No. 60 of 1968

An Act to amend the Bush Fires Act, 1960.

[Assented to 23rd December, 1968.]

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, 1968”.
   (2) The Bush Fires Act, 1960, as amended by this Act, may be cited as the “Bush Fires Act, 1960-1968”.
   (3) The Bush Fires Act, 1960, is hereinafter referred to as “the principal Act”.

2. Section 4 of the principal Act is amended by striking out the word “affected” and inserting in lieu thereof the word “effected”.

3. Section 5 of the principal Act is amended by striking out the passage “Sections 8-37” and inserting in lieu thereof the passage “Sections 8-37a”.

4. Section 6 of the principal Act is amended—
   (a) by striking out from subsection (1) the definitions of “producer gas” and “producer gas equipment”; and
   (b) by inserting after the definition of “the Subsidies Fund” the following definitions:—
"supervisor" means a person appointed pursuant to the regulations to be a supervisor of fire control officers, and "deputy supervisor" means a person so appointed to be a deputy supervisor of fire control officers.

5. Section 9 of the principal Act is amended by striking out from subsection (2) the word "re-election" and inserting in lieu thereof the word "re-appointment".

6. Section 16 of the principal Act is amended by striking out from subsection (2) the word "re-election" and inserting in lieu thereof the word "re-appointment".

7. Section 28 of the principal Act is amended by striking out from paragraph (a) of subsection (1) the word "fifteen" and inserting in lieu thereof the word "thirty".

8. Section 29 of the principal Act is amended by striking out subsection (2).

9. Section 36 of the principal Act is amended by striking out from subsection (3) the passage "one pound" and inserting in lieu thereof the passage "two dollars".

10. The following heading and section is enacted and inserted in the principal Act after section 37:—

**Fire Party Leaders**

37a. (1) The Minister or a council, or any person acting under the written authority of the Minister or a council, may, by instrument in writing, appoint such persons as he or it thinks fit to be fire party leaders.

(2) A fire party leader may be appointed for such period, not exceeding the period expiring on the thirtieth day of June next ensuing after the date of his appointment, as the Minister, council, or other person by whom or which he was appointed thinks fit and specifies in the instrument of his appointment.

(3) A person appointed a fire party leader under this section shall be deemed to be a volunteer fire fighter within the meaning of the Volunteer Fire Fighters Fund Act, 1949-1957.
11. Section 41 of the principal Act is amended—

(a) by inserting after the passage “Every such resolution” in subsection (2) the passage “shall specify the commencing day and the last day of the period as altered and”;

and

(b) by inserting after the passage “until notice of it” in subsection (4) the passage “in a form approved by the Minister”.

12. Section 43 of the principal Act is amended by striking out the passage “one hundred pounds; for a subsequent offence—two hundred pounds” and inserting in lieu thereof the passage “two hundred dollars; for a subsequent offence—four hundred dollars”.

13. Section 49 of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (1) the passage “forty-eight hours and not less than six hours” and inserting in lieu thereof the passage “seven days and not less than four hours”;

and

(b) by inserting after the word “clerk” in paragraph (c) of subsection (1) the passage “, or a member of the office staff, of the council”.

14. Section 50 of the principal Act is amended by striking out from paragraph (c) of subsection (1) the passage “forty-eight hours and not less than six hours” and inserting in lieu thereof the passage “seven days and not less than four hours”.

15. Section 52 of the principal Act is amended by striking out the passage “one hundred pounds; for a subsequent offence—two hundred pounds” and inserting in lieu thereof the passage “two hundred dollars; for a subsequent offence—four hundred dollars”.

16. Section 54 of the principal Act is amended—

(a) by striking out from paragraph (c) of subsection (1) the passage “forty-eight hours or less than six hours” and inserting in lieu thereof the passage “seven days or less than four hours”;

and

(b) by inserting after the word “clerk” in paragraph (d) of subsection (1) the passage “, or a member of the office staff, of the council”.
17. Section 55 of the principal Act is amended by inserting after the passage "the burning of" in subsection (2) the passage "scrub or standing".

