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FIRE BRIGADES ACT 1942

**FIRE BRIGADES
REGULATIONS
1943**

Reprinted under the *Reprints Act 1984* as at 15 January 1991.

WESTERN AUSTRALIA

FIRE BRIGADES ACT 1942

FIRE BRIGADES REGULATIONS 1943

ARRANGEMENT

PART I—GENERAL

- Reg.
1. Citation
 - 2A. Interpretation of time provisions

PART I—ELECTION OF MEMBERS OF THE BOARD

3. Interpretation
4. Member elected by the Council of the City of Perth
5. Secretary to list electors
6. Notice of an election
7. Nominations
8. Electoral Roll
9. Number of votes
10. Polling
11. Method of voting
12. Declarations on outer envelopes
13. Lost or destroyed voting papers
14. Ballot box
15. Scrutineers
16. Scrutiny
17. Method of counting votes
18. Informal voting papers
19. Declaration of result
20. Preservation of paper
21. Publication of result
22. Destruction of papers
23. Telegraphic communications

- Reg.
- 24. Secretary to supply information
 - 25. Extraordinary elections
 - 26. Vacancy under section 11

PART IA—DISPUTED RETURNS

- 43A. Application for determination of question or dispute
- 43B. Notification of Minister
- 43C. Arrangements for hearing
- 43D. Hearing by magistrate
- 43E. Powers of magistrate
- 43F. Report of determination

PART II—PROCEEDINGS AND BUSINESS OF THE BOARD

- 44. Office
- 45. Hours of business
- 46. Meetings
- 47. Special meetings
- 48. Committees
- 49. Debate
- 50. Minutes
- 51. Common Seal
- 52. Amendment, rescission or extension of regulations
- 56. Disbursements
- 57. Debentures for overdrafts
- 58. Debentures for other loans
- 59. Contributions by marine insurance companies
- 59A. Establishment of Replacement Funds

PART VI—PERMANENT FIRE BRIGADES AND PROVISIONS RELATING TO EMPLOYEES OF THE BOARD

- 94. Ranks
- 95. Qualifications for candidates for appointment
- 96. Applications
- 97. Medical examination
- 98. Declaration to obey rules
- 100. Cancellation of appointments
- 101. Automatic progression
- 102. Promotion above first-class fireman—role of seniority
- 103. Promotion above first-class fireman—eligibility
- 104. Promotion above first-class fireman—applications for vacancies
- 114. Appointment of approved candidates
- 115. Third-class firemen
- 116. Second-class firemen
- 117. First-class firemen
- 118. Senior firemen
- 119. Obedience
- 120. Roll-call
- 121. Responsibility for condition of quarters at station
- 122. Service anywhere in State
- 123. General duties
- 123A. Transfer after service at Kalgoorlie or Boulder
- 124. Uniform
- 125. Wearing of uniform
- 126. Uniform belongs to Board
- 127. Indemnity for damaged uniform
- 128. Leave for officers
- 129. Leave for firemen

Reg.

130. Medical certificates as to sick leave
131. Deferment of leave
132. Entitlements after work accidents
- 132A. Reference to a medical practitioner
- 132B. Reference to a medical panel
- 132C. Board to meet costs
133. Conduct requirements
134. Offences
135. Dealing with offences
136. Appeals to Board
137. Appeals to Appeal Board
138. Provisions as to appeals
139. Provisions as to inquiries and appeals
140. Remedial power of Chairman of Appeal Board
141. Notice of resignation
- 141A. Retirement
142. Condition of station quarters
143. Indemnity of Board for loss
144. Change in marital status
146. Removal expenses
147. Long service medal
148. Auxiliary firemen—applications for appointment
149. Auxiliary firemen—physical health
150. Auxiliary firemen—other requirements
151. Auxiliary firemen—documents supporting application
152. Auxiliary firemen—probation
153. Auxiliary firemen—term of engagement
154. Auxiliary firemen—ineligibility for long service medal
155. Auxiliary firemen—pay
156. Auxiliary firemen—injury
157. Special firemen

PART VII—VOLUNTEER FIRE BRIGADES

158. Registration of brigades
159. Suspension and disbandment of brigades
160. Brigade district
161. Observance of regulations
162. Brigade rules
163. Qualification for membership
164. Persons not eligible for membership
165. Retiring age of members
166. New members
167. Brigade membership
168. Leave of absence
169. Transfer of members
170. Resignations
171. Members may be struck off the roll
172. Election of officers
173. Demeanour towards fellow members
174. Formalities while on duty
175. Times of duty
176. Suspension from duty
177. Inquiries into conduct
178. Report to Board
179. Appeal to Board
180. Functions of captain
181. Functions of foreman
182. Functions of apparatus officer

iv

- Reg.
- 183. Functions of secretary
 - 184. Functions of probationary and active members
 - 184A. Role of probationary members at meetings
 - 185. Functions of reserve members
 - 185A. Functions of junior members
 - 186. Functions of station-keeper
 - 187. Duties at fires
 - 188. Roll call after fires
 - 189. Reports of fires
 - 190. Entitlements after accidents
 - 191. Practices
 - 192. Demonstrations and competitions
 - 192A. Participation of junior members in demonstrations or competitions
 - 193. Uniforms
 - 194. Supply of uniforms to junior members
 - 195. Uniforms and equipment belong to Board
 - 196. Trousers
 - 197. Care of uniforms
 - 198. Lending of uniforms
 - 199. Articles prohibited
 - 200. Wearing of part of uniform prohibited
 - 201. Wearing of uniforms at inspections
 - 202. Wearing of uniforms at awards
 - 203. Wearing of ambulance badges
 - 204. Reports on uniforms and equipment
 - 205. Duty of secretary
 - 206. Wearing of certain epaulette and badge
 - 207. Return of uniform and equipment
 - 208. Long service awards
 - 209. Brigade funds
 - 210. Petty cash
 - 211. Gratuities and allowances
 - 212. Requisitions, purchase orders and invoices
 - 213. Urgent repairs
 - 214. Brigade property and trophies

PART VIII—PRIVATE FIRE BRIGADES

- 215. Registration
- 216. Demonstrations and competitions
- 217. Rules
- 218. Suspension or termination

