



Western Australia

Fire Brigades Act 1942

Reprinted as at 18 February 2000

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Defined Terms



Western Australia

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Fire Brigades Act 1942

An Act to consolidate and amend the law relating to the prevention and extinguishing of fires, the confining and ending of hazardous material incidents and the protection of life and property from fire, hazardous material incidents and accidents.

[Long title amended by No. 52 of 1994 s.4.]

1. Short title and commencement

This Act may be cited as the *Fire Brigades Act 1942* and shall come into operation on a day to be fixed by Proclamation^{1, 1a}.

[2. Repealed by No. 10 of 1998 s.76.]

Part I — Preliminary

3. Repeal

[Omitted under the Reprints Act 1984 s.7(4)(f).]

4. Interpretation

- (1) In this Act, unless inconsistent with the subject-matter or context, the following words shall have the meanings respectively assigned to them (that is to say): —

“**Authority**” means the Fire and Emergency Services Authority of Western Australia established by section 4 of the FESA Act;

“**brigade**” includes all fire brigades, whether permanent or volunteer, or private;

“**Chief Executive Officer**” means the chief executive officer of the Authority, as referred to in section 19 of the FESA Act;

“**Chief Officer**” means the Chief Officer of Fire Brigades appointed under section 31;

“**district**” means a fire district constituted by or under this Act;

“**hazardous material**” means anything that, if it escapes while being produced, stored, moved, used or otherwise dealt with, may cause personal injury or death, or damage to property or the environment;

“**hazardous material incident**” means an actual or impending spillage or other escape of hazardous material that causes or threatens to cause injury or death, or damage to property or the environment;

“**flammable matter**” includes all substances capable of ignition or combustion by the application of heat or by means of sparks or flame or by spontaneous causes;

“insurance company” means any body corporate, company, partnership, association, underwriter or person —

- (a) issuing, or undertaking liability under a policy of insurance; or
- (b) receiving premiums in respect of a policy of insurance, on behalf of, or for transmission to, any body corporate, company, partnership, association, underwriter or person outside the State; or
- (c) deemed to be an insurance company under the provisions of this Act;

“member of the Authority” means a member of the board of management referred to in section 6 of the FESA Act;

“owner” means and includes any person, whether as beneficial owner, trustee, or executor, mortgagee in possession, or as agent or attorney for any person or otherwise for the time being in actual receipt of, or entitled to receive, the rents and profits of the lands or buildings in connection with which the word is used, or who, if such land or buildings were let to a tenant, would be entitled to receive the rents and profits thereof;

“permanent fire brigade” means a fire brigade established and maintained by the Authority, the services of whose members are wholly at the disposal of the Authority;

“policy of insurance” means any policy of insurance or re-insurance indemnifying against loss of, or damage to, any property within the State and that is declared by order in council to be a policy of insurance for the purposes of this Act; and includes every certificate or declaration as to the existence of, and any agreement for, any such policy of insurance or re-insurance, and any instrument or writing whereby any contract for such a policy of insurance or re-insurance is made or agreed to be made or is evidenced;

“premises” includes any building, structure, erection, vessel, wharf, jetty, land or other premises;

“private fire brigade” means any association of persons authorized by the Authority and formed for the purpose of the prevention and extinguishing of fires and the protection of life and property from fire within the boundaries of property owned or used by any person, if the carrying out of the purpose of such association is not the sole or principal calling or means of livelihood of such persons or of a majority of them;

“rescue operation” means the rescue and extrication of any person or property endangered as a result of an accident, explosion or other incident;

“the FESA Act” means the *Fire and Emergency Services Authority of Western Australia Act 1998*;

“vessel” means any ship, steamship, barge, punt, boat, or other floating vessel used for storing or carrying goods or for carrying passengers;

“volunteer fire brigade” means any association of persons authorized by the Authority and formed for the purpose of the prevention and extinguishing of fires and the protection of life and property from fire, if the carrying out of the purpose of such association is not the sole or principal calling or means of livelihood of such persons or of a majority of them;

“year” means, until 30 September 1967, year ending 30 September, and from that date until 30 June 1968, the period of 9 months ending that latter date, and thereafter means year ending 30 June.

- (2) A reference in this Act to an officer or employee of the Authority, or to a person employed by the Authority, is a reference to a person appointed or engaged under section 20 of the FESA Act for the purposes of this Act.

[Section 4 amended by No. 34 of 1963 s.4; No. 3 of 1964 s.2; No. 42 of 1966 s.3; No. 27 of 1971 s.2; No. 28 of 1982 s.3; No. 51 of 1985 s.3; No. 51 of 1986 s.46(2); No. 49 of 1992 s.29; No. 52 of 1994 s.5; No. 14 of 1996 s.4; No. 42 of 1998 s.18.]

Part II — Fire districts

5. Fire districts

- (1) Subject to the provisions of subsection (2), the local government districts and parts thereof constituted as fire districts prior to the coming into operation of the *Fire Brigades Act Amendment Act 1971*¹, as set out in the Second Schedule, are for the purposes of this Act fire districts under the respective names as set out in the Schedule.
- (2) For the purposes of this Act the Governor may from time to time, by order in council —
 - (a) constitute as a fire district all or part of a district under the *Local Government Act 1995* which is not a fire district under subsection (1);
 - [(b) deleted]*
 - (c) subject to subsection (5) unite any 2 or more fire districts the areas of which are contiguous, into one fire district;
 - (d) adjust the boundaries of a fire district;
 - (e) abolish a fire district;
 - (f) assign a name to, or alter the name of a fire district;
 - (g) include or remove, as the case may be, the name of a fire district or local government district in or from Part II, III, or IV of the Second Schedule; and
 - (h) transfer the name of a fire district from one Part to another Part of the Second Schedule.
- (3) An order in council made pursuant to the provisions of this section may from time to time be varied or cancelled.
- (4) The local government districts and parts thereof mentioned in Parts I and II of the Second Schedule are united into one fire district under the name of the Metropolitan Fire District.

s. 5A

- (5) Before an order is made under the provisions of subsection (2)(c), the Minister on behalf of the Governor shall give to the local governments whose districts or portion thereof are to be the subject of the order, at least 30 days' notice of intention to make the order.
- (6) Any vessel lying in any river, harbour, or other water within or adjacent to any district shall be subject to this Act in the same manner as if it were premises within a district. But this subsection shall not apply to any of Her Majesty's vessels of war or to any vessel which belongs to the Government of any foreign State (not being an enemy).

[Section 5 amended by No. 41 of 1951 s.3(3); No. 34 of 1959 s.2; No. 34 of 1963 s.5; No. 27 of 1971 s.3; No. 14 of 1996 s.4.]

5A. Application of Act

- (1) Except as otherwise provided in this Act, this Act applies to all fire districts.
- (2) Subject to section 6(4), this Act applies to —
 - (a) hazardous material incidents that occur anywhere in the State; and
 - (b) rescue operations that occur anywhere in the State.

[Section 5A inserted by No. 52 of 1994 s.6.]

[Parts III (section 6), IV (sections 7-17) and V (sections 18-22) repealed by No. 42 of 1998 s.19.]

Part VI — General powers and duties of Authority

[Heading amended by No. 42 of 1998 s.20.]

[23. Repealed by No. 42 of 1998 s.21.]

24. Power to purchase property for stations, etc.

- (1) The Authority may purchase, take on lease, or otherwise acquire buildings or land, and all such apparatus and plant and other property as the Authority may think requisite for carrying into effect the purposes of this Act, and may from time to time sell or exchange or let any property acquired by or vested in the Authority for the purposes of this Act.
- (2) All moneys resulting from the sale, exchange, or letting of any property by the Authority shall be applied in the purchase of property for the Authority or the improvement of the property of the Authority:

Provided that any real property acquired by the Authority, or a body corporate to which the Authority is a successor, from a local government without pecuniary consideration, if no longer required for the purposes of this Act, shall revert in the local government, subject to the payment by the local government to the Authority of the value of the improvements (if any) effected thereon after such acquisition.

[Section 24 amended by No. 14 of 1996 s.4; No. 42 of 1998 ss.22 and 37.]

25. Functions of the Authority

Subject to this Act, the functions of the Authority under this Act are —

- (a) to take, superintend and enforce all necessary steps for preventing and extinguishing fires and protecting and saving life and property from fire;

s. 25A

- (b) to take all practicable measures —
 - (i) for protecting and saving life and property endangered by hazardous material incidents;
 - (ii) for confining and ending such an incident; and
 - (iii) for rendering the site of such an incident safe;
- (c) to take and superintend all necessary steps in rescue operations;
- (d) to have the general control of all fire brigade premises and fire brigades; and
- (e) to perform such other duties as are entrusted to it by the Minister.

[Section 25 inserted by No. 52 of 1994 s.15; amended by No. 42 of 1998 s.23.]

25A. Authority may require certain fire fighting appliances

- (1) The Authority may by notice in writing addressed to the owner or occupier of any premises direct him to install and provide within the time specified in the notice, such —
 - (a) water taps, water pipes, connections, fittings and equipment in respect thereof; and
 - (b) equipment, apparatus or appliances for the purpose of —
 - (i) preventing the outbreak of or extinguishing fire; or
 - (ii) preventing injury or damage to persons or property by fire;

in or upon the premises and in such positions as the Authority directs in the notice.

- (2) In this section the expression, “**premises**” does not include premises which consist of a private dwelling house designed for the use and occupation of one family.

- (3) The occupier of the premises shall keep and maintain in good working order and fit for immediate use any equipment, apparatus, appliances, taps, pipes or connections installed on the premises under the provisions of this section.
- (4) (a) A person who is aggrieved by a direction of the Authority may within 21 days of the receipt by him of the notice appeal in manner prescribed against the direction to a Judge of the Supreme Court or a court of petty sessions held nearest to the premises referred to in the direction, on the ground that the things directed to be installed and provided in or upon the premises are not reasonably required by the Authority for any of the purposes referred to in subsection (1)(b).
- (b) On the hearing of the appeal the Judge or stipendiary magistrate as the case may be may confirm, vary or cancel the direction and effect shall be given to the decision of the Judge or stipendiary magistrate as the case may be.
- (c) A court of petty sessions hearing an appeal under this subsection shall consist of a stipendiary magistrate.
- (d) Costs of the hearing shall be at the discretion of the Court.

[Section 25A inserted by No. 34 of 1959 s.5; amended by No. 42 of 1998 s.37.]

26. Formation of brigades, etc.

The Authority may —

- (a) take measures for the formation of permanent or volunteer or private fire brigades;
- (b) amalgamate, or disband, or cancel the registration of, any fire brigade;
- (c) determine the number of permanent and volunteer and private fire brigades necessary for the protection of any district, and also the apparatus and plant to be used by each brigade;

s. 26A

- (d) establish and support schools of instruction, and issue certificates of qualification in fire-extinction to members of fire brigades;
- (e) provide and maintain fire-alarms and apparatus and plant for the prevention and extinguishing of fires;
- (f) provide and maintain telephonic or other communication between fire brigade premises and between any such premises and any other places.

