

VICTORIA.



ANNO UNDECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 6956.

An Act to amend the *Country Fire Authority Act* 1958, and for other purposes.

[18th December, 1962.]

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

1. (1) This Act may be cited as the *Country Fire Authority (Amendment) Act* 1962. Short title.

(2) The *Country Fire Authority Act* 1958 is in this Act referred to as the Principal Act. Principal Act No. 6228 as amended by Nos. 6583, 6726, 6887.

2. (1) Section three of the Principal Act shall be amended as follows:— Amendment of No. 6228 s. 3. Interpretation.

(a) After the interpretation of "Apparatus" there shall be inserted the following interpretation:—

"Assistant Chief Officer" means Assistant Chief Officer of all urban and rural brigades';

(b) In the interpretation of "Country area of Victoria" for the words "any forest as hereinafter defined or any Crown land reserved from sale for the purposes of a national park pursuant to the *Land Act* 1958" there shall be substituted the words "any forest or national park";

(c) For

- (c) For the interpretation of "Deputy Chief Officer" there shall be substituted the following interpretation :—
 "Deputy Chief Officer" means Deputy Chief Officer of all urban and rural brigades';
- (d) After the interpretation of "Financial year" there shall be inserted the following interpretation :—
 "Fire protected area" means fire protected area within the meaning of section three of the *Forests Act 1958*';
- (e) For the interpretation of "Forest" there shall be substituted the following interpretation :—
 "Forest" means State forest within the meaning of section three of the *Forests Act 1958*';
- (f) After the interpretation of "Forest" there shall be inserted the following interpretation :—
 "Forest officer" means forest officer within the meaning of the *Forests Act 1958*';
- (g) After the interpretation of "Municipal district" there shall be inserted the following interpretation :—
 "National park" means national park within the meaning of section three of the *National Parks Act 1958*.'

Consequential amendment of No. 6228 ss. 37, 38, 49.

(2) In sub-section (1) of section thirty-seven sub-section (1) of section thirty-eight and sub-sections (1) and (2) of section forty-nine of the Principal Act the expression "within the meaning of the *Forests Act 1958*" shall be repealed.

Amendment of No. 6228 s. 17. Officers, employés, &c.

3. For section seventeen of the Principal Act there shall be substituted the following section :—

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

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

4. After

4. After section twenty-one of the Principal Act there shall be inserted the following section :—

New section 21A inserted in No. 6228.

“ 21A. Notwithstanding anything to the contrary in any Act but subject to the provisions of sections eighteen and nineteen of the *Land Act* 1958 and by agreement with the Commissioner of Crown Lands and Survey the Governor in Council may grant any unalienated Crown land to the Authority for the purposes of this Act at such price and upon such terms and conditions as the Governor in Council thinks fit.”

Power to grant Crown land to Authority.

5. In section twenty-three A of the Principal Act for the words “ rural brigades ” there shall be substituted the word “ brigades ”.

Amendment of No. 6288 s. 23A. Groups of brigades.

6. (1) Section twenty-eight of the Principal Act shall be amended as follows :—

Amendment of No. 6228 s. 28.

(a) In sub-section (1) the word “ appropriate ” (wherever occurring) shall be repealed ;

Powers and duties of Deputy Chief Officer.

(b) For sub-sections (2) and (3) there shall be substituted the following sub-sections :—

“ (2) In and for any urban or rural district any Assistant Chief Officer shall, in the absence of the Chief Officer and the Deputy Chief Officer, unless the Authority otherwise directs or the regulations otherwise provide, have all the powers authorities duties and liabilities conferred or imposed by this Act on the Chief Officer except the power to issue a permit pursuant to sub-section (1A) of section forty of this Act.

Powers and duties of Assistant Chief Officers and Regional Officers.

(3) In and for the urban and rural districts in his region any Regional Officer shall, in the absence of the Chief Officer the Deputy Chief Officer and any Assistant Chief Officer unless the Authority otherwise directs or the regulations otherwise provide, have all the powers authorities duties and liabilities conferred or imposed by this Act on the Chief Officer except the power to issue a permit pursuant to sub-section (1A) of section forty of this Act.”

(2) In sub-section (2) of section forty-two of the Principal Act the word “ appropriate ” shall be repealed.

Consequential amendment of No. 6228 s. 42.

Power of brigade to carry out fire prevention works with consent of owners, &c., of land or municipalities or public authorities.

