

Fire Brigades.

Act No. 9, 1909.

An Act to consolidate and amend the law relating to the prevention and extinguishing of fires ; for the protection of life and property from fire ; to constitute a Fire Brigades Board, and define its powers and duties ; to provide that certain damage to property shall be damage by fire within the meaning of any fire insurance policy ; to repeal the Fire Brigades Act, 1902, and to amend the Sydney Corporation Act, 1902, the City of Sydney Improvement Act, the Local Government Act, 1906, and other Acts ; and for purposes consequent thereon or incidental thereto. [1st December, 1909.]

FIRE BRIGADES

BE it enacted by the King'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 :—

PART I.

PRELIMINARY.

1. This Act shall commence and take effect on the first day of January, one thousand nine hundred and ten, and may be cited as the "Fire Brigades Act, 1909."

2. This Act is divided into Parts, as follows :—

Division of Act into Parts.

PART I.—PRELIMINARY—*ss.* 1-6.PART II.—THE BOARD—*ss.* 7-26.PART III.—THE OFFICERS—*ss.* 27-32.PART IV.—FINANCE—*ss.* 33-40.PART V.—MISCELLANEOUS AND SUPPLEMENTAL—*ss.* 41-53.

3.

Fire Brigades.

Repeal.

3. The Fire Brigades Act, 1902, and section sixty-eight of the City of Sydney Improvement Act, are repealed, and any corporate body established by or in pursuance of the first-mentioned Act under the name of the "Fire Brigades Board" is hereby dissolved.

Application of Act.

4. (1) This Act shall apply to—

- (a) the municipalities mentioned in Schedule One;
- (b) such parts of the shires mentioned in the said Schedule as the board, with the consent of the Minister, may, by notification in the Gazette, apply this Act;
- (c) any other municipality or shire, or any part of the same, to which the Governor, on the recommendation of the board, by proclamation in the Gazette applies its provisions:

Provided that the Governor, on the recommendation of the board, by proclamation as aforesaid, may take any locality out of the operation of this Act, but may amend or revoke any such proclamation.

(2) Where, under paragraph (c) aforesaid, this Act is applied to a municipality or shire, or part thereof, the name of such municipality or shire shall be placed in Part I or Part II of Schedule One, in the discretion of the Governor.

Definitions.

5. In this Act, unless the context otherwise indicates,—

"Board" means board of Fire Commissioners of New South Wales.

"Chief officer" means chief officer of fire brigades.

"Fire brigades" includes permanent and volunteer fire brigades.

"Fire district" means municipality or shire, or group of municipalities or shires, or of municipalities and shires, or parts thereof which is constituted a fire district by or in pursuance of this Act.

"Inflammable matter" includes all substances capable of ignition or combustion by the application of heat or by means of sparks or flame or by spontaneous causes; also, all substances classified as inflammable in the by-laws.

"Insurance company" means any corporate body, company, partnership, association, underwriters, or persons insuring against loss or damage by fire any property situate within the fire district in respect of which the expression is used.

"Municipality" means municipality to which or to part of which this Act applies, and includes the city of Sydney.

"Owner" means and includes any person for the time being in actual receipt of, or entitled to receive, the rents and profits of the lands or buildings in connection with which the word is used, or who, if such lands or buildings 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.

"Permanent

Fire Brigades.

“Permanent fire brigade” means fire brigade established and maintained by the board, the services of whose members are wholly at the disposal of the board.

“Shire” means shire to which or to part of which this Act applies.

“The by-laws” and “the regulations” mean respectively the by-laws and the regulations in force under this Act.

“The fund” means the fund belonging to and administered by the board under this Act.

“Vessel” means and includes any ship, barge, punt, boat, or other floating vessel used for storing or carrying goods, or for carrying passengers.

“Volunteer fire brigade” means any association of persons authorised by the board and formed for the purpose of extinguishing fires, if the carrying out of the purpose of such association is not the sole or principal calling or the means of livelihood of such persons or of a majority of them, whether such persons receive or do not receive emoluments for their services as members of the brigade.

6. The board may, with the consent of the Minister, group ^{Fire districts.} together any municipalities or shires, or municipalities and shires, or any parts thereof, which adjoin each other, or are only separated from each other by a road, river, harbour, or arm of the sea, and constitute them a fire district, and shall notify in the Gazette any such constitution of a fire district. The board may, with the consent of the Minister, dissolve any fire district so constituted, or alter the boundaries of the same :

Provided that, before any such grouping or dissolution, the municipalities or shires to be affected thereby shall be notified thereof in manner prescribed by the regulations.

Each other municipality or shire, or part thereof, not included in any such group shall be a separate fire district.

Fire Brigades.

PART II.

THE BOARD.

Constitution of board.

Constitution of board.

7. (1) There is hereby constituted a board consisting of a president and four other members appointed and elected under this Act.