[Section 26 amended by No. 42 of 1998 s.37.]

26A. Further powers of Authority

Without limiting sections 25 and 26, the Authority may —

- (a) for the promotion of safety of life and property from fire, hazardous material incidents or incidents requiring rescue operations —
 - (i) establish and operate premises or mobile facilities for the dissemination of information, charge admission to such premises and sell or grant to any person the right to sell educational materials, souvenirs and refreshments on such premises or from such mobile facilities;
 - (ii) create and distribute educational materials in any medium;
 - (iii) utilize the apparatus, plant and other property of the Authority and use the employees of the Authority to promote public awareness of the functions of the Authority under this Act or to enhance its public image;
 - (iv) provide a maintenance and inspection service for fire and hazardous material detection and protection systems and equipment and rescue equipment, and deal in fire-fighting, hazardous material control and rescue equipment to which such service relates; and

- (v) make such charges as it shall determine and receive remuneration for anything done by it under this paragraph or paragraph (ca);
- (b)
 - (i) turn to account, on its own or jointly with any other person or body, any tangible or intangible resource which the Authority has acquired or developed in the performance of its functions under this Act, and where applicable apply for patents, patent rights, copyrights or similar rights in relation thereto;
 - (ii) provide any service for which the equipment or skills under the control of the Authority are especially suited, and supply any specialist equipment under the control of the Authority to any person or body; and
 - (iii) enter into financial arrangements with any other party, and receive payment under such arrangements, in relation to the exercise of any power conferred by this paragraph;
- (c) charge and receive the prescribed fees for —
 - (i) the examination of plans and specifications of buildings, and for advisory and inspection services rendered in connection therewith, where the examination is made for the purpose of ensuring the safety of life and property from fire or hazardous materials;
 - (ii) the confining or ending of a hazardous material incident and rendering the site of the incident safe; and
 - (iii) the carrying out of rescue operations.
- (ca) establish facilities or courses of instruction to provide training to any person not employed by the Authority in the skills required to perform a function of the Authority referred to in section 25(a), (b) or (c);

s. 27

- (d) receive gifts of money, by way of sponsorship or otherwise, towards the cost of, and accept by way of gift equipment and other property for use in, the performance under this Act; and
- (e) do anything that is incidental to, or is necessary or convenient to be done for, the exercise of any power conferred on it by this section.

[Section 26A inserted by No. 51 of 1985 s.9; amended by No. 52 of 1994 s.16; No. 42 of 1998 ss.24 and 37.]

27. Board's proposals to be submitted to local government

- (1) The Authority shall submit its proposals in respect of the class of brigade, the method of fire protection and hazardous material incident control, and the rescue service to be established in each district to the local government before putting such proposals into operation, and shall advise the local government of any intended change in the class of brigade, the method of fire protection and hazardous material incident control, and the rescue service, and any difference between the Authority and the local government on such matters shall be referred to the Minister for his decision:

Provided that this subsection shall not apply when the districts of 2 or more local governments have been united into one fire district as provided for in section 5.

- (2) Any local government may make representations to the Authority in regard to the class of brigade, the method of fire protection and hazardous material incident control, and the rescue service in its district, and may appeal to the Minister if dissatisfied with the action of the Authority, and the Minister may decide all matters in dispute between the local government and the Authority.

[Section 27 amended by No. 52 of 1994 s.17; No. 14 of 1996 s.4; No. 42 of 1998 s.37.]

[28. Repealed by No. 98 of 1985 s.3.]

Part VII — Officers and members of brigades and other employees

[Heading amended by No. 42 of 1966 s.8.]

29. Appointment, etc., of officers and members of permanent brigades

For the purposes of this Act, the Chief Executive Officer shall from time to time appoint under section 20 of the FESA Act such officers and members of every permanent fire brigade and such other employees, and by such designations as shall be deemed necessary, and, subject to the provisions of any relevant award or industrial agreement under the *Industrial Relations Act 1979* and to the regulations, the Chief Executive Officer has the power of suspension and removal of all such officers and members and employees.

[Section 29 amended by No. 42 of 1966 s.9; No. 28 of 1982 s.18(1); No. 52 of 1994 s.18; No. 73 of 1994 s.4; No. 42 of 1998 s.25.]

30. Approval of members of volunteer brigade

No election or appointment of the officers and members of any volunteer or private brigade shall have any force or effect until approved by the Authority.

[Section 30 amended by No. 42 of 1998 s.37.]

31. Chief Officer

- (1) There shall be an officer, to be called the Chief Officer of Fire Brigades, who shall be from time to time appointed by the Governor, and shall be subject to suspension or removal by the Governor.
- (2) Subject to the general powers and authority of the Authority, every brigade and all officers and members thereof in a fire district shall be under the immediate order and control of the

s. 33

Chief Officer of Fire Brigades, but the Chief Officer of Fire Brigades does not have the powers, duties and functions of the Chief Executive Officer.

[Section 31 amended by No. 28 of 1982 s.19(1); No. 52 of 1994 s.19; No. 42 of 1998 s.37.]

[32. Repealed by No. 107 of 1972 s.3.]

33. General duties and powers of Chief Officer

The Chief Officer or any officer authorized in that behalf by the Authority shall, in addition to such other duties as the Authority may prescribe, exercise the general duties and powers following, that is to say —

- (a) he shall cause a book to be kept containing the names, ages, occupations, and places of abode of all officers and members of every fire brigade;
- (b) he shall summon once a month at the least all or as many of the officers and members of brigades as may be required for practice in order to render them fit and efficient for service;
- (c) he shall from time to time inspect all fire brigades and report to the Authority on their state of efficiency and make such recommendations as to him may seem fit;
- (d) he shall have the immediate charge and control of all apparatus and plant, and other property of the Authority, and shall keep the same in a fit state for efficient service;
- (e) (i) he shall at all reasonable times have free access to any premises, and if in his opinion there exists in or on any premises any potential danger to life or property from fire or hazardous materials, he may direct or order the owner or occupier of such premises to abate such danger within reasonable time, as named in the requisition.

- (ii) Any person who fails to comply with the requirements of a requisition served as aforesaid shall be liable on conviction to a penalty not exceeding \$2 500, and also to a further penalty not exceeding \$100 for every day during which the offence continues after that conviction.

Provided that any person aggrieved by any such requisition may, within 7 days after its receipt, appeal against such requisition to a magistrate sitting as a court of petty sessions within the district, and no proceedings shall be instituted against such person pending the hearing of an appeal;

- (f) he shall at all reasonable times have free access to all premises used or intended for purposes of public entertainment or of public concourse, for the purpose of ascertaining whether the laws and regulations pertaining to the prevention of and escape from fire or hazardous material incidents are being observed;
- (g) he shall attend the Authority at all times, when required to do so, and shall make all such inquiries and reports as the Authority may direct.

[Section 33 amended by No. 42 of 1966 s.10; No. 52 of 1994 ss.20 and 34; No. 42 of 1998 s.37.]

33A. Powers and duties of Chief Officer and others in relation to public buildings

- (1) If, after having inspected a public building, the Chief Officer or an officer authorized by the Authority in that behalf considers that the safety of persons in the public building may be endangered in the event of fire or a hazardous material incident therein, he may —
 - (a) using such force as is reasonably necessary for the purpose, cause any aisle, corridor, door, gangway, lobby or passage connected with any exit or escape from the

s. 33A

public building or any such exit or escape itself, the obstruction, closing or locking of which aisle, corridor, door, gangway, lobby, passage, exit or escape is or reasonably appears to be in breach of any requirement of any Act, or of any proclamation, regulation, rule, local law, by-law, order, notice, resolution or other instrument —

- (i) made under an Act or under any other such proclamation, regulation, rule, local law, by-law, order, notice, resolution or instrument; and
- (ii) having legislative effect,

to be cleared, opened or unlocked, as the case requires;

- (b) being satisfied that the safety of persons in the public building cannot reasonably be ensured by other means, order the occupier or presumed occupier of the public building forthwith to close the public building for such period not exceeding 48 hours as is specified in that order and as the Chief Officer or officer so authorized considers necessary for the alleviation of the danger in question; or
- (c) if an order referred to in paragraph (b) cannot for any reason be given to the occupier or presumed occupier of the public building or if such an order, having been given to that occupier or presumed occupier, is not forthwith obeyed, himself, being satisfied that the safety of persons in the public building cannot reasonably be ensured by other means, close the public building for such period not exceeding 48 hours as he considers necessary for the alleviation of the danger in question, using such force as is reasonably necessary for the removal from the public building of persons therein without doing them bodily harm.

- (2) The occupier or presumed occupier of a public building may in complying with an order given to him under subsection (1) use such force as is reasonably necessary for the removal from the

public building of persons therein without doing them bodily harm.

- (3) The Chief Officer or authorized officer giving an order under subsection (1) shall do so —
- (a) in writing served on the occupier or presumed occupier of the public building in question; or
 - (b) orally, in which case he shall as soon as is practicable thereafter serve on the occupier or presumed occupier of the public building in question confirmation in writing of the contents of that order and of the time and place at which that order was so given,

and shall cause a copy of that order or confirmation, as the case requires, to be affixed to that public building in a conspicuous position.

- (4) The Chief Officer or an authorized officer may, if he considers that the danger to which an order given under subsection (1) relates has been alleviated, rescind that order.
- (5) The Commissioner of Police may, if requested by the Chief Officer or an authorized officer to do so, assist the Chief Officer or authorized officer in the exercise of any power conferred on the Chief Officer or authorized officer by subsection (1).
- (6) If the Chief Officer or an authorized officer considers that a danger in relation to which he has exercised the power conferred on him by subsection (1)(b) or (c) cannot be, or has not been, alleviated within the period of 48 hours referred to in that paragraph, he shall, having given such prior notice of his intention to do so to the occupier of the public building in question as is practicable in the circumstances, apply to a stipendiary magistrate for an order directing that occupier to close or keep closed, as the case requires, that public building for such period as the stipendiary magistrate considers necessary for the alleviation of that danger.

s. 33A

- (7) A stipendiary magistrate may on an application made to him under subsection (6) grant, subject to such conditions as he thinks fit to impose, or refuse to grant the order sought by that application.
- (8) If an application is made to a stipendiary magistrate under subsection (6) while —
 - (a) an order given under subsection (1) in relation to the public building in question is in force, that order continues in force; or
 - (b) the public building in question is closed under subsection (1)(c), that closure continues,until the application is finally determined or is withdrawn.
- (9) The Chief Officer or an authorized officer or the owner or occupier of a public building to which an order granted under subsection (7) relates may apply to a stipendiary magistrate for that order to be rescinded.
- (10) A stipendiary magistrate may on an application made to him under subsection (9) rescind or refuse to rescind the order to which that application relates.
- (11) The Chief Officer shall exercise general supervision over the exercise or performance by an authorized officer of any power or duty conferred or imposed by this section on the authorized officer.
- (12) A person shall —
 - (a) not hinder or obstruct a person to whom this subsection applies in the exercise of any power or the performance of any duty conferred or imposed on him by this section or by an order given or granted thereunder; or
 - (b) if he is the occupier of the public building in question, comply with an order given or granted under this section in respect of that public building.

