Western Australia

Fire and Emergency Services Regulations 1998

Compare between:

[01 Aug 2021, 03-d0-00] and [28 May 2026, 03-e0-00]

Fire and Emergency Services Regulations 1998

Part 1 — Preliminary

[Heading inserted: Gazette 15 Sep 2017 p. 4792.]

1. Citation

These regulations may be cited as the *Fire and Emergency Services Regulations 1998*.

[Regulation 1 amended: Gazette 31 Oct 2012 p. 5229.]

2. Commencement

These regulations come into operation on the day on which the *Fire and Emergency Services Act 1998* comes into operation [1].

Part 2 — Emergency Services Levy

[Heading inserted: Gazette 15 Sep 2017 p. 4792.]

3. Term used: Western Australian Municipal Association

In these regulations —

Western Australian Municipal Association means the body corporate of that name constituted under section 9.58 of the *Local Government Act 1995*.

[Regulation 3 amended: Gazette 31 Oct 2012 p. 5230.]

[4, 4A. *Deleted in Gazette 31 Oct 2012 p. 5230.]*

5. Land exempt from emergency services levy (Act s. 36D(a))

(1) For the purposes of section 36D(a) of the Act, land is exempt from the levy if it is —

(a) land owned by a local government that is determined by the Minister, having regard to the advice of the Valuer-General, not to be improved land; or

(b) land in respect of which a mining tenement, other than a mining lease, is granted or acquired under the *Mining Act 1978* or by virtue of the *Mining Act 1904* [2]; or

(c) land in respect of which ~~an exploration~~a permit for petroleum, a regulated substance, geothermal energy resources, a potential GHG storage formation or a potential GHG injection site is granted under the *Petroleum ~~and~~, Geothermal Energy ~~Resources~~and Greenhouse Gas Storage Act 1967*; or

(d) land —

(i) that is determined by the Minister, having regard to the advice of the FES Commissioner, to be contaminated; and

(ii) that is in an area in which, because of that contamination, no services under the emergency services Acts are provided.

(2) In subregulation (1)(d) —

contaminated has the same meaning as it has in the *Contaminated Sites Act 2003* section 4.

[Regulation 5 inserted: Gazette 16 May 2003 p. 1697-8; amended: Gazette 10 Jun 2008 p. 2487; 31 Oct 2012 p. 5231; SL 2026/74 r. 4.]

6. Emergency services categories prescribed (Act s. 36F(1))

(1) For the purposes of section 36F(1) of the Act, the prescribed emergency services categories are —

(a) ESL category 1; and

(b) ESL category 2; and

(c) ESL category 3; and

(d) ESL category 4; and

(e) ESL category 5.

(2) ESL category 1 applies to an area of Western Australia in which are provided the services of permanent fire brigades and SES Units.

(3) ESL category 2 applies to an area of Western Australia in which are provided the services of a permanent fire brigade, a volunteer fire brigade and SES Units.

(4) ESL category 3 applies to an area of Western Australia in which are provided —

(a) the services of —

(i) a private fire brigade, or a bush fire brigade, supported by permanent fire brigades; or

(ii) a volunteer fire brigade supported by permanent fire brigades or by members of staff;

and

(b) the services of SES Units.

(5) ESL category 4 applies to an area of Western Australia in which are provided —

(a) the services of —

(i) a volunteer fire brigade; or

(ia) a private fire brigade; or

(ii) a bush fire brigade equipped with breathing apparatus; or

(iii) a FES Unit equipped with breathing apparatus;

and

(b) the services of SES Units.

(6) ESL category 5 applies to an area of Western Australia in which are provided the services of —

(a) a bush fire brigade, a FES Unit or members of staff; and

(b) SES Units.

(7) In this regulation —

bush fire brigade has the same meaning as it has in the *Bush Fires Act 1954*;

permanent fire brigade, ***private fire brigade*** and ***volunteer fire brigade*** have the same meanings as they have in the *Fire Brigades Act 1942*.

[Regulation 6 inserted: Gazette 16 May 2003 p. 1698-9; amended: Gazette 13 Jun 2003 p. 2117; 27 Jun 2003 p. 2388; 31 Oct 2012 p. 5230.]

7. Matter prescribed for Minister to have regard to (Act s. 36G(5))

For the purposes of section 36G(5) of the Act, the advice of the FES Commissioner is a matter that the Minister is to have regard to in determining the purpose for which any land is used.