The said board shall be a body corporate under the name of the "Board of Fire Commissioners of New South Wales," and by that name shall have perpetual succession and a common seal, and may sue and be sued. All courts, judges, and persons, acting judicially, shall take judicial notice of such seal and shall presume that such seal when affixed to any document was properly so affixed.

Quorum.

(2) Three members shall be a quorum of the board for the exercise of its powers. At any meeting of the board the president shall have an original, and where the votes are equal, a casting vote.

Saving.

(3) No act of the board shall be invalid by reason only that the number of members of the board was not complete at the time when such act was done or by reason of any defect in the appointment or election of any such member.

Board alone liable for its acts.

(4) No member of the board shall be liable for any act of the board, but the board shall alone be liable.

Appointment and election of members of board.

8. (1) The president of the board shall be appointed by the Governor.

(2) Subject to the provisions of this Act, the four other members of the board shall be elected in pursuance of this Act, and shall respectively hold office for three years from the date of election, or until their successors are elected, but shall be eligible for re-election.

But if a member of the board is not so elected, or if the election of a member is void, the Governor shall, within fourteen days after the day prescribed for such election, appoint a fit person, who shall hold office as if he had been elected on the said day.

(3) Such appointments may be made and such elections may be held at any time after the passing of this Act, but the members of the board appointed or elected before the commencement of this Act shall not hold office until such commencement.

Election by municipalities and shires.

9. (1) One member of the board shall be elected by the councils of the municipalities mentioned in Part I of Schedule One.

(2) One member of the board shall be elected by the councils of the municipalities and shires mentioned in Part II of Schedule One.

Voting at elections.

(3) At such election the council of a municipality or shire contributing to the fund during the next preceding year one hundred pounds or less shall have one vote; the council of a municipality or shire so contributing more than one hundred and not more than five hundred pounds shall have two votes; the council of a municipality

or

Fire Brigades.

or shire so contributing more than five hundred and not more than one thousand pounds shall have three votes; and the council of a municipality so contributing more than one thousand pounds shall have four votes :

Provided that at the first election the council of each municipality or shire, except the municipal council of Sydney, shall have one vote, and the municipal council of Sydney shall have four votes.

(4) One member of the board shall be elected by the insurance companies, and at such election each company shall have one vote. By insurance companies.

(5) One member of the board shall be elected by the volunteer fire companies or brigades. By volunteer fire companies and brigades.

The first election of such member shall be by such volunteer fire companies as have been in existence at least three months before the passing of this Act. At such election each company shall have one vote.

Any subsequent election shall be by volunteer fire brigades as defined by this Act. At such election each such brigade shall have one vote.

(6) The Governor, at any time after the passing of this Act, may make and publish in the Gazette regulations prescribing the respective days on which, and the manner in which, such elections shall be held, and regulating all matters relating to such elections. Such regulations on being so published shall have the force of law. Regulations as to elections.

10. Any member of the board elected by the councils of municipalities, or municipalities and shires, who is an alderman or councillor, shall, on ceasing to hold such office, forthwith cease to be a member of the board, and an extraordinary vacancy shall be deemed to be created on the board. Such vacancy shall be supplied by an election, which shall be conducted as nearly as may be in the same manner as the periodical elections under this Act, and the person elected shall hold office for the residue of his predecessor's term. Extraordinary vacancy.

11. (1) The Governor may suspend or remove any member of the board from his office. Removal of members and appointment to vacancies.

(2) If any vacancy occurs in the board of a member elected under subsection four or subsection five of section nine, such vacancy shall be filled by an election which shall be conducted as nearly as may be in the same manner as the periodical elections under this Act, and the person so elected shall hold office for the residue of his predecessor's term.

12. The members of the board other than the president shall receive from the fund such fees, not exceeding in the aggregate six hundred pounds for any year, as may be prescribed by the by-laws. The president of the board shall be paid an annual salary of three hundred pounds from the Consolidated Revenue Fund, which amount is hereby specially appropriated for that purpose. Fees to members of board and salary of president.

Property

*Fire Brigades.**Property of board.*

Property vested in board.

13. There is hereby vested in the board all property, real and personal, including moneys and life policies, vested at the commencement of this Act in the fire brigade boards constituted by the Fire Brigades Act, 1902, subject however to any trusts and liabilities attaching to the same.

All moneys due or accruing due to or by any such fire brigade board, whether payable before, at, or after the commencement of this Act, may be recovered by or from the board constituted by this Act.

Power to acquire and deal with property.

14. (1) The board may—

- (a) with the consent of the Minister, purchase, take on lease, or otherwise acquire and hold any real or personal property ;
- (b) with the consent of the Minister, lease or sell any real or personal property vested in it ;
- (c) with the consent of the Minister, erect buildings on any land held by it ;
- (d) by the chief officer, or any officer, servant, or agent of the board, enter, and if necessary break into, any place where any property of the board is detained contrary to the order of the board, and remove such property.