Penalty: \$50 000 and, if the offence in question is a continuing one, \$1 000 for each day or part thereof during which that offence continues and, in addition to or as an alternative to the foregoing penalties, imprisonment for 6 months.

(13) The occupier of a public building who fails to fulfil a contractual obligation is not liable for any consequences of that failure if —

- (a) the failure resulted from the occupier complying with a requirement of this section or an order given or granted under this section; and
- (b) the occupier could not have fulfilled the contractual obligation as well as complying with the requirement.

(14) Subsection (12) applies to —

- (a) the Chief Officer;
- (b) an authorized officer;
- (c) a member of the Police Force assisting the Chief Officer or an authorized officer as a result of compliance by the Commissioner of Police with a request made under subsection (5); and
- (d) the occupier or presumed occupier of a public building complying with an order given or granted under this section in respect of the public building.

(15) In this section —

“alleviation” means alleviation by compliance with the relevant requirements of any provision of an Act, or of a proclamation, regulation, rule, local law, by-law, order, notice, resolution or other instrument —

- (a) made under an Act or under any other such proclamation, regulation, rule, local law, by-law, order, notice, resolution or instrument; and

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(b) having legislative effect,
which provision relates to the prevention of fire or hazardous material incidents in public buildings or to ensuring the safety of persons in public buildings in the event of fire or hazardous material incidents therein, and cognate words shall be construed accordingly;

“authorized officer” means officer authorized by the Authority within the meaning of subsection (1);

“occupier”, in relation to a public building, means person in charge of, or having the control and management of, the public building;

“presumed occupier”, in relation to a public building, means person who appears to the Chief Officer or to an authorized officer, as the case requires, to be the occupier of the public building;

“public building” has the meaning given by section 173 of the *Health Act 1911*.

[Section 33A inserted by No. 28 of 1982 s.20; amended by No. 52 of 1994 ss.21 and 34; No. 14 of 1996 s.4; No. 42 of 1998 s.37.]

34. Duties and powers of Chief Officer, etc., at fires

For the purpose of extinguishing or controlling a fire, confining or ending a hazardous material incident or rendering the site of the incident safe, or carrying out a rescue operation, the Chief Officer or, in his absence the officer or any member of the brigade who for the time being is in charge, shall perform the following duties and may exercise the following powers (that is to say): —

- (a) he shall, with all possible speed, proceed upon the first alarm to the place where the fire or hazardous material incident is or is reported to be or where the rescue operation is to be carried out, and shall endeavour by all practicable means to extinguish the fire, confine or end

- the hazardous material incident or carry out the rescue operation and save all property in jeopardy;
- (b) he shall have the control and direction of any brigade or brigades present at any fire, hazardous material incident or rescue operation and of any persons who voluntarily place their services at his disposal;
 - (c) he may take and direct any measures which appear to him to be necessary or expedient for the protection of life and property, or for the control and extinguishing of fire, the confining or ending of a hazardous material incident or the carrying out of a rescue operation, and may cause any premises to be entered, taken possession of, pulled down wholly or partially, or otherwise destroyed for such purpose, or for preventing fire or a hazardous material incident or for preventing the spread of fire or confining or ending a hazardous material incident;
 - (d) he may cause water to be shut off from any main or pipe to obtain a greater pressure and supply of water for the purpose of extinguishing any fire or confining or ending a hazardous material incident; and no water supply authority shall be liable to any penalty or claim by reason of any interruption in the supply of water occasioned by compliance with the provisions of this section;
 - (e) he may cause gas, electricity, or other illuminant to be shut off or disconnected to or at any premises; and no person supplying gas, electricity, or other illuminant shall be liable to any penalty or claim by reason of any interruption in the supply occasioned by compliance with the provisions of this section;
 - (f) he may cause any street, private road, right-of-way, or thoroughfare in the vicinity of any fire, hazardous material incident or rescue operation to be closed against

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traffic during the continuance of any fire, hazardous material incident or rescue operation;

- (g) he may remove or order any member of any fire brigade or any member of the police force to remove any person who or anything which interferes with the operations of the brigade;
- (h) he may, at the time of a fire, hazardous material incident or rescue operation or thereafter, pull down or shore up any wall or building which may be damaged, or which in his opinion may be likely to be damaged, by fire, hazardous materials or the carrying out of the rescue operation, or which may be in the vicinity of any place where a fire, hazardous material incident or rescue operation has occurred, and which may in his opinion be, or may be likely to become, dangerous to life or property; and the expense of such pulling down and shoring up, as the case may be, shall be borne by the owner of such wall or building, and shall be paid by him to the Authority;
- (i) he may cause the debris and also any premises where any fire, hazardous material incident or rescue operation has occurred, and every part of such premises, to be searched, and may remove and keep possession of any materials which may tend to prove the origin of such fire or hazardous material incident or the cause of the accident or incident which required the rescue operation;
- (j) he may take such measures as he thinks proper for the protection and saving of life or property and for the control and extinguishing of a fire, the confining or ending of a hazardous material incident or the carrying out of a rescue operation.

[Section 34 amended by No. 52 of 1994 s.22; No. 42 of 1998 s.37.]

Part VIII — Regulations

35. Power to make regulations

The Governor may make regulations for all or any of the following purposes: —

[(a), (b) and (c) deleted]

- (d) for the examination, appointment, suspension, and removal of officers and members of brigades and other employees, and for regulating the duties and conduct of such officers and members and other employees;
- (e) for the establishment and maintenance of brigades and for the payment of salaries or wages to officers and members of permanent brigades and other employees;
- (f) for the training of officers and members of brigades;
- (g) for the payment of compensation in cases of accidents to officers and members of brigades and other employees of the Authority or where death ensues therefrom to their dependants;

[(h) deleted]

- (i) for paying gratuities in respect of voluntary or special services rendered;
- (j) for permitting, when occasion requires any, portion of a brigade or its apparatus and plant to proceed or be taken beyond the limits of any district for the purpose of attending fires, and for regulating the charges for such service;
- (k) for dividing any district into subdistricts;
- (l) for ensuring discipline and good conduct amongst officers and members of brigades, and generally for the maintenance of brigades in a due state of efficiency;
- (m) for the registration of all brigades;

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- (n) for regulating and controlling the management of hazardous material incidents;
- (na) for regulating and controlling rescue operations;
- (o) for regulating and controlling demonstrations and competitions;
- (p) for establishing and maintaining a salvage force, and for prescribing the charges to be levied for the services of such force;
- (pa) for prescribing the fees to be charged pursuant to section 26A(c), and the persons liable to pay such fees;
- (q) for prescribing charges to be levied for attending fires, hazardous material incidents and rescue operations on vessels, and for the recovery of such charges from the owner or master;
- (r) for prescribing the uniforms to be worn by officers and members of brigades when on duty;
- (s) for regulating the storage and deposit of inflammable matter and hazardous materials;

[(t) and (u) deleted]

- (v) for the control and attendance of officers and members of brigades on duty in public buildings and premises, and prescribing fees to be paid by the owner or occupier of any such building and premises for such service, and for the recovery thereof;
- (w) for managing and regulating the distributing of all revenue received under the provisions of this Act;
- (x) for altering the date prescribed by this Act for the doing or performance of any duty to any other date;
- (y) for imposing penalties for breaches of regulations, the maximum penalty in any case not to be fixed at a greater sum than \$2 500; and
- (z) for any purpose for which regulations are contemplated or required, or may, in his opinion, be necessary or

expedient, for giving effect to the provisions of, and for the due administration of, this Act.

[Section 35 amended by No. 34 of 1959 s.6; No. 34 of 1963 s.8; No. 42 of 1966 s.12; No. 28 of 1982 s.21; No. 51 of 1985 s.10; No. 87 of 1985 s.34; No. 52 of 1994 ss.23 and 34; No. 14 of 1996 s.4; No. 42 of 1998 ss.26 and 37.]

35A. Power to declare policies of insurance etc., for purposes of this Act

- (1) The Governor may, by Order in Council, declare —
- (a) any policy of insurance to be a policy of insurance for the purposes of this Act;
 - (b) which of the policies so declared are so declared with respect to the whole of the State, generally, and which of them are so declared only with respect to districts that are declared pursuant to subsection (2) to be districts served by permanent fire brigades; and
 - (c) the percentage of the gross premium, paid or payable in respect of any policy of insurance so declared, that is to be taken in computing a contribution numerator, for the purposes of sections 39 and 40;

and may, in like manner, cancel or vary any Order so made.

- (2) The Governor may, by Order in Council, declare any district to be a district served by a permanent fire brigade, and may, in like manner, cancel or vary any Order so made.

[Section 35A inserted by No. 34 of 1963 s.9; amended by No. 63 of 1979 s.3.]

Part IX — Financial provisions

36. Annual estimate of expenditure

- (1) Before 31 July in every calendar year or within such extended time as the Governor may approve, the Authority shall prepare estimates of —
 - (a) the probable expenditure to be incurred in the operation of this Act within each district during the year ending the next following 30 June;
 - (b) the interest payable during such year on the debentures issued by the Authority under this Act, or by the Western Australian Fire Brigades Board, or by the West Australian Fire Brigades Board, or the Fire Brigades Board under this Act or the Acts hereby repealed, and for contributions to the sinking funds for the redemption thereof; and
 - (c) the general administration expenses of the Authority to be incurred in the operation of this Act:

Provided that no estimate under paragraphs (a) and (c) shall exceed in any one such year such limit as may be fixed by the Minister, nor have any force or effect until approved by the Governor.

- (2) The estimated expenditure for interest on debentures and contribution to sinking funds shall be apportioned between the several districts in proportion to the amount of borrowed money expended in each district save and except as hereinafter provided, and such apportionment shall be subject to the approval of the Minister:

Provided that the Minister shall determine what amount of loan moneys have been expended, for the purposes of this Act, in the erection of executive offices for the Authority and the fire brigade premises occupied by the Chief Officer and the administrative employees of the Authority, and the estimated

expenditure for interest on this amount, and contribution to the sinking fund shall be apportioned between the several districts in the manner specified by subsection (3).

