



ANNO NONO

GEORGII VI REGIS.

A.D. 1945.

No. 19 of 1945.

An Act to amend the Bush Fires Act, 1933-1942.

[Assented to 13th December, 1945.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the " Bush Fires Act Amendment Act, 1945 ". Short titles.

(2) The Bush Fires Act, 1933-1942, as amended by this Act, may be cited as the " Bush Fires Act, 1933-1945 ".

(3) The Bush Fires Act, 1933-1942, is hereinafter referred to as " the principal Act ".

2. Section 3a of the principal Act is amended—

(a) by striking out the word " seven " in the first line of subsection (2) thereof and by inserting in lieu thereof the word " nine " ;

(b) by adding at the end of subsection (2) thereof the words " One of the said members shall be a person who is a representative of the South Australian Railways Commissioner ".

Amendment of
principal Act,
s. 3a—
Advisory
committee.

3. (1) Section 4 of the principal Act is amended—

(a) by inserting after the word " ploughed " in the third line of paragraph II. of subsection (2) thereof the words " and cleared of all scrub, stubble, and other inflammable material " ;

Amendment of
principal Act,
ss. 4, 5 and 8—
Clearing of
break
before
burning.

(b) by inserting after the word "ploughed" in the fourth line of paragraph 1. of subsection (4) thereof the words "and cleared of all scrub, stubble, and other inflammable material".

(2) Section 5 of the principal Act is amended by inserting after the word "ploughed" in the fourth line of paragraph 1. of subsection (1) thereof the words "and cleared of all scrub, stubble, and other inflammable material".

(3) Section 8 of the principal Act is amended by striking out the words "either be ploughed or" in the fifth line of paragraph 1. of subsection (1) thereof.

Enactment
of s. 8a of
principal Act—

4. The following section is enacted and inserted in the principal Act after section 8 thereof:—

Power to
authorize
burning of
stubble or scrub
before twelve
o'clock noon.

8a. Notwithstanding the provisions of paragraph vi. of subsection (2) or paragraph iv. of subsection (4) of section 4 or of paragraph v. of subsection (1) of section 5 or of paragraph vii. of subsection (1) of section 8, a fire control officer authorized for the purpose by a council may authorize any person to light a fire before twelve o'clock noon for the purpose of burning stubble or scrub on any land in the area of the council which adjoins any land of the South Australian Railways Commissioner in any case where the fire control officer is satisfied that, at the same time as the stubble or scrub aforesaid will be burnt, stubble or scrub will also be burnt upon the land of the South Australian Railways Commissioner and that the purpose of the burning to be authorized by him is to provide an effective fire break between the land of the South Australian Railways Commissioner and the said land. It shall not be deemed a contravention of sections 4, 5, or 8 if a fire is lighted before twelve o'clock noon in accordance with this section if the other provisions of sections 4, 5, or 8, as the case may require, applicable thereto are complied with.

Amendment of
principal Act,
s. 11—

Alteration of
periods for
burning, etc.

5. Section 11 of the principal Act is amended—

(a) by striking out the word "twice" in the third line of subsection (2) thereof and by inserting in lieu thereof the word "once";

(b) by striking out the word "thirty" in the seventh line of subsection (2) thereof and by inserting in lieu thereof the word "seven".

6. The following section is enacted and inserted in the principal Act after section 12 thereof :—

Enactment of
s. 12a of
principal Act—

12a. (1) If a fire control officer authorized to give directions under this section by the council in the area of which any land is situated is satisfied—

Power of
fire control
officer to
prevent
burning.

(a) that, during any period during which section 4, 5, 7, 8, or 9 has effect, any person proposes to light any fire upon that land for any purpose mentioned in section 4, 5, 7, 8, or 9, as the case may be, or has lighted a fire for such a purpose ; and

(b) that because of the weather conditions then prevailing, there would be danger of the fire becoming out of control,

the fire control officer so authorized, may, by notice in writing given to that person, direct that that person shall, on the day specified in the notice, refrain from lighting the fire, or as the case may be, shall take all reasonable steps to extinguish any fire already lighted.

(2) Any person who fails to comply with any such notice shall be guilty of an offence and liable to a penalty of not less than two pounds nor more than twenty pounds.

