

No. , 1897.

A BILL

To make better provision for the protection of life and property from fire in certain country districts ; to amend the Fire Brigades Act, 1884 ; and for purposes incidental thereto.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Constitution of country fire brigades boards.

1. (I) On application made to the Minister by the council of a country municipality the Governor may, by notification in the Gazette, declare that this Act applies to that municipality or to any specified part of the municipality, and appoint a name by which the fire brigades board of the municipality or of the part specified as aforesaid shall be constituted a body corporate. On application by the councils, Act to apply to municipalities.

(II) On notification being made as aforesaid this Act shall apply to the municipality or to the specified part thereof and to the said board, and the board shall be a body corporate under the name appointed.

2. (I) Where, before the day of the commencement of this Act by a proclamation made or purporting to be made under section twenty of the Principal Act, the said Act has been extended to a country municipality, Validation of constitution of certain fire brigades boards.

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municipality, the persons appointed or elected as members of the fire brigades board in such municipality shall be deemed to have been duly appointed or elected, as the case may be, and the board shall be deemed to have been and to be duly constituted, although the procedure and the conditions prescribed by the said Act have not been followed or complied with:

Provided that on the expiration of twelve months from the said day the persons appointed or elected as aforesaid shall cease to hold office, and the members of each such board shall be the persons hereinafter in this Act mentioned.

(II) The Governor may, by notification in the Gazette, declare any such board to be a body corporate under a name therein appointed, and such board shall thereupon be a body corporate under that name: Boards to be bodies corporate.

Provided that any such board which has before the day of the commencement of this Act acted or assumed to act as a body corporate shall, without any notification as aforesaid, be deemed to have been and to be a body corporate under the name under which it has so acted or assumed to act.

(III) On and after the said day this Act shall apply to every such municipality and to every such board as aforesaid. This Act to apply.

3. (I) Any municipality or part of a municipality to which this Act applies is hereinafter referred to as a "district." "District."

(II) The Governor may, by notification in the Gazette, take any district or part of a district out of the operation of this Act, and may by notification as aforesaid alter or repeal any proclamation made under section twenty of the Principal Act, or any notification made under this Act. Power to take part of municipality out of operation of Act, and to alter and repeal proclamations and notifications.

4. The members of a fire brigades board incorporated under this Act shall (except in the case of members appointed or elected as members before the day of the commencement of this Act) be the mayor for the time being of the municipality constituting the district, or of which the district forms part, who shall be chairman of the board, and two other persons appointed by the Governor, one of whom may be nominated by the fire insurance companies hereinafter mentioned; and the two persons last mentioned may hold office for two years and no longer, but may be re-appointed. Who are to be members of boards.

Two of the members of a board shall be a quorum of the board.

5. (I) The nomination of any such person as aforesaid shall, where not otherwise prescribed by ~~by-laws~~ made by fire insurance companies as hereinafter provided, be made on a day and at a place to be notified by the Minister in some newspaper published in the district, but if there is no such newspaper, then in some newspaper circulating in the municipality. Nomination of members.

Each fire insurance company insuring property in the district on the thirty-first day of December last preceding the day of nomination, may be represented at the meeting held for the purpose of the nomination by a director, secretary, or local agent, or by some person appointed by the company in that behalf in writing.

The nomination shall be made by the majority of the companies represented at the meeting, and the result shall be notified to the Minister in the form or to the effect of the Schedule hereto, and the production of such notice shall be prima facie evidence that the persons signing the same duly represented the companies which they purport to represent, and that the provisions of this Act necessary to the validity of the nomination have been complied with.

On receipt by the Minister of the said notice the Governor shall appoint the person nominated, and notify the appointment in the Gazette.

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(II) If the companies fail for seven days after the day prescribed or notified as aforesaid to nominate any such person as aforesaid, or to notify to the Minister the result of the nomination, the Governor may appoint a person to be a member of the fire brigades board in lieu of the person whom the companies are authorised by this Act to nominate, and shall notify the appointment in the Gazette. Failure to nominate.

6. (I) Any person other than the mayor of the municipality shall be incapable of being appointed or of sitting as a member of a board who— Persons disqualified from being members of board.

