

# FIRE BRIGADES.

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No. 51 of 1985.

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## AN ACT to amend the Fire Brigades Act 1942.

[Assented to 23 October 1985.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Fire Brigades Amendment Act 1985*.

Short title  
and principal  
Act.

(2) In this Act the Fire Brigades Act 1942 is referred to as the principal Act.

Reprinted  
as approved  
16 February  
1972 and  
amended by  
Acts Nos. 94  
of 1972  
(as amended  
by No. 42 of  
1975), 107 of  
1972, 76 and  
85 of 1978,  
63 of 1979  
and 28  
of 1982.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

Section 4  
amended.

3. Section 4 of the principal Act is amended by inserting after subsection (2) the following—

“ (3) If any question arises as to whether or not a person is, or has ceased to be, a permanent employee of the Board for the purposes of section 7 (i) or 15 (1) (ba), the same shall be determined by the Board, and its decision shall be final. ”.

Section 7  
amended  
and  
transitional  
provision.

4. (1) Section 7 of the principal Act is amended—

(a) by deleting “11 members” and substituting the following—

“ 12 members ”; and

(b) by inserting after paragraph (h) the following—

“ (i) One member shall be a permanent employee of the Board elected by the permanent employees of the Board. ”.

(2) Notwithstanding anything in the principal Act—

(a) the increase in the membership of the Board provided for by subsection (1) (a) shall not have effect until the commencement of the term of office of the first member elected to the Board for the purposes of section 7 (i) of the principal Act;

- (b) such election shall be held as soon as is practicable after the commencement of this section; and
- (c) the term of office of the first member of the Board elected for the purposes of section 7 (i) of the principal Act shall commence on the publication in the *Gazette* by the returning officer of the name of the member so elected and, subject to that Act, expire on 31 December 1988.

5. Section 11 of the principal Act is amended in subsection (3) by inserting after "bodies" the following—

Section 11  
amended.

" or persons ".

6. Section 12 of the principal Act is amended by inserting after "bodies" in each place where it appears the following—

Section 12  
amended.

" or persons ".

7. Section 14 of the principal Act is amended by deleting "No person" and substituting the following—

Section 14  
amended.

" Except as provided in section 7 (i), no person ".

8. Section 15 of the principal Act is amended, in subsection (1), by inserting after paragraph (b) the following—

Section 15  
amended.

" (ba) if the member, being the permanent employee of the Board elected for the purposes of section 7 (i), ceases to be a permanent employee of the Board; ".

Section 26A  
inserted.

9. After section 26 of the principal Act the following section is inserted—

Further  
powers of  
Board.

“ 26A. Without limiting sections 25 and 26, the Board may—

(a) for the promotion of safety of life and property from fire—

(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) provide training for persons not employed by the Board;

(iv) provide a maintenance and inspection service for fire detection and protection systems and equipment, and deal in fire-fighting 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;

(b) (i) turn to account, on its own or jointly with any other person or body, any tangible or intangible resource which the Board has

acquired or developed in the performance of its functions, 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 Board are especially suited, and supply any specialist equipment under the control of the Board 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 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;
- (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 of any function; 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 35  
amended.

10. Section 35 of the principal Act is amended by inserting after paragraph (p) the following paragraph—

“ (pa) for prescribing the fees to be charged pursuant to section 26A (c), and the persons liable to pay such fees; ”.

Section 38  
amended and  
application  
provision.

11. (1) Section 38 of the principal Act is amended in subsection (2) by deleting “subject to water rates” and substituting the following—

“ included in a valuation roll completed and maintained under section 26 of that Act ”.

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

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