

An Act to constitute a Country Fire Authority for the better Control of the Prevention and Suppression of Fires in Country Areas, to prescribe the Powers and Functions of such Authority, and for other purposes.

[4th December, 1944.]

BE it enacted by the King'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* 1944. Short title.

2. This Act is divided into Parts and Divisions as follows :— Division of Act into Parts and Divisions.

PART I.—Constitution of Country Fire Authority.

PART II.—Fire Control Regions, Fire Districts, Officers, &c.

PART III.—Transfer of Country Fire Control to Authority, &c.

PART IV.—Country Fire Control—

Division 1.—General.

Division 2.—Fire Suppression.

Division 3.—Fire Prevention.

PART

PART V.—Financial.

PART VI.—Miscellaneous.

Commencement
of Parts I.
and II. &c.

3. (1) Parts I. and II. of this Act and so much of this Act as relates to the making of regulations for the purposes of the said Parts I. and II. and to the preparation of the estimate of probable expenditure and the determination of contributions for the first financial year shall come into operation on a day (hereinafter called "the proclaimed day") to be fixed as the proclaimed day by proclamation of the Governor in Council published in the *Government Gazette*.

Commencement
of Parts III.,
IV., V., and
VI.

(2) Save as aforesaid, Parts III., IV., V., and VI. of this Act shall come into operation on a day (hereinafter called "the appointed day") to be fixed as the appointed day by proclamation of the Governor in Council published in the *Government Gazette*.

Commencement
of remainder of
Act.

(3) The remainder of this Act shall come into operation on the passing of this Act.

Interpretation.
Comp. No.
3682 s. 3.

4. (1) In this Act unless inconsistent with the context or subject-matter—

"Apparatus".

"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.

"Authority".

"Authority" means the Country Fire Authority under this Act.

"Brigade".

"Brigade" includes any fire brigade whether urban or rural and whether permanent or volunteer.

"Chief
Officer".

"Chief Officer" means, in respect of urban districts and urban brigades, the Chief Officer of urban brigades, and, in respect of rural districts and rural brigades, the Chief Officer of rural brigades; and "Deputy Chief Officer" has a corresponding interpretation.

"Deputy Chief
Officer".

"Country
area of
Victoria".

"Country area of Victoria" means that part of Victoria which lies outside the metropolitan fire district, but does not include any State forest within the meaning of the Forests Acts or any Crown land reserved from sale for the purposes of a national park pursuant to the Land Acts.

Nos. 3685 &c.

Nos. 3709 &c.

"Department"

- “Department” means any Government department under the direct control of a Minister of the Crown. “Department”.
- “Division” means division of a Part of this Act. “Division”.
- “Financial year” means year ending on the thirtieth day of June and includes the first financial year; and “first financial year” means the period from the appointed day until the thirtieth day of June in the following year. “Financial year”.
- “Insurance company” includes any person or body of persons corporate or unincorporate (and whether incorporated or domiciled in Victoria or not) carrying 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. “Insurance company”.
- “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. “Insured”.
- “Metropolitan fire district” means the metropolitan fire district as in force for the time being under the *Fire Brigades Act 1928*. “Metropolitan fire district”.
- “Minister” means the Chief Secretary of Victoria. “Minister”.
- “Municipal district” includes the city of Geelong. “Municipal district”.
- “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. “Owner”.
- “Part” means Part of this Act. “Part”.
- “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. “Part-time officer or member”.

“Permanent

"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" means— (a) in relation to a department—the permanent head thereof; (b) in relation to a municipality—an officer of the municipality nominated by the council thereof for the purposes of this Act; and (c) in relation to a public authority—an officer of such authority nominated by such authority for the purposes of this Act.
"Public authority".	"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.
"Region".	"Region" means a part of the country area of Victoria proclaimed as a fire control region pursuant to this Act.
"Regional Officer".	"Regional Officer" means a person appointed as a Regional Officer pursuant to this Act.
"Regulations".	"Regulations" means regulations made under this Act.
"Rural brigade".	"Rural brigade" means rural fire brigade under this Act.
"Rural district".	"Rural district" means a part of a region proclaimed as a rural fire district under this Act.
"Station".	"Station" means fire station.
"Summer period".	"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).
	"Urban

"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".

(2) 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 shall remain in force until revoked amended or varied by a subsequent proclamation so published. Proclamation of summer period.

PART I.—CONSTITUTION OF COUNTRY FIRE AUTHORITY.

5. (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 and constituted as hereinafter provided to be called the "Country Fire Authority". Appointment of Country Fire Authority. Comp. No. 3682 s. 6.

(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. Authority to be a body corporate.

6. (1) The Authority shall consist of ten members appointed by the Governor in Council of whom— Constitution of Authority. Comp. Nos. 3682 s. 8, 4185 s. 6.

(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

- (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 :

As to
submission of
panels in case
of first
appointment of
members, &c.

Provided that, for the purposes of the first appointment of members of the Authority and of any appointment to fill an extraordinary vacancy before the appointed day, the foregoing provisions of this sub-section shall be read and construed as if—

- (i) for the words “ Rural Fire Brigades Association under this Act ” in paragraph (b) there were substituted the words “ Victorian Bush Fire Brigades Association ” ; and
- (ii) for the words “ Urban Fire Brigades Association under this Act ” in paragraph (c) there were substituted the words “ Victorian Country Fire Brigades Association ”.

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

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.

7. (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 the expiration of the term for which he is so appointed be eligible for re-appointment if then qualified.

Term of office
of members.
Comp. No.
3682 s. 14.

(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.
Comp. Ib.
ss. 18, 10.

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

Filling
vacancies.

Comp. No. 3682
s. 16.

(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.

Chairman.

Comp. 1b s. 21.

8. (1) The Governor in Council shall appoint one of the first appointed members of the Authority to be chairman of the Authority for a period of twelve months from such appointment, and thereafter 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—

- (a) in the case of the chairman first appointed, by the appointment by the Governor in Council of a member of the Authority to be chairman, or
- (b) in the case of any chairman subsequently elected, 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.
Comp. 1b.
s. 24 (1).

Acts of
Authority
during vacancy.

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

(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.
Comp. 1b. s. 20.

(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.

10. (1) The

10. (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.

Voting at meetings.
Comp. No 3682
s. 24 (2).

(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.

Committees.
Comp. Ib.
s. 26 (1).

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

Periodical meetings.
Comp. Ib.
s. 22 (1).
Notice of 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.

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

Minutes.
Comp. Ib. s. 27.

(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.

12. The Authority shall at its first meeting become and be a body corporate under and for the purposes of this Act.

Incorporation.

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.

(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. As soon as possible after the proclaimed day the Authority shall prepare and submit to the Governor in Council a scheme—

Submission by Authority of scheme of regions and districts.

(a) for the division of the country area of Victoria into such number of fire control regions as the

- the Governor in Council, after consultation by the Minister with the Authority, directs; and
- (b) for the division of such regions into urban and rural fire districts—

for the purposes of this Act.

Proclamation
of regions and
districts.

15. (1) The Governor in Council may, after considering any scheme so submitted, by proclamation published in the *Government Gazette*—

- (a) proclaim parts of the country area of Victoria as fire control regions for the purposes of this Act;
- (b) proclaim parts of any such region as urban fire districts or (where it is deemed expedient) the whole of any region as an urban fire district for the purposes of this Act; and
- (c) proclaim 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 requires) for the purposes of this Act.

