

## FIRE BRIGADES ACT, 1936.

No. 2272 of 1936.

An Act to consolidate certain Acts relating to the protection of life and property from loss and damage by fire.

[Assented to 13th August, 1936.]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows:

PART I.

PART I.

PRELIMINARY.

Short title.  
Cf. U.K.  
28 & 29 Vict.  
c. 90.

Commence-  
ment.

Repeal.

Arrangement  
of Act.

1. This Act may be cited as the "Fire Brigades Act, 1936."

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

3. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed.

4. The provisions of this Act are arranged as follows:—

PART I.—Preliminary.

PART II.—Constitution, duties and powers of the board.

PART III.—Salvage corps.

PART IV.—Volunteer fire brigades.

PART V.—Officers.

PART VI.—Contributions to the board.

PART VII.—Miscellaneous.

5. In this Act, unless some other meaning is clearly intended—

Interpreta-  
tion.  
1130, 1913,  
s. 3.

“board” means The Fire Brigades Board continued by this Act:

“by-law” means by-law made by the board:

“chairman” means chairman of the board:

“chief officer” means the Chief Officer of Fire Brigades, and includes any Deputy Chief Officer of Fire Brigades, foreman, officer, or fireman for the time being in charge or in command of a fire brigade:

Cf. U.K.  
28 & 29 Vict.  
c. 90, s. 7.

“contributory company” means an insurance company liable to contribute towards the expenditure of the board, as provided by this Act:

“council” means a municipal council or a district council:

“district” means a district council district:

“financial year” means the period of twelve months ending on the thirty-first day of December in any year:

“fire district” means a fire district constituted under this Act or any repealed Act:

“insurance company” means any corporate body, company, partnership, association, or person carrying on business in the State, and insuring against loss or damage by fire property situated within any locality in which for the time being this Act applies, whether the corporate body, company, partnership, or association (or the members thereof or any of them), or person, is incorporated or resident within the State or not; and includes any agent, attorney, or representative of, or person collecting premiums for, any such corporate body, company, partnership, association, or person:

Cf. U.K.  
28 & 29 Vict.  
c. 90, s. 2.

“member” means member of the board:

“Minister” means the Minister of the Crown to whom, for the time being, the administration of this Act is committed by the Governor:

“owner” includes the person for the time being in actual receipt of, or entitled to receive, the rents and profits of the particular lands or premises, or who, if such lands or premises were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, executor, administrator, committee, mortgagee in possession or otherwise, or as agent or attorney for any other person:

“repealed Act” means Act repealed by this Act or Act repealed by any Act repealed by this Act:

“secretary” means the secretary of the board:

“this Act” includes regulations and by-laws, and also includes proclamations made under this Act or any repealed Act:

“volunteer fire brigade” means any fire brigade supported by voluntary contributions; but does not include any fire brigade or corps formed for the purpose of protecting any particular building or buildings or premises, with the consent of the owner or occupier of the building or buildings or premises.

Application  
of Act.  
1130, 1913,  
s. 5.

6. (1) This Act shall apply in and throughout the following localities, namely—

- I. the municipalities and parts of municipalities mentioned in the second schedule:
- II. the districts and parts of districts mentioned in the second schedule:
- III. every municipality or district, or part of a municipality or district, in which the Governor, upon the recommendation of the board, by proclamation declares that this Act shall apply: Provided that no such proclamation shall be made before the expiration of three months from the giving to the council of the municipality or district of notice in writing that the recommendation has been made.

(2) This Act shall also apply to and in respect of any fire in any other locality to which fire a brigade proceeds under the provisions of section 51.

Fire districts.  
1130, 1913,  
s. 6.

7. (1) The board may do the following acts relating to the constitution of fire districts:—

- I. It may constitute any fire district, consisting of any municipalities or districts, or municipalities and districts, in which this Act applies, and which form one continuous area:

s. 6. Under section 23c of the Garden Suburb Act, 1919-1936, this Act applies in the Garden Suburb.

s. 7. At 12th April, 1937, the following fire districts were constituted:—

Thebarton fire district: *Gazette* 20th April, 1916, p. 823, and 6th July, 1916, p. 34.  
 Glenelg and Brighton fire district: *Gazette* 14th February, 1918, p. 323.  
 Norwood fire district: *Gazette* 3rd July, 1919, p. 1, and 2nd September, 1920, p. 525.  
 Prospect and Walkerville fire district: *Gazette* 1st December, 1927, p. 1458, and 8th December, 1927, p. 1546.  
 Port Augusta fire district: *Gazette* 17th January, 1918, p. 89, 13th June, 1929, p. 1400, and 20th June, 1929, p. 1487.

ii. It may—

- (a) dissolve a fire district; or
- (b) alter any fire district by adding any area in which this Act applies thereto or taking any area therefrom: Provided that the fire district remains one continuous area.

(2) No such act shall be done by the board until—

- (a) the Governor has consented thereto; and
- (b) at least one month's notice in writing of the intention to do the act has been given to every council whose municipality or district will be, or is, included in, or will be excluded from, the particular fire district by the intended act.

(3) Notice of any such act having been done shall be published in the *Government Gazette*, and the act shall thereupon take effect.

(4) For the purpose of this section an area shall not be deemed not to be a continuous area merely because part of the area is separated from the remainder thereof by a road, river, creek, harbour, or arm of the sea.

(5) In this section the terms "municipality" and "district" respectively include part of a municipality or district.

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## PART II.

PART II.

### CONSTITUTION, DUTIES, AND POWERS OF THE BOARD.

8. (1) The Fire Brigades Board shall continue to be a body corporate by the name of "The Fire Brigades Board." Board.  
1130, 1913,  
s. 7.

(2) The board by the said name—

- (a) shall continue to have perpetual succession and a common seal; and
- (b) shall be capable in law of suing and being sued, and of doing and suffering, in addition to anything expressly stated in this Act, all such things as may be necessary or convenient for carrying out the purposes of this Act.

(3) All courts, judges, and persons acting judicially shall take judicial notice of the said seal when affixed to any instrument, and shall, until the contrary is shown, presume that the same was properly affixed thereto.

Constitution  
of the  
board.  
1130, 1913,  
s. 9.

9. The board shall consist of—

(a) a chairman appointed by the Governor without nomination; and

(b) four other members appointed by the Governor after nomination pursuant to section 10.

Nomination  
for appoint-  
ment of  
members.  
1130, 1913,  
s. 10.

10. (1) The members to be appointed after nomination shall be nominated as follows:—

i. One by the council of the municipality of the City of Adelaide:

ii. One by the councils of the other municipalities and districts in which, or in parts of which, this Act applies:

iii. Two by the contributory companies.

(2) The method and conditions of any nomination shall be in accordance with anything prescribed by regulation.

(3) The name of any person nominated by the council of the municipality of Adelaide shall be certified to the Governor under the hand of the Lord Mayor or town clerk thereof. The name of any person nominated by the councils of the other municipalities and districts shall be certified in manner prescribed by regulation. The name of any person nominated by the contributory companies shall be certified under the hand of the chairman of the meeting of the representatives of such companies to be held as provided by section 11.

Meeting of  
contributory  
companies  
for  
nominating a  
member.  
1130, 1913,  
s. 11.

11. (1) In the month of December in every year the secretary shall, by circular addressed to each contributory company or to the secretary or representative thereof, convene a meeting of the contributory companies for the purpose of nominating a person for appointment as a member of the board.

(2) The meeting shall elect a chairman, and all matters shall be decided by a majority of votes.

(3) The votes allotted to each representative on the question who is to be nominated as aforesaid shall be as follows:—Where the company's premium income does not exceed two thousand pounds, one vote; where the income exceeds two thousand pounds and does not exceed five

thousand pounds, two votes; where the income exceeds five thousand pounds, three votes. On any other question each representative shall have one vote.

(4) The chairman shall have a deliberative vote or votes, and, in the event of equality of votes, shall also have a casting vote.

**12.** A member, other than the chairman, shall be appointed for the term of two years: Provided that—

Tenure of office.  
1130, 1913,  
s. 12.

- (a) on whatever date a member is or was appointed, his term of office shall (subject to the later provisions of this section) be deemed to end on the thirty-first day of January in the year next but one after the year in which he is or was appointed;
- (b) a member appointed to fill a vacancy occurring otherwise than by effluxion of time, shall be appointed, or be deemed to have been appointed, only for the remainder of the term of office of the member in whose place he is or was appointed;
- (c) any retiring member shall continue in office until his successor is appointed; and
- (d) every member shall on retirement by effluxion of time, if not disqualified for office, be eligible for re-appointment.

**13.** (1) When a vacancy occurs in the office of chairman or of any other member, whether by effluxion of time or otherwise, the vacancy shall be filled by the Governor.

