ANNO QUINQUAGESIMO TERTIO ET QUINQUAGESIMO QUARTO

VICTORIAE REGINAE.

A.D. 1890.

No. 495.

An Act to consolidate and amend the Law relating to, and to make further provision for, the Protection of Life and Property from Fire.

[Assented to December 23rd, 1890.]

WHEREAS it is desirable to consolidate and amend the law relating to, and to make further provision for, the protection of life and property from Fire—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as the “Fire Brigades Act, 1890.”

2. In the construction of and for the purposes of this Act, unless the same would be inconsistent with the subject matter or context, the words and expressions following shall have the respective meanings hereinafter assigned to them, that is to say—

“The Board” shall mean the Fire Brigades Board, as constituted under this Act:

“Superintendent” shall mean the Superintendent for the time being of Fire Brigades, and shall include any foreman, and any other officer or fireman for the time being in charge or in command of a Fire Brigade:

“Insurance Company” shall mean and include any corporate body, company, partnership, association, or person insuring against loss or damage by fire property situate within the limits
limits of any municipality or district for the time being, subject to the provisions of this Act; and shall also include the agent, attorney, or representative of, or person collecting premiums for, any corporate body, company, partnership, association, or person so insuring, whether any such corporate body, company, partnership, association, or person shall be incorporated or resident within the said province or not:

“Municipality” shall mean a locality under the local government of a municipal council:

“Council” shall mean the mayor and councillors, and shall include aldermen, of a municipality:

“District Council” shall mean a district council established or continued by or under “The District Councils Act, 1887”:

“District” shall mean a locality under the local government of a district council:

“The Fire Brigades Acts” shall mean and include the “Fire Brigades Act, 1882,” and the “Fire Brigades Act Amendment Act, 1883”:

“Volunteer Fire Brigade” shall mean any fire brigade supported by voluntary contributions; but shall not include any fire brigade or corps formed for the purpose of protecting any particular building or premises, with the consent of the owner or occupier of such building or premises:

“Owner” shall mean and include the person for the time being in actual receipt of, or entitled to receive, the rents and profits of the lands or premises in connection with which the word is used, 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, or executor, mortgagee in possession, or as agent or attorney for any other person, or otherwise:

“Contributory company” shall mean an insurance company liable to pay contribution towards the expenditure of the Board, as provided by this Act.

3. This Act shall apply to the municipality of Adelaide and also to every municipality and district to which the Governor may by Proclamation in the Government Gazette upon the application of the council of such municipality or of the district council for such district, and upon the recommendation of the Board, declare that this Act shall apply: Provided that in the event of any Fire Brigade proceeding, in exercise of the power conferred by this Act, to any fire outside any municipality or district for the time being, subject to the provisions of this Act, then such provisions shall in relation to such fire apply in the same manner as if such fire had occurred within a municipality or district subject to such provisions.
4. The subject-matter of this Act shall be divided into the following parts, namely:

PART I.—Incorporation, constitution, duties, and powers of Board:

PART II.—Salvage Corps:

PART III.—Volunteer Fire Brigades:

PART IV.—The Superintendent of Fire Brigades, his appointment, duties, and powers:

PART V.—Contributions to Board:

PART VI.—Miscellaneous.

PART I.

INCORPORATION, CONSTITUTION, DUTIES, AND POWERS OF BOARD.

5. There is hereby constituted a Board which shall be a body corporate by the name of "The Fire Brigades Board," and by that name shall have perpetual succession and a common seal, and be capable in law of suing and being sued, and shall consist of seven members, of whom three shall form a quorum, and may exercise all the powers and authorities which, by this Act, are vested in the Board. All Courts, Judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and shall presume that the same was properly affixed thereto.

6. No act or proceeding of the Board shall be invalidated or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding, and all acts and proceedings of the Board shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any person as a member thereof, or that any member thereof was disqualified or disentitled to act, be as valid as if every such person had been duly appointed and was qualified to be and to act and vote as a member of the Board.

7. The present members of the Fire Brigades Board, appointed under "The Fire Brigade Acts," shall be the Board within the meaning of this Act, until the members of the Board are appointed.

8. In the month of January, in the year one thousand eight hundred and ninety-one, and in the month of January in every succeeding year, the Governor shall appoint seven persons to be members of the Board, and the members of the Board shall continue in
in office until the appointment of their successors, and each retiring member of the Board shall be eligible for re-appointment.

