

FIJI

NATIONAL FIRE SERVICE ACT 1994

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ACT NO. 24 OF 1994

I assent.

K.K.T. MARA
President

[22 December, 1994]

AN ACT

TO. –

- (1) ESTABLISH A NATIONAL FIRE AUTHORITY;**
- (2) PROVIDE FOR THE AUTHORITY'S ADMINISTRATION AND MANAGEMENT;**
- (3) ESTABLISH VOLUNTEER FIRE BRIGADES; AND**
- (4) PROVIDE FOR THE AUTHORITY'S FUNDING AND RELATED MATTERS.**

ENACTED by the Parliament of Fiji -

PART I - PRELIMINARY

Short title and commencement

1.-(1) This Act may be cited as the National Fire Service Act, 1994.

(2) This Act shall enter into force on a date appointed by the Minister and published in the *Fiji Republic Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires –

"Authority" means the National Fire Authority established by subsection (1) of Section 4 of this Act;

"Chief Fire Officer" means a Chief Fire Officer appointed by the Authority under subsection (1) of Section 15 of this Act; and "Deputy Chief Fire Officer" means a Deputy Chief Fire Officer so appointed;

"Fire Brigade" or "brigade" means a group of persons organised and trained for the suppression and extinction of fires and responsible to a District Fire Officer for discipline and duties, and includes a volunteer fire brigade established under subsection (1) of Section 24 of this Act but does not include an industrial fire brigade;

"Fire District" means any area or district constituted as a fire district under paragraph (a) of Section 11 of this Act;

"Fund" means the fund belonging to and administered by the Authority under this Act;

"inflammable matter" includes all substances capable of ignition or combustion by the application of heat or by means of sparks or flame or spontaneous causes;

"Insurance company" means any company, partnership, corporation or association or underwriter or persons carrying on the business of -

(a) undertaking liability by way of insurance (including reinsurance) in respect of lives, or loss or damage, including liability to pay damages or compensation contingent upon the happening of a specified event;

(b) issuing other classes of insurance business, contracts of insurance against loss by or incidental to fire or other occurrence customarily included among the risks insured against the policies of fire insurance;

(c) receiving premiums in respect of such policies of insurance on behalf of or for transmission to any corporate body, company, partnership, association, underwriter or person outside of Fiji.

"Minister" means the Minister responsible for Urban Development;

"owner" in relation to any property, includes the person who for the time being is entitled to the rent thereof, or who would be entitled if the same were let at a rent whether as a beneficial owner, trustee executor, mortgagee in possession or as agent or attorney for any other person or otherwise;

"permanent" in relation to any officer or fireman, means a person employed on a full time basis;

"policy of insurance" includes every certificate or declaration as to the existence of, and any agreement for, any insurance or reinsurance, and instrument or writing whereby any contract of insurance or reinsurance is made or agreed to be made or is evidenced;

"superior fire brigade officer" means -

(a) in relation to any members of a permanent Fire brigade present at a fire or at a place in respect of which an alarm of fire has been received, the officer or fireman for the time being in charge of those members; or

(b) in relation to any members of a volunteer fire brigade present at a fire, or at a place in respect of which an alarm of fire has been received and at which members of a permanent fire brigade are not present, the captain or volunteer fireman in charge of those members of the volunteer fire brigade;

"vessel" includes any ship, barge, punt, boat or other vessel designed to travel on, over or under water and used for storing or carrying goods or passengers;

"Volunteer fireman" means a person who is a member of any fire brigade whose services are rendered without reward and or remuneration from the Authority.

Application

3.-(1) This Act shall from the date of its commencement apply to the areas which prior to its commencement had been serviced by the Board of Fire Commissioners of Suva and all areas under the jurisdiction of municipal councils.

(2) The Minister may from time to time by notice in the *Fiji Republic Gazette*, vary the areas including the extending of the area to which this Act shall apply.

(3) This Act binds the State.

PART II - ESTABLISHMENT OF NATIONAL FIRE AUTHORITY

National Fire Authority

4.-(1) There is hereby established an Authority to be known as the National Fire Authority hereinafter referred to as "the Authority".

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power to purchase, hold, transfer, and lease property, real and personal, to sue and be sued in any Court, and to do and suffer all other acts and things which a body corporate may lawfully do and suffer.

(3) There shall be seven members of the Authority and they shall hold office for a term not exceeding three years or such shorter term as the Minister may determine and the members shall be eligible for re-appointment.

(4) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Authority.

(5) If both the Chairman and Deputy Chairman are absent from any meeting of the Authority, the members present at such meeting shall elect one of their members to act as Chairman at such meeting.