As to
boundaries
of regions.

(2) The boundaries between regions shall as nearly as practicable be coincident with the boundaries of municipal districts of municipalities.

As to
boundaries
of urban
districts.

(3) The boundaries of any urban district proclaimed pursuant to this section shall as nearly as practicable be coincident with the boundaries of an area then forming part of a country fire district under the Fire Brigades Acts.

Nos. 3682 &c.

(4) Any proclamation made under this section shall come into operation on the appointed day.

Alteration
of regions,
districts, &c.

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) subject to sub-section (2) of the last preceding section—

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

(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.

17. (1) The

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

Officers,
employés, &c.
Comp. No. 3682
ss. 34, 35 (1),
36 (1), (2).

- (a) a Chief Officer of urban brigades a Deputy Chief Officer of urban brigades and as many Assistant Chief Officers of urban brigades as it thinks necessary ;
- (b) a Chief Officer of rural brigades and a Deputy Chief Officer of rural brigades ;
- (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 :

Provided that the first appointment of the Chief Officer of rural brigades and of the Deputy Chief Officer of rural brigades and of Regional Officers shall be made after consultation by the Authority with the governing body of the Victorian Bush Fire Brigades Association.

(2) The Authority shall, subject to the provisions of Part III. of this Act, pay to such officers members and employés such salaries or wages or other remuneration and such expenses as are or is prescribed or, in the absence of any prescription, as it thinks fit.

Salaries or
wages of
officers, &c.

(3) The Authority may at any time after the proclaimed day make all such appointments as are necessary to fill such of the positions as aforesaid as will not be filled by transfer pursuant to the provisions of Part III. of this Act, but any appointment so made shall take effect as on and from the appointed day.

Provision
as to first
appointments.

PART III.—TRANSFER OF COUNTRY FIRE CONTROL TO AUTHORITY, ETC.

18. On the appointed day—

- (a) the control of the prevention and suppression of fires in the country area of Victoria shall subject to this Act be vested in the Authority ;
- (b) the Country Fire Brigades Board and every local committee under the Fire Brigades Acts shall be abolished and the members thereof shall go out of office ;
- (c) the Bush Fire Brigades Committee shall be abolished and the members thereof shall go out of office ; and

Transfer
to Authority
of country
fire control
and abolition
of existing
bodies, &c.

Nos. 3682 &c.

(d) the

Schedule.

- (d) the Acts mentioned in the Schedule to this Act to the extent to which those Acts are therein expressed to be repealed or amended shall be repealed or amended accordingly.

Transfer to service of Authority of permanent and part-time fire officers, &c.

19. (1) On the appointed day—

- (a) the persons holding office immediately before the said day as Chief Officer, Deputy Chief Officer, and Assistant Chief Officers of the Country Fire Brigades shall be transferred to the service of the Authority and shall become and be respectively Chief Officer, Deputy Chief Officer, and Assistant Chief Officers of urban brigades ;
- (b) the persons who immediately before the said day were permanent and part-time officers and members of country fire brigades shall be transferred to the service of the Authority and shall become and be respectively permanent and part-time officers and members of urban brigades ; and
- (c) the Secretary of the Country Fire Brigades Board and all other persons who immediately before the said day were officers or employes of the said Board shall be transferred to the service of the Authority and shall become and be respectively the Secretary of the Authority and officers or employes of the Authority.

Saving as to certain rights of transferred officers and employes.

(2) No such person shall by reason of such transfer to the service of the Authority be in any worse position as regards any rights or privileges accrued or accruing including rights or privileges as to tenure of office or employment salary wages remuneration increments superannuation retiring allowance pension or promotion than he would have been if this Act had not been passed.

Existing country and bush fire brigades to be urban and rural fire brigades, &c.

20. (1) On the appointed day—

- (a) every registered country fire brigade in existence immediately before the said day shall become and be an urban brigade in and for the urban district in which its headquarters is situated, and all officers and members of such country fire brigade shall become and be officers and members of such urban brigade ; and
- (b) every registered bush fire brigade in existence immediately before the said day shall become and be a rural brigade in and for the rural district in which its operations were wholly or principally

principally carried on before the said day, and all officers and members of such bush fire brigade shall become and be officers and members of such rural brigade—

and every such brigade shall be deemed duly formed and registered, and every such officer duly appointed or duly elected for the balance of the period for which he was elected as such officer (as the case may be) and every such member duly appointed or enrolled for all the purposes of this Act.

(2) Nothing in this section shall be deemed to limit or in any manner affect any power of the Governor in Council or the Authority after the appointed day to create or to abolish or otherwise to alter any urban or rural district, or to cancel any registration or enrolment, or to disband or amalgamate any brigades, or to do any other act matter or thing authorized by this Act with respect to districts or to brigades or to the officers or members thereof.

Saving as to certain powers of Governor in Council, &c.

(3) No officer or member of any country fire brigade or bush fire brigade shall by reason of the operation of this section or the last preceding section be in any worse position with respect to compensation than he would have been if this Act had not been passed.

Saving as to compensation rights of officers and members of brigades.

21. (1) On from and after the appointed day the Authority shall, subject to and for the purposes of this Act, be the successor in law of the Country Fire Brigades Board and the Bush Fire Brigades Committee.

Authority to be successor of Country Fire Brigades Board and Bush Fire Brigades Committee.

(2) Without affecting the generality of the foregoing and notwithstanding the repeal or amendment of any Act by this Act, by virtue of and without any further or other authority than this Act, on from and after the appointed day—

Transfer of property, debts, rights, liabilities, &c., to Authority.

(a) all real and personal property whatsoever (including, without affecting the generality of the foregoing, all land buildings undertakings apparatus and plant and all choses in action and all moneys and all interests rights benefits and advantages appurtenant to connected with or relating to all or any of the same) vested in the said Board, and all personal property whatsoever (including, without affecting the generality of the foregoing, all apparatus and plant) of or belonging to the Crown in right of the State of Victoria and held by or in the possession or under the control of the said Board or the said Committee or any country fire brigade or bush fire brigade shall be vested in the Authority for the purposes of this Act ;

(b) the

- (b) the liability of the said Board in respect of all outstanding principal moneys together with outstanding and future interest thereon lawfully advanced to or borrowed by the said Board (including moneys borrowed on overdraft or by the issue of debentures) shall be transferred to and be borne and discharged by the Authority;
- (c) all contracts deeds bonds agreements and other instruments lawfully made or entered into by or on behalf of the said Board or binding the said Board and in force immediately before the appointed day shall be as binding and of as full force and effect in every respect as they would have been in favour of or against the said Board if this Act had not been passed, and may be enforced as fully and effectually as if the same had been made or entered into by or on behalf of the Authority ;
- (d) all debts lawfully incurred by or owing by or to the said Board and due and owing immediately before the appointed day shall be deemed to have been incurred by or owing by or to the Authority and may be recovered from or by the Authority accordingly ;
- (e) any actions causes of action proceedings and claims for compensation (including any arbitration thereon or appeal therefrom or proceeding thereunder or matter arising thereout) immediately before the appointed day pending or existing by or against the said Board shall not abate or be discontinued or in any way prejudicially affected by reason of this Act, but may be continued prosecuted and enforced by or against the Authority as they might have been by or against the said Board if this Act had not been passed, and not further or otherwise ;
- (f) any penalty forfeiture or punishment imposed by or under any Act hereby repealed or amended may be imposed enforced or recovered by or against the Authority in the like manner and to the like extent as the same might have been imposed enforced or recovered by or against the said Board if this Act had not been passed and

any

any proceeding or remedy in respect thereof may be instituted continued or enforced by or against the Authority ;

