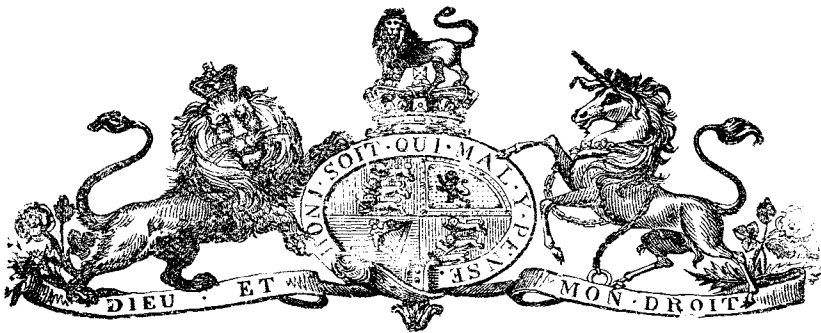


T A S M A N I A.

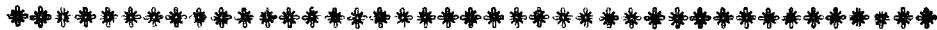


1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 16.



AN ACT to amend "The Fire Brigades Act, 1883." [18 October, 1900.] A.D. 1900.

WHEREAS it is expedient to make better provision for the protection of life and property from Fire in Towns proclaimed under "The Town Boards Act, 1896" : PREAMBLE. 60 Vict. No. 31.

Be it therefore 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 for all purposes as "The Fire Brigades Act, 1900." Short title.

2 Section One hundred and sixty-six of "The Town Boards Act, 1896," is hereby repealed. Repeal. 60 Vict. No. 31.

3 In this Act and the said Act, unless the context otherwise determines— Interpretation.

"The said Act" means "The Fire Brigades Act, 1883" : 47 Vict. No. 21.

"Town" means any Town proclaimed under "The Town Boards Act, 1896," and not included in the term "District," as used in the said Act : 60 Vict. No. 31.

4d.]

Fire Brigades.

- A.D. 1900. ' District,' as used in the said Act, shall be extended to include any Town.
- Act may be extended to Towns. **4** The Town Board of any Town may petition the Governor in Council to extend the provisions of the said Act and this Act to such Town.
Such petition shall thereupon be published in Two consecutive numbers of the *Gazette*, and once in Two consecutive weeks in a paper published in *Hobart*, and in a paper published in *Launceston*, and in a paper generally circulating in such Town.
At the expiration of Four weeks after the last publication in the *Gazette* it shall be lawful for the Governor in Council, by Proclamation published in the *Gazette*, to extend the provisions of the said Act and this Act to such Town, and thereupon there shall be formed a Fire Brigade Board for such Town.
- Constitution of Board of any Town. **5** The Fire Brigade Board for any Town shall consist of Six Members, viz. :—Two Members to be appointed by the Governor in Council in such manner and for such period of time as may be prescribed ; Two Members to be elected by the Town Board of the Town ; and Two Members to be elected by the Fire Insurance Companies, as provided in the said Act.
The Chairman of any such Board shall have a deliberative, but not a casting, vote ; and in the event of an equality of votes upon any motion, the motion shall be considered lost.
- Election of Members by Town Boards. **6** The election of Members by the Town Board of any Town shall take place on such day and be held in all other respects in accordance with such directions as may respectively be prescribed.
- Contributions to expenditure of Board. **7** Towards the annual outlay as estimated by each Board in maintaining the Brigade and for other purposes authorised by this Act, a sum equal to the whole of such outlay shall be contributed annually in equal portions, and be paid to the Board, by—
i. The Fire Insurance Companies insuring property within the District :
ii. The Town Board of the Town comprising the District :
iii. The Treasurer, out of the Consolidated Revenue Fund :
the said Companies contributing one-third of such annual outlay, the Town Board one-third, and the Treasurer one-third thereof, and in all cases by equal quarterly payments as from the date of the first meeting of such Board.
- Town Board contribution to be paid out of funds at disposal of Board. **8** The amount of contribution payable under this Act by any Town Board shall be paid out of funds at the disposal of the Town Board, and if such funds are insufficient to pay the same then the Town Board shall make and levy a Rate for the purpose of raising such amount ; and such Rate shall be made, collected, and recovered in the same manner in all respects as any Town Rate is made, collected, and recovered ; or such amount may be raised by such Town Board, if necessary (and notwithstanding any Statutory limit of the Town Rate), by increasing any Town Rate for the year next following the payment of such contribution by such a sum in the Pound as shall be sufficient to provide the amount thereof ; and such increased Rate shall for all purposes be deemed a Town Rate for that year, and be recoverable as such.