- (a) is an undischarged bankrupt or public defaulter; or
- (b) accepts or holds any office or place of profit under that board;

or

(c) undertakes, executes, holds, or enjoys any agreement for work to be done for, or goods to be supplied to, that board until the disability has been removed by grant of a discharge, or until he ceases to hold the office or place of profit, or ceases to undertake, execute, or hold the agreement; and, if he has been appointed, shall vacate his place on the board.

(II) Any member of a board, other than the mayor of the municipality, who is absent from *four* consecutive meetings of the board without leave obtained from the board shall thereupon vacate his place. Absence from board.

(III) The Governor may, by notification in the Gazette, remove any member of a fire brigades board other than the mayor of the municipality, and thereupon the place of the said member shall be vacant. Any vacancy in the board occurring through death, absence, resignation, or otherwise may be filled by the appointment of the Governor: Provided that, where the member whose place has become vacant was appointed on the nomination of the fire insurance companies aforesaid or on the failure of the companies to nominate within the period in this Act prescribed, the said companies may nominate in accordance with the provisions of this Act, a person to fill the vacant place. Governor may remove member and fill vacancies.

7. The fire insurance companies insuring property in a district on the thirty-first day of December last preceding may make, alter, and repeal rules regulating the times and places for the nomination of members of the fire brigades board of the district, and the proceedings at meetings held for the purpose of making those nominations. By-laws regulating nomination of members.

Any meeting for the purpose of making, altering, or repealing those rules shall be summoned by the mayor of the municipality for such time and place and in such manner as he may think fit, and he shall preside at the meeting, and control all the proceedings of the meeting, but shall not vote or take any part in the discussions.

Each company may be represented at any meeting by any person who, under this Act, might represent it at a nomination of a member of the fire brigades board.

Powers and duties of fire brigades boards and their superintendents.

8. A fire brigades board may, within its district,— General powers of fire brigades board.
- (a) take measures to facilitate the formation of fire brigades;
 - (b) disband any fire brigade;
 - (c) purchase or acquire any plant, including fire-engines, horses, carts, reels, buckets, hose, ladders, fire-escapes, trucks, carriages, tools, implements, accoutrements, and other property, and supply the same to any brigade, or sell and dispose of the same;
 - (d) determine the number of permanent, volunteer, and other fire brigades for the district, and the number of officers and other members

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members necessary for each brigade, and the description and quantity of apparatus and appliances necessary for each brigade;

- (e) establish and maintain fire-alarms and other appliances for the prevention and notification of fires; and
- (f) establish or contract for the establishment of means of communication between fire stations and other places.

9. Every fire brigades board shall once at least in each year report to the Minister upon the administration of this Act within its district, stating the particulars of the receipts and expenditure of the board, and every such report shall be laid before both Houses of Parliament. Board to report to Minister.

Every board shall also, at the request of the Minister, report to him with respect to any matter as to which he may require to be informed connected with the administration of this Act within the district of the board.

10. When any property, real or personal, has been damaged or destroyed by fire, the coroner having or exercising jurisdiction at or in the place where the fire happened shall, if the fire brigades board for the district within which such place is situate considers it a fit case for so doing, make an inquisition into the cause and origin of the fire. Board may require inquest to be held on a fire.

The provisions of the Act twentieth Victoria number ten applicable to inquests and inquisitions held thereunder shall apply to and in respect of inquisitions held under this section.

11. No fire brigades demonstration shall be held in public unless the permission of the board has been first obtained. Fire brigades demonstration.

12. A fire brigades board may, with the approval of the Governor, appoint a superintendent and deputy superintendent of fire brigades within its district, who shall be officers of the board. Appointment of superintendent and his deputy.

The superintendent, or, in his absence, the deputy superintendent, shall, for the purpose of the exercise of the powers conferred on him by this Act, have authority and control over the officers and other members of all fire brigades within the district.

13. (i) The officers of a fire brigade shall be a captain, foreman, first lieutenant, and second lieutenant, and none other, and the brigade may, subject to the provisions of this Act and of any rules made in that behalf by the brigade (which rules every brigade is hereby authorised to make), appoint those officers and such other members as it may think necessary: Provided that no appointment of any of the abovementioned officers shall be valid until approved by the board of the district. Who are to be officers of brigades.