- (g) all leases licences registrations authorities permits and notices issued made or granted by the said Board or the said Committee and subsisting immediately before the appointed day and all leases and licences duly granted to the said Board and so subsisting shall unless the same are sooner suspended cancelled or revoked continue in force for the period for which they were issued made or granted, and shall be deemed to have been issued made or granted by or to the Authority ;
- (h) all acts matters and things of a continuing nature made done or commenced by or on behalf of the said Board or the said Committee and immediately before the appointed day of any force or effect or capable of acquiring any force or effect by virtue of any Act hereby repealed or amended shall be deemed and taken to have been made done or commenced by or on behalf of the Authority ;
- (i) all funds vested in the said Board immediately before the appointed day for any particular purpose or subject to any particular trusts shall be transferred to and vested in the Authority for the like purposes and subject to the like trusts and no right interest or claim in or in respect of any such fund shall abate or be in any way prejudicially affected by reason of such transfer ; and
- (j) any reference in any Act proclamation Order in Council regulation by-law notice demand order legal or other proceeding deed contract agreement or document to the said Board or to the said Committee or to the Fire Brigades Acts or any of those Acts or any provision of any of those Acts (so far as such Acts or Act or such provision related to country fire districts) or to the Bush Fire Brigades Acts or either of those Acts or any provision of either of those Acts shall if not inconsistent with the context or subject-matter be deemed and taken to refer to the Authority or to this Act or the corresponding provision of this Act (as the case may be).

(3) Where

Saving of
pensions, &c.,
payable at
appointed day.

(3) Where immediately before the appointed day any person having been an officer or employé of the said Board or an officer or member of any country fire brigade or bush fire brigade or any person being the wife widow or child or a member of the family of or a relative of any such officer employé or member was in receipt of or had been entitled to receive any payment for pension superannuation retiring allowance compensation or gratuity from or through the said Board or out of any fund vested in the said Board, every person aforesaid shall be entitled to receive from or through the Authority or out of any such fund transferred to the Authority (as the case may require) any sum or sums of money in respect of any of the matters aforesaid which would have been liable to be paid if this Act had not been passed.

Authority and
direction to
Registrar of
Titles to make
necessary
entries.
Nos. 3791, &c.

(4) The Registrar of Titles is hereby authorized and directed, upon application in that behalf made to him by the Authority and accompanied by a statement of the lands or interests in lands under the Transfer of Land Acts affected, to make all such entries upon any Crown grant or certificate of title or other instrument or document and upon the duplicate of any such Crown grant certificate of title instrument or document as may be necessary or expedient in consequence of the transfer of real property to the Authority under this section, and the holder of any such duplicate Crown grant certificate of title instrument or document shall produce the same to the Registrar of Titles for that purpose.

Authority and
direction
to Registrar-
General to make
necessary
memorials, &c.

(5) The Registrar-General is hereby authorized and directed, upon application in that behalf made to him by the Authority and accompanied by a statement of the lands or interests in lands under the general law affected, to make such memorials or such entries upon the record of enrolment of any Crown grant or upon any memorial as may be necessary or expedient in consequence of the transfer of real property to the Authority under this section.

Power to
Governor in
Council to
resolve
questions as
to transfer
of property,
officers, &c.

(6) If any question arises as to whether by this Act—

(a) any real or personal property has or has not been vested in or transferred to the Authority; or

(b) any persons have or have not been transferred to the service of the Authority—

the Governor in Council may by Order finally and conclusively determine such question and may for the purpose of such determination adjust and apportion any matter or thing between the Authority and any persons or body of persons concerned in such manner as he thinks equitable.

PART IV.—COUNTRY FIRE CONTROL.

DIVISION I.—GENERAL.

22. 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.
Comp. No. 3682
s. 29.

23. (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.

Property of
Authority,
&c.
Comp. Ib. s. 28.

(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.

24. The Authority may at any time and from time to time—

General
powers of
Authority with
respect to
brigades,
apparatus,
&c.
Comp. Ib. s. 31.

- (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

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
- (l) 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.

25. (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

(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.

(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.

Special
report by
Authority.

26. (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.

Election of
officers of
volunteer
brigades.
Comp. Nos.
3682 s. 33,
4185 s. 9.

(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.

27. 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.

Prohibition of
unregistered
brigades.

28. 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 appropriate Chief Officer.

Chief Officer
to have
control of
all brigades,
&c.
Comp. No. 3632
s. 35 (3).

29. (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.
Comp. Ib. s.
36 (5).

(2) In

Powers and
duties of
Assistant
Chief Officers
and Regional
Officers.
Comp. No. 3682
s. 36 (3).

(2) In and for any urban district any Assistant Chief Officer appointed generally or specially for the purpose by the Authority, and in and for the rural districts in his region any Regional Officer, shall, in the absence of the appropriate Chief and Deputy 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.

General
powers and
duties of
Chief Officer.
Comp. Ib. s. 37.

30. Within the country area of Victoria the appropriate 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) :—

- (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.

31. For the purposes of extinguishing or restricting the spread of any fire or of protecting life and property in case of fire the appropriate 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):—

Powers of
officers at
fires.

Comp. Nos.
3682 s. 38,
4185 s. 10.

- (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

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 for 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.

Police to
assist Chief
Officer, &c.
Comp. No. 3682
ss. 60, 63.

32. (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.

(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

(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.

33. (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
turncocks of
water supply
authorities.

Comp. (W.A.)
1942 No. 35
s. 50.

(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.

Duties of
gas and
electricity
authorities
in case of
fire.

Comp. Ib.
s. 57.

34. When any fire is burning in or on any State forest within the meaning of the Forests Acts or any Crown land reserved from sale for the purposes of a national park pursuant to the Land Acts 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 of rural brigades 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 of rural brigades or any officer in charge of a rural brigade who is present at such fire.

As to fires
in or near
State forests
and national
parks.

Comp. No. 4185
s. 12.

35. (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 Acts) at any time during the relevant summer period the occupier of such land shall, immediately upon becoming aware of such fire and whether

Occupier to
extinguish or
notify rural
brigade of
fire in rural
district during
summer period.

Comp. (W.A.)
1937 No. 55
s. 13 (1).

he

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.

Authority to
inform
Commission of
Public Health
in certain
matters.
Comp. No. 3082
s. 67.

36. 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
may require
certain
municipalities
to provide
hydrants in
streets, &c.
Comp. (W.A.)
1942 No. 35
s. 54.

37. 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.

Permit of
municipal
officer &c. to
be obtained
for burning-off
in summer
period.

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 Acts) 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—

(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 appropriate Chief Officer or other officer exercising the powers of such Chief Officer.

(2) Any

(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.

39. (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 Acts) 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—

Permit of
municipal
officer &c. to
be obtained
for charcoal
burning during
summer period.

(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

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.