Proceeds to be paid into fund.

(2) The proceeds of any such sale and the rent of any land leased by the board shall be paid into the fund.

Exemption from legal process.

15. No fire-engine, fire-escape, ladder, reel, cart, tools, horse, implement, appliance, or accoutrements of the board shall be seized or sold under any legal process or warrant of distress.

Treasurer may advance money.
54 Vic. No. 1200,
s. 51 (Vic.).

16. The Colonial Treasurer may, with the consent of the Governor, advance money on loan to the board out of the Consolidated Revenue Fund.

Power of board to borrow.

Ibid. s. 52.

17. (1) The board may, with the consent of the Governor, borrow, on the security of any property of the board, such moneys as the board deems necessary in order to exercise its powers and perform its duties under this Act, and may, with the like consent, issue debentures under the seal of the board for the amount so borrowed, together with interest thereon, at a rate approved by the Governor.

Regulations relating to borrowing.

54 Vic. No. 1200,
s. 52.

(2) The Governor may make regulations prescribing and regulating—

- (a) the form of such debentures ;
- (b) the term for which they may be issued ,
- (c) the making of a sinking fund for the purpose of paying off such debentures ;
- (d) the amount or rate of the periodical or other payments to be made into such sinking fund.

(3)

Fire Brigades.

(3) The amount so borrowed, whether by debentures or otherwise, shall be so that the amount owing by the board shall not at any time exceed one hundred thousand pounds. The amount so borrowed by debentures, with interest thereon, shall be a first charge upon all the property (except the appliances hereinbefore exempted from seizure under legal process), and all the revenue whether accrued or to accrue of the board.

Amount which may be borrowed. 55 Vic. No. 1207, s. 3 (Vict.).

18. The Governor may, at the request of the board, purchase, resume, or appropriate under the Public Works Act, 1900, any land for the purposes of this Act. Such purchase, resumption, or appropriation shall be deemed to be made for an authorised work.

Purchase, resumption, or appropriation of land.

Such land shall vest in the board; and the board shall pay to the Colonial Treasurer the costs of and incidental to any such purchase, resumption, or appropriation.

Duties and powers of board.

19. (1) It shall be the duty of the board to take all practicable measures for preventing and extinguishing fires and protecting and saving life and property in case of fire in any municipality or shire, or any part thereof, to which this Act applies.

Board to prevent and extinguish fires.

(2) The board shall, in each year, prepare and forward to the Minister a report of the operations of the Department under its control. A copy of such report shall be laid before Parliament.

To prepare reports.

20. For the purpose of carrying out the provisions of this Act, the board may—

Powers of board.

- (a) establish and maintain permanent fire brigades, and authorise the constitution of volunteer fire brigades, and suspend or cancel any such authorisation;
- (b) provide for fire brigades suitable premises and the requisite fire-engines, ladders, reels, carts, waggons, horses, accoutrements, plant, tools, implements, and other appliances, and any telephones and other means of communication;
- (c) pay subsidies to volunteer fire brigades, and emoluments to the members of any such brigades, and make payments for voluntary or special services rendered to the board or to any fire brigade, and pay gratuities and pensions in case of accident to, or the sickness, incapacity, or death of any officer or employee of the board, or member of a fire brigade;
- (d) in the exercise of any powers conferred on it by this Act, enter into contracts or agreements;
- (e) by its officers, servants, or agents enter any land, building, or vessel where any fire has occurred, and retain possession thereof and of any property therein for any reasonable time, or until an inquest has been held on the fire;

(f)

Fire Brigades.

- (f) permit any members of a fire brigade with engines and appliances to go beyond the limits of any area to which this Act applies, for the purpose of extinguishing any fire. In such case the provisions of this Act shall apply to such fire and to anything done thereat;
- (g) demand and recover any charges prescribed for attending any fire outside any such area or on any vessel and any other expenses thereby actually incurred.

By-laws of board.

21. The board may make by-laws for carrying out the purposes of this Act, and in particular and subject to the provisions of this Act—

- (a) regulating the meetings of the board and the procedure at such meetings, and the custody and use of the seal of the board;
- (b) regulating the keeping of the accounts of the board, the payment and receipt of money by the board, and the administering of the fund;
- (c) regulating the payment of the salaries of officers and servants of the board, including members of permanent fire brigades, and fixing the emoluments of members of volunteer fire brigades;
- (d) prescribing generally the duties of such officers and servants;
- (e) for the maintenance of the efficiency, discipline, and good conduct of members of fire brigades;
- (f) providing for the payment of gratuities and pensions under this Act;
- (g) prescribing the charges payable to the board under this Act for attending fires;
- (h) prescribing the amounts payable by the board under this Act for voluntary and special services;
- (i) for the formation and regulation of volunteer fire brigades, and the inspection of fire brigades and their premises and equipment;
- (j) prohibiting or regulating the lighting of fires where the same would be likely to be dangerous to buildings;
- (k) for enabling the board, the chief officer, and the fire brigades to exercise the powers conferred on them respectively by this Act or the by-laws, for prescribing the forms of notices and other documents to be used in carrying out this Act and the by-laws, and generally for carrying out the provisions of this Act;
- (l) imposing any penalty not exceeding twenty pounds for any breach of the by-laws.