Amendment of
No. 6228 s. 30.
Powers of
officers at
fires.

7. For paragraph (b) of section thirty of the Principal Act there shall be substituted the following paragraph :—

“(b) He shall have the control and direction of—

(i) any brigade or brigades present at the fire ;
and

(ii) any persons who voluntarily place their services at his disposal either individually or as members of any fire fighting organization (whether established by or for the purposes of a statutory authority or body corporate or not) whilst they remain present at the fire.”

Amendment of
No. 6228 s. 33.

8. For section thirty-three of the Principal Act there shall be substituted the following section :—

Authority or
Forests
Commission
may be solely
responsible for
fire suppression
in certain areas.

“ 33. (1) (a) The Authority and the Forests Commission may jointly determine that either the Authority or the Forests Commission shall be solely responsible for the suppression of fires in any part of Victoria which lies outside the metropolitan fire district.

(b) Notice of every such determination describing by plan or otherwise the boundaries of the part of Victoria affected by the determination shall be published in the *Government Gazette* and a newspaper circulating generally in that part of Victoria and thereupon the Authority or the Forests Commission (as the case may be) shall be solely responsible accordingly for the suppression of fires in that part of Victoria.

Exercise of
powers of
Chief Officer.

(2) The powers and authorities conferred by this Act on the Chief Officer in respect of any district shall be exercisable—

(a) in the case of a fire burning—

(i) in any part of the country area of Victoria (not being a fire protected area or a part of Victoria in which by reason of a determination made pursuant to sub-section

(1) of this section the Forests Commission is solely responsible for the suppression of fires); or

- (ii) in any part of Victoria in which by reason of a determination made pursuant to sub-section (1) of this section the Authority is solely responsible for the suppression of fires—

by the Chief Officer or any officer in charge of a brigade or group of brigades who is present at the fire or, if the Chief Officer or any such officer in charge is not present at the fire or is unable to exercise the said powers and authorities, by any forest officer who is present at the fire; and

(b) in the case of a fire burning—

- (i) on any land within any forest or national park or within any fire protected area (not being land in a part of Victoria in which by reason of a determination made pursuant to sub-section (1) of this section the Authority is solely responsible for the suppression of fires); or

- (ii) in any part of Victoria in which by reason of a determination made pursuant to sub-section (1) of this section the Forests Commission is solely responsible for the suppression of fires—

by any forest officer present at the fire or, if no forest officer is present at the fire or able to exercise the said powers and authorities, by the Chief Officer or any officer in charge of any brigade or group of brigades who is present at the fire.”

9. (1) For sub-section (1) of section thirty-four of the Principal Act there shall be substituted the following sub-section :—

“(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 or under and in accordance with the *Forests Act* 1958 or any direction or authority given thereunder) is burning on any land in any rural district at any time during the relevant summer period the occupier of

Amendment of
No. 6228 s. 34.

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

that

that land immediately upon becoming aware of the fire and whether he has lighted or caused the fire to be lighted or not—

- (a) shall take all possible steps to extinguish the fire or take such steps as he is able to prevent the fire from spreading ; and
- (b) if he is unable without assistance to extinguish the fire 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 brigade or a forest officer or a member of the police force of the existence and locality of the fire."

Penalty.

(2) In sub-section (2) of section thirty-four of the Principal Act for the words " Fifty pounds " there shall be substituted the words " One hundred pounds or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment ".

Amendment of
No. 6228 s. 39.
Provisions
relating to
lighting fires,
&c., in rural
districts during
summer period.

10. Sub-section (1) of section thirty-nine of the Principal Act shall be amended as follows :—

(a) The expression " (except in any part thereof which lies within any fire protected area within the meaning of the *Forests Act 1958*) " shall be repealed ;

(b) In paragraph (a)—

(i) for the words " provisions of this Act " there shall be substituted the words " provision of this Act " ;

(ii) for paragraph (iii) there shall be substituted the following paragraph :—

" (iii) Before the fire is lighted every part of the ground within ten feet of the trench or the site of the fire-place shall be cleared of all inflammable material whatsoever, whether growing or not growing, and the fire shall not be lighted unless the space above that ground is free of any such material " ; and

(iii) for the words " have been guilty of a contravention of " there shall be substituted the words " contravened or failed to comply with " ;

(c) After

(c) After paragraph (d) there shall be inserted the following paragraph :—

“(e) Every person who finds any fire burning shall as soon as practicable inform or cause to be informed the nearest available officer or member of a brigade or a forest officer or a member of the police force of the existence and locality of the fire.”

