



ANNO DECIMO TERTIO

GEORGI VI REGIS.

A.D. 1949.

No. 61 of 1949.

An Act to authorize the making of payments in respect of the injury or death of volunteer fire fighters incurred whilst combating fires, and for incidental purposes.

[Assented to 8th December, 1949.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Volunteer Fire Fighters Fund Act, 1949". Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"financial year" means the period of twelve months ending on the thirtieth day of June in any year :

"fire control officer" means any person holding the office of fire control officer pursuant to the Bush Fires Act, 1933-1946 :

"fund" means the Volunteer Fire Fighters Fund established pursuant to this Act :

"insurer" means any corporate body, company, person, or firm of persons required by the provisions of the Stamp Duties Act, 1923-1947, to take out an annual licence under that Act :

“ the trustees ” means the trustees of the fund :

“ trustee ” means a trustee of the fund :

“ volunteer fire fighter ” means any person who assists in combating or extinguishing any fire or preventing the spread thereof or does any act incidental thereto.

The Trustees and the Fund.

Trustees of the fund.

3. (1) There shall be a body to be called “ The Trustees of the Volunteer Fire Fighters Fund ”.

(2) There shall be three trustees who shall be appointed by the Governor. One of the trustees shall be a special magistrate and shall be the chairman of the trustees, and one of the other trustees shall be appointed by the Governor from a panel nominated by the Fire and Accident Underwriters' Association of South Australia.

(3) Subject to subsection (4), every trustee shall hold office for five years.

(4) The Governor may remove any trustee from his office for insanity, neglect of duty, incapacity, dishonourable conduct, or other cause deemed sufficient by the Governor.

(5) The trustees shall be a body corporate with perpetual succession and a common seal and shall have power to hold property of all kinds for the purposes of this Act.

(6) Meetings of the trustees shall be conducted in accordance with such procedure as the trustees determine, and the decision of any two trustees shall be binding.

(7) The trustees shall be entitled to such fees, to be paid from the fund, as are from time to time fixed by the Governor.

Establishment of the fund.

4. (1) There shall be established a fund to be called “ The Volunteer Fire Fighters Fund ”.

(2) The fund shall consist of—

(a) contributions paid by the Treasurer and insurers pursuant to this Act ;

(b) all interest and other income earned by the investment of the fund or any part thereof.

(3) The fund shall be vested in and managed by the trustees.

Investment of fund.

5. The trustees may invest the fund or any part thereof in such investments as the trustees think proper.

6. (1) The trustees shall keep complete and proper accounts of all their financial transactions. Accounts and audit.

(2) The accounts of the trustees for each financial year shall be audited by the Auditor-General and copies of the accounts shall be laid before both Houses of Parliament.

7. The income of the fund shall not be subject to any tax imposed by any law of the State. Exemption from State tax.

8. The Treasurer may make available to the trustees the services of any public officer for the purpose of assisting the trustees in the administration of this Act. Officers to assist trustees.

Contributions to the Fund.

9. At such time in every financial year as is fixed by the trustees, the trustees shall be entitled to receive the following contributions :— Contributions by the Treasurer and insurers.

(a) A contribution not exceeding one thousand pounds to be paid to the trustees by the Treasurer :

(b) Contributions to be paid by each insurer but so that the total of such contributions payable in any financial year shall not exceed one thousand pounds :

Provided that the contribution to be paid by the Treasurer and the total contributions to be paid by insurers in any financial year shall be equal.

10. (1) The contributions to be made by insurers shall be calculated as follows :— Computation of contributions by insurers.

I. There shall be ascertained the amount payable by each insurer as stamp duty (other than stamp duty attributable to life assurance business of the insurer) in respect of the annual licence last taken out by the insurer under section 33 of the Stamp Duties Act, 1923-1947 :

II. There shall be ascertained the total of all such stamp duty payable by all such insurers :

III. The contribution payable by any insurer shall bear the same proportion to the total contributions payable by all insurers in that financial year as the stamp duty payable as aforesaid by that insurer bears to the total of the stamp duty payable as aforesaid by all such insurers.