PART IX—MISCELLANEOUS

- 219. Fires outside district
- 220. Fires within provisions of section 44
- 226. Certain places of entertainment must have direct telephonic communications with a fire brigade station
- 227. Provision of fire alarms on premises
- 227A. Notification of building work
- 228. Storage of inflammable matter
- 229. Land to be kept free of inflammable matter
- 231. Return and declaration of contribution numerator

FIRST APPENDIX
 SECOND APPENDIX
 THIRD APPENDIX
 NOTES

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WESTERN AUSTRALIA

FIRE BRIGADES ACT 1942

FIRE BRIGADES REGULATIONS 1943

Citation

1. These regulations may be cited as the *Fire Brigades Regulations 1943*.

[*Regulation 1 amended in Gazette 30 June 1982 p. 2262.*]

[*Regulation 2 repealed in Gazette 19 September 1986 p. 3414.*]

Interpretation of time provisions

2A. When the day prescribed or appointed by these regulations for the doing of any act, matter or thing under these regulations, or when any period of time allowed for the doing of any such act, matter or thing falls or expires (as the case may be) on a Sunday or a Bank Holiday or a Public Holiday such day or period of time shall be extended so as to include the day next following such Sunday, Bank Holiday or Public Holiday as aforesaid.

[*Regulation 2A inserted in Gazette 24 March 1944 p. 270.*]

PART I—ELECTION OF MEMBERS OF THE BOARD²

[*Part I inserted in Gazette 8 August 1986 pp. 2820-24.*]

Interpretation

3. (1) In this Part unless the contrary intention appears—
“candidate” means a person nominated for election to the Board under regulation 7;
“declaration” means a declaration under regulation 12;

“election year” in relation to an electoral group, means the last year of the term of office of a member or members elected to the Board by that group;

“elector” means a person or body, other than the Council of the City of Perth, eligible to elect a member or members to the Board under section 7 of the Act;

“electoral group” means the persons or bodies eligible, as a group, to elect a member, or, in the case of the insurance companies, members, to the Board under paragraph (b), (c), (d), (e), (f), (g) or (i) of section 7 of the Act;

“insurance company” means an insurance company referred to in paragraph (b) of section 7 of the Act;

“local authority” means a council referred to in paragraph (d), (e) or (f) of section 7 of the Act;

“registered volunteer fire brigade” means a fire brigade registered under section 49 of the Act;

“returning officer” means any person for the time being appointed by the Governor under section 8 (1) of the Act;

(2) A day or month referred to in a provision in this Part, is the day or month of the election year to which the provision applies.

[Regulation 3 inserted in Gazette 8 August 1986 p. 2820.]

Member elected by the Council of the City of Perth

4. (1) In an election year in relation to the Council of the City of Perth—
- (a) during October, the returning officer shall advise the Town Clerk of the City of Perth, in writing, that an election for the purposes of section 7 (c) of the Act is due that year;
 - (b) at a meeting of the Council of the City of Perth held in November, the Council shall elect a member of the Board; and
 - (c) the Town Clerk of the City of Perth shall forthwith inform the returning officer of the name of the person elected under paragraph (b).

(2) Upon receiving the name of the person elected under subregulation (1) (b), the returning officer shall—

- (a) by notice published in the *Government Gazette*, declare the person to be elected to the Board; and
- (b) notify the Executive Chairman of the declaration under paragraph (a).

[Regulation 4 inserted in Gazette 8 August 1986 p. 2820.]

Secretary to list electors

5. (1) The Secretary shall, not later than—
- (a) 15 August in relation to a local authority or a registered volunteer fire brigade;
 - (b) 15 September in relation to an insurance company or a permanent employee of the Board,

compile and give to the returning officer a list for each electoral group for which it is an election year containing the names and addresses of all electors in that group.

(2) Each list shall be certified by the Secretary as being correct as at the day on which the certificate is signed.

[Regulation 5 inserted in Gazette 8 August 1986 p. 2820.]

Notice of an election

6. (1) Not later than 1 September the returning officer shall send a nomination paper in the form of—

- (a) Part 2 in the Second Appendix to each local authority;
- (b) Part 3 in the Second Appendix to each registered volunteer fire brigade,

listed by the Secretary under regulation 5.

(2) Not later than 1 October the returning officer shall send a nomination paper in the form of—

- (a) Part 1 in the Second Appendix to each insurance company;
- (b) Part 3A in the Second Appendix to each permanent employee of the Board,

listed by the Secretary under regulation 5.

(3) The returning officer shall enclose with each nomination paper sent under subregulations (1) or (2) a notice informing the elector of—

- (a) the intention to hold an election under these regulations;
- (b) the number of persons required to be elected by the electoral group of which the elector is a member;
- (c) the place at which nominations are to be lodged;
- (d) the time and date of the close of nominations; and
- (e) the time and date of the close of the poll.

[Regulation 6 inserted in Gazette 8 August 1986 pp. 2820-21.]

Nominations

7. (1) The close of nominations shall be 12 o'clock noon on 21 October and nomination papers shall be lodged with the returning officer not later than that time.

(2) A nomination shall be in the form sent to the elector under regulation 6 and shall be signed by the candidate and by or on behalf of the elector, or electors, nominating the candidate, as specified in that form.

(3) Where the returning officer rejects a nomination paper which, in his opinion, is not in order he shall notify the body or person concerned of the defect.

(4) Where, prior to the close of nominations, a candidate, by notice in writing signed by the candidate and addressed to and lodged with the returning officer, withdraws his or her consent to the nomination then that person shall cease to be a candidate and the returning officer shall omit the candidate's name from the voting paper printed under regulation 10 for the electoral group by whom the candidate was nominated.

(5) Where the number of candidates nominated by an electoral group does not exceed the number of vacancies to be filled by that electoral group, the returning officer shall—

- (a) by notice published in the *Government Gazette* declare that candidate or those candidates to be elected to the Board; and
- (b) notify the Executive Chairman of the declaration under paragraph (a).

(6) Where the number of candidates nominated by an electoral group exceeds the number of vacancies to be filled by that electoral group, the returning officer shall hold an election in accordance with regulations 8 to 24.

[Regulation 7 inserted in Gazette 8 August 1986 p. 2821.]

