



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

5225



PERTH, WEDNESDAY, 31 OCTOBER 2012 No. 199 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 4.00 PM

© STATE OF WESTERN AUSTRALIA

Fire and Emergency Services Act 1998

**Transfer Order**

---

Fire and Emergency Services Authority of Western Australia Act 1998

**Fire and Emergency Services Authority of Western Australia  
Amendment Regulations 2012**

---

Fire Brigades Act 1942

**Fire Brigades Amendment Regulations (No. 2) 2012**

---

Fire and Emergency Services Superannuation Act 1985

**Fire and Emergency Services (Superannuation Fund) Amendment  
Regulations (No. 2) 2012**

---

Bush Fires Act 1954

**Bush Fires Amendment Regulations 2012**

---

Emergency Management Act 2005

**Emergency Management Amendment Regulations (No. 2) 2012**



**FIRE AND EMERGENCY SERVICES ACT 1998**

## TRANSFER ORDER

Made by the Minister under section 44(1) of the *Fire and Emergency Services Act 1998* (“the Act”).

I, Troy Buswell MLA, Minister for Emergency Services, order that—

- (a) the assets and liabilities of the Authority specified in Schedule 1 are to be assigned to the FES Ministerial Body by the operation of section 45 of the Act;
- (b) there are no proceedings in which the FES Ministerial Body is to be substituted for the Authority as a party by the operation of section 45 of the Act; and
- (c) there are no agreements or instruments that, by the operation of section 45 of the Act, are to have effect as if references to the State or the FES Ministerial Body were substituted, in accordance with this order, for references in the agreement or instrument to the Authority.

Unless the contrary intention appears, words and expressions used in this order have the meanings given in the Act.

TROY BUSWELL, MLA, Minister for Emergency Services.

---



Fire and Emergency Services Authority of Western Australia Act 1998

## **Fire and Emergency Services Authority of Western Australia Amendment Regulations 2012**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fire and Emergency Services Authority of Western Australia Amendment Regulations 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Fire and Emergency Services Legislation Amendment Act 2012* section 7 comes into operation.

**3. Regulations amended**

These regulations amend the *Fire and Emergency Services Authority of Western Australia Regulations 1998*.

**4. Regulation 1 amended**

In regulation 1 delete “*Authority of Western Australia*”.

**Fire and Emergency Services Authority of Western Australia Amendment Regulations 2012**

**r. 5**

---

**5. Regulation 3 amended**

In regulation 3 delete the definition of *nominating body*.

Note: The heading to amended regulation 3 is to read:

**Term used: Western Australian Municipal Association**

**6. Regulations 4 and 4A deleted**

Delete regulations 4 and 4A.

**7. Regulation 6 amended**

- (1) In regulation 6(4)(a)(ii) delete “staff of the Authority;” and insert:

staff;

- (2) In regulation 6(5)(a)(iii) delete “FESA” and insert:

FES

- (3) Delete regulation 6(6)(a) and insert:

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

**8. Regulation 12 amended**

- (1) In regulation 12(4) delete “it has” and insert:

the FES Commissioner has

***Fire and Emergency Services Authority of Western Australia Amendment  
Regulations 2012***

---

**r. 9**

(2) In regulation 12(6)(a) delete “it has” and insert:

the FES Commissioner has

(3) In regulation 12(6) after each of paragraphs (a), (b) and (c) insert:

and

**9. Regulation 15 amended**

In regulation 15 delete “FESA” (each occurrence) and insert:

FES

Note: The heading to amended regulation 15 is to read:

**Register of members of FES Unit**

**10. Various references to “Authority” amended**

In the provisions listed in the Table delete “Authority” (each occurrence) and insert:

FES Commissioner

**Table**

r. 5(1)(d)(i)	r. 7
r. 9(2)	r. 12(1)
r. 12(2)	r. 12(3)

***Fire and Emergency Services Authority of Western Australia Amendment  
Regulations 2012***

**r. 10**

---

r. 12(4)	r. 12(5)
r. 12(6)	r. 12(7)
r. 12(8)	r. 12(9)

Note: The heading to amended regulation 7 is to read:

**Minister to have regard to advice of FES Commissioner  
(section 36G(5))**

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

  
  

---



Fire Brigades Act 1942

## **Fire Brigades Amendment Regulations (No. 2) 2012**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fire Brigades Amendment Regulations (No. 2) 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Fire and Emergency Services Legislation Amendment Act 2012* section 7 comes into operation.

**3. Regulations amended**

These regulations amend the *Fire Brigades Regulations 1943*.

**4. Part VI heading amended**

In the heading to Part VI delete “**of the Authority**”.