9. One of the persons so to be appointed a member of the Board shall be appointed on the nomination of the council of the municipality of Adelaide, and three of the persons to be appointed members of the Board as aforesaid shall be appointed on the nomination of the insurance companies carrying on business within the municipality of Adelaide, until not less than three other municipalities within twelve miles of the Adelaide Post Office shall come under this Act, when such other municipalities shall nominate one of such members and the said insurance companies two of such members; and if there shall be three or more municipalities or districts to which this Act applies outside such radius, the councils thereof shall have the right to nominate one member of the Board: Provided that the nomination of each of the several persons to be appointed as aforesaid shall be certified to the Governor as regards the council of the municipality of Adelaide, under the hand of the mayor or town clerk thereof, and as regards the said municipalities and district councils, under the hand of the mayor or town clerk of each municipality, and under the hand of the chairman or clerk of each of such district councils; and, as regards the insurance companies, under the hand of the chairman of the general meeting, to be held as hereinafter provided, of the representatives of the insurance companies carrying on business within such municipality of Adelaide as aforesaid. All such nominations shall be made and certified to the Governor on or before the fifteenth day of January in the year one thousand eight hundred and ninety-one, and on or before the fifteenth day of January in every succeeding year. If the several bodies or persons, or any of them, shall fail to exercise their respective rights of nomination on or before the fifteenth day of January in each year, such right of nomination for that year shall lapse, and the Governor may appoint a member or members of the Board, without any nomination, who shall hold office during the same period and in all respects as if he or they had been appointed on the nomination of such bodies or persons so making default as aforesaid.

10. Immediately after the coming into operation of this Act, and in the month of December in every succeeding year, the secretary for the time being of the Board shall convene a general meeting of the representatives of the insurance companies carrying on business within the municipality of Adelaide, by circular addressed to each insurance company, or the secretary or representative thereof, for the purpose of nominating persons for appointment as members of the Board. Each such meeting shall elect its own chairman, and all matters shall be decided by a majority of votes, and the votes allotted to each representative of an insurance company shall be according to the following scale, that is to say: Where the company's premium income in the colony does not exceed Two Thousand Pounds, the representative of such company shall be entitled
entitled to one vote at every such meeting; where such income is above Two Thousand Pounds and does not exceed Five Thousand Pounds, the representative shall have two votes; where such income is above Five Thousand Pounds, the representative shall have three votes; and the chairman of each such meeting shall have a vote, and, in the event of equality of votes, shall have a second or casting vote.

11. The Governor may make, alter, amend, or vary rules and regulations, providing the method and conditions under which the said several bodies or persons shall exercise the respective rights of nomination hereinbefore given to them. Such rules shall be published in the Government Gazette, and shall thereupon be valid and have the force of law. And the production of a copy of the Government Gazette containing such publication shall be conclusive evidence of the tenor and validity of such rules.

12. No person being an uncertificated insolvent shall be appointed a member of the Board; and if any member shall be adjudicated insolvent, or apply to take the benefit of any Act now or hereafter to be in force in the said province for the relief of insolvent debtors, or shall assign or attempt to assign his estate for the benefit of his creditors, or shall make any composition with his creditors for less than twenty shillings in the pound, such member shall vacate his seat on the Board. If any member shall, without leave of the Board, be absent from the meetings of the Board for three consecutive months the Board may declare the seat of such member vacant, and he shall thereupon vacate his seat.

13. The Governor may at pleasure suspend or remove any member of the Board, and any vacancy caused by the removal of any member, may be filled up as hereinafter mentioned. If any vacancy in the Board shall occur, and which may be caused by the death, resignation, or removal by the Governor of any member, or by the disqualification of any member under the provisions of the last preceding section, the Governor may, without nomination, appoint a person to fill such vacancy, and such person shall thereupon become a member of the Board, and shall hold office so long only as the member in whose place he shall have been appointed would have held his office had no such vacancy occurred.

14. The duty of extinguishing fires and protecting life and property in case of fire, shall be deemed for the purposes of this Act to be entrusted to the Board; and, with a view to the performance of that duty, the Board may provide and maintain Fire Brigades, consisting of efficient firemen, furnished with such fire engines, fire escapes, reels, horses, carts, hoses, accoutrements, plant, tools, implements and other appliances as may be necessary for the complete equipment of such Brigades and the performance of their duties.

15. All
15. All the real and personal property vested in the Fire Brigades Board, as constituted by the Fire Brigades Acts at the time when this Act comes into operation, shall, upon the coming into operation of this Act, vest in the Board, subject to all liabilities and obligations attaching thereto.