Electoral roll

8. (1) The electoral roll for an election shall consist of—
- (a) the list of electors compiled by the Secretary under regulation 5; and
 - (b) if necessary, a supplementary list to be compiled and certified as correct by the Secretary as at not later than 4 November, containing—
 - (i) the names of eligible electors incorrectly omitted from the list referred to in paragraph (a);
 - (ii) details of persons whose names are to be deleted from that list on account of error.

(2) The returning officer shall, at the place where he or she carried out the functions of a returning officer make the electoral roll available for inspection by an elector whose name appears on the electoral roll, the elector's agent or by any person authorized by the returning officer, during the ordinary hours of business until the day on which the result of the election is declared.

[Regulation 8 inserted in Gazette 8 August 1986 p. 2821.]

Number of votes

9. (1) In an election by insurance companies, an insurance company is entitled to the number of votes provided for in accordance with the Table to this regulation.

(2) In an election by electors other than insurance companies, each elector is entitled to one vote.

(3) In the Table to this regulation "contribution numerator" means the contribution numerator, as defined in section 39 of the Act, declared by the insurance company in the last return furnished to the Board by the insurance company under that section prior to the printing of voting papers under regulation 10.

TABLE

Categories of insurance companies	Number of votes
(a) an insurance company, other than a marine insurance company, with a contribution numerator of—	
(i) not more than \$4 000.....	1
(ii) more than \$4 000 but not more than \$10 000.....	2
(iii) \$10 000 or more.....	3
(b) a marine insurance company.....	1

[Regulation 9 inserted in Gazette 8 August 1986 p. 2821.]

Polling

10. (1) The returning officer shall, as soon as practicable after the close of nominations, cause to be printed for each electoral group, voting papers in the form of Part 4 in the Second Appendix containing in each case the full names of the candidates.

(2) The candidates names shall appear on the voting papers in the order determined by the returning officer by lot.

(3) the returning officer shall, by not later than 11 November, send to each elector whose name appears on the electoral roll at the elector's address as shown on the electoral roll—

- (a) for each vote or votes to which that elector is entitled under regulation 9—
 - (i) a voting paper appropriate to the electoral group to which the elector belongs, the front of which is initialed by the returning officer or a person authorized by the returning officer to initial voting papers; and
 - (ii) an envelope marked "voting paper"; and
- (b) a reply-paid outer envelope addressed to the returning officer the back of which shall, unless it is being sent to a permanent employee of the Board, be endorsed with a declaration under regulation 12.

(4) To vote an elector shall—

- (a) mark the vote on the voting paper in the manner referred to in regulation 11, and place the voting paper in a separate envelope marked "voting paper" and seal the envelope; and
- (b) complete the declaration endorsed on the back of the outer envelope under regulation 12 or, in the case of an elector who is a permanent employee of the Board, endorse his name and address on the back of the outer envelope, and place in that envelope the envelope or envelopes containing the voting paper and seal the outer envelope.

(5) The elector may then forward the outer envelope, with its enclosures, to the returning officer at the address set out on the envelope, so that it is in the hands of the returning officer not later than the time of the closing of the poll.

(6) The poll shall close at 12 o'clock noon on 8 December.

(7) Voting is not compulsory.

[Regulation 10 inserted in Gazette 8 August 1986 pp. 2821-22.]

Method of voting

11. (1) Where there are—

- (a) 2 candidates, the number "1" shall be placed by the elector opposite the name of the candidate for whom the elector has resolved or wishes to vote;
- (b) more than 2 candidates, the number "1" shall be placed by the elector opposite the name of the candidate for whom the elector has resolved or wishes to vote for as first preference and contingent votes may be given for all or any of the other candidates by placing the numbers "2", "3" and so on, as is required, opposite their names, so as to indicate by the numerical sequence the order of the elector's preference.

(2) The voting paper of an elector which is a registered volunteer fire brigade or a local authority shall be marked in accordance with the resolution of an ordinary or special meeting of that registered volunteer fire brigade or local authority.

[Regulation 11 inserted in Gazette 8 August 1986 p. 2822.]

Declarations on outer envelopes

12. (1) On the back of the outer envelope, sent to an elector under regulation 10 (3) (b), a declaration shall be endorsed in the form of—

- (a) Part 4A in the Second Appendix, where the elector is an insurance company; or

(b) Part 4B in the Second Appendix, where the elector is a registered volunteer fire brigade or a local authority.

(2) A person who chairs a meeting referred to in regulation 11 (2) shall, after the completion of the declaration contained on the outer envelope, sign the declaration and ensure that signature is witnessed at that meeting.

[Regulation 12 inserted in Gazette 8 August 1986 p. 2822.]

Lost or destroyed voting papers

13. If, prior to the closing of the poll, an elector satisfies the returning officer that he is on the electoral roll referred to in regulation 8 but has not received a voting paper or that the voting paper or envelopes received by the elector have been lost or destroyed, and that the elector has not already voted at the poll, the returning officer may post or give personally to the elector, a voting paper and envelopes or a further voting paper and envelopes, as the case requires.

[Regulation 13 inserted in Gazette 8 August 1986 p. 2822.]

Ballot box

14. The returning officer shall, until the scrutiny, place and keep in a ballot box or ballot boxes, which shall be locked and sealed, all envelopes purporting to contain voting papers received by the returning officer prior to the close of the poll.

[Regulation 14 inserted in Gazette 8 August 1986 p. 2822.]

Scrutineers

15. (1) The Executive Chairman and each candidate at the election shall be entitled to appoint, in writing, one scrutineer.

(2) A scrutineer is entitled to be present when the envelopes containing voting papers relating to the election are being opened at the commencement of the scrutiny and to remain during the scrutiny.

(3) Each scrutineer shall, before acting as scrutineer, make and sign before the returning officer, the required declaration, in the form prescribed under the *Electoral Act 1907*.

(4) Any candidate may attend and be present at the counting of the votes.

[Regulation 15 inserted in Gazette 8 August 1986 p. 2822.]

Scrutiny

16. (1) As soon as practicable after the close of the poll the returning officer shall, in the presence of any approved scrutineers, produce and open all of the sealed and locked ballot boxes in which the envelopes purporting to contain voting papers have been placed.