Charges

*Fire Brigades.**Charges recoverable by the board.*

22. (1) If a fire occurs in any building or vessel or property situate outside a municipality or shire, or part thereof, to which this Act applies, the owner of such building or property, or the master or owner of such vessel, and the cargo and freight for the same, shall be liable to pay to the board, for services rendered by a fire brigade in endeavouring to extinguish the fire or save life or property, charges not exceeding those set out in Schedules Two and Three to this Act or any alterations in the same, or any new Schedules made in lieu thereof. The above provisions do not apply to the Crown:

Charges for attending fires.
See Act No. 1207 of 1890 (Vict.), ss. 47, 68.

Provided that the amount of such charges shall not in any case exceed one-fifth of the value before the fire of such building vessel, cargo, and freight, and of such property.

(2) The Governor, on the recommendation of the board, may alter the said Schedules or make new Schedules in lieu thereof, but not so as to increase any such charge.

(3) Save as aforesaid, no charge shall be made by the board for attending fires.

23. (1) Such charges shall be ratably apportioned between the owner of such building or property, or the master or owner of such vessel, cargo, and freight, according to the respective values before the fire of the same.

Apportionment of charges.

(2) If any dispute arises between the parties liable to pay such charges as to the proportion thereof payable by each or any of them, the board may determine the amount payable by each such person. 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.

24. (1) Such charges may be recovered by the board by suit or action in any court of competent jurisdiction.

Recovery of charges.

(2) In any such suit or action it shall be sufficient to allege a demand by the board of a specified amount from the defendant. The onus of proving that such demand was not authorised by this Act shall be on the defendant.

Inquisitions.

25. The coroner exercising jurisdiction at any place at which a fire has occurred shall, at the request in writing of the board, hold an inquisition into the cause and origin of the fire.

Inquest by coroner on request of board.

26. The board may, at any inquisition into the cause or origin of any fire, be represented by any member of the board or by any person appointed by the board in that behalf. Such member or person may adduce evidence and examine witnesses and address the court at such inquisition.

Board to be represented at an inquest on a fire.

Fire Brigades.

PART III.

THE OFFICERS.

Appointment and salaries of officers.

Appointment of officers.

27. The superintendent of fire brigades, under the Fire Brigades Act, 1902, is hereby appointed the chief officer of fire brigades. All other officers, and all firemen, clerks, servants, and employees appointed by the fire brigades board for the metropolitan district under the said Act, and in active service at the commencement of this Act, shall be officers, firemen, clerks, servants, and employees of the board constituted by this Act.

Subject to the above provisions, the Governor, on the recommendation of the board, shall appoint the chief officer, and the board shall appoint all other officers and servants of the board, including members of permanent and volunteer fire brigades.

The salary of the chief officer, and of all other officers, firemen, clerks, servants, and employees of the board shall be fixed by the board and paid out of the fund.

Duties and powers.

Brigades to proceed with speed to fire.

28. A fire brigade, upon alarm of fire, shall, notwithstanding any provision to the contrary in any Act, proceed with all speed to the place where the fire is, and endeavour by all possible means to extinguish the fire, and save such lives and property as may be in danger.

Powers of chief officer, and other officers at a fire.

29. The chief officer, or in his absence the superior fire brigade officer present at a fire,—

- (a) may cause any street or public place in the vicinity of a fire to be closed to traffic during the continuance of the fire;
- (b) may without payment use any water mains, pipes, and hydrants, and all water therein, or in any well, tank, or stream, and cause water to flow into or be shut off from any main or pipe for the purpose of extinguishing or controlling a fire;
- (c) during a fire may take possession of any buildings or vessels, and any property therein if such vessels are at or near a wharf or are so situated that a fire therein would endanger any structure or any property in a structure, and cause such buildings to be pulled down or destroyed, and cause such vessels to be removed or sunk so as to control, extinguish, or prevent the spread of the fire, and may remove such property and retain the same for safe custody: Provided that, whenever practicable, the consent of the Harbour Master or other officer having the control of the removal of vessels in the port shall be obtained before any vessel is removed or sunk;
- (d)

Fire Brigades.