Any of the abovementioned officers may be removed from office by the board. Removal of officers by board.

(ii) The salaries and emoluments of all officers and other members of a fire brigade shall be such as the board of the district may determine. Salaries of officers and members of brigades.

14. The superintendent, or, in his absence, the deputy superintendent, shall, within the district for which he has been appointed,— General powers and duties of superintendent or his deputy.

- (a) cause to be kept a book containing the names, ages, occupations, and residences of the members of all brigades within the district, the dates of their enrolment and promotion, and such other particulars as he may think necessary;
- (b) summon for practice, once a month at the least, such of the brigades of the district, and so many of the members of each brigade so summoned as he may think fit;
- (c) have charge of and control over all engines, horses, carts, reels, buckets, hose, ladders, fire-escapes, and other plant the property

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property of the board, and cause the same to be kept in a state fit for immediate service, and shall keep an inventory of the same;

- (d) inspect from time to time all brigades within the district, and report to the board as to their efficiency, making such recommendations as he may think fit;
- (e) have free access at all reasonable times to any building or premises for the purpose of ascertaining and reporting on any infringement of this Act or of any statute, regulation, or by-law relating to the prevention or extinguishing of fires, or relating to the storage of gunpowder, dynamite, or any other dangerous explosive, or of kerosene or other inflammable material or matter, or of empty crates, cases, or other packages, sawdust, shavings, hay or straw, either in packages or loose;
- (f) have free access at all reasonable times to all theatres and other buildings within his district used for purposes of public entertainment or of public concourse in order to report to the board whether the precautions against fire and panic prescribed by this Act, or by any statute, regulation, or by-law are being duly observed;
- (g) attend at meetings of the board whenever required, and make such inquiries and reports as the board may direct him to make.

15. On the occurrence of a fire within the district for which he has been appointed, the superintendent, or in his absence the deputy superintendent—

Powers of superintendent or his deputy at fires.

- (a) shall, with all possible speed, proceed upon the alarm of fire to the place where the fire is, and shall control and direct the working of the brigades present, and any persons who place their services at his disposal.
- (b) may take and direct to be taken any measures which appear to him necessary or expedient for the protection of life or property, or for controlling and extinguishing any fire, and may, for those purposes, cause any buildings to be entered and taken possession of, and any building or wall or any part thereof to be pulled down, or otherwise destroyed;
- (c) may, for those purposes, cause water to be shut off from any main or pipe in order to obtain a greater pressure or supply of water;
- (d) may cause any street or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of the fire;
- (e) may, at the time of the happening of any fire, or immediately thereafter, pull down or shore up any wall or building damaged by fire that may be dangerous to life or property.

16. Any damage to property caused by a superintendent or deputy superintendent in the lawful exercise of any power or performance of any duty conferred or imposed on him by this Act, or by any member of a fire brigade or other person acting under his orders, given in the lawful exercise of those powers or performance of those duties, 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.

17. The board or the superintendent or deputy-superintendent may cause any building or premises where a fire has occurred, and the debris of any fire, to be searched, and may remove and keep possession of anything which may tend to prove the origin of the fire.

Power to search building where fire has occurred.

18. The orders of a superintendent or deputy superintendent in the lawful exercise of the powers, or performance of the duties conferred or imposed on him by this Act, shall be obeyed by all members

Police to assist superintendent or his deputy.

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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 the superintendent or deputy superintendent in the maintenance of his authority, and in enforcing due obedience by all persons to his orders in the lawful exercise of the powers or performance of the duties aforesaid.

19. (I) The licensee, owner, or occupier of every licensed public-house, and of every coffee-house, coffee-palace, or house of entertainment, and of every factory, warehouse, store, office, or bank exceeding two stories in height, and of any other building specified by the board by notice in writing given by the board to the owner or occupier, and the owner or occupier, or the manager, trustees, or other persons by whose authority any theatre, opera-house, concert-room, music or assembly hall, skating-rink, or other place of public amusement is kept open shall provide and keep in a state fit for use all such appliances and apparatus for the saving of life in the event of fire as are required by any by-law of the board.

Owners or occupiers of certain houses to provide appliances for saving life in case of fire.