16. Ordinary meetings of the Board shall be held for the dispatch of business at such times, not being less than once in every four weeks, as the Board shall, from time to time, determine, but special meetings may be held at any time.

The members of the Board may, from time to time, elect one of their number to be chairman of the Board, and at every meeting of the Board all questions shall be decided by a majority of votes; the chairman shall have a deliberative, and, in the event of an equality of votes, a second or casting vote.

The members for the time being of the Board shall have the custody and use of the common seal of the Board, and such seal shall not be affixed to any deed or instrument except in the presence of two of the members, and every deed or instrument to which such seal is required shall be signed by two of the members and countersigned by the secretary of the Board.

17. The Board may take on lease, purchase, or otherwise acquire and hold such real or personal property as the Board may determine for the purposes of this Act.

18. The Board may, from time to time, sell, demise, or lease, or otherwise dispose of any real or personal property, and may mortgage any freehold or leasehold lands belonging to the Board, but the power to sell real property shall not be exercised without the consent of the Chief Secretary.

Any sale of real or personal property belonging to the Board 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 may determine.

Any mortgage 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 may determine.

Any demise or lease of any real or personal property belonging to the Board may be granted by the Board 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 may determine; and any such demise or 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. The Board may enter into any contract or agreement with
with any person or body corporate for any purpose having relation to the provisions of this Act.

19. The Board may, from time to time, borrow, with the consent of the Chief Secretary, upon giving security over any freehold or leasehold lands of the Board, or without security, such moneys as the Board shall deem 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.

Any person lending money to the Board under this provision 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: Provided that the moneys borrowed shall not at any time exceed Five Thousand Pounds.

20. The Board may contract with the Government of South Australia, or with any company or corporate body or person, for the establishment and maintenance of telegraphic and telephonic communication between the several fire stations at which their fire engines or firemen may be placed, and between any such station and other parts of any locality to which the provisions of this Act shall for the time being apply.

21. The Board may delegate any of their powers to a committee, consisting of not less than three of the members of the Board, and such committee shall, to the extent of the powers delegated, be deemed to be the Board within the meaning of this Act.

22. The Board may repeal, or vary, wholly or in part, any by-laws or regulations heretofore in force under the Fire Brigades Acts, and may from time to time make, alter, and repeal such by-laws and regulations as may be necessary for the following purposes:

i. For the management and conduct of the meetings of the Board and for the dispatch of business:

ii. For the payment of fees to the members of the Board, or any committee thereof, not exceeding in the aggregate the sum of One Hundred and Eighty-two Pounds per annum:

iii. For the payment of salaries or wages to the officers and members of the Fire Brigades:

iv. For the payment of compensation in cases of accident to officers or members of any Fire Brigade, or to the wife and family of any such officer or member in the event of his death by accident while acting in the discharge of his duty:

v. For the payment to any persons in respect of voluntary or special services rendered to the Fire Brigades:

vi. For
VI. 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:

VII. For providing the method of registering Volunteer Fire Brigades:

VIII. For the regulation of the meetings and general business of the Board, and generally for duly administering and carrying out the duties entrusted to the Board by this Act:

IX. For such other purposes as the Governor, by proclamation in the Government Gazette, may order:

X. For fixing penalties for the breach of any by-law or regulation not exceeding the sum of Ten Pounds.

All such by-laws and regulations shall be in writing or print, or partly in writing and partly in print, and shall have the common seal of the Board affixed thereto, and when approved by the Governor, and published in the Government Gazette, shall be valid and have the force of law, and a production of a copy of the Government Gazette containing such by-laws or regulations shall be conclusive evidence of the tenor and validity of such by-laws and regulations.

23. The Board shall, on or before the thirty-first day of January in the year one thousand eight hundred and ninety-two, and on or before the thirty-first day of January in every succeeding year, report its proceedings during the twelve months ending on the thirty-first day of December of the preceding year, and a copy of such report shall be laid each year before Parliament.

24. The accounts of the Board shall be audited annually by the Commissioners of Audit, who may and shall exercise the powers conferred upon them by "The Audit Act, 1882," and an abstract of such accounts shall be annually laid before Parliament.

PART II.

SALVAGE CORPS.

25. The Board may, if it be so determined, establish and maintain salvage corps, consisting of efficient firemen and others, and may furnish such corps with all necessary quarters and with all such appliances, horses, carts, hoses, accoutrements, implements, tools, and plant as may be necessary for the complete equipment of the corps, or conducive to the performance of their duties.

