

AUSTRALIAN CAPITAL TERRITORY.

No. 20 of 1957.

AN ORDINANCE

To provide for the Establishment of Fire Brigades, for the Powers, Duties and Functions of members of Fire Brigades and other persons and for the Precautions to be taken to prevent Fires.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this thirteenth day of December, 1957.

W. J. SLIM
Governor-General.

By His Excellency's Command,
ALLEN FAIRHALL
Minister of State for the Interior.

FIRE BRIGADES ORDINANCE 1957.

1. This Ordinance may be cited as the *Fire Brigades Ordinance 1957*.^{Short title.}*

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.^{Commencement.}

3. The *Fire Brigades Ordinance 1924*, the *Fire Precautions Ordinance 1926* and the *Fire Precautions Ordinance 1953* are repealed.^{Repeal.}

4. In this Ordinance, unless the contrary intention appears—^{Definitions.}

“fire appliance” includes a fire engine, extinguisher, ladder, reel, hose, helmet, bucket or other implement or thing used in the prevention or extinguishing of fires and a fire alarm or other signalling apparatus for giving notice of fire;

“fire brigade” means a fire brigade established under this Ordinance;

“flammable matter” includes a substance specified in the Regulations as flammable matter;

* Notified in the *Commonwealth Gazette* on 19th December, 1957.

“ member of a fire brigade ” includes a part-time member of a fire brigade;

“ owner ”, in relation to a building, includes the holder of a lease from the Commonwealth of the land upon which the building is erected;

“ premises ” includes a building or other structure or erection, a wharf or jetty and a ship, boat or other vessel;

“ the Chief Officer ”, in relation to a fire brigade, means the person appointed under sub-section (1.) of section six of this Ordinance as the Chief Officer of the fire brigade, and includes a person acting as the Chief Officer of the fire brigade under sub-section (2.) of that section.

Fire
brigades.

5. The Minister may establish and maintain fire brigades in the Territory.

Appointment
of Chief Officer.

6.—(1.) Each fire brigade shall be under the command of a Chief Officer, who shall be appointed by the Minister.

(2.) In the case of the illness or absence of the Chief Officer of a fire brigade, the Minister may appoint a person to act as Chief Officer during the illness or absence, and a person so acting has all the powers and shall perform all the duties of the Chief Officer during the illness or absence.

(3.) A reference in this Ordinance to the Chief Officer of a fire brigade shall, for the purposes of the application of this Ordinance in relation to a fire at a time when, in the absence of the Chief Officer of the fire brigade, another member of the fire brigade is in charge of the members of the fire brigade in attendance at the site of the fire during or immediately after the fire, be read as including a reference to the member who is in charge.

Powers and
functions of
Chief Officer
and other
persons at
fires.

7.—(1.) The Chief Officer of a fire brigade shall, at and immediately after a fire in the Territory, control and direct the members of the fire brigade and any person who voluntarily places his services at the disposal of the Chief Officer and may take such measures as he thinks proper to protect life and property and to control and extinguish the fire.

(2.) Without limiting the generality of the last preceding sub-section, the Chief Officer of a fire brigade may, at or immediately after a fire in the Territory, for the purpose of protecting life or property or controlling or extinguishing the fire—

(a) by force or otherwise, enter, take possession of, use, pull down, sink, damage, remove or destroy any premises or any property in or upon premises;

- (b) take a fire engine or other fire appliance through, over or upon any premises;
- (c) close to traffic a street, road or thoroughfare in the vicinity of the fire;
- (d) order a person to leave any premises on fire or in the vicinity of the fire;
- (e) remove to such place as he thinks proper a person, vehicle or thing the presence of whom or which is, in the opinion of the Chief Officer, interfering with, or threatening to interfere with, the operations under his control or direction;
- (f) use, without payment, any convenient supply of water and shut off water from a main or pipe to obtain greater pressure or supply of water;
- (g) shut off or disconnect the supply of electricity to any premises on fire or in the vicinity of the fire;
- (h) shore up, pull down or destroy a wall or building which, in the opinion of the Chief Officer, is damaged or made insecure or may be dangerous to life or property; and
- (i) direct or authorize the doing by a member of the fire brigade or a person who voluntarily places his services at the disposal of the Chief Officer, or authorize the doing by a member of the Police Force of the Territory, of any act or thing which the Chief Officer is, under this section, empowered to do.

(3.) Where—

- (a) at or immediately after a fire in the Territory, a member of a fire brigade or a member of the Police Force of the Territory is of opinion that, for the purpose of protecting life or property or controlling or extinguishing the fire, it is necessary or desirable to do an act or thing which the Chief Officer of the fire brigade is empowered to do under the last preceding sub-section (not being an act or thing referred to in paragraph (h) or (i) of that sub-section); and
- (b) it is not practicable for the authority of the Chief Officer for the doing of that act or thing to be obtained,

the member of the fire brigade or the member of the Police Force of the Territory, as the case may be, may, without the authority of the Chief Officer, do that act or thing.