Fire Brigades.

9 Any Fire Brigade Board constituted under the provisions of this Act shall for all purposes be deemed to be a Board constituted under the provisions of the said Act, and shall have, exercise, and enjoy all the powers, duties, and privileges of such last-mentioned Board.

A.D. 1900.

Powers of Board.

10 If a Town Board, or if any Fire Insurance Company liable as a contributory under this Act, fails to pay the quarterly payment prescribed by this Act and the said Act within Thirty days after it shall become due, such Board or Company shall be liable to a penalty of Five Pounds a day for each day during which such default continues.

Penalty for default in payment of contribution.

11 In case any fire shall occur in any ship in any port, or in case any personal property shall take fire in any open space, and such ship or property be not insured against fire, and any Fire Brigade shall attend at such fire and be employed in extinguishing the same, the expenses actually incurred by such Brigade at such fire, not exceeding those mentioned in the Schedule to the said Act, shall be paid by the owners thereof upon demand made by the public officer of the Board maintaining such Fire Brigade; and each such owner shall contribute towards such expenses in proportion to the value of the ship or property so protected or sought to be protected; and such value shall be ascertained by such Board in such manner as may be prescribed.

Remuneration for attendance of brigade when property uninsured.

12 In case any fire shall occur in any insured house, building, or premises containing furniture, stock-in-trade, or personal property which is not insured, and any Fire Brigade shall attend at such fire, and be employed in extinguishing the same, the expenses actually incurred by such brigade at such fire, not exceeding those mentioned in the Schedule to the said Act, shall be paid by the owner of such uninsured property upon demand made by the public officer of the Board of the district in which such fire occurs; and each such owner shall contribute towards the expenses in the proportion which the value of the uninsured property bears to the value of the house, building, or premises in which it is contained; and such value shall be ascertained by the Board of the district in which the fire occurs in such manner as may be prescribed: Provided that no claim under this Section shall be valid as against a lodger or guest in such house, building, or premises.

Remuneration for attendance of brigade when contents of building uninsured.

13 In case any fire occurs in any building or shed containing straw or material of a similar nature, the owner of such building or shed or of the contents thereof shall use due diligence in removing the débris, and if after notice in writing given to such owner by the public officer of the Board of the district in which such fire occurs requiring him within Twelve hours, or such longer time as such public officer may under all the circumstances of the case deem necessary, to remove such débris, such owner as aforesaid shall fail or neglect to comply with the terms of such notice, it shall be lawful for such Board, through their public officer, to remove any débris and to recover in any Court of competent jurisdiction the expenses actually incurred by the Board in so doing and in employing watchmen (if necessary) to look after such building until such débris is removed.

Removal of débris after a fire.

14 No expenses shall be recovered by any Fire Brigade Board if the fire shall occur in an uninsured house, building, or premises of less

No expenses in respect of small tenements.

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value than One hundred Pounds, or in respect of uninsured furniture, stock-in-trade, or personal property of less value than Twenty-five Pounds. But expenses in respect of contents which exceed Twenty-five Pounds in value may be recovered notwithstanding that the value of the building containing the same is less than One hundred Pounds.

Board may hold land.

15—(1.) Any Board may purchase, take on lease, mortgage, or otherwise acquire land or buildings for the purposes of carrying out the objects of the said Act or this Act, and may from time to time sell or exchange or let on lease any land or buildings acquired by or vested in such Board.

(2.) All money resulting from such sale, exchange, or letting of any land or buildings shall be applied by such Board in the purchase of property for such Board or the improvement of the real or personal property of such Board.

(3.) Any Board may, with the consent of the Governor in Council, from time to time borrow such moneys as such Board may deem necessary for carrying out and performing the powers, authorities, and duties vested in, conferred, or imposed upon such Board by the said Act or this Act.

Amendment of Sect. 12, 47 Vict. No. 21.

Power to appoint a public officer.

16 There shall be added to Section Twelve of the said Act, to be read as the Seventh Clause thereof, the words following:—

“VII. Providing for and appointing a public officer of the Board of the District.”

Acts to be read together.

17 This Act and the said Act shall be read and construed together as one and the same Act.