26. If
26. If the insurance companies, or any of them, establish any salvage corps, it shall be the duty of the Fire Brigades, with the sanction of the Board, and subject to any regulations that may be made by the Board, to afford the necessary assistance to the members of such corps in the performance of their duties, and, upon the application of any officer of such corps, to hand over to his custody or as he may direct property saved from fire, and no charge shall be made by the Board for the services so rendered by any Fire Brigade: Provided that such salvage corps shall not be entitled to any payment out of the funds of the Board.

PART III.

VOLUNTEER FIRE BRIGADES.

27. Every Volunteer Fire Brigade existing at the time when this Act comes into operation shall forthwith be registered at the office of the Board; and every Volunteer Fire Brigade which may be formed after this Act comes into operation shall be registered at the office of the Board within twenty-eight days from the formation thereof; and every Volunteer Fire Brigade, whether established within the municipality of Adelaide or elsewhere, shall be subject to inspection by the superintendent.

Every Volunteer Fire Brigade present at any fire shall be under the control, and shall obey the orders of, the superintendent, foreman, or other person in command of the Fire Brigades present at such fire; and on the certificate of the superintendent or foreman, or other person in command at any fire, that efficient or valuable services have been rendered by any Volunteer Fire Brigade, or any member or members thereof, the Board may pay to such Volunteer Fire Brigade, or any member thereof, such moneys as the Board may determine.

PART IV.

THE SUPERINTENDENT OF FIRE BRIGADES—HIS APPOINTMENT, DUTIES, AND POWERS.

28. The Board may from time to time appoint an officer to be called The Superintendent of Fire Brigades, at such salary and upon such terms as the Board may determine, and the Board may suspend and remove such superintendent.

29. The
Fire Brigades Act.—1890.

29. The Fire Brigades for the municipality of Adelaide shall be under the command of the superintendent.

The superintendent may from time to time inspect any Fire Brigade, whether established within the municipality of Adelaide or elsewhere.

30. The superintendent shall perform the following duties, and may exercise the following powers within the municipality of Adelaide, that is to say:

i. He shall, with all possible speed, proceed upon alarm of fire to the place where such fire has happened, and endeavor by all practicable means to extinguish the fire and save all property which in his opinion may be 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 extinguishment of fire, and may cause any buildings or premises to be entered, taken possession of, pulled down wholly or partially, or otherwise destroyed for such 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 Her Majesty’s Government shall not, nor shall any company supplying water, be liable for any damages by reason of any interruption of the supply of water occasioned only by the exercise of such power:

vi. He may cause any street, private road, right-of-way, or thoroughfare, in the vicinity of any fire, to be closed for 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 artificial light to any building or premises which may be on fire, or to any building or land adjoining such building or premises or adjacent thereto, and no company supplying gas shall be liable for any damages by reason of any interruption in the supply of gas occasioned by the exercise of this power:

viii. He
viii. He may at the time of a fire, or thereafter, pull down or shore up any wall or building which may be damaged, or which in his opinion may be likely to be damaged, by fire, or which may be in the vicinity of any place where a fire has occurred, and which may in his opinion be, or may be likely to become, dangerous to life or property; and the expense of such pulling down, and shoring up, as the case may be, shall be borne by the owner of such wall or building, and shall be paid by him to the Board.

ix. He may remove, or cause to be removed, any person who interferes with the operations of any Fire Brigade.

31. The superintendent shall, in addition to the duties and powers respectively imposed and conferred upon him by the last preceding section, and subject to the direction of the Board, and within the municipality of Adelaide, exercise the general duties and powers following, viz.:

1. He shall cause a book to be kept containing the name, age, and occupation, and place of abode of each member of the brigades:

2. He shall summon, once a month at the least, all, or as many of the members of the brigades as may be required for practice, in order to render the members fit and efficient for service, and the engines, hoses, and plant in good working order and repair:

3. He shall have at all times the immediate charge and control of all engines, horses, carts, reels, buckets, hoses, ladders, fire escapes, and other plant, the property of the Board, and shall keep the same in a fit state at all times for efficient service:

4. He may from time to time inspect all salvage corps, and also all Volunteer Fire Brigades, and enforce compliance with the regulations.