[Regulation 7 inserted: Gazette 16 May 2003 p. 1699; amended: Gazette 31 Oct 2012 p. 5231.]

8. Matters prescribed for assessment notices (Act s. 36J(2)(b))

(1) For the purposes of section 36J(2)(b) of the Act, the matters that an assessment notice is to include are —

(a) a description of the leviable land; and

(b) if the levy has been determined by reference to the gross rental value of the leviable land, the gross rental value of that land; and

(c) the emergency services category that applies to the leviable land; and

(d) if applicable, the rate in the dollar by reference to which the levy on leviable land in that emergency services category is determined; and

(e) if applicable, details of how the rate referred to in paragraph (d) varies according to the purpose for which the leviable land is used; and

(f) the amount of levy payable and the date on which payment is due; and

(g) if arrangements have been approved under section 36Q(2)(a) of the Act for the levy to be paid by instalments —

(i) the amount of those instalments and the dates on which payment is due; and

(ii) any charges approved under section 36Q(2)(b) of the Act that apply to the payment of the levy by instalments;

and

(h) any discount or other incentive for the early payment of the levy granted under section 36R(1) of the Act; and

(i) any rebate that applies to the levy under the *Rates and Charges (Rebates and Deferments) Act 1992*; and

(j) any amount of unpaid levy and any interest that has accrued on that amount.

(2) For the purposes of section 36J(2)(b) of the Act, the matters that an assessment notice for the levy year that ends on 30 June 2004 is to be accompanied by are —

(a) a summary of the scheme for which the levy is to provide funds and how that scheme operates and the name of the Act under which it operates; and

(b) a brief description of the emergency services categories; and

(c) a brief description of the transitional arrangements provided for in Schedule 1 to the *Fire and Emergency Services Legislation (Emergency Services Levy) Amendment Act 2002* that apply to that levy year; and

(d) the rate of levy determined under section 36G of the Act for that levy year for each of the emergency services categories and any variations to that rate that apply according to the purpose for which the leviable land is used; and

(e) any minimum amount or maximum amount of levy determined for that levy year under section 36I of the Act; and

(f) any rate of interest declared under section 36S of the Act that applies for that levy year to unpaid levy on land in the relevant local government district; and

(g) a reference to the provision in Part 6A Division 8 of the Act for an objection and review in respect of the determination for section 36G(4)(b) or 36I(2)(b) of the Act of the purpose for which the leviable land is used.

(3) For the purposes of section 36J(2)(b) of the Act, the matters that an assessment notice for the levy year that ends on 30 June 2005 is to be accompanied by are the matters referred to in

subregulation (2), except for the matters referred to in paragraph (c) of that subregulation.

[Regulation 8 inserted: Gazette 16 May 2003 p. 1699-700; amended: Gazette 30 Dec 2004 p. 6973.]

9. Local governments to assess levy on land owned by State etc. in some cases (Act s. 36L(1)(a))

(1) For the purposes of section 36L(1)(a) of the Act, a local government is to assess the amount of levy payable for a levy year on leviable land owned by a State agency or instrumentality and in the local government's district if, for that year, the local government is required to give to the agency or instrumentality a rate notice under the *Local Government Act 1995* in respect of that land.

(2) Subregulation (1) does not apply to leviable land owned by a State agency or instrumentality in a local government district if, for the relevant levy year, the FES Commissioner gives to the local government a notice that —

(a) states that it is given for the purposes of this subregulation; and

(b) identifies the land and the State agency or instrumentality.

[Regulation 9 inserted: Gazette 16 May 2003 p. 1700-1; amended: Gazette 31 Oct 2012 p. 5231.]

10. Interest rate prescribed (Act s. 36ZH(3)(c))

For the purposes of section 36ZH(3)(c) of the Act, the rate of interest that applies to —

(a) an amount by which the levy was overpaid that is to be refunded; or

(b) an amount by which the levy was underpaid that is to be recovered,

is —

(c) the rate of interest that applies under subsection (2) of section 36X of the Act at the time the relevant objection or review is determined; or

(d) if no rate of interest applies under that subsection at that time, the rate of interest that most recently applied under that subsection before that time.

[Regulation 10 inserted: Gazette 16 May 2003 p. 1701; amended: Gazette 30 Dec 2004 p. 6973.]