***Fire Brigades Amendment Regulations (No. 2) 2012***

**r. 5**

---

**5. Regulation 96 inserted**

At the beginning of Part VI insert:

**96. Terms used**

In this Part —

***employee*** means a person employed in the Department for the purposes of the Act as a member of the operational staff;

***operational staff*** has the meaning given in section 19 of the Act.

**6. Regulation 97 amended**

In regulation 97 delete “Authority’s” and insert:

Department’s

**7. Regulation 126 amended**

In regulation 126 delete “Authority.” and insert:

Department.

Note: The heading to amended regulation 126 is to read:

**Uniform belongs to Department**

*Fire Brigades Amendment Regulations (No. 2) 2012*

---

**r. 8****8. Regulation 127 amended**

In regulation 127:

- (a) delete “Authority’s property” and insert:

property of the Department

- (b) delete “Authority may” and insert:

FES Commissioner may

- (c) delete “Authority against” and insert:

State against

**9. Regulation 130 amended**

In regulation 130 delete “Chief Officer” and insert:

FES Commissioner

**10. Regulation 131 amended**

In regulation 131 delete “Chief Executive Officer or the Chief Officer” and insert:

FES Commissioner

***Fire Brigades Amendment Regulations (No. 2) 2012*****r. 11**

---

**11. Regulation 132A amended**

Delete regulation 132A(1) and insert:

- (1) An employee must, when requested by the FES Commissioner, submit himself or herself for examination and testing by a medical practitioner nominated by the FES Commissioner.

**12. Regulation 133 amended**

In regulation 133:

- (a) in paragraph (c) delete “Chief Officer;” and insert:

FES Commissioner;

- (b) in paragraph (h) delete “Chief Officer;” and insert:

FES Commissioner;

**13. Regulation 134 amended**

In regulation 134:

- (a) delete “person appointed by the Chief Executive Officer as an officer, member, administrative or other employee,” and insert:

employee

- (b) delete paragraph (g) and insert:

- (g) has wilfully supplied to the FES Commissioner, or any person representing the FES

**Fire Brigades Amendment Regulations (No. 2) 2012**

---

**r. 14**

Commissioner, incorrect or misleading information in connection with being employed in the Department,

**14. Regulation 135 amended**

- (1) Delete regulation 135(2).
- (2) Delete regulation 135(4) and insert:
  - (4) Every charge is to be the subject of an inquiry by the FES Commissioner.
- (3) In regulation 135(7) delete “Chief Executive Officer or the Chief Officer, as the case may be,” and insert:

FES Commissioner,

- (4) Delete regulation 135(9).

**15. Regulation 136 deleted**

Delete regulation 136.

**16. Regulation 137 amended**

- (1) In regulation 137(1):
  - (a) delete “or an appeal under regulation 136,”;
  - (b) delete “inquiry or appeal, as the case may be,” and insert:

inquiry,

**Fire Brigades Amendment Regulations (No. 2) 2012****r. 17**

---

- (2) In regulation 137(2)(c) delete “Board.” and insert:

Commissioner.

**17. Regulation 138 amended**

In regulation 138:

- (a) delete “regulations 136 and 137” and insert:

regulation 137

- (b) in paragraph (a) delete “Chief Executive Officer or the Appeal Board, as the case may be,” and insert:

Appeal Board

- (c) in paragraph (b) delete “Chief Executive Officer.” and insert:

FES Commissioner.

- (d) in paragraph (d) delete “Chief Executive Officer or the Appeal Board, as the case may be,” and insert:

Appeal Board

- (e) in paragraph (e) delete “Chief Executive Officer or the”.

**Fire Brigades Amendment Regulations (No. 2) 2012**

---

**r. 18****18. Regulation 139 amended**

- (1) In regulation 139 delete “The following provisions shall apply in respect of any inquiry under regulation 135(4) the proviso thereto or of any appeal under regulations 136 or 137 —” and insert:

(1A) The following provisions apply in respect of an inquiry under regulation 135(4) or an appeal under regulation 137.

- (2) Delete regulation 139(4)(a) and (b) and insert:

- (a) an inquiry by the FES Commissioner under regulation 135(4); or
- (b) an appeal to the Appeal Board under regulation 137,

- (3) In regulation 139(8) delete “Authority.” and insert:

FES Commissioner on behalf of the State.

**19. Regulation 140 amended**

In regulation 140 delete “136,”.