(II) Non-compliance with the provisions of this section shall render every such licensee, owner, occupier, manager, trustee, and other person as aforesaid liable to a penalty not exceeding *twenty* pounds, and to a further penalty not exceeding *five* pounds for each day during which he neglects to provide and maintain the prescribed appliances and apparatus after he has received a written notice from the superintendent or deputy superintendent of the district of the absence of such appliances and apparatus, or that the said appliances or apparatus are not kept in a state fit for use as aforesaid.

Penalties.

(III) In the case of a licensed public-house, in addition to the imposition of pecuniary penalties as aforesaid, the licensing court or licensing magistrate of the licensing district within which the public-house is situate may, if the licensee neglects to supply such appliances and apparatus or fails to keep them in a state fit for use as aforesaid for the period of seven days after receiving such notice, order the licensed premises to be closed until such appliances and apparatus have been supplied or put in a state fit for use to the satisfaction of the superintendent of the district, as the case may be, and an order has been obtained from a licensing court or licensing magistrate revoking the order of closure.

Licensed public-house.

20. A fire brigades board may make by-laws—

- (a) for the payment of salaries and emoluments to members of any brigade within the district;
- (b) for the payment of compensation to members of any such brigade as aforesaid in case of accidents to them, or where death ensues therefrom to their widows and families;
- (c) for the payment of gratuities in respect of voluntary or special services rendered to any brigade aforesaid;
- (d) for subsidising volunteer and other fire brigades;
- (e) for ensuring discipline and good conduct among members of the brigades; such by-laws to be enforced by penalties not exceeding *five* pounds for each offence, recoverable in any court of summary jurisdiction;
- (f) for regulating the meetings of and the conduct of business by the board, for payment of fees to the members of the board not exceeding one guinea to each member for his attendance at any meeting of the board, and not exceeding thirty-six guineas for all the members in respect of meetings held during any one year; and
- (g) generally for the purposes of carrying into effect within its district the objects of this Act.

Power of board to make regulations.

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And all such regulations, so far as they are not inconsistent with the provisions of this Act or of any regulations then made or thereafter to be made by the Governor under the authority of this Act shall, on being approved by the Governor and published in the Gazette have the force of law.

Payments to boards by insurance companies, municipalities, and the Colonial Treasurer.

21. A fire brigades board shall each year make and publish in the Gazette, and in some newspaper published in its district, but if there is no such newspaper then in some newspaper circulating in its district, an estimate, in the prescribed form, of the probable amount of the expenditure of the board during the ensuing twelve months, for purposes authorised by this Act, and one-third of the amount so estimated shall be paid to the board by the council of the municipality constituting the district or of which the district of the board forms part, one-third by the fire insurance companies insuring property within the district, and one-third by the Colonial Treasurer out of the Consolidated Revenue Fund :

Payments to board by council of municipality, insurance companies, and Colonial Treasurer.

Provided that the amount payable by such council, or by such companies, or by such Treasurer as aforesaid, shall not exceed the amount of six shillings for every one hundred pounds of the municipal assessment last made before the said estimate on ratable property within the district.

The council shall permit any officer of any such company and any person authorised by the Colonial Treasurer to inspect and take copies of the assessment books of the council.

22. The council of a municipality may, for the purpose of raising the amount so payable by it, make and levy a special rate on the owners and occupiers of property within the district administered by a fire brigades board, notwithstanding that the said rate together with other rates exceeds the limits prescribed by the Municipalities Act of 1867 : ~~And such rate may be recovered in the same manner as a general rate may be recovered under that Act and any Acts amending the same.~~

Council of municipality may raise amount payable by special rate.

23. Each fire insurance company insuring property within a district shall, in the month of January in each year, or at such other time as the board of the district may direct by notice served on the manager, secretary, or the agent in the district of the company, forward to the board a return showing the amount held at risk by the company on property within the district on the thirty-first day of December of the last preceding year, together with a statutory declaration by such manager, secretary, or agent as aforesaid that, according to the best of his information, knowledge, and belief, the said return is a true return.

Returns to be made by insurance companies.

If default is made in forwarding the return or declaration the board may estimate the amount held at risk as aforesaid by the company so in default, and the company shall be liable to a penalty not exceeding *five* pounds for every day that the said default continues.