- (d) may at the time of a fire, or immediately thereafter, pull down, destroy, or shore up any building damaged or rendered insecure by the fire, or which, in his opinion, may be dangerous to life or property ;
- (e) may remove or cause to be removed any person, vehicle, or thing, the presence of whom or which at or near a fire might, in his opinion, interfere with the work of any fire brigade ;
- (f) shall control and direct the operations at a fire of any fire brigade, and
- (g) may take such measures as he thinks proper for the protection and saving of life and property and for the control and extinguishing of a fire.

30. The chief officer or any officer authorised in that behalf by the board— General powers of chief officer and other officers.

- (a) may inspect volunteer fire brigades and their premises and equipment, and enforce compliance with the by-laws made in respect of the same ;
- (b) may, by arrangement with the board, council, or other corporation or person controlling the water supply, authorise the water in any mains or pipes to be used for the purpose of the drill or practice of any fire brigade ; and no charge shall be made for any water used in pursuance of such authority.
- (c) may at any time enter any theatre, hall, building, or place, used for the purpose of public entertainment or public concourse, to ascertain whether the provisions of any Act, ordinances, regulations, or by-laws for the prevention of fire or for the safety of the public have been contravened or have not been complied with ;
- (d) may at any time enter any land, building, or vessel for the purpose of ascertaining whether the provisions of any Act, ordinance, regulation, or by-law relating to the storage or keeping of explosives, or of kerosene or any inflammable matter, or relating to the lighting of fires, have been contravened or have not been complied with ;
- (e) may cause to be served personally or by post on the occupier of any land or building, or the master, owner, or agent of any vessel on or in which any inflammable matter or explosive is stored or kept contrary to any Act, ordinance, regulation, or by-law, a notice requiring him to remove such matter or explosive within a time therein named. If such occupier, master, owner, or agent neglects to comply with such requirement, he shall be liable to a penalty not exceeding fifty pounds for every day during which such neglect continues ;
- (f) may enforce the carrying out of the provisions of this Act and the by-laws and the directions of the board in that behalf.

Fire Brigades.

Authority of chief officer to be recognised.

31. The authority of the chief officer, and of any officer of the board acting under his orders, shall be recognised by all officers and members of the police force and other persons. It shall be the duty of officers of the police force to support the authority of the chief officer and assist him and any such officer of the board in enforcing obedience to any orders given in pursuance of this Act or the by-laws.

Damage caused to be a damage by fire.

32. Any damage to property caused by the chief officer, or any fire brigade officer, purporting bona fide to exercise any power conferred or to perform any duty imposed on him by this Act, shall be deemed to be a damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.

PART IV.

FINANCE.

The fund.

The fund.

33. (1) There shall be a fund belonging to and administered by the board (in this Act called "the fund"), from which shall, except where otherwise in this Act provided, be paid all moneys required for carrying out the provisions of this Act.

Accounts.

(2) There shall be kept an account of the money contributed in respect of each fire district and of the money expended for such district, and an account of the money appropriated and expended for administrative purposes under this Act.

Contributions to the fund.

Estimate of expenditure by board.

34. (1) The board shall in each year make an estimate of the amount proposed to be expended out of the fund in or for each fire district for the next following year, commencing the first day of January. The said amounts respectively, with proportionate sums added thereto for administrative purposes under this Act, shall be contributed to the fund as hereinafter provided. Such estimates, when sealed with the seal of the board, shall in any proceeding for the recovery of any contribution to the fund be deemed to have been duly made.

The board shall so make such estimate that the amount of the contribution to be paid by a fire district, as hereinafter provided, shall not exceed one fourth of a penny in the pound on the unimproved capital value of ratable land in the fire district: Provided that the board, with the consent of the Minister, and at the special request of the

Fire Brigades.

the councils of the municipalities or shires constituting or forming part of a fire district or a majority in number of such councils, may, as to that district, exceed the limit above provided.

(2) The amount of such contribution for a fire district shall be paid to the fund, as follows :—

- (a) One-third, as nearly as may be, by the municipality or shire or the municipalities and shires the whole or part of which is included in the fire district.
- (b) One-third, as nearly as may be, by insurance companies.
- (c) One-third, as nearly as may be, by the Colonial Treasurer.

Contributions by municipalities, insurance companies, and the Treasurer.

(3) The board shall expend within or for a fire district an amount approximately equal to the contributions for such district, less the sum, not exceeding ten per centum of the amount of such contributions, for administrative purposes aforesaid.

(4) The board shall each year charge as expenditure in or for a district the amount payable by it for interest and sinking fund on any moneys borrowed by the said board for purchasing land or constructing buildings in the district.

35. (1) Where a fire district comprises more than one municipality or shire, the amount of the contribution to be paid by each municipality or shire shall be apportioned by the board according to the fair average annual value in the case of the city of Sydney, and according to the assessed annual value under the Local Government Act of 1906, in the case of any other municipality or of a shire, of all ratable land in the municipality or shire, or in the part thereof to which this Act applies.

Contribution by municipalities and shires.