(6) The decisions of the Authority shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the person presiding at the meeting shall have and exercise a casting vote.

(7) Four members of the Authority shall form a quorum.

(8) In exercise of its functions the Authority shall be subject in all respects to the policy directives of the Minister.

Disqualification for membership of Authority

5. A person shall be disqualified from membership of the Authority if -

(a) he is a member of either House of Parliament;

(b) in Fiji or elsewhere-

(i) he has been adjudged bankrupt or has made a composition with his creditors;

(ii) he has been convicted of a felony;

(c) he is adjudged or otherwise declared to be of unsound mind or is permanently incapacitated from performing his duties.

Frequency of meetings and power to co-opt

6.-(1) The authority shall meet at least once every month.

(2) The office of a member of the Authority shall become vacant if he is absent from 3 consecutive meetings of the Authority without the written approval of the Minister.

(3) The Authority may co-opt any person to attend any particular meeting of the Authority for the purposes of assisting or advising the Authority but no such person shall have the right to vote nor shall he be deemed to be a member for the purpose of constituting a quorum.

Fees and allowances

7. There shall be paid to each member of the Authority out of its fund such fees and allowances as the Minister may determine.

Disclosure of interests

8.-(1) If any member is present at a meeting of the Authority at which a matter is considered in which he has, directly or indirectly any financial or other interest, he shall, as soon as practicable after the commencement of the meeting, disclose that fact and he shall take no further part in the consideration of that matter or vote on any question with respect to that matter and, if the majority of the other members present shall so decide, he shall withdraw from the meeting during such consideration:

Provided that such an interest, if so disclosed, shall not disqualify the interested member for the purpose of constituting a quorum.

(2) Any member of the Authority who fails to comply with the provisions of this Section shall be guilty of an offence and shall be liable, on conviction, to a fine of not less than \$1000.00 or to a term of imprisonment of not exceeding 12 months or to both such fine and imprisonment.

Procedure at meetings

9. Subject to the provisions of this Act, the Authority shall have power to regulate its own procedure at its meetings.

Vesting of assets and liabilities in Authority

10. On the date of commencement of this Act, all real and personal property of every fire brigade vested in the Board of Fire Commissioners of Suva and all the municipal Councils shall vest in the Authority without conveyance or assignment subject to all charges, encumbrances, contracts, engagements, debts, liabilities, and powers of the Board of Fire Commissioners of Suva and the municipal Councils.

Duties of Authority

11. The duties of the Authority shall be to -

- (a) establish Fire Districts in the areas to which this Act applies and ensure that every District Fire Officer conforms with this Act and maintains an efficient fire service having regard to the life and property which he is under an obligation to protect and to the financial capacity of the district;
- (b) coordinate the units of fire services for purposes of fire protection, reinforcement at serious fire or other emergencies;
- (c) encourage, supervise or carry out fire prevention on activities and also experiment or research work with respect to fire service methods, equipment, organisation, or coordination with other services;
- (d) establish courses of training and generally direct the training of members of the fire services;
- (e) provide for the inspection and training of brigades, and for such degree of standardisation of plant, equipment, and training as it considers necessary for combined operations;
- (f) classify and if necessary re-classify districts for the purposes of this Act;
- (g) classify positions in the fire service of permanent officers and to provide facilities for the promotion of those officers;
- (h) provide reserves of plant and equipment for emergencies, and provide for their storage, maintenance and distribution;
- (i) take all practical steps for preventing and extinguishing fires and protecting and saving life and property in the case of fire in any area to which this Act applies;
- (j) publish reports, information and advice on fire service matters;
- (k) inspect in relation to fire safety premises whether public or otherwise;

- (l) undertake rescue operation in motor vehicle or industrial accidents;
- (m) arrange for obtaining, by inspection or otherwise, information required for fire fighting purposes with respect to the character of the building and other property in the Fire District and in any area in which the Authority is under an obligation to protect, the available water supplies, the means of access thereto, and other material circumstances;
- (n) serve as an agent for fire fighting equipment;
- (o) provide consultancy services on fire fighting and fire fighting equipments; and
- (p) perform such other duties as the Minister may from time to time direct.

