief Officer.  
No. 5040 s. 30;  
No. 5651  
s. 2 (1) (e).

- (a) He shall summon once a month at the least all or as many of the members of permanent brigades as may be required for practice in order to render the members fit and efficient for service, and shall arrange for regular practice of members of volunteer brigades;
- (b) He shall from time to time inspect or arrange for the inspection of all brigades and report to the Authority on their state of efficiency or otherwise, and make such recommendations as he thinks fit;
- (c) He shall at all times have the charge and control of all apparatus and other property of the Authority and shall cause the same to be kept in a fit state at all times for efficient service;
- (d) He shall at all reasonable times have free access to any land building or premises (whether public or private) for the purpose of ascertaining and reporting to the Authority on any contravention of the laws relating to the storage of gunpowder

dynamite or other dangerous explosive or of petrol kerosene or other inflammable substance or matter, or relating to the storage of empty crates cases packages sawdust shavings hay and straw, or otherwise relating to the prevention of fires or to the protection of life and property in case of fire or to the abatement of fire dangers; and

- (e) He shall attend the Authority at all times when required to do so and shall make all such inquiries and reports as the Authority directs.

#### DIVISION 2.—FIRE SUPPRESSION.

Powers of  
officers at  
fires.  
No. 5040 s. 31;  
No. 5651  
s. 2 (1) (e).

30. For the purposes of extinguishing or restricting the spread of any fire or of protecting life and property in case of fire the Chief Officer or the captain of any urban or rural brigade or any other officer of an urban or rural brigade appointed generally or specially for the purpose in respect of any urban or (as the case may be) rural district by the Authority shall perform the following duties and may exercise the following powers (that is to say):—

- (a) He shall with all possible speed proceed to the place where the fire is, and shall endeavour by all practicable means to extinguish the fire and save all life and property in jeopardy;
- (b) He shall have the control and direction of any brigade or brigades present at the fire and of any persons who voluntarily place their services at his disposal;
- (c) He shall have authority either alone or with others under his command to enter upon any land house building or premises and if necessary to force open any outer or inner doors of any house or building which may be on fire or in the near neighbourhood of any fire for the purpose of taking any steps which he deems necessary for any of the purposes aforesaid, and he may take or give directions for taking any apparatus required to be used at a fire into through or upon any land house building or premises which he considers convenient for the purpose;
- (d) He may take any measures which in the circumstances are reasonable and which appear to him to be necessary or expedient for any of the



purposes aforesaid and in particular he may cause any house building or structure to be entered into and taken possession of or pulled down or otherwise destroyed or removed, and any fences to be pulled down or otherwise destroyed or removed, and any undergrowth trees scrub grass stubble weeds or other vegetation to be burnt or otherwise destroyed or removed;

- (e) He may cause water to be shut off from any main pipe channel or other works of water supply in order to obtain greater supply and pressure of water for the purpose of extinguishing the fire and he may enter or give directions for entering any land or premises and may take or cause to be taken water from any river creek stream watercourse lake lagoon well dam tank main or pipe or other source of water supply whatsoever; and no person or body of persons having the management of any water supply shall be liable to any penalty or claim by reason of any interruption in the supply of water occasioned by any act matter or thing done under this paragraph;
- (f) He may cause any street road lane or thoroughfare in the vicinity of any fire to be closed to traffic during the continuance of the fire;
- (g) He may order to withdraw, and (in the event of a failure or a refusal to withdraw) remove or direct any member of any fire brigade or any member of the police force present at the fire to remove, any persons who interfere by their presence or otherwise with the operations of any brigade or who are in or on any land building or premises then burning or threatened by fire; and
- (h) 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.

**31.** (1) Every officer of the police force present at any fire shall support and assist the Chief Officer or any officer exercising the powers of the Chief Officer or any officer in charge of a brigade in the maintenance of his authority and in enforcing due obedience by all persons to his orders in the execution of his duty.

Police to  
assist Chief  
Officer &c.  
No. 5040 a. 32.

(2) All members of the police force are hereby authorized and directed to aid brigades in the execution of their duties.

(3) Any member of the police force may of his own motion or on the direction of the Chief Officer or any officer exercising the powers of the Chief Officer or any officer in charge of a brigade—

(a) close any street road lane or thoroughfare in the vicinity of any fire; and

(b) order to withdraw, and (in the event of a failure or refusal to withdraw) remove, any persons who interfere by their presence or otherwise with the operations of any brigade or who are in or on any land building or premises then burning or threatened by fire.

(4) Nothing in this or the last preceding section shall authorize the removal from any land building or premises of any person having any pecuniary interest therein or in any goods or valuables whatsoever thereon.

Duties of  
turncocks of  
water supply  
authorities.  
No. 5040 s. 33.

32. (1) Every turncock or other similar officer or employé of any water supply authority shall on the occurrence of any fire within the area under his supervision with all possible speed proceed to the place where the fire is and assist by all means in his power to ensure a copious supply and pressure of water.

Duties of  
gas and  
electricity  
authorities  
in case of  
fire.

(2) Every public authority supplying gas or electricity to any house building or premises in any urban district shall, on the occurrence of any fire in or on such house building or premises, forthwith send some competent person to disconnect the supply to that house or building or those premises and, if necessary, to other adjoining houses buildings and premises.

As to fires  
in or near  
State forests  
and national  
parks.  
No. 5040 s. 34;  
No. 5651  
s. 2 (1) (f).

33. When any fire is burning in or on any State forest within the meaning of the *Forests Act 1958* or any Crown land reserved from sale for the purposes of a national park pursuant to the *Land Act 1958* or any land (not being land in any urban district) within one mile of any such State forest or Crown land the powers and authorities conferred by this Act on the Chief Officer in respect of any rural district shall be exercisable by any forest officer present at such fire; and if no such forest officer is present at any such fire the said powers and authorities shall be exercisable by the Chief Officer or any officer in charge of a rural brigade who is present at such fire.

Occupier to  
extinguish or  
notify rural  
brigade of  
fire in rural  
district during  
summer  
period.  
No. 5040 s. 35.

34. (1) Where a fire (not being part of burning off operations carried out under and in accordance with this Act or any permit or direction given thereunder) is burning on any land in any rural district (not being land within any fire protected area within the meaning of the *Forests Act 1958*) at any time during the relevant summer period the occupier of such land shall, immediately upon becoming aware of such fire and whether

he has lighted or caused the same to be lighted or not, take all possible steps to extinguish such fire and, if he is unable without assistance to extinguish the same and any practicable means of communication are available, shall without leaving the fire unattended inform or cause to be informed the nearest available officer or member of a rural brigade of the existence and locality of such fire.

(2) Any person who contravenes or fails to comply with any provision of the last preceding sub-section shall be guilty of an offence against this Act and shall be liable to a penalty of not more than Fifty pounds.

#### DIVISION 3.—FIRE PREVENTION.

35. The Authority shall from time to time furnish to the Commission of Public Health information and recommendations as to the requirements for the protection from fire of hospitals theatres opera-houses concert music assembly dance and cinematograph halls skating-rinks churches chapels and other buildings structures or places in which numbers of persons are occasionally assembled.

Authority to inform Commission of Public Health in certain matters.  
No. 5040 r. 36.

36. The Authority may by notice in writing require the council of any municipality any part of the municipal district of which is supplied with water by a permanent reticulated water supply system to provide a pillar hydrant or hydrants at any specified place or places in or near a public street or road within the said part of the municipal district.

Authority may require certain municipalities to provide hydrants in streets &c.  
No. 5040 s. 37.

37. (1) During the relevant summer period no person shall on any land in the country area of Victoria (not being land within any fire protected area within the meaning of the *Forests Act* 1958) set fire to any grass stubble weeds scrub undergrowth or other vegetation (except as is authorized or directed by or pursuant to some other provision of this Act) unless he has first obtained a permit in writing from—

Permit of municipal officer &c. to be obtained for burning-off in summer period.  
No. 5040 s. 38;  
No. 5651  
s. 2 (1) (g).

- (a) (where the land is vested in or under the management or control of any department or public authority) the proper officer of such department or authority; or
- (b) (in any other case) the proper officer of the municipality in the municipal district of which the land is situated or the Chief Officer or other officer exercising the powers of the Chief Officer.

(2) Any such permit shall contain such conditions and restrictions as are prescribed and may contain such further conditions and restrictions as the officer granting the same thinks fit.