Filling of vacancies.  
1130, 1913,  
s. 13.

(2) If the vacancy occurs in the office of a nominated member the appointment shall be made after nomination by the body or bodies or persons entitled to nominate pursuant to section 10: Provided that if—

- (a) when the vacancy occurs by effluxion of time, the nomination is not certified to the Governor, as required by section 10, before the thirty-first day of January in the year in which the appointment is to be made; or
- (b) in any other case, the nomination is not so certified within one month after notice has been given as prescribed by regulation calling for the nomination,

the Governor may make the appointment without nomination, and the member so appointed shall, for the purposes of this Act, be deemed to have been appointed after nomination by the body or bodies or persons which or who had the power to nominate.

## PART II.

Bankrupt  
person not  
to be  
appointed.  
1130, 1913,  
s. 14.  
Casual  
vacancies.  
1130, 1913,  
s. 15.

**14.** No undischarged bankrupt shall be appointed a member of the board.

**15.** In addition to the retirement of members by effluxion of time, the office of a member shall become vacant on—

- (a) his death, lunacy, or bankruptcy, or his executing a statutory deed of assignment for the benefit of his creditors for less than twenty shillings in the pound, or his being convicted of an indictable offence; or
- (b) his resignation by notice in writing posted or delivered to the chairman, or in the case of the chairman, to the Minister; or
- (c) his seat being declared vacant by the board, after his absence from three consecutive meetings thereof without the leave of the board; or
- (d) in the case of the chairman, on the Governor declaring his seat to be vacant.

Defect in  
appointment  
of member  
not to affect  
proceedings  
of the board.  
1130, 1913,  
s. 16.

**16.** (1) No Act or proceeding of the Board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of the act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if the member had been duly appointed and was qualified to be, and to act, and had acted as a member of the board, and as if the board had at the time been properly and fully constituted.

Quorum.  
1130, 1913,  
s. 17.

**17.** Any three members shall constitute a quorum at any meeting of the board.

Meetings of  
the board.  
1130, 1913,  
s. 18.

**18.** (1) Ordinary meetings of the board shall be held for the dispatch of business at such times, not being less frequent than once in every period of four weeks, as the board determines.

(2) Special meetings may be held at any time.

Who to  
preside at  
meetings.  
1130, 1913,  
s. 19.

**19.** (1) The chairman, when present, shall preside at any meeting of the board. In his absence from any meeting, another member chosen for the purpose by the majority of those present and voting shall preside.

(2) The chairman shall have a deliberative vote, and, in the event of equality of votes, shall also have a casting vote. Any other member when presiding shall have a deliberative vote only.

**20.** (1) The chairman shall be paid by the board an annual fee of two hundred and sixty pounds.

Chairman's salary and members' fees.

1130, 1913, s. 20.

1640, 1924, s. 2.

(2) Every other member shall be paid by the board a fee of two pounds for every meeting of the board which he attends and at which a quorum is present: Provided that no member shall be paid more than fifty-two pounds in respect of meetings attended by him during any financial year.

**21.** (1) The board shall have the custody and use of the common seal of the board.

Custody and use of the common seal.

1130, 1913, s. 21.

(2) The seal shall not be affixed to any instrument except in the presence of at least two members. No instrument to which the seal is required shall be validly executed unless it is also signed by at least two members and countersigned by the secretary.

**22.** (1) The duty of regulating and enforcing all necessary steps for extinguishing fires and protecting life and property in case of fire, and the general control of all fire stations and fire brigades shall, subject to the provisions of this Act, be vested in the board.

General duty of the board.

1130, 1913, s. 22.

Cf. U.K. 10 & 11 Vict. c. 89, s. 32.

Cf. U.K. 28 & 29 Vict. c. 90, s. 4.

(2) In the performance of that duty, the board may provide and maintain fire brigades, consisting of efficient firemen, and furnished with such appliances as may be necessary for the complete equipment of such brigades and the performance of their duties.

**23.** All real and personal property which at the commencement of this Act is vested in the board shall continue to be vested in the board, subject to all liabilities and obligations attached thereto.

Vesting of property in the board continued.

1130, 1913, s. 23.

**24.** (1) The board may purchase, take on lease, or otherwise acquire and hold, for the purposes of this Act, such real and personal property as the board deems necessary.

Powers to acquire property.

1130, 1913, s. 24.

(2) Any lease to the board may, with the consent of the Minister, contain a covenant by the board to purchase, either at an agreed date or during an agreed period, all or any part of the property comprised in the lease.

(3) Any purchase by the board of any real property may be for cash or on credit, or partly for cash and partly on

credit, and generally on such terms and conditions as the board thinks fit; but no such purchase shall be made on credit or partly on credit without the consent of the Minister.

Power to  
sell, let, or  
mortgage.  
1180, 1913,  
s. 25.

**25.** (1) The board may sell, lease, or otherwise dispose of any real or personal property belonging to the board, but every such dealing with any estate or interest in land shall be subject to the previous consent of the Minister.

(2) The board may, with the said consent, mortgage or otherwise encumber any real or personal property belonging to the board.

(3) Any sale by the board of real or personal property may be by public auction or private contract, and either for cash or on credit, or partly for cash and partly on credit, and generally upon such terms and conditions as the board determines.

(4) Any mortgage or encumbrance to be executed by the board may contain a power of sale by the mortgagee, and such other powers, terms, and provisions as the board determines.

(5) Any lease granted by the board of real or personal property may be for any term of years, or from year to year, or for any term less than a year, at such rent and subject to such covenants, conditions, provisos, and agreements as the board determines. Any such lease may be granted subject to or in consideration of the payment of any fine or premium, and with or without a covenant to or a right of purchase.

Power to  
borrow.  
1180, 1913,  
s. 26.

**26.** (1) The board may, with the consent of the Minister, and either upon the security of any freehold or leasehold lands of the board, or without security, borrow such moneys as may be necessary for the purpose of enabling the board to carry out and perform the powers, authorities, and duties vested in or conferred or imposed upon the board by this Act.

(2) Any person lending money to the board under this section shall not be concerned or bound to inquire as to the application of any such money, or be responsible for the misapplication or non-application thereof.

(3) The moneys borrowed under this section shall not at any time exceed twenty-five thousand pounds.

Power to  
borrow on  
debentures.  
1585, 1923,  
ss. 3 to 8.

**27.** (1) The board may with the consent of the Minister, borrow, from time to time, and take up at interest any sum or sums of money not exceeding in the whole the sum of twenty-five thousand pounds for all or any of the purposes

following, namely, the purchase of plant, machinery, or apparatus for the purpose of enabling the board to carry out and perform the powers, authorities, and duties vested in or conferred or imposed upon the board by this Act.

(2) All moneys so borrowed shall be raised by the sale of debentures, which shall be in the form contained in the third schedule. Every such debenture shall be for such period and amount, and issued at such time or times, and on such terms and conditions, and at such rate of interest, as the board may from time to time determine and as the Minister shall approve. Coupons in the form in the third schedule may be annexed to the debentures. The title to every such debenture and every such coupon (whether separated or not from the debenture to which it belongs) shall pass by delivery only without any assignment or indorsement.

(3) A certificate under the hands of the chairman, one other member, and the secretary, indorsed on any debenture issued under the authority of this Act, and stating that the principal sum thereby secured is part of the amount which the board, at the date of the certificate, may legally borrow, shall be conclusive evidence of the authority of the board to borrow the money secured by and to issue the debenture.

(4) The money secured by every debenture issued under the authority of this Act or the Fire Brigades Act Amendment Act, 1923, and the interest payable thereon shall be a charge on all the revenue of the board and on all the real and personal property of the board.

(5) The money required for the redemption of debentures issued under the authority of this Act and for the payment of interest thereon shall be contributed and paid to the board in the same manner and proportions and by the same persons as the amount of the annual estimates is required to be paid to the board under section 54.

(6) All debentures, when redeemed by the board, shall be forthwith cancelled by the board, and shall not be sold or re-issued.

(7) The powers conferred by this section shall be in addition to those conferred on the board by section 26.

**28.** The board may contract with the Government of the Commonwealth of Australia, or with any company, or corporate body, or other person, for the establishment and maintenance of telegraphic or telephonic communication between the several fire stations at which the fire engines of the board or firemen are placed, and between any such station and any parts of any locality in which this Act applies.

Contracts for telegraphic and telephonic communication.

1130, 1913, s. 27.  
Cf. U.K. 28 & 29 Vict. c. 90, s. 5.

## PART II.

Power to contract for purposes of Act.

1130, 1913, s. 28.

Form of contracts.

1130, 1913, s. 29.