(4.) The amount of any expenses incurred by the Chief Officer of a fire brigade in shoring up, pulling down or destroying a wall or building under sub-section (2.) of this section is a debt due to the Commonwealth by the owner of the wall or building.

Control of
bush fires
by Chief Fire
Control
Officer.

8.—(1.) The last preceding section does not apply in relation to a fire—

- (a) which is outside a built-up area;
- (b) which is not in a building; and
- (c) at which the Chief Fire Control Officer is present.

(2.) In this section—

“built-up area” means an area in the Territory declared by the Minister by notice in the *Gazette* to be a built-up area for the purposes of the *Careless Use of Fire Ordinance 1936-1954*;

“the Chief Fire Control Officer” means the Chief Fire Control Officer appointed under the *Careless Use of Fire Ordinance 1936-1954*, and, in relation to a fire, includes a person authorized under sub-section (2.) of section five N of that Ordinance to exercise the powers and authority of the Chief Fire Control Officer in relation to the fire.

Policies of
insurance
against fire.

9. Where damage is caused to property, either directly or indirectly, by the exercise of a power or the performance of a function by a person under section seven of this Ordinance, the damage shall, for the purposes of any policy of insurance against fire covering the property damaged, be deemed to be damage by fire notwithstanding a provision to the contrary in the policy.

Investigation
of fires.

10. The Chief Officer or other member of a fire brigade, or a person authorized in writing by the Chief Officer of a fire brigade to exercise the powers of the Chief Officer under this section, may, for the purpose of investigating the cause of a fire—

- (a) enter premises where the fire occurred;
- (b) search the premises and the debris of the fire and, for such time as is necessary, retain possession of the premises and of anything upon the premises;
- (c) prevent a person from entering or remaining in or upon the premises and remove a person from the premises; and
- (d) prevent a person from removing anything from the premises.

Inspection of
premises.

11. The Chief Officer of a fire brigade, or a person authorized in writing by the Chief Officer of a fire brigade to exercise the powers of the Chief Officer under this section, may,

at any time, enter premises for the purpose of ascertaining whether the premises or anything upon the premises constitutes, or is likely to constitute, a danger by fire to life or property.

12. A person shall not—

Offences.

- (a) wilfully obstruct or interfere with a person in the performance of his duties or the exercise of his powers under this Ordinance or the Regulations or, where the person is a member of a fire brigade, otherwise as a member of the fire brigade;
- (b) fail to comply with an order or direction given under this Ordinance or the Regulations by the Chief Officer or other member of a fire brigade, or by a member of the Police Force of the Territory;
- (c) remain in or upon premises on fire, or in the vicinity of a fire, after being ordered by the Chief Officer or other member of a fire brigade or a member of the Police Force of the Territory to leave the premises;
- (d) without the consent of the Chief Officer or other member of a fire brigade, drive a vehicle over a fire hose or so near a fire hose or other fire appliance as to interfere with the effective use of the appliance;
- (e) wilfully remove, destroy, damage or interfere with a fire appliance or a building used for housing or storing fire appliances;
- (f) wilfully cover up, enclose or conceal a fire hydrant or obliterate or remove a mark, sign or letter indicating the position of, or distinguishing, a fire hydrant;
- (g) except for the purpose of giving an alarm of fire, tamper with a fire alarm or signalling apparatus for giving notice of a fire;
- (h) maliciously give a false alarm of fire;
- (i) without the consent in writing of the Chief Officer of a fire brigade, light a fire which may be dangerous to a building; or
- (j) store or deposit inflammable matter so as to cause, directly or indirectly, a danger by fire to life or property.

Penalty: Fifty pounds or imprisonment for six months.

13. The regulations may provide for the giving of directions by the Minister, or a person authorized by the Minister, for the provision or installation of fire appliances in buildings.

Power to make regulations for the provision of fire appliances.

Directions under the regulations to be complied with, etc.

14.—(1.) A person shall comply with a direction given under the regulations.

(2.) The owner of a building shall maintain to the satisfaction of the Chief Officer of a fire brigade a fire appliance provided or installed in the building in pursuance of a direction given under the regulations.

Penalty: Fifty pounds and, in addition, Ten pounds for each day during which the offence continues.

Protection from liability for damage.

15. Neither the Commonwealth nor any person is liable in any way for damage caused, either directly or indirectly, by the exercise of a power or the performance of a function by a person under this Ordinance or the regulations.

Regulations.

16. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular—

- (a) prescribing measures for minimizing the danger of fire;
- (b) making provision for or in relation to the protection of persons or property from fire;
- (c) providing for the stacking, storing or keeping of inflammable matter;
- (d) making provision for or in relation to the charging or recovery of fees for services rendered by members of a fire brigade (whether at the request of a person or in pursuance of the Regulations) in connexion with—
 - (i) the protection of persons or property from fire; or
 - (ii) the inspection, testing or maintenance of fire appliances;
- (e) making provision for or in relation to part-time members of fire brigades; and
- (f) prescribing penalties not exceeding a fine of Fifty pounds or imprisonment for a term of six months for offences against the Regulations, and, in addition, if the offence is a continuing one, a fine not exceeding Ten pounds for each day during which the offence continues.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.