(3) Any person who contravenes or fails to comply with the provisions of this section or the conditions or restrictions contained in any permit granted under this section shall be guilty of an offence and liable to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment.

(4) Nothing in this section or in any permit granted under this section shall be deemed to relieve any person from liability for any actionable damage sustained by any other person in consequence of any act matter or thing done by such first-mentioned person under any such permit.

Permit of  
municipal  
officer &c.  
to be obtained  
for charcoal  
burning  
during  
summer  
period.  
No. 5040 s. 39.

38. (1) During the relevant summer period no person shall on any land in the country area of Victoria (not being land within any fire protected area within the meaning of the *Forests Act 1958*) light a fire in the open air for the purpose of converting wood into charcoal unless he has first obtained a permit in writing from—

- (a) (where the land is vested in or under the management or control of any department or public authority) the proper officer of such department or authority; or
- (b) (in any other case) the proper officer of the municipality in the municipal district of which the land is situated.

(2) Every such permit shall contain—

- (a) a condition that the ground within a radius of fifty feet of the site of any kiln retort or pit used for the purpose aforesaid shall be thoroughly cleared of any inflammable material whatsoever, whether growing or not growing, before the fire is lighted; and
- (b) such other conditions and restrictions as are prescribed—

and may contain such further conditions and restrictions as the proper officer granting the same thinks fit.

(3) Any person who contravenes or fails to comply with the provisions of this section or the conditions or restrictions contained in any permit granted under this section shall be guilty of an offence and liable to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment.

(4) Nothing in this section or in any permit granted under this section shall be deemed to relieve any person from liability for any actionable damage sustained by any other person in consequence of any act matter or thing done by such first-mentioned person under any such permit.

39. (1) During the relevant summer period the following provisions shall have effect in the country area of Victoria (except in any part thereof which lies within any fire protected area within the meaning of the *Forests Act 1958*):—

Provisions relating to lighting fires &c. in rural districts during summer period.

No. 5040 s. 40;  
No. 5191 s. 28,  
No. 5651 s. 6.

(a) No person shall light a fire in the open air (except as is authorized or directed by or pursuant to some other provisions of this Act) except in accordance with the following provisions namely:—

- (i) The fire shall not be lighted within twenty-five feet of any log or stump;
- (ii) The fire shall be lighted in a properly constructed fireplace;
- (iii) The ground within a radius of ten-feet of the site of such fireplace shall be thoroughly cleared of all inflammable material whatsoever, whether growing or not growing, before the fire is lighted;

and no person shall at any time maintain or use any fire in such circumstances that, if he had lit it at that time, he would have been guilty of a contravention of the foregoing provisions of this paragraph;

(b) No person who has lighted maintained or used a fire in the open air or who has been left in charge of a fire in the open air shall leave the place of the fire unless—

- (i) he leaves another person in charge of the fire; or
- (ii) he completely extinguishes the fire before leaving;

(c) No person shall in the open air throw down or drop any lighted tobacco, cigarette, cigar or match or any other burning material or thing; and

(d) No person shall knowingly put or place any match or any phosphorus or any substance containing phosphorus or any explosive or any combustible substance or matter whatsoever in such a position that—

- (i) the same may be directly or indirectly ignited exploded or set on fire by the action of the sun's rays or by friction or by any other natural cause; or

(ii) a fire is likely to be caused—  
and whether or not any fire or explosion is  
actually caused thereby.

**Penalty.**

(2) Any person who contravenes or fails to comply with any provision of the last preceding sub-section shall be guilty of an offence and liable to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment.

Provisions relating to days of acute fire danger.  
No. 5040 s. 41;  
No. 5191 s. 29;  
No. 5651  
s. 2 (1) (b).

40. (1) On any day in respect of which the Authority or (when so authorized in writing by the chairman of the Authority either generally or in a particular instance) the Chief Officer or the Secretary of the Authority has caused to be broadcast from a broadcasting station in the State of Victoria a warning of the likelihood of the occurrence of weather conditions conducive to the spread of fires in the whole or any specified part or parts of the said State, no person shall—

(a) light any fire in the open air or permit or suffer any fire in the open air to remain alight notwithstanding any permit or direction which may have been issued or given to him under this or any other Act; or

(b) use or leave in operation any producer-gas equipment on or in connexion with any vehicle—

within the said State or (as the case may be) any part of the State specified as aforesaid.

**Penalty.**

(2) Any person who contravenes or fails to comply with any provision of the last preceding sub-section shall be guilty of an offence and liable to a penalty of not more than Two hundred pounds or to imprisonment for a term of not more than two years or to both such penalty and imprisonment.

Withdrawal of authority to issue warnings.

(3) Any authority in writing given by the chairman of the Authority to the Chief Officer or to the Secretary of the Authority for the purposes of sub-section (1) of this section may be at any time withdrawn by the chairman by notice in writing.

Certificate of Secretary as to broadcast of fire warning.

(4) In any proceedings for an offence against this section a certificate purporting to be signed by the Secretary of the Authority to the effect that a warning of the likelihood of the occurrence of weather conditions conducive to the spread of fires in the whole or in any specified part or parts of the State of Victoria was pursuant to this section broadcast from a broadcasting station in the said State in respect of any specified day shall be *prima facie* evidence of the facts set out therein.

41. (1) In the country area of Victoria, the proper officer of any municipality may on behalf of the municipality at any time by notice in writing direct the owner or occupier (not being a public authority) of any land within the municipal district of the municipality (not being land within any fire protected area within the meaning of the *Forests Act 1958*)—

Direction to owner or occupier of land by proper officer of municipality to remove fire hazards or clear fire-breaks.

No. 5040 s. 42;  
No. 5191 s. 30.

(a) to remove from such land, within the time and in the manner specified in the notice (whether by burning or otherwise) all grass stubble weeds scrub undergrowth or other material, whether of the like kind to the foregoing or not, which in the opinion of such officer constitutes or is likely to constitute a fire danger to neighbouring properties; or

(b) to make or clear, within the time and in the manner specified in the notice, (whether by burning or otherwise) such fire-breaks on such land and in such positions as such proper officer considers necessary for the protection of neighbouring properties.

(2) Any such notice may be given—

(a) by delivering it personally to the owner or occupier to whom it is directed;

(b) by sending it by post in a registered letter addressed to such owner or occupier at his last known place of abode; or

(c) (where service in either of such ways is impracticable) by posting it in some conspicuous position on the land to which it relates.

(3) If within the time specified in the notice the owner or occupier to whom it is directed fails to comply with the direction therein contained he shall be guilty of an offence and liable to a penalty of not more than Twenty pounds, and any servants agents or workmen of the municipality or any officers or members of any brigade authorized by the proper officer of the municipality may, without prejudice to the liability of the owner or occupier, enter upon the land and do all such acts matters and things as the owner or occupier was directed to do, and the expenses of doing such acts matters or things shall be borne by and may be recovered from such owner or occupier by the municipality or by the Authority (as the case requires) in any court of petty sessions as a civil debt recoverable summarily.

Power to brigades to carry out fire prevention works at request of owners of lands or municipalities or public authorities.

No. 5040 s. 43;  
No. 5191 s. 31.

42. (1) The officers and members of any brigade, at the request of the owner or occupier of any land or at the request of any municipality or public authority in which any land is vested or which has any land under its control or management or upon which the maintenance of any highway road street lane or thoroughfare is charged, may carry out on such land highway

road street lane or thoroughfare at the expense of such owner occupier municipality or public authority (as the case may be) any works (including burning) for the removal or abatement of any fire danger or for the prevention of the occurrence or spread of fires, and the expenses of carrying out any such works may, if not paid on demand, be recovered from such owner occupier municipality or public authority in any court of petty sessions as a civil debt recoverable summarily and, when so paid or recovered, shall be paid to or used for the benefit of the brigade which carried out the works.

Power to brigades to carry out fire prevention works with consent of owners &c. of lands or municipalities or public authorities.

(2) Subject to the general direction and control of the Authority and the appropriate Chief Officer the officers and members of any brigade may, with the consent of any such owner occupier municipality or public authority as aforesaid, carry out on any such land highway road street lane or thoroughfare as aforesaid any works (including burning) for the prevention of the occurrence or spread of fire which the officer in charge of such brigade thinks necessary or expedient.

Duties and powers of public authorities. No. 5040 s. 44; No. 5191 s. 32.

43. (1) It shall be the duty of every municipality and every public authority to take all practicable steps (including burning) to prevent the occurrence of fires on and to minimize the danger of the spread of fires on or from—

- (a) any land vested in it or under its control or management; and
- (b) any highway road street lane or thoroughfare the maintenance of which is charged upon it.