(2) Where this Act applies to the whole of a municipality or shire, the amount payable by way of contribution by such municipality or shire shall be paid out of the city fund in the case of the city of Sydney, and out of the general fund in the case of a municipality under the Local Government Act, 1906, or a shire.

(3) Where this Act applies to part only of a municipality under the Local Government Act, 1906, or of a shire, the council of the municipality or shire shall raise the required amount by a local rate under the said Act on the ratable land in such part: Provided that in any poll of ratepayers on a proposal to make such rate, the question shall only be whether the rate shall be on the unimproved or the improved capital value of ratable land, and the question shall not be put whether the rate shall be made: Provided also that if the amount required for any year is greater than that required for any previous year, the council may levy a higher local rate, to be fixed by the council, to provide for such greater amount, without making a rate for that year.

36. (1) For the purpose of providing the contribution payable for a fire district by insurance companies as aforesaid, every insurance company

Payment by insurance companies.

Fire Brigades.

company shall annually pay to the fund a sum amounting to a percentage to be fixed by the board on the total amount of the premiums received by or due to the company during the year ending the thirty-first day of December then last past in respect of risks against fire within the fire district, but excluding any part of such premiums actually paid by way of re-insurance to any other insurance company contributing under this Act. Such percentage shall be uniform within a fire district.

(2) But where an insurance company not registered in this State fails to pay any instalment of such sum within thirty days after any date prescribed or fixed as hereinafter provided, each owner of property in respect of which the company has received a premium as aforesaid, whether such premium was received in or outside New South Wales, shall, within thirty days after demand in writing is made on him by or on behalf of the board, pay to the fund a share of such instalment in the proportion borne by the amount of such premium to the total amount of the premiums on which such instalment is calculated. If such payment is not made within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds. The amount of any such payment may be deducted from any premium recoverable in this State by or on behalf of such company on the issue or renewal of any fire policy on such property, or may be recovered from such company by any person making such payment.

Payments, how made.

37. Except where otherwise provided, the amount of any such annual contribution shall be paid in quarterly instalments on the first day of January, April, July, and October, in each year, or on such other days as the board may fix.

Penalty for non-payment.

If any such instalment payable by a municipality or shire or by an insurance company is not paid within thirty days after any day so prescribed or fixed, the municipality or shire or company shall be liable to a penalty not exceeding fifty pounds.

Returns.

Returns by municipalities.

38. The council of every municipality and shire shall in the month of July in each year, or at such other time as the board may notify, send to the board a return showing the last assessment of fair average annual value or assessed annual value, as the case may be, and of the unimproved capital value of all ratable property in the municipality or shire, or in the part thereof to which this Act applies.

If any such council fails to make such return within the time so prescribed or notified, it shall be liable to a penalty not exceeding five pounds for every day during which such default continues. If any such return is false in any material particular the council making such false return shall be liable to a penalty not exceeding one hundred pounds.

39.

Fire Brigades.

39. Every insurance company shall, in the month of July in each year, or at such other time as the board may notify, send to the board a return showing the total amount of the premiums received by or due to such company in respect of risks against fire during the year ending the thirty-first day of December then last past, within any municipality or shire, or any part thereof, to which this Act applies, less any part of such premiums actually paid by way of re-insurance to any other insurance companies contributing under this Act, together with a statutory declaration by the manager, secretary, or agent in this State of such company that, to the best of his knowledge, information, and belief, such return is a true return of such amount.

Returns by fire insurance companies.

If any such company fails to send such return within the time so prescribed or notified, such company shall be liable to a penalty not exceeding five pounds for every day during which such default continues. If any such return is false in any material particular, such company shall be liable to a penalty not exceeding one hundred pounds.

40. Every owner of property within a municipality or shire, or any part thereof, to which this Act applies, in respect of which an insurance company not registered in the State holds a risk, shall, in the month of July in each year or at such other time as the board may notify, send to the board a return showing the amount of the premiums paid by him in respect of such property to the said company during any period.

Returns by owners of property.

If any such owner fails to send such return within the times so prescribed or notified, such owner shall be liable to a penalty not exceeding one pound for every day during which such default continues.

PART V.

MISCELLANEOUS AND SUPPLEMENTAL.

Miscellaneous provisions.

41. It shall not be lawful for any persons to constitute or maintain a salvage corps or a fire brigade for the purpose of salvage of property at fires or of extinguishing fire within any municipality or shire, or any part thereof, to which this Act applies, outside premises or land owned or used by such persons or at or on which such persons are employed, unless such corps or brigade is constituted by the board or is authorised by the board to act as a salvage corps or fire brigade. Any person who acts in contravention of this section shall be liable to a penalty not exceeding twenty pounds.

Salvage corps or fire brigade may not be constituted unless authorised.

42.

Fire Brigades.

By-laws to be approved by Governor.