- (3) The general administration expenses of the Authority referred to in subsection (1) shall be apportioned between the several districts in ratio to the amount of the actual expenditure in each district during the year.
- (4) For the purposes of the estimates to be prepared under this section in respect of the year ending 30 June 1981 and each year ending 30 June thereafter —
 - (a) all of the volunteer brigade districts shall be deemed to together constitute a single district; and
 - (b) this section shall apply to and in relation to that single district as a whole and not to or in relation to each volunteer brigade district separately.
- (5) In this section and in sections 37 and 45 “**volunteer brigade district**” means any district other than a district that is declared pursuant to section 35A(2) to be a district served by a permanent fire brigade.

[Section 36 amended by No. 42 of 1966 s.13; No. 63 of 1979 s.4; No. 42 of 1998 ss.27 and 37.]

37. Contributions towards expenditure

- (1) Subject to subsection (4), the expenditure for each year estimated in accordance with section 36(1) in respect of each district shall be contributed to in each year in the portions hereinafter set out, and be paid to the Authority as follows, by —
 - (a) the Treasurer of Western Australia, out of the Consolidated Fund, which is hereby appropriated for that purpose accordingly;

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- (b) the local governments whose districts or portions thereof are constituted fire districts, or united with other districts into a fire district;
 - (c) the insurance companies that are insurance companies within the meaning of this Act, jointly.
- (2) For the purposes of subsection (1), the Treasurer of Western Australia shall contribute 16%, the local governments 20% and the insurance companies 64%, of the amount of the estimated expenditure for the year ending 30 June 1973, and the Treasurer of Western Australia shall contribute 12½%, the local governments 12½% and the insurance companies 75%, of the amount of the estimated expenditure for the year ending 30 June 1974, and each year ending 30 June thereafter.
- (2a) For the purposes of subsection (2) the term “**estimated expenditure**” shall not include any moneys expended or proposed to be expended in relation to or arising either directly or indirectly from war or warlike operations.
- (3) The amounts to be so contributed shall in all cases be paid by equal quarterly payments on 1 October, 1 January, 1 April and 1 July in each year to and including the year ending 30 September 1967, by 3 equal payments on 1 October, 1 January and 1 April in the year ending 30 June, 1968, and thereafter by equal quarterly payments on 1 July, 1 October, 1 January and 1 April in each year ending 30 June.
- (4) Notwithstanding subsections (1) and (2) the whole of the expenditure estimated in accordance with section 36(1) in respect of the volunteer brigade districts for the year ending 30 June 1981 and for each year ending 30 June thereafter shall be paid to the Authority by the Treasurer of Western Australia, out of the Consolidated Fund, which is hereby appropriated for that purpose accordingly.
- (5) For the purposes of subsection (4) the Treasurer of Western Australia shall pay the amount of the estimated expenditure for

each year by 4 equal quarterly instalments the first of which shall be paid on 1 July in that year.

[Section 37 amended by No. 34 of 1959 s.7; No. 34 of 1963 s.10; No. 42 of 1966 s.14; No. 107 of 1972 s.4; No. 63 of 1979 s.5; No. 6 of 1993 s.12; No. 14 of 1996 s.4; No. 42 of 1998 s.37.]

38. Contributions of local governments, how raised

- (1) The amount of the contributions payable under this Act by local governments may be raised —
- (a) by the levy of an annual fire brigade rate; or
 - (b) by increasing the annual general rate under the *Local Government Act 1995* notwithstanding any statutory limit of such rate.

Provided that such annual rate or increased annual general rate may, with the approval of the Governor, be levied only on the rateable land within a prescribed portion of the district of the local government.

- (2) When several local government districts are united into one fire district, the contribution payable by such local governments shall be apportioned between them in such proportions as the gross rental value, in force under the *Valuation of Land Act 1978* of all land included in a valuation roll completed and maintained under section 26 of that Act within the fire district of each local government district bears to the aggregate of the said gross rental value within the whole united fire district.

[Section 38 amended by No. 34 of 1963 s.11; No. 76 of 1978 s.48; No. 51 of 1985² s.11(1); No. 14 of 1996 s.4.]

39. Returns by insurance companies

(1) In this section and in section 40 —

“contribution denominator” means the aggregate of all the contribution numerators of the insurance companies, for the same period of 12 months;

“contribution numerator” means the aggregate of all the declared percentages of any one insurance company, (expressed as a sum of money) for a period of 12 months ending on 31 December;

“declared percentage” means the percentage of a gross premium that is declared by Order in Council made under this Act as that to be taken in computing a contribution numerator;

“gross premium” means the premium paid or payable in respect of a policy of insurance, without the deduction of any commission, brokerage or discount.

(2) To enable the Authority to determine the amounts to be paid by the various insurance companies for the purposes of section 37, every insurance company within the meaning of this Act shall, in the month of July in each year to and including the calendar year 1967 and in the month of March in every calendar year thereafter, or at such other time as the Authority may direct, furnish a return to the Authority, in the prescribed form, setting out the contribution numerator of the company, in respect of the period of 12 months ending 31 December immediately preceding the furnishing of the return.

(3) In computing the amount of the contribution numerator, an insurance company may deduct the gross premiums paid by it, during the period to which the contribution numerator relates, for re-insurance of, or part of, a policy of insurance with any other insurance company that is required to furnish a return, under this section, during the same period.

- (4) Every return furnished pursuant to this section shall be accompanied by such statutory declaration as may be prescribed by regulations under this Act, verifying the amount of the contribution numerator and an insurance company shall be bound by an amount so verified.
- (5) Every person who —
- (a) negotiates a policy of insurance on behalf of an insurance company; or
 - (b) being the owner of property, without negotiating with a person in the State, takes out a policy of insurance in respect of that property with an insurance company; or
 - (c) not being the owner, has an insurable interest in any property in respect of which a policy of insurance, not negotiated with a person in the State, has been taken out with an insurance company,

shall, if the insurance company is not carrying on business within the State, himself, be deemed to be an insurance company.

- (6) Every insurance company, being an insurance company required to furnish a return under this section, that fails to furnish a return and a declaration verifying the return, within the period provided by this section, or that furnishes an incorrect or incomplete return is in default and is liable to a penalty not exceeding \$250 for every day that the default continues.

[Section 39 inserted by No. 34 of 1963 s.12; amended by No. 42 of 1966 s.15; No. 52 of 1994 s.34; No. 42 of 1998 s.37.]

40. Amount of contribution by individual insurance companies, how to be ascertained

- (1) The portion of the contribution payable under section 37 by the insurance companies shall be levied by the Authority among them in the proportion that each insurance company's contribution numerator bears to the contribution denominator

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and, subject to the succeeding provisions of this section, every insurance company shall pay the amount so levied.

- (2) In levying the amounts to be paid by the insurance companies under subsection (1), the Authority shall compute the amount payable by each insurance company to the nearest amount of 20 cents or multiple thereof.
- (3) Notwithstanding the provisions of subsection (1), the minimum amount to be paid by any insurance company thereunder is \$500 in each year.
- (4) Where an insurance company newly commences to carry on business, it shall, until it has been levied pursuant to a return furnished under the provisions of section 39, contribute to the funds of the Authority an amount of \$125 on the days provided by section 37(3).
- (5) Where any amount, or part of any amount levied on an insurance company under this section is determined by the Authority as being irrecoverable, the amount so determined shall be added by the Authority to the amount of the contribution payable by the insurance companies for the year next following that determination.

[Section 40 inserted by No. 34 of 1963 s.13; amended by No. 42 of 1966 s.16; No. 52 of 1994 s.34; No. 42 of 1998 ss.28 and 37.]

41. Marine insurance companies

A body corporate, company, partnership, association, underwriter or person carrying on the business of marine insurance and not otherwise contributing to the funds of the Authority, shall, under and subject to the regulations, contribute such annual sum as may be prescribed for the protection of the interests insured under their policies on wharves and jetties.

[Section 41 amended by No. 34 of 1963 s.14; No. 42 of 1998 s.37.]

42. Insurance companies to permit books to be inspected

- (1) The manager, secretary, agent, or other person having the custody of the books and papers of any insurance company shall allow any person appointed by the Authority to inspect, during the hours of business, any books and papers of such company, and to make extracts therefrom in order to verify any return or declaration made in pursuance of this Act.
- (2) Any such manager, secretary, agent or other person as aforesaid who fails to comply with the requirements of this section shall be guilty of an offence against this Act.
- (3) Provided that, except for the purpose of a prosecution for an offence against this Act, all such returns and all information obtained and all extracts made in order to verify such returns shall be kept secret by the Authority and every member thereof, and by every person appointed thereby; and every person guilty of non-observance of the secrecy hereby required shall be liable on conviction to a fine of not less than \$1 000 and not exceeding \$2 500.

[Section 42 amended by No. 42 of 1966 s.17; No. 51 of 1992 s.16(1); No. 52 of 1994 s.34; No. 78 of 1995 s.147; No. 42 of 1998 s.37.]

43. Recovery of contributions and further contribution for delay in payment

- (1) If any local government, or if any insurance company liable to contribute under this Act, fails to pay any payment prescribed by this Act within 28 days after it becomes due, such local government or insurance company (as the case may be) shall be liable to a penalty of not less than \$250 and not more than \$2 500, and also to a further penalty of \$100 every day during which such failure to pay continues.
- (2) All contributions and penalties, whether from any local government or any insurance company, shall be recoverable by

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action at the suit of the Authority either in the Supreme Court or any local court, whatever the amount sought to be recovered.

- (3) Where an insurance company is not incorporated or has no public officer the proceedings, whether for any contribution or any penalty, may be taken against the company in the name of the firm or of the manager, secretary, or agent of such insurance company, in which case judgment against such firm manager, secretary, or agent shall bind the property of such insurance company.

[Section 43 amended by No. 42 of 1966 s.18; No. 52 of 1994 s.34; No. 14 of 1996 s.4; No. 42 of 1998 s.37.]

44. Insurance companies to contribute in certain cases

- (1) In the event of any fire brigade attending a fire in which there is interested any insurance company which has failed or omitted to make any payment under this Act within the prescribed time, it shall be lawful for the Authority to levy such charges for such attendance as the Authority may deem adequate.
- (2) Such charges may be recovered from the owner or occupier of such property in any court of competent jurisdiction, and shall be deemed to be damage by fire within the meaning of any policy of insurance covering the said property, notwithstanding any clause or condition to the contrary in any such policy; and every such occupier, unless he is under contract or agreement with the owner thereof to insure such property, shall be entitled to deduct all charges so paid by him and all costs and expenses incurred by him in relation thereto from any rent then due or thereafter accruing due to such owner, or to recover the same from such owner in any court of competent jurisdiction.
- (3) Unless otherwise prescribed by regulations, such charges shall not exceed the charges set forth in the Third Schedule.

[Section 44 amended by No. 34 of 1963 s.15; No. 42 of 1998 s.37.]