(2) Any municipality or public authority may acquire such apparatus and other property and do all other acts matters and things which it considers necessary or expedient for the purposes aforesaid, and notwithstanding anything in any Act any municipality or public authority may expend for the said purposes any part of its municipal fund or (as the case may be) the funds vested in it for its ordinary works and undertakings.

(3) Where the cost of the maintenance of any highway road street lane or thoroughfare is apportioned between any two or more public authorities or municipalities or between any public authority or public authorities and any municipality or municipalities, the cost of carrying out the provisions of this section shall be apportioned between them and shall be met in the same manner in all respects as if such cost were part of the cost of such maintenance.

Duties of Regional Officers as to inspection &c. No. 5040 s. 45; No. 5651 s. 2 (1) (i).

44. It shall be the duty of every Regional Officer subject to the general direction and control of the Authority and the Chief Officer, to inspect regularly all rural districts within his region to ascertain whether the provisions of this Act are being properly and efficiently carried out and administered therein and to report



to the Authority thereon at such times as are prescribed or as the Authority directs, and for the purposes of any such inspection any such Regional Officer may enter into and upon any land or premises whatever within any such rural district.

45. (1) Where the Governor in Council is satisfied upon a report of the Authority that the powers and duties conferred and imposed by this Part upon the proper officer of a municipality are not being properly and efficiently carried out in the municipal district of any municipality, the Governor in Council may by Order published in the *Government Gazette* direct that such powers and duties shall for such period as is specified in the Order be vested in and imposed upon—

Power to Governor in Council to transfer municipal officer's powers to Regional Officer.  
No. 5040 s. 46;  
No. 5651  
s. 2 (1) (j).

- (a) the appropriate Regional Officer in respect of any rural district or part of a rural district within the municipal district; or
- (b) an Assistant Chief Officer nominated by the Authority for the purpose in respect of any urban district or part of an urban district within the municipal district—

subject to the general direction and control of the Authority and the Chief Officer.

(2) Upon the publication of any such Order the powers and duties of such proper officer shall for the specified period be so vested in and imposed upon the Regional Officer or Assistant Chief Officer named or referred to in the Order, and the provisions of this Division shall with the necessary adaptations be read and construed accordingly, and the expenses of the carrying out of such powers and duties, as determined by the Governor in Council, shall (to the extent that they are not otherwise paid or recovered) be borne by and may irrespective of amount be recovered from the municipality by the Authority in any court of petty sessions as a civil debt recoverable summarily.

46. Where the Authority upon the report of the Chief Officer or other officer exercising the powers of the Chief Officer is satisfied that the powers and duties conferred and imposed by this Division upon any department or public authority or upon any officer thereof or upon any municipality are not being properly and efficiently carried out on and in relation to any land vested in or under the management or control of such department public authority or municipality or on and in relation to any highway road street lane or thoroughfare the maintenance of which is charged upon such public authority or municipality, the

Provision in case of failure by public authority &c. to observe provisions of this Act.  
No. 5040 s. 47.

Authority shall report thereon to the Governor in Council, and thereupon the Governor in Council may take such action in the matter as he thinks fit.

Construction of this Division.  
No. 5040 s. 45.

47. The provisions of this Division shall be read and construed as in aid of and not in derogation from the provisions of any other Act or law relating to fires or to the careless negligent or criminal use of fire.

Power to police, Chief Officer &c. to direct extinguishment of fire.  
No. 5651 s. 9.

48. (1) Where any member of the police force or the Chief Officer or other officer exercising the powers of the Chief Officer or the captain of any brigade or any other officer of a brigade appointed generally or specially for the purpose in respect of any district directs the owner or occupier of or person residing on and having charge and control of any private land (including any Crown land leased with a right of purchase) within the country area of Victoria (not being land within any fire-protected area within the meaning of the *Forests Act 1958*)—

(a) to extinguish any fire on that land; or

(b) to take such steps as the member of the police force or officer as aforesaid directs to extinguish the fire or to prevent the same from spreading or causing injury—

the said owner occupier or person (notwithstanding that he may have lighted or maintained the said fire in accordance with this Act and the regulations thereunder) shall forthwith extinguish the fire or take such steps as aforesaid accordingly.

Penalty.

(2) Every such owner occupier or person who when so directed as aforesaid—

(a) fails neglects or refuses to extinguish the fire forthwith or to take forthwith such steps as aforesaid; or

(b) purports to carry out the directions but does so in such a manner that the fire is not extinguished and breaks out or is likely to break out subsequently—

shall be guilty of an offence and liable to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment.

Obligation of saw-millers &c.  
No. 5651 s. 10.

49. (1) Every person carrying on the business of timber saw-milling or other industrial operation on any land in the country area of Victoria (not being land within any fire-protected area within the meaning of the *Forests Act 1958*) shall provide and

maintain and shall use in the prescribed manner and at the prescribed times and intervals and subject to the prescribed conditions such means as are prescribed for the regular destruction or disposal of industrial waste sawdust bark edgings wood or other inflammable material, whether or not of the like kind to the foregoing.

(2) No person shall on any land in the country area of Victoria (not being land within any fire protected area within the meaning of the *Forests Act 1958*) light use or maintain any fire in the open air for the purpose of destroying or disposing of industrial waste sawdust bark edgings wood or other inflammable material, whether or not of the like kind to the foregoing, except in the prescribed manner and at the prescribed times and intervals and subject to the prescribed conditions.

Burning of industrial waste, except as prescribed, an offence.

(3) Any person who contravenes or fails to comply with any of the foregoing provisions of this section or any condition prescribed thereunder shall be guilty of an offence and liable to a penalty of not more than Fifty pounds.

Penalty.

50. (1) Any person who in the country area of Victoria during the relevant summer period drives a motor car within the meaning of the *Motor Car Act 1958* (not being a motor tractor within the meaning of the said Act) so that the motor car is in contact with any crop grass stubble weeds undergrowth or other vegetation (whether or not of the like kind to the foregoing) shall, unless the motor car is fitted with an efficient silencing device so constructed that all exhaust from the engine of the motor car passes through the silencing device, be guilty of an offence and liable to a penalty of not more than One hundred pounds.

Regulation of driving of motor car in contact with crops &c. during summer period.  
No. 5651 s. 11;  
No. 6159 s. 3.

(2) Any person who in the country area of Victoria during the relevant summer period drives any motor tractor or other tractor or traction engine propelled by or incorporating a heat engine so that the tractor or traction engine is in contact with any crop grass stubble weeds undergrowth or other vegetation (whether or not of the like kind to the foregoing) shall unless the engine—

Regulation of use of certain engines near crops grass &c. during summer period.

is free from faults and mechanical defects which would tend to cause the outbreak of fire; and

is fitted with an efficient spark arrester; and

is equipped with an effective water-spray pump of the knapsack pattern in proper working order and with the container fully charged with water—

be guilty of an offence and liable to a penalty of not more than One hundred pounds.

## PART IV.—REGIONAL AND LOCAL ADVISORY COMMITTEES.

## DIVISION 1.—PRELIMINARY.

Inter-pretation.

“Appropriate authorities.”  
No. 5191 s. 3.

51. In this Part “appropriate authorities,” in respect of any region or area, means—

- (a) the proper officer or proper officers of the municipality or municipalities the municipal district or municipal districts of which is or are wholly or partly within the region or area;
- (b) the proper officers of every department and public authority in which any land within the region or area is vested or which has the management or control of any such land; and
- (c) (where there is adjacent to the region or area any part of a forest or of any Crown land reserved from sale for the purposes of a national park pursuant to the *Land Act* 1958) the Chairman of the Forests Commission.

## DIVISION 2.—REGIONAL ADVISORY COMMITTEES.

Appointment of regional advisory committees.  
No. 5191 s. 4.

Constitution of committee.

52. (1) The Authority may appoint a regional advisory committee for each region (not being a region consisting wholly of an urban district).

(2) Each such committee shall consist of—

- (a) the Regional Officer, who shall be the executive officer of the committee; and
- (b) two representatives (appointed by the Authority after election in the prescribed manner by the members of the local advisory committee) of each local advisory committee appointed as hereinafter provided in respect of municipal districts or parts of municipal districts within the region.

(3) The chairman of each such committee shall be elected annually by the members thereof.

Functions of committee.  
No. 5191 s. 5.