- 42.** Any by-laws made under this Act shall—
- (i) be approved by the Governor ;
 - (ii) on being so approved, be published in the Gazette ;
 - (iii) take effect from the date of publication, or from a later date to be specified in such by-laws ; and
 - (iv) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. But if either House of Parliament passes a resolution at any time within fifteen sitting days after such by-laws have been laid before such House disallowing any by-law, such by-law shall thereupon cease to have effect.

Evidence of appointments and by-laws.

43. The production of a copy of the Gazette containing any notice of the appointment or election of members of the board or containing any by-laws purporting to have been made and approved under this Act shall be conclusive evidence that the members were appointed or elected and that the by-laws were made and approved under this Act, and of the terms of those by-laws.

Concealing fire plug or hydrant.

44. Any person who wilfully covers up, encloses or conceals any fire-plug 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 or distinguishing any fire-plug or hydrant, shall be liable to a penalty not exceeding fifty pounds.

Injuring building, appliance, &c.

45. Any person who wilfully injures or destroys any building, engine, reel, hose, ladder, or other thing, or any horse belonging to the board, or to any fire brigade, or tampers with any fire-alarm or signalling apparatus for giving notice of fire, or who maliciously gives any false alarm of fire shall for a first offence be liable to a penalty not exceeding five pounds or to imprisonment for a term not exceeding seven days, and for any subsequent offence to imprisonment for a term not exceeding two years.

Bona fide exercise of powers protected.

46. The board, the chief officer, or an officer of the board, exercising any powers conferred by this Act or the by-laws, shall not be liable for any damage caused in the bona fide exercise of such powers. Any person who obstructs or hinders any such officer in the lawful exercise of such powers, shall be liable to a penalty not exceeding fifty pounds.

Actions against board or for anything done in pursuance of Act.

47. No action shall be brought against the board, or against any person, for anything purporting to have been done under this Act, unless such 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 such intended action has been delivered at the office

Fire Brigades.

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 action and the cause thereof, and on such notice shall be written the name and place of abode of the party intending to bring such action, and the name and place of business of his attorney or agent (if any).

No plaintiff shall recover in any such action if tender of sufficient amends has been made before such action was brought.

If any such action is brought after the time limited for bringing the same, or if notice has not been given as aforesaid, then the court, judge, or jury shall find, or judgment shall be given, for the defendant, or a nonsuit may be ordered.

In any such action the defendant may, in addition to any other plea, plead tender of amends, and may give this Act and the special matter in evidence.

48. Any information for a breach of the provisions of this Act, or the by-laws, shall be heard and determined in a summary way by a court of petty sessions, and the amount of any penalty recovered for any such breach shall be paid into the fund. Prosecution for breaches of Act or by-laws.

Any such information shall be laid within six months from the time when the matter of the information arose.

49. Any moneys payable under this Act, or the by-laws, to the fund or to the board (not being penalties) may be recovered at suit of the board in any court of competent jurisdiction. Recovery of moneys payable to fund or board.

Agents and trustees.

50. Any agent for any insurance company may deduct from any moneys held by him for such company all expenditure necessarily or properly incurred and paid by him under this Act for or in respect of such company, or he may, in any court of competent jurisdiction, recover from such company the amount so incurred and paid. Power of agents. Fire Brigades Act (Vict.), 1899, No. 1,200, s. 69.

51. Any agent may deduct from any moneys held by him for his principal all charges necessarily or properly incurred and paid by him under this Act in respect of any houses, lands, or premises, for which he is the agent of such principal, or he may, in any court of competent jurisdiction, recover from such principal the amount so incurred and paid. Power of agents to deduct payments made for owners. Ibid. s. 70.

52. Any trustee of any houses, lands, or premises, may apply any of the funds under his control in defraying any charges necessarily or properly incurred by him under this Act in respect of such houses, lands, or premises. Power of trustees. Ibid. s. 71.

Information

*Fire Brigades.**Information given by owner.*

Owner to give information as to insurance.
Fire Brigades Act (Vict.), 1890, No. 1,200, s. 72.

53. (1) 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 chief officer or any officer of the board, inform such member or officer whether such house or building is insured or not, and at the like request shall furnish such officer or member with full particulars of the insurance (if any) thereon, including the names of the companies with which the insurance is effected, and the amount of such insurance.

(2) The owner of any personal property which may be in any house or building, or on any premises where a fire occurs, or which may be destroyed or damaged by fire, 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.

(3) 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, on conviction, be liable to a penalty not exceeding twenty pounds.

 SCHEDULES.

 SCHEDULE ONE.

PART I.

The city of Sydney and suburban municipalities.