45. Supply of deficit in any year and appropriation of any surplus

- (1) Subject to subsection (3), if in any year the amount received by the Authority from contributions under this Act in respect of any district falls short of the expenditure within or on account of such district, based upon the estimate for the year, then the deficit shall be added to the estimate of expenditure for the ensuing year, and the rate of contributions increased proportionately; but if the amount received by the Authority in any year from contributions as aforesaid exceeds the expenditure based upon the estimate for the year, then the excess shall be treated as a credit in favour of the estimated income of the ensuing year, and the rate of contribution for the said ensuing year reduced proportionately.

[(2) repealed]

- (3) If in the year ending 30 June 1981 or in any year ending 30 June thereafter the amount received by the Authority from the Treasurer of Western Australia under section 37(4) falls short of or exceeds the expenditure within or on account of the volunteer brigade districts, based on the estimate for the year, then the deficit or excess shall be added to or deducted from, as the case may require, the amount to be paid by the Treasurer of Western Australia under that subsection in respect of the next ensuing year.

[Section 45 amended by No. 63 of 1979 s.6; No. 42 of 1998 ss.29 and 37.]

46. Borrowing powers

- (1) The Authority may, with the consent of the Treasurer of Western Australia, from time to time borrow such moneys as may be deemed necessary to enable the Authority to carry out and perform the powers, authorities, and duties vested in or conferred or imposed on the Authority by this Act, or to redeem

any debentures lawfully issued under this Act or any Act hereby repealed.

- (2) The Authority shall have power, with the like consent, to issue debentures under the seal of the Authority for the amount so borrowed, with interest thereon.
- (3) The amount so borrowed shall be a charge upon all the property and revenue, whether accrued or to accrue, of the Authority.
- (4) Where more than one loan is raised, priority shall depend upon the date of issue, but all debentures forming part of the same loan shall rank *pari passu*.
- (5) Such debentures shall be redeemable at such time or times as may be fixed by the Treasurer of Western Australia.
- (6) The Governor may make regulations prescribing the form of such debentures and the conditions on which they may be issued and the mode in which a sinking fund may be provided for the purpose of paying off such debentures and the amount or rate of the periodical or other payments to be made into such sinking fund.
- (7) Such sinking fund may be invested in Government securities under the control of the Minister, or in the purchase of debentures so issued.
- (8) If the Authority at any time makes default in paying any principal money or interest secured by any debenture or in forming a sinking fund under this section, the Minister, if so authorized by the Governor, shall be entitled to receive from the Treasurer of Western Australia, and to receive and recover from the local government and insurance companies respectively either the whole of the annual contributions which would otherwise have been payable to the Authority, or such part thereof as the Governor may determine to be necessary for the purpose of paying any principal money or interest in arrear, or making payments into such sinking fund, and shall apply to such purposes the moneys so received:

Provided that, if and whenever such default has been made, and whether the Minister has obtained or acted on such authority as aforesaid or not, the Supreme Court or a Judge thereof may, on the petition of the holder of any debenture, appoint a receiver of the whole revenue of the Authority to which the provisions set forth in the Fourth Schedule are applicable, and thereupon the said provisions shall apply and have effect.

Provided also, that whenever the Minister is authorized as aforesaid under this subsection, the powers conferred by the said schedule on a receiver may be exercised by the Minister.

- (9) Nothing in this section shall be deemed to take away any right of action or proceedings which any debenture holder at any time has in respect of the property and revenues of the Authority.
- (10) The provisions of this section shall apply in relation to moneys already borrowed by the Western Australian Fire Brigades Board, the West Australian Fire Brigades Board, and the Fire Brigades Board under this Act or the Acts hereby repealed.
- (11) The *Bills of Sale Act 1899* and the amendments thereof shall not apply to debentures issued under this Act or any Act hereby repealed.

[Section 46 amended by No. 34 of 1959 s.8; No. 14 of 1996 s.4; No. 42 of 1998 ss.30 and 37.]

46A. Establishment of Replacement Funds

- (1) The Authority may establish Replacement Funds into which shall be paid such amounts —
 - (a) as the Authority from time to time deems necessary; and
 - (b) as provided for in the approved estimates of the Authority each year.
- (2) The Authority may from time to time apply any of the moneys in the Replacement Funds towards the purchase, construction,

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renewal, maintenance or replacement of land, buildings, machinery or plant.

[Section 46A inserted by No. 42 of 1966 s.19; amended by No. 42 of 1998 s.37.]

46B. Estimated expenditure may be placed in separate account

The Authority may whenever it deems necessary place expenditure provided for in the estimates to the credit of an appropriate account into and from which moneys receivable and payable in connection with the undertaking or matter shall be paid and withdrawn, and any sum unused standing to the credit of any such account may be credited to expenditure in such year as the Authority approves.

[Section 46B inserted by No. 42 of 1966 s.20; amended by No. 42 of 1998 s.37.]

47. Application of *Financial Administration and Audit Act 1985*

- (1) With the exception of section 42, the provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Authority and its operations under this Act.
- (2) Section 36 shall continue to apply to and in respect of the Authority and its operations under this Act notwithstanding the *Financial Administration and Audit Act 1985*.

[Section 47 inserted by No. 98 of 1985 s.3; amended by No. 42 of 1998 s.31.]

Part X — Miscellaneous

47A. Status of Chief Executive Officer of Board, Chief Officer of Fire Brigades, officers and members of permanent fire brigades and other employees of Board who are members of Senior Executive Service

Notwithstanding anything in this Act, to the extent that there is in the case of a person who is appointed —

- (a) to be the Chief Executive Officer;
- (b) in accordance with section 29 to be an officer or member of a permanent fire brigade or other employee; or
- (c) under section 31 to be the Chief Officer,

and who is a member of the Senior Executive Service within the meaning of the *Public Sector Management Act 1994* an inconsistency between this Act and that Act that Act shall prevail.

[Section 47A inserted by No. 113 of 1987 s.32; amended by No. 52 of 1994 s.24; No. 10 of 1998 s.35; No. 42 of 1998 s.32.]

48. Authority to furnish information to Commissioner of Public Health

The Authority shall from time to time furnish the Commissioner of Public Health with information and recommendations as to the requirements for the prevention of and escape from fire in premises used or intended for purposes of public entertainment or of public concourse.

[Section 48 amended by No. 42 of 1998 s.37.]

49. Brigades to be registered, etc.

Volunteer and private brigades already established or hereafter to be established shall conform to the regulations affecting such brigades, and shall be registered in such manner and subject to such conditions as may be prescribed by the regulations, and

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shall be subject to inspection by any member or officer of the Authority.

[Section 49 amended by No. 42 of 1998 s.37.]

50. Restriction as to establishment of salvage corps

It shall not be lawful for any person to constitute or maintain within any fire district to which this Act applies any salvage corps or fire brigade for the purpose of salvage of property at fires or of extinguishing fire outside of the premises or land owned or used by such person, or at or on which such person is employed, unless such corps or brigade is constituted by the Authority or is authorized by the Authority to act as a salvage corps or fire brigade.

[Section 50 amended by No. 42 of 1998 s.37.]

51. Rewards to brigades

Upon the Chief Officer certifying that efficient and valuable service has been rendered by any brigade or by any member thereof the Authority may, in its discretion, pay to such brigade by way of bonus or by way of subsidy for such time as the Authority thinks desirable such sum as the Authority may by resolution determine, and may likewise reward any individual member of any brigade.

[Section 51 amended by No. 42 of 1998 s.37.]

52. Penalty for soliciting contributions for brigades without authority

- (1) Subject to regulations, the Authority may grant an authority in writing or in print to any person to collect contributions or subscriptions for the purposes of any brigade, and may at any time call in or cancel such authority.
- (2) Any person not duly authorized in that behalf by the Authority who solicits contributions or subscriptions for the purpose of

any brigade shall on conviction thereof be guilty of an offence against this Act.

[Section 52 amended by No. 42 of 1998 s.37.]

[53. Repealed by No. 42 of 1966 s.21.]

54. Provision of fire hydrants

(1) In this section, unless the context requires otherwise —

“**fire hydrant**” means a fire plug or fixed pillar fire hydrant;

“**proclaimed day**” means the day fixed by Proclamation for the coming into operation of the *Acts Amendment (Fire Brigades Board and Fire Hydrants) Act 1951*¹;

“**re-instatement**” means the filling in of ground opened up and the re-instating and making good of the paving of any street broken up in the course of installing or abolishing a fire hydrant or keeping a fire hydrant in effective order.

[(2) omitted under the Reprints Act 1984 s.7(4)(e).]

[(3) (a) omitted under the Reprints Act 1984 s.7(4)(e).]

(b) On and after the proclaimed day, the Authority may, subject to the provisions of the succeeding paragraphs of this subsection, provide and abolish fire hydrants at such locations in fire districts as the Authority thinks fit.

(c) Where the location at which the Authority intends to provide or abolish a fire hydrant is in an area mentioned in Column 1 of the Table set out hereunder, the Authority shall request the appropriate water supply authority mentioned in Column 2 of the Table to install or abolish the fire hydrant at the specified location.

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Table

Item	Column 1.	Column 2.	Column 3.
	Area	Authority	Act
1.	The Metropolitan Water Sewerage, and Drainage Area	The Water Corporation established by the <i>Water Corporation Act 1995</i>	The <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> (See especially ss.5, 44, 45 and 46.)
2.	Water Area	The Water Board constituted for the water area, or the Minister for Water Supply, Sewerage and Drainage ³ in his corporate capacity as constituted by the <i>Water Supply, Sewerage and Drainage Act 1912</i> , as the case may be	The <i>Water Boards Act 1904</i> . (See especially ss.5, 63 and 64.)
3.	Country Water Area	The Water Corporation established by the <i>Water Corporation Act 1995</i>	The <i>Country Areas Water Supply Act 1947</i> , (See especially ss.5, 13, 36 and 37.)

- (ca) Such a request may only be made to a water supply authority in respect of a particular location if that location is within a controlled area for which that authority holds an operating licence (water supply services) under the *Water Services Coordination Act 1995*.
- (d) So soon after receiving the request as is reasonably practicable, the water supply authority shall, in accordance with the powers conferred upon it by the

- relevant Act mentioned in Column 3 of the Table, install or abolish the fire hydrant as requested.
- (e) The water supply authority shall keep all fire hydrants in fire districts except those which are abolished, whether installed before, on or after the proclaimed day, in effective order.
 - (f) When the water supply authority has, in pursuance of the provisions of this subsection, installed, abolished, or kept in effective order a fire hydrant, it shall render to the Authority a statement of account showing the cost to the water supply authority of the labour and materials incurred in doing so, except the cost of re-instatement, and shall render to the local government in whose district the work is done a statement of account showing the cost to the water supply authority of the labour and materials incurred in re-instatement, and the amounts of the respective accounts shall, in the event of non-payment, be recoverable at the suit of the water supply authority in a court of competent jurisdiction from the Authority or the local government respectively as a debt due.
 - (g) (i) By virtue of this section, the property in the fire hydrants referred to in the respective items of Column 1 of the Table set out hereunder shall vest in the Authority as owner at the times set out opposite those respective items in Column 2 of the Table.