11. Section forty of the Principal Act shall be amended as follows :—

Amendment of
No. 6228 s. 40.
Provisions
relating to
days of acute
fire danger.

(a) In paragraph (a) of sub-section (1) for the words “this or any other Act” there shall be substituted the words “any provision (other than sub-section (1A) or sub-section (1c) of this section) of this or any other Act” ;

(b) After sub-section (1) there shall be inserted the following sub-sections :—

“(1A) Where a fire in the open air is necessary for carrying on the work of any statutory corporation or municipality or any industrial operation or trade a permit may be granted to light or maintain a fire or permit or suffer a fire to remain alight at any specified place in Victoria on any day in respect of which a warning has been broadcast pursuant to sub-section (1) of this section—

Power to grant
permits to light
fires in certain
cases on days
of acute fire
danger.

(a) where the fire is to be lighted or maintained or permitted or suffered to remain alight in the metropolitan fire district, by the Chief Officer of the Metropolitan Fire Brigades ;

(b) where the fire is to be lighted or maintained or permitted or suffered to remain alight in the country area of Victoria, by the Chief Officer of the Authority ;
and

(c) where the fire is to be lighted or maintained or permitted or suffered to remain alight in a fire protected area, by the person for the time being holding the

office of or acting as the Chief of the Division of Forest Protection in the State Forests Department—

and a permit may be limited to the day in respect of which a warning has been so broadcast or may be granted for that day and any specified subsequent days or generally for any specified future period.

As to form and conditions of permit and issue thereof.

(1B) Every permit so granted shall be in writing and shall be subject to any prescribed conditions and to such other conditions specified therein as the Chief Officer or person granting the permit thinks fit and that Chief Officer or person—

(a) may in any particular case authorize any person to sign and issue the permit on his behalf ; and

(b) may at any time revoke the permit.

Appeal to Minister.

(1C) A person who has been refused a permit under sub-section (1A) of this section or who has been granted a permit subject to conditions to which he objects or whose permit has been revoked pursuant to sub-section (1B) of this section may apply to the Chief Secretary for a permit and the Chief Secretary may grant a permit subject to such conditions as he may think fit or may refuse to grant a permit and may at any time revoke any permit granted by him.” ;

(c) In sub-section (2) for the words “ the last preceding sub-section ” there shall be substituted the words “ sub-section (1) of this section or who having been granted a permit pursuant to sub-section (1A) or sub-section (1C) of this section lights a fire in the open air on a day in respect of which a warning has been broadcast pursuant to the said sub-section (1) or permits or suffers a fire in the open air to remain alight on any such day without complying with every condition to which the permit is subject ”.

Amendment of No. 6228 s. 44. Duties of Regional Officers as to inspection, &c.

12. (1) In section forty-four of the Principal Act—

(a) for the words “ all rural districts ” there shall be substituted the words “ all rural and urban districts ” ; and

(b) for the words “ rural district ” there shall be substituted the words “ rural or urban district ”.

(2) In

(2) In sub-section (1) of section forty-five of the Principal Act for paragraphs (a) and (b) there shall be substituted the following paragraphs :—

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

(b) an Assistant Chief Officer nominated by the Authority for the purpose in respect of any urban or rural district or any part of an urban or rural district within the municipal district.”

Amendment of No. 6228 s. 45.
Power to Governor in Council to transfer municipal officers' powers to Regional Officers or Assistant Chief Officer.

13. In section forty-six A of the Principal Act after the words “found lighting” there shall be inserted the words “or maintaining”.

Amendment of No. 6228 s. 46A.
Power to arrest.

14. In sub-section (1) of section forty-eight of the Principal Act the expression “(not being land within any fire protected area within the meaning of the *Forests Act 1958*)” shall be repealed.

Amendment of No. 6228 s. 48.
Power to police Chief Officer, &c., to direct extinguishment of fire.

15. After paragraph (j) of sub-section (1) of section one hundred and ten of the Principal Act there shall be inserted the following paragraph :—

Amendment of No. 6228 s. 110.
Regulations.

“(ja) For prescribing the conditions under which radio telephone equipment may be installed and operated for fire fighting purposes by brigades or groups of brigades.”