Provisions
relating to
lighting fires
&c. in rural
districts during
summer period.
Comp. (W.A.)
1937 No. 55
s. 116 (1)

40. (1) During the relevant summer period the following provisions shall have effect in every rural district (except in any part of a rural district which lies within any fire protected area within the meaning of the Forests Acts) :—

(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 twenty-five 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 ;

(b) No person who has lighted 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 by the application of water or earth 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

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.

(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. Penalty.

41. (1) On any day in respect of which 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—

Provisions relating to days of acute fire danger.
Comp. Rural Fires Prevention Order (Victoria) (as amended) cl. 11A.

- (a) light any fire in the open air 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.

(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. Penalty.

42. (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 Acts)—

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

Comp. Rural Fires Prevention Order (Victoria) cls. 6, 7, Urban Fires Prevention Order (Victoria) cl. 3.

- (a) to remove from such land, within the time and in the manner specified in the notice, all grass stubble

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, 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 or 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 works for
owners &c.

43. The officers and members of any brigade may at the request of the owner or occupier of any land carry out on such land at the expense of such owner or occupier any works for the removal or abatement of any fire danger, and the expenses of carrying out such works may, if not paid on demand, be recovered from such owner or occupier by the Authority in any court of petty sessions as a civil debt recoverable summarily and, when so paid or recovered, such expenses shall be paid to or used for the benefit of the brigade which carried out the works.

44. (1) It

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

Duties and powers of public authorities.

(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.

45. It shall be the duty of every Regional Officer, subject to the general direction and control of the Authority and the Chief Officer of rural brigades, 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.

Duties of Regional Officers as to inspection, &c.

46. (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.

(a) the appropriate Regional Officer in respect of any rural district or part of a rural district within the municipal district; or

(b) an

(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 appropriate 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.

Provision in case of failure by public authority &c. to observe provisions of this Act.

47. 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 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.

48. 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.

PART V.—FINANCIAL.

Authority to make annual estimate of expenditure.

Comp. No. 3682 s. 41.

49. (1) Before the appointed day and thereafter before the end of every financial year the Authority shall prepare—

(a) an estimate of the probable expenditure to be incurred by the Authority in the execution of this

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.

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

- (a) the Treasurer of Victoria shall contribute one-third out of the consolidated revenue (which is hereby to the necessary extent appropriated accordingly);
- (b) the municipalities the municipal districts of which are within or partly within the country area of Victoria shall contribute one-third out of their respective municipal funds; and
- (c) the insurance companies insuring against fire property situated within the country area of Victoria shall contribute one-third.

Contribution of expenditure. Comp. No. 3682 s. 42.

(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: Provided that the Governor in Council may by Order direct the manner and the times of payment in respect of the first financial year of the Authority.

Payment of contributions.

51. The contributions of the respective municipalities shall be determined as follows:—

Determination of municipalities' contributions.

- (a) That part of the estimated expenditure applicable to any region which is to be contributed by municipalities shall be contributed by those municipalities the municipal districts of which or any parts of the municipal districts of which lie within the region;

Comp. Ib. s. 43.

(b) The

- (b) The amount to be contributed by each such municipality thereto shall bear the same proportion to the whole contribution by municipalities thereto as the net annual value of all rateable property within its municipal district or (as the case may be) the part thereof which lies within the region (as shown in the municipal valuation for the time being in force) bears to the aggregate net annual value of all rateable property within the region (as shown in the several municipal valuations for the time being in force) ;
- (c) Every municipal council and every officer thereof shall when so required by the Authority furnish the Authority with all such documents papers and information as the Authority requires to determine the contribution of the municipality ; and
- (d) The total amount of the contribution of any municipality (whether in respect of one or more regions) shall be absolutely determined by the Authority and shall be so fixed as to produce upon the aggregate of all such contributions by municipalities the amount of one-third of the whole estimated expenditure.

Raising of
municipalities'
contributions.

Comp. No. 3682
s. 44.

52. The amount of the contribution payable by any municipality may be raised if necessary, and notwithstanding any statutory limit of such rates, by an increase of the town or general rate by such a sum in the pound as will be sufficient to provide the amount of the contribution, and such increase shall for all purposes be deemed to form part of the town or general rate.

Determination
of insurance
companies'
contributions.

Comp. Ib.
ss. 45, 46.

53. 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

- (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 one-third of the estimated expenditure.

54. 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.

Penalty
for failure
to transmit
return &c.
Comp. No. 3682
s. 45 (4).

55. (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.

Officers of
companies to
produce
books &c.
Comp. Ib.
s. 47.

(2) Any

(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.

Penalty for
failure to
make payment.
Comp. No. 3082
s. 46.

56. If any municipality or 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 municipality or insurance company (as the case may be) 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.

Increase or
reduction of
annual
contributions.
Comp. Ib. s. 50.

57. 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.

Borrowing
by Authority.
Comp. Ib. s. 51.

58. (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 Five pounds per centum per annum.

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 Two hundred thousand 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

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.

(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 Acts as if they were municipal debentures.

Debentures
a lawful
investment for
State Savings
Bank.
Comp. No. 4519
s. 3.

Nos. 3777, &c.

59. (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 municipalities and the insurance companies respectively 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.

Provision in
case of
default by
Authority in
respect of
debentures.
Comp. No. 3082
s. 52.

(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.

60. 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.

Power to
Authority to
establish
certain funds
&c.
Comp. No. 4519
s. 4.

61. 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

Power to
Treasurer to
make
additional
grants to
Authority.

Authority

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.

Audit of
Authority's
accounts.
Comp. No. 3682
s. 53 (1).

62. 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.

Uninsured
owners of
houses and
property
to pay
expenses of
brigade at
fire.
Comp. Ib. s. 68.

63. (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.

(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

(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 municipality or 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.

64. 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
of insurance
companies.
Comp. No. 3682
s. 69.

65. 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 agents
for owners
of property.
Comp. Ib.
s. 70.

66. 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.

As to trustees.
Comp. Ib.
s. 71.

67. (1) The

Owners of
houses and
property
to give
information
as to
insurance.

Comp. No. 3682
s. 72.

67. (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 VI.—MISCELLANEOUS.

Saving of
Chief Officer
and officers
and members
of brigades
from certain
liabilities.

68. (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).

(2) Nothing in the foregoing provisions of this section 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.

Damage done
by Chief
Officer, &c.,
to be covered
by fire
insurance.

Comp. No. 3682
s. 56.

69. 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

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.

70. 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.

71. 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 persons from liability when acting under directions given under Act.

72. 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.

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

Comp. No. 3682 s. 61.

73. (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.

Salvage force. Comp. Ib. s. 57.

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

74. (1) The

Power to
search house,
&c., where
fire occurs.

Comp. No. 3682
s. 73.

74. (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.

Coroner to
hold inquest
at request
of Authority.

Comp. (W.A.)
1942 No. 35
s. 63.

75. 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.

Associations
of members
of urban
and rural
brigades.

76. (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—

(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) Such associations shall respectively be deemed to be the same associations as the "Victorian Country Fire Brigades Association" and the "Victorian Bush Fire Brigades Association" as existing immediately before the appointed day and no act matter or thing of a continuing nature in existence immediately before the said day and relating to either of the said associations or to their members or constituent brigades shall be affected or abated by the operation of this section.

(3) 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 twelve members of the governing body of the association in relation to their attendance at not more than six meetings of the governing body in any year.