(2) The Commissioner of Stamp Duties is hereby authorized to supply to the trustees any information necessary to enable the amount of stamp duty payable as aforesaid to be ascertained.

(3) The trustees shall determine the amount of the contribution of each insurer and any such determination shall be final and conclusive and binding on the insurer.

(4) Every insurer shall supply to the trustees such information as the trustees may require in order to assist the trustees in determining the amount of the insurer's contribution.

Provision
where fund
exceeds
£10,000.

11. The trustees shall not be entitled to require any contribution to be paid so long as the amount in the fund exceeds ten thousand pounds.

Power of
Treasurer to
advance money
to the fund.

12. (1) If at any time the moneys in the fund are insufficient for the purposes of this Act, the Treasurer may advance to the trustees such amount as he considers necessary.

(2) If any amount is advanced as aforesaid, the advance shall be set off against any future contributions which would otherwise be made by the Treasurer to the trustees under this Act.

Payments to Volunteer Fire Fighters.

Powers of
trustees to
make payments
to volunteer
fire fighters.

13. (1) If any volunteer fire fighter suffers injury to his person or is killed whilst combating or extinguishing any fire or preventing the spread thereof, or whilst engaged in any act, matter or thing in any way (either directly or indirectly) connected therewith or arising therefrom, the trustees may pay to the volunteer fire fighter or, in the case of his death, to any of his dependants, such amount by way of compensation with respect to the injury or death as the trustees think fit.

(2) Whether or not any payment as aforesaid shall be made and the amount to be paid as aforesaid shall be in the complete discretion of the trustees.

(3) No payment shall be made under this section in respect of—

(a) the injury to or death of any person in respect of which compensation is payable under the Workmen's Compensation Act, 1932-1947 ; or

- (b) any injury to or death of any person incurred whilst combating or extinguishing any fire or preventing the spread thereof in any part of the State to which the Fire Brigades Act, 1936-1944, applies unless the trustees are of opinion that, notwithstanding the provisions of this paragraph, special circumstances exist which justify the making of the payment ; or
- (c) any injury or death which occurs by reason of the volunteer fire fighter wilfully and knowingly acting contrary to the directions of a fire control officer.

(4) In deciding as to what payments are to be made to any person under this section, the trustees may have regard to payments which would be made under the Workmen's Compensation Act, 1932-1947, as compensation for injury or death.

(5) The trustees may—

- (a) make any payment under this section by way of a lump sum or by periodical payments ;
- (b) determine, suspend, or review any periodical payments ;
- (c) apply any payment for the benefit of any person to whom any such payment may be made in such manner as the trustees think fit ;
- (d) from time to time increase or diminish the amount of any periodical payment ;
- (e) attach any conditions to any payment.

General.

14. (1) The money which the Treasurer is required or authorized by this Act to contribute to the trustees shall be paid by him out of the general revenue of the State.

Financial provision.

(2) The costs of the administration of this Act shall be paid out of the fund.

(3) This section, without further appropriation, shall be sufficient authority for making the payments mentioned in this section.

15. No act, matter, or thing *bona fide* done by the trustees in the execution of this Act shall subject them, or any of them, personally to any action, liability, claim or demand whatsoever.

Protection of trustees.

Power to
obtain
information.

16. (1) For the purposes of this Act the trustees may—

- (a) by summons under the hand of any trustee, require any person to attend before the trustees ;
- (b) require any person to give oral or written answers to any question relating to any matter before the trustees, and to produce any relevant documents ;
- (c) examine witnesses on oath or affirmation which may be administered by any trustee ;
- (d) require any information given to the trustees to be verified by statutory declaration.

(2) If any person—

- (a) who has been duly served with a summons to attend before the trustees, neglects to attend in obedience to such summons ; or
- (b) wilfully insults the trustees or any of them or misbehaves before the trustees ; or
- (c) being called or examined as a witness before the trustees, refuses to be sworn or to affirm, or being so called or examined, refuses to answer any question or prevaricates in his evidence or refuses to produce any document mentioned in the summons served on him,

he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty pounds.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.