53. The functions of a regional advisory committee shall be—

- (a) to submit to the appropriate authorities recommendations and plans for—
  - (i) the burning or clearing of a co-ordinated system of major firebreaks for the protection of the region; and

- (ii) the carrying out of works (including the burning or clearing of firebreaks) for the prevention of the outbreak or spread of fire from dangerous areas within or immediately adjacent to the region; and
- (b) to carry out such other functions as are conferred or imposed upon regional advisory committees by regulations made upon the recommendation of the Authority.

### DIVISION 3.—LOCAL ADVISORY COMMITTEES.

**54.** (1) The Authority may appoint a local advisory committee in respect of any area being within the country area of Victoria and being the municipal district or part of the municipal district of a municipality.

Appointment  
of local  
advisory  
committees.  
No. 5191 s. 6.

(2) Each local advisory committee shall consist of—

Constitution  
of committee.

- (a) the proper officer of the municipality, who shall be chairman and executive officer of the committee;
- (b) one representative (appointed by the Authority after election in the prescribed manner by the members of the brigade) of each urban or rural brigade operating within the area;
- (c) a representative of the council of the municipality appointed by the Authority upon nomination by the council; and
- (d) (where there is adjacent to the area any part of a forest or of any Crown land reserved from sale for the purposes of a national park pursuant to the *Land Act* 1958) a representative of the Forests Commission appointed by the Authority upon nomination by the said Commission.

**55.** The functions of each local advisory committee shall be—

Functions  
of committee  
No. 5191 s. 7.

- (a) to plan the burning or clearing of firebreaks within the area for which it is appointed;
- (b) to advise the appropriate authorities as to the existence of and steps to be taken for the removal of fire hazards within the area;
- (c) to recommend to the appropriate authorities the allowance or disallowance of applications for permits made pursuant to sections thirty-seven and thirty-eight of this Act;

- (d) to recommend to the Authority or to the appropriate authorities (as the case may require) any action which the committee deems necessary or expedient to be taken for reducing the risk of an outbreak of fire or for suppressing any fire which may occur within the area;
- (e) to elect representatives to the regional advisory committee;
- (f) to advise the proper officer concerning the removal of fire hazards under section forty-one of this Act;
- (g) to refer to the regional advisory committee for consideration all matters which in the opinion of the local advisory committee should be so referred; and
- (h) to carry out such other functions as are conferred or imposed upon local advisory committees by regulations made upon the recommendation of the Authority.

DIVISION 4.—GENERAL.

Provision in case of failure of nomination or election.  
No. 5191 s. 2.

**56.** If at any time any person or body of persons aforesaid—

- (a) fails to submit to the Authority, within one month after receipt of a request in writing in that behalf from the Authority, a nomination of a representative; or
- (b) fails to elect within the prescribed time a representative or representatives—

for appointment to any regional or local advisory committee, the Authority may without such submission or election appoint any otherwise eligible person or persons (as the case requires) to be a member or members of the said committee and the person or persons so appointed shall for all purposes be deemed to be duly appointed.

Term of office.  
No. 5191 s. 3.

**57.** (1) The members of each such committee shall, subject to this Part, be appointed to hold office for such term, not exceeding three years, as the Authority determines, but any person so appointed shall upon the expiration of the term for which he was appointed be eligible for re-appointment if then qualified.

- (2) The Authority may at any time remove any member of any such committee from office. Removal from office.
58. (1) The Authority may, subject to this Part, at any time appoint a person to fill a vacancy in any such committee however arising. Filling vacancies. No. 5191 s. 16.
- (2) Any person appointed to fill a vacancy in the office of member of any such committee arising otherwise than by the effluxion of the term for which the member was appointed shall hold office only for the remainder of that term.
59. (1) Each such committee shall meet as often as the chairman or a majority of the committee deems necessary. Meetings. No. 5191 s. 11.
- (2) At any meeting of any such committee the chairman or in his absence a member of the committee elected by the members present at the meeting shall preside and be chairman of the meeting. Chairman at meetings.
- (3) A quorum of any such committee shall consist of not less than half of the full number of members of the committee. Quorum.
- (4) Any question arising at any meeting of any such committee shall be determined by the votes of a majority of the members present thereat and in the event of an equality of votes on any matter the chairman of the meeting shall have a second or casting vote. Determination of questions.
- (5) Subject to this Part, each committee may regulate its own proceedings in such manner as it thinks fit. Regulation of proceedings.
60. The members of every regional advisory committee shall be entitled to receive such travelling expenses as are prescribed by regulations made upon the recommendation of the Authority, and the travelling expenses paid to such members shall be deemed to be part of the expenditure incurred by the Authority in the execution of this Act. Travelling expenses of members of regional committees. No. 5191 s. 12.
61. (1) The Governor in Council may upon the recommendation of the Authority make regulations for or with respect to prescribing any matter or thing authorized or required to be prescribed under this Part or necessary or expedient to be prescribed for the purposes of this Part. Regulations. No. 5191 s. 13.
- (2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament and a copy of all such regulations shall be posted to each member of Parliament. Publication of regulations.

## PART V.—COMPENSATION OF CASUAL FIRE-FIGHTERS.

Inter-  
pretation.  
No. 5191 s. 14.  
" Board."

62. In this Part unless inconsistent with the context or subject matter—

" Board " means the Workers Compensation Board.

" Casual  
fire-fighter."

" Casual fire-fighter " means any person (not being an enrolled officer or member of a brigade) who without remuneration or reward voluntarily engages in fire-fighting at any fire in Victoria outside the metropolitan fire district at the request or with the approval, expressed or implied, of the officer in charge of operations at the fire.

" Fire-  
fighting."

" Fire-fighting " at any fire means—

- (a) performing under the control or direction of the officer in charge of operations at the fire any act or operation at or about the scene of the fire which is necessary or expedient for or directed towards the suppression of the fire, or the prevention of the spread of the fire, or the saving of life or property, or the treatment of persons injured at the fire, or the provision of sustenance for persons performing the said acts or operations; and
- (b) proceeding at the direction of the said officer to the scene of the fire exclusively for the purposes of performing any such act or operation as aforesaid.

" Fund."

" Fund " means the Casual Fire Fighters Compensation Fund established under this Act.

" Officer in  
charge."

" Officer in charge " in respect of operations at any fire means the Chief Officer, Deputy Chief Officer, Assistant Chief Officer, Regional Officer, captain or other officer of a brigade, or forest officer (as the case may be) who, pursuant to the provisions of this Act, has the control and direction of any brigade or brigades present at the fire and of any persons who voluntarily place their services at his disposal.

Establishment  
of " Casual  
Fire Fighters  
Compensation  
Fund."  
No. 5191 s. 15.

63. There shall be kept in the Treasury a fund to be called the " Casual Fire Fighters Compensation Fund."

Contributions  
to fund.  
No. 5191 s. 17;  
No. 5512  
s. 4 (2) (a),  
No. 5712 s. 3.

64. If on the thirtieth day of April in any year the amount at credit in the fund (less any amounts of compensation or expenses then payable under this Part) is less than One thousand pounds, the following provisions shall apply—

- (a) The difference between the amount at credit in the the fund (less any such amounts as aforesaid) and



the sum of Two thousand pounds shall as provided in this section be contributed and paid to the fund as follows:—

- (i) The Treasurer of Victoria shall contribute one-third out of the fund in the Treasury known as the "Municipalities Assistance Fund"; and
  - (ii) The insurance companies insuring against fire property situated within the country area of Victoria shall contribute two-thirds;
- (b) The amounts to be so paid shall be paid in equal quarterly instalments on the first day of July the first day of October the first day of January and the first day of April respectively in the following financial year;
- (c) The quarterly instalments payable by the Treasurer of Victoria shall be paid directly into the fund;
- (d) Before the fifteenth day of May next after the thirtieth day of April hereinbefore referred to the Treasurer of Victoria shall certify to the Authority the amount to be contributed by insurance companies in the ensuing financial year.

65. (1) The amount to be contributed by each insurance company under section sixty-four shall bear the same proportion to the total contributions by insurance companies as the amount of premiums shown in the company's last return furnished pursuant to this Act bears to the aggregate amount of premiums shown in all such returns.

Ascertainment and payment of contributions by insurance companies.  
No. 5191 s. 18;  
No. 5512  
s. 4 (2) (b).

(2) For the purposes only of the payment and recovery of contributions by insurance companies under this Part and of penalties for non-payment thereof the said contributions shall be deemed to be contributions to the estimated expenditure of the Authority under this Act and the provisions of this Act shall apply accordingly.