7. Section 15 of the principal Act is amended by striking out subsections (1) and (2) thereof and by inserting in lieu thereof the following subsections :—

Amendment of
principal Act,
s: 15—

(1) No person shall drive or use a steam engine (other than a steam engine enclosed on four sides with non-inflammable material) in a stationary position unless the space of ground around the steam engine to a width of twelve feet at least is cleared of all stubble, scrub, and other inflammable material.

Using
stationary
steam or
internal
combustion
engine.

(2) No person shall drive or use any internal combustion engine (other than an internal combustion engine enclosed on four sides with non-inflammable material) in a stationary position unless the space of ground around the internal combustion engine to a width of twelve feet at least is cleared of all stubble, scrub, and other inflammable material or unless some person is present during the whole of the time the internal combustion engine is driven or used and there is carried with the internal combustion engine an effective water spray of the knapsack pattern fully charged with water.

Enactment of
s. 15b of
principal Act—

8. The following section is enacted and inserted in the principal Act after section 15a thereof:—

Prohibition of
use on roads
during summer
months of
vehicles fitted
with producer
gas equipment.

15b. (1) Any person who during the period between the thirtieth day of November and the following first day of March drives or causes to be driven on any street or road within any part of the State to which this section applies any vehicle which, at the time it is so driven, is wholly or partly propelled by means of producer gas, shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(2) The Governor may by proclamation from time to time declare that this section shall apply within any part of the State specified in the proclamation. The Governor may by proclamation revoke or vary any such proclamation. In any proceedings for an offence against subsection (1) the allegation in the complaint that any street or road is within any part of the State to which this section applies shall, in the absence of proof to the contrary, be sufficient evidence that the street or road is within a part of the State to which this section applies.

(3) If in any proceedings for an offence against subsection (1) evidence is given that, at the time of the commission of the alleged offence, any vehicle was equipped with any producer gas equipment and that at the said time a fire was alight in the producer gas equipment or the producer gas equipment contained any live coals or other incandescent material, the vehicle shall be deemed to have been propelled at the time aforesaid by means of producer gas.

Amendment of
principal Act,
s. 17—

Use of internal
combustion
engine for
reaping or
cutting
inflammable
crop.

9. Section 17 of the principal Act is amended—

(a) by adding at the end of subsection (1) thereof the following passage:—

“and unless there is carried with the internal combustion engine an effective water spray of the knapsack pattern fully charged with water”;

(b) by adding at the end of subsection (2) thereof the following passage:—

“and unless there is carried with the producer gas equipment an effective water spray of the knapsack pattern fully charged with water”;

(c) by striking out the word “a” in the penultimate line of subsection (3) thereof and by inserting in lieu thereof the words “an effective”.

10. Section 21 of the principal Act is amended—Amendment of
principal Act,
s. 21—
Blasting of
trees.

- (a) by striking out the word “ persons ” in the fifth line thereof and by inserting in lieu thereof the word “ men ” ;
- (b) by inserting after the word “ therefrom ” in the sixth line thereof the words “ and having near the place where the gunpowder or other explosive substance is employed an effective water spray of the knapsack pattern fully charged with water ”.

11. Section 27 of the principal Act is amended by striking out the word “ three ” in the fifth line thereof and by inserting in lieu thereof the word “ seven ”.Amendment of
principal Act,
s. 27—
Coronial
inquiry into
fires.**12.** The following section is enacted and inserted in the principal Act after section 30 thereof :—Amendment of
principal Act—

30a. (1) If by reason of the escape of fire, sparks or other burning material from any locomotive of the South Australian Railways Commissioner any fire is caused on any land, the South Australian Railways Commissioner shall be liable to pay compensation for any damage caused by the fire if at the time of the fire there is on the said land a firebreak or firebreaks cleared of all stubble, scrub and inflammable material and of the dimensions prescribed by regulation and constructed in such places as are so prescribed.

Liability of
South
Australian
Railways
Commissioner
for fires.

(2) The Governor may make regulations prescribing for the purpose of this section, the dimensions of firebreaks and the places in which they are to be constructed. Any such regulation may prescribe different requirements for different parts of the State.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.