**29.** The board may enter into any contract for any purpose having relation to any of the provisions of this Act.

**30.** (1) The powers by this Act vested in the board to make contracts may lawfully be exercised as follows, that is to say—

i. any contract which if made between private persons would by law be required to be in writing and under seal, the board may make in writing in its corporate name under its common seal, and in accordance with section 21, and in the same manner the board may vary or discharge the same:

ii. any contract which if made between private persons would by law be required to be in, or to be evidenced by, writing, signed by the parties to be charged therewith, the board may make in writing in its corporate name and signed by at least two members and countersigned by the secretary; and in the same manner the board may vary or discharge the same.

(2) All contracts made according to the provisions of this section and duly executed by the parties thereto respectively shall be effectual in law, and shall be binding upon the board and all other parties thereto, and their successors, heirs, executors, or administrators, as the case may be. On any default in the performance of any such contract, such actions or suits may be brought thereon, and such damages and costs may be recovered by or against the board in its corporate name, or the other parties failing in the execution thereof, as might be brought and recovered if the same contract had been made between private persons only.

Power of board to make by-laws.  
1130, 1913, s. 30.  
Cf. U.K. 10 & 11 Vict. c. 89, s. 32.  
Cf. U.K. 28 & 29 Vict. c. 90, s. 9.

**31.** (1) The board may from time to time make such by-laws as may be necessary or convenient for the following purposes:—

- i. For the management and conduct of the meetings of the board, and for the despatch of business thereat:
- ii. For fixing and paying the salaries and wages of the officers and members of fire brigades:
- iii. For payment to any person in respect of voluntary or special services rendered to the fire brigades:
- iv. For the maintenance of discipline and the insuring of good conduct of the officers and members of the fire brigades and of any salvage corps, whether established or maintained by the board or by any insurance companies:

- v. For defining and regulating the conditions of service for permanent and auxiliary members of fire brigades:
- vi. For regulating the registration of volunteer fire brigades:
- vii. For regulating the conditions under and subject to which the chief officer or foreman shall have access to such places as referred to in section 49:
- viii. For regulating the general business of the board, and generally for administering and carrying out the powers and duties conferred and imposed upon the board by this Act:
- ix. For fixing penalties for the breach of any by-law or regulation made by the board not exceeding for any single breach the sum of ten pounds:
- x. For any other purposes for which it is by this Act provided or contemplated that by-laws may or shall be made, or for which the Governor by proclamation authorises the board to make by-laws.

(2) Any by-laws made by the board shall have the common seal of the board affixed thereto, and no by-law shall have any effect until confirmed by the Governor.

**32.** The board shall, on or before the last day of February in every year, furnish the Minister with a report of its proceedings during the next preceding financial year. A copy of every such report shall be laid before Parliament as soon as practicable.

Annual  
report.  
1180, 1913,  
s. 31.

**33.** (1) The accounts of the board shall be audited annually by the Auditor-General, who shall in respect of the said accounts and the audit thereof, have all the powers conferred upon him by the Audit Act, 1921, in respect of the auditing of public accounts.

Audit of  
accounts.  
1180, 1913,  
s. 32.

(2) An abstract of the said accounts with the report of the Auditor-General thereon shall be annually forwarded to the Minister.

s. 31. (1) x At 12th April, 1937, the following proclamation authorising the board to make by-laws with respect to allowances and pensions for officers and members of fire brigades was in force: *Gazette* 10th December, 1925, p. 1528.

PART III.

PART III.

SALVAGE CORPS.

Power to establish and maintain salvage corps. 1130, 1913, s. 33.

34. The board may establish and maintain salvage corps, consisting of efficient firemen and others, and may furnish any such corps with all necessary quarters, appliances, horses, vehicles, engines, hoses, accoutrements, implements, tools, and plant.

Salvage corps established by companies to be assisted by fire brigade. 1130, 1913, s. 34. Cf. U.K. 28 & 29 Vict. c. 90, s. 29.

35. (1) In the event of any insurance company or companies establishing any salvage corps, the fire brigades shall, subject to any by-laws—

(a) afford all necessary assistance to the members of any such corps in the performance of their duties:

(b) upon the application of any officer of any such corps, hand over to his custody, or as he may direct, property saved from any fire attended by the corps.

(2) No charge shall be made by the board for the services so rendered by any fire brigade.

(3) Any such salvage corps shall not be entitled to any payment out of the funds of the board.

Inspection of salvage corps. 1130, 1913, s. 35.

36. The chief officer may inspect any salvage corps, whether established by the board or by any insurance company or companies, and wherever it is established, and may enforce compliance with any by-laws relating to salvage corps.

PART IV.

PART IV.

VOLUNTEER FIRE BRIGADES.

Registration of volunteer fire brigades. 1130, 1913, s. 36.

37. (1) The registration under any repealed Act of any volunteer fire brigade existing at the commencement of this Act is hereby continued, and the brigade shall be deemed to be registered under this Act.

(2) Every volunteer fire brigade formed after the commencement of this Act shall be registered in manner prescribed by by-law, within twenty-eight days from the date of the formation thereof.

## PART IV.

38. (1) Every volunteer fire brigade shall be subject to inspection by the chief officer.

Inspection and control of volunteer brigades.  
1130, 1913, s. 37.

(2) Every volunteer fire brigade when present at any fire shall be under the control, and shall obey the orders, of the chief officer.

39. The board may, upon the certificate of the chief officer that efficient or valuable services have been rendered by a volunteer fire brigade, or any members thereof, pay to the brigade or members, such moneys as are determined by the board: Provided that the services were rendered within a locality in which this Act applies.

Payment for services of volunteer brigades.  
1130, 1913, s. 38.

## PART V.

## PART V.

## OFFICERS.

40. The board may appoint the following officers, namely—

- (a) the Chief Officer of Fire Brigades;
- (b) the Deputy Chief Officer of Fire Brigades; and
- (c) the secretary of the board,

Appointment of principal officers.  
1130, 1913, s. 39.  
Cf. U.K. 28 & 29 Vict. c. 90, s. 7.

at such salaries and upon such terms as the board determines, and may suspend and remove any of such officers.

41. The chief officer may—

- (a) subject to the approval of the board, appoint all foremen, officers, and members of the fire brigades, upon such terms and at such salaries or wages as the board determines;
- (b) subject as aforesaid, dismiss any such foreman, officer, or member; and
- (c) without such approval, suspend any such foreman, officer, fireman, or servant.

Appointment and dismissal of officers of brigades.  
1130, 1913, s. 41.

42. All fire brigades in the State, with the exception of the volunteer fire brigades, shall be under the command of the chief officer.

Control of brigades.  
1130, 1913, s. 42.

## PART V.

Exercise of powers of chief officer in his absence. 1130, 1913, s. 43.

**43.** In the case of the absence or disability of the chief officer all his powers are hereby conferred upon, and shall be exercised by, the deputy chief officer or the senior officer or foreman for the time being acting in the place of the chief officer.

Power to inspect any fire brigade. 1130, 1913, s. 44.

**44.** The chief officer may inspect any fire brigade.

Duties and powers of chief officer in connection with fires. 1130, 1913, s. 45. Cf. U.K. 28 & 29 Vict. c. 90, s. 12.

**45.** The chief officer shall, subject to any by-laws, perform the following duties, and may exercise the following powers:—

- i. He shall, upon alarm of fire at any place, proceed with all possible speed to that place, and endeavour by all practicable means to extinguish the fire and save all lives and property in jeopardy:
- ii. He shall control, direct, and regulate the working of the fire brigades at any fire:
- iii. He shall control and direct any volunteer fire brigade present at any fire, and any persons who place their services at his disposal:
- iv. He may take and direct any measures which appear to him necessary or expedient for the protection of life and property, or for the control and extinguishing of fire, and may cause any buildings or premises to be entered, taken possession of, pulled down wholly or partially, or otherwise destroyed for that purpose, or for preventing fire, or for preventing the spread of fire:
- v. He may cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing any fire; and the Government of the State, or any servant of the Crown, shall not be liable for any damages or to any other claim, by reason of any interruption of the supply of water occasioned by the exercise of this power:
- vi. He may cause any public or private street, road, right of way, or thoroughfare in the vicinity of any fire to be closed against traffic during the continuance of any fire:
- vii. He may shut off or disconnect, or cause to be shut off or disconnected, the supply of gas or electricity or other artificial light to any building or premises which are on fire, or to any building or premises adjacent to any building or premises on fire; and

no company or person supplying gas or electricity shall be liable for any damages or to any other claim by reason of any interruption in the supply of gas or electricity occasioned by the exercise of this power:

- viii. He may at the time of a fire or thereafter, pull down or shore up any wall or building which is damaged, or which in his opinion is likely to be damaged, by fire, or which is in the vicinity of any fire and in his opinion is or may be likely to become dangerous to life or property; and the expense of the pulling down or shoring up shall be borne by the owner of the wall or building, and shall be paid by him to the board:
- ix. He may remove, or cause to be removed, to such place as he thinks proper, any person who in any way obstructs or interferes with or delays the operation of any fire brigade, or threatens so to do.