18. Section 57 of the principal Act is amended—
(a) by striking out from subsection (1) the passage "of its members" and inserting in lieu thereof the passage "persons, each of whom is a member of the council, a supervisor or a deputy supervisor";
(b) by striking out from subsection (1) the passage "for purpose of section 56 and may delegate to the committee its powers to grant exemptions under that section" and inserting in lieu thereof the passage "and may delegate to the committee its powers to grant permits under section 50 of this Act and to grant exemptions under section 56 of this Act";

and
(c) by striking out subsection (2) and inserting in lieu thereof the following subsections:

(2) A permit or exemption granted by a committee to which a council has delegated the powers referred to in subsection (1) of this section, shall be deemed to be, and shall have effect as, a permit or exemption granted by the council.

(3) A decision to grant a permit or exemption made by any two members of a committee to which a council has delegated the powers referred to in subsection (1) of this section shall be a decision of the committee.

19. Section 59 of the principal Act is amended—
(a) by inserting after the word "on" the passage "Good Friday, Christmas Day or";

and
(b) by striking out the passage "fifty pounds; for a subsequent offence—one hundred pounds" and inserting in lieu thereof the passage "one hundred dollars; for a subsequent offence—two hundred dollars".

20. Section 60 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
21. Section 61 of the principal Act is amended—

(a) by inserting after subsection (2) the following sub-
sections:

(2a) The Minister may, by notice published in
the Gazette, declare that during the prohibited
burning period and the conditional burning period
or either of them it shall be unlawful to light or
maintain a fire in the open air in the portion of the
State, specified in the notice, being a portion of the
State outside the area of a council, except in
places, structures or circumstances (if any)
specified in the notice.

(2b) The Minister may, by notice published in
the Gazette, revoke or vary a notice published
under subsection (2a) of this section.

and

(b) by striking out subsection (3) and inserting in lieu
thereof the following subsection:

(3) A person shall not light or maintain a fire
contrary to the terms of a resolution or notice in
force under this section.

Penalty: For a first offence—One hundred
dollars; for a subsequent offence—Two
hundred dollars.

22. Section 62 of the principal Act is amended by striking
out from subsections (1) and (3) the passage "fifty pounds;
for a subsequent offence—one hundred pounds" and inserting
in lieu thereof in each case the passage "one hundred dollars;
for a subsequent offence—two hundred dollars".

23. Section 63 of the principal Act is amended by striking
out the passage "fifty pounds; for a subsequent offence—one
hundred pounds" and inserting in lieu thereof the passage "one hundred dollars;
for a subsequent offence—two hundred dollars".

24. Section 64 of the principal Act is amended by striking
out the passage "Fifty pounds" and inserting in lieu thereof
the passage "One hundred dollars".

25. Section 65 of the principal Act is amended by striking
out from subsection (4) the passage "one hundred pounds;
for a subsequent offence, two hundred pounds" and inserting in
lieu thereof the passage "two hundred dollars; for a subsequent
offence, four hundred dollars".
26. Section 67 of the principal Act is amended by striking out the passage “Fifty pounds” and inserting in lieu thereof the passage “One hundred dollars”.

27. Section 68 of the principal Act is amended—

(a) by striking out the passage “an inflammable crop” and inserting in lieu thereof the passage “or transporting an inflammable crop, or of spreading lime or fertilizer;”

and

(b) by striking out the passage “Fifty pounds” and inserting in lieu thereof the passage “One hundred dollars”.

28. Section 69 of the principal Act is amended by striking out the passage “Fifty pounds” and inserting in lieu thereof the passage “One hundred dollars”.

29. Section 70 of the principal Act is amended by striking out the passage “Twenty-five pounds” and inserting in lieu thereof the passage “Fifty dollars”.

30. Section 71 of the principal Act is amended by inserting at the end thereof the passage “Penalty: One hundred dollars”.