Powers of Authority

12.-(1) For the purposes of carrying out the provisions of this Act, the Authority may -

- (a) establish and maintain permanent fire brigades, and authorise the constitution of volunteer fire brigades, and suspend or cancel any such authorisation;
- (b) provide suitable premises and requisite fire engines, ladders, plant, tools, implements, uniforms and other equipment for fire brigades;
- (c) make payments for special services rendered to the Authority or any fire brigade;
- (d) enter into any contract or agreement pursuant to the exercise of its functions;
- (e) through its servants, officers and agents enter into any land building or vessel where any fire has occurred, and retain possession thereof and of any property therein for any reasonable time or until an inquiry has been held on the fire;
- (f) permit any member of a fire brigade with engines and appliances to go beyond the limits of any area to which this Act applies, for the purpose of extinguishing any fire and in such case, the provisions of this Act shall apply to such fire and to anything done thereat;
- (g) demand and receive any charge prescribed for attending any fire outside any such area or on any vessel and any other expenses thereby actually incurred.

(2) The Authority is, to the extent that it is not or has not been authorised by or under this or any other Act to do so, authorised and deemed to have been authorised -

- (a) to protect persons from injury or death and property from damage, whether or not those persons are, or the property is, within a fire district or endangered by fire;

(b) to enter into any land or building for the purposes of inspecting the same as to fire and fire related hazards whether or not such land or property is within the fire district; and

(c) subject to subsection (3) of this Section to engage in -

(i) ploughing, burning, clearing or otherwise establishing or maintaining firebreaks on any land; or

(ii) the removal, burning or destruction of any inflammable matter or other materials on any land where the Authority is satisfied that the removal, burning or destruction is necessary for the prevention of the outbreak, spread, or extension of a bush fire or other fire whether or not that land is within the fire district.

(3) The Authority is not authorised to execute the power conferred by paragraph (c) of subsection (2) of this Section in respect of any land unless -

(a) it is for the purpose of controlling or extinguishing a fire or protecting persons endangered by fire from injury or death or property endangered by fire from damage; or

(b) with the permission of the person apparently in occupation of the land.

PART III - ADMINISTRATION

Chief Executive

13.-(1) There shall be a Chief Executive of the Authority who shall be appointed by the Minister.

(2) The Chief Executive shall devote the whole of his services to the Authority and shall not occupy any other office of employment, whether remunerated or not, except with the approval of the Authority and the Minister.

(3) The Chief Executive shall be paid such salary and other benefits as is from time to time determined by the Higher Salaries Commission.

Powers of Chief Executive

14. The Chief Executive shall -

(a) be responsible for the overall management of the Authority and the execution of its policy;

(b) subject to the provisions of this Act and any resolution passed at a meeting of the Authority, do all things necessary or convenient to be done in connection with, or incidental to, the performance of his duties under this Act or any other written law;

(c) enter into contracts on behalf of the Authority, in any case of emergency, direct the execution of any work or the doing of any act which the Authority is empowered to execute or do and which he is not by the provisions of this Act expressly empowered to execute or do the immediate execution or doing which is, in his opinion, necessary for the protection of life and property and the extinction of any fire or for preventing the spreading thereof: Provided that he shall report anything done under this subparagraph to the Authority.

Officers and Staff

15.-(1) Subject to the provisions of the Higher Salaries Commission Act, the Authority shall appoint a Chief Fire Officer, a Secretary and such other officers and staff as may be necessary for the efficient carrying out of the functions of the Authority.

(2) No person shall be eligible for employment as an officer or staff of the Authority who has directly, any share or interest in any contract with, for, or on behalf of the Authority.

(3) Any officer or staff of the Authority who has or acquires any such share or interest shall be liable to dismissal.

Protection from personal liability

16.-(1) No matter or thing done and no contract of any kind entered into by the Authority and no matter or thing done by any member of the Authority or any officer or staff thereof shall, if the matter or thing was done or the contract entered bona fide, for the purpose of this Act, subject any such member, officer or staff personally to any action, liability or claim or demand whatsoever in respect thereof.

(2) Any expense incurred by the Authority or any member, officer or staff in terms of this Section shall be borne by and repaid out of funds of the Authority.

Chief Fire Officer

17. The Chief Fire Officer shall act under the directive of the Authority and shall be charged with the direction of all technical matters (including the training of all fire brigades) in accordance with the policies and standards laid down by the Authority.

Powers of Chief Fire Officer and other officer at a fire

18.-(1) The Chief Fire Officer, or in his absence, the superior fire brigade officer present at a fire, shall take such measures as he thinks proper for the protection and saving of life and property for the control and extinguishing of the fire.

