

FIRE PREVENTION ORDINANCE 1951.⁽¹⁾

No. 36 of 1951.

An Ordinance to Prevent the Careless Use of Fire.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

Short title. **1.** This Ordinance may be cited as the *Fire Prevention Ordinance 1951.*⁽¹⁾

Commencement. **2.** This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette.*⁽¹⁾

Repeal. **3.** The *Fire Prevention Ordinance, 1912*⁽²⁾ of the Territory of Papua is repealed.

Penalty for negligently setting fire to crops, &c.

- 4.** A person who negligently sets fire to—
- (a) a crop of cultivated produce whether standing or cut;
 - (b) a crop of hay or grass whether the natural or indigenous product of the soil or not and whether under cultivation or not and whether standing or cut; or
 - (c) any standing trees, saplings or shrubs whether indigenous or cultivated,

and thereby injures or destroys the property of any other person, is guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months.

Damage by fire to dividing fence caused by neglect of owner or occupier of land to be made good by him.

5.—(1.) If the occupier of any land clears it of inflammable materials for the space of fifteen feet from any fence dividing the land from the land of any other owner or occupier, and the other owner or occupier neglects or omits so to clear his land, and any damage from fire happens to the dividing fence through that neglect or omission, the owner or occupier so neglecting or omitting to clear shall at his own costs and charges cause the fence to be repaired and re-erected within the space of one month after it has been so damaged.

(1) Particulars of this Ordinance are as follows:—

Date on which made by Cwth. Administrator in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
24.10.1951	1.11.1951	8.11.1951 (<i>Papua and N.G. Govt. Gaz.</i> of 8.11.1951)

(2) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. II., on pp. 1485-1486.

(2.) If the owner or occupier so neglecting or omitting to clear refuses or omits to repair or re-erect the fence within the space of one month, the owner or occupier of the land contiguous to the fence who has cleared the same from inflammable material as provided in the last preceding sub-section may repair or re-erect the dividing fence.

(3.) All sums of money which shall or may be expended or laid out in repairing or re-erecting a dividing fence under the provisions of this Ordinance shall be deemed and taken to be money paid to the use of the owner or occupier in default.

6. Sections four and five of this Ordinance shall only take force and effect in a district to which the Administrator in Council applies the provisions thereof by proclamation⁽³⁾ in the *Gazette* from time to time. Limit to application of Ordinance.

7. A person who, by carelessness in the use of fire, in any way injures or destroys a bridge or culvert (whether over a stream of water or not) or an approach thereto, or a causeway or crossing along or over a public road, is guilty of an offence. Injuring bridges, &c. by carelessness

Penalty: Twenty pounds.

8. A person who lights a fire under a wooden bridge or wooden culvert over, upon or under a road, is guilty of an offence. Lighting fires under wooden bridges, &c., forbidden.

Penalty: Five pounds.

9. This Ordinance shall not take away or interfere with the right of a person to sue for and recover at common law or otherwise compensation for or in respect of any damage or injury occasioned by the reckless or negligent use of fire. Proceedings hereunder not to interfere with right to sue for compensation for damage by fire.

(3) No Proclamation has been published in Papua and N.G. *Govt. Gaz.* before 1.1.1952.