

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 20 of 1927.

AN ORDINANCE

To amend the Careless Use of Fire Ordinance 1916-1926.

BE it ordained by the Governor-General of the Commonwealth of Australia, 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.—(1.) This Ordinance may be cited as the *Careless Use of Fire Ordinance* 1927. Short title and citation.

(2.) The *Careless Use of Fire Ordinance* 1916-1926 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* 1916-1927.

2. Section 1A of the Principal Ordinance is amended by adding at the end thereof the following definitions:— Definitions.

“ Inspector ” means an inspector appointed under this Ordinance; “ Owner ” in relation to a house or building or land includes the occupier, lessee, tenant or holder of the house, building or land.

3. After section 2 of the Principal Ordinance the following section is inserted:—

“ 2A. The Commission may appoint such inspectors as it thinks necessary for the purpose of this Ordinance ”. Inspectors.

4. After section 3 of the Principal Ordinance the following section is inserted:—

“ 3A. A person shall not, except in such places as are constructed or specified by the Commission for the purpose, light any fire in the open air— Lighting fires in plantations, &c.

(a) within any plantation the property of the Commission or any area enclosed by a fence, in which any such plantation is situated, or within half a mile of any such plantation or area; or

(b) on any unleased land the property of the Commission on which there is any growing timber.

Penalty: Fifty pounds or imprisonment for three months.”.

5. Section 5 of the Principal Ordinance is repealed and the following section inserted in its stead:—

Power to
light fires.

“ 5.—(1.) Notwithstanding anything contained in this Ordinance 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 the 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:

(2.) During such periods as are prescribed the occupier of any land shall not burn any straw, stubble, grass or herbage, or ignite any wood or other inflammable material on his land except in pursuance of and in accordance with the provisions of a permit granted by the Commission or by authority of the Commission for the purpose.”.

Penalty: Ten pounds.

6. After section 6 of the Principal Ordinance the following section is inserted:—

Payment of
expenses of
extinguishing
fires.

“ 6A.—(1.) Where the Commission incurs any expenses or charges in extinguishing or endeavouring to extinguish any fire in or on any house, building or land, or of any personal property in or on any house, building or land, the person who caused the fire and the owner of the house, building, land or property shall be severally and jointly liable to pay to the Commission the expenses and charges properly so incurred.

“ (2.) The amount of the expenses and charges properly incurred, shall be determined by arbitration in accordance with the laws for the time being in force relating to arbitration.

“ (3.) The expenses and charges payable under this section shall be recoverable by the Commission in a summary manner before any Court of Petty Sessions having jurisdiction in the Territory.

“ (4.) Where the expenses and charges are paid by or recovered from the person who caused the fire, the liability under this section of the owner of the house, building, land or property shall cease.

“ 6B. Where a fire occurs on any land, any officer, employee, ^{Power to enter on lands.} servant or agent of the Commission thereto authorized by the Commission may enter upon any land for the purpose of inspecting, checking or extinguishing the fire, and may, for the purpose of checking or stopping the progress of the fire, light any other fire on any land.

“ 6C.—(1.) A member of the Police Force, or any forest ^{Persons reasonably suspected to give name and address.} overseer employed by the Commonwealth or the Commission, or any inspector, or any person thereto authorized in writing by the Commission, may require any person committing or reasonably suspected of having committed or of being about to commit an offence against this Ordinance, to give his name in full and place of abode.

“ (2.) Any person who, after being so required and on production of the necessary authority, refuses or fails to give his real name or place of abode, shall be guilty of an offence.

Penalty: Ten pounds.

“ (3.) Any such member of the Police Force or any such overseer or inspector or person may arrest without warrant any person acting or reasonably suspected of having acted in contravention of this section, and may keep him in custody until he can be taken before a Court of Petty Sessions to be tried for the offence committed by him or of which he is suspected.”

Dated this twenty-third day of November, One thousand nine hundred and twenty-seven.

STONEHAVEN

Governor-General.

By His Excellency's Command,

C. W. C. MARR

Minister of State for Home and Territories.

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