(2) The Chief Fire Officer, or in his absence, the superior fire brigade officer present shall control and direct the operation at a fire of any fire brigade and in particular may -

(a) cause any street or public place in the vicinity of a fire to be closed to traffic during the continuance of the fire;

(b) without payment use any water mains, pipes, and hydrants, and all water therein, or in any well, tank, or stream, and cause water to flow into or be shut off from any main or pipe for the purpose of extinguishing or controlling a fire;

(c) during a fire take possession of any buildings or vessels, and any property therein if such vessels are at or near a wharf or are so situated that a fire therein would endanger any structure or any property in a structure, and cause such buildings to be pulled down or destroyed, and cause such vessels to be removed or sunk so as to control, extinguish, or prevent the spread of a fire, and may remove such property and retain the same for safe custody:

Provided that, whenever practicable the consent of the Harbour Master or other authority or officer having the control of the removal of vessels in the port shall be obtained before any vessel is removed or sunk;

(d) at the time of the fire, or immediately thereafter, pull down or shore up any building damaged or rendered insecure by the fire, or which in his opinion, may be dangerous to life or property; and the expense of such pulling down or shoring up, as the case may be, shall be borne by the owner of the wall or the building, and shall be paid by him to the Authority;

(e) cause to be shut off or disconnected the supply of gas, electricity, or other illuminant to any premises adjacent thereto:

Provided that -

(i) no person supplying gas or electricity or other illuminant to any premises on fire shall be liable for any damages by reason of any interruption of the supply thereof occasioned by the exercise of this power;

(ii) every person supplying gas or electricity or other illuminant to any premises on fire shall forthwith send some competent person to shut off or disconnect the supply thereof to such premises or to any premises adjacent thereto as and if directed so to do in exercise of the foregoing power; and

(f) remove or cause to be removed any person, vehicle, or thing, the presence of whom or which at or near a fire might, in his opinion, interfere with the work of any fire brigade or the exercise of any of the powers or functions conferred upon him.

General powers of Chief Fire Officer and other officers

19. The Chief Fire Officer or any officer authorised in that behalf by the Authority may-

(a) inspect volunteer fire brigades and their premises and equipment, and enforce compliance with the by-laws made in respect of them;

(b) by arrangement with the Authority, council, or other corporation or person controlling the water supply authorise the water in any mains or pipes to be used for the purposes of the drill or practice of any fire brigade and no charge shall be made for any water used in pursuance of such authority;

(c) at any time, enter any theatre, hall, building or place, used for the purpose of public entertainment or public concourse, to ascertain whether the provisions of any Act, regulations, or by-laws for the prevention of fire or for the safety of the public have been contravened or have not been complied with;

(d) at any time enter any land, building, or vessel for the purpose of ascertaining whether the provisions of any Act, regulations, or by-laws relating to the storage or keeping of explosives, or of kerosene or any inflammable matter, or relating to the lighting of fires, have been contravened or have not been complied with;

(e) cause to be served personally or by post on the occupier of any land or building, or the master, owner, or agent of any vessel on or in which any inflammable matter or explosive is stored or kept contrary to any Act regulation, or by-law, a notice requiring him to remove such matter or explosive within a time therein named and if such occupier, master, owner, or agent neglects to comply with such requirement, he shall be liable to a penalty not exceeding \$100 dollars for every day during which such neglect continues; and

(f) enforce the carrying out of the provisions of this Act, regulation and by-laws and the directions of the Authority in that behalf.

Powers to be recognised

20.-(1) The powers of the Chief Fire Officer and any officer of the Authority acting under his orders, shall be recognised by all officers and members of the police force and other persons.

(2) It shall be the duty of officers and members of the police force to support the Chief Fire Officer and assist him in the exercise of his powers and any such officer of the Authority in enforcing obedience to any orders given in pursuance of the Authority, this Act, regulations or the by-laws.

(3) The proceeding subsections does not apply in respect of the protection of persons from injury or death, or of property from damage, where the persons are, or the property is, not endangered by fire.

District Fire Officer

21.-(1) In every fire district, there shall be a District Fire Officer who shall be appointed by the Authority.