11. Interest rate prescribed (Act s. 36ZJ(3))

For the purposes of section 36ZJ(3) of the Act, the rate of interest that applies to an amount that remains unpaid after it becomes due and payable under an ESL agreement is —

(a) the rate of interest that applies under subsection (2) of section 36X of the Act at the time the amount becomes due and payable; or

(b) if no rate of interest applies under that subsection at that time, the rate of interest that most recently applied under that subsection before that time.

[Regulation 11 inserted: Gazette 16 May 2003 p. 1701.]

12A. False alarm fee prescribed (Act s. 36ZL(1)(d)(i))

For the purposes of section 36ZL(1)(d)(i) of the Act, the fee for an attendance, in response to a false alarm, by a permanent fire brigade or a volunteer fire brigade is $1 337.

[Regulation 12A inserted: Gazette 2 Jun 2015 p. 1940; amended: Gazette 22 Jun 2018 p. 2181; SL 2021/114 r. 4.]

Part 3 — Shutting off services

[Heading inserted: Gazette 15 Sep 2017 p. 4792.]

12. Shutting off etc. gas, electricity and water (Act s. 18B, 18G and 18L)

(1) The FES Commissioner must not under section 18B(3)(i), 18G(3)(e) or 18L(3)(e) of the Act shut off the gas supply to premises unless those premises are residential premises and the gas supply is shut off by closing a valve located above ground on the premises.

(2) If practicable, before shutting off the gas supply under subregulation (1), the FES Commissioner must liaise with the network operator supplying the gas to the premises.

(3) If the FES Commissioner closes a valve under subregulation (1), the FES Commissioner must not re-open that valve.

(4) The FES Commissioner must not under section 18B(3)(i), 18G(3)(e) or 18L(3)(e) of the Act shut off the gas supply to premises that are not residential premises unless the FES Commissioner has been authorised to do so by the network operator supplying gas to the premises.

(5) If the gas supply to premises is shut off by the FES Commissioner, the FES Commissioner must as soon as practicable after doing so and in any event within 2 hours of doing so give the network operator supplying gas to the premises a notice containing the following information —

(a) the gas supply has been shut off; and

(b) the address of the premises; and

(c) the time at which the gas supply was shut off.

(6) The FES Commissioner must not under section 18B(3)(i), 18G(3)(e) or 18L(3)(e) of the Act disconnect or shut off the electricity supply to premises unless —

(a) the FES Commissioner has been authorised to do so by the network operator supplying the electricity to the premises; and

(b) the person who disconnects or shuts off the electricity supply is, in the opinion of the FES Commissioner, competent to do so and is familiar with the electrical installations on the premises; and

(c) the premises are residential premises; and

(d) electrical installations on the premises are metered by a single, direct connected electricity meter; and

(e) any installation on the premises has a voltage of not more than 415 volts.

(7) If the FES Commissioner disconnects or shuts off the electricity supply to premises under subregulation (6), the FES Commissioner must not reconnect or switch on the electricity supply to those premises.

(8) The FES Commissioner must not under section 18B(3)(i), 18G(3)(e) or 18L(3)(e) of the Act shut off the water supply to premises unless —

(a) the water supply is shut off by a valve located on or immediately adjacent to the premises; and

(b) shutting off the water supply by that valve will not shut off water to any other premises.

(9) If practicable, before shutting off the water supply under subregulation (8), the FES Commissioner must liaise with the person supplying the water to the premises.

[Regulation 12 inserted: Gazette 3 Oct 2003 p. 4353-4; amended: Gazette 31 Oct 2012 p. 5230-2.]

Part 4 — SES Units, VMRS Groups and FES Units

[Heading inserted: Gazette 15 Sep 2017 p. 4793.]

13. SES Unit members, content of register of (Act s. 18D(a))

For the purposes of section 18D(a) of the Act, the register of members of an SES Unit must contain the following particulars —

(a) the member's full name;

(b) the member's postal address;

(c) the member's residential address;

(d) the member's date of birth;

(e) the member's membership type (active, casual or probationary);

(f) the member's contact telephone numbers;

(g) the name of the SES Unit of which the person is a member.

[Regulation 13 inserted: Gazette 3 Oct 2003 p. 4354.]

