

COMMONWEALTH OF AUSTRALIA.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 1 of 1916.

AN ORDINANCE

Relating to the Prevention of the Careless Use of Fire.

BE it ordained by the Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910, as follows:—

1. This Ordinance may be cited as the *Careless Use of Fire Ordinance* 1916. Short title.

2.—(1.) The Minister may, by writing under his hand, delegate to any person all or any of his powers or functions under this Ordinance except the power to make regulations under section nine hereof. Delegation by Minister.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

3. No person shall ignite or use or carry when ignited any inflammable material within one hundred yards of any stacks of corn, pulse, or hay or standing crops in an inflammable condition, to within ten yards of any growing crops, stubble-field, or grass land (the grass being in an inflammable condition), or within twenty-five yards of felled timber awaiting a running fire whereby the property of any other person is endangered, injured, or destroyed. Penalties for setting fire to growing crops, &c.

Penalty: Fifty pounds or imprisonment for three months.

4. No person shall whether temporarily or otherwise leave unextinguished any fire which he has lighted or used in the open air. Penalty for not extinguishing fire.

Penalty: Fifty pounds or imprisonment for three months.

C.4117.

Persons
exempted from
provisions of
last two
preceding
sections.

5. Notwithstanding anything contained in the last two preceding sections—

- (a) the occupier of any land may, except during any prescribed period of the year, burn any straw, stubble, grass, or herbage, or ignite any wood or other inflammable material on his land after he has, around such straw, stubble, grass, herbage, wood or other inflammable material, cleared of inflammable substance a space of land of not less than the prescribed distance, and if no distance is prescribed, a distance of not less than sixty-six feet in breadth, and after he has given to the occupiers of all land contiguous to that land at least twenty-four hours' notice in writing ;
- (b) the occupier of any grass lands may, except during the prescribed period between five o'clock in the afternoon and four o'clock in the forenoon, burn off any grass or herbage from any grass lands in his occupation after giving notice as prescribed in the last preceding paragraph, to the occupiers of all land contiguous to the land from which the grass or herbage is intended to be burned.

Damage by fire
to dividing
fence.

6.—(1.) If the occupier of any land clears it of inflammable materials for the space of twenty feet from any fence dividing that land from the land of any other owner or occupier, and the other owner or occupier neglects or omits so to clear his land, and any damage from fire happens to the dividing fence through that neglect or omission, the owner or occupier so neglecting or omitting to clear shall at his own costs and charges cause the fence to be repaired and re-erected within one month after it has been so damaged, or within such extended time as may be allowed by a stipendiary or police or special magistrate on application made to him in a summary way :

Provided that reasonable notice of any such application shall be given to the occupier who has cleared his land.

(2.) If the owner or occupier so neglecting or omitting to clear refuses or omits to repair or re-erect the fence as prescribed in subsection (1) of this section, the owner or occupier of the land contiguous to the fence who has cleared his land as prescribed may repair or re-erect the dividing fence.

(3.) All sums of money which are so expended or laid out under the provisions of this section shall be deemed to be money paid to the use of the owner or occupier in default.

Penalty on
persons
resisting
apprehension.

7. Any person who, being liable to be apprehended for any offence, opposes, resists, or assaults any person apprehending or attempting to apprehend him, shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

8. Nothing in this Ordinance shall take away or interfere with the right of any person to sue for and recover, at common law or otherwise, compensation for or in respect of any damage or injury occasioned by the reckless or negligent use of fire. Rights at common law preserved.

9.—(1.) The Minister may make regulations prescribing all matters Regulations. which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to—

- (a) the prohibition of the sale, offering for sale, distribution, or use of any matches other than those so made as to strike only on a preparation affixed to the containing box, or a box containing the same description of matches ;
- (b) the manner of mixing, and the use of phosphorus baits for poisoning rabbits, and the persons who may sell such baits ;
- (c) the burning of fire-breaks on railway lands ; and
- (d) penalties, not exceeding Twenty pounds, for breaches of the regulations.

(2.) All regulations made by the Minister under this Ordinance shall—

- (a) be notified in the *Gazette* ;
- (b) be laid before both Houses of the Parliament within thirty days of the making thereof, or, if the Parliament is not then sitting, within thirty days after the next meeting of the Parliament.

(3.) If either House of the Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation, the regulation shall thereupon cease to have effect.

Dated this twenty-first day of June, One thousand nine hundred and sixteen.

R. M. FERGUSON,
Governor-General.

By His Excellency's Command,

KING O'MALLEY,
Minister of State for Home Affairs.

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