Table

Item.	Column 1.	Column 2.
1.	Fire hydrants installed before, on, or after the proclaimed day at the cost of a local government in a fire district constituted before and subsisting at the proclaimed day	The proclaimed day.

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Item.	Column 1.	Column 2.
2.	Fire hydrants installed before, on, or after the proclaimed day at the cost of a local government in an area constituted as a fire district or part of a fire district on or after the proclaimed day	The day when the area is constituted as a fire district or part of a fire district.
3.	Fire hydrants installed on or after the proclaimed day at the cost of the Authority	The day of installation.

- (ii) Compensation shall not be payable to a local government in respect of fire hydrants mentioned in Items 1 and 2 of the Table.

[Section 54 amended by No. 41 of 1951 s.3(5); No. 73 of 1994 s.4; No. 73 of 1995 s.188; No. 14 of 1996 s.4; No. 42 of 1998 ss.33 and 37.]

55. Use of pillar-hydrants instead of fireplugs

No fire hydrant shall be placed on or under the surface of any street, path, or roadway, except by or with the sanction of the Authority, but instead thereof proper standpost or pillar-hydrants shall be fixed in conspicuous places on or near the kerbing of the street or roadway.

[Section 55 amended by No. 42 of 1998 s.37.]

56. Turncocks to attend fires

Every turncock employed by a water supply authority shall forthwith —

- (a) on any fire occurring in a fire district within the area or part of the State allotted to him; or

- (b) when so requested by the Authority, on any hazardous material incident occurring within the area or part of the State allotted to him,

proceed with all possible speed to the fire, or hazardous material incident and assist by all means in his power the ensuring of a copious supply and service of water.

[Section 56 amended by No. 52 of 1994 s.25; No. 42 of 1998 s.37.]

57. Disconnection of gas or artificial light

Every company or person supplying gas or electricity or other illuminant to any premises on fire in a fire district or to any premises where a hazardous material incident is occurring or a rescue is being carried out shall forthwith, when so requested by the Authority, send some competent person to shut off or disconnect the supply to such premises or any adjoining premises.

[Section 57 amended by No. 52 of 1994 s.26; No. 42 of 1998 s.37.]

58. Police and others to aid Chief Officer

The authority of the Chief Officer shall be recognized by all officers and members of the police force and other persons. It shall be the duty of officers and members of the police force to support the authority of the Chief Officer and assist him in enforcing obedience to any orders given in pursuance of this Act or the regulations.

59. Penalties for interference, damage, etc.

Any person who —

- (i) wilfully interferes with any officer or member of any brigade in the discharge of his duty;

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- (ii) wilfully damages or interferes with any water plug, fire hydrant, fire alarm, or other property of the Authority;
- (iii) wilfully gives a false alarm of fire, a hazardous material incident or an accident or incident requiring a rescue operation;
- (iv) drives a vehicle over a fire hose;
- (v) drives a vehicle within such proximity to the scene of a fire, hazardous material incident or rescue operation as to occasion interference,

shall be liable to a penalty not exceeding \$2 500 or to be imprisoned for any period not exceeding 6 months and shall also be liable for and may be ordered to pay the estimated damage.

[Section 59 amended by No. 42 of 1966 s.22; No. 51 of 1992 s.16(1); No. 52 of 1994 ss.27 and 34; No. 42 of 1998 s.37.]

60. Removal of persons not members of recognized fire brigades from burning premises

- (1) Any person who is not a member of a fire brigade, or who is not acting under the control or direction of any officer or member of a brigade, may be ordered by any officer or member of a brigade or by any member of the police force to withdraw from —
 - (a) any premises then burning or which are threatened by fire;
 - (b) any premises at which there is a hazardous material incident or the threat of such an incident; or
 - (c) any premises at which a rescue operation is being carried out,

and thereupon that person shall withdraw from the premises.

- (2) If such person neglects or refuses to so withdraw, he may be forcibly removed.

[Section 60 amended by No. 42 of 1966 s.23; No. 52 of 1994 s.28.]

61. Rights to water for extinguishing fires and for practice, etc.

The Authority, the officers and members of brigades and any brigade registered under this Act shall have the use of all water mains, fire hydrants, water plugs, valves, and pipes vested in or belonging to any water supply authority and of all water therein or in any well or tank, free of charge, for the purpose of extinguishing any fire or confining or ending a hazardous material incident, or for the purpose of drills, competitions, and practice conducted under the authority of the Authority.

[Section 61 amended by No. 52 of 1994 s.29; No. 42 of 1998 s.37.]

62. Owner to give information as to insurance

- (1) The owner of any premises or property involved in a fire or a hazardous material incident shall, on being requested so to do by any officer or member of a brigade or administrative employee or member of the Authority, furnish him with particulars of any policy of insurance thereon.
- (2) The owner of any personal property which may be in any premises where a fire or a hazardous material incident occurs or which may be destroyed or damaged by fire or a hazardous material incident shall, on being requested so to do by any officer or member of a brigade or administrative employee of the Authority, furnish him with particulars of any policy of insurance thereon.
- (3) Any person who refuses to comply with any such request, or who wilfully gives any false information, or who wilfully gives any incorrect particulars with regard to any policy of insurance, shall on conviction be liable to a penalty not exceeding \$1 000.

[Section 62 amended by No. 34 of 1963 s.16; No. 42 of 1966 s.24; No. 52 of 1994 ss.30 and 34; No. 42 of 1998 s.37.]

[63. Repealed by No. 2 of 1996 s.61.]

[64. Repealed by No. 42 of 1998 s.34.]

65. Charges for brigades attending fires

- (1) (a) Where within a district that is declared pursuant to section 35A(2) to be a district served by a permanent fire brigade a fire occurs in or on —
- uninsured premises or uninsured property,
 - uninsured vacant land,
 - an uninsured crop, grass, scrub, stubble or any other vegetable matter whether of the same class or kind as the class or kind before enumerated or not and whether it is alive or dead or standing or not,
- whether or not the same is insurable; or
- in or on any rubbish, refuse or waste matter,
- if the fire is attended by a Brigade which is under the control of the Authority,
- the owner of the premises or property;
 - the owner of the vacant land;
 - the occupier of the land upon which the crop, grass, scrub, stubble or vegetable matter is situate;
 - the occupier of the land upon which the rubbish, refuse or waste matter is situate,
- as the case may be, is liable to pay to the Authority for the attendance of the Brigade at the fire, an amount to be determined by the Authority but not exceeding the fees and charges set out in the Third Schedule.
- (b) For the purposes of this section —
- (i) **“uninsured”** means not insured under a policy of insurance within the meaning of this Act;
 - (ii) **“occupier”** in relation to land means the person in or entitled to possession of the land.
- (2) Where a fire occurs in premises or property situate outside a district to which this Act applies, the owner of such premises or

property shall be liable to pay to the Authority for the attendance at the fire of any brigade under the control of the Authority, an amount to be determined by the Authority, but not exceeding the fees and charges mentioned in the Third Schedule.

- (3) The Crown shall not under any circumstances be liable to pay the fees and charges referred to in the Third Schedule.
- (4) The Authority may remit the whole or part of the fees and charges hereinbefore mentioned.
- (5) In default of payment any such fees and charges may be recovered by the Authority summarily in any court of petty sessions, or in any other court of competent jurisdiction.

[Section 65 amended by No. 34 of 1959 s.9; No. 34 of 1963 s.18; No. 63 of 1979 s.7; No. 42 of 1998 s.37.]

66. Failure to deliver up any premises in occupation by officer or fireman

Where any officer or member of a brigade, or other person who has been employed by the Authority in any capacity, and has resigned or been discharged continues to occupy any premises belonging to the Authority, or to the possession whereof the Authority may be entitled, after notice in writing from the Authority to deliver up possession thereof, it shall be lawful for any Justice of the Peace, on the oath of one witness stating such notice to have been given, by warrant under his hand, to order any police constable to enter into such premises, and to remove such officer or member of a brigade, or person, and his family and servants therefrom, and afterwards to deliver the possession thereof to the Authority as effectually to all intents and purposes as the sheriff having jurisdiction within the place where such premises are situate might lawfully do by virtue of a writ of possession.

[Section 66 amended by No. 42 of 1998 s.37.]

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67. Detention of Board's property

- (1) The Chief Officer or any officer, or other employee, or agent of the Authority, if authorized in writing by the Authority, may enter, and, if necessary, break into any place where any property of the Authority is detained contrary to the order of the Chief Officer or of the Authority, and may remove the same.
- (2) Any person hindering or obstructing the Chief Officer or any such officer, employee, or agent in so entering or breaking into any such place shall be guilty of an offence against this Act.

[Section 67 amended by No. 42 of 1998 s.37.]

68. Powers of agents

Any agent may deduct from any moneys held by him for any insurance company all expenditure necessarily or properly incurred and paid by him under this Act for or in respect of any insurance company for which he is the agent, or he may in any court of competent jurisdiction recover from any insurance company the amount so incurred and paid.

69. Power of agents to deduct payments made for owners

Any agent may deduct from any moneys held by him for his principal all charges, costs, or expenses necessarily or properly incurred and paid by him under this Act as owner of any houses, lands, or premises for which he is the agent of such principal, or he may in any court of competent jurisdiction recover from such principal the amount so incurred and paid.

70. Power of trustees

Any trustee, being owner of any houses, lands, or premises may apply any of the funds under his control in defraying any charges, costs, or expenses necessarily or properly incurred by him under this Act as such owner.

[71. Repealed by No. 42 of 1998 s.35.]

72. Penalty for offences

Any person disobeying or failing to comply with any provisions of this Act or the regulations or failing to do that which by or under this Act he is required or directed to do shall be guilty of an offence, and, if no penalty be specially provided therefor, shall be liable to a penalty not exceeding \$1 000 and to a further penalty of not more than \$100 for each day such offence is continued after any conviction therefor.

[Section 72 amended by No. 5 of 1961 s.2; No. 42 of 1966 s.25; No. 52 of 1994 s.34.]

73. Recovery of penalties

Any penalty incurred or made payable under or pursuant to this Act or under any regulation made under this Act may be recovered by any person authorized in that behalf by the Authority.

[Section 73 amended by No. 42 of 1998 s.37.]

[The First Schedule omitted under the Reprints Act 1984 s.7(4)(f).]