77. In

77. 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.
Comp. No. 3682
s. 55.

78. (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.
Comp. Ib. s. 62.

(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.

79. (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*.

Fire brigade
demonstrations
to be
authorized by
Authority.
Comp. Ib.
s. 64.

(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.

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

Recovery of
contributions.
Comp. Ib.
s. 75.

81. 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

Provision in
case of
unincorporate
insurance
company.
Comp. Ib.
s. 76.

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.
Comp. No. 3082
s. 77.

82. 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.
Comp. (W.A.)
1942 No. 35
s. 59.

83. 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.

Penalties for
offences.

84. 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.

85. (1) The

85. (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.

- (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 employés of the Authority, and for regulating the duties conduct salaries wages or other remuneration and expenses of such officers and employés;
- (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 employés of the Authority or their wives families widows or dependants on the resignation retirement or death of such officers and employés;
- (f) For the payment of compensation to such officers and employés on their sickness incapacity injury or disablement;
- (g) For the payment of compensation in cases of accidents to officers and members of brigades or, where death ensues therefrom, to their wives and families;
- (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 employés of the Authority as contributions to any fund scheme association or trust for any of the said purposes;
- (k) For

- (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

- (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 ;
- (w) For prescribing, for the purposes of this Act and the *Police Offences (Fire Alarms) Act 1941*, 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 ; and
- (z) 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.

(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.

Scope 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.

Publication of regulations.

86. So far as not inconsistent with this Act and notwithstanding the repeal or amendment of any Act by this Act all regulations made under the Fire Brigades Acts (so far

Saving of regulations made under Acts hereby repealed or amended.

far as such Acts related to country fire districts) or under the Bush Fire Brigades Acts and in force immediately before the appointed day shall until revoked by regulations made under this Act continue in force and effect with such modifications as are necessary by reason of the operation of the provisions of this Act and in particular with the modifications that—

- (a) any reference therein to the Country Fire Brigades Board or to the Bush Fire Brigades Committee shall be deemed to be a reference to the Authority ;
- (b) any reference therein to the Chief Officer, the Deputy Chief Officer, any Assistant Chief Officer, or any other permanent or part-time officer of the Country Fire Brigades shall be deemed to be a reference to the corresponding officer of urban brigades ;
- (c) any reference therein to a country fire brigade or to a bush fire brigade shall be deemed to be a reference to an urban brigade or to a rural brigade (as the case may be) ;
- (d) any provision therein applying generally in and to country fire districts or in and to bush fire districts shall apply generally in and to urban districts or rural districts (as the case may be) ; and
- (e) any provision therein applying in and to a particular country fire district or a particular bush fire district shall apply in and to the several urban districts or (as the case may be) rural districts which correspond approximately to that country fire district or bush fire district.

SCHEDULE.

Section 18.

PART A.

The *Fire Brigades Act* 1928 as amended by any Act shall be amended as follows :—

Amendment of
No. 3682 as
amended by
No. 4519.
S. 3.

1. In section three—

(a) for the interpretation of “Board” there shall be substituted the following interpretation :—

“ ‘Board’ means the Metropolitan Fire Brigades Board ” ;

(b) in the interpretation of “Chief Officer” the words “and the chief officer of the Country Fire Brigades” shall be repealed ;

(c) the interpretation of “Country Board” shall be repealed ;

(d) the interpretation of “Country District” shall be repealed ;

(e) the interpretation of “Metropolitan Board” shall be repealed ;

(f) in the interpretation of “Municipal District” the words “or city of Geelong” shall be repealed ; and

(g) in the interpretation of “Municipality” the words “or city of Geelong” shall be repealed.

2. For the heading preceding section four there shall be substituted the heading “*Metropolitan Fire District*”.

3. For section four there shall be substituted the following section :— S. 4.

“4. For the proper and efficient carrying out of the provisions of this Act there shall be a metropolitan fire district consisting of the municipal districts or parts thereof set forth in the Second Schedule to this Act.”

4. In section five—

S. 5.

(a) in sub-section (1)—

(i) for the words “Metropolitan Board” there shall be substituted the word “Board” ;

(ii) the words “or any country district” shall be repealed ; and

(iii) the expression “or the Country Board (as the case may be)” shall be repealed ; and

(b) in sub-section (2)—

(i) the words “or the Country Board” shall be repealed ;

(ii) the expression “or of any country district (as the case may be)” shall be repealed ; and

(iii) the words “or country” shall be repealed.

5. For the heading preceding section six there shall be substituted the heading “*Metropolitan Fire Brigades Board*”.

6. In section six—

S. 6.

(a) in sub-section (1) the words “and a Board to be called the Country Fire Brigades Board” shall be repealed ;

(b) in sub-section (2) for the words “respective names each” there shall be substituted the word “name” ;

(c) sub-sections (3) and (4) shall be repealed ; and

(d) in sub-section (5) the words “and of the Country Board respectively” shall be repealed.

7. Section eight shall be repealed.

S. 8.

8. Section nine shall be repealed.

S. 9.

9. Section ten shall be repealed.

S. 10.

10. Section eleven shall be repealed.

S. 11.

SCHEDULE

SCHEDULE—*continued.*

- S. 12. 11. In section twelve the words “or of the Country Board or of any local committee” shall be repealed.
- S. 13. 12. In section thirteen for the words “Boards and all elections of members of local committees” there shall be substituted the word “Board”.
- S. 14. 13. In section fourteen for the words “either Board or of any local committee” there shall be substituted the words “the Board”.
14. In section fifteen—
- S. 15. (a) the words “the Country Board or any local committee” shall be repealed; and
(b) for the words “either Board or of any local committee” there shall be substituted the words “the Board”.
- S. 16. 15. In section sixteen for the words “of either Board or of any local committee” there shall be substituted the words “the Board”.
- S. 17. 16. In section seventeen—
(a) for the words “either Board or of any local committee” there shall be substituted the words “the Board”; and
(b) for the expression “such Board or local committee (as the case may be)” there shall be substituted the words “the Board”.
- S. 18. 17. In section eighteen for the words “either Board or of any local committee” there shall be substituted the words “the Board”.
18. In section nineteen—
(a) in sub-section (1)—
- S. 19. (i) for the words “either Board” (where first occurring) there shall be substituted the words “the Board”;
(ii) for the words “such Board” (where first occurring) there shall be substituted the words “the Board”;
(iii) for the words “either Board or any local committee” there shall be substituted the words “the Board”;
(iv) for the words “such Board or local committee” (where occurring for the first and second times) there shall be substituted the words “the Board”; and
(v) for the expression “such Board or local committee (as the case may be)” there shall be substituted the words “the Board”; and
(b) in sub-section (2)—
(i) for the words “either Board or any local committee” (wherever occurring) there shall be substituted the words “the Board”; and
(ii) for the words “such Board” (wherever occurring) there shall be substituted the words “the Board”.
19. In section twenty—
(a) in sub-section (1)—
- S. 20. (i) for the words “either Board or any committee thereof or of any local committee” there shall be substituted the words “the Board or any committee thereof”; and
(ii) for the words “such Board or committee or local committee” there shall be substituted the words “the Board or committee”; and

SCHEDULE.

SCHEDULE—continued.

