



1939.

ANNO TERTIO ET QUARTO  
 GEORGII VI. REGIS.

No. 38.

## ANALYSIS.

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| 1. Short title.<br>2. Amendment of 26 Geo. V. No. 36.<br>Section 5.<br>Section 7.<br>Section 9.<br>Section 11.<br>Section 13. | Section 16.<br>Section 18.<br>Section 19.<br>Section 26. | 3. Amendment of section 27 of 26 Geo. V. No. 36 and repeal of 1 Geo. VI. No. 10. |
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AN ACT to amend the *Bush Fires Act 1935*.  
 [21 December, 1939.]

A.D.  
**1939**

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as the *Bush Fires Act 1939*.

Short titl .

6d.]

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A.D. 1939. **2** The Principal Act is hereby amended—

Amendment  
of 26 Geo.  
V. No. 36.  
Section 5.

I. By inserting the words “or officer of the Department of Agriculture” after the word “officer” in the first line of section five thereof:

Section 7.

II. As to section seven thereof—

(a) By deleting the word “prescribed” in the fourth line of subsection (1) and substituting the word “specified”:

(b) By inserting the words “by writing under his hand” after “officer” in the said fourth line:

(c) By deleting the words “such prescribed area” at the end of that subsection and substituting the words “the area specified in such declaration”: and

(d) By deleting the words “stubble or” in the last line of subsection (3):

Section 9.

III. By inserting at the end of section nine thereof the following new subsection (3)—

“(3) On the recommendation of the Conservator, the Minister may appoint any person as an honorary fire warden, and a person so appointed shall hold office for one year, and shall have the powers of a fire patrol”:

Section 11.

IV. As to section eleven thereof—

(a) By deleting the words “or timber reserve” in the third line of subsection (1):

(b) By inserting at the end of subsection (1) the words “unless the scrub so to be burnt, or any part thereof, is within a bush fire district constituted under this section”:

(c) By adding at the end of the section the following new subsections (6) to (9)—

“(6) For the safeguarding of Crown lands from damage by fire the Minister, on the recommendation of the Conservator, may define, by notice under his hand, published in the *Gazette*, a bush fire district in any part of the State.

(7) Such notice shall define the area specified therein in such terms that its approximate boundaries may be readily ascertainable; and a copy of such notice shall be sent by registered post to the owner and occupier of all lands within such area.

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(8) Any such notice may be in like manner varied or revoked. A.D. 1939.

(9) While any such notice is in force it shall be unlawful to light, use, or maintain any fire for the purpose of burning scrub within the area defined thereby, within the summer period, except in pursuance of a permit issued for that purpose under section five, but, except as may be required by such permit, the foregoing provisions of this section shall not apply to such fire."

V. As to section thirteen thereof—

Section 13.

(a) By inserting after "day" in the first line of subsection (5) the words "and at all times during a proclaimed fire danger period": and

(b) By inserting after "subsections" in subsection (6) the numerals "(1), (2),":

VI. By inserting after "pounds" at the foot of section sixteen thereof the words "; or if the offence is committed on a day declared to be a fire danger day or during a proclaimed fire danger period, relating respectively to the place where it was committed: One hundred pounds or six months' imprisonment":

Section 16.

VII. By inserting at the foot of subsection (1) of section eighteen thereof "Penalty: Twenty-five pounds or three months' imprisonment, or both such penalties; or, if the offence is committed on a day declared to be a fire danger day or within a proclaimed fire danger period, having relation respectively to the place where it was committed, double the penalties aforesaid":

Section 18.

VIII. By inserting at the end of section nineteen thereof the following new subsections (3) to (5)—

Section 19.

"(3) It shall be the duty of every owner to take effective measures to extinguish any fire occurring during the summer period, on the land of which he is such owner, otherwise than as permitted by this Act; and unless the same has been sooner extinguished to notify the occurrence of such fire as soon as is practicable after he has knowledge of the fire to the nearest forest officer or police officer.

Penalty: Fifty pounds.

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(4) The owner of any land not within a city outside the boundary of which, and within one hundred feet of such boundary, there is any building exceeding fifty pounds in value, shall at all times keep such land for a distance of one hundred feet from such building free from all inflammable scrub, debris, and rubbish calculated to constitute a fire risk to such building.

Penalty: Fifty pounds.

(5) Any forest officer or police officer, by notice in writing, may require the owner of any land to comply with the requirements of subsection (4) hereof within a reasonable time to be specified in such notice, and in default of his so doing may enter on such land and cause the required work to be done, and the cost of such work may be recovered by the Conservator from the owner in any court of competent jurisdiction.”: and

Section 26.

IX. By inserting at the end of section twenty-six thereof the following new subsection (4)—

“(4) The regulations may prescribe and provide for the enforcement of the clearing of any land where, in the opinion of the Conservator, the position and condition of such land, or of any scrub, debris, or rubbish thereon, is such as to constitute a serious fire risk to any dwelling, or to any Crown land in the neighbourhood thereof, and may authorise entry on such land by any forest officer for that purpose, and where the risk is to a building the cost of such clearing shall be borne by the owner and in other cases such cost shall be borne by the Conservator.”

Amendment  
of section 27  
of 26 Geo.  
V. No. 36  
and repeal of  
1 Geo. VI.  
No. 10.

**3** Section twenty-seven of the Principal Act is hereby amended by deleting the word “thirty-nine” at the end thereof and substituting the word “forty-one” and the *Bush Fires Act 1937* is hereby repealed.