The Second Schedule

The Second Schedule

[Section 5]

Fire District	Local Government District or part thereof constituting Fire District
	Part I
Metropolitan Fire District	Perth
	Part II
Metropolitan Fire District	Armadale
	Fremantle
	Melville
	Nedlands
	South Perth
	Stirling
	Subiaco
	Wanneroo
	Cambridge
	Canning
	Claremont
	Cockburn
	Cottesloe
	East Fremantle
	Mosman Park
	Victoria Park
	Vincent
	Bassendean
	Bayswater
	Belmont
	Gosnells
	Kalamunda
	Mundaring
	Peppermint Grove
	Swan

The Second Schedule

Fire District	Local Government District or part thereof constituting Fire District
Part III	
Coolgardie Fire District	Coolgardie
Cue Fire District	Cue
Kalgoorlie-Boulder Fire District	Kalgoorlie-Boulder
Kambalda Fire District	Coolgardie
Laverton Fire District	Laverton
Leonora Fire District	Leonora
Meekatharra Fire District	Meekatharra
Mount Magnet Fire District	Mount Magnet
Norseman Fire District	Dundas
Southern Cross Fire District	Yilgarn
Part IV	
Albany Fire District	Albany (Town)
Augusta Fire District	Augusta-Margaret River
Ballidu Fire District	Wongan-Ballidu
Beverley Fire District	Beverley
Boyup Brook Fire District	Boyup Brook
Bridgetown Fire District	Bridgetown-Greenbushes
Brookton Fire District	Brookton
Broome Fire District	Broome
Brunswick Junction Fire District	Harvey
Bunbury Fire District	Bunbury
Busselton Fire District	Busselton
Carnarvon Fire District	Carnarvon
Collie Fire District	Collie
Corrigin Fire District	Corrigin
Cunderdin Fire District	Cunderdin
Dalwallinu Fire District	Dalwallinu
Denham Fire District	Shark Bay
Denmark Fire District	Denmark
Derby Fire District	West Kimberley
Dongara-Port Denison Fire District	Irwin
Donnybrook Fire District	Donnybrook-Balingup

The Second Schedule

Fire District		Local Government District or part thereof constituting Fire District
Dumbleyung Fire District		Dumbleyung
Eaton-Australind Fire District	{	Dardanup Harvey
Esperance Fire District		Esperance
Exmouth Fire District		Exmouth
Falcon Fire District		Mandurah
Geraldton-Greenough Fire District	{	Geraldton Greenough
Gingin Fire District		Gingin
Goomalling Fire District		Goomalling
Harvey Fire District		Harvey
Jurien Fire District		Dandaragan
Kalamunda Fire District		Kalamunda
Karratha Fire District		Roebourne
Katanning Fire District		Katanning
Kellerberrin Fire District		Kellerberrin
Kojonup Fire District		Kojonup
Kulin Fire District		Kulin
Kununurra Fire District		Wyndham
Kwinana Fire District		Kwinana
Lake Grace Fire District		Lake Grace
Lancelin Fire District		Gingin
Mandurah Fire District		Mandurah
Manjimup Fire District		Manjimup
Margaret River Fire District		Augusta-Margaret River
Merredin Fire District		Merredin
Moora Fire District		Moora
Mount Barker Fire District		Plantagenet
Mullewa Fire District		Mullewa
Mundaring Fire District		Mundaring
Nannup Fire District		Nannup
Narrogin Fire District		Narrogin (Town)
Newman Fire District		East Pilbara

The Second Schedule

Fire District	Local Government District or part thereof constituting Fire District
Northam Fire District	Northam (Town)
Northcliffe Fire District	Manjimup
Onslow Fire District	Ashburton
Pemberton Fire District	Manjimup
Pingelly Fire District	Pingelly
Pinjarra Fire District	Murray
Port Hedland Fire District	Port Hedland
Quairading Fire District	Quairading
Ravensthorpe Fire District	Ravensthorpe
Rockingham Fire District	Rockingham
Roebourne Fire District	Roebourne
Roleystone Fire District	Armadale
Secret Harbour Fire District	Rockingham
Tammin Fire District	Tammin
Toodyay Fire District	Toodyay
Wagin Fire District	Wagin
Walpole Fire District	Manjimup
Waroona Fire District	Waroona
Wickham Fire District	Roebourne
Williams Fire District	Williams
Wongan Hills Fire District	Wongan-Ballidu
Wundowie Fire District	Northam (Shire)
Wyalkatchem Fire District	Wyalkatchem
Wyndham Fire District	Wyndham
Yanchep Fire District	Wanneroo
York Fire District	York

[Second Schedule inserted by No. 27 of 1971 s.4; amended by No. 38 of 1993 s.34; No. 14 of 1996 s.4; No. 57 of 1997 s.60; amended in Gazette 21 January 1972 p.74; 4 February 1972 pp.213-14; 23 June 1972 pp.2029-30; 4 August 1972 p.2923; 20 October 1972 p.4152; 27 October 1972 p.4208; 25 May 1973 p.1617; 26 October 1973 p.4050; 28 June 1974 pp.2233-4; 30 August 1974 p.3236; 28 February 1975 pp.721-2; 7 December 1979 p.3772; 27 March 1981 pp.1039-40; 20 May 1983 pp.1523-4; 16 March 1984

The Second Schedule

p.701; 14 August 1987 pp.3163-6; 3 March 1989 p.675; 29 June 1990 p.3147; 16 July 1993 p.3889; 19 December 1995 p.6145; 17 January 1997 p.407; 24 April 1997 p.2068; 27 June 1997 p.3094; 2 October 1998 p.5513; 29 June 1999 p.2832; 1 July 1999 p.2911.]

The Third Schedule

[Section 65]

**Maximum Scale of Fees and Charges Allowed
for Attendance at any Fire**

	For the first hour or part thereof and thereafter per hour or part thereof
	\$
<i>Appliances:</i>	
Turntable Ladder or Snorkel	300.00
Pumps. Capacity Exceeding 3.4 kl/min	275.00
Pumps. Capacity 2.2 kl/min to 3.4 kl/min	250.00
Pumps. Capacity less than 2.2 kl/min	210.00
Other Vehicles	102.00
<i>Equipment:</i>	
Each 30 metres of Hose	20.00
Fire Extinguishers	20.00 each plus cost of recharge
Knapsack Spray	20.00
<i>Breathing Apparatus:</i>	
Oxygen (per 2 hour set)	80.00
C.A.B.A. (per 1 hour set)	60.00
<i>Manpower:</i>	
Officer-in-Charge	50.00
Other Officer	27.50
Firemen	27.50

[Third Schedule inserted by No. 52 of 1994 s.33.]

The Fourth Schedule

[Section 46(8)]

1. A receiver appointed under section 46(8), or under the provisions of this Schedule, shall be deemed an officer of and shall act under the direction of the Supreme Court or a Judge thereof.
2. The Supreme Court or a Judge thereof may from time to time remove any receiver so appointed as aforesaid, and on the death or removal of any such receiver may appoint some other person in his place.
3. The receiver so appointed shall be entitled to receive and recover from the Treasurer, and from the local governments and insurance companies, respectively, the whole of the annual contributions in respect of interest on debentures and contributions to the sinking fund for the redemption thereof which have become payable to the Authority, or which shall or would but for the default committed by the Authority become so payable.
4. For the purposes of paragraph 3 a receiver shall be deemed to be the Authority, and shall have and may exercise, in the name of the Authority, all or any of the powers of the Authority including any power —
 - (a) to make any estimate of any expenditure requisite for interest on debentures and contributions to any sinking fund for the redemption thereof;
 - (b) to make any determination requisite to be made regarding any annual contribution;
 - (c) to enforce the rendering of any necessary returns;
 - (d) to exercise any powers of inspection;
 - (e) to take any action or legal proceeding for the recovery or collection of any contribution or other moneys.
5. Every such receiver shall be entitled to such commission, as remuneration for his services, as the Supreme Court or a Judge thereof directs.
6. The Supreme Court or a Judge thereof may order the Minister or the Authority or any other person to transfer all or any inscribed stock and other securities and fixed deposits standing in their respective names

The Fourth Schedule

and forming part of any such sinking fund as aforesaid into the name of the receiver, and may likewise order the Minister or any other person to hand over to the receiver any money which such Minister or person has collected in exercise of any authority granted, in consequence of the Authority's default, by the Governor or the Supreme Court or a Judge thereof.

7. The receiver shall hold all moneys received and recovered and the proceeds of all inscribed stock and other securities and all fixed deposits forming any sinking fund received by him, after payment of costs and expenses, for the benefit of all holders of debentures of the Authority, according to their respective priorities, and, subject thereto, for the Authority.

[Fourth Schedule amended by No. 14 of 1996 s.4; No. 42 of 1998 ss.36 and 37.]



Notes

¹ This reprint is a compilation as at 18 February 2000 of the *Fire Brigades Act 1942* and includes the amendments effected by the Acts referred to in Part I of the following Table^{1a} and by the Orders referred to in Part II of the following Table^{4,5}.

Table of Acts and Orders

Part I — Acts

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Fire Brigades Act 1942</i>	35 of 1942	23 December 1942	17 May 1943 (see section 1 and <i>Gazette</i> 14 May 1943 p.463)	
<i>Fire Brigades Act Amendment Act 1949</i>	31 of 1949	25 October 1949	25 October 1949	
<i>Acts Amendment (Fire Brigades Board and Fire Hydrants) Act 1951</i> , section 3	41 of 1951	20 December 1951	4 April 1952 (see section 2 and <i>Gazette</i> 4 April 1952 pp.799-800)	
<i>Fire Brigades Act Amendment Act 1959</i>	34 of 1959	30 October 1959	30 October 1959	
<i>Fire Brigades Act Amendment Act 1961</i>	5 of 1961	10 October 1961	10 October 1961	
<i>Fire Brigades Act Amendment Act 1963</i>	34 of 1963	19 November 1963	14 February 1964 (see section 2 and <i>Gazette</i> 14 February 1964 p.643)	
<i>Fire Brigades Act Amendment Act 1964</i>	3 of 1964	2 October 1964	2 October 1964	
<i>Fire Brigades Act Amendment Act 1966</i>	42 of 1966	4 November 1966	4 November 1966	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Fire Brigades Act Amendment Act 1971</i>	27 of 1971	1 December 1971	1 December 1971	
<i>Metric Conversion Act 1972</i>	94 of 1972	4 December 1972	The relevant amendments, as set out in the Fourth Schedule, took effect on 19 December 1975 (see section 4(2) and <i>Gazette</i> 19 December 1975 p.4577)	The Fourth Schedule was added by the <i>Metric Conversion Act Amendment Act 1975</i> (No. 42 of 1975)
<i>Fire Brigades Act Amendment Act 1972</i>	107 of 1972	6 December 1972	23 December 1972 (see section 2 and <i>Gazette</i> 22 December 1972 p.4755)	
<i>Acts Amendment and Repeal (Valuation of Land) Act 1978, Part VI</i>	76 of 1978	20 October 1978	1 July 1979 (see section 2 and <i>Gazette</i> 11 May 1979 p.1211)	
<i>Fire Brigades Act Amendment Act 1978</i>	85 of 1978	27 October 1978	27 October 1978	
<i>Fire Brigades Act Amendment Act 1979</i>	63 of 1979	12 November 1979	7 December 1979 (see section 2 and <i>Gazette</i> 7 December 1979 p.3769)	
<i>Fire Brigades Amendment Act 1982</i>	28 of 1982	27 May 1982	30 June 1982 (see section 2 and <i>Gazette</i> 30 June 1982 p.2261)	Section 18(2) savings

