

No. 27 of 1971

AN ORDINANCE

To amend the *Careless Use of Fire Ordinance 1936-1967*.

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 1910-1970*.

Dated this twenty-second day of October, 1971.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

CARELESS USE OF FIRE ORDINANCE 1971

1.—(1.) This Ordinance may be cited as the *Careless Use of Fire Ordinance 1971*.^{*} Short title and citation.

(2.) The *Careless Use of Fire Ordinance 1936-1967*[†] is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Careless Use of Fire Ordinance 1936-1971*.

2. Section 5B of the Principal Ordinance is amended by omitting from sub-section (1.) the word "nine" and inserting in its stead the word "twelve". Members of Bush Fire Council.

3. Section 5M of the Principal Ordinance is amended by omitting from sub-section (1.) the words "a Deputy Chief Fire Control Officer" and inserting in their stead the words "one or more Deputy Chief Fire Control Officers". Appointment of officers.

4. Section 5N of the Principal Ordinance is amended by omitting from sub-section (2.) the words "the Deputy Chief Fire Control Officer or, in his absence," and inserting in their stead the words "any Deputy Chief Fire Control Officer or, in the absence of a Deputy Chief Fire Control Officer,". Powers and authorities of Chief Fire Control Officer.

^{*} Notified in the *Commonwealth Gazette* on 28 October 1971.
[†] Ordinance No. 20, 1936, as amended by No. 22, 1937; No. 7, 1940; No. 1, 1942; No. 1, 1943; No. 1, 1945; No. 11, 1946; No. 1, 1952; No. 6, 1954; No. 21, 1959; No. 19, 1966; and Nos. 11 and 36, 1967.

Fire control officers not to be liable for damage done in exercise of powers.

5. Section 50 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "Deputy Chief Fire Control Officer" and inserting in their stead the words "a Deputy Chief Fire Control Officer".

Lighting fires in plantations, &c.

6. Section 7 of the Principal Ordinance is amended by omitting the words "in such places as are constructed or specified by the Minister or the Council for the purpose, light" and inserting in their stead the words "as otherwise provided by this Ordinance, light, use or maintain".

Days of acute fire danger.

7. Section 7A of the Principal Ordinance is amended by inserting in sub-section (1.), after the word "light", the words ", use or maintain".

Smoking prohibited in or near plantations.

8. Section 8 of the Principal Ordinance is amended by omitting the words "Any person" and inserting in their stead the words "Except as otherwise provided by this Ordinance, a person".

Penalty for not extinguishing fire.

9. Section 9 of the Principal Ordinance is amended by omitting the words "lighted or used" and inserting in their stead the words "lit, used or maintained".

10. After section 9 of the Principal Ordinance the following section is inserted:—

Use of gas cooking appliances and fires in approved fire-places.

"9A. Except on a day or during a period in respect of which a warning is published, broadcast or televised in pursuance of section seven A of this Ordinance—

- (a) a person may use a heating appliance in which heat is provided by the combustion of liquefied petroleum gas for the purpose of cooking food or heating liquids anywhere in the open air on land, whether unleased land the property of the Commonwealth or land held under a lease from the Commonwealth or in fee simple, if the area around the appliance for a distance of not less than five feet is cleared of inflammable material; and
- (b) a person may light, use or maintain a fire in the open air on unleased land the property of the Commonwealth—
 - (i) where the land is within a built-up area—in such fire-places as are provided by the Commonwealth or are approved by the Chief Officer of the Canberra Fire Brigade; and
 - (ii) where the land is outside a built-up area—in such fire-places as are approved by the Chief Fire Control Officer or by the Council."