(2) If it is not already done, the returning officer shall compare the declaration or endorsement on the outer envelope with the electoral roll and—

(a) if satisfied that—

(i) the person or body named in the declaration or endorsement is entitled to vote at the election; and

7

- (ii) in the case of a declaration, the declaration has been completed, signed and witnessed in accordance with regulation 12, shall strike out the name of the elector on the electoral roll and shall, without opening it, deposit the outer envelope in a locked and sealed box;
- (b) if not satisfied that—
- (i) the person or body named in the declaration or endorsement is entitled to vote at the election; or
- (ii) the declaration has been completed, signed and witnessed in accordance with regulation 12, shall not admit the voting paper to the scrutiny.
- (3) Where all outer envelopes have been dealt with under subregulation (2), the returning officer shall—
- (a) open the outer envelopes deposited in the locked and sealed box under subregulation (2) (a) and remove the envelopes marked "voting paper"; and
- (b) ensure that each outer envelope contains the same number of envelopes marked "voting paper" as the number of votes to which the elector indicated on the outer envelope is entitled under regulation 9.
- (4) Where an outer envelope opened under subregulation (3) contains more envelopes marked "voting paper" than is referred to in subregulation (3) (b), the voting papers contained in that envelope shall not be admitted to the scrutiny.
- (5) When all the outer envelopes have been opened, the returning officer shall proceed with the count of votes.
- (6) In this regulation "endorsement" means the endorsement by a permanent employee of his name and address under regulation 10 (4) (b).

[Regulation 16 inserted in Gazette 8 August 1986 pp. 2822-23.]

Method of counting votes

17. (1) Subject to subregulation (2), the method provided for counting votes under the *Electoral Act 1907* shall be used at the count of votes, modified to accord with the optional preference method of voting, so that a vote shall not be invalid on the ground that all of the squares are not marked.

(2) Where, at a stage of the counting at which a candidate is to be eliminated, the 2 candidates with the least number of votes have equal number of votes then—

- (a) the candidate who has the lesser number of first preference votes shall be eliminated;
- (b) if both of the candidates have equal numbers of first preference votes, the candidate who has a lesser number of second preference votes shall be eliminated,

and so on, unless both candidates have the same number of votes at all levels of preference, in which case the elimination of the candidate shall be decided by lot.

[Regulation 17 inserted in Gazette 8 August 1986 p. 2823.]

Informal voting papers

18. (1) A voting paper shall not be informal unless—

- (a) it is not initialled by the returning officer or a person authorized by the returning officer under regulation 10 (3) (a);

- (b) subject to subregulation (2), it is marked in a manner other than that set out in regulation 11;
- (c) it has upon it any mark or writing, not authorized by these regulations, which in the opinion of the returning officer, will enable any person to identify the elector; or
- (d) it is unmarked.

(2) A voting paper shall—

- (a) be given effect to so far as the elector's intention is clear; and
- (b) not be informal solely on the ground that a cross was used by the elector to indicate the electors vote or first preference instead of the number "1".

(3) The returning officer shall be the sole and final judge as to whether a voting paper is informal.

[Regulation 18 inserted in Gazette 8 August 1986 p. 2823.]

Declaration of result

19. When the counting of the votes has been completed, a returning officer shall declare the result of the election in the presence of the scrutineers and of any candidates who are present at the time.

[Regulation 19 inserted in Gazette 8 August 1986 p. 2823.]

Preservation of paper

20. On completion of the scrutiny and count of votes, the returning officer shall—

- (a) enclose in one package all the used and counted voting papers, in another package all outer envelopes dealt with under regulation 16 (2) (a), in a third package all outer envelopes dealt with under regulation 16 (2) (b) and in a fourth package all envelopes dealt with in accordance with regulation 16 (4);
- (b) seal up the 4 packages referred to in paragraph (a) and endorse on each package a description, and the number, of the contents, and the date of the election before signing the endorsement; and
- (c) retain the 4 sealed packages.

[Regulation 20 inserted in Gazette 8 August 1986 p. 2823.]

Publication of result

21. Where the result of an election has been ascertained and declared the returning officer shall—

- (a) cause to be published in the *Government Gazette* the name of the person or persons elected to the Board; and
- (b) notify the Executive Chairman of the declaration under regulation 19.

[Regulation 21 inserted in Gazette 8 August 1986 p. 2823.]

Destruction of papers

22. At any time after 3 months from the date of publication in the *Government Gazette* of the name of the person or persons elected to the Board, the returning officer may authorize the destruction of the packages referred to in regulation 20.

[Regulation 22 inserted in Gazette 8 August 1986 p. 2823.]

Telegraphic communications

23. Where in this Part a matter is to be communicated and postal communication would cause undue delay, then telegraphic communication shall be sufficient.

[Regulation 23 inserted in Gazette 8 August 1986 p. 2823.]

Secretary to supply information

24. The Secretary shall supply to the returning officer any information requested by the returning officer for the purpose of conducting an election.

[Regulation 24 inserted in Gazette 8 August 1986 p. 2823.]

Extraordinary elections

25. (1) Subject to subregulations (2) and (3), the provisions of this Part and the Forms referred to in this part extend with all necessary changes to—

- (a) the first election by permanent employees under section 7 (i) of the Act; and
- (b) elections to fill a vacancy under section 11 of the Act.

(2) Where an election referred to in subregulation (1) is due in relation to the Council of the City of Perth—

- (a) the returning officer shall, as soon as is practicable, advise the Town Clerk of the City of Perth, in writing, that an election under section 11 of the Act is due;
- (b) at a meeting of the Council of the City of Perth held as soon as practicable after receiving the advice referred to in paragraph (a), the Council shall elect a member of the Board; and
- (c) the Town Clerk of the City of Perth shall forthwith inform the returning officer of the name of the person elected under paragraph (b),

and upon receiving the name of the person elected under paragraph (b), the returning officer shall—

- (d) by notice published in the *Government Gazette*, declare the person to be elected to the Board; and
- (e) notify the Executive Chairman of the declaration under paragraph (d).

