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VICTORIA GOVERNMENT GAZETTE

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[1942

COMMONWEALTH NATIONAL SECURITY (GENERAL) REGULATIONS.

STATE OF VICTORIA.

RURAL FIRES PREVENTION ORDER.

ORDER No. 5.

WHEREAS by Regulation 35A of the Commonwealth National Security (General) Regulations it is provided *inter alia* that the Premier of any State, after consultation with the Minister of State for Home Security or an officer of the Department of Home Security authorized by that Minister to act on his behalf and with the Commandant of a Military District or an officer authorized by the Minister of State for Defence Co-ordination or the Minister of State for the Army to act on behalf of such Commandant, may by Order make such provision as he deems necessary to protect the persons and property of the civil population in that State or any part thereof in case of emergency:

Now therefore I, Albert Arthur Dunstan, Premier of the State of Victoria, having duly held such consultations, do hereby make the following Order:—

1. This Order may be cited as the Rural Fires Prevention Order. Citation.
2. In this Order unless inconsistent with the context or subject-matter— Interpretation.
 - (a) The expression "bush fire brigade" and "bush fire district" shall have the meanings assigned to them in the Bush Fire Brigades Acts of the State of Victoria.
 - (b) The expressions "country district", "country fire brigade" and "metropolitan district" shall have the meanings assigned to them in the Fire Brigades Acts of the said State.
 - (c) The expressions "Forest Officer", "Forests Commission", "Minister" and "State forests" shall have the meanings assigned to them in the Forests Acts of the said State.
 - (d) "Municipal Council" and "Municipal district" mean Municipal Council and municipal district respectively within the meaning of the Local Government Acts of the said State.

"Owner" means any owner, occupier, or person or body of persons having the control or management.

"Public Authority" means the Council of any Municipality within the meaning of the said Local Government Acts, a bush fire brigade, a country fire brigade or the Forests Commission.

Purpose of
Order.

3. The purpose of this Order is to prevent and minimize the possibility of the spread of fires which may arise in rural areas in Victoria as the result of enemy action, and this Order shall be administered accordingly.

Committee to
act with
Minister.

4. A Committee appointed by the Premier of the said State shall aid assist advise and act with the Minister in and about the administration and carrying into effect of this Order.

Local
committees.

5. (1) For the purposes of this Order, the Minister may from time to time appoint or remove local committees or members thereof.

(2) Each local committee shall be appointed for a municipal district or part thereof and shall consist of four members and as far as practicable shall contain a representative of each public authority.

(3) A quorum of a local committee shall consist of not less than one-half of the number of members of such local committee and all or any of the powers of the local committee may be exercised by the majority of the members at a meeting of the local committee duly held at which there is a quorum.

Direction to
remove fire
hazard, &c.

6. (1) Whenever any local committee deems it necessary so to do for the purposes of this Order it may serve personally or by post a written direction on any owner of any building, property or land within the municipal district or part thereof for which such local committee is constituted directing him to remove or abate any fire hazard which exists in or on any such building, property or land or to make or burn firebreaks where directed on such land at such time or within such times as are specified in such direction:

Provided that where burning is to be carried out during any period when the local committee considers there is danger of the spread of fire the local committee shall arrange for the attendance of such number of persons equipped with fire-fighting apparatus as it may deem necessary.

(2) Any such direction—

(a) shall be sufficient if it is signed by a member of the local committee on behalf of such local committee;

(b) which has been posted to the last-known address of such owner shall be deemed to be served for the purpose of this clause at such time as it would in the normal course of the post be delivered at such address.

(3) The local committee may aid and co-operate with any such owner in removing or abating any such fire-hazard or in making or burning such firebreaks.

(4) If any such owner fails to carry out such direction, or if the local committee is unable to serve such direction on such owner, any public authority with the approval of the local committee may enter upon such building property or land and carry out the works specified in such direction.

Fire hazards
on roads, &c.

7. Any municipal council may whenever it considers it necessary to carry into effect the purpose of this Order remove or abate any fire hazard which exists on any highway, road, street, lane, or footway within its municipal district or make or burn any firebreak thereon.

Powers of
bush fire
brigade.

8. (1) Any bush fire brigade with the consent of the owner of any land situate within any bush fire district may enter upon such land and remove or abate any fire hazard which exists on the said land or make or burn any firebreaks thereon.

Powers of
country fire
brigade.

(2) Any country fire brigade with the consent of the owner of any property or land situate within any country district may enter upon such property or land and remove or abate any fire hazard which exists upon the said property or land or make or burn any firebreaks thereon.

Burning, &c.,
in or near
State
forests.

9. Notwithstanding anything in this Order—

(a) no local committee shall give any direction requiring any one to burn, and no person or public authority shall burn, on any land within or within a mile of any State forest (including unoccupied Crown land) or national park without the permission of the nearest forest officer;

(b) no person or public authority shall remove or abate any fire hazards in any State forests (including unoccupied Crown lands) without the permission of the Forests Commission.

10. (1) A local committee shall not be liable in respect of any loss or injury sustained by any person as the result of the carrying out of a direction given by it under this Order if such direction were given in good faith. Exemption from liability.

(2) No person or public authority shall be liable in respect of any loss or injury sustained by any person in connexion with or arising out of any act or thing done by under or pursuant to this Order unless such loss or injury was caused by the negligence or wilful default of such person or public authority:

Provided that nothing in this sub-clause shall be deemed to limit or affect any right of any person in respect of personal injury by accident arising out of in the course of the employment of that person.

(3) No person or public authority shall be liable to any penalty under any Act of Parliament of the State of Victoria or rule, regulation, proclamation or order made thereunder in respect of any act or thing done in pursuance of this Order.

11. Any damage caused by or arising out of any fire which has been lit in pursuance of this Order shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged notwithstanding any clause or condition in any such policy. Damage done to be within insurance policy.

12. With the consent of the Premier of the State of Victoria the Minister may make such financial provision as he deems necessary for the carrying into effect of this Order.

13. This Order shall not apply so as to authorize the appointment of any local committee in respect of the cities of Bendigo, Ballarat, Geelong, or Geelong West, or any part of the metropolitan district, or the doing of any act or thing by any person or public authority in such cities or such district. Application.

14. (1) Every person and public authority to which or to whom any direction is addressed by under or pursuant to this Order shall comply with such direction. Enforcement.

(2) No person shall obstruct or hinder any person in the execution of any act authorized or required to be done by under or pursuant to this Order.

A. A. DUNSTAN,

Premier of the State of Victoria

Dated this 14th day of January, 1942.

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