**BUSH FIRES ACT AMENDMENT BILL 1939**

**Legislative Council, 16 November 1939, pages 1803-5**

Second reading

**The Hon. A. P. BLESING (Northern— Minister of Agriculture)—**This Bill is introduced to give effect to recommendations for amendment of the Bush Fires Act made by a recent conference of representatives of local governing bodies and fire-fighting organizations. After the disastrous bush fires which occurred earlier in the year councils throughout the State were invited to consider in what respects the present law is deficient. Many suggestions were made and were considered by the conference already referred to, and this Bill is the result of those recommendations. Legislation can provide penalties for conduct which may create a danger of bush fires, but it is obvious that the prevention and combating of hush fires must largely depend upon local fire fighting organization. One of the principal objects of this Bill, therefore, is to provide the necessary machinery whereby fire-fighting organizations may be formed, but the Bill can do no more than provide the legislative means for the creation of these organizations. The clauses of the Bill are of a disconnected nature, and it will therefore be convenient to explain them in the order in which they appear in the Bill.

Clause 2 provides for the appointment of an advisory committee of seven members to be appointed by the Governor on the recommendation of the Minister. As before mentioned, the prevention of bush fires can to a large extent be achieved by the formation of local organizations and the provision of fire-fighting appliances where necessary. It is; felt that a committee, such as is proposed could do much to assist the Minister in stimulating the formation of fire-fighting organizations and the provision of fire-fighting appliances. It will therefore be the duty of the committee to advise the Minister as to the best means to be adopted for these. purposes and otherwise to assist the Minister in the administration of the Act. Service upon the committee will be honorary. Clause ,3 makes amendments to section 4 of the principal Act. Section 4 prohibits the burning of stubble 'between October 15 and February 1, except for the purpose of clearing firebreaks, and then only subject to various conditions. One of the conditions is that before a fire is lighted on any land a strip of land immediately adjoining must be ploughed to a width of 6ft. or cleared to a width of 12ft. or thoroughly wetted to a width of 12ft. It is considered that the provision enabling a fire to be lighted after a firebreak is provided by means of wetting the inflammable material on the adjoining strip of land is unsafe, and the provision enabling this to be done is therefore repealed. At the present time both under sections 4 and 5 it is provided that stubble fires are not to be lighted except between 2 p.m. and 9 p.m., although scrub fires may be lighted between 12 noon and 9 p.m. Paragraphs (b) and (e) of clause 3 make these times uniform and provide that stubble fires may be lighted between 12 noon and 9 p.m.

Subsection (3) of seecion 4 gives a district council power to burn stubble, on roads and reserves subject to certain conditions. It is proposed by paragraph (d) of clause 3 to extend this power to all councils. Paragraphs (c) and (e) and clause 3 provide that when stubble is lighted under the circumstances mentioned in section 4 the fire is first to be lighted from the leeward side before being lighted from the windward side. This provision is similar to that contained in section 8 relating to the burn­ing of scrub. Section 5 of the principal Act deals with the burning of stubble between January 31 and May 15, and clause 4 amends that section to provide that these fires may be lighted from 12 noon to 9 p.m. instead of from 2 p.m. to 9 p.m. and that a fire is first to be lighted on the leeward side. Section 7 of the principal Act prohibits the burning of scrub between October 15 and February 1. It is thus illegal, under the present section, to burn scrub for the purpose of creating a firebreak. Clause 5 provides that a person may burn scrub for such a purpose if he obtains the consent of the Minister and fulfils all the conditions imposed by the Minister when granting the consent.

Section 8 of the principal Act lays down the conditions under w-hich scrub may be burnt between January 31 and May 1. Among other things it is provided that, before the fire is lighted, a space of 33ft. in width on all sides of the land to be burned must be ploughed or cleared of all scrub and inflammable material. It is considered that the requirement to provide a break of 33ft. is excessive, and it is therefore provided that the break is to be 15ft. in width instead of 33ft.

Section 11 enables a council to alter the periods, distances, and hours mentioned in sections 4, 5, 7, 8, and 9. This is done by the giving of certain notices and obtaining the approval of the Minister, and the effect is that in the council area concerned the sections are to be read as if the altered period, etc., were provided for in those sections. It is proposed by clause 7 to add section 20 to the sections to which section 11 applies. Section 20 prohibits the use of rabbit fumigators between November 30 and February 14. Under section 11 of the principal Act a council has power to fix less distances than those fixed in the sections mentioned. It is considered that coun­cils should not have this power and paragraph (b) of clause 7 repeals the provisions of the section giving this power. The principal Act provides that there is to be a period such as provided under section 4 for stubble or section 7 for scrub when burning is completely prohibited, or permitted only subject to stringent restrictions, and which is followed by a period such as provided under section 5 or section 8 when burning is permitted under less stringent conditions. If a council exercising its powers under section 11 alters these periods the altered periods must still follow in this order. In some parts of the State, however, it would be better if these two periods could be transposed so that what may be called the restricted period for burning could take place before or before and after a prohibited period. Paragraph (c) of clause 7 therefore enables this to be done.