(3) Where an election referred to in subregulation (1) is due, the Board shall fix a time and day for the close of the poll and this Part shall have effect as if—

- (a) the day referred to—
 - (i) in regulation 5 (1) (a) is the day which is 114 clear days before the close of the poll;
 - (ii) in regulation 5 (1) (b) is the day which is 83 clear days before the close of the poll;
 - (iii) in regulation 6 (1) is the day which is 97 clear days before the close of the poll;
 - (iv) in regulation 6 (2) is the day which is 67 clear days before the close of the poll;
 - (v) in regulation 8 (1) (b) is the day which is 33 clear days before the close of the poll;
 - (vi) in regulation 10 (3) is the day which is 26 clear days before the close of the poll;
- (b) the close of nominations is 12 o'clock noon on the day which is 47 clear days before the close of the poll.

10

(4) In this regulation "close of the poll" means the day fixed by the Board under subregulation (3).

[Regulation 25 inserted in Gazette 8 August 1986 p. 2824.]

Vacancy under section 11

26. A vacancy under section 11 of the Act shall be filled within 4 months after the occurrence of the vacancy.

[Regulation 26 inserted in Gazette 8 August 1986 p. 2824.]

[27. to 43. Regulations 27 to 43 repealed in Gazette 8 August 1986 p. 2824.]

PART IA—DISPUTED RETURNS

[Part 1A inserted in Gazette 1 April 1960 p. 980.]

Application for determination of question or dispute

43A. (1) An application for determination of a question or dispute which has arisen as to the regularity or validity of an election held under the provisions of the Act or the voting at the election, shall be in the form specified in Part 5 of the Second Appendix and shall be lodged in duplicate with the returning officer.

(2) The time after the completion of an election within which an application under subregulation (1) in respect of the election may be lodged shall be 3 months.

[Regulation 43A inserted in Gazette 1 April 1960 p. 980.]

Notification of Minister

43B. Within 7 days of the lodgment of the application referred to in regulation 43A, the returning officer shall give notice in writing to the Minister that a question or dispute has arisen as to the regularity or validity of the election, or the voting at the election.

[Regulation 43B inserted in Gazette 1 April 1960 p. 980.]

Arrangements for hearing

43C. (1) The stipendiary magistrate appointed by the Minister to determine the question or dispute shall fix a time and place for the hearing of the application and thereupon shall issue a summons requiring the returning officer, the applicant, the person returned at the election, and any other persons to appear before him on the day and at the place named in the summons.

(2) The summons referred to in subregulation (1) shall be in the form specified in Part 6 of the Second Appendix.

[Regulation 43C inserted in Gazette 1 April 1960 p. 980.]

Hearing by magistrate

43D. On the appearance before him of the parties, or in default of such appearance, the magistrate may, upon proof of service of the summons issued by him, proceed to hear the subject matter of the application and determine the question or dispute.

[Regulation 43D inserted in Gazette 1 April 1960 p. 980.]

Powers of magistrate

43E. For the purposes of the hearing of an application under this Part, the magistrate has and may exercise, in addition to the powers conferred by the Act and these regulations, the powers conferred upon Justices of the Peace under the *Justices Act 1902*, in all respects so far as concerns the powers relating to the summoning of witnesses, the taking of evidence and the conduct of proceedings, as though the application were a matter which may be heard and determined by Justices under that Act.

[*Regulation 43E inserted in Gazette 1 April 1960 p. 980.*]

Report of determination

43F. When the magistrate has as required by the Act and these regulations determined the question or dispute, he shall forward forthwith a copy in writing of his determination to the Minister and to the returning officer

[*Regulation 43F inserted in Gazette 1 April 1960 p. 980.*]

PART II—PROCEEDINGS AND BUSINESS OF THE BOARD

44.³ The office of the Board shall be at the Headquarters Fire Station, Perth, or at such other place as the Board may from time to time determine.

Hours of business

45. The office of the Board shall be open for the transaction of business during such hours as the Board may from time to time determine.

Meetings

46.³ The Board shall meet for the transaction of ordinary business on such days and at such time and place as the Board shall from time to time determine.

Special Meetings

47. The Executive Chairman may, or on the written requisition of 3 members of the Board the Secretary shall, call special meetings of which each member shall receive at least 7 days' notice.

[*Regulation 47 amended in Gazette 30 June 1982 p. 2262.*]

Committees

48. The Board may delegate any of its powers to committees, duly appointed by the Board, but any committee so formed shall, in the exercise of its powers so delegated, conform to any direction that may be imposed upon it by the Board. Each such committee shall report to the Board. The Executive Chairman shall be *ex officio* a member of all committees.

[*Regulation 48 amended in Gazette 30 June 1982 p. 2262.*]

Debate

49. The debate on all questions at meetings of the Board shall be conducted in accordance with the rules, forms, and usages which govern debates in the Legislative Assembly of the State Parliament, so far as the same are applicable or can be made applicable thereto.

Minutes

50. A record of all proceedings of the Board and of every committee, with the names of the members who attend each meeting, shall be made in books kept for the purpose under the direction of the Board and committees, and shall be signed at the next or some subsequent meeting of the Board or committee.

Common Seal

51. The common seal shall be placed in the custody of the Secretary who shall keep it securely locked up in the office or have same deposited with the bankers of the Board for safe custody. The seal shall not be affixed to any document, except by the order of the Board as recorded in the minutes, and, when affixed, must be witnessed by at least 2 members of the Board, and by the Secretary or any other officer authorized by the Board in that behalf.

[Regulation 51 amended in Gazettes 6 January 1966 p. 12; 30 June 1982 p. 2262.]

Amendment, rescission or extension of regulations

52. Any member may, on giving 7 clear days' notice, submit to the Board at its ordinary meeting, or at a special meeting, any motion for the purpose of recommending to the Governor in Council the making, altering, amending, rescinding, or extending of any regulation authorized under the existing *Fire Brigades Act*.

[53. Regulation 53 repealed in Gazette 30 June 1982 p. 2262.]

[54. Regulation 54 repealed in Gazette 28 August 1960 p. 2983.]

[55. Regulation 55 repealed in Gazette 13 April 1973 p. 953.]

Disbursements

56. All payments of \$2 and over shall be made by cheque upon the bankers of the Board, signed by any 2 of the persons from time to time appointed by resolution of the Board for that purpose.

[Regulation 56 inserted in Gazette 31 August 1955 p. 2077; amended in Gazette 6 January 1966 p. 12.]