(2) The District Fire Officer shall perform the following duties and may exercise the following powers in the case of any fire happening within his district. He,-

(a) shall upon any alarm of fire proceed with all possible speed to the place where the fire has occurred and endeavour by all practical means to extinguish the fire and prevent the spreading thereof, and to save lives and property in danger;

(b) shall control and direct all brigades for which he is responsible, and all persons who are there to place their services at his disposal;

(c) may enter and, if necessary, break into any buildings on fire, or any building or premises, or any building or premises adjacent thereto;

(d) may remove from any such building or premises, with out responsibility for any consequent loss or damage, any inflammable, explosive, or dangerous material found therein;

(e) may for the purpose of extinguishing or preventing the spreading of any fire, cause any building which is on fire, or which is adjacent to or in the vicinity of any buildings on fire, to be pulled down wholly or partially, or otherwise destroyed or damaged;

(f) may cause water to be shut off from or turned in to any main pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing any fire;

(g) may cause any motor way, highway, road, street, private road, right of way, or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of any fire and to remove any motor vehicle impeding the brigade's activities;

(h) may shut off or disconnect, or order any person having the control thereof to shut offer disconnect, the supply of gas or electricity to any building which is on fire or which is in the vicinity of any buildings which is on fire;

(i) may remove, by force if necessary, any person who by his presence, or otherwise howsoever, interferes with the operations of any brigade or who is, in his opinion, endangered by any fire;

(j) may, at the time of a fire or within twenty four hours thereafter, pull down or shore up any building or any portion of a building which, in his opinion, has been so damaged by fire to be or likely to become dangerous to life or property, and the expense of any such operation shall he borne by the owner of the building, and shall be paid by him to the Authority; and

(k) generally may do all other things which are reasonably necessary for the protection of life and property and the extinction of any fire or for preventing the spreading thereof.

(3) The District Fire Officer shall, in the performance of the duties and in the exercise of the powers given under subsection (2) of this Section, be subject to any directive or regulation made by the Chief Fire Officer.

(4) During the absence from any fire of the Chief Fire Officer or the District Fire Officer, and during the absence of both the Chief Fire Officer, and the District Fire Officer any other officer for the time being in charge of any brigade engaged at the fire, shall have all the powers and duties hereinbefore conferred and imposed on the District Fire Officer.

Access to buildings, etc.

22.-(1) The Chief Fire Officer or the District Fire Officer, of any Fire District and any other officer or member of a fire brigade authorised in writing by either of them, shall have free access to all lands and buildings (including land and building of the State but not private buildings) in that district at such times and under such conditions as are reasonable, having regard to any business carried on therein for the purpose of obtaining information required for fire fighting purposes with respect to the character of the buildings or of ascertaining whether the requirements of this Act and all other Acts, regulations by laws have been duly observed with respect to the land and buildings:

Provided that the Minister may by notice to the Chief Fire Officer or District Fire Officer for the district in which any land or building of the State is situated exclude the application of this Section to that land or buildings.

(2) Every person who obstructs the Chief Fire Officer or District Fire Officer or other officer as aforesaid in the exercise of the powers conferred by this Section commits an offence.

PART IV - VOLUNTEER FIRE BRIGADES

Register

23.-(1) The Authority shall establish a register of volunteer fire brigades.

(2) Where any group of persons has entered into a binding agreement under subsection three of the next succeeding Section for the purpose of becoming a volunteer fire brigade, if the Authority is satisfied that the group is reasonably efficient as to organisation, staffing, equipment, discipline, and training to operate as a volunteer fire brigade to meet the requirements of the district, premises, or property which it is intended to protect, the Authority may, on application signed by the principal officer of that group, cause its name to be entered into the register as a volunteer fire brigade.

(3) In making any such registration the Authority may impose any conditions which it considers necessary, but the imposition of conditions shall not affect the validity of any registration for the purposes of this Act.

(4) The Authority shall not register any volunteer fire brigade unless it approves, the terms of the agreement with the District Fire Officer and satisfies itself that the conditions of service under which the brigades men will carry out their duties are such as will ensure the maintenance of good conduct, discipline, and efficiency among them, and their speedy attendance with the necessary apparatus on the occasion of any alarm of fire. The said conditions of service shall be expressed in the said agreement or in rules and regulations of the brigade or in by laws or regulations which apply to the brigade.

(5) The Authority, subject to the approval of the Minister, may cause the name of any volunteer brigade to be removed from the register if it ceases for any reason to function or to be authorised to function as a volunteer fire brigade or if it fails for two consecutive years to attain such reasonable standard of efficiency as may be determined by the Authority as proper in the circumstances or if it ceases to be a volunteer fire brigade within the meaning of subsection two of the next succeeding Section.

(6) No name shall be removed from the register until written notice of the circumstances has been given to the offending volunteer fire brigade and the Authority has considered the representations (if any) made in that matter.

Volunteer Fire Brigades

24.-(1) For the purposes of Section 23 of this Act the Authority may authorise the establishment and maintenance of a volunteer fire brigade, and may cancel any such authorisation either generally or in respect of any brigade.