**46.** The chief officer, or any officer or person authorised by him, may exercise the following powers:—

Power to enter building on fire and remove inflammable materials.  
1180, 1913, s. 46.

- i. He may enter and, if necessary, break into any building or premises on fire, or any building or premises adjacent to any building or premises on fire:
- ii. He may remove, or cause to be removed, to such place as he thinks proper, without responsibility for any consequent loss or damage, any dangerous combustible or inflammable material or substance found in any such building or on any such premises.

**47.** The chief officer shall also perform the following duties:—

Duties of the chief officer with regard to brigades and appliances.  
1180, 1913, s. 47.

- i. He shall keep a book containing the names, ages, occupations, and places of abode of the members of the fire brigades:
- ii. He shall summon, once a month at least, all, or as many as he thinks proper, of the members of the fire brigades for practice, in order to render the members fit and efficient for service:
- iii. He shall at all times have the immediate charge and control of all engines, horses, vehicles, reels, buckets, hoses, ladders, fire escapes, and other plant belonging to the board, and keep the same in a fit state for efficient service.

## PART V.

Power to inspect places of public entertainment.

1130, 1913, s. 48.

48. (1) The chief officer, or any officer authorised in that behalf by the board—

(a) shall have free access at all reasonable times to any and every part of any place which is a place of public entertainment within the meaning of The Places of Public Entertainment Act, 1913, in order to inspect the same and ascertain whether the provisions of that Act, or of any regulations thereunder, for the prevention of fire or for the safety of the public or other persons have been or are being contravened or not complied with:

(b) shall report any contravention of or non-compliance with any such provision to the board.

(2) The board, upon receiving a report from the chief officer under subsection (1) shall forward a copy thereof to the Minister.

Right of access to places when explosives or dangerous materials are kept.

1130, 1913, s. 49.

49. (1) The chief officer, or any officer authorised in that behalf by the board, shall, at all times, but subject to any by-laws, have free access to any ship, vessel, building, erection, wharf, jetty, land, or premises, and any part or parts thereof respectively, where he suspects that any gunpowder or other explosive, or explosive substance, or kerosene or other inflammable oil, or any empty cases, paper shavings, crates packed with straw, or any other dangerous combustible or inflammable material or substance, is or are stored, placed, stacked, or kept contrary to law or to any by-law or regulation made under any Act, or in such manner as to be a source of danger to life or property in case of fire, or as to be likely to cause an outbreak of fire.

(2) If he discovers that any such material or substance is so stored, placed, stacked, or kept he may deliver, or cause to be delivered or posted, to the master or owner or agent of, or to the person in charge of the ship or vessel, or to the occupier of the building, erection, wharf, jetty, land, or premises, or to the owner or any of the owners of the material or substance, notice to remove the material or substance from the ship, vessel, building, erection, wharf, jetty, land, or premises, within the time specified in the notice.

(3) If default is made in compliance with any such notice the person so making default shall be guilty of an offence against this Act and liable to a penalty of not less than five pounds nor more than fifty pounds for every day on which the default exists.

**50.** (1) When a fire occurs in any locality in which this Act applies the chief officer may, if he thinks fit, and if directed so to do by the board shall, proceed to the fire, and take command of all fire brigades present.

Power of chief officer to proceed to fire and take command.  
1130, 1913, s. 50.

(2) In this section the expression "chief officer" means the Chief Officer of Fire Brigades, or the Deputy Chief Officer of Fire Brigades, or any person directed by the board, as mentioned in subsection (1).

**51.** (1) The chief officer may permit the whole or any part of any fire brigade, or of any salvage corps maintained by the board, with their engines, hoses, reels, horses, vehicles, escapes, and other appliances, to proceed beyond the limits of any municipality or district or fire district for the purpose of extinguishing fire.

Power of brigade to proceed beyond limits of municipality or district.  
1130, 1913, s. 51.  
Cf. U.K. 28 & 29 Vict. c. 90, s. 30.

(2) In any such case, if a fire brigade or salvage corps proceeds to any locality where this Act does not apply, the owner of the property where the fire has occurred shall be liable to pay all the expenses incurred by the brigade or corps in attending the fire, and shall also pay to the board charges in accordance with the fourth schedule. In default of payment the said expenses and charges may be recovered by the board in a summary manner.

(3) If any such owner pays the said expenses and charges, he may recover from the occupier of the property such proportion of the expenses and charges as the value of the goods and chattels of the occupier, which were in or on the property at the time of the fire, bears to the total value of the property and all the goods and chattels which were therein or thereon at the time of the fire.

**52.** (1) The authority of the chief officer shall be recognised by all members of the police force and all other persons.

Police to recognise authority of chief officer.  
1130, 1913, s. 52.  
Cf. U.K. 28 & 29 Vict. c. 90, s. 12 (part).

(2) The officer commanding or in charge of the members of the police force present at any fire shall support and assist the chief officer in maintaining his authority, and enforcing his orders. Any member of the police force may, if he thinks proper, and shall, at the request of the chief officer, remove to such place as he or the chief officer thinks proper, any person in any way obstructing or interfering with or delaying the operations of any fire brigade, or threatening so to do.

## PART VI.

## PART VI.

## CONTRIBUTIONS TO THE BOARD.

Yearly  
estimate of  
expenditure.  
1130, 1913,  
s. 53.

**53.** (1) In the month of December in every year the board shall prepare a separate estimate of the probable necessary expenditure during the succeeding financial year for the establishing and maintaining of fire brigades and for the other purposes of this Act, within each fire district, and within each municipality or district, or part of a municipality or district, in which this Act applies.

(2) No estimate for any one year shall exceed such limit as may be fixed by the Minister, and no estimate shall have any force until approved by the Governor.

Contributions  
to expenditure  
of board.  
1130, 1913,  
s. 54.  
1640, 1924,  
s. 3.  
1962, 1980,  
s. 3.  
2069, 1932,  
s. 3.  
2211, 1935,  
s. 2.  
Cf. U.K.  
28 & 29 Vict.  
c. 90, ss. 13,  
18.

**54.** (1) The aggregate amount of the estimate made pursuant to section 53 for any financial year shall, subject to subsection (2), be contributed and paid to the board in the following proportions:—

- (i.) two-ninths thereof by the Treasurer:
- (ii.) five-ninths thereof by the insurance companies:
- (iii.) two-ninths thereof on behalf of the fire districts, and the municipalities and districts in which, or in parts of which, this Act applies.

(2) If two-ninths of the said aggregate amount exceeds ten thousand pounds, the amount to be paid as aforesaid by the Treasurer shall nevertheless be ten thousand pounds, and the amount by which the said two-ninths exceeds ten thousand pounds shall be contributed and paid (in addition to the amounts mentioned in subsection (1) ) to the board in the following proportions:—

- (i.) five-sevenths thereof by the insurance companies:
- (ii.) two-sevenths thereof on behalf of the fire districts and the municipalities and districts in which or in parts of which, this Act applies.

(3) The portion of the said five-ninths which is to be paid by any one of the insurance companies shall be in the same ratio to the whole of such five-ninths as the premium income derived from insurance business by that company (as shown in its then latest return pursuant to section 58) bears to the aggregate amount of the premium incomes derived from insurance business by all the insurance companies (as shown by their then latest returns pursuant to section 58).

In this subsection the expression "five-ninths" shall be deemed to include all amounts payable pursuant to subdivision (ii.) of subsection (1) and subdivision (i.) of subsection (2).

(4) If in any case the amount to be paid by a company, as determined by subsection (3) is less than ten pounds the company shall, in addition to that amount, pay to the board the difference between that amount and the sum of ten pounds. Any amounts to be paid to the board under this subsection shall be in addition to the aggregate amount by subsection (1) required to be paid to the board.

(5) The portion of the said two-ninths which is to be paid on behalf of any one of the fire districts, municipalities, or districts shall be in the same ratio to the whole of such two-ninths as the estimate under section 53 for the fire district, municipality, or district, bears to the aggregate amount mentioned in subsection (1).

In this subsection the expression "two-ninths" shall be deemed to include all amounts payable pursuant to subdivision (iii.) of subsection (1) and subdivision (ii.) of subsection (2).

(6) Any amount to be paid under this section on behalf of a municipality or district shall be paid by the council thereof.

(7) Any amount to be paid under this section on behalf of a fire district shall be paid by the councils of the various municipalities and districts which, or parts of which, are comprised in the fire district.

The portion of the last-mentioned amount which is to be paid by any one of the last-mentioned councils shall be in the same ratio to the whole of the amount as the sum collected by the council, during its next preceding financial year, as general rates on property situated in the municipality or district of the council (or in the part thereof which is comprised in the fire district) bears to the aggregate amount of the sums collected by all the said councils, during their respective next preceding years, as general rates on properties situated in all the said municipalities and districts (or parts so comprised).