Fire Brigades Act 1942

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Fire Brigades Amendment Act 1985</i>	51 of 1985	23 October 1985	Sections 1 to 8: 8 August 1986 (see section 2 and <i>Gazette</i> 8 August 1986 p.2815); sections 9 and 10: 5 August 1988 (see section 2 and <i>Gazette</i> 5 August 1988 p.2583); section 11: 3 January 1986 (see section 2 and <i>Gazette</i> 3 January 1986 p.9)	Section 11(2) effective date ²
<i>Fire Brigades Superannuation Act 1985, section 34</i>	87 of 1985	4 December 1985	3 November 1986 (see section 2 and <i>Gazette</i> 24 October 1986 p.3938)	Section 36 transitional
<i>Acts Amendment (Financial Administration and Audit) Act 1985, section 3</i>	98 of 1985	4 December 1985	1 July 1986 (see section 2 and <i>Gazette</i> 30 June 1986 p.2255)	Section 4 savings and transitional
<i>State Government Insurance Commission Act 1986, section 46(2)</i>	51 of 1986	5 August 1986	1 January 1987 (see section 2 and <i>Gazette</i> 19 December 1986 p.4859)	Section 47 (Schedule 4) savings, validation and transitional
<i>Acts Amendment (Public Service) Act 1987, section 32</i>	113 of 1987	31 December 1987	16 March 1988 (see section 2 and <i>Gazette</i> 16 March 1988 p.813)	Section 6(2) and (3), 19(2) and (3), 20(2) and (3), 25(2), 26(2) and 28(2) transitional, validation and savings provisions
<i>SGIO Privatisation Act 1992, section 29</i>	49 of 1992	9 December 1992	7 January 1993 (see sections 2(3) and 4(2) and <i>Gazette</i> 7 January 1993 p.15)	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Criminal Law Amendment Act (No. 2) 1992, section 16(1)</i>	51 of 1992	9 December 1992	6 January 1993	
<i>Financial Administration Legislation Amendment Act 1993, section 12</i>	6 of 1993	27 August 1993	Deemed operative 1 July 1993 (see section 2(1))	
<i>City of Perth Restructuring Act 1993, section 34</i>	38 of 1993	20 December 1993	1 July 1994 (see sections 3 and 34(2))	
<i>Acts Amendment (Public Sector Management) Act 1994, section 3(2)</i>	32 of 1994	29 June 1994	1 October 1994 (see section 2 and <i>Gazette</i> 30 September 1994 p.4948)	
<i>Fire Brigades Amendment Act 1994</i>	52 of 1994	2 November 1994	10 December 1994 (see section 2 and <i>Gazette</i> 9 December 1994 p.6647)	Section 35 validation ⁶
<i>Statutes (Repeals and Minor Amendments) Act 1994, section 4</i>	73 of 1994	9 December 1994	9 December 1994 (see section 2)	
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995, section 188</i>	73 of 1995	27 December 1995	1 January 1996 (see section 2(2) and <i>Gazette</i> 29 December 1995 p.6291)	Part 14 transitional
<i>Sentencing (Consequential Provisions) Act 1995, section 147</i>	78 of 1995	16 January 1996	4 November 1996 (see section 2 and <i>Gazette</i> 25 October 1996 p.5632)	

Fire Brigades Act 1942

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Coroners Act 1996</i> , section 61	2 of 1996	24 May 1996	7 April 1997 (see section 2 and <i>Gazette</i> 18 March 1997 p.1529)	
<i>Local Government (Consequential Amendments) Act 1996</i> , section 4	14 of 1996	28 June 1996	1 July 1996 (see section 2)	
<i>Statutes (Repeals and Minor Amendments) Act 1997</i> , section 60	57 of 1997	15 December 1997	15 December 1997 (see section 2)	
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> , sections 35 and 76	10 of 1998	30 April 1998	30 April 1998 (see section 2(1))	
<i>Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998</i> , Part 3	42 of 1998	4 November 1998	1 January 1999 (see section 2 and <i>Gazette</i> 22 December 1998 p.6833)	

Part II — Orders in Council

Order	Gazettal	Commencement	Miscellaneous
<i>Amending Order</i>	21 January 1972 p.74	21 January 1972	
<i>Amending Order</i>	4 February 1972 pp.213-4	4 February 1972	
<i>Amending Order</i>	23 June 1972 pp.2029-30	23 June 1972	
<i>Amending Order</i>	4 August 1972 p.2923	4 August 1972	

Order	Gazettal	Commencement	Miscellaneous
<i>Amending Order</i>	20 October 1972 p.4152	20 October 1972	
<i>Amending Order</i>	27 October 1972 p.4208	27 October 1972	
<i>Amending Order</i>	25 May 1973 p.1617	25 May 1973	
<i>Amending Order</i>	26 October 1973 p.4050	26 October 1973	
<i>Amending Order</i>	28 June 1974 pp.2233-4	28 June 1974	
<i>Amending Order</i>	30 August 1974 p.3236	30 August 1974	
<i>Amending Order</i>	28 February 1975 pp.721-2	28 February 1975	
<i>Amending Order</i>	7 December 1979 p.3772	7 December 1979	
<i>Fire Brigades Act Order (No. 2) 1981</i>	27 March 1981 pp.1039-40	27 March 1981	
<i>Fire Brigades Act Order 1983</i>	20 May 1983 pp.1523-4	20 May 1983	
<i>Fire Brigades Act Order 1984</i>	16 March 1984 p.701	16 March 1984	
<i>Fire Brigades (Dongara-Port Denison Fire District) Order 1987</i>	14 August 1987 pp.3163-4	14 August 1987	
<i>Fire Brigades (Denham Fire District) Order 1987</i>	14 August 1987 p.3164	14 August 1987	
<i>Fire Brigades (Falcon Fire District) Order 1987</i>	14 August 1987 pp.3164-5	14 August 1987	
<i>Fire Brigades (Yanchep Fire District) Order 1987</i>	14 August 1987 pp.3165-6	14 August 1987	
<i>Fire Brigades (Jurien Fire District) Order 1989</i>	3 March 1989 p.675	3 March 1989	
<i>Fire Brigades (Kalgoorlie-Boulder) Amendment Order 1990</i>	29 June 1990 p.3147	29 June 1990	
<i>Fire Brigades (Kambalda Fire District) Order 1993</i>	16 July 1993 p.3889	16 July 1993	
<i>Fire Brigades (Mundaring Fire District) Order 1995</i>	19 December 1995 pp.6145-6	19 December 1995	
<i>Fire Brigades (Gingin Fire District) Order 1996</i>	17 January 1997 pp.406-7	17 January 1997	
<i>Fire Brigades (Lancelin Fire District) Order 1997</i>	24 April 1997 pp.2068-9	24 April 1997	

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Order	Gazettal	Commencement	Miscellaneous
<i>Fire Brigades (Secret Harbour Fire District) Order 1997</i>	27 June 1997 pp.3094-5	27 June 1997	
<i>Fire Brigades (Onslow Fire District) Order 1998</i>	2 October 1998 p.5513	2 October 1998	
<i>Fire Brigades (Roleystone Fire District) Order 1999</i>	29 June 1999 pp.2832-3	29 June 1999	
<i>Fire Districts (Adjustment of Boundaries) Order 1999</i>	1 July 1999 pp.2911-3	1 July 1999	

N.B. This Act is affected by the *Explosives and Dangerous Goods Act 1961* (No. 38 of 1961).

^{1a} As at the date of this reprint the *Fire Brigades Amendment Act (No. 2) 1982* (No. 111 of 1982) was not in operation.

² Section 11(2) of the *Fire Brigades Amendment Act 1985* (No. 51 of 1985) reads as follows —

“

(2) Section 38 of the principal Act as amended by subsection (1) shall have effect on and after 1 July 1985.

”

³ The designation of Ministers can be altered by the Governor under the *Alteration of Statutory Designations Act 1974*. At the time of this reprint the former Minister for Water Supply, Sewerage and Drainage is known as the Minister for Water Resources.

⁴ Marginal notes in the *Fire Brigades Act 1942* referring to legislation of other jurisdictions have been omitted from this reprint.

⁵ Marginal notes in the *Fire Brigades Act 1942* referring to sections of the *Fire Brigades Act 1916* have been omitted from this reprint.

⁶ Section 35 of the *Fire Brigades Amendment Act 1994* (No. 52 of 1994) reads as follows —

“

35. Validity of past acts

(1) Anything done under the principal Act before the commencement of this Act that would have been lawful had the relevant provisions been in force when that thing was done is declared to be and to have always been as valid and effective as it would have been if, at the time when it was done, the relevant provisions had been in operation.

- (2) In this section, “**the relevant provisions**” means the provisions inserted into the principal Act by this Act expanding the functions of the Board to include confining and ending hazardous material incidents and carrying out rescue operations.

”.

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

<u>Defined Term</u>	<u>Provision(s)</u>
alleviation.....	33A(15)
Authority.....	4(1)
authorized officer.....	33A(15)
brigade.....	4(1)
Chief Executive Officer.....	4(1)
Chief Officer.....	4(1)
contribution denominator.....	39(1)
contribution numerator.....	39(1)
declared percentage.....	39(1)
district.....	4(1)
estimated expenditure.....	37(2a)
fire hydrant.....	54(1)
gross premium.....	39(1)
hazardous material.....	4(1)
hazardous material incident.....	4(1)
inflammable matter.....	4(1)
insurance company.....	4(1)
member of the Authority.....	4(1)
occupier.....	33A(15), 65(b)(ii)
owner.....	4(1)
permanent fire brigade.....	4(1)
policy of insurance.....	4(1)
premises.....	4(1), 25A(2)
presumed occupier.....	33A(15)
private fire brigade.....	4(1)
proclaimed day.....	54(1)
public building.....	33A(15)
re-instatement.....	54(1)
rescue operation.....	4(1)
the FESA Act.....	4(1)
uninsured.....	65(b)(i)
vessel.....	4(1)
volunteer brigade district.....	36(5)
volunteer fire brigade.....	4(1)
year.....	4(1)