(2) For the purposes of this Act a volunteer fire brigade shall be deemed to be a group of persons associated by mutual consent as a brigade which-

(a) has entered as a group but not in any case as an individual, into a binding agreement of service with a District Fire Officer under subsection (3) of this Section; and

(b) is registered as a Volunteer Fire Brigade under this Act.

(3) Any District Fire Officer may enter into an agreement of service within any group of persons associated by mutual consent and authorised to become a volunteer fire brigade but the agreement shall not have any force or effect until it is approved by the Authority and the group is registered as a volunteer fire brigade under this Act.

(4) The Authority may grant subsidy to any volunteer fire brigade authorised under this Section and may insure the members against accident, incapacity or death arising out of and in the course of the exercise of their powers and duties as members of the brigade.

PART V - PROTECTION FROM LIABILITY

Damage in fire fighting

25. Where damage to property is caused by the Chief Fire Officer or any officer or member of a fire brigade of any fire district, or any other person, in the exercise in good faith of his powers, duties or obligations at or in connection with any fire or suspected fire (including any fire or suspected fire occurring beyond the area in which the District Fire Officer of that district has authority), the damage shall be deemed to be by fire within the meaning of any policy of insurance against fire covering the damaged property.

No action against Authority

26.-(1) No action or proceedings shall be brought against the State or the Authority or any District Fire Officer or any officer or staff of any brigade or any person whatsoever to recover damages for any loss or damage or bodily injury or death which is due directly or indirectly to fire or to the performance in good faith for the protection of human life which is otherwise endangered by the performance of any service pursuant to Sections 12, 18, 19, 21 and 22 of this Act where the loss or damage or bodily injury or death is also due to or contributed to by the Chief Fire Officer or officer or member of a brigade taking any action, or failing to take any action, while he is acting in good faith in performance of his duties under this Act and in attendance at a fire or in performance of the said service for the protection of human life which is otherwise endangered.

(2) Nothing in the preceding subsection shall in anyway affect any liability of the Authority or of any District Fire Officer under the Workmen's Compensation Act.

(3) In any action or proceedings taken against the Authority, District Fire Officer or brigade, or any officer or staff, or member of either of them, for their failure or neglect to make, or their negligence in making, adequate provision for the prevention of fire, tilt suppression and extinction of fires which may occur, and the protection of life and property endangered in fires, it shall be a defence to show that the provisions made were in accordance with the standards approved by the Authority under this Act and that the Fire District and its officers, staff and members had complied with all relevant requirements of the Authority under Sections 11 and 12 of this Act and with all relevant instructions issued by the Chief Fire Officer under Section 18 of this Act.

(4) No member of the Authority or any District Fire Officer shall be personally liable for any act done or omitted by the Authority or Fire District or by any member thereof in good faith in pursuance or intended pursuance of the powers and duties of the Authority.

PART VI - FINANCIAL PROVISIONS

Estimate of annual expenditure

27.-(1) the Authority shall, on or before the 30th day of September in the near one thousand nine hundred and ninety five and in each year thereafter, submit to the Minister for his approval, in such form as he may require, an estimate of its probable expenditure for the year commencing on the first day of January in that year.

(2) The estimate of the Authority shall include any item which a District Fire Officer may include in his annual estimate, and may also include amounts to be expended for all or any of the following purposes -

(a) the payment of fees and allowances to members of the Authority;

(b) the payment of premiums on policies of accident insurance issued by any insurance company in respect of members of the Authority while engaged in or travelling on the business of the Authority and of officers and servants employed by the Authority and members of any volunteer fire brigade registered under Section 23 of this Act;

(c) the payment of administrative costs incurred in the administration of this Act;

(d) the purchase and maintenance of plant and equipment for use at the discretion of the Authority;

(e) the establishment of reserves to provide for the replacement of plant and equipment;

(f) the payment of subsidy to a volunteer fire brigade;

(g) the payment of any cost incurred in the exercise of any power or performance of any duties of the Authority.

(3) The Minister may, if he thinks it necessary so to do, require the Authority to amend the estimate, and no estimate shall have any force or effect until approved by the Minister.

Assistance to fire districts

28. The Authority may, expend moneys for the purpose of supplying buildings, plant and equipment which in the opinion of the Authority are necessary for the efficient operations of any brigade under the control of the District Fire Officer.

Insurance Companies' contribution

29.-(1) The Minister may from time to time, after consultation with the Commissioner of Insurance and other person or persons he deems appropriate, make in such form and containing such details (including provision for the payment of interest) as he may determine, a levy order imposing a levy on any insurance policy or class of insurance policy written in Fiji, and the amount payable under such levy order shall be paid to the authority at the time and manner specified in such levy order:

Provided that a levy order may make different provisions in relation to different classes of insurance policies.