14. VMRS Group members, content of register of (Act s. 18I(a))

For the purposes of section 18I(a) of the Act, the register of members of a VMRS Group must contain the following particulars —

(a) the member's full name;

(b) the member's postal address;

(c) the member's residential address;

(d) the member's date of birth;

(e) the member's membership type (active, non-active, junior or associate);

(f) the member's contact telephone numbers;

(g) the VMRS Group of which the person is a member.

[Regulation 14 inserted: Gazette 3 Oct 2003 p. 4355.]

15. FES Unit members, content of register of (Act s. 18N(a))

For the purposes of section 18N(a) of the Act, the register of members of a FES Unit must contain the following particulars —

(a) the member's full name;

(b) the member's postal address;

(c) the member's residential address;

(d) the member's date of birth;

(e) the member's membership type (active, support, probationary or junior);

(f) the member's contact telephone numbers;

(g) the FES Unit of which the person is a member.

[Regulation 15 inserted: Gazette 3 Oct 2003 p. 4355; amended: Gazette 31 Oct 2012 p. 5231.]

Part 5 — Insurance of volunteers

[Heading inserted: Gazette 15 Sep 2017 p. 4793.]

15A. Insurance limits

The amount of compensation for which a responsible agency is required by section 36ZQ(4) of the Act to insure is limited as follows —

(a) for loss caused at any one incident to any money or negotiable instrument the personal property of any one volunteer: a limit of $250 in total;

(b) for loss or damage caused at any one incident to any watch or jewellery the personal property of any one volunteer: a limit of $2 000 for each item or set of items;

(c) for loss or damage caused at one or more incidents in any period of 12 months to anything (other than vehicles, appliances, equipment or apparatus) that is the personal property of any one volunteer: a limit of $10 000 in total.

[Regulation 15A inserted: Gazette 15 Sep 2017 p. 4793.]

15B. Apportionment of amounts

(1) If an amount payable needs to be apportioned between persons under section 36ZW(3) of the Act, the apportionment is to be made according to the respective financial losses of support from the injured volunteer suffered by those persons —

(a) as agreed between those persons; or

(b) as determined under subregulation (3).

(2) If the persons cannot agree on the apportionment, one or more of them may apply in writing to the FES Commissioner for the apportionment to be determined.

(3) If an application is made under subregulation (2), the apportionment must be determined —

(a) by the FES Commissioner; or

(b) by a suitably qualified person appointed in writing by the FES Commissioner to make the determination.

[Regulation 15B inserted: Gazette 15 Sep 2017 p. 4793-4.]

Part 6 — Miscellaneous

[Heading inserted: Gazette 15 Sep 2017 p. 4794.]

16. Prescribed associations (Act s. 23)

For the purposes of the definition of ***prescribed association*** in section 23 of the Act —

(a) the Association of Volunteer Bush Fire Brigades of W.A. Inc. is prescribed as a body that represents the bush fire brigades under the *Bush Fires Act 1954*; and

(b) the Western Australian Volunteer Fire and Rescue Services Association Inc. is prescribed as a body that represents the volunteer brigades under the *Fire Brigades Act 1942*; and

(c) the SES Volunteer's Association of Western Australia Inc. is prescribed as a body that represents the SES Units; and

(d) the Volunteer Marine Rescue Western Australia Inc. is prescribed as a body that represents the VMRS Groups; and

(e) the Emergency Services Volunteers Association Inc. is prescribed as a body that represents the FES Units.

[Regulation 16 inserted: Gazette 14 May 2013 p. 1968-9.]

16A. Prescribed symbols not to be used (Act s. 38B(1))

For the purposes of section 38B(1)(c) of the Act, each of the symbols described and depicted in the Table to this regulation is prescribed.

Table

1. The Department's logo	DFES Department of Fire & Emergency Services

2. The Department's arm patch or vehicle decal	
3. The Bush Fire Service WA logo	
4. The State Emergency Service WA grid logo	
5. The State Emergency Service WA roundel	
6. The WA Fire and Rescue Service crest	

7.	The Volunteer Fire and Emergency Services WA logo	
8.	The Volunteer Marine Rescue Services logo	

[Regulation 16A inserted: Gazette 8 Sep 2017 p. 4695-6.]