(8) The amounts to be paid by the various insurance companies, and by the various fire districts and councils, and, in the case of a fire district, the amounts to be paid by the various councils whose municipalities and districts, or parts thereof, are comprised in the fire district, shall be determined by the board according to the principles stated in this section. A notice sent to any of such companies or councils stating

the amount to be paid, and signed by the chairman and the secretary, shall be *prima facie* evidence of the correctness of the amount.

(9) Any amount to be paid under this section shall be paid by equal quarterly instalments on the first days of July, October, January, and April respectively in the financial year for which the estimates used in determining the amount are made, or by such instalments and on such dates as are determined by the board.

Contributions  
by new  
companies.  
1130, 1913,  
s. 55.

**55.** Every insurance company which—

(a) has before the commencement of this Act, but since the time next before such commencement when returns pursuant to section 58 of The Fire Brigades Act, 1913, became due, commenced to carry on business in the State; or

(b) after such commencement commences to carry on business in the State,

shall, until the amount of its first annual contribution has been determined under section 54 and the first instalment thereof becomes due under section 54, pay to the board, on each day on which instalments by contributory companies fall due pursuant to subsection (9) of section 54, the sum of two pounds and ten shillings.

Contribution  
of muni-  
cipalities and  
councils may  
be raised by  
increased  
rates.  
1130, 1913,  
s. 56.

**56.** Any contribution payable under this Act by the council of any municipality or district may (if necessary) be raised by the council by increasing the rates, for the year following the payment of the contribution, by such a sum in the pound as will be sufficient to produce the amount of the contribution: Provided that in any case where this Act applies only in part of a municipality or district the increase of rates shall be only in respect of property situated within that part.

Recovery of  
contributions.  
1130, 1913,  
s. 57.  
Cf. U.K.  
28 & 29 Vict.  
c. 90, s. 14.

**57.** Any contribution payable under this Act may be recovered by action or in a summary manner.

Returns by  
insurance  
companies.  
1130, 1913,  
s. 58.  
Cf. U.K.  
28 & 29 Vict.  
c. 90, s. 15.

**58.** (1) To enable the board to determine the amounts of the contributions to be paid by the various insurance companies, every contributory company shall, in the month of July in every year, or at such other time as the board directs, furnish the board with a return showing the amount of its premium income for the period of twelve months ended on the next preceding thirtieth day of June, from insurance of property situated within the localities in which this Act applies.

In arriving at the amount of such premium income, a company shall be entitled to deduct—

- (a) premiums paid by it for re-insurance, with contributory companies, of property so situated; and
- (b) discount, brokerage, and commission allowed by it on premiums on insurance of property so situated.

(2) Every such return shall have annexed thereto a statutory declaration by a director, or the manager, secretary, agent, or attorney of the company, stating that, according to the books thereof and to the best of his knowledge, information, and belief, the return contains a true account and statement of the amount of the premium income mentioned in subsection (1).

(3) If any contributory company makes default in any year in furnishing the return or declaration required by this section, the company and every director, manager, secretary, agent, or attorney thereof who authorises or permits the default shall be guilty of an offence against this Act and liable to a penalty of not less than five pounds nor more than ten pounds for every day during which the default is made or continued. The board may, until the return is furnished with the said declaration, regard the then latest return of the company furnished under this section as its return for the year and may act accordingly.

Cf. U.K.  
28 & 29 Vict.  
c. 90, s. 16.

(4) Any person who wilfully makes a false statement in any declaration as to any return required by this section shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred pounds.

**59.** (1) The secretary or other officer having the custody of the books and papers of any contributory company shall allow any person authorised by the board to inspect, during business hours, any books and papers of the company, and to make extracts therefrom in order to verify any return or declaration made in pursuance of this Act.

Inspection of  
books.  
1180, 1913,  
s. 59.  
Cf. U.K.  
28 & 29 Vict.  
c. 90, s. 17.

(2) Any such secretary or officer failing to comply with the requirements of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

**60.** (1) The council of any municipality or district which, or part of which, is comprised in a fire district shall every year, in the month of March or within such other time as is determined by the board, furnish the board with a return showing the sum collected by the council, during its next preceding financial year, as general rates on property situated

Returns by  
councils  
within fire  
districts.  
1180, 1913,  
s. 60.

## PART VI

within its municipality or district, or within the part thereof which is comprised in the fire district.

(2) If any such council fails in any year to furnish the said return within the time required by subsection (1) it shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds for every day during which the default exists.

(3) If any such council furnishes a return under this section which is false in any material particular, it shall be guilty of an offence against this Act and liable to a penalty not exceeding one hundred pounds.

## PART VII.

## PART VII.

## MISCELLANEOUS.

Brigades  
may be  
employed on  
special  
service.  
1130, 1913,  
s. 61.

**61.** The board may permit the whole or any part of any fire brigade to be employed on special service at such remuneration and upon such terms as the board determines.

Uniforms.  
1130, 1913,  
s. 62.

**62.** The board may furnish the chief officer, and also all officers and men of any fire brigade, with such uniforms as the board thinks suitable.

Police to  
attend fires.  
1130, 1913,  
s. 63.

**63.** The Commissioner of Police, or the senior officer on duty at the police station nearest to the place where any fire occurs, shall, on receiving information of the fire, forthwith dispatch a sufficient number of police for the purpose of preserving order and assisting any fire brigade present at the fire.

Turncocks to  
attend fires.  
1130, 1913,  
s. 64.

**64.** Every turncock employed by the Commissioner of Waterworks shall forthwith, on any fire occurring within any water district in which he is employed, proceed with all possible speed to the fire, and assist by all means in his power in the ensuring of a copious supply and efficient service of water.

65. Every company or person supplying gas or artificial light to any premises on fire shall forthwith upon the fire occurring send some competent person to shut off or disconnect the supply of gas or artificial light to the premises, or to any building or land adjoining the premises, or adjacent thereto, if and as directed so to do by the chief officer.

Disconnection  
of gas or  
artificial light.  
1130, 1913,  
s. 65.

66. Any person who—

Offences.  
1130, 1913,  
s. 66.

- (a) wilfully in any way obstructs, hinders, delays, or interferes with the chief officer, or any officer or other member of any fire brigade, or any person acting under the authority of the board or of the chief officer, in the exercise or discharge of any power or duty of the chief officer, officer, member, or person:
- (b) injures or destroys any building, engine, reel, vehicle, hose, pipe, ladder, or other thing belonging to the board:
- (c) remains in any building belonging to the board after being ordered by the chief officer to quit the same:
- (d) retains possession of any real or personal property belonging to the board after being ordered by the chief officer to give it up,

shall be guilty of an offence against this Act and liable to a penalty of not less than two pounds nor more than fifty pounds, or to be imprisoned for any term not exceeding six months, and shall also be liable for, and may in any proceedings in respect of any such offence or otherwise, be ordered to pay, the estimated amount of any damage caused in or by the commission of the offence.

67. Any person who wilfully covers up, encloses, or conceals any fireplug or hydrant so as to render its position difficult to ascertain, or who obliterates or removes any mark, sign, or letter used for the purpose of indicating the position of any fireplug or hydrant, shall be guilty of an offence against this Act and liable to a penalty of not less than five pounds nor more than fifty pounds.

Penalty for  
covering up  
fireplugs.  
1130, 1913,  
s. 67.

68. Any person who tampers or interferes with any fire alarm or any signalling apparatus for giving notice of fire, or gives a false alarm of fire, shall be guilty of an offence against this Act and liable for the first offence to a penalty not exceeding five pounds or to be imprisoned for a term

Tampering  
with fire  
alarms and  
giving false  
alarms.  
1130, 1913,  
s. 68.  
Cf. U.K.  
58 & 59 Vict.  
c. 28, s. 1.

not exceeding seven days, and for any subsequent offence to be imprisoned for a term not exceeding six months, and without the option of a fine.

Payment of expenses where ship or property uninsured. 1130, 1913, s. 69.

**69.** (1) When a fire occurs on any uninsured vessel afloat, whether the vessel is or is not within a locality where this Act applies, the owners of the vessel, and the owners of any uninsured personal property (if any) which is in the vessel at the time of the fire, shall pay to the board—

(a) the expenses incurred by any fire brigade, or any salvage corps maintained by the board, in attending the fire; and

(b) the appropriate charges mentioned in the fourth schedule.

(2) In any case where the owners of uninsured personal property are liable under subsection (1), the expenses and charges shall be apportioned by the board between the said owners and the owners of the vessel. The board's apportionment, when intimated to the parties by writing under the seal of the board, shall be final and not subject to be questioned or appealed against in any way, and shall bind all the parties concerned.