Section 13 of the principal Act makes it an offence for any person to light a fire in the open unless there is a clear space to a width of 12ft. around the fire. Paragraph (a) of clause 8 provides that a council may by resolution declare that, within any part of its area, fires are not to be lighted, even with such a clear space, except at places specified by the council. The purpose of this is to provide that a council may prohibit the lighting of fires in camping or recreation places except in fire places fixed by the council. It is considered that the campers’ fires are sometimes the cause of bush fires, and this provision will enable councils to exercise greater control in the matter. Paragraph (b) deals with a defect that has arisen in the present Act. As before mentioned, it is an offence during the summer months to light a fire unless there is a dear space of 12ft. around the fire, and thus it is an offence to light a fire during this period in an orchard for the purpose of smudging for insect pests or for the prevention of damage by frosts. Paragraph (b) provides an exemption for these matters.

Section 7 of the principal Act prohibits the use of an internal combustion engine for the purpose of harvesting an inflammable crop unless it has an effective spark arrester. The section provides that in addition there must be a strip of land ploughed to a width of at least 12ft. or cleared of all inflammable material to that width around the area to be harvested. An exception is made where there is carried with the engine a water spray) in which case the land need be ploughed only to a width of 6ft. The effect of this is, of course, that a part of the crop must be reaped or an area must be ploughed before a tractor can be used in the harvesting of a crop. It is considered that there would be sufficient protection for all practical purposes if the section were left to require that when an internal combustion engine was used it should have an effective spark arrester, and clause 9 therefore repeals all that part of the section subsequent to the requirement as to the spark arrester. Clause 10 provides that any member of the police force or a fire control officer may demand any person whom he has reasonable cause to suspect has committed an offence against the Act to disclose his name and address.

Clause 11 inserts two new sections in the principal Act. New section 27a gives a council power to deal with furze. It is provided that where a council is of opinion that the presence of furze on any land is or may be a source of danger to bush fires the council may give notice to the owner or occupier requiring him to destroy furze on his land. The notice can only have reference to furze within one chain of a road. Upon failure of the owner or occupier to comply with the notice the council may carry out the work and recover the expense from the owner or occupier in default. New section 27b provides that it is the duty of every council or other authority to remove from any road any inflammable material resulting from the carrying on of any work on that road by the council or authority. Obviously this inflammable material should not be permitted to remain upon the road and thus tend to create a danger from bush fires.

Section 28a of the principal Act provides that the Governor may by proclamation declare that the section is to apply to any district council district, in which case the council is required to provide adequate fire-fighting appliances for the purpose of preventing the spread of bush fires. Clause 12 repeals this section and enacts a new section in its stead. It is provided that every council shall have the duty to provide adequate fire-fighting appliances for the purpose of preventing bush fires within its areas, so that the section will apply to all councils without the necessity for a proclamation as under the present section. The clause provides that for the purpose of deciding what fire-fighting appliances are adequate, regard may be taken of any fire-fighting plants within the area of any person,

other than the council, which are available for this purpose. It is also provided that the council may con­tribute to the cost of any organization for fire­fighting purposes and may contribute to the cost of any fire-fighting appliances owned by any occupier of land whieh are available for this purpose. The council will therefore be able to discharge its obligations under this clause in three ways. It can provide the appliances itself, it may subsidize any fire\* fighting organizations, and it may subsidize landholders who provide fire-fighting appli­ances. The council may, of course, use all three methods in its area. Power is given to the Minister to give notice to the council, where he considers the provision made by the council is inadequate, requiring the council to provide adequate fire-fighting appliances. Fail­ure to comply with the notice will render the council liable to penalties.

Clause 13 deals with the appointment and powers of fire control officers. Section 29 of the principal Act now deals with this matter, and it is proposed to repeal that section and enact four sections in its stead. New section 29 is substantially similar to the present law and provides that councils may appoint fire control officers for their areas. No alteration is made with respect to the number of officers who may be appointed by a council. New section 29a provides that every council in the month of August in every year is to give the Minister a statement showing the name, address, means of transport, telephone number, etc., of every fire control officer. New section 29b sets out the duties and powers of fire control officers. To some extent the powers given are similar to those in the existing Act. Under the existing Act every fire control officer is given all the powers of the Chief Officer of Fire Brigades under the Fire Brigades Act, 1936. It is considered, however, that it would be better to set out fully in the Act the things which a fire control officer may do, and new section 29b accordingly enumerates the powers of the officer. A fire control officer will be authorized to enter property, cut down fences, plough or light fire breaks, take water, and control activities at any fire. It is proposed by new subsection (.4) that where a fire occurs within a mile of a Government forest any forester, assistant forester, or foreman of the forest present at the fire is to take control. New section 29c provides that any member of the police force may prevent traffic upon any road near any fire. It has been found that such a power would be desirable to prevent sightseers blocking the traffic near bush fires, but at present the police have no such power. Clauses 14 and 15 make slight drafting amendments to sections 35 and 36 of the principal Act. I move the second reading.

The Hon. H. D. YOUNG secured the adjournment of the debate.