(3) Upon receipt by the Authority of the contributions under this Part the Authority shall forthwith remit them to the Treasurer of Victoria for payment into the fund and they shall be paid into the fund accordingly.

66. Out of the fund there shall be paid—

- (a) all payments of compensation made pursuant to this Part; and

Payments out of fund.  
No. 5191  
s. 19 (1).

(b) the expenses of the Board in the administration of this Part.

Provision where fund insufficient to meet claims. No. 5191 s. 19 (2).

67. If at any time the amount at credit in the fund is insufficient to meet any proper claim thereon, the amount of that claim, so far as it cannot be met from the fund, shall be paid out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly), and every amount so paid shall be debited to the fund and shall form part of the moneys to be contributed as aforesaid in the ensuing financial year, and when so contributed shall be forthwith repaid to the Consolidated Revenue.

Compensation in respect of injury to casual fire-fighter. No. 5191 s. 20.

68. (1) If any casual fire-fighter suffers personal injury by accident arising out of or in the course of fire-fighting at any fire in Victoria outside the metropolitan fire district compensation shall be payable out of the fund as hereinafter provided.

(2) The persons to whom or for whose benefit compensation shall be payable shall be those persons to whom or for whose benefit compensation would be payable under the *Workers' Compensation Act 1958* if the casual fire-fighter were a worker within the meaning of that Act and the personal injury were caused in his employment by accident arising out of or in the course of the employment.

(3) All claims for compensation under this section shall be made to the Board in accordance with rules made by the Board pursuant to this Part.

(4) The nature amount and limits of the compensation, the time at which and the period during which compensation is payable, the manner of payment or application of compensation, the circumstances in which payments of compensation shall cease or be reviewed or altered and all other matters relating to compensation shall be determined by the Board or in such manner as the Board directs and the Board's determinations and directions shall be final and without appeal.

(5) In making any determination or giving any direction in relation to any matter referred to in the last preceding sub-section the Board shall so far as practicable be guided by reference to the applicable provisions of the *Workers' Compensation Act 1958* (other than sections eleven to twenty-six thereof) governing the corresponding matter under that Act:

Provided that—

(a) no person shall be debarred from compensation in respect of personal injury caused to any casual fire-fighter by reason only that such casual

fire-fighter was not at the relevant time a "worker" within the meaning of the *Workers' Compensation Act 1958*; and

- (b) for the purpose of assessing compensation the average weekly earnings of a casual fire-fighter shall be computed by the Board by reference to his employment by any employer or employers during the relevant period before the accident or (if he was not then working under any contract of service) upon such basis as in the opinion of the Board is best calculated to give the appropriate compensation for his loss of earning capacity, but so that any relevant maximum limits imposed by the *Workers' Compensation Act 1958* shall not be exceeded.

69. (1) If at any fire in Victoria outside the metropolitan fire district—

- (a) any wearing apparel or personal effects worn by or upon the person of any casual fire-fighter while engaged in fire-fighting at the fire; or
- (b) any vehicle or equipment or property used in connexion with attendance or fire-fighting at the fire and owned by or in the possession or custody of a casual fire-fighter—

Compensation in respect of destruction or damage of wearing apparel, vehicles, equipment &c.  
No. 5191 s. 21;  
No. 5651 s. 12.

is or are destroyed or damaged, the owner thereof shall be entitled to such compensation from the fund as the Board considers reasonable to indemnify the owner for such destruction or damage and the determination of the Board shall be final and without appeal:

Provided that—

- (a) the amount of compensation payable pursuant to paragraph (a) of this sub-section in any particular case shall not exceed Twenty pounds; and
- (b) no compensation shall be payable under any provision of this sub-section in any case where the owner is entitled to adequate reimbursement under any policy of insurance or from any other source whatever.

(2) All claims for compensation under this section shall be made to the Board in accordance with rules made by the Board pursuant to this Part.

No compensation where compensation otherwise payable.  
No. 5191 s. 22.

70. (1) No compensation shall be payable under any provision of this Part in respect of personal injury to any person who is otherwise entitled to adequate compensation in respect of the same injury.

No compensation to owner &c. of land where injury &c. occurs.

(2) No compensation shall be payable under any provision of this Part in respect of personal injury to or destruction or damage of any property of—

- (a) the owner or occupier of or any resident on the land or premises on which the injury destruction or damage occurs; or
- (b) any employé of any such owner occupier or resident.

Joining of claims for injury and damage by same person.  
No. 5191 s. 23.

71. Where a claim for compensation in respect of personal injury and a claim for compensation in respect of the destruction or damage of property are made under this Part by or on behalf of the same person, the said claims may be joined and dealt with by the Board as one claim and the Board may award compensation accordingly.

Insurance Commissioner to represent fund and to have powers of employer.  
No. 5191 s. 24.

72. In all proceedings before the Board and generally in regard to claims for compensation and the payment of compensation under this Part the Insurance Commissioner under the *Workers' Compensation Act 1958* shall represent the fund and shall, subject to rules made by the Board pursuant to this Part, have the same powers rights and authorities as an employer has under the said Act in regard to the corresponding matter relating to a worker under the said Act.

Powers of Board in respect of proceedings &c.  
No. 5191 s. 25.

73. (1) For the purpose of conducting any proceedings under this Part and generally of giving effect to the provisions of this Part the Board shall have all the same powers and authorities, so far as applicable, as it has in the exercise of its jurisdiction and powers under the *Workers' Compensation Act 1958*.

(2) In arriving at any determination under this Part the Board shall be guided by the real justice of the matter without regard to legal forms and solemnities.

Power to make rules.

(3) The Board may make rules for any purpose for which this Part requires or authorizes rules to be made and generally for the purpose of carrying into effect the provisions of this Part relating to compensation.

Mode of payment &c. of amounts of compensation awarded.  
No. 5191 s. 26.

74. (1) All amounts of compensation awarded by the Board under this Part shall be paid out of the fund upon the certificate of the Board.

(2) Where the Board has made an award of compensation which will not be immediately payable to the person or persons entitled to the benefit thereof the Board may by its certificate direct the payment of the amount of the award into the custody of the Board.

(3) Any moneys paid out of the fund into the custody of the Board shall be held invested or otherwise dealt with by the Board for the benefit of the person or persons entitled thereto in the same manner as nearly as possible as are moneys paid to the custody of the Board pursuant to the *Workers' Compensation Act 1958*.

#### PART VI.—FINANCIAL.

75. (1) Before the end of every financial year the Authority shall prepare—

Authority to make annual estimate of expenditure.  
No. 5040 s. 49.

(a) an estimate of the probable expenditure to be incurred by the Authority in the execution of this Act during the then ensuing financial year (including the amounts of principal and interest payable during the said financial year on debentures issued under this Act and on debentures the liability under which is transferred to the Authority by this Act and any amounts payable into any fund pursuant to this Part); and

(b) an estimate of the parts of such expenditure applicable to each region.

(2) No such estimate of expenditure shall exceed in any financial year such limit as is fixed by the Minister before the preparation of the estimate, and no estimate (except in so far as it relates to amounts of principal and interest payable on debentures) shall have any force or effect until approved by the Governor in Council.

Limitation of expenditure and approval of estimate.

76. (1) Towards the annual expenditure so estimated—

(a) the Treasurer of Victoria shall contribute one-third out of the fund in the Treasury known as the "Municipalities Assistance Fund"; and

(b) the insurance companies insuring against fire property situated within the country area of Victoria shall contribute two-thirds.

Contributions to annual expenditure of Country Fire Authority.  
No. 5040 s. 50;  
No. 5512  
s. 4 (1) (a);  
No. 5712 s. 2.

(2) The amounts to be so contributed shall be paid in equal quarterly instalments on the first day of July the first day of October the first day of January and the first day of April respectively in each financial year.

Payment of contributions.

Determination of insurance companies' contributions.  
No. 5040 s. 53.