(3) The Crown shall not, under any circumstances, be liable to pay the expenses and charges referred to in this section or any part of such expenses and charges.

(4) Any sum payable under this section may be recovered by action or in a summary manner.

In any such action or proceeding it shall be sufficient to allege a demand by the board of a specified amount from the defendant. The onus of proving that the demand, or the demand of the said amount, was not authorised shall be on the defendant.

(5) In this section—

“uninsured vessel afloat” means a vessel afloat within three nautical miles of the low-water mark along the shore of the State, and not insured with a contributory company:

“uninsured personal property” means personal property not insured with a contributory company.

Duty to give information as to insurance. 1130, 1913, s. 70.

**70.** (1) The owner of a house or building where a fire occurs, and the owner of any personal property in or about the house or building, shall, upon request by any member or officer of the board, or by the chief officer or any foreman—

(a) inform the said member, officer, chief officer, or foreman whether the house or building, or personal property, is or was insured or not; and

(b) furnish the said member, officer, chief officer, or foreman with full particulars of any insurance thereon, including the name of the insuring company and the amount of the insurance.

(2) Any person who fails to comply with any such request, or who wilfully gives any false information, or incorrect particulars in reply to any such request or with regard to any such insurance, shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

71. Any damage to property occasioned by a fire brigade, or by a salvage corps maintained by the board, or by the chief officer or any member of a brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.

Damage done to be within policy.  
1130, 1913,  
s. 71.

72. (1) At any inquest on a fire the board may be represented by a member of the board, or by any person appointed by the board, and any such member or person may adduce evidence, examine witnesses, and address the court.

Representation at inquest.  
1130, 1913,  
s. 72.

(2) Notwithstanding anything contained in the Coroners Act, 1935, an inquiry into the cause or origin of any fire shall, with the consent of the Minister, be held at the request of any person and upon payment by him to the coroner of the sum of five pounds five shillings: Provided that if the request is made by the board the inquiry shall, with the consent aforesaid, be held without payment of any fee.

73. (1) The chief officer or any officer, servant, or agent of the board may—

Debris of fire may be searched.  
1130, 1913,  
s. 73.

(a) enter any building or place where any fire has occurred and search the same and the *debris* of the fire:

(b) if there are circumstances which in the opinion of the chief officer or a member of the police force are of a suspicious nature, continue in possession until an inquest has been held concerning the cause and origin of the fire:

(c) remove and keep possession of any materials which may tend to prove the origin of the fire:

(d) take and keep possession, and remove for safe custody, until authorised by the board to return the same to the person entitled thereto, all property found on the premises.

(2) If the board does not deal with any property taken possession of by the chief officer under section (1) within seven days of the date on which the fire occurred, the property shall be forthwith delivered by the chief officer to the owner or apparent owner thereof.

Failure to deliver up premises occupied by officer or fireman.  
1130, 1913,  
s. 74.

**74.** (1) Where the chief officer or any officer, fireman, or other person who has been employed by the board in any capacity, and has resigned or been discharged, continues to occupy any premises belonging to the board, or to the possession whereof the board is entitled, after notice in writing from the board to deliver up possession thereof, any justice, upon any person stating on oath that the notice has been given, may, under his hand, order any member of the police force to enter into the premises and to remove the officer, fireman, or person and his family and servants therefrom, and afterwards to deliver the possession thereof to the board.

(2) Any such warrant shall be as effectual for all intents and purposes as a writ of possession issued out of the Supreme Court and delivered to the Sheriff, and the member of the police force may and shall execute the same accordingly.

Power to take board's property unlawfully detained.  
1130, 1913,  
s. 75.

**75.** The chief officer, or any officer, servant, or agent of the board may enter, and, if necessary, break into, any place where any property of the board is unlawfully detained or is detained contrary to the order of the chief officer or of the board, and may take possession of such property and remove it from such place.

Report of fire.  
1130, 1913,  
s. 76.

**76.** (1) The chief officer or foreman in charge of the fire brigade present at a fire shall, as soon as possible, report the fire to the board.

(2) Upon receipt of any such report the board, or the secretary, or any other person authorised by the board, shall forward to the contributory companies a notice of the fire.

Regulations.  
1130, 1913,  
s. 77.

**77.** (1) The Governor may make regulations prescribing—

- (a) the method and conditions in and subject to which nominations for membership of the board are to be made:
- (b) the manner in which such nominations by the councils other than that of the municipality of Adelaide are to be certified:
- (c) the manner of giving notices calling for such nominations:
- (d) the functions, powers, and duties of the chairman:

(e) any other matters or things which it may be necessary or convenient to prescribe for the purposes of this Act, or more effectually carrying out its objects, and which the board has not power to prescribe by by-law.

(2) Any regulation made under this section may prescribe a penalty not exceeding twenty pounds for a breach thereof, or of any other regulation.

78. The *Government Gazette* containing any proclamation made by the Governor under this Act, or any repealed Act, shall be conclusive evidence of the fact, tenor, and validity of the proclamation, and shall be evidence of the facts stated, recited, or assumed therein, and no such proclamation shall be invalid by reason of anything required as preliminary thereto not having been duly done.

*Government Gazette to be evidence.*

1130, 1913,  
s. 78.

79. (1) No action shall be brought against the board, or against any person, for anything done or purporting to have been done under this Act, unless the action is commenced within six months after the act complained of was committed or the damage sued for was sustained, and notice in writing of the intended action has been delivered at the office of the board, or delivered to the said person, or left at his usual place of abode, by the party aggrieved or by his agent or attorney, at least one month before the commencement of the action.

Actions against board.

1130, 1913,  
s. 79.

(2) The notice shall clearly and explicitly set forth the nature of the intended action and the cause thereof, and on the notice shall be written the name and place of abode of the party intending to bring the action, and the name and place of business of his solicitor or agent (if any).

80. No fire engine, fire escape, reel, horse, vehicle, hose, accoutrement, plant, tool, implement, or other appliance belonging to the board, shall be seized or sold under any writ or warrant of execution or other process.

Plant not to be seized.

1130, 1913,  
s. 80.

81. (1) No member of the board shall be personally liable for anything done, suffered, or omitted by the board of which he is a member.

Protection of members of board.

1130, 1913,  
s. 81.

(2) Neither the board nor any member thereof, nor the chief officer or any officer or servant of, or person employed by, or acting under the authority of, the board, shall be liable for anything done, suffered, or omitted in the *bona fide* exercise or discharge of any power or duty conferred or imposed by or under this Act.

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**PART VII.**

Summary  
proceedings.  
1130, 1913,  
s. 82.

**82.** All proceedings for offences against this Act shall be disposed of summarily.

Government  
contributions.  
1130, 1930,  
s. 85.

**83.** The money required for the purposes of this Act shall be paid by the board out of the moneys received by the board under this Act, and the sums to be contributed and paid to the board by the Treasurer shall be paid out of moneys voted by Parliament for that purpose.

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## SCHEDULES.

## THE FIRST SCHEDULE.

## ACTS CONSOLIDATED AND REPEALED.

Reference to Act.	Short Title of Act.
No. 1130 of 1913.....	The Fire Brigades Act, 1913
No. 1585 of 1923.....	Fire Brigades Act Amendment Act, 1923
No. 1640 of 1924.....	Fire Brigades Act Amendment Act, 1924
No. 1962 of 1930.....	Fire Brigades Act Amendment Act, 1930
No. 2069 of 1932.....	Fire Brigades Act Amendment Act, 1932
No. 2211 of 1935.....	Fire Brigades Act Amendment Act, 1935

## THE SECOND SCHEDULE.

## MUNICIPALITIES AND PARTS OF MUNICIPALITIES IN WHICH THE ACT APPLIES.

Municipality.	Extent to which the Act applies.	Method by which Act Applies.
Adelaide .....	The whole of the municipality .....	Included by 1130, 1913, s. 5
Brighton .....	The whole of the municipality as constituted at 3rd January, 1918	Included by proclamation made 3rd January, 1918
Burnside .....	(1) That portion of the municipality of Burnside west and north of the following boundaries :— Commencing at the north-east corner of section 272, hundred of Adelaide, thence southerly along the eastern boundary of said section and the eastern boundaries of sections 271, 270, and 2040, and preliminary sections 319 and 320, to the south-eastern corner of the latter section ; thence westerly along the southern boundary of preliminary section 320 to the intersection of the production northerly of the eastern boundary of section 269 ; thence southerly across road and along the eastern boundary of said section to its south-eastern corner ; and thence westerly along the southern boundaries of section 269 and preliminary sections 297, 292, 273, and 264 to the south-western corner of the latter section ; thence north-westerly along portion of the south-western boundary of said district to its western corner (2) That portion of the said municipality bounded as follows :—Commencing at the intersection of Magill Road and Barnes Avenue and proceeding easterly along Magill Road to East Road ; thence southerly to Giles Street ; thence westerly to Maple Avenue ; thence southerly to Pozieres Road ; thence westerly to Gordon Terrace ; thence southerly to Packham's Road ; thence westerly to Hyland Terrace. Commencing at the intersection of the Greenhill Road and Wyatt's Road and proceeding southerly along Wyatt's Road to Waterfall Terrace ; thence westerly to Burnside Road (3) That portion of the said municipality bounded as follows :—Commencing at the western corner of allotment No. 1 of the subdivision of Frewville ; thence easterly to the north-eastern corner of block 12, subdivision of Linden Park ;	Included by proclamations made 12th December, 1918, 25th August, 1920, and 5th July, 1934