Debentures for overdrafts

57.³ A debenture issued by the Board to secure money borrowed by way of overdraft from a bank, and an agreement relating thereto, may be in the forms in Parts 1 and 2 of the First Appendix hereto, or to the effect thereof, and in such case it shall not be obligatory that a sinking fund should be provided for the redemption thereof.

Debentures for other loans

58. Where the Board borrows money from a lender, otherwise than by way of overdraft from a bank, the debenture or debentures issued by the Board to secure the money so borrowed may be in such form as shall be mutually agreed

upon by the Board and the lender and as may be approved by the Governor, and, subject to the Act and to the approval of the Governor, the provision of a sinking fund by the Board for the purpose of paying off such debenture or debentures may be dispensed with.

Contributions by marine insurance companies

59. Every marine insurance company carrying on business of marine insurance in the State of Western Australia and not otherwise contributing to the funds of the Board, shall contribute to the said board, for the protection of the interests insured under their policy on wharves and jetties, the sum of \$20 annually, in advance, on the first day of January in each and every year: Provided that in any year the annual contribution payable by any marine insurance company may, with the approval in writing of the Board, be paid by 4 equal quarterly instalments on the first days of January, April, July, and October in such year.

Establishment of Replacement Funds

59A. (1) The Board may establish Replacement Funds into which shall be paid such amounts—

- (a) as the Board from time to time deems necessary; and
- (b) as provided for in the approved Estimates of the Board each year.

(2) The Board may from time to time apply any of the moneys in the Replacement Funds towards the purchase, construction, renewal, maintenance or replacement of land, buildings, machinery or plant.

[Regulation 59A inserted in Gazette 19 July 1956 p. 1786.]

[Part IV. Part IV repealed in Gazette 22 April 1977 p. 1101.]

[Part V. Part V repealed in Gazette 19 September 1986 p. 3414.]

PART VI—PERMANENT FIRE BRIGADES AND PROVISIONS RELATING TO EMPLOYEES OF THE BOARD

[Heading amended in Gazette 8 February 1946 p. 144.]

Ranks

94. Unless otherwise determined by the Board, the brigade shall consist of—

- (a) officers of the following ranks—
 - (i) Chief Officer;
 - (ii) Deputy Chief Officer;
 - (iii) Senior Officer;
 - (vi) District Officer; and
 - (v) Station Officer; and
- (b) members, namely—
 - (i) Senior fireman;
 - (ii) First-class fireman;
 - (iii) Second-class fireman; and
 - (vi) Third-class fireman.

[Regulation 94 inserted in Gazette 6 January 1966 p. 13; amended in Gazette 16 May 1986 p. 1660.]

Qualifications for candidates for appointment

95.³ A candidate for appointment to the brigade must—

- (a) be an Australian citizen or a permanent resident of Australia as defined in the *Migration Act 1958* of the Commonwealth;
- (b) be not under 18 nor over 35 years of age;
- (c) satisfy such medical and physical standards as are for the time being approved by the Board;
- [(d) deleted]
- (e) be generally intelligent, and capable of acquiring instruction;
- (f) produce satisfactory testimonials as to character;
- (g) produce a birth certificate or other satisfactory proof of age:

Provided that any condition prescribed by this regulation may be waived at the discretion of the Board.

[*Regulation 95 amended in Gazette 2 August 1974 p. 2875; 19 September 1986 p. 3414; 18 March 1988 p. 852; 9 June 1989 p. 1665.*]

Applications

96. Applications for appointment must be made in person, and each applicant must write his own application, and state his age, occupation, height, and whether married or single.

[*Regulation 96 amended in Gazette 19 September 1986 p. 3414.*]

Medical examination

97. Every approved candidate will be required to undergo a strict medical examination by the Board's medical officer as to physical fitness before being appointed to the service.

Declaration to obey rules

98. All candidates for appointment, before signing on, are required to read the Rules and Regulations of the Board, and to sign the declaration hereunder:—"I hereby state that I have read the Rules and Regulations of the Board, and undertake to serve under same."

[99. *Regulation 99 repealed in Gazette 16 May 1986 p. 1660.*]

Cancellation of appointments

100. All appointments or engagements made by the Board may be cancelled or annulled without any reason being assigned: Provided that, excepting in the case of a dismissal under these regulations, not less than one week's pay shall be granted in lieu of notice.

[100A. *Regulation 100A repealed in Gazette 5 September 1986 p 3277.*]

Automatic progression

101.³ Firemen shall automatically progress from third-class to second-class, and from second-class to first-class, after one year's satisfactory service in the third and second class respectively.

Promotion above first-class fireman—role of seniority

102. Above the rank of first-class, promotion shall not necessarily be by seniority.

Promotion above first-class fireman—eligibility

103. No first-class fireman shall be promoted to a higher grade unless he has (a), served at least 2 years at first-class rank; (b), passed an examination in the practical working of fire brigade appliances; (c), satisfied examiners appointed by the Board that he is qualified to take charge at fires and drills, and is able to instruct firemen in the practical working of fire appliances.

Promotion above first-class fireman—applications for vacancies

104. When a vacancy occurs in a rank higher than first-class, applications shall be invited by the Chief Officer from qualified persons in the classes below that in which the vacancy occurs, and, all things being equal, a selection shall be made from such applicants for the vacancy.

[*Regulation 104 amended in Gazettes 25 November 1949 p. 3015; 19 September 1986 p. 3414.*]

[*105. to 113A. Regulations 105 to 113A repealed in Gazette 6 January 1966 p. 13.*]

Appointment of approved candidates

114.³ (1) An approved candidate—

- (a) shall be appointed on probation to the rank of third-class fireman; and
- (b) shall undertake such recruit training as is determined by the Chief Officer.

(2) An approved candidate appointed to the rank of third-class fireman shall be on probation for a period not exceeding 12 months.

(3) At any time during the period of probation the Board may, on the recommendation of the Chief Officer annul the appointment and terminate the services of the appointee.

(4) The Board may, on the recommendation of the Chief Officer, and if it approves the recommendation, confirm the probationary appointment of a third-class fireman when he successfully completes recruit training.