32. The superintendent shall at all times have free access to any and every part of any building, room, or place licensed or sought to be licensed under the provisions of "An Act to Licence Places of Public Amusement," or any Act of Parliament for a like object, in order to inspect the same and ascertain whether the provisions of such Act are complied with; and if he shall discover that such provisions are not complied with, he shall report such discovery to the Board; and every person who shall obstruct or hinder the superintendent in inspecting any such building, room or place as aforesaid shall be liable to a penalty of not less than Ten Pounds and not exceeding Fifty Pounds.

33. The Board, upon the receipt of the report from the superintendent as in the preceding section provided, shall forward the same, or
or a copy thereof, to the mayor of the municipality or chairman of the district council of the district in which such building, room, or place is situate.

34. On the occasion of any fire which may occur outside the municipality of Adelaide the superintendent may, if he thinks fit, and he shall, if directed by the Board so to do, proceed to the place where such fire has occurred, and take command of all Fire Brigades present at such fire, and upon so taking command he shall and may exercise all the duties and powers which are hereby imposed or conferred upon him, within the municipality of Adelaide, or are exercisable by him within such municipality, or such of the same as may be applicable.

35. The authority of the superintendent shall be recognised by all officers and members of the police force and all other persons; and it shall be the duty of the officer commanding the police force present at any fire to support and assist such superintendent in the maintenance of his authority, and in enforcing due obedience to his orders, and such officer and all police constables may, if he or they shall think proper, and he and they shall, at the request of the superintendent, remove any person who interferes with the operations of any Fire Brigade.

36. The Fire Brigade for each municipality (other than the municipality of Adelaide) and the Fire Brigade for each district shall be under the command of an officer to be called a foreman.

Every foreman shall, within such municipality or district, perform the like duties and may exercise the like powers and discretions as are by this Act imposed or conferred upon the superintendent, except that where the superintendent shall, in the exercise of the power conferred by this Act, attend at any fire outside the municipality of Adelaide, and assume command of any Fire Brigade, then and in such case such foreman shall act under the directions and obey the orders of the superintendent.

37. The powers conferred by this Act upon the superintendent or any foreman may, in case of the absence or disability of such superintendent or foreman, be exercised by any deputy superintendent, or by any other officer or fireman for the time being in command of any Fire Brigade.

38. The superintendent or any foreman shall at all times have free access to any building, erection, ship, vessel, wharf, jetty, land, or premises, and any part or parts thereof respectively, where he suspects that any gunpowder explosive or explosive substance, or kerosine, 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 the provisions of any by-law or regulation made under the
the provisions of any Act of Parliament now or hereafter to be in force in the said province; and if he discovers that any such material or substance is so stored, placed, stacked, or kept, he shall forthwith report such discovery to the Board, and upon the receipt of such report the Board may deliver, or cause to be delivered or posted, to the master or owner or agent, or to the person in charge of any such ship or vessel, or to the occupier of any such building, erection, wharf, jetty, land, or premises, or to the owner or any of the owners of any such material or substance, notice to remove such material or substance from such ship, vessel, building, erection, wharf, jetty, land, or premises, within a time to be determined by the Board, and to be specified in such notice; and if default shall be made in compliance with such notice, the person so making default shall be liable to a penalty of not less than Fifty Pounds and not exceeding Fifty Pounds; and every person who obstructs, hinders, or delays the superintendent or any foreman in making any such inspection as aforesaid, shall be liable to a penalty of not less than Fifty Pounds and not exceeding Fifty Pounds.

39. The superintendent or any foreman may, when in his opinion occasion requires, permit the whole or any part of any Fire Brigade or salvage corps, with their engines, hoses, reels, horses, carts, escapes, and other implements, to proceed beyond the limits of any municipality or district, for the purpose of extinguishing fire.

In such case the owner and occupier of the property where the fire has occurred shall be jointly and severally liable to pay all the expenses which may be incurred by the Fire Brigades in attending the fire, and shall also pay to the Board charges in accordance with the Schedule hereto, and in default of payment any such expenses and charges may be recovered by the Board in a summary manner.

If any such owner or occupier shall pay such expenses and charges, he may recover from the person jointly liable with him to pay such expenses and charges, one-half of the amount thereof.

40. During the progress of any fire, the superintendent, or any officer or person authorised by him, may enter, and if necessary break into, the building or premises on fire, or any building or premises adjacent thereto; and if he shall find in any such building or on any such premises any dangerous combustible or inflammable material or substance, he may remove or cause the same to be removed, and shall not be responsible for any consequent loss or damage.

41. The Board may appoint all foremen, officers, and men, and also all servants and other persons employed by the Board for the purposes of this Act, upon such terms and at such salaries or wages as the Board may determine, and may dismiss and suspend any foreman, officer, fireman, or servant.