**20. Regulation 143 amended**

In regulation 143:

- (a) delete “Authority” (first occurrence) and insert:

State

**Fire Brigades Amendment Regulations (No. 2) 2012****r. 21**

---

- (b) delete “Authority” (second occurrence) and insert:

Department

Note: The heading to amended regulation 143 is to read:

**Indemnity of State for loss****21. Regulation 159I amended**

In regulation 159I:

- (a) delete “Authority” (first and second occurrences) and insert:

FES Commissioner

- (b) in paragraph (a)(i) delete “Authority” and insert:

Department

Note: The heading to amended regulation 159I is to read:

**FES Commissioner’s responsibilities on cancellation of brigade’s registration****22. Regulation 179 amended**

Delete regulation 179(2)(a) and (b) and insert:

- (a) a chairman and one other person who are nominated by the FES Commissioner; and



**Fire Brigades Amendment Regulations (No. 2) 2012**

---

**r. 23****23. Regulation 184 amended**

In regulation 184(1)(h) delete “of the Authority,” and insert:

employed in the Department,

**24. Regulation 190 amended**

In regulation 190(1):

- (a) delete “Authority’s” (each occurrence) and insert:

Department’s

- (b) in the proviso paragraph (a) delete “board of management of the Authority;” and insert:

FES Commissioner;

**25. Regulation 192 amended**

In regulation 192(2):

- (a) delete “Authority” and insert:

FES Commissioner

- (b) delete “as it” and insert:

as the FES Commissioner

**Fire Brigades Amendment Regulations (No. 2) 2012****r. 26**

---

**26. Regulation 215 amended**

In regulation 215(ii) delete “Authority’s” and insert:

FES Commissioner’s

**27. Regulation 231 deleted**

Delete regulation 231.

**28. Schedule deleted**

Delete the Schedule.

**29. Various references to “Authority” amended**

In the provisions listed in the Table delete “Authority” (each occurrence) and insert:

FES Commissioner

**Table**

r. 122	r. 132C
r. 133(b)	r. 137(2)(a) and (3)
r. 158 def. of <i>registered</i>	r. 159(6)
r. 159A(2)	r. 159B(1), (2) and (3)
r. 159C(1)(b), (3)(c) and (4)(c)	r. 159D(1), (2) and (3)(e)
r. 159E(2) and (4)	r. 159F(1) and (2)
r. 159G(1) and (2)	r. 159H(1), (2) and (3)

**Fire Brigades Amendment Regulations (No. 2) 2012****r. 29**

r. 161(1)(a)	r. 162(3), (4) and (5)
r. 168(3)	r. 169(1)(c) and (2)
r. 170	r. 171(1) and (2)
r. 172(f)	r. 177(1), (2), (3), (4), (5), (6) and (7)
r. 179(1)	r. 180(3) and (4)
r. 181(b)	r. 184(1)(e), (f) and (i) and (2)
r. 187C(b)	r. 189
r. 191(1)	r. 191B
r. 192(3) and (4)	r. 192A
r. 208(1) and (2)	r. 209(6)
r. 214(1) and (2)	r. 215
r. 216	r. 217
r. 218	r. 220
r. 227	

Note: The headings in the amended sections listed in the Table are to read as set out in the Table.

**Table**

<b>Amended section</b>	<b>Section heading</b>
r. 132C	<b>FES Commissioner to meet costs</b>
r. 159B	<b>FES Commissioner to keep register</b>
r. 161	<b>Members to comply with directions of FES Commissioner and brigade rules</b>

**Fire Brigades Amendment Regulations (No. 2) 2012****r. 30**

---

<b>Amended section</b>	<b>Section heading</b>
r. 191B	<b>Apparatus and plant not to be taken without FES Commissioner's consent</b>

**30. Various references to “Chief Executive Officer” amended**

In the provisions listed in the Table delete “Chief Executive Officer” (each occurrence) and insert:

FES Commissioner

**Table**

r. 132(3)	r. 132A(3)
r. 132B(1), (2), (3)(a), (4) and (5)	r. 135(1)
r. 137(1)	r. 139(2), (5) and (6)(a)
r. 178(2) and (3)	

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

---

Fire and Emergency Services Superannuation Act 1985

## **Fire and Emergency Services (Superannuation Fund) Amendment Regulations (No. 2) 2012**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fire and Emergency Services (Superannuation Fund) Amendment Regulations (No. 2) 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — the day on which the *Fire and Emergency Services Legislation Amendment Act 2012* section 97 comes into operation.

**3. Regulations amended**

These regulations amend the *Fire and Emergency Services (Superannuation Fund) Regulations 1986*.

**4. Regulation 3 amended**

In regulation 3(1) delete the definition of *FESA Act*.

**Fire and Emergency Services (Superannuation Fund) Amendment  
Regulations (No. 2) 2012**

**r. 5**

---

**5. Regulation 3A replaced**

Delete regulation 3A and insert:

**3A. Eligible FES employees**

For the purposes of the definition of *eligible FES employee* in section 3(1) of the Act —

- (a) a person holds a prescribed office if the person holds office as the FES Commissioner; and
- (b) a person is of a prescribed class if the person is employed or engaged as described in the FES Act section 20.