**77.** The contributions of the respective insurance companies shall be determined as follows:—

- (a) Each such company shall before the last day of February in each year or at such other time as the Authority directs transmit to the Authority a return showing the amount of premiums received by or due to such company during the preceding calendar year;
- (b) For the purposes of this section "amount of premiums" in respect of any year means the gross amount of all premiums received by or due to the company in that year in respect of all property in the country area of Victoria insured against fire, including any commission or discount but not including any part of any such premium actually paid away by way of re-insurance effected in Victoria with any other insurance company contributing under this Act;
- (c) To every such return there shall be annexed a statutory declaration by the manager secretary or agent or other person for the time being performing the duties of manager secretary or agent of the company to the effect that according to the books of the company and to the best of his knowledge and belief the said return contains a true statement of the amount of premiums;
- (d) The amount to be contributed by each such company shall bear the same proportion to the whole contribution by insurance companies as the amount of premiums shown in the company's return bears to the aggregate amount of premiums shown in all such returns;
- (e) The amount of the contribution of any such company shall be absolutely determined by the Authority and shall be so fixed as to produce on the aggregate of all such contributions by insurance companies the amount of two-thirds of the estimated expenditure.

Penalty for failure to transmit return &c.  
No. 5040 s. 54.

**78.** Any insurance company which fails to transmit a return within the due time therefor or which transmits an incorrect or incomplete return shall be guilty of an offence against this Act and liable to a penalty of not more than One hundred pounds.

Officers of companies to produce books &c.  
No. 5040 s. 55.

**79.** (1) The manager secretary agent or other person having the custody of the books and papers of any insurance company shall during the company's hours of business produce to and allow any person appointed by the Authority in that behalf to inspect

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.

(2) Any such manager secretary agent or other officer as aforesaid who contravenes or fails to comply with any provision of this section shall be guilty of an offence against this Act and liable to a penalty of not more than Twenty pounds.

80. If any insurance company liable to contribute under this Act fails to pay any quarterly payment prescribed by this Act within fourteen days after it has become due, such insurance company shall be liable to a penalty of not less than Twenty pounds and not more than Fifty pounds, and also to a further penalty of Ten pounds for every day during which such failure to pay continues.

Penalty for failure to make payment.  
No. 5040 s. 56;  
No. 5512  
s. 4 (1) (c).

81. (1) If in any financial year the amount received by the Authority from contributions under this Act falls short of the expenditure based on the estimate for that financial year the deficit shall be added to the estimate of expenditure for the ensuing year and the contributions increased accordingly; but if the amount received by the Authority in any financial year from contributions under this Act exceeds the expenditure based on the estimate for that financial year then the excess shall be treated as a credit in favour of the estimated income of the ensuing year and the contributions reduced accordingly.

Increase or reduction of annual contributions.  
No. 5040 s. 57;  
No. 5191 s. 33,  
No. 5512  
s. 4 (1) (d).

(2) Notwithstanding anything in this Act, if the Authority is satisfied that, whether by reason of any error in any return of valuations or premium receipts or otherwise, the amount contributed by any insurance company in any financial year (whether before or after the commencement of this Act) has exceeded or fallen short of the proper contribution of that company for that year, then the Authority may reduce or (as the case requires) increase the amount to be contributed by that company in any subsequent financial year by the amount of the excess or deficiency, and the amount of such excess or deficiency shall correspondingly be added to or (as the case requires) deducted from the amount to be contributed by the other insurance companies in such subsequent year.

Provision in case of overpayment of contribution by insurance company.

82. (1) The Authority with the consent of the Governor in Council may from time to time borrow such moneys as it deems necessary in order to enable it to carry out and perform the powers authorities and duties vested in or conferred or imposed upon it by this Act, and may issue debentures under the seal of the Authority for the amount so borrowed together with interest thereon at a rate not exceeding Six pounds per centum per annum.

Borrowing by Authority.  
No. 5040 s. 58;  
No. 5542 s. 2,  
No. 5870 s. 2,  
No. 5953 s. 2.

Limit of borrowing.

(2) The principal liability of the Authority in respect of debentures issued under this section and of debentures the liability under which is transferred to the Authority by this Act shall not at any time exceed One million pounds.

(3) The amount so borrowed with interest thereon shall be a first charge upon all the property and revenue, whether accrued or to accrue, of the Authority, and the regulations shall prescribe the form of such debentures and the term for which they may be issued and the manner in which they are to be redeemed and the amount or rate of the periodical or other payments to be made towards such redemption.

Debentures a lawful investment for State Savings Bank.

(4) Notwithstanding anything in any Act, any debentures issued by the Authority and any debentures the liability under which is transferred to the Authority by this Act shall be a lawful investment for any moneys which The Commissioners of the State Savings Bank of Victoria are authorized or directed to invest pursuant to the *State Savings Bank Act 1958* as if they were municipal debentures.

Provision in case of default by Authority in respect of debentures.  
No. 5040 s. 59;  
No. 5512  
s. 4 (1) (e).

**83.** (1) If the Authority at any time makes default in paying any principal or interest secured by any debenture or in making the prescribed provision for the redemption of debentures, the Minister, if so authorized by the Governor in Council, shall be entitled to receive from the Treasurer of Victoria and to receive and recover from the insurance companies either the whole of the annual contributions which would otherwise have been payable to the Authority or such part thereof as the Governor in Council determines to be necessary for the purposes of paying any principal or interest in arrear or making the prescribed provision for the redemption of debentures, and shall apply to such purposes the moneys so received.

(2) Nothing in this section shall be deemed to take away any right of action or procedure which any debenture holder at any time has in respect of the property and revenue of the Authority.

Power to Authority to establish certain funds &c.  
No. 5040 s. 60.

**84.** The Authority may—

- (a) with the consent of the Governor in Council establish a fund or funds to be applied towards the purchase construction renewal or replacement of land buildings apparatus or plant; and
- (b) pay into any such fund, or into any fund for any of the like purposes transferred to the Authority by this Act, such amounts as the Governor in Council approves.



85. The Treasurer of Victoria may, in addition to the contribution to the expenditure of the Authority hereinbefore provided for, from time to time grant to the Authority for any special purposes and subject to such conditions as the Treasurer thinks fit, any further sums out of moneys provided by Parliament for the purpose.

Power to Treasurer to make additional grants to Authority.  
No. 5040 s. 61.

86. The accounts of all moneys received and disbursed by the Authority shall be audited once at least in every year by the Auditor-General, who shall have in respect of such accounts all the powers conferred on him by any law now or hereafter in force relating to the audit of the public accounts.

Audit of Authority's accounts.  
No. 5040 s. 62.

87. (1) The owner of any uninsured house or building on the premises of which a fire occurs and the owner of any uninsured personal property which is in any house or building on the premises of which a fire occurs shall (subject to the next succeeding sub-section) be liable to pay to the Authority the expenses and charges incurred by any brigade in attending such fire as determined by or pursuant to the regulations, and in default of payment on demand such expenses and charges may be recovered in a court of petty sessions as a civil debt recoverable summarily or in any court of competent jurisdiction.

Uninsured owners of houses and property to pay expenses of brigade at fire.  
No. 5040 s. 63;  
No. 5512  
s. 4 (1) (f).

(2) The expenses and charges payable by any owner pursuant to this section shall in no case exceed one-fifth of the actual value of so much of the house building or property as is saved from destruction or damage by such fire, and such expenses and charges shall (where the owner of an uninsured house or building and the owner or owners of uninsured personal property are both or all so liable) be rateably apportioned between such owners according to the respective values of so much of the house or building and so much of the personal property as is so saved.

(3) If any dispute arises between any persons liable to pay the expenses and charges payable under this section as to the proportion of such expenses and charges payable by each or any of them, the Authority may determine the amount payable by each such person, and such determination shall be intimated to the persons concerned by writing under the seal of the Authority and shall be final and binding upon all the persons concerned.

(4) In any proceeding to recover moneys payable under this section it shall be sufficient to allege that the Authority has made a determination fixing the amount payable by the defendant, and the onus of proving the contrary shall lie on the defendant.

(5) The owner of any uninsured personal property not in any house or building at the time of a fire of such personal property shall (subject to sub-section (2) of this section) be liable if such fire originated in such personal property to pay to the

Authority the expenses and charges aforesaid, and the foregoing provisions of this section shall with the necessary adaptations extend and apply accordingly.

(6) Neither the Crown nor any insurance company liable to contribute under this Act shall under any circumstances be liable to pay the expenses and charges referred to in this section.

(7) In this section—

“Uninsured house or building” means a house or building which is not insured with an insurance company liable to contribute under this Act;

“Uninsured personal property” means personal property which is not insured with an insurance company liable to contribute under this Act.

As to agents  
of insurance  
companies.  
No. 5040 s. 64.

88. Any agent may deduct from any moneys held by him for any insurance company all expenditure necessarily and properly incurred and paid by him under this Act for or in respect of that insurance company, or he may in any court of competent jurisdiction recover from that insurance company the amount so incurred and paid.

