**BUSH FIRES ACT AMENDMENT BILL 1972**

**HOUSE of ASSEMBLY, 30 August 1972, page 1123**

Second reading

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Bush Fires Act, 1960- 1968. Read a first time.

The Hon. J. D. CORCORAN: I move:

*That this Bill be now read a second time.* Arising from submissions by, and discussions with, bodies and authorities interested in the operation of the principal Act, it covers a number of disparate matters. Topics dealt with in the Bill include—

1. a revision of the requirements as to obligations of bodies to insure persons engaged in fire-fighting operation under the Act;
2. a revision of the general level of penalties provided for under the Act to ensure that they are an appropriate deterrent;
3. a change in description from “inflammable” to “flammable” the latter word being, it is felt, less likely to confuse those whose mother-tongue is not English;
4. the conversion of denominations of weights and measures, in the Act expressed in English Units of measurement to denominations expressed in metric units; and
5. a revision of the restrictions on the movement of aircraft on private airfields.

The Bill deals also with other matters that will be mentioned in connection with the relevant provision. Clauses 1 and 2 are formal. Clause 3 provides for a definition of “nominated council” and for a metric conversion from 2 gall, to 9 litres in the case of portable water sprays; this conversion should ensure that all present portable sprays may be kept in use. Clause 4 provides for the declaration of a municipal or district council to be nominated as the council responsible for a fire-fighting organization and further provides that the fire-fighting organization is to keep its nominated council informed of the current state of its membership. Clause 5 inserts a new heading in the principal Act, Clause 6 is the operative provision as regards insurance against injury of fire fighters and is intended to make quite clear just who is the responsible “employer” of the fire fighter for insurance purposes. Subsection (2) of proposed new section 36 applies the Workmen’s Compensation Act, 1971, to the firefighter’s employment as such. The notional salary of the fire fighter for these purposes is fixed at the State living wage, plus an amount to be prescribed. This salary is necessarily a notional one, since this compensation provision applies only to unpaid fire fighters. Proposed new section 37 provides for the liability of the Minister as employer to be met out of the general revenue of the State. It might be noted that this Act, in terms, no longer imposes on a council the obligation to insure against a liability as an employer imposed on it by this Act, that obligation being imposed by the Workmen’s Compensation Act, 1971.

Clause 7 is consequential on the amendments proposed by clause 6, proposed new section 36 (1) *(b)* providing that fire party leaders will fall within the ambit of that section. Clause 8 increases the penalty for an offence against section 43 that relates to burning of stubble during a time of fire risk to make the maximum penalty commensurate with the gravity of the offence. Clause 9 effects a metric conversion amendment and is self-explanatory. Clause 10 substitutes the word “flammable” for the word “inflammable’’' and is one of many similar amendments, and makes a metric conversion amendment. Clause 11 effects a number of metric conversions to section 49 of the principal Act. Clause 12 increases the penalties for an offence against section 52, which relates to burning scrub during periods of fire risk and again recognizes the serious consequences that may flow from a breach of this section.

Clause 13 makes a metric conversion to section 54 of the principal Act. Clause 14 increases the penalties for an offence against section 59, which relates to burning scrub or stubble on Good Friday, Sunday or Christmas Day, as docs clause 15 in relation to offences against section 60, which empowers councils to make by-laws prohibiting the burning of scrub or stubble and clause 16 in relation to section 61, which relates to restricting of fires in the open air. Clause 17 again makes certain metric conversions, alters the word “inflammable” to “flammable” and effects certain increases in penalties for offences against section 62 of the principal Act. Clause 18 makes similar amendments to section 63 as does clause 19 to section 64. Clauses 20 and 21 together change the description of a situation of high fire risk from that of “Serious Fire Risk” to that of “Extreme Fire Danger” and in addition penalties for offences connected with that situation have been increased.

