

# FIRE PREVENTION ORDINANCE, 1912. <sup>(1)</sup>

## An Ordinance to Prevent the Careless Use of Fire.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Fire Prevention Ordinance, 1912.* <sup>(1)</sup> Short title and commencement.

It shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.* <sup>(1)</sup>

2. The *Careless Use of Fire Prevention Act* (Queensland adopted) 29 Vic. No. 9 is hereby repealed. Repeal.

3. If any person shall negligently set fire to any of the things following that is to say—

- (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;
- (c) any standing trees saplings or shrubs whether indigenous or cultivated;

Penalty for negligently setting fire to crops, &c.  
Q. 29 Vic. No. 9, altered.  
See Criminal Code, s. 463.

and thereby the property of any other person shall be injured or destroyed he shall be liable on conviction to a penalty not exceeding Fifty pounds or to imprisonment for any period not exceeding three months.

(1) The *Fire Prevention Ordinance, 1912*, comprises the original *Fire Prevention Ordinance, 1912*, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua <i>Govt. Gaz.</i>	Date on which came into operation.
<i>Fire Prevention Ordinance, 1912</i> (No. 21 of 1912)	16.7.1912 <sup>(a)</sup>	—	—	7.5.1913 (Papua <i>Govt. Gaz.</i> of 7.5.1913)
<i>Ordinances Revision Ordinance, 1913</i> (No. 3 of 1914)	—	14.8.1913	4.2.1914	4.2.1914 (Papua <i>Govt. Gaz.</i> of 4.2.1914)

(a) No notice of non-disallowance by Gov.-Gen. in Council has been published in Papua *Govt. Gaz.*

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

Q. 29 Vic. No. 9, s. 2.

4. If the occupier of any land shall clear the same of inflammable materials for the space of fifteen feet from any fence dividing such land from the land of any other owner or occupier and such other owner or occupier shall neglect or omit so to clear his land and any damage from fire shall happen to such dividing fence through such neglect or omission the owner or occupier so neglecting or omitting to clear shall at his own costs and charges cause such fence to be repaired and re-erected within the space of one month after the same shall have been so damaged. And in case he shall refuse or omit to repair or re-erect the same fence within such space of one month it shall be lawful for the owner or occupier of the land contiguous to the said fence who shall have cleared the same from inflammable material as aforesaid to repair or re-erect such dividing fence and all sums of money which shall or may be so expended or laid out 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.

Limit to application of Ordinance.

Q. *Ib.* s. 6.

5. Sections three and four of this Ordinance shall only take force and effect in any district or districts to which the Lieutenant-Governor in Council<sup>(2)</sup> shall apply the provisions thereof by proclamation<sup>(3)</sup> in the *Gazette* from time to time.

Injuring bridges, &c., by carelessness.

Q.A. 30 Vic. No. 22, s. 11.

Carriers Act.

Penalty.

Amended by No. 3 of 1914, s. 3 and Second Schedule.

6. Whosoever shall by carelessness in the use of fire in anywise injure or destroy any bridge or culvert (whether over any stream of water or not) or any approach thereto or any causeway or crossing along or over any public road shall upon being convicted thereof be liable to a penalty not exceeding Twenty pounds and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding three months.

Lighting fires under wooden bridges, &c., forbidden.

Penalty.

Q.A. *Ib.* s. 12.

Amended by No. 3 of 1914, s. 3 and Second Schedule.

7. Whosoever shall light a fire under any wooden bridge or wooden culvert over upon or under any road shall on being convicted thereof be liable to a penalty not exceeding Five pounds and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding three months.

Proceedings hereunder not to interfere with right to sue for compensation for damage by fire.

Q. *Ib.* s. 3.

8. Nothing in this Ordinance contained shall take away or interfere<sup>(4)</sup> or be construed to take away or interfere with the right of any 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.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(3) No proclamation has been published in *Papua Govt. Gaz.*

(4) The word "interfere" appeared in the original Ordinance. *Semble*, "interfere with" was intended.