(2) The Minister may from time to time, after consultation with the Commissioner of Insurance and other person or persons he deems appropriate, revoke or amend a levy order.

(3) The Minister may appoint authorised officers to collect the amount payable under a levy order which amount shall be deemed to be a simple contract debt due from an insurance company and shall be recoverable accordingly by the Authority in any Court of competent jurisdiction.

(4) Proceedings under subsection (3) of this Section may be instituted by the Chief Executive or any staff or agent of the authority designated by the Authority in writing for that purpose, and the Chief Executive or any such staff or agent may conduct proceedings whether or not he was the person instituting them.

(5) Any insurance company which fails to pay to the Authority the amount payable under a levy order at the time and manner specified therein shall be guilty of an offence.

Levy on water meters

30.-(1) In order to raise any amount required to be contributed by it towards the annual expenditure of the Authority, the Minister in consultation with the Authority may make and levy for that purpose a rate on each water meter from the owner or occupier of any premises within any fire district:

Provided that the owner of any property which is already under an insurance policy levy may apply to the Authority for exemption from any levy made under this Section.

(2) The Authority may appoint authorised person or persons to collect the amount payable under a levy order.

(3) The amount payable under a levy order shall be deemed to be a simple contract debt due from the owner or occupier of any premises and shall be recoverable by the Authority in any Court of competent jurisdiction.

(4) Any owner or occupier of premises who fails to pay to the Authority the amount payable under a levy order at the time and manner specified therein shall be guilty of an offence.

State's contribution

31.-(1) Each year in the month of January the State shall provide the Authority with a return for each fire district showing the insurable value on their properties by class of insurance as may be fixed by regulations made hereto and shall pay to the Authority contributions as hereinafter provided, based on the percentage rate for each such class of insurance:

Provided that the State shall make to the Authority a minimum contribution in the sum of 25% of the Authority's annual budget.

(2) The amount of such contribution shall be paid by the State to the Authority in quarterly instalments on the 1st day of March, June, September and December in each year.

Individual contribution

32.-(1) Every person or corporation who places his insurance outside the Republic of Fiji whether by himself or through an agent, shall on demand pay a contribution to the Authority based on the class of such insurance and the percentage rate applicable thereto as may be prescribed by the Minister.

(2) The office of the Commissioner of Insurance shall provide the Authority with a return of all such insurances placed outside the Republic of Fiji as and when they are placed or renewed.

(3) If demand under subsection (1) of this Section is made and payment is not made within thirty days the person or corporation to whom the demand was made shall be guilty of an offence.

Mode of payment

33.-(1) Except where otherwise provided payments of contributions to the Authority shall be made on a monthly basis before the expiration of twenty-one days from the commencement of the month.

(2) If any instalment payable by an insurance company is not paid within the period prescribed or fixed the company shall be liable to a mandatory penalty in the sum of \$1000 and a further penalty at the rate of \$100 per day for each day in excess of fifty-one days that such insurance company is in default of the payment.

Temporarily financial arrangements

34. Notwithstanding any law to the contrary, the Authority may incur expenditure and borrow moneys from its bankers by way of overdraft for such purposes, in such amounts, and on such conditions, as the Minister may from time to time authorise.

Borrowing powers

35. Where the Authority requires money for the purposes of capital expenditure on research and experiment, or on buildings, plant, and equipment required for training of members of the fire service, or on reserve equipment for emergencies, or for other purposes authorised by this Act, or where the Authority requires moneys for the purpose of acquiring land or of erecting buildings, or for purchasing plant or appliances for the equipment of any fire brigade, or of paying off any moneys lawfully borrowed by it, the Authority instead of computing the moneys so required as part of its annual expenditure, may with the approval of the Minister if it thinks fit, raise moneys by way of loan, either by issue of debentures or in such manner as it thinks fit.

Investment of Fund

36. The Authority may invest moneys it receives in the following, manner:

- (a) in Fiji Government securities; or
- (b) on deposit in any bank lawfully carrying on the business of banking in Fiji; or
- (c) in any other securities that may from time to time be approved by the Minister.

Accounts and audit

37. The Authority shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by the Auditor-General, or by such other person as he shall authorise.

Statements of accounts and Annual Report

38.-(1) As soon as practicable after the end of each financial year, but not later than 31st March or such later date as the Minister may approve, the Authority shall submit to the Minister -

- (a) a copy of its statement of accounts;
- (b) a copy of the report made thereon or on the accounts of the Authority;
- (c) a report containing details of the activities of the authority during that year.

