BUSH FIRES ACT AMENDMENT BILL 1931

**Legislative Council, 27 August 1931, page 1469**

Second reading

**The MINISTER of AGRICULTURE (Hon. S. R. Whitford, Central No. 1)—**This Bill is introduced as the result of representations which have been made to the Government from time to time by the Eyre Peninsula Local Government Association and representatives of various district councils in the southern parts of the State. Section 6 of the Bush Fires Act, 1913, prohibits, except under circumstances, the burning of stubble between October 15 and the first day of the following February. Stubble is defined to include all hay, straw, grass, and herbage, whether alive or not, and whether standing or not standing. It has been pointed out, however, that the operation of this section debars councils from clearing undergrowth from roads and reserves during the summer months, although it is obvious that if such clearing could be done the roads themselves would then provide efficient fire breaks in the case of an outbreak of fire on land adjacent to the roads. In addition, it has been suggested that it is desirable to alter the law so that in irrigation areas it will be possible to clear irrigation channels by burning the growth in these channels. Obviously, the channels must be kept clear, and the cheapest and most efficient way of doing this is to burn the growth in the channels when dry. This, however, cannot be done during the summer months under the existing legislation. Furthermore, in certain parts of the State at that time of the year it is beneficial to burn off lucerne paddocks, but this again is prohibited by the existing provisions of section 6. Clause 3 consequently makes provision in these cases subject to proper safeguards. The clause first provides that a district council may during the summer months burn stubble on any road or reserve, but certain specified conditions must be complied with. Efficient fire breaks must be provided all around the land to be burnt; notice of the intention to burn must be given to the owners of adjoining lands; four men must be present at the fire; and the work must be carried out between 9 o’clock in the morning and 9 o’clock in the evening. These conditions are the conditions now laid down under section 6 when strips of land are under that section permitted to be burned for the purpose of burning fire breaks. The new clause also provides that a person may burn stubble in any irrigation channel or lucerne field in any case in which he obtains the consent of the district council or body corporate exercising the powers of a district council in the district which in most instances will be the Minister of Irrigation. The council may impose conditions upon persons wishing to burn and, in addition to any such conditions, all the conditions incorporated in the previous part of the clause must be complied with. Section 9 of the principal Act deals with the burning of scrub during the period from the last day of January until the first day of the following May. This section is amended in various ways by clause 4 of the Bill. Before scrub is burned during the period before mentioned certain conditions must be complied with. Amongst others a strip of land 15 feet in width immediately adjoining all sides of the land must be ploughed up or cleared of all inflammable material. The clause provides that this width shall be increased to 33 feet, so that in every case where scrub is burned during these months a fire break of 33 feet must be provided all around the scrub to be burned. It is also provided by the clause that 14 days’ notice of the intention to burn must be given to the local district council in every case where it is intended to burn more than 500 acres. In such a case the council or the chairman of the council will have power to order that up to three men, in addition to the four required by the section to be present at the fire, shall be present at the fire for the purpose of controlling it and preventing it from spreading.

The Hon. W. H. Harvey—What if in the back country they cannot find seven men?

The MINISTER of AGRICULTURE—The country would have to be very sparsely populated if they could not. I think that the spirit of co-operation would prevail, and even if men had to travel long distances, they would do it. That point can be discussed in Committee. It is further provided that every fire must be lighted first from the leeward side of the scrub before the fire is lighted from the windward side. This is the present practice adopted by prudent persons, but under the clause it will be compulsory on all persons to adopt this procedure. The minimum penalties provided by the section are £2 for the first offence and £5 for a subsequent offence. It has been suggested that these minimum penalties are not sufficient to prevent infringements of the section, as it is said that in many cases it would pay persons to forfeit a fine and take advantage of condition to burn their scrub during the prohibited months of the year. These minimum penalties are consequently increased to £5 in the case of a first offence, and £10 in the case of any subsequent offence. Section 15 of the principal Act provides that no persons shall, during the period between October 31 and the first day of the following May, light a fire in the open except under certain conditions, and unless he clears a space of ground immediately around the fire to a width of at least 10ft. in all parts. Clause 5 proposes to increase this width to be cleared to 15ft. Clause 6 imposes penalties on any person who lights or maintains a wood fire in any rabbit fumigator during the period between October 31 and the first day of the following May. It is considered that the use of rabbit fumigators during the summer months is dangerous, and a potential cause of bush fires. Section 24 of the principal Act deals with the appointment of fire officers by councils. The number who may be appointed by any council is limited to 15. It has been pointed out that in some cases where a bush fire takes place on or near the boundary of a district a fire officer can exercise no authority over a bush fire which may be just outside the district and which, in all probability, will spread to within the district. Clause 7, therefore, seeks to remedy this position by providing that a council may, in addition to appointing the 15 officers for its own district, also appoint as its officers any other persons not exceeding 15 in number who are officers appointed for adjoining districts. It will thus be competent for adjoining councils to appoint the same persons as officers for the two districts, and in these circumstances such persons will be able to exercise the necessary control over any fire on or near the boundary of the districts. The clause further provides that every forester and assistant forester of the Woods and Forests Department in the State shall ex-officio be deemed to be fire officers through the whole of the State. I move the second reading.

The Hon. H. D. YOUNG secured the adjournment of the debate until September 1.