Clause 22 increases penalties for offences against section 67 of the principal Act, makes further metric conversions and alters references to “inflammable” to read “flammable”, Clause 23 repeals and re-enacts section 68 of the principal Act to make it clear that this section applies only to the use of internal combustion engines within the boundaries of a property. The penalty for an offence against, this section has been increased. Clause 24 effects certain metric conversions to section 69, which relates to the fitting of spark arrestors on certain vehicles, and again increases the penalties for a breach of that section. Clause 25 increases the penalties for an offence against section 70, which relates to the provision of fire extinguishers on certain caravans. Clause 26 enacts a new section 71 regulating aircraft movements on what might be called “private” airstrips and is generally self-explanatory.

Clause 27 effects a metric conversion to section 72 of the Act, which prohibits smoking near flammable matter, alters a reference to “inflammable” and increases the penalty for an offence against that section. Clause 28 increases the penalty for an offence against section 73, which relates to throwing burning material from vehicles. Clause 29 increases the penalty for an offence against section 74, which regulates the use of fires in rabbit fumigators. Clause 30 makes a metric conversion amendment to section 75 of the Act, which deals with blasting of trees and also increases the penalty for a breach of that section. Clause 31 increases the penalty for a breach of section 76 of the Act, which prohibits the use of ignitable wadding in cartridges. Clause 32 increases the penalty for a breach of section 77 of the Act, which deals with fire protection in sawmills and proclaimed premises. Clause 33 revises the standard specification of certain matches the sale of which is prohibited anti inserts the appropriate British standard. The penalty for a breach of this provision has also been increased. Clause 34 alters the reference to “inflammable” in section 79 of the Act as does clause 35 in relation to section 80. Clause 36 effects a metric conversion to section 81 of the Act.

Clause 37 sets out in some detail the power of a council to order the establishment of fire breaks and the rights of the council to establish such breaks at the expense of the owner or occupier of land affected. Clause 38 increases the penalty for an offence against section 82 of the Act, which obliges councils to provide adequate fire-fighting equipment. Clause 39 effects a number of amendments to section 86 of the Act, which deals with the powers of fire fighters under the Act. The effect of the amendments is to enable the powers to be exercised when there is a present danger of a fire. Previously, the powers could be exercised only when a fire had actually broken out. It is not difficult to imagine a situation arising that presents such a danger—for example, the case of an overturned petrol tanker on a busy road. Clause 40 increases the penalty for an offence that involves a failure to comply with a direction under section 89 of the Act given by a fire control officer. Clause 41 effects a metric conversion to, and increases the penalty for an offence against, section 90 of the Act, which deals with the power of fire control officers and foresters to prohibit the lighting of fires, and clause 42 increases the penalty for an offence against section 91 of the Act for hindering officers in the execution of their duty under the Act. Clause 43 re-enacts section 92 of the principal Act and spells out in somewhat greater detail the powers of a police officer present in the vicinity of a fire. Clause 44 increases the penalty provided for by section 94 of the Act in the case of a failure by a suspected person to disclose his name and address.

 Clause 45 increases the penalty provided for by section 94 of the Act in the case of offences relating to fire plugs, and clause 46 increases the penalty for an offence under section 95 of the Act relating to false alarms. Clause 47 amends section 96 of the Act and somewhat enlarges the duty on the part of coroners to hold inquests into fires. Clause 48 amends section 97 of the Act and extends the immunity already given to fire control Officers and fire party leaders to police officers acting under the Act. Clause 49 alters “inflammable” to “flammable” in section 99 of the Act. Clause 50 effects certain metric conversions to, and alters “inflammable” to "flammable” in, section 100 of the Act. This provision deals with liability for damage to dividing fences. Clause 51 effects a metric conversion to section 101 of the Act, which deals with the right of an adjoining occupier to clear fire-breaks on roads. Clause 52 provides for an additional regulation-making power dealing with the design, construction and maintenance of fire danger indicators and also increases the maximum penalty that can be provided for a breach of the regulations from $100 to $200.

Mr. McANANEY secured the adjournment of the debate.