*Municipalities and Parts of Municipalities in which the Act applies—continued.*

Municipality.	Extent to which the Act Applies.	Method by which Act Applies.
Burnside ( <i>cont.</i> ) .	thence southerly to the south-eastern corner of section 295, hundred of Adelaide; thence westerly to the south-western corner of the said section; thence north-westerly bounded by the Glen Osmond Road to allotment No. 1 in the subdivision of Knoxville and continuing along the said road to the point of commencement.	
Burra .....	The whole of the municipality .....	Included by proclamation made 8th February, 1922
Gawler .....	The whole of the municipality .....	Included by 1130, 1913, s. 5, and by proclamations made 3rd December, 1914, and 7th June, 1934
Glenelg .....	The whole of the municipality .....	Included by 1130, 1913, s. 5, and by proclamation made 21st June, 1934
Kadina .....	The whole of the municipality as constituted at 17th February, 1916	Included by 1130, 1913, s. 5, and by proclamation made 17th February, 1916
Kapunda .....	The whole of the municipality .....	Included by 1130, 1913, s. 5
Kensington and Norwood	The whole of the municipality as constituted at 12th December, 1918	Included by 1130, 1913, s. 5, and by proclamation made 12th December, 1918
Moonta .....	The whole of the municipality as constituted at 18th December, 1913	Included by 1130, 1913, s. 5
Mount Gambier	The whole of the municipality as constituted at 8th March, 1922	Included by proclamation made 8th March, 1922
Murray Bridge .	Comprising that portion of the municipality of Murray Bridge, which is comprised within the land bounded as follows :—North-west of sections 65 and 75, hundred of Mobilong; north-east of the north-eastern side of road north-east of sections 50, 49, slaughter reserve, sections 419 and 114; south-east of the south-eastern side of road south-east of sections 390, 389, 362, railway land, stone reserve, and section 323; east of the eastern side of road east of sections 323 and 322; south of sections 319, 316, 315, 312, and 311; south of the northern side of channel south of sections 562s, 566 and 599N and the production of its southern boundary easterly to the River Murray	Included by proclamation made 17th October, 1923
Port Adelaide ..	The whole of the municipality as constituted at 18th December, 1913	Included by 1130, 1913, s. 5
Port Augusta ..	The whole of the municipality .....	Included by 1130, 1913, s. 5, and by proclamations made 10th January, 1918, and 27th March, 1929
Port Lincoln ...	The whole of the municipality.....	Included by proclamation made 26th September, 1928
Port Pirie .....	The whole of the municipality .....	Included by 1130, 1913, s. 5
Prospect .....	The part of the municipality which comprises the District Council District of Prospect as constituted at 5th October, 1927	Included by proclamation made 5th October, 1927
Renmark .....	The whole of the town of Renmark as delineated on plan No. 1467 deposited in the Lands Titles Registration Office, including the Government reserve	Included by proclamation made 11th September, 1924
St. Peters .....	The whole of the municipality .....	Included by 1130, 1913, s. 5, and by proclamation made 12th December, 1918
Thebarton .....	The whole of the municipality as constituted at 20th April, 1916	Included by proclamation made 20th April, 1916
Unley .....	The whole of the municipality as constituted at 18th December, 1913	Included by 1130, 1913, s. 5
Wallaroo .....	The whole of the municipality .....	Included by proclamation made 19th December, 1918

## DISTRICT COUNCIL DISTRICTS AND PARTS OF DISTRICTS IN WHICH THE ACT APPLIES.

District Council District.	Extent to which the Act applies.	Method by which Act applies.
Balaklava . . . . .	<p>Comprising that portion of the hundred of Balaklava bounded as follows:—Commencing at the intersection of the south-eastern side of railway land south-east of section 215 with the eastern boundary of said hundred; thence southerly along said boundary to its intersection with a line being the production easterly of the northern boundary of section 109; thence westerly along said line and its production to the north-east corner of section 107; thence southerly along the eastern boundaries of the latter section and section 110 and their production across road to the north-eastern boundary of section 4; thence north-westerly along the said boundary and along the north-eastern boundary of section 3 to the north corner of the latter section; thence northerly by a line being the production southerly of the east boundary of section 217, and along said boundary to the northern corner of allotment 47, private town of Balaklava North; thence generally in an easterly direction following the northern boundary of said town to the north-eastern corner of allotment 43, said town; thence southerly along the eastern boundary of said town and across road to the north-east corner of the Balaklava Railway Station yard; thence southerly, north-easterly, south-easterly, and southerly, following respectively the eastern, north-western, north-eastern, and eastern boundaries of said station yard to the north-western side of road north-west of section 1; and thence north-easterly along said side of road to the point of commencement.</p>	<p>Included by proclamation made 8th November, 1920</p>
Berri . . . . .	<p>Comprising that portion of the district council district of Berri, bounded as follows:—Commencing at the north-eastern corner of Channel Reserve north-east of section 76, Berri Irrigation Area; thence south-westerly along the south-eastern side of said channel reserve and the south-eastern boundary of section 76 and its production across road to the north-eastern boundary of section 77; thence south-easterly along said boundary and its production across road to the northern corner of reserve for school experimental purposes; thence south-easterly along the north-eastern boundary of said reserve and its production to a point being the intersection of a line being the production south-westerly of the southern side of Denny Street, Town of Berri; thence south-westerly along the production of said street to a point being the intersection of a line being the production north-easterly of the north-western side of road north-west of section 128; thence south-westerly along said line and said side of road to a point being the intersection of a line being the production south-westerly of the southern boundary of section 128; thence south-easterly at right angles to said line to the boundary of Berri Irrigation Area; thence generally easterly along said boundary to a point being the intersection of a line being the production south-easterly of the south-western boundary of section 19; thence north-westerly along said line and said boundary and the south-western boundary of section 509 and its production</p>	<p>Included by proclamation made 13th November, 1924</p>

*District Council Districts and Parts of Districts in which the Act applies.—continued.*

District Council District.	Extent to which the Act applies.	Method by which Act applies.
Berri ( <i>contd.</i> ) ...	<p>across Channel Reserve and road to the south-eastern boundary of section 816; thence south-westerly along portion of said boundary and the south-eastern boundary of sections 1 and 165 to the south-western corner of the former section; thence north-westerly along the south-western boundary of said section and its production across Channel Reserve to a point being the intersection of a line being the production south-easterly of the south-western boundary of section 44; thence north-westerly along said line and said boundary to the western corner of section 44 aforesaid; thence south-westerly along a line being the production north-easterly of the north-western boundary of section 727, School Reserve; thence south-westerly, southerly, and south-easterly along the north-western, western, and south-western boundaries of said reserve to its southern corner; thence south-westerly by a line being the production of the south-eastern boundary of section 727 aforesaid across road to the eastern corner of Channel Reserve east of section 72; thence south-easterly at an eastern angle of <math>106^{\circ} 3'</math> to said line for 130 links; thence south-easterly at a north-eastern angle of <math>165^{\circ} 52'</math> for 755 links; thence south-easterly at a north-eastern angle of <math>166^{\circ} 15'</math> for 40 links; thence easterly at a northern angle of <math>166^{\circ} 15'</math> for 337 links; thence easterly at a northern angle of <math>175^{\circ} 22'</math> for 159 links; thence easterly at a northern angle of <math>175^{\circ} 23'</math> for 138 links; thence easterly at a southern angle of <math>170^{\circ} 35'</math> for 402 links to the point of commencement</p>	
Enfield .....	<p>Sections 329, 342, 343, 344, 355, 356, 357, 364, 365, and 366 situated in and being portion of the district council district of Enfield</p>	<p>Included by proclamation made 5th October, 1927</p>
Eudunda.....	<p>Comprising all that portion of the district council district of Eudunda bounded as follows:— Commencing at the northern corner of section 116, hundred of Neales; thence southerly and south-easterly along the north-eastern boundaries of sections 116, 123, across road, 129, 130, and across road to the northern boundary of section A; thence north-easterly along portion of said boundary and its production to a point being the intersection of a line being the production north-westerly of the north-eastern boundary of section 360; thence generally south-easterly along said line and boundary and along the north-eastern boundaries of sections 359 and 358; southerly along the eastern boundary of the latter section; westerly along its southern boundary, across road and along portion of the southern boundary of section 357 to a point being the intersection of a line being the production north-easterly of the south-eastern boundary of section 348; thence south-westerly along said line and boundary and along the south-eastern boundary of section 350, westerly along the southern boundaries of sections 350, across road, 351, 433, railway reserve, 352, across road, and westerly and south-westerly along the southern and south-eastern boundaries of section 353,</p>	<p>Included by proclamation made 30th October, 1930</p>