42. The
PART IV.
Present superintendent, officers, and firemen to continue in office.

PART V.

Contributions to Board.

42. The present superintendent and all other officers of the Fire Brigades holding office, and all firemen and servants employed by the Board, on the date on which this Act shall come into operation, shall be deemed to have been appointed and engaged under the provisions of this Act.

43. Towards the expenditure, as estimated by the Board, in establishing and maintaining Fire Brigades, and for the purposes of this Act, the following contributions shall be made, that is to say:

i. The Treasurer shall pay to the Board a sum of money equal to three-ninths of such expenditure.

ii. The Insurance Companies shall pay to the Board a sum of money equal to four-ninths of such expenditure.

The council of the municipality of Adelaide shall pay to the Board a sum of money equal to two-ninths of the expenditure as estimated by the Board in relation to the Fire Brigades established or maintained, or in relation to any fire within such municipality; Provided that the amount to be paid by the said council shall not exceed Six Hundred and Sixty-six Pounds Thirteen Shillings and Fourpence in any year, until the said council shall otherwise determine.

The Council of each of the municipalities, and the district council for each of the districts, for the time being subject to the provisions of this Act, shall pay to the Board a sum of money equal to two-ninths of the expenditure as estimated by the Board in relation to the Fire Brigades established or maintained, or in relation to any fire, within such municipality or district.

The contributions by the Insurance Companies as aforesaid, shall be made by each Insurance Company paying to the Board towards such contribution a sum of money (not being less than Ten Pounds per annum) calculated ratably on the previous income derived from insurance business within the province by such company, as may appear by the return hereinafter mentioned.

All such payments as aforesaid by the bodies and Insurance Companies aforesaid shall be made by quarterly payments on the first
first days of the months of April, July, October, and January in each year, or at such other times as the Board may determine.

Every Insurance Company which commences to carry on business after this Act comes into operation shall pay to the Board, on the days aforesaid or on such other days as may be determined by the Board as aforesaid, the sum of Two Pounds Ten Shillings for every quarter or portion of a quarter until the then next time for making returns, as provided by the next succeeding section.

44. For the purpose of ascertaining the amounts of such contributions every such Insurance Company shall, in the month of July in each year, or at such other times as the Board may from time to time direct, furnish the Board with a return showing the amount of annual premium receipts (re-insurance within the province excepted) for the preceding twelve months, to which return there shall be annexed a statutory declaration by a director, or the manager, secretary, or agent, or attorney of such company that, according to the books thereof, and to the best of his information, knowledge, and belief, such return contains a true account and statement of the amount of such premium income. If any such company shall make default in furnishing such return and declaration, such company and every director, secretary, agent, or attorney of a company, who authorises or permits such default, shall be liable to a penalty of not less than Five Pounds for every day during which such default is made or continued.

45. Any person who wilfully makes a false declaration as to any return to be furnished by any Insurance Company as aforesaid, shall be liable to a penalty of not less than Twenty Pounds and not exceeding Fifty Pounds.

46. The secretary or other officer having the custody of the books and papers of any contributory company shall allow any person appointed by the Board to inspect, during the hours of business, any books and papers of such company, and to make extracts therefrom, in order to verify any return or declaration made in pursuance of this Act; and any such secretary or officer failing to comply with the requirements of this section shall be liable to a penalty not exceeding Five Pounds.

47. The amount of any contribution payable under this Act by any municipality (other than the municipality of Adelaide), and by any district council, may (if necessary) be raised by the council of such municipality or such district council by increasing the rates for the year following the payment of such contribution by such a sum in the pound as shall be sufficient to provide the amount.

48. The amount of any contribution payable under this Act may be recovered by action or in a summary manner.
PART VI.

MISCELLANEOUS.

49. The Board may permit the whole or any part of any Fire Brigade to be employed on special services, at such remuneration and upon such terms as the Board may determine.

50. The Board may furnish the superintendent, and also all officers and men of any Fire Brigade, with such uniforms as the Board may determine.

51. 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 any fire, forthwith dispatch a sufficient number of police to such fire for the purpose of preserving order and assisting any Fire Brigade present at such fire.