(2) The Minister shall cause copies of the accounts and reports to be printed and laid before Parliament as soon as practicable thereafter.

PART VII - MISCELLANEOUS

Salvage corps

39. It shall not be lawful for any person to constitute or maintain a salvage corps of a fire brigade for the purposes of salvage of property at fires or of extinguishing fires within any area to which this Act applies.

Concealing fire plug or hydrant

40.-(1) Any person who wilfully covers up, encloses or conceals any fire plug or hydrant so as to render its position difficult to ascertain, or who obliterated or removes any mark, sign, or letter used for the purpose of indicating the position of or distinguishing any fireplug or hydrant, shall be liable to a fine not exceeding \$1000 or to imprisonment for a period not exceeding 6 months.

(2) The Authority shall be consulted on the installation of fire hydrants in new residential and other subdivisions within a fire district.

Injuring building, appliances, etc.

41. Any person who wilfully injures or destroys any building, engine, hose, ladder, or other thing, or any uniforms belonging to the Authority or to any fire brigade, or tampers with any fire alarm or signalling apparatus for giving notice of fire shall for a first offence be liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment and for any subsequent offence to imprisonment for a term not exceeding one year.

Offence to give false alarm

42. Every person who interferes with any fire alarm without lawful justification or wilfully gives or causes to be given, or attempts to give or cause to be given to any fire brigade or volunteer fire brigade any false alarm of fire commits an offence, and shall be liable on conviction to a fine not exceeding \$500 dollars or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

Offence to resist members of brigade

43. Every person commits an offence against this Act, and shall be liable on conviction to a fine not exceeding \$500 dollars or to imprisonment for a period not exceeding 6 months, who -

(a) acts in contravention or fails to comply in any respect with any provision of this Act or any order, direction, requirement, condition, or restriction given or imposed by or pursuant to this Act;

(b) resists, obstructs, hinders, or deceives the Chief Fire officer or any officer or member of any brigade, or any other person in the exercise, or attempted exercise, of any power or the performance or attempted performance, of any function or duty conferred or imposed by or under this Act.

Bona fide exercise of powers protected

44. The Authority, the Chief Fire Officer, an officer or servant of the Authority (including any member of a fire brigade), exercising any powers conferred by or under this or any other Act, shall not be liable for any damage or injury caused in the bona fide exercise of such powers.

Recovery of monies

45. Any monies payable under this Act, regulations or the by-laws, to the Authority (not being penalties) may be recovered at the suit of the Authority in any court of competent jurisdiction.

Information given by owner

46.-(1) The owner of a house or building where a fire occurs shall, on being requested so to do by any member of the Authority, or by the Chief Fire Officer or any officer of the Authority, inform such member or officer whether such house or building is insured or not, and at the like request shall furnish such officer or member with full particulars of the insurance (if any) thereon, including the names of the companies with which the insurance is effected, and the amount of such insurance.

(2) The owner of any personal property which maybe in any house or building, or on any premises where a fire occurs, shall on being requested so to do by any member of the Authority or by the Chief Fire Officer or any officer of the Authority, inform such member or officer whether such personal property is insured or not, and at the like request shall furnish such officer or member with full particulars of the insurance (if any) thereon including the names or the Companies with which the insurance is effected, and the amount of such insurance.

(3) Any person who refuses to comply with any such request as aforesaid, or wilfully gives any false information, or who wilfully gives any incorrect particulars with regard to such insurance as aforesaid, shall, on conviction be liable to a penalty not exceeding \$500 or to a term of imprisonment not exceeding 6 months or to both such fine and imprisonment.

Penalties

47. Any person who commits an offence under this Act shall unless a penalty is prescribed for such an offence be liable on conviction to a fine not exceeding \$500 or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

Regulations

48. The Minister may make regulations not inconsistent with this Act for and with respect to-

(a) the form of return to be made by insurance companies;

(b) the rates and the classes of insurance business on which the levy is to be imposed;

(c) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Suva Fire Brigade Act repealed

49. The Suva Fire Brigade Act (Chapter 129) is repealed.

Passed by the House of Representatives this Fifth day of October, in the year of our Lord One thousand, Nine hundred and Ninety-Four.

Passed by the Senate this Twenty-Sixth day of October, in the year of our Lord One thousand, Nine hundred and ninety-Four.

Senate Amendments passed by the House of Representatives on the Fifth day of December in the year of our Lord One thousand, Nine hundred and Ninety Four.
