

STATE OF VICTORIA.

Speech

by

The Hon. H. J. T. Hyland, M.L.A.

(Chief Secretary)

on the

Country Fire Authority Bill

(Brought in by Mr. Hyland and Mr. Lind, Ms.L.A.)

[From the "PARLIAMENTARY DEBATES," 18th October, 1944.]

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Mr. CAIN.—A farm is under the jurisdiction of a farmer, but he is not given control of fire fighting on his property merely because he has control of the farm.

Mr. HYLAND.—Division 3 of Part III. is possibly the most important part of the measure. It relates to duties to be exercised to prevent the outbreak of fire. Clause 38 provides that during the summer period which, under clause 4, shall be proclaimed by the Governor in Council, no person shall set fire to any grass, stubble, scrub, and so on, unless he has obtained a permit to do so—(a) where the land is under the control of a public authority, from such authority; or (b) where the land is privately owned, from the appropriate officer of the municipality in which the land is situated. Every such permit shall contain such conditions and restrictions as are prescribed by the Governor in Council and may also contain such further conditions as the officer granting the permit thinks fit.

Clause 39 provides safeguards in connection with persons engaged in charcoal burning. Clause 40 prohibits any person during the summer period from lighting a fire for camping or cooking in the open air without first clearing the ground within a radius of 15 feet of the fire of all inflammable matter. Paragraph (c) of sub-clause (1) provides that no person shall, in the open air, throw down any lighted tobacco, cigarette, cigar, match, or other burning material. Clause 41 takes into this legislation a regulation already in existence in the Rural Fire Prevention Order. It provides for a broadcast warning to be issued on days of acute fire danger on which, notwithstanding any permit that may have been issued, the lighting of any fire in the open air or the use of any producer-gas equipment is definitely prohibited.

Clause 42 authorizes the appropriate municipal officer to issue a direction to the owner or occupier of any privately-owned land to remove any fire hazard or to clear firebreaks. If the owner fails to do so, then an officer of the municipality or the fire brigade authorized by the municipality may do so at the cost of the owner. Clause 44 requires every public authority to take all practicable steps to prevent the occurrence of fire

on any land vested in it and to acquire such apparatus as may be necessary for the purpose. The public authorities which will be mainly concerned are the Forests Commission, the Lands Department, the Melbourne and Metropolitan Board of Works and other water authorities, the Country Roads Board, and the Railway Department.

The regional officer will, subject to the chief officer, be the representative of the Authority in the rural district to which he is appointed. He is to be authorized to enter any land whatsoever, whether public or private, to see that the provisions of this legislation are being properly observed. Where the Authority is satisfied that a municipality is not carrying out its duties so far as they relate to the compulsory removal of fire risks or the burning of firebreaks, the Authority must report such neglect to the Governor in Council, who may authorize the appropriate regional officer to exercise the duties vested in the municipality. The cost involved may be recovered from the municipality by the Authority.

Where the Authority finds that any Department or public authority is not carrying out its duties in respect of the removal of fire hazards from the property under its control, it must make a report to the Governor in Council, who will take appropriate action. Obviously, the Crown cannot take action against itself, but should any public Department fail to take the necessary steps to prevent the outbreak of fire on land within its control, the Authority will bring its complaint to the Chief Secretary as its Minister. He will in turn remit it to the Minister in charge of the Department concerned so that urgent and appropriate action to remedy the position may be taken. In the remote possibility of the Department then failing to take such action, it will be the duty of the Chief Secretary to place the facts before the Cabinet to compel the removal of the danger.

Part V. of the measure provides a means of finance for the Authority. It adopts in broad principle the system at present applied to the Metropolitan and Country Fire Brigades Boards, namely, that the State Treasury and municipalities within the controlled areas, and the insurance companies, each will contribute one-third of the Authority's expenditure.