Alexandria.	Erskineville.	Parramatta.
Annandale.	The Glebe.	Petersham.
Ashfield.	Granville.	Randwick.
Auburn.	Homebush.	Redfern.
Balmain.	Hunter's Hill.	Rockdale.
Bexley.	Hurstville.	Rookwood.
Botany.	Kogarah.	St. Peters.
North Botany.	Leichhardt.	Strathfield.
Burwood.	Manly.	Vaucluse.
Canterbury.	Marrickville.	Waterloo.
Concord.	Mosman.	Waverley.
Darlington.	Newtown.	Willoughby.
Drummoyne.	North Sydney.	Woollahra.
Enfield.	Paddington.	

PART

Fire Brigades.

PART II.

Country municipalities.

Adamstown.	Grenfell.	Newcastle.
Albury.	Gunnedah.	Nowra.
Armidale.	Hamilton.	Orange.
Ballina.	Hay.	Parkes.
Balranald.	Hillgrove.	Penrith.
Bathurst.	Inverell.	Plattsburg.
Bega.	Jerilderie.	Queanbeyan.
Berry.	Junee.	Richmond.
Bourke.	Katoomba.	Singleton.
Bowral.	Kempsey.	Stockton.
Braidwood.	Kiama.	Tamworth.
Broken Hill.	Lambton.	Taree.
Camden.	Lambton, New.	Temora.
Campbelltown.	Lismore.	Tenterfield.
Carrington.	Lithgow.	Tamut.
Casino.	Liverpool.	Wagga Wagga.
Cobar.	Maitland, East.	Wallsend.
Condobolin.	Maitland, West.	Waratah.
Coonamble.	Merewether.	Warren.
Cootamundra.	Moama.	Wellington.
Corowa.	Molong.	Wentworth.
Cowra.	Moree.	Wickham.
Deniliquin.	Morpeth.	Wilcannia.
Dubbo.	Moss Vale.	Windsor.
Forbes.	Mudgee.	Wollongong.
Glen Innes.	Murwillumbah.	Wyalong.
Goulburn.	Muswellbrook.	Yass.
Grafton.	Narrandera.	Young.
Grafton South.		

Shires.

Bland.	Cessnock.	Lake Macquarie.
Bolwarra.	Inlay.	Walgett.

SCHEDULE TWO.

Maximum scale of charges for attendance at a fire on land.

	£	s.	d.
For the chief officer, for the first hour, day or night	1	1	0
For the chief officer, for each succeeding hour, day or night	0	10	6
For any other officer in charge at a fire, for the first hour, day or night	0	10	6
For any other officer in charge at a fire, for each succeeding hour, day or night	0	5	0
For a floating fire-engine	10	0	0
For a steam fire-engine, or motor fire-engine	5	0	0
For a manual fire-engine	2	10	0
For each reel, hose carriage, or chemical engine... ..	2	10	0
For each fireman or turncock, when called out to any fire, day or night, for first hour	0	5	0
For each fireman, when called out to any fire, day or night, for the second hour	0	3	0

*Fire Brigades.*SCHEDULE TWO—*continued.*

<i>Maximum scale of charges for attendance at a fire on land—continued.</i>	£	s.	d.
For each fireman, when called out to any fire, day or night, for each succeeding hour	0	2	0
For each horse taking a steam fire-engine, manual fire-engine, hose carriage, chemical engine, or reel to and from a fire, day or night	0	10	6
For the use of hose, and cleaning and drying the hose, each 100 feet	0	10	0
For first notice of fire to fire-station	0	5	0
For wages of each extra man engaged by the chief officer, or other officer in charge, at any fire, day or night :—			
For the first hour	0	2	0
For the second hour	0	1	6
For each succeeding hour	0	1	0

SCHEDULE THREE.

<i>Maximum scale of charges for attendance at a fire on a vessel.</i>	£	s.	d.
For the chief officer, for first hour, day or night	2	2	0
For the chief officer, per hour for each succeeding hour, day or night	1	1	0
For any other officer in charge at a fire, for the first hour, day or night	1	1	0
For any other officer in charge at a fire, per hour for each succeeding hour, day or night	0	10	6
For a floating fire-engine	20	0	0
For a steam fire-engine, or motor fire-engine	10	0	0
For a manual fire-engine	2	10	0
For each reel, hose carriage, or chemical engine	2	10	0
For each fireman or turncock, when called out to any fire, day or night, for the first hour	0	7	6
For each fireman, when called out to any fire, day or night, for the second hour	0	5	0
For each fireman, when called out to any fire, day or night, for each succeeding hour	0	2	6
For each horse taking a steam fire-engine, manual fire-engine, hose carriage, chemical engine, or reel to and from a fire, day or night	0	10	6
For the use of hose, and cleaning and drying the hose, each 100 feet	0	10	0
For the first notice of fire to fire-station	0	5	0
For wages of each extra man engaged by the chief officer, or other officer in charge, at any fire, day or night :—			
For the first hour	0	2	0
For the second hour	0	1	6
For each succeeding hour	0	1	0