
Careless Use of Fire (Amendment) Ordinance (No. 2) 1982

No. 86 of 1982

I, THE GOVERNOR-GENERAL of 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*.

Dated 21 October 1982.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN
Minister of State for the Capital Territory

An Ordinance to amend the *Careless Use of Fire Ordinance 1936*

Short title

1. This Ordinance may be cited as the *Careless Use of Fire (Amendment) Ordinance (No. 2) 1982*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Careless Use of Fire Ordinance 1936*.²

Secretary to the Council

3. Section 5G of the Principal Ordinance is amended by omitting "Minister" and substituting "Council".

Powers of the Council

4. Section 5H of the Principal Ordinance is amended by omitting sub-section (2).

Penalty for setting fire to growing crops, &c.

5. Section 6 of the Principal Ordinance is amended by omitting "Penalty: One hundred dollars or imprisonment for three months." and substituting "Penalty: \$1,000 or imprisonment for 3 months."

Lighting fires in plantations, &c.

6. Section 7 of the Principal Ordinance is amended by omitting "Penalty: One hundred dollars or imprisonment for three months." and substituting "Penalty: \$1,000 or imprisonment for 3 months."

Days of acute fire danger

7. Section 7A of the Principal Ordinance is amended by omitting from sub-section (1) "Penalty: Two hundred dollars or imprisonment for six months." and substituting "Penalty: \$2,000 or imprisonment for 6 months."

Smoking prohibited in or near plantations

8. Section 8 of the Principal Ordinance is amended by omitting "Penalty: Twenty dollars." and substituting "Penalty: \$100."

Penalty for not extinguishing fire

9. Section 9 of the Principal Ordinance is amended by omitting "Penalty: One hundred dollars or imprisonment for three months." and substituting "Penalty: \$1,000 or imprisonment for 3 months."

Use of cooking appliances and fires on Commonwealth land

10. Section 9A of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a) "or by the use of electricity" after "liquefied petroleum gas";
- (b) by omitting from paragraph (a) "1.50 metres is cleared of inflammable material; and" and substituting "3 metres is cleared of inflammable material;"; and
- (c) by adding at the end thereof the following word and paragraph:

"; and (c) a person may, subject to section 6 and paragraph 7 (a), light, use or maintain a fire in the open air on unleased land the property of the Commonwealth, being land outside a built-up area, other than in a fireplace referred to in sub-paragraph (b)(i) or (ii), for the purpose of cooking food or heating liquids—

 - (i) after he has obtained from the Chief Fire Control Officer a written permit to do so, and upon compliance with such conditions as are specified in the permit; and
 - (ii) after he has cleared of inflammable material the land around the place where the fire is to be lit, used or maintained for a distance of not less than 3 metres."

Lighting fires for burning-off purposes

11. Section 10 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1)(a) "during daylight"; and
- (b) by omitting from sub-paragraph (1)(a)(i) " , takes suitable measures to keep it under constant control and extinguishes it at night fall" and substituting "and takes suitable measures to keep it under constant control".

Penalty for burning-off or lighting fires except as authorized

12. Section 10AB of the Principal Ordinance is amended by omitting "Penalty: One hundred dollars or imprisonment for three months." and substituting "Penalty: \$1,000 or imprisonment for 3 months."

Fires to be notified

13. Section 10A of the Principal Ordinance is amended by omitting "Penalty: One hundred dollars or imprisonment for three months." and substituting "Penalty: \$1,000 or imprisonment for 3 months."

Discharge of live coals from motor vehicles

14. Section 10B of the Principal Ordinance is amended by omitting "Penalty: One hundred dollars or imprisonment for three months." and substituting "Penalty: \$1,000 or imprisonment for 3 months."

15. After section 10B of the Principal Ordinance the following section is inserted:

Causing fire by use of motor vehicles

"10C. A person shall not light a fire, or cause a fire to be lit, in the open air on any land by using a motor vehicle on any street, road or thoroughfare or on any land.

Penalty: \$1,000 or imprisonment for 3 months."

Persons reasonably suspected to give name and address

16. Section 14 of the Principal Ordinance is amended by omitting from sub-section (2) "Penalty: Twenty dollars." and substituting "Penalty: \$500."

Penalty on persons resisting apprehension

17. Section 15 of the Principal Ordinance is amended by omitting "Penalty: Two hundred dollars or imprisonment for six months." and substituting "Penalty: \$2,000 or imprisonment for 6 months."

Regulations

18. Section 17 of the Principal Ordinance is amended by omitting from paragraph (d) "Forty dollars" (wherever occurring) and substituting "\$100".

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 29 October 1982.
2. 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; No. 11, 1967; No. 27, 1971; No. 53, 1974; No. 64, 1977; No. 13, 1982.