ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

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No. 69 of 1984

An Act to amend the Country Fires Act, 1976.

[Assented to 1 November 1984]

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 “Country Fires Act Amendment Act, 1984”.

   (2) The Country Fires Act, 1976, is in this Act referred to as “the principal Act”.

2. This Act shall come into operation on a day to be fixed by proclamation.

3. Section 5 of the principal Act is amended by inserting after the definition of “bush fire” the following definition:

   “the Chief Officer” means the person for the time being holding, or acting in, the office of Chief Officer under this Act.

4. Sections 9 and 10 of the principal Act are repealed and the following sections are substituted:

   9. (1) The Board shall consist of five members of whom—

      (a) one shall be the Under Treasurer;

      (b) one shall be the Director;

   and

      (c) three shall be appointed by the Governor on the nomination of the Minister and of these—

      (i) one shall be appointed to represent the interests of councils whose areas are wholly or partially outside fire brigade districts;

   and

      (ii) one shall be appointed to represent the interests of members of C.F.S. fire brigades.
(2) The nomination of a person for appointment to the Board under subsection (1) (c) (i) shall not be made except after consultation with the Local Government Association.

(3) The Governor may appoint a person to be a deputy of a member and the deputy may, in the absence of that member, act as a member of the Board.

(4) A member of the Board shall be appointed by the Governor to be the Chairman of the Board.

(5) Those persons (other than the Director) who were members of the Board immediately before the commencement of the Country Fires Act Amendment Act, 1984, shall cease to hold office on the commencement of that Act.

10. (1) A member appointed by the Governor shall be appointed for a term not exceeding three years and on such conditions as the Governor determines, and at the expiration of his term of office shall be eligible for reappointment.

(2) The Governor may remove a member appointed by him from office for—

(a) a breach of, or non-compliance with, a condition of his appointment;

(b) mental or physical incapacity to carry out satisfactorily the duties of his office;

(c) neglect of duty;

or

(d) dishonourable conduct.

(3) The office of a member appointed by the Governor becomes vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (2).

(4) Upon the office of a member appointed by the Governor becoming vacant, a person shall be appointed in accordance with this Act to the vacant office.

5. Section 11 of the principal Act is amended by striking out from subsection (1) the word "Six" and substituting the word "Three".

6. Section 18 of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsections:

(1) There shall be a Director of Country Fire Services who must be a person with the knowledge, skills and experience necessary to manage the Country Fire Services.

(2) There shall be a Chief Officer who must be a person with wide knowledge of, and experience in, fire-fighting.
(2a) The Director and the Chief Officer shall be appointed by the Board with the approval of the Minister.

7. Section 25 of the principal Act is amended by inserting after paragraph (a) of subsection (4) the following paragraph:

(ab) the Chief Officer;

8. Section 32 of the principal Act is amended by striking out from subsection (2) the passage “Five hundred dollars” and substituting the passage “One thousand dollars”.

9. Section 39 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “five hundred dollars” and substituting the passage “five thousand dollars or imprisonment for six months”;

and

(b) by striking out from subsection (1) the passage “one thousand dollars” and substituting the passage “ten thousand dollars or imprisonment for twelve months”.

10. Section 40 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “five hundred dollars” and substituting the passage “two thousand five hundred dollars”;

and

(b) by striking out from subsection (1) the passage “one thousand dollars” and substituting the passage “five thousand dollars”.

11. Section 41 of the principal Act is amended—

(a) by striking out from subsection (4) the passage “five hundred dollars” and substituting the passage “five thousand dollars or imprisonment for six months”;

and

(b) by striking out from subsection (4) the passage “one thousand dollars” and substituting the passage “ten thousand dollars or imprisonment for twelve months”.

12. Section 42 of the principal Act is amended—

(a) by striking out from subsection (3) the passage “one thousand dollars” and substituting the passage “two thousand five hundred dollars”;

and

(b) by striking out from subsection (3) the passage “two thousand dollars” and substituting the passage “twenty thousand dollars or imprisonment for two years”.