As to agents  
for owners of  
property.  
No. 5040 s. 65.

89. Any agent may deduct from any moneys held by him for his principal all charges costs or expenses necessarily and properly incurred and paid by him under this Act as owner of any land house building or premises for which he is the agent of such principal, or he may in any court of competent jurisdiction recover from such principal the amount so incurred and paid.

As to trustees.  
No. 5040 s. 66.

90. Any trustee being the owner of any land house building or premises may apply any of the funds under his control in defraying any charges costs or expenses necessarily and properly incurred by him under this Act as such owner.

Owners of  
houses and  
property  
to give  
information  
as to  
insurance.  
No. 5040 s. 67.

91. (1) The owner of a house or building on the premises of which a fire occurs shall on being requested so to do by the Chief Officer or by any other officer of the Authority or any officer of a brigade inform such officer whether such house or building is insured or not, and at the like request shall furnish such officer with full particulars of the insurance thereon including the name of the insurance company with which the same is effected and the amount thereof.

(2) The owner of any personal property which is in any house or building or on any premises in or on which a fire occurs, or which (whether in a house or building or not) is destroyed or damaged by fire, shall at the like request give the like information and furnish the like particulars as are required to be given with respect to a house or building as hereinbefore provided.

(3) Every person who refuses or fails forthwith to comply with any such request as aforesaid or who wilfully gives any false information or who wilfully gives any incorrect particulars with regard to such insurance as aforesaid shall be guilty of an offence and liable to a penalty of not more than Twenty pounds.

#### PART VII.—MISCELLANEOUS.

92. (1) Neither the Chief Officer, nor any officer exercising the powers of the Chief Officer, nor any officer or member of any brigade shall be liable in respect of any loss or damage sustained by any person as the result of the exercise of any power or the performance of any duty conferred or imposed by or under this Act unless such loss or injury was caused by the negligence or wilful default of such Chief Officer, or officer exercising the powers of the Chief Officer, or officer or member of a brigade (as the case may be).

Saving of Chief Officer and officers and members of brigades from certain liabilities.  
No. 5040 s. 68;  
No. 5191 s. 34.

(2) Nothing in the provisions of this section or of section ninety-four or ninety-five of this Act shall be deemed to render any person liable in respect of any loss or damage if such person would not have been so liable apart from those provisions.

93. Any damage to property caused by the Chief Officer or by any officer exercising the powers of the Chief Officer or by any officer or member of any brigade or by any brigade in the exercise of any power or the performance of any duty conferred or imposed by or under 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 notwithstanding any clause or condition to the contrary in any such policy.

Damage done by Chief Officer &c. to be covered by fire insurance.  
No. 5040 s. 69.

94. (1) No municipality or public authority and no proper officer thereof and no proper officer of any department shall be liable in respect of any loss or damage sustained by any person as the result of the doing of any act matter or thing pursuant to any direction given or permit granted by any such officer pursuant to this Act if such direction or permit was given or granted in good faith.

Saving of municipalities and public authorities &c. from liability in certain cases.  
No. 5040 s. 70;  
No. 5191 s. 35.

(2) No municipality or public authority and no member servant agent or workman thereof and no officer or member of any brigade shall be liable in respect of any loss or damage sustained by any other person as the result of the doing of any act matter or thing pursuant to sub-section (3) of section forty-one or in order to comply with section forty-three of this Act unless such loss or damage is caused by negligence or wilful default.

Saving of municipality &c. in certain cases.

(3) No municipality or public authority and no member thereof shall be liable in respect of any loss or damage sustained by any other person as the result of the doing of any act matter

or thing pursuant to this Act by the members of any brigade at the request or with the consent of the said municipality or public authority.

Saving of persons from liability when acting under directions given under Act.

No. 5040 s. 71;  
No. 5191 s. 36.

**95.** (1) No person shall be liable in respect of any loss or damage sustained by any other person as the result of the doing by such first-mentioned person of any act matter or thing in order to comply with any direction given pursuant to this Act if such first-mentioned person has acted in accordance with the direction and has not been guilty of any negligence or wilful default.

Saving of owners and occupiers of lands from liability in certain cases.

(2) No person shall be liable in respect of any loss or damage sustained by any other person as the result of the doing of any act matter or thing pursuant to this Act by the members of any brigade at the request or with the consent of such first-mentioned person.

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

No. 5040 s. 72.

**96.** The Authority, the Chief Officer, any officer exercising the powers of the Chief Officer and all officers and members of any brigade shall have the use free of charge of all water mains water plugs valves pipes and works of water supply vested in or under the management or control of any water supply authority public authority or body whatsoever and of all water therein and of all water in any well or tank belonging to any person whatsoever for the purpose of extinguishing any fire or for the purpose of drills demonstrations competitions and practices conducted by or with the permission of the Authority.

Salvage force.  
No. 5040 s. 73.

**97.** (1) The Authority may if it thinks fit establish and maintain a force of men charged with the duty of attending at fires and saving property and it shall be the duty of every brigade subject to the regulations to afford the necessary assistance to that force in the performance of its duties and upon the application of any officer of that force to hand over to its custody property that is saved from fire.

(2) No charge shall be made by the Authority for the services thus rendered during the progress of a fire.

Power to search house &c. where fire occurs.  
No. 5040 s. 74.

**98.** (1) The Authority or the Chief Officer may cause any house building or premises in the country area of Victoria where any fire has occurred, or the remains thereof, to be searched, and may remove and keep possession of any materials which may tend to prove the cause or origin of the fire.

Power to remain in possession until inquest held.

(2) If in the opinion of the Authority or the Chief Officer there are suspicious circumstances in relation to the cause or origin of any fire in the country area of Victoria, the Authority or the Chief Officer may remain in possession of the house building or premises where such fire occurred until an inquest is held into

the cause and origin of the fire or until other arrangements are made for the supervision of the house building or premises pending such inquest.

**99.** The coroner having jurisdiction in any part of the country area of Victoria where any fire occurs shall on the request in writing of the Authority hold an inquest into the cause and origin of the fire.

Coroner to hold inquest at request of Authority.  
No. 5040 s. 75.

**100.** (1) For the purpose of enabling members of brigades to consider and bring to the notice of the Authority all matters affecting their welfare and efficiency (other than questions of discipline and promotion) there shall be—

Associations of members of urban and rural brigades.  
No. 5040 s. 76;  
No. 5651 s. 7.

- (a) an association of members of urban brigades to be known as the "Urban Fire Brigades Association"; and
- (b) an association of members of rural brigades to be known as the "Rural Fire Brigades Association".

(2) The regulations may provide in respect of each association for the payment by the Authority of the personal and travelling expenses actually incurred (but not exceeding the limits fixed by the regulations) by not more than twenty-one members of the governing body of the association in relation to their attendance at not more than four meetings of the governing body in any year.

**101.** In the month of January in each year the said associations and all other associations of fire brigades or of the members of fire brigades in the country area of Victoria shall transmit to the Minister or, if the Minister so directs, to the Authority a copy of their rules and a list of their members and of the officers of their governing bodies, and from time to time all such associations shall supply to the Minister all such other information as the Minister requires.

Information to be furnished by associations.  
No. 5040 s. 77.

**102.** (1) Subject to the regulations, the Authority may grant to any person an authority in writing in the prescribed form and containing the prescribed conditions to collect contributions or subscriptions for the purposes of any brigade or association and the Authority may at any time by writing cancel any such authority.

Collections for brigades &c. to be authorized by Authority.  
No. 5040 s. 78.

(2) Any person who is not the holder of a subsisting authority as aforesaid and who solicits or collects contributions or subscriptions for the purposes of any brigade or association in the country area of Victoria, and any person who contravenes or fails to comply with any condition contained in any such authority, shall be guilty of an offence against this Act and liable to a penalty of not more than Twenty pounds.

Fire brigade demonstrations to be authorized by Authority.  
No. 5040 s. 79.

**103.** (1) No fire brigade demonstration shall be held in the country area of Victoria unless the permission of the Authority has been obtained and published in the *Government Gazette*.

(2) Any person who organizes or manages or assists in the organization or management of or takes part in any fire brigade demonstration held in contravention of the last preceding sub-section shall be guilty of an offence against this Act and liable to a penalty of not more than Twenty pounds.

Recovery of contributions.  
No. 5040 s. 80;  
No. 5512  
s. 4 (1) (g).