17. Disclosure of information (Act s. 39(2)(d))

For the purposes of section 39(2)(d) of the Act, a person may disclose information to a police officer for any of the following purposes —

(a) the investigation of a fire or explosion;

(b) the investigation of a fire-related death;

(c) the investigation of a suspected offence under any of the following provisions —

(i) *The Criminal Code* section 171, 444, 445A, 445, 454 or 455;

(ii) the *Bush Fires Act 1954* section 22B, 27B or 32.

[Regulation 17 inserted: Gazette 12 Dec 2014 p. 4712-13.]

Notes

This is a compilation of the *Fire and Emergency Services Regulations 1998* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Fire and Emergency Services Authority of Western Australia Regulations 1998 [3]	22 Dec 1998 p. 6843-4	1 Jan 1999 (see r. 2 and *Gazette* 22 Dec 1998 p. 6833)
Fire and Emergency Services Authority of Western Australia Amendment Regulations (No. 2) 2003	16 May 2003 p. 1697-701	16 May 2003
Fire and Emergency Services Authority of Western Australia Amendment Regulations (No. 3) 2003	13 Jun 2003 p. 2117	13 Jun 2003
Fire and Emergency Services Authority of Western Australia Amendment Regulations (No. 4) 2003	27 Jun 2003 p. 2387-8	27 Jun 2003
Fire and Emergency Services Authority of Western Australia Amendment Regulations 2003	3 Oct 2003 p. 4351-5	3 Oct 2003
Fire and Emergency Services Authority of Western Australia Amendment Regulations 2004	30 Dec 2004 p. 6973	1 Jan 2005 (see r. 2 and *Gazette* 31 Dec 2004 p. 7130)
Reprint 1: The *Fire and Emergency Services Authority of Western Australia Regulations 1998* as at 4 Feb 2005 (includes amendments listed above)		
Fire and Emergency Services Authority of Western Australia Amendment Regulations 2008	10 Jun 2008 p. 2486-7	r. 1 and 2: 10 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Jun 2008 (see r. 2(b))
Fire and Emergency Services Authority of Western Australia Amendment Regulations 2012	31 Oct 2012 p. 5229-32	r. 1 and 2: 31 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2012 (see r. 2(b) and *Gazette* 31 Oct 2012 p. 5255)
Reprint 2: The *Fire and Emergency Services Regulations 1998* as at 7 Dec 2012 (includes amendments listed above)		

Citation	Published	Commencement
Fire and Emergency Services Amendment Regulations 2013	14 May 2013 p. 1968-9	r. 1 and 2: 14 May 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 15 May 2013 (see r. 2(b))
Fire and Emergency Services Amendment Regulations 2014	12 Dec 2014 p. 4712-13	r. 1 and 2: 12 Dec 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Dec 2014 (see r. 2(b))
Fire and Emergency Services Amendment Regulations 2015	2 Jun 2015 p. 1939-40	r. 1 and 2: 2 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Jun 2015 (see r. 2(b))
Fire and Emergency Services Amendment Regulations 2017	8 Sep 2017 p. 4695-6	r. 1 and 2: 8 Sep 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Sep 2017 (see r. 2(b))
Fire and Emergency Services Amendment Regulations (No. 2) 2017	15 Sep 2017 p. 4792-4	16 Sep 2017 (see r. 2 and *Gazette* 15 Sep 2017 p. 4791)
Reprint 3: The *Fire and Emergency Services Regulations 1998* as at 23 Feb 2018 (includes amendments listed above)		
Fire and Emergency Services Amendment Regulations 2018	22 Jun 2018 p. 2180-1	r. 1 and 2: 22 Jun 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2018 (see r. 2(b))
Fire and Emergency Services Amendment Regulations 2021	SL 2021/114 2 Jul 2021	r. 1 and 2: 2 Jul 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2021 (see r. 2(b))
Fire and Emergency Services Amendment (Petroleum Legislation) Regulations 2026	SL 2026/74 27 May 2026	r. 1 and 2: 27 May 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 28 May 2026 (see r. 2(b) and SL 2026/70 cl. 2)

Other notes

[1] Formerly referred to the *Fire and Emergency Services Authority of Western Australia Act 1998*, the short title of which was changed to the *Fire and Emergency Services Act 1998* by the *Fire and Emergency Services Legislation*

Amendment Act 2012 s. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

[2] Repealed by the *Mining Act 1978.*

[3] Now known as the *Fire and Emergency Services Regulations 1998*; citation changed (see note under r. 1).

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