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

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

54. Any person who wilfully obstructs or interferes with the superintendent or any member of any Fire Brigade, or with any person acting under the authority of the Board or the superintendent, or who injures or destroys any building, engine, reel, hose, pipe, ladder, or other thing belonging to the Board, or remains in any building belonging to the Board, after being ordered by the superintendent to quit the same, or who retains possession of any property belonging to the Board after being ordered by the superintendent to give it up, shall be liable to a penalty of not less than Two Pounds and not exceeding Twenty Pounds, or may be imprisoned for any term not exceeding two years, with or without hard labor, and shall also be liable for, and may be ordered to pay, the estimated damage.

55. Any person who wilfully covers up or encloses any fireplug so as to render its position difficult of identification, or shall obliterate any mark, sign, or letter used for the purpose of distinguishing the position of any fireplug, shall be liable to a penalty of not less than Five Pounds and not exceeding Fifty Pounds.

56. Any person who tampers or interferes with any fire alarm or other signalling apparatus, or gives a false alarm of fire, shall be liable
liable for the first offence to a penalty not exceeding Five Pounds or seven days imprisonment, and for any subsequent offence shall be liable to imprisonment for a period not exceeding two years, with or without hard labor, and without the option of a fine.

57. The owner of any uninsured house or building or uninsured vessel afloat, and the owner of any uninsured personal property which may be therein at the time of the fire, shall be liable to pay to the Board the expenses incurred by the Fire Brigades in attending the fire, and shall also pay to the Board the charges mentioned in the Schedule hereto, and in default such expenses and charges may be recovered by action, or in a summary way.

(a) "Uninsured house or building" shall mean a house or building which is not insured with a contributory company, and "uninsured vessel afloat" shall mean a vessel afloat which is not insured with a contributory company:

(b) "Uninsured personal property" shall mean personal property which is not insured with a contributory company:

(c) The expenses and charges made payable under this section shall be ratably apportioned between the owner of the uninsured house or building and the owner of the uninsured personal property, according to the respective values of the house or building and the personal property, and the amount of the damage caused by the fire:

(d) If any dispute shall arise between the parties liable to pay the expenses and charges payable under this section, as to the proportion of such expenses and charges which may be payable by each or any of them, the Board may determine the amount payable by each such person, and such determination shall be intimated to the parties interested by writing under the seal of the Board, and shall be final and binding upon all the parties concerned:

(e) In any action or proceeding to recover moneys payable under this section, it shall be sufficient to allege that the Board has made a determination fixing the amount payable by the defendant, and the onus of proving the contrary shall be on the defendant:

(f) In the event of a fire occurring in an uninsured house or building, wherein is personal property which is insured, the whole of the expenses and charges payable under this section shall be borne and paid by the owner of such uninsured house, or building; and in the event of a fire occurring in any insured house or building, wherein is uninsured personal property, a proportionate part of the expenses and charges payable under this section shall be borne and paid by the owner of such uninsured personal property.

In the event of a fire occurring on any personal property not in any
any house, or building, at the time of a fire, the owner of such personal property shall be liable to pay to the Board the expenses incurred by the Fire Brigades in attending the fire, and the charges mentioned in the Schedule hereto, and, in default, such expenses and charges may be recovered by action in a summary way.

The Government of the Province of South Australia shall not, under any circumstances, be liable to pay the expenses and charges referred to in this section.

58. The owner of a house or building where a fire occurs shall, on being requested so to do by any member of the Board, or by the superintendent, or by any foreman or officer of the Board, inform such member, superintendent, foreman, or officer whether such house or building is insured or not; and, at the like request, shall furnish such member, or the superintendent, or such foreman or officer, with full particulars of the insurance (if any) thereon, including the name of the company with which the insurance is effected, and the amount of such insurance.

The owner of any personal property which may be in any house or building, or on any premises where a fire occurs, shall, at the like request, give the like information and furnish the like particulars as are required to be given with respect to a house or building, as hereinbefore provided.

Any person who refuses to comply with any such request as aforesaid, or who wilfully gives any false information, or who wilfully gives any incorrect particulars with regard to such insurance, as aforesaid, shall be liable to a penalty not exceeding Twenty Pounds.

59. Any damage to property occasioned by any Fire Brigade, or by the superintendent, or any member of any brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.

60. The Board may cause the debris, and also any building, or premises, where any fire has occurred, and every part of such building, to be searched, and may remove and keep possession of any materials which may tend to prove the origin of such fire.

61. The Board may, at any inquest on any fire, be represented by any member or members of the Board, or by any person or persons to be appointed by them, who may adduce evidence and may examine witnesses and address the Court.