**6. Regulation 10 deleted**

Delete regulation 10.

**7. Regulation 11 amended**

Delete regulation 11(4) and insert:

- (4) If an eligible FES employee who made an election under subregulation (1)(d)(ii) ceases to be a GES member, subregulation (1) applies as if the employee had become an eligible FES employee when he or she ceased to be a GES member.

Note: The heading to amended regulation 11 is to read:

**Membership of eligible FES employee**

***Fire and Emergency Services (Superannuation Fund) Amendment  
Regulations (No. 2) 2012***

---

**r. 8**

**8. Regulation 12B amended**

In regulation 12B(1):

- (a) in paragraph (a) delete “Board, the board of management of the Authority” and insert:

Board

- (b) in paragraph (b) delete “Authority” and insert:

FES Commissioner

**9. Regulation 47 amended**

- (1) In regulation 47(1) delete “Authority” and insert:

FES Commissioner

- (2) In regulation 47(2):

- (a) delete “Authority may,” and insert:

FES Commissioner may,

- (b) delete “election itself,” and insert:

election,

- (c) delete “Authority.” and insert:

FES Commissioner.

***Fire and Emergency Services (Superannuation Fund) Amendment Regulations (No. 2) 2012***

**r. 10**

---

**10. Regulation 47A amended**

- (1) In regulation 47A(2) delete “Authority” and insert:

FES Commissioner

- (2) In regulation 47A(2a):

- (a) delete “Authority may,” and insert:

FES Commissioner may,

- (b) delete “ballot itself,” and insert:

ballot,

- (c) delete “Authority.” and insert:

FES Commissioner.

**11. Various references to “Authority” amended**

In the provisions listed in the Table delete “Authority” (each occurrence) and insert:

FES

**Table**

r. 3(1) def. of <i>temporary or casual employee</i>	r. 3(1) def. of <i>the employer</i> par. (a)
r. 6(a) and (b)	r. 7(1)(a)
r. 11(1), (2) and (5)	



**Fire and Emergency Services (Superannuation Fund) Amendment  
Regulations (No. 2) 2012**

r. 12

**12. Various references to “chief executive officer” amended**

In the provisions listed in the Table delete “chief executive officer” (each occurrence) and insert:

FES Commissioner

**Table**

r. 3(1) def. of <i>the employer</i> par. (a)	r. 6(a)
r. 7(1)(c)(vi)	r. 12(1) and (3)
r. 12A(1) and (3)(a)	r. 13(1)(a) and (c) and (2)(a) and (b)
r. 16(1) def. of <i>actuarial amount</i> par. (b)	r. 16(1) def. of <i>employer</i>
r. 16(2), (6) and (7)	r. 23B(10) def. of <i>satisfactory alternative employment</i>
r. 34A(1)	r. 35(1)
r. 36(4)	r. 42(3)(a)
r. 48(1) and (2)(a) and (b)	

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.



## Bush Fires Act 1954

**Bush Fires Amendment Regulations 2012**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Bush Fires Amendment Regulations 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Fire and Emergency Services Legislation Amendment Act 2012* section 7 comes into operation.

**3. Regulations amended**

These regulations amend the *Bush Fires Regulations 1954*.

**4. Various references to “Authority” amended**

In the provisions listed in the Table delete “Authority” (each occurrence) and insert:

FES Commissioner

**Bush Fires Amendment Regulations 2012****r. 5**

---

**Table**

r. 19(4)	r. 33(12)
r. 38C(2)	r. 43(2) and (3)
r. 45A(2)	r. 45B(2)

**5. Various references to “Fire and Emergency Services Authority of Western Australia” deleted**

In the forms listed in the Table delete “Fire and Emergency Services Authority of Western Australia”.

**Table**

Form 4	Form 5
Form 6	Form 7
Form 8	Form 9
Form 10	Form 11

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

---

Emergency Management Act 2005

## **Emergency Management Amendment Regulations (No. 2) 2012**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Emergency Management Amendment Regulations (No. 2) 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Fire and Emergency Services Legislation Amendment Act 2012* section 7 comes into operation.

**3. Regulations amended**

These regulations amend the *Emergency Management Regulations 2006*.

***Emergency Management Amendment Regulations (No. 2) 2012***

**r. 4**

---

**4. Regulation 17 amended**

(1) Delete regulation 17(1) and insert:

(1) In this regulation —

***FES Commissioner*** means the chief executive officer of the department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*.

(2) In regulation 17(2), (3) and (4) delete “FESA” and insert:

The FES Commissioner

Note: The heading to amended regulation 17 is to read:

**Hazard management agency — FES Commissioner**

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

---