24. The secretary or other officer having the custody of the books and papers of any insurance company insuring property within a district shall allow any person appointed by the board of the district to inspect during the hours of business any books and papers of the company, and to make extracts therefrom in order to verify any return made in pursuance of this Act, and any such secretary or officer who contravenes the requirements of this section shall be liable to a penalty not exceeding *five* pounds for every such contravention.

Insurance company to permit books to be inspected.

25. The amount payable as aforesaid by the insurance companies shall be payable by those companies severally to the board, and the amount

Amount payable by insurance companies.

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amount payable by each company shall be that assessed by the board, and shall as nearly as possible be proportionate to the amount appearing by the returns or estimates last made as hereinbefore provided, to be held at risk by such company as aforesaid.

26. The amount payable as aforesaid by the council of a municipality shall be due and payable on demand made by the fire brigades board of the district at any time after the publication of the estimate of the amount of the expenditure of the board as hereinbefore provided. a When contributions payable.

The amount payable as aforesaid by any fire insurance company shall be due and payable on demand made by the fire brigades board at any time after the publication of the said estimate of expenditure and after the assessment by the board of the amount payable by the company.

Supplemental and repeal.

27. If the council of a municipality or any insurance company fails to pay any amount which it is liable by or under this Act to pay to a fire brigades board within thirty days after the said amount is payable, the council or company shall be liable to a penalty not exceeding *fifty* pounds. Penalty for non-payment of contribution.

28. Any penalty or contribution incurred or made payable under or pursuant to this Act, or any regulation made thereunder, may be recovered before a court of summary jurisdiction in the police district within which such penalty has been incurred, or such contribution has become payable, on an information in the name of any officer of or person authorised in that behalf by the fire brigades board of the district within which the penalty or contribution has been incurred or become payable; or any penalty or contribution incurred or made payable as aforesaid by any fire insurance company may, at the option of the said board, be recovered in a summary way by a like information before any court of summary jurisdiction in the police district within which the head office or principal place of business in the Colony of the company is situate. And payment thereof may be enforced by distress and sale of the offender's or defaulter's goods and chattels. Penalties and contributions, how recovered.

All such penalties and contributions as aforesaid recovered under this Act shall be paid over to the board of the district within which the same were incurred or became payable.

Where a company is not incorporated, or has no public officer, the proceedings may be in the name of the manager, secretary, or agent of such company, in which case judgment against such manager, secretary, or agent shall bind the property of the company.

29. The Governor may make regulations for carrying out the provisions of this Act and may in those regulations impose any penalty not exceeding *fifty* pounds for any breach of the same. Governor may make regulations.

All such regulations when published in the Gazette shall have the force of law, and a copy thereof shall be laid before Parliament within fourteen days after the publication of the same if Parliament be then in session, but if not, then within fourteen days after the commencement of the next ensuing session.

30. Section twenty of the Principal Act is, so far as it relates to country municipalities, hereby repealed. Repeal.

31. In this Act, unless the context otherwise requires—

Definitions.

“Board” means fire brigades board.

“Brigade” and “fire brigade” include all fire brigades and companies.

“Country municipality” means a municipality not wholly situate within the county of Cumberland.

“District” has the meaning given to it in section three of this Act.

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“Fire insurance company” includes any persons incorporate or unincorporate carrying on the business of fire insurance, or of granting, for consideration, indemnity in whole or in part against loss or damage by fire, whether by itself or in conjunction with any contract other than that of insurance, and includes the agents of the company as well as the company itself.

“Governor” means Governor with the advice of the Executive Council.

“Minister” means Minister of the Crown charged with the administration of this Act.

“Municipality” means borough or municipal district constituted under the Municipalities Act of 1867, or any Act amending that Act.

“Principal Act” means Fire Brigades Act of 1884.

32. This Act shall commence on the _____ day of _____, Commencement and
 one thousand eight hundred and ninety- _____, and may be cited as short title.
 the “Fire Brigades (Country) Act, 1897.”

SCHEDULE.

We, the undersigned, representing a majority of the fire insurance companies, insuring property within the fire brigades district of _____, do hereby nominate _____, of _____, as the companies' member of the fire brigades board of such district.

A.B., representative of the
 C.D., representative of the

company.
 company.