**BUSH FIRES ACT AMENDMENT ACT 1957**

Legislative Council, 30 October, 1957, page 1406-1407

Second reading.

The Hon. N. L. JUDE (Minister of Local Government)—I move—

That this Bill be now read a second time.

The Bill makes a number of amendments to the Bush Fires Act. Under various sections of the Act councils are given power to issue permits to burn under circumstances which differ from the conditions laid down in the particular section. These provisions were enacted in 1955, the purpose being to give some elasticity to the provisions of the Act which was previously lacking.

Clause 2, Sir, provides that a council may, for the purpose of issuing the permits, appoint a committee consisting of two or more of the council members, and that it may delegate to the committee the power to grant these permits, Sections 13a provides that a Minister may, on a day he is satisfied is one of extreme fire hazard, broadcast a prohibition of the lighting of fires in the open, and at present there is no power to exempt anybody from the prohibition. The prohibition may extend to the whole State or any specified part of the State. Clause 3, Sir, provides a method for obtaining exemption from section 13a and a means whereby a person

may light a fire on a prohibited day. However, great care has been taken in framing the clause to see that such permit will only be issued by qualified people and subject to an appropriate examination of the particular circumstances.

It is proposed by the clause that the council may, with the approval in writing of the Minister, appoint persons as authorised persons for the purposes of the section. The Minister will not give his approval unless he is satisfied that it is in the public interests so to do, and that the councils of all the adjoining areas agree to the appointment of these authorised persons. A permit may be issued jointly by two authorised persons and is to be in writing in the form prescribed by regulation and subject to both the conditions set out in that form and to such other conditions as the authorised person deems necessary. The permit is not to be issued in respect of any day of any period, during which, pursuant to section 4 or section 7, the lighting of fires is prohibited.

The permit is also not to be issued unless the authorised person is satisfied that it will be unlikely that the applicant could satisfactorily burn on any other day. The permit will he issued for the burning of scrub or the burning off of newly cleared land. The permits are to be made out in quadruplicate and one copy is to be supplied to the holder of the permit, one to the clerk of the council, one to the nearest member of the police force, and one to the Minister, and the authorised person issuing the permit is to inform the clerk of the council and the nearest member of the police force by telephone or orally of the issue of the permit as soon as practicable after the issue of the permit.

Section 21a which was enacted in 1955 provides, Sir, that a council may require certain precautions against fire to be taken by the owners of sawmills. Clause 4 extends the section by providing that, in addition to providing these facilities, the owner must maintain them. It also provides that the council may specify the quantity of water to be continuously available at the sawmill, where tanks are to be placed, and the number, types and positions of the outlets and water mains from the tanks.

Section 29 deals with the appointment of fire control officers and subsection (1a) deals with a case of a council whose boundary abuts that of the council of another State. It provides that each of the two councils may appoint, as fire control officers, officers of the other councils so that if a fire crosses the State

boundary a fire control officer from either council can continue in charge of the operations. In some cases the controlling bush lire authority in the other State is not a council but another type of statutory body, such as shire councils in Victoria. Obviously there should be power to make the same reciprocal arrangements with such a body with the council and clause 5, by paragraphs (a) and (b), -makes provision accordingly.

Subsection (6b) of section 29 imposes on councils the duty of insuring fire control officers who do not receive any payment for acting as such and are therefore not eligible for workmen's compensation in the event of their being injured in the course of their duty. At present the Act provides for insurance up £500 in the case of death or total incapacity, and that on partial incapacity an amount of less than £2 per week is to be payable during such partial incapacity for a period of least six months. As regards specific injuries, the section follows the table of compensation for specific injuries shown in the first column in section 26 of the Workmen’s Compensation Act with a limit of £500.

Clause 5 provides that where the fire control officer in his normal vocation would be eligible for workmen’s compensation if he were injured in the course of his ordinary employment, the council is to insure him for the payments which would ordinarily be made under the Workmen’s Compensation Act with respect to his ordinary employment. If he is not a person who would be so eligible, he is to be insured for the amounts set out in the subsection, and clause increases from £500 to £1,000 the amount to be payable on death or total incapacity and from £2 to £10 the amount payable on partial incapacity. In addition, Sir, the amount of compensation which may be payable for specific injuries is increased from £500 to £1,000.

Clause 6 provides that all voluntary fire fighting organizations formed for the purpose of combating bush fires outside the parts of the State to which the Fire Brigades Act, 1936-1944, applies, are to be registered with the Minister. At the present time, there is no register of such organizations, although it is obvious that it is desirable that there should be a central register and that the Minister should be kept supplied with up-to-date information as to various matters such as particulars of members, equipment, and so on. Clause 6 therefore provides accordingly. In commending the Bill to members I point out that the clause referring to exemption from the general prohibition on burning appears somewhat involved. Speaking from a practical knowledge of this problem, I would rather have the clause more difficult to evade than prohibitions loosened up. I believe the menace of fire increases year by year. The reason that the verbiage is so involved is to make sure that there are no loopholes left and that there is no indiscriminate burning.

The Hon. R. R. WILSON (Northern)—I support the Bill because it deals with a very important matter. The Bill delegates certain matters to district councils, and from its members a council can appoint persons who have the authority to grant permits on days when a fire ban has been broadcast. This request originates from many people who have cleared large areas of scrub land. When they are able to burn land which they have rolled or logged it often happens that a fire ban has been announced by the Minister and they are not allowed to light a fire on that day. Very strong requests have come not only from Eyre Peninsula but from other parts of the State in which there is virgin country. The State needs increased production and it is necessary that we intensify our production on this land, much of which is situated in good rainfall areas. People who have been prepared to clear this land have become despondent because of the total prohibition. The Minister has now consented, subject to very rigid conditions, to give relief in this matter. New section 13b (2) states :—

The council may, with the approval in writing of the Minister appoint any persons as authorized persons for the purpose of this section. The Minister shall not give any such approval unless he is satisfied that it is in the public interest so to do and that the councils of all areas adjoining the area of the council making the appointment agree thereto. Any such approval may be withdrawn by the Minister at any time.

I point out that the Minister has full authority to withdraw the approval even if it has been granted by the authorized committee. New section 13b also provides:—

1. Every such permit shall be issued jointly by two authorized persons and shall be in writing in the form prescribed by regulation and be subject to such conditions as are set out in that form and may be granted subject to such other conditions, additional to those prescribed by this Act, as the authorized persons deem necessary.
2. No permit shall be issued in respect of any day within any period during which, pursuant to section 4 or section 7, the lighting of fires is prohibited.

No authority' is issued without careful consideration, I hope the Council will accept the Bill, because more people will be clearing land. I have seen thousands of acres allowed to go untouched because they could not be burned when the total ban applied. I support the Bill.

The Hon. L. H. DENSLEY (Southern)-—It appears that the Bill will result in cluttering up our Act without any very good purpose. It is the very big areas to which reference has been made where the danger point lies when a fire is lit on very hot days. It would be most difficult to bring the clause into operation and most inadvisable to try to. I oppose the proposal.

The Hon. C. R. CUDMORE (Central No. 2) —I am very much frightened by this clause. In effect it gives power to a council to recom­mend to the Minister, who will then authorize certain people, who will, have, the right to say that a person can burn, inspite of the fact that the Minister said he could not do any burning at all. The provision is worse than I expected. If it is to apply, it should apply only to areas outside district council areas.

The Hon. W. W. ROBINSON secured the adjournment of the debate.