

NORTHERN TERRITORY OF AUSTRALIA

BUSHFIRES AMENDMENT ACT 1989

No. 48 of 1989

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Interpretation
5. New headings and sections:

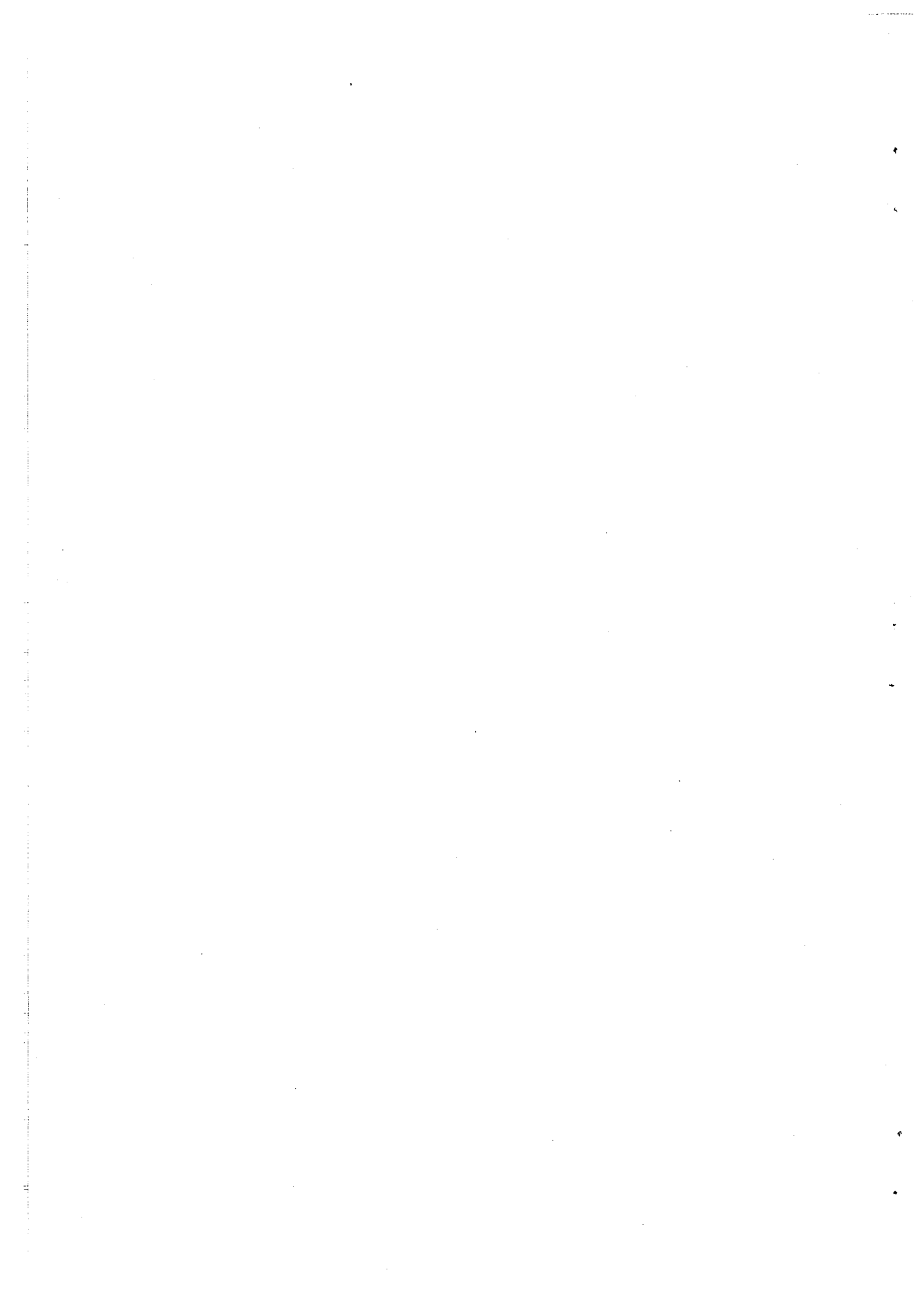
"Division 1A - Chief Fire Control Officer and Senior Fire Control Officers

"9A. CHIEF FIRE CONTROL OFFICER

"9B. SENIOR FIRE CONTROL OFFICERS

"Division 2 - Fire Control Regions, Fire Control Officers and Regional Committees"