62. Any member of the Board, and any officer, servant, or agent of the Board, may enter any building or place where any fire has occurred, and may remain in possession thereof and of any property which may be therein or thereon; and, in the event of circumstances which in the opinion of the superintendent or the police are of a suspicious nature, may continue in possession until an inquest has been held concerning the cause or origin of such fire.

63. The
63. The superintendent may at any fire take and keep possession, for safe custody, until authorised by the Board to return the same to the person entitled thereto, all property of any description which may be found on the premises where such fire has occurred, and may remove any such property from such premises: Provided that, should the Board not deal with the property so kept possession of by the Superintendent within seven days of the date on which the fire occurred, then such property shall be forthwith delivered by the Superintendent to the owner thereof.

64. Where 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 may be entitled, after notice in writing from the Board to deliver up possession thereof, it shall be lawful for any Magistrate on the oath of one witness, stating such notice to have been given by warrant under his hand, to order any police constable to enter into such premises, and to remove such officer, fireman, or person, and his family and servants therefrom, and afterwards to deliver the possession thereof to the Board as effectually to all intents and purposes as the Sheriff having jurisdiction within the place where such premises are situate might lawfully do by virtue of a writ of possession.

65. The superintendent 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 detained contrary to the order of the superintendent or of the Board, and may remove the same.

Any person hindering or obstructing the superintendent or any such officer, servant, or agent in so entering or breaking into any such place, shall be liable to a penalty not exceeding Thirty Pounds.

66. Where any fire shall occur the superintendent or foreman in charge of the brigade which shall be present thereat, shall, as soon as possible, report such fire to the Board, and upon receipt of such report the Board, or the secretary, or any other person authorised by the Board, shall forward to the Insurance Companies carrying on business within the municipality of Adelaide a notice of such fire in such form as the Board may determine.

67. All actions to be brought against the Board, or against any person, for anything done or purporting to have been done under this Act, shall be commenced within six months after the Act complained of was committed, or the damage was sustained, and no action shall be commenced or process issued against the Board or against any person for anything done, or purporting to have been done, under this Act until notice in writing of such intended action or process has been delivered at the office of the Board, or delivered to such 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 commencing of such action; such notice shall clearly and explicitly set forth the nature of the intended
There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction, or to the Local Court of Full Jurisdiction nearest to where the fire occurred, from any conviction of any Special Magistrate or Justices for any offence under this Act, and from any order dismissing any information or complaint or other order made by any Special Magistrate or Justices under this Act, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850 for Appeals to Local Courts, or any Act now or hereafter to be in force regulating such appeals, but the said Local Court of Adelaide shall have power to make such order as to the payment of the costs of appeal as may seem fit, although such costs may exceed Ten Pounds.

The Government Gazette containing any Proclamation or order made by the Governor under this Act, or any of the Acts hereby repealed, shall be conclusive evidence of the fact, tenor, and validity of such Proclamation or order, 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.

The Fire Brigades Acts, and sections 263 and 264 of “The District Councils Act, 1887,” are hereby repealed: Provided that such repeal shall not affect the validity of any rules or regulations heretofore made by the Fire Brigades Board, under the provisions of the “Fire Brigades Act, 1882,” or of anything done or suffered, or commenced to be done or suffered, under any of the said Acts, nor condone or affect any offences committed, or liability contracted, contribution owing, or penalties incurred thereunder.

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

KINTORE, Governor.
THE SCHEDULE

Scale of Charges allowed for attendance at any Fire.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>For superintendent of Fire Brigades, for first hour</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>For superintendent of Fire Brigades, per hour for each succeeding hour,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>day or night</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>For use of steam-engine</td>
<td></td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>For each reel or fire escape in attendance at any fire</td>
<td></td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>For each fireman, gasman, and turncock, when called out to any fire, day</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or night, for the first hour</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>For each fireman when called out to any fire, day or night, for the second</td>
<td></td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>hour</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>For each fireman when called out to any fire, day or night, for each</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>succeeding hour</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>For each horse taking a reel to and from any fire, day or night</td>
<td></td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>For cleaning and drying the hose, and taking it to and from the drying</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yard, after each fire, for each hand reel</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>For cleaning and drying the hose, and taking it to and from the drying</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yard, after each fire, for each horse reel</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>For every horse and cart attending any fire</td>
<td></td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>For first notice of fire to the superintendent of Fire Brigades at his</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>residence</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>For wages for each extra man engaged by the superintendent at any fire,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>fire, day or night—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the first hour</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>For the second hour</td>
<td>0</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>For the each succeeding hour</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Adelaide: By authority, C. E. Bristow, Government Printer, North-terrace.