*District Council Districts and Parts of Districts in which the Act applies—continued.*

District Council District.	Extent to which the Act applies.	Method by which Act applies.
Eudunda ( <i>contd.</i> )	and the production of the latter boundary to a point being the intersection of a line being the production southerly of the western boundary of section 354; thence northerly and north-westerly along the western boundaries of sections 354, 355, and 126, crossing intervening road and closed road, and across road to the south-western corner of section 125, easterly along the southern boundary of said section to its south-eastern corner, north-westerly along the south-western boundary of section 127, north-easterly along the north-western boundary of said section and portion of the north-western boundary of section 128 and its production across railway land to the north-eastern boundary of said land; thence generally north-westerly along said boundary to the northern boundary of section 116; thence north-easterly along said boundary to the point of commencement	
Light .....	The land comprising all that portion of the hundred of Grace as delineated on plan No. 310 deposited in the office of the Surveyor-General	Included by proclamation made 18th June, 1924
Payneham .....	The whole of the district as constituted at 12th December, 1918	Included by proclamation made 12th December, 1918
Tanunda .....	The land comprised in sections 11, 12, 13, 38, 39, 40, and 41, situated in the hundred of Moorooroo	Included by proclamations made 21st May, 1919, and 2nd September, 1920
Walkerville.....	The whole of the district .....	Included by proclamation made 5th October, 1927
West Torrens ..	<p>(1) That portion of the district council district of West Torrens east of section 219, hundred of Adelaide, north of the southern side of opened road as gazetted 21st July, 1870, extending through portions of preliminary section 145 and section 2028; east of portion of the latter section; east of section 163 and portion of section 164; north of sections 159 and 102; east of the latter section and section 103; north of preliminary section 90 and sections 190, 189, 188, 182, and 50; east of the latter section and preliminary section 52; and north-west of the north-western side of road north-west of preliminary sections 44 and 6</p> <p>(2) Comprising that portion of the district council district of West Torrens west and south of the following boundary: Commencing at the intersection of the south-eastern boundary of said district with the western boundary of section 109, hundred of Adelaide; thence northerly along said boundary and the western boundary of preliminary section 104 to the north-east corner of section 2037; thence westerly along the northern boundary of said section and its production to the eastern boundary of section 172; thence southerly along said boundary and the eastern boundary of preliminary section 152 to the southern side of the Holdfast Bay railway land; and thence westerly along said side of railway land to the eastern boundary of the Glenelg Corporation</p> <p>(3) Comprising that portion of the district council district of West Torrens bounded as follows:— Commencing at the intersection of the south-</p>	<p>Included by proclamations made 20th April, 1916, 6th September, 1922, and 12th March, 1924</p>

*District Council Districts and Parts of Districts to which the Act applies—continued.*

District Council District.	Extent to which the Act applies.	Method by which Act applies.
West Torrens .. (contd.)	eastern side of the Holdfast Bay railway land with the western boundary of section 109, hundred of Adelaide; thence north-easterly along said side of railway land to the eastern boundary of section 108; thence northerly along the eastern boundary of said section and sections 107, 106, 2032, preliminary section 101, and across road to the south-east corner of section 103; thence easterly across road and along the northern side of road north of preliminary section 90 and its continuation to the south-west corner of preliminary section 5; thence southerly across road and along the eastern side of road west of preliminary sections 45, 44, and portion of preliminary section 43 to the south-eastern boundary of the district council district of West Torrens aforesaid; thence south-westerly along said boundary to the western boundary of section 109; and thence northerly along said boundary to the point of commencement	

Section 27,  
1885, 1925.  
Schedule.

THE THIRD SCHEDULE.

FORM OF DEBENTURE.

South Australia.

*Fire Brigades Act, 1936.*

The Fire Brigades Board in consideration of the sum of.....Pounds paid to the board hereby binds itself to pay to the bearer for the time being of this debenture the sum of.....pounds, and to the bearer or bearers for the time being of the coupons annexed hereto interest upon the said sum at the rate of .....per centum per annum, such interest to be payable on the..... day of.....and the.....day of..... in every year, and the principal to be paid on the.....day of..... in the year.....

The revenue of the board and all the real and personal property of the board shall be a security to the bearer for the time being of this debenture until the said principal sum be satisfied, and to the bearer or bearers for the time being of the coupons annexed hereto until the interest upon the said principal as represented by such coupons by him or them held shall be satisfied.

This debenture is issued subject to the provisions of the Fire Brigades Act, 1936.

Given under the seal of the Fire Brigades Board this.....day of.....

The seal of the Fire Brigades Board was }  
hereunto affixed on the date hereof in } (I.S.)  
the presence of—

..... }  
..... } Members.

Countersigned  
.....Secretary.

NOTE.—Interest and principal payable at the office of the board in Adelaide, or at such bank or other place as may be appointed by notice to be given by the board in the *South Australian Government Gazette*.

Coupon.

South Australia.

*Fire Brigades Act, 1936.*

The Fire Brigades Board.

Coupon for £.....for half-year's interest due the.....day of.....  
on debenture No....., payable to bearer at.....

..... } (L.S.)  
..... } Members.  
..... }

Countersigned  
.....Secretary.

THE FOURTH SCHEDULE.

Sections 51 and  
69.  
1130, 1913.  
Schedule.

PART I.

*Maximum Scale of Charges for Attendance and Service at a Fire on Land.*

	£	s.	d.
For the chief officer or other officer in charge at the fire—			
For the first hour .....	1	0	0
For each succeeding hour .....	0	10	0
For the use of a floating fire engine—			
For the first hour .....	10	0	0
For each succeeding hour .....	3	0	0
For the use of a steam fire engine, or motor fire engine—			
For the first hour .....	5	0	0
For each succeeding hour .....	2	0	0
For each reel, hose carriage, chemical engine, fire escape, or salvage van—			
For the first hour .....	2	10	0
For each succeeding hour .....	0	10	0
For each fireman in attendance at the fire—			
For the first hour .....	0	5	0
For each succeeding hour .....	0	2	6
For each horse taking a steam fire engine, reel, hose carriage, chemical engine, fire escape, salvage van, or other vehicle to or from a fire.....	0	10	0
For the use of hose, and cleaning and drying the hose, for each 100ft. or part thereof .....	0	10	0
For the wages of each extra man engaged by the chief officer or other officer in charge at the fire, for each hour .....	0	3	0

PART II.

*Maximum Scale of Charges for Attendance and Service at a Fire on a Vessel.*

	£	s.	d.
For the chief officer or other officer in charge at the fire—			
For the first hour .....	2	0	0
For each succeeding hour .....	1	0	0
For the use of a floating fire engine—			
For the first hour .....	15	0	0
For each succeeding hour .....	5	0	0
For the use of a steam fire engine or motor fire engine—			
For the first hour .....	7	0	0
For each succeeding hour .....	2	10	0
For each reel, hose carriage, chemical engine, fire escape, or salvage van—			
For the first hour .....	2	10	0
For each succeeding hour .....	0	10	0
For each fireman in attendance at the fire—			
For the first hour .....	0	5	0
For each succeeding hour .....	0	2	6
For each horse taking a steam fire engine, reel, hose carriage, chemical engine, fire escape, salvage van, or other vehicle to or from the fire.....	0	10	0
For the use of hose, and cleaning and drying the hose, for each 100ft. or part thereof .....	0	10	0
For the wages of each extra man engaged by the chief officer or other officer in charge at the fire, for each hour .....	0	3	0

### By-laws.

The following by-laws were in force under this Act on 12th April, 1937 :—

Conditions of service for permanent and auxiliary firemen—

*Gazette*—19th July, 1900, p. 121.

Allowances and pensions—

*Gazette*—11th February, 1926, p. 297.

3rd June, 1926, p. 1445.

15th July, 1926, p. 87.

19th August, 1926, p. 474.

### Regulations.

The following regulations were in force under this Act on 12th April, 1937 :—

*Gazette*—15th December, 1904, p. 1090 (nomination of members of the board).

31st May, 1906, p. 949 (volunteer fire brigades).

26th March, 1914, p. 748 (functions, duties, and powers of the chairman).