- (b) in sub-section (2)—
- (i) for the words “such Board or committee or any local committee” there shall be substituted the words “the Board or committee”; and
 - (ii) for the expression “such Board or committee or local committee (as the case may be)” there shall be substituted the words “the Board or committee”.
20. For the heading preceding section twenty-one there shall be substituted the heading “*Proceedings of Board*”.
21. In section twenty-one— S. 21.
- (a) for the words “Each Board” there shall be substituted the words “The Board”; and
 - (b) for the words “each Board” there shall be substituted the words “the Board”.
22. In section twenty-two— S. 22.
- (a) in sub-section (1) for the words “each Board and local committee” there shall be substituted the words “the Board”; and
 - (b) in sub-section (2)—
 - (i) for the words “each Board or chairman of a local committee” there shall be substituted the words “the Board”; and
 - (ii) the words “or local committee” shall be repealed.
23. In sub-section (1) of section twenty-three— S. 23.
- (a) for the words “either Board” there shall be substituted the words “the Board”; and
 - (b) for the words “such Board, and the chairman of any local committee may, at any time” there shall be substituted the words “the Board”.
24. In section twenty-four— S. 24.
- (a) in sub-section (1) for the words “either Board or two members of a local committee” there shall be substituted the words “the Board”; and
 - (b) in sub-section (2) the expression “or chairman (as the case may be)” shall be repealed.
25. In section twenty-five— S. 25.
- (a) for the words “either Board or any local committee” there shall be substituted the words “the Board”;
 - (b) the words “in the case of either Board” shall be repealed;
 - (c) for the words “such Board” there shall be substituted the words “the Board”; and
 - (d) the words “or, in the case of a local committee, by all the members thereof” shall be repealed.
26. In section twenty-six— S. 26.
- (a) in sub-section (1)—
 - (i) for the words “Either Board” there shall be substituted the words “The Board”; and
 - (ii) for the words “such Board” there shall be substituted the words “the Board”; and
 - (b) in sub-section (2)—
 - (i) for the words “either Board” there shall be substituted the words “the Board”; and
 - (ii) for the words “such Board” there shall be substituted the words “the Board”.

SCHEDULE.

SCHEDULE—*continued*.

- S. 27. 27. In section twenty-seven—
- (a) for the words “each Board committee or local committee” there shall be substituted the words “the Board and every committee thereof”;
 - (b) for the words “such Board committee or local committee” (wherever occurring) there shall be substituted the words “the Board or such committee”; and
 - (c) for the words “committee or local committee” (wherever occurring) there shall be substituted the words “or such committee”.
28. In the heading preceding section twenty-eight for the words “*Boards and Local Committees*” there shall be substituted the word “*Board*”.
- S. 28. 29. In section twenty-eight—
- (a) in sub-section (1)—
 - (i) for the words “Each Board” there shall be substituted the words “The Board”;
 - (ii) for the words “such Board” there shall be substituted the words “the Board”; and
 - (iii) for the word “them” there shall be substituted the word “it”; and
 - (b) in sub-section (2)—
 - (i) for the words “either Board” there shall be substituted the words “the Board”; and
 - (ii) for the words “such Board” (wherever occurring) there shall be substituted the words “the Board”.
- S. 29. 30. In section twenty-nine the words “and so far as regards the country districts be vested in the Country Board” shall be repealed.
- S. 30. 31. Section thirty shall be repealed.
- S. 31. 32. In section thirty-one for the words “Each Board or any local committee by direction and subject to the approval of the Country Board” there shall be substituted the words “the Board”.
- S. 32. 33. In section thirty-two—
- (a) for the words “Each Board” there shall be substituted the words “The Board”; and
 - (b) for the words “such Board” (wherever occurring) there shall be substituted the words “the Board”.
- S. 33. 34. In section thirty-three the words “or local committee of the district in which such brigade is established” shall be repealed.
- S. 34. 35. In section thirty-four—
- (a) in sub-section (1)—
 - (i) for the words “Each Board” there shall be substituted the words “The Board”;
 - (ii) for the words “each Board” there shall be substituted the words “the Board”; and
 - (iii) for the words “such Board” there shall be substituted the words “the Board”;

SCHEDULE.

SCHEDULE—*continued*.

(b) in sub-section (2)—

(i) for the words “either Board” there shall be substituted the words “the Board”; and

(ii) for the words “such Board” (wherever occurring) there shall be substituted the words “the Board”; and

(c) sub-section (3) shall be repealed.

36. In section thirty-five—

S. 35.

(a) for sub-section (1) there shall be substituted the following sub-section :—

“(1) There shall be an officer to be called the Chief Officer of the Metropolitan Fire Brigades who shall from time to time be appointed by the Board and shall be subject to suspension or removal by the Board”;

(b) in sub-section (2) for the words “Metropolitan Board” there shall be substituted the word “Board”; and

(c) sub-section (3) shall be repealed.

37. In section thirty-six—

S. 36.

(a) in sub-section (1)—

(i) for the expression “Metropolitan or Country Board (as the case may be)” there shall be substituted the word “Board”; and

(ii) for the words “such Board” there shall be substituted the words “the Board”; and

(b) in sub-section (2)—

(i) for the words “either Board” there shall be substituted the words “the Board”; and

(ii) for the words “such Board” (wherever occurring) there shall be substituted the words “the Board”.

38. In section thirty-seven—

S. 37

(a) the expression “and within the country districts (with the approval of the Country Board) the Chief Officer of the Country Fire Brigades” shall be repealed; and

(b) the words “This sub-section shall apply only to the metropolitan district” shall be repealed.

39. In section thirty-eight—

S. 38.

(a) for the words “Metropolitan Board” there shall be substituted the word “Board”; and

(b) the words “and the Chief Officer of the Country Fire Brigades or any officer of a country brigade appointed generally or specially for the purpose by the local committee of the district with the approval of the Country Board” shall be repealed.

40. In section thirty-nine—

S. 39.

(a) in paragraph (1) for the words “Board and of committees appointed by them and of local committees” there shall be substituted the words “Board and of committees appointed by it”;

SCHEDULE.

SCHEDULE—*continued.*

- (b) in paragraph (5) for the words "either Board" (wherever occurring) there shall be substituted the words "the Board";
- (c) in paragraph (8) the words "or any" shall be repealed;
- (d) in paragraph (9) the words "or any country district" shall be repealed;
- (e) paragraph (18) shall be repealed;
- (f) paragraph (20) shall be repealed; and
- (g) in paragraph (25) for the words "the Boards" there shall be substituted the words "the Board".

S. 40.

41. In section forty—

- (a) for the words "Metropolitan Board" there shall be substituted the word "Board"; and
- (b) the words "and all regulations as to any country district shall be prepared by the Country Board, and submitted to the Minister for approval prior to being made by the Governor in Council" shall be repealed.

S. 41.

42. In section forty-one—

- (a) for the words "each Board" there shall be substituted the words "the Board";
- (b) for the words "a separate" there shall be substituted the word "an";
- (c) the words "and each country district" shall be repealed; and
- (d) for the words "either Board" there shall be substituted the words "the Board".

S. 42.

43. In sub-section (1) of section forty-two—

- (a) the words "and every country district" shall be repealed;
- (b) the word "each" shall be repealed;
- (c) for the expression "Metropolitan Board or Country Board (as the case may be)" there shall be substituted the word "Board"; and
- (d) for the expression "or any country district (as the case may be)" (wherever occurring) there shall be substituted the word "district".