13. Section 43 of the principal Act is amended—

(a) by striking out the passage “two hundred dollars” and substituting the passage “two thousand five hundred dollars”;
and

(b) by striking out the passage “four hundred dollars” and substituting the passage “five thousand dollars”.

14. Section 44 of the principal Act is amended—

(a) by striking out the passage “two hundred dollars” and substituting the passage “two thousand five hundred dollars”;

and

(b) by striking out the passage “four hundred dollars” and substituting the passage “five thousand dollars”.

15. Section 46 of the principal Act is amended by striking out from subsection (1) the passage “One hundred dollars” and substituting the passage “One thousand dollars”.

16. Section 47 of the principal Act is amended by striking out from subsection (1) the passage “One hundred dollars” and substituting the passage “One thousand dollars”.

17. Section 48 of the principal Act is amended by striking out the passage “Two hundred dollars” and substituting the passage “Two thousand five hundred dollars”.

18. Section 49 of the principal Act is amended by striking out from subsection (4) the passage “One thousand dollars” and substituting the passage “Five thousand dollars”.

19. Section 50 of the principal Act is amended by striking out from subsection (1) the passage “Five hundred dollars” and substituting the passage “Five thousand dollars”.

20. Section 51 of the principal Act is amended by striking out from subsection (6) the passage “two hundred dollars” and substituting the passage “five thousand dollars”.

21. Section 52 of the principal Act is amended—

(a) by striking out from subsection (6) the passage “(other than the Director)” and substituting the passage “(other than the Director or a fire control officer to whom he has delegated his powers under subsection (7))”;

and

(b) by inserting in subsection (9) after the passage “a fire control officer who is” the passage “the Chief Officer,”.

22. Section 53 of the principal Act is amended—

(a) by striking out from subsection (3) the passage “five hundred dollars” and substituting the passage “five thousand dollars or imprisonment for six months”;

and

(b) by striking out from subsection (3) the passage “one thousand dollars” and substituting the passage “ten thousand dollars or imprisonment for twelve months”.

Amendment of s. 46—
Restriction on the use of certain engines, vehicles, appliances and materials.

Amendment of s. 47—
Smoking near flammable bush or grass.

Amendment of s. 48—
Throwing burning material from vehicles.

Amendment of s. 49—
Fire protection at premises.

Amendment of s. 50—
Removal of debris from roads.

Amendment of s. 51—
Power of Board or council to order clearing of land.

Amendment of s. 52—
Power of fire control officer in controlling and suppressing fires.

Amendment of s. 53—
Powers of fire control officer, or member of police force to direct a person to extinguish a fire.
23. Section 54 of the principal Act is amended—

(a) by striking out from subsection (3) the passage “five hundred dollars” and substituting the passage “five thousand dollars or imprisonment for six months”;

and

(b) by striking out from subsection (3) the passage “one thousand dollars” and substituting the passage “ten thousand dollars or imprisonment for twelve months”.

24. Section 55 of the principal Act is amended by striking out from subsection (2) the passage “Five hundred dollars” and substituting the passage “Five thousand dollars or imprisonment for six months”.

25. Section 57 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Five hundred dollars” and substituting the passage “Five thousand dollars or imprisonment for six months”;

and

(b) by striking out from subsection (2) the passage “Five hundred dollars” and substituting the passage “Two thousand five hundred dollars”.

26. Section 58 of the principal Act is amended by striking out from subsection (2) the passage “Five hundred dollars” and substituting the passage “One thousand dollars”.

27. Section 61 of the principal Act is amended by striking out the passage “Five hundred dollars” and substituting the passage “Two thousand dollars”.

28. Section 62 of the principal Act is amended by striking out from subsections (1) and (3) the passage “One thousand dollars” and substituting, in each case, the passage “Five thousand dollars”.

29. Section 68 of the principal Act is amended by striking out from paragraph (n) of subsection (2) the passage “five hundred dollars” and substituting the passage “one thousand dollars”.

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

D. B. DUNSTAN, Governor