6. Fire control officers
7. Fire control officer to be member
8. Fire wardens
9. Powers of fire control officer and fire warden
10. Ancillary powers
11. Offence to hinder fire control officer or warden
12. Regulatory offences





NORTHERN TERRITORY OF AUSTRALIA

No. 48 of 1989

AN ACT

to amend the *Bushfires Act*

[Assented to 20 September 1989]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Bushfires Amendment Act 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Bushfires Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 5(1) of the Principal Act is amended -

(a) by inserting after the definition of "Chairman" the following:

"'Chief Fire Control Officer' means the Chief Fire Control Officer appointed under section 9A(1);";

(b) by omitting from the definition of "fire control officer" the words "appointed under section 11" and substituting "appointed by or under section 11"; and

Bushfires Amendment

(c) by inserting after the definition of "Regional Committee" the following:

"'Senior Fire Control Officer' means a Senior Fire Control Officer appointed under section 9B(1);".

5. NEW HEADINGS AND SECTIONS

The Principal Act is amended by omitting the heading to Division 2 of Part II and substituting the following:

*"Division 1A - Chief Fire Control Officer
and Senior Fire Control Officers"*

"9A. CHIEF FIRE CONTROL OFFICER

"(1) The Minister may, by notice in the *Gazette*, appoint a person to be Chief Fire Control Officer.

"(2) The functions of the Chief Fire Control Officer are -

(a) to implement measures for fire prevention and control arising out of advice given by the Council under section 9(a); and

(b) to assist the Council generally in the exercise and performance of its powers, duties and functions,

and the Chief Fire Control Officer has all such powers as are necessary to carry out his functions.

"(3) The Chief Fire Control Officer may, by instrument in writing, delegate to a person any of his powers and functions under subsection (2).

"(4) A power or function so delegated, when exercised or performed by the delegate, shall be deemed for the purposes of this Act to have been exercised or performed by the Chief Fire Control Officer.

"(5) A delegation under subsection (3) does not prevent the exercise of a power or the performance of a function by the Chief Fire Control Officer.

"9B. SENIOR FIRE CONTROL OFFICERS

"(1) The Minister may, by notice in the *Gazette*, appoint a person to be a Senior Fire Control Officer.

"(2) The function of a Senior Fire Control Officer is to assist the Chief Fire Control Officer in the exercise and performance of his powers and duties as such, and a Senior Fire Control Officer has all such powers as are necessary for that purpose.

Bushfires Amendment

"Division 2 - Fire Control Regions, Fire Control Officers and Regional Committees".

6. FIRE CONTROL OFFICERS

Section 11 of the Principal Act is amended by adding at the end the following:

"(2) The Chief Fire Control Officer and a Senior Fire Control Officer are fire control officers for all fire control regions."

7. FIRE CONTROL OFFICER TO BE MEMBER

Section 14 of the Principal Act is amended by inserting after "fire control region" the words "(but not the Chief Fire Control Officer or a Senior Fire Control Officer in his capacity as a fire control officer by virtue of section 11(2))".

8. FIRE WARDENS

Section 31(1) of the Principal Act is amended by omitting "Each member" and substituting "The Chief Fire Control Officer, a Senior Fire Control Officer, and each member".

9. POWERS OF FIRE CONTROL OFFICER AND FIRE WARDEN

Section 50 of the Principal Act is amended by inserting after subsection (2) the following:

"(2A) Where the Chief Fire Control Officer is present at a bushfire, neither any other fire control officer nor any fire warden shall exercise the power conferred by subsection (1) except with and in accordance with the directions of the Chief Fire Control Officer.

"(2B) Where a Senior Fire Control Officer is present at a bushfire, but the Chief Fire Control Officer is not, neither any other fire control officer nor any fire warden shall exercise the power conferred by subsection (1) except with and in accordance with the directions of the Senior Fire Control Officer."

10. ANCILLARY POWERS

Section 51(c) of the Principal Act is amended by omitting "fire warden" and substituting "officer or warden".

11. OFFENCE TO HINDER FIRE CONTROL OFFICER OR WARDEN

Section 52(2) of the Principal Act is amended -

- (a) by omitting from paragraph (a) "fire warden in the exercise of a power conferred" and substituting "fire control officer or a fire

Bushfires Amendment

warden in the exercise of a power conferred (whether or not by express words)"; and

(b) by omitting "such" from paragraph (b).

12. REGULATORY OFFENCES

Section 58A of the Principal Act is amended by omitting "regulation" and substituting "section".