S. 43

44. In section forty-three—

- (a) the words "or any country" shall be repealed;
- (b) in paragraph (1)—
 - (i) for the words "Metropolitan Board or Country Board" there shall be substituted the word "Board"; and
 - (ii) the expression "or any country district (as the case may be)" shall be repealed;
- (c) in paragraph (2) for the expression "Metropolitan Board or Country Board (as the case may be)" there shall be substituted the word "Board"; and
- (d) in paragraph (3)—
 - (i) for the words "either Board" there shall be substituted the words "the Board"; and
 - (ii) for the words "such Board" (wherever occurring) there shall be substituted the words "the Board".

SCHEDULE.

SCHEDULE—continued.

45. In section forty-five—

S. 45.

- (a) in sub-section (1) for the words "Boards from time to time respectively direct transmit to the Boards" there shall be substituted the words "Board from time to time directs transmit to the Board"; and
- (b) in sub-section (2) the expression "or any country district (as the case may be)" shall be repealed.

46. In section forty-six—

S. 46.

- (a) in sub-section (1) the words "or any country district" shall be repealed; and
- (b) in sub-section (2)—
 - (i) the word "Metropolitan" and the expression "or Country Board (as the case may be)" shall be repealed; and
 - (ii) for the words "each such" there shall be substituted the words "the metropolitan".

47. In section forty-seven for the words "either Board" there shall be substituted the words "the Board". S. 47.

48. In sub-section (1) of section forty-nine the word "Metropolitan" and the expression "or Country Board (as the case may be)" shall be repealed. S. 49.

49. In section fifty—

S. 50.

- (a) for the words "either Board for the metropolitan district or any country district" there shall be substituted the words "the Board"; and
- (b) for the words "either Board for any district" there shall be substituted the words "the Board".

50. In section fifty-one—

S. 51.

- (a) in sub-section (1)—
 - (i) for the words "Either Board" there shall be substituted the words "The Board"; and
 - (ii) for the words "such Board" (wherever occurring) there shall be substituted the words "the Board"; and
- (b) in sub-section (2)—
 - (i) for the words "either Board" there shall be substituted the words "the Board";
 - (ii) for the words "in the case of the Metropolitan Board of the amounts which such Board" there shall be substituted the words "of the amounts which the Board"; and
 - (iii) the word "borrowing" shall be repealed.

51. In section fifty-two—

S. 52.

- (a) for the words "either Board" (wherever occurring) there shall be substituted the words "the Board"; and
- (b) for the words "such Board" there shall be substituted the words "the Board".

SCHEDULE—*continued*.

- S. 53. 52. In section fifty-three—
 (a) in sub-section (1) for the words "either Board" there shall be substituted the words "the Board";
 (b) in sub-section (2)—
 (i) for the words "each Board" there shall be substituted the words "the Board"; and
 (ii) for the words "such Board or local committee" there shall be substituted the words "the Board".
- S. 54. 53. In section fifty-four the word "Metropolitan" and the expression "or Country Board or local committee (as the case may be)" shall be repealed.
- S. 55. 54. In section fifty-five—
 (a) for the words "either Board" there shall be substituted the words "the Board"; and
 (b) for the word "Boards" (where twice occurring) there shall be substituted the word "Board".
- S. 57. 55. In section fifty-seven—
 (a) in sub-section (1)—
 (i) for the words "Either Board" there shall be substituted the words "The Board"; and
 (ii) the expression "or local committee (as the case may be)" shall be repealed; and
 (b) in sub-section (2) for the words "either Board or any local committee" there shall be substituted the words "the Board".
- S. 59. 56. In section fifty-nine—
 (a) the expression "or Country Board (as the case may be)" shall be repealed; and
 (b) for the words "such Board" (wherever occurring) there shall be substituted the words "the Board".
- S. 61. 57. In section sixty-one—
 (a) for the words "each Board" there shall be substituted the words "the Board"; and
 (b) for the words "either Board or any local committee" there shall be substituted the words "the Board".
- S. 62. 58. In section sixty-two—
 (a) in sub-section (1) for the words "either Board or any local committee" there shall be substituted the words "the Board"; and
 (b) in sub-section (2) for the words "either Board or by any local committee" there shall be substituted the words "the Board".
- S. 64. 59. In section sixty-four for the words "unless the permission of the Metropolitan or Country Board" there shall be substituted the words "in the metropolitan district unless the permission of the Board".

SCHEDULE.

SCHEDULE—*continued*.

60. In section sixty-five—

S. 65.

(a) in sub-section (1)—

(i) for the words "The owner" there shall be substituted the words "In the metropolitan district the owner"; and

(ii) for the words "either Board" there shall be substituted the words "the Board"; and

(b) in sub-sections (2) and (3) the words "of the district" shall be repealed.

61. In section sixty-six after the word "borough" (where first occurring) there shall be inserted the words "the municipal district of which is wholly or partly within the metropolitan district".

S. 66.

62. In section sixty-seven for the words "Each Board" there shall be substituted the words "The Board".

S. 67.

63. In section sixty-eight—

S. 68.

(a) in sub-section (1)—

(i) after the word "building" there shall be inserted the words "in the metropolitan district";

(ii) for the expression "Metropolitan Board or Country Board (as the case may be)" there shall be substituted the word "Board"; and

(iii) for the words "either Board" there shall be substituted the words "the Board";

(b) in sub-section (3)—

(i) for the expression "Metropolitan Board or Country Board (as the case may be)" there shall be substituted the word "Board"; and

(ii) for the words "such Board" there shall be substituted the words "the Board";

(c) in sub-section (4) for the words "Metropolitan Board or Country Board" there shall be substituted the word "Board"; and

(d) in sub-section (6) for the expression "Metropolitan Board or Country Board (as the case may be)" there shall be substituted the word "Board".

64. In section seventy after the word "premises" there shall be inserted the words "in the metropolitan district".

S. 70.

65. In section seventy-one after the word "premises" there shall be inserted the words "in the metropolitan district".

S. 71.

66. In section seventy-two—

S. 72.

(a) in sub-section (1)—

(i) after the word "building" (where first occurring) there shall be inserted the words "in the metropolitan district";

(ii) for the words "either Board" (wherever occurring) there shall be substituted the words "the Board";

(b) in sub-section (2) after the word "premises" there shall be inserted the words "in the metropolitan district".

SCHEDULE.

SCHEDULE—*continued*.

- s. 73. 67. In section seventy-three—
 (a) for the words “Either Board” there shall be substituted the words “The Board”; and
 (b) after the word “premises” there shall be inserted the words “in the metropolitan district”.
- s. 74. 68. In section seventy-four—
 (a) in sub-section (1)—
 (i) for the words “Either Board” there shall be substituted the words “The Board”;
 (ii) after the word “property” there shall be inserted the words “in the metropolitan district”;
 (b) in sub-section (2) for the words “either Board” (wherever occurring) there shall be substituted the words “the Board”.
- s. 77. 69. In section seventy-seven—
 (a) for the words “either Board” there shall be substituted the words “the Board”; and
 (b) the word “said” (wherever occurring) shall be repealed.
- s. 79. 70. In section seventy-nine—
 (a) in sub-section (1) for the words “either Board” (wherever occurring) there shall be substituted the words “the Board”; and
 (b) in sub-section (2) for the words “Metropolitan Board, and for offences committed within any country fire district of the Country Board” there shall be substituted the word “Board”.
- s. 80. 71. In section eighty—
 (a) the word “Metropolitan” shall be repealed; and
 (b) for the words “such Board” there shall be substituted the words “the Board”.