**104.** All contributions to the expenditure of the Authority from any insurance company shall be recoverable by action either in the Supreme Court or in the county court irrespective of the amount sought to be recovered.

Provision in case of unincorporate insurance company.  
No. 5040 s. 81.

**105.** Where an insurance company is not incorporated or has no public officer, any proceedings whether for any contribution or any penalty may be taken against the company in the name of the firm or of the manager secretary or agent of the company, and in any such case judgment against such firm manager secretary or agent shall bind the property of such insurance company.

Proof of orders, directions &c. of Authority.  
No. 5040 s. 82.

**106.** All orders directions notices and documents whatever purporting to be issued or written by or under the direction of the Authority shall be received as evidence in all courts of law and before all persons acting judicially and shall be deemed to be issued or written by or under the direction of the Authority without further proof unless the contrary is shown.

Obstruction of officers &c. and damage to apparatus.  
No. 5040 s. 83.

**107.** Any person who—

- (a) wilfully obstructs hinders or interferes with the Chief Officer or any other officer or employé of the Authority or any officer or member of any brigade or any other person in the exercise of any power or the performance of any duty conferred or imposed by or under this Act;
- (b) wilfully damages or interferes with any apparatus or other property of the Authority or of any brigade or with any fire alarm hydrant water plug or other apparatus for the prevention or suppression of fire;
- (c) drives any vehicle over a fire hose; or
- (d) drives any vehicle within such proximity to the place of any fire or to any apparatus in use at any fire as to interfere with the operations of any brigade or the use of such apparatus—

shall be guilty of an offence and liable to a penalty of not more than Fifty pounds.

**108.** In any proceedings for an offence or for the recovery of money under this Act a certificate purporting to be signed by the Chief Officer a Deputy Chief Officer an Assistant Chief Officer or a Regional Officer to the effect that any place or locality is within the country area of Victoria shall be sufficient evidence of that fact until the contrary is shown.

Mode of  
proof that  
place is in  
country area.  
No. 5651 s. 13

**109.** Any person who contravenes or fails to comply with any provision of this Act or with any order direction requirement condition or restriction made given or imposed by or pursuant to this Act shall be guilty of an offence against this Act, and if no penalty is specially provided therefor shall be liable to a penalty of not more than Ten pounds.

Penalties for  
offences.  
No. 5040 s. 1-1.

**110. (1)** The Governor in Council may in respect of the country area of Victoria make regulations for or with respect to all or any of the following purposes:—

Regulations.  
No. 5040 s. 85;  
No. 5191 s. 37,  
No. 5316  
s. 7 (2),  
No. 5651  
ss. 8, 10 (4),  
No. 6159  
s. 2 (b).

- (a) For regulating the business and proceedings at the meetings of the Authority and of committees thereof, and for prescribing the notice to be given of such meetings and the expenses to be paid to members of the Authority;
- (b) For the examination appointment training promotion suspension and removal of officers and employes of the Authority, and for regulating the duties and conduct of such officers and employes and the salaries wages or other remuneration and expenses of such officers and employes to whom an award or agreement under any Act of the Commonwealth relating to conciliation and arbitration or a determination of a wages board or Industrial Appeals Court is not applicable;
- (c) For the payment of salaries or wages or other remuneration and expenses to permanent and part-time officers and members of brigades;
- (d) For the training of members of brigades;
- (e) For the provision grant or payment of superannuation allowances pensions or gratuities to officers and employes of the Authority or their wives families widows or dependants on the resignation retirement or death of such officers and employes;
- (f) For the payment of compensation to such officers and employes on their sickness incapacity injury or disablement;
- (g) For the payment of compensation—
  - (i) (in the case of accident causing personal injury to or destruction or damage of the

personal property of any officer or member of a brigade) to such officer or member; and

- (ii) (in the case of the death of any such officer or member resulting from any such accident) to the wife family and dependants of such officer or member;
- (h) For the creation and establishment or the continuation of any fund or funds for any of the purposes referred to in the last three preceding paragraphs;
- (i) For the joining or co-operating in any scheme for supporting aiding or subscribing to any association fund or trust for any of the said purposes;
- (j) For prescribing what amounts shall be paid by or deducted from the salaries or wages of officers and employes of the Authority as contributions to any fund scheme association or trust for any of the said purposes;
- (k) For permitting when occasion requires any brigade or portion of a brigade or any of its officers or members or apparatus or other property to proceed or be taken beyond the limits of its fire district for the purpose of attending a fire and for providing for the control and direction of such brigade officers and members in such case;
- (l) For establishing stations and companies or divisions of brigades;
- (m) For ensuring discipline and good conduct amongst members of brigades, and for ensuring their speedy attendance with all necessary apparatus on the occasion of any alarm of fire, and generally for the maintenance of brigades in a due state of efficiency;
- (n) For the registration of all permanent and volunteer brigades and the enrolment of their members, and for the election of the officers of volunteer brigades, and also for prescribing the various apparatus for the prevention or suppression of fire and the saving of life and property at fires to be kept and maintained by all such brigades;
- (o) For providing for the attendance of brigades at fires on vessels and for the charges to be paid to the Authority by the owner or master of any such vessel in respect of such attendance;



- (p) For providing for the attendance of members of brigades and for the control of members of brigades while in attendance at public buildings and places where numbers of persons are assembled, and for the charges to be paid to the Authority in respect of such attendance;
- (q) For regulating and controlling the carriage of members of brigades and their apparatus to and from fire brigade demonstrations and competitions, and for the regulation of all fire brigade demonstrations and competitions;
- (r) For establishing a salvage force;
- (s) For regulating the charges to be made for use of plant and services of the salvage force after extinction of fires;
- (t) For prescribing the uniforms (if any) to be worn by the various grades and classes of members of brigades when on duty;
- (u) For prescribing the conditions and restrictions to be contained in permits granted under this Act;
- (v) For regulating the storage in urban districts of empty crates cases and other packages sawdust shavings hay and straw either in packages or loose and prescribing the means by which, the times and intervals at which, the conditions under which and the manner in which industrial waste sawdust bark edgings wood or other inflammable material, whether or not of the like kind to the foregoing, shall be destroyed or disposed of in the country area of Victoria;
- (w) For prescribing, for the purposes of this Act and section twenty-two of the *Police Offences Act 1958*, the expenses and charges of any brigade in relation to attendance at any fire or answering any alarm;
- (x) For managing and regulating the distribution of all revenue received under this Act including, without affecting the generality of the foregoing, the payment of allowances to brigades for expenses in connexion with fires and practices;
- (y) For registering insurance companies and their agents or representatives;
- (z) For regulating or prohibiting the use of fireworks in the country area of Victoria during the relevant summer period;

(aa) For regulating the use of heat engines (including determining what equipment shall be carried by heat engines) in the country area of Victoria or any part thereof during any relevant summer period and for prescribing penalties not in any case exceeding One hundred pounds for any offence against regulations made under this paragraph; and

(ab) For prescribing any matter or thing authorized or required to be prescribed by this Act or necessary or expedient to be prescribed for the purposes of this Act.

Scope of regulations.

(2) Any such regulation may (except where the contrary is expressly provided in this Act) be made so as to apply either generally with respect to districts and brigades or particularly with respect to any specified districts or kinds of districts or to any specified brigades or kinds of brigades.

Publication of regulations.

(3) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and, if Parliament is not then sitting, then within fourteen days after the next meeting of Parliament, and a copy of all such regulations shall be posted to each Member of Parliament.

## SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
5040 ..	<i>Country Fire Authority Act 1944 ..</i>	So much as is not already or otherwise repealed.
5191 ..	<i>Country Fire Authority Act 1946 ..</i>	So much as is not already repealed.
5316 ..	<i>Fire Brigades (Borrowing and Salaries) Act 1948</i>	Part II.
5512 ..	<i>Municipalities and Other Authorities Finances Act 1950</i>	Section 4.
5517 ..	<i>Fire Brigades (Long Service Leave) Act 1950</i>	Part II.
5542 ..	<i>Country Fire Authority (Financial) Act 1951</i>	The whole.
5651 ..	<i>Country Fire Authority Act 1952 ..</i>	So much as is not already repealed.
5712 ..	<i>Country Fire Authority (Finance) Act 1953</i>	The whole.
5870 ..	<i>Country Fire Authority (Financial) Act 1955</i>	The whole.
5953 ..	<i>Country Fire Authority (Borrowing) Act 1956</i>	The whole.
6159 ..	<i>Country Fire Authority (Amendment) Act 1957</i>	The whole.