(5) The service of a third-class fireman commences on the day on which he is appointed on probation to the rank of third-class fireman and includes the period of recruit training.

[*Regulation 114 inserted in Gazette 16 May 1986 p. 1660.*]

Third-class firemen

115. Third-class firemen shall receive such instruction and perform such duties as the Chief Officer may from time to time direct.

Second-class firemen

116. Second-class fireman shall be conversant with the details of a fireman's ordinary duties, and be proficient in drills.

First-class firemen

117. First-class firemen shall—

- (a) be competent to describe the various apparatus in the brigade;
- (b) have a knowledge of internal combustion engines;
- (c) be able to instruct a class in elementary drills.

Senior firemen

188. Senior firemen shall perform such duties as the Chief Officer may from time to time direct.

Obedience

119.³ All officers and firemen shall render immediate obedience to all lawful orders from their senior officers, and must conform to all rules and regulations which have been made or may be made from time to time in the brigade orders.

Roll-call

120. Roll-call shall be at 7 a.m., 8 a.m., 1 pm., and 6 p.m., and at such other times as the Chief Officer may direct.

Responsibility for condition of quarters at station

121. Firemen shall be held responsible to the officer in charge of the Station that the apartments, bedding, and furniture are kept clean and in good order at all times, and ready for inspection at 10 a.m. each day. Firemen shall be held responsible for any wilful damage during occupancy, of such quarters.

Service anywhere in State

122. (1) Every officer and fireman must serve wherever the Chief Officer may direct and attend all fire calls while on duty.

(2) An officer directed to serve outside the Metropolitan Fire District shall, if required, reside in premises provided for that purpose by the Board.

[Regulation 122 amended in Gazette 6 January 1966 p. 13.]

[Regulation 122A repealed in Gazette 12 November 1954 p. 1901.]

General duties

123. The general duties of officers and firemen shall be as defined from time to time by resolution of the Board, and shall be conveyed to those concerned by the Chief Officer.

Transfer after service at Kalgoorlie or Boulder

123A. A fireman who is—

- (a) recruited on the Goldfields and who has served at Kalgoorlie or Boulder or both for a period of 5 years; or
 - (b) recruited elsewhere than on the Goldfields and who has served at Kalgoorlie or Boulder or both for a period of 2 years,
- may apply for a transfer and the Board shall give consideration to the transfer within 12 months of the receipt of the application.

[Regulation 123A inserted in Gazette 12 November 1954 p. 1901.]

Uniform

124.³ The uniform of the brigade shall consist of a tunic, undress jacket, woollen sweater for winter, light coat for station work, trousers, peak cap, boots, flap cap, helmet, axe, hose and nozzle spanner, belt and 2 pouches, or as may be otherwise determined from time to time by the Board.

Wearing of uniform

125. Uniform shall be worn at all times when on duty. At fires every officer and fireman must appear in full uniform. When on duty other than at fires officers and fireman shall wear such uniform as the Chief Officer may direct.

Uniform belongs to Board

126. All articles of uniform issued are and shall remain the property of the Board.

Indemnity for damaged uniform

127. If an officer or fireman leaving the service fails to return any of the Board's property in proper order, allowing for fair wear and tear, the Board may deduct from any moneys due to him such sum as will indemnify the Board against loss.

Leave for officers

128.³ Officers shall receive such sick, annual and other leave (other than long service leave) as may be determined by resolution of the Board from time to time.

Leave for firemen

129. Firemen shall receive such sick, annual and other leave (other than long service leave) as determined by an industrial award or agreement: Provided that further sick leave, with or without pay, may be granted at the discretion of the Board.

Medical certificates as to sick leave

130. Medical certificates shall be furnished as to an officer's or fireman's fitness or otherwise for duty on application for sick leave, and before resuming duty. Provided that the Chief Officer may dispense with certificates in cases where the sick leave does not exceed one day.

Deferment of leave

131. The Board or the Chief Officer may, for sufficient reason, defer any or all leave.

Entitlements after work accidents

132. (1) Any officer, fireman, operations room attendant, direct brigade alarm technician or hose and extinguisher serviceman who has established a claim under the *Workers' Compensation Act 1912*⁴, by reason of personal injury by accident arising out of or in the course of his employment shall be entitled to leave of absence from duty, and shall receive during the period of incapacity such sum weekly as shall, together with any weekly amount received as compensation under the *Workers' Compensation Act 1912*⁴ be equal to the amount of his weekly wages.

- (2) For the purposes of this regulation "weekly wages" means—
- (a) the total wages, salary or other remuneration payable at the time of the incapacity for a week's work in such employment under any industrial award or industrial agreement to which the work performed by the incapacitated worker is subject;
 - (b) prescribed overtime, being any payment for the number of hours constituting the difference between 42 hour per week and the number of hours stated in the industrial award or industrial agreement as ordinary hours which constitute a week's work for a worker of the class of the incapacitated worker; and
 - (c) any shift allowance, week-end or public holiday penalty allowance, district allowance or industry allowance payable to the worker immediately prior to the accident.
- (3) The weekly payments shall be continued as long as the incapacitated worker is in receipt of weekly payments under the *Workers' Compensation Act 1912*⁴ or until the services of the incapacitated worker have been terminated by the Board whichever is the earlier.
- (4) Payments made under this regulation shall not be deducted from any payments made to the incapacitated worker under the Second Schedule of the *Workers' Compensation Act 1912*⁴.
- (5) Leave granted under this regulation shall not be counted against sick leave.

[Regulation 132 inserted in Gazette 18 January 1980 p. 143.]

Reference to a medical practitioner

132A.³ (1) An employee of the Board shall, when requested by the Board, submit himself for examination and testing by a medical practitioner nominated by the Board.

(2) The nominated medical practitioner may, if he thinks that it is desirable, engage the services of a consultant to obtain further medical opinion in relation to the employee's medical fitness.

(3) Having examined and tested an employee under subregulation (1) and obtained the opinion of any consultant engaged under subregulation (2) the nominated medical practitioner shall report in writing to the Board upon the medical fitness of the employee.

(4) Where the employee, without reasonable excuse, refuses to submit himself for examination or testing—

- (a) by the nominated medical practitioner; or
- (b) by a consultant engaged under subregulation (2) when required to do so by the nominated medical practitioner,

or in any way obstructs the examination or test, he is guilty of an act of misconduct.