Second
Schedule.

72. For the Second Schedule there shall be substituted the following Schedule :—

“SECOND SCHEDULE.

The municipal districts of the cities of Melbourne, Box Hill, Brighton, Brunswick, Camberwell, Caulfield, Coburg, Collingwood, Essendon, Fitzroy, Footscray, Hawthorn, Kew, Malvern, Mordialloc, Northcote, Oakleigh, Port Melbourne, Prahran, Preston, Richmond, St. Kilda, Sandringham, South Melbourne, and Williamstown.

The township of Croydon in the municipal district of the shire of Lillydale.

The municipal district of the borough of Ringwood.

The municipal district of the shire of Blackburn and Mitcham, and so much of each of the several municipal districts of the shires of Braybrook, Broadmeadows, Keilor, Mulgrave, Werribee, and Whittlesea, as is within a distance of ten miles from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne.

So much of the municipal district of the city of Heidelberg as is within a distance of ten miles from the post-office at the corner of

SCHEDULE

SCHEDULE—*continued.*

Bourke-street and Elizabeth-street in the city of Melbourne, and the area following :—

Commencing at the point of intersection of the circle of ten miles radius from the post-office at the corner of Bourke-street and Elizabeth-street, in the city of Melbourne, and Macorna-street; thence in a northerly direction along Macorna-street; thence in an easterly direction along Yando-street to the Plenty River; thence down stream along the Plenty River to a point where the west boundary of the Greensborough Park meets the Plenty River; thence bearing north 21 deg. 0 min. east for a distance of 36 feet 3½ inches; thence bearing north 84 deg. 0 min. east for a distance of 264 feet; thence bearing east for a distance of 716 feet 1 inch to a point where the north boundary of the Greensborough Park meets the main Diamond Creek-road; thence in a south-easterly direction along the main Diamond Creek-road to the Plenty River; thence again down stream along the Plenty River to a point where the ten-miles radius circle intersects the Plenty River, thence along the ten-miles radius circle back to the commencing point.

So much of the municipal district of the city of Moorabbin as is within a distance of ten miles from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne together with that portion of the said municipal district lying between the ten mile radius and Moorabbin-road.

So much of the municipal district of the shire of Doncaster and Templestowe as is within a distance of ten miles from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following :—

Commencing at a point on the ten-miles radius in line with the continuation of George-street; thence by that line and George-street in an easterly direction to Blackburn-road; thence in a southerly direction by Blackburn-road to Koonung Creek; thence by Koonung Creek in a westerly direction to the ten-miles radius; thence by the ten-miles radius to the point commencing.

So much of the municipal district of the shire of Eltham as is within a distance of ten miles from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following :—

Commencing at the south-western angle of lot 23, L.P. 8968, at its intersection with the Plenty River; thence along the southern boundary of the said lot to Para-road; thence in a southerly direction along Para-road to its intersection with Airlie-road; thence generally in an easterly direction along Airlie-road to its intersection with Green's-road; thence in a northerly and westerly direction along Green's-road to its intersection with Looker-road; thence generally in a northerly direction along Looker-road and Mountain View-road to Price-avenue; thence along Price-avenue in a north-easterly direction to Sherbourne-road; thence in a south-easterly direction along Sherbourne-road to the south-eastern angle of lot 84, L.P. 5630; thence northerly along the eastern boundary of the said lot to its intersection with the shire boundary; thence in a westerly direction along the shire boundary to its intersection with the Plenty River; thence generally in a southerly direction along the Plenty River to the commencing point".

SCHEDULE.

SCHEDULE—continued.

PART B.

Amendment of
No. 4519.
S. 3.

The *Fire Brigades Act* 1937 shall be amended as follows:—

1. In section three for the words “either Board” there shall be substituted the words “the Metropolitan Fire Brigades Board”.

S. 4.

2. In section four for the words “Either Board” there shall be substituted the words “The Metropolitan Fire Brigades Board”.

PART C.

Repeal of
No. 4185.
Repeal of
No. 4708.

1. The *Bush Fire Brigades Act* 1933 shall be repealed.

2. The *Bush Fire Brigades Act* 1939 shall be repealed.

PART D.

Amendment of
No. 4810 s. 2.

The *Police Offences (Fire Alarms) Act* 1941 shall be amended as follows:—

In section two—

(a) in sub-section (1) after the expression “*Fire Brigades Act* 1928” there shall be inserted the expression “or the *Country Fire Authority Act* 1944”; and

(b) in sub-section (2)—

(i) for the words “Country Fire Brigades Board” there shall be substituted the words “Country Fire Authority”;

(ii) for the words “either Board” there shall be substituted the expression “the Board or the Authority (as the case may be)”; and

(iii) for the words “regulations hereinafter referred to” there shall be substituted the expression “regulations referred to in sub-section (4) of this section or in section eighty-five of the *Country Fire Authority Act* 1944”.

PART E.

Amendment of
No. 3685 as
amended by
Nos. 4703,
4938.
S. 3.

1. The *Forests Act* 1928 as amended by any Act shall be amended as follows:—

(a) In section three in the interpretation of “Fire protected area” the expression—

“or

(d) declared to be a fire protected area pursuant to the *Forests Act* 1939”—

shall be repealed;

S. 68.

(b) In sub-section (3) of section sixty-eight for the words “in accordance with the regulations” there shall be substituted the words “in accordance with this Act or the regulations or any other Act or any permit or direction granted or given pursuant to any other Act”;

S. 69.

(c) Section sixty-nine shall be repealed; and

SCHEDULE.

SCHEDULE—continued.

- (d) In paragraph (29) of section ninety-six for the expression “in any proclaimed area during any proclaimed period within the meaning of section sixty-nine of this Act or within any part of Victoria and” there shall be substituted the words “in any State forest or national park”.

2. The *Forests Act* 1939 as amended by any Act shall be amended as follows:—

(a) Section three shall be repealed;

(b) In section seven—

(i) for the words “in any part or parts of Victoria” there shall be substituted the words “in any fire protected area or part of a fire protected area”; and

(ii) for the words “part of Victoria” (wherever occurring) there shall be substituted the words “fire protected area or part of a fire protected area (as the case may be)”;

(c) In section ten for the expression—

“Any person who—

(a) in any fire protected area during the prohibited period; or

(b) in any proclaimed area during any proclaimed period within the meaning of section sixty-nine of the Principal Act”

there shall be substituted the words—

“Any person who in any fire protected area during the prohibited period”; and

- (d) In paragraph (a) of sub-section (4) of section fourteen for the word “to” there shall be substituted the word “and”.

S. 96.

Amendment of
No. 4703 as
amended by
No. 4938 s. 3.

S. 3.

S. 7.

S. 10.

S. 14.

PART F.

The *Land Act* 1928 shall be amended as follows:—

(a) In section one the expression “Division 3.—Prevention of Fires ss. 215–226” shall be repealed; and

(b) Division three of Part II. shall be repealed.

Amendment
of No. 3709.
S. 1.

Part II. Div. 3.