31. Sections 72, 73, 74 and 75 of the principal Act are respectively amended by striking out the passage “Fifty pounds” occurring in each of those sections and inserting in lieu thereof in each case the passage “One hundred dollars”.

32. Section 76 of the principal Act is amended by striking out the passage “Twenty-five pounds” wherever it occurs and inserting in lieu thereof, in each case, the passage “Fifty dollars”.

33. Section 77 of the principal Act is amended—

(a) by inserting at the end of subsection (7) the passage “Penalty: For a first offence—One hundred and fifty dollars; for a subsequent offence—Three hundred dollars”;

and

(b) by inserting at the end of subsection (8) the passage “Penalty: For a first offence—One hundred and fifty dollars; for a subsequent offence—Three hundred dollars”.
34. Section 78 of the principal Act is amended by striking out from subsection (1) the passage "Twenty-five pounds" and inserting in lieu thereof the passage "Fifty dollars".

35. Section 82 of the principal Act is amended by striking out from subsection (4) the passage "Fifty pounds" and inserting in lieu thereof the passage "One hundred dollars".

36. Section 86 of the principal Act is amended—

(a) by inserting after the passage "a fire control officer" in subsection (3) the passage "or, subject to subsection (3a) of this section, a fire party leader";

and

(b) by inserting after subsection (3) the following subsection:

(3a) The powers conferred under paragraphs (g) and (j) of subsection (3) of this section shall not be exercisable by a fire party leader.

37. Section 89 of the principal Act is amended by striking out from subsection (2) the passage "fifty pounds; for a subsequent offence—one hundred pounds" and inserting in lieu thereof the passage "one hundred dollars; for a subsequent offence—two hundred dollars".

38. Section 90 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) the passage "during the prohibited burning period or the conditional burning period";

(b) by inserting after the word "day" in subsection (1) the passage "or during the period (being a period of not more than seven days)";

(c) by striking out from paragraph (a) of subsection (2) the passage "during the prohibited burning period or the conditional burning period";

(d) by inserting after the word "day" in subsection (2) the passage "or during the period (being a period of not more than seven days)";

and
(e) by striking out from subsection (3) the passage “fifty pounds; for a subsequent offence—one hundred pounds” and inserting in lieu thereof the passage “one hundred dollars; for a subsequent offence—two hundred dollars”.

39. Section 91 of the principal Act is amended—

(a) by inserting after the passage “fire control officer” wherever it occurs in subsection (1) the passage “or fire party leader”;

and

(b) by striking out from subsection (1) the passage “Fifty pounds” and inserting in lieu thereof the passage “One hundred dollars”.

40. Section 92 of the principal Act is amended by striking out from subsection (2) the passage “Twenty pounds” and inserting in lieu thereof the passage “Forty dollars”.

41. Section 93 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “or a fire control officer” and inserting in lieu thereof the passage “a fire control officer or a fire party leader”;

and

(b) by striking out from subsection (2) the passage “Twenty pounds” and inserting in lieu thereof the passage “Forty dollars”.

42. Section 94 of the principal Act is amended by striking out the passage “Not less than five or more than fifty pounds” and inserting in lieu thereof the passage “One hundred dollars”.

43. Section 95 of the principal Act is amended by striking out from subsection (1) the passage “ten pounds” and inserting in lieu thereof the passage “twenty dollars”.
44. Section 97 of the principal Act is amended—

(a) by inserting after the passage “fire control officer,” first occurring in subsection (1) the passage “a fire party leader,”; and

(b) by inserting after the passage “fire control officer” secondly occurring in subsection (1) the passage “or a fire party leader”.

45. Section 107 of the principal Act is amended—

(a) by inserting after the passage “fire control officers” wherever it occurs in paragraphs (a), (b) and (c) the passage “and fire party leaders”; and

(b) by striking out from paragraph (g) the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

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

J. W. HARRISON, Governor.