[Regulation 132A inserted in Gazette 5 September 1986 p. 3277-78.]

Reference to a medical panel

132B.³ (1) Whenever a question arises concerning an employee's fitness to continue in his present position or in another position the Board shall refer the matter to a medical panel.

19

- (2) The medical panel shall consist of 3 medical practitioners of whom—
- (a) one shall be a nominee of the Permanent Head of the Health Department of Western Australia who shall be Chairman;
 - (b) one shall be a nominee of the Board; and
 - (c) one shall be—
 - (i) a nominee of the industrial union to which the referred employee belongs or is eligible to belong; or
 - (ii) where no one is nominated under subparagraph (i) within 14 days of the union being requested by the Board to make such a nomination, a medical practitioner nominated by the Chairman of the panel.
- (3) On a reference under subregulation (1)—
- (a) any medical practitioner or consultant who has examined or treated the employee on his own behalf or has examined him on behalf of the Board may attend and make written or oral submissions to the medical panel and present any other evidence relevant to the determination of the employee's medical fitness;
 - (b) the panel may require the employee to submit himself for examination and testing by the panel and if the panel thinks that it is desirable, by a consultant engaged by the panel.
- (4) The medical panel, having regard to any submissions made or other evidence presented under subregulation (3) (a) and the results of any examinations and tests required by it under subregulation (3) (b), shall thereupon consider and determine the employee's medical fitness for employment and the degree of incapacity (if any) involved, and shall report its determination in writing to the Board.
- (5) The Board shall base its decision in relation to the continued employment of the employee on the determination of the panel.
- (6) Where the employee, without reasonable excuse, refuses to submit himself for examination or testing by the medical panel or a consultant engaged by the medical panel when required to do so under subregulation (3) (b), or in any way obstructs the examination or test, he is guilty of an act of misconduct.

[Regulation 132B inserted in Gazette 5 September 1986 p. 3278; amended in Gazette 18 November 1988 p. 4532.]

Board to meet costs

132C.³ The costs of any medical examination, test, opinion or report made or obtained under regulation 132A or 132B (3) (b) shall be met by the Board.

[Regulation 132C inserted in Gazette 5 September 1986 p. 3278.]

Conduct requirements

133.³ No officer or fireman shall—

- (a) accept or engage in any employment for reward other than in connection with his duties: Provided that the foregoing shall not prevent any officer or fireman from—
 - (i) becoming a member or shareholder only of any incorporated company, or of any company or society of persons registered under any Statute;
 - (ii) holding any office in any society founded under the law relating to friendly societies;

- (b) accept any money, gifts or addresses, for services rendered at a fire, without permission of the Board;
- (c) communicate with the media unless authorized to do so by the Chief Officer;
- (d) take orders at fires from citizens;
- (e) wear his uniform off duty, unless when proceeding to or from duty;
- (f) absent himself while on duty from a station to which he is attached, without permission of the officer in charge;
- (g) indulge in gambling in or about the premises of a station;
- (h) take or cause to be taken any intoxicating liquors into the premises of a station without the consent of the Chief Officer;
- (i) otherwise conduct himself in a manner whereby the discipline, good order, or reputation of the brigade may be imperilled.

[Regulation 133 amended in Gazette 30 June 1982 p. 2262.]

Offences

134. Any person appointed by the Board as an officer, fireman, administrative or other employee, who—

- (a) commits any breach of the *Fire Brigades Act 1942*, or of any of the regulations made thereunder; or
- (b) is negligent or careless in the discharge of his duties; or
- (c) is inefficient or incompetent through causes which appear to be within his own control; or
- (d) consumes intoxicants or drugs to excess; or
- (e) is guilty of disgraceful or improper conduct either in his official capacity or otherwise; or
- (f) wilfully disobeys or disregards any lawful order or instruction given or issued by any person having authority to make, give or issue such order or instruction; or
- (g) has wilfully supplied to the Board or any person representing the Board, incorrect or misleading information in connection with his appointment to employment by the Board,

shall be guilty of an offence, and shall be liable to such punishment as is determined upon under the provisions of these regulations.

[Regulation 134 inserted in Gazette 8 February 1946 p. 146.]

Dealing with offences

135. (1) The Executive Chairman may, if he has reason to believe that an employee has committed an offence, make a charge against the employee, and if he considers that the offence is of such a nature that the employee should not continue in the performance of his duty, suspend the employee without pay. Suspension may be effected prior to or at any time of or subsequently to the making of the charge and may be removed at any time by the Executive Chairman pending determination of the charge, or, in any case when the charge is not sustained, immediately upon the promulgation of the finding to that effect.

(2) Without limiting the powers of the Executive Chairman as mentioned in the next preceding subregulation, the Chief Officer may exercise similar powers but in respect of officers and firemen only.

(3) Upon a charge being made against an employee, it shall be recorded in writing and a copy shall be handed to him forthwith together with a notice directing him to reply forthwith in writing stating whether he admits or denies

the truth of the charge and giving any explanation he desires in regard thereto. If a reply is not received within 7 days of service of the copy of the charge upon him he shall be deemed to deny the truth of the charge.

(4) Every charge shall be the subject of an inquiry by the Board.

Provided that the Executive Chairman may direct that in any case where a charge is made against an officer or fireman an inquiry shall be held by the Chief Officer in lieu of the Board and in such case the Chief Officer shall act accordingly.

(5) The employee charged shall be furnished with copies of all documents intended to be used at the inquiry and written notice of the time and place at which the inquiry will be held at least 7 days before the commencement thereof.

(6) The inquiry shall be held within at least 28 days of the service of the charge on the employee.

(7) The Board or the Chief Officer, as the case may be, upon being satisfied that the offence charged has been committed by the employee may do any one or more of the following—

- (i) Caution the employee.
- (ii) Fine him any sum not exceeding the sum of \$20.
- (iii) Reduce him in rank, class or status.
- (iv) Transfer him to a district other than that in which the offence was committed.
- (v) Dismiss him from employment.

(8) An employee who has been charged with an offence which has not been sustained shall be—

- (i) paid the reasonable expenses of conducting his case, such expenses to be fixed by the presