



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

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:

Short title.

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".

Commencement.

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

Amendment of
s. 5—
Interpretation.

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.

Repeal of ss. 9
and 10 and
substitution of
new sections.

Membership of
the Board.

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 Sections 9 and 10 of the principal Act are repealed and the following sections are substituted: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

Terms and conditions of office.

(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".

Amendment of s. 11—
Quorum.

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

Amendment of s. 18—
The Director and other officers of the Board.

(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.

Amendment of
s. 25—
Fire control
officers.

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

(ab) the Chief Officer;

Amendment of
s. 32—
Apportionment of
insurers'
contribution.

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".

Amendment of
s. 39—
Restriction on
lighting of fires in
the open air
during the fire
danger season.

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".

Amendment of
s. 40—
Prohibition on
burning off brush
or standing grass
on Sundays and
other public
holidays.

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".

Amendment of
s. 41—
Power of Board
to restrict lighting
of fires in the
open air.

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".

Amendment of
s. 42—
Warning of days
of extreme fire
danger.

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 "ten thousand dollars or imprisonment for twelve months";

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".

Amendment of
s. 43—
Provisions dealing
with certain fires.

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";

Amendment of s. 44—
Restriction on the use of certain engines, vehicles, appliances and materials.

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".

Amendment of s. 46—
Fire extinguishers to be carried on caravans.

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".

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

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".

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

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".

Amendment of s. 49—
Fire protection at premises.

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".

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

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".

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

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))";

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

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";

Amendment of s. 53—
Powers of fire control officer, or member of police force to direct a person to extinguish a fire.

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. 54—
Power of fire
control officer to
prohibit fires.

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”.

Amendment of
s. 55—
Power of police
and fire control
officers to enter
premises and
search debris, etc.

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”.

Amendment of
s. 57—
Hindering
officers.

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”.

Amendment of
s. 58—
Disclosure of
information to
police and fire
control officers.

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”.

Amendment of
s. 61—
Interference with
fire plugs, etc.

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

Amendment of
s. 62—
Misuse of fire
alarms, etc.

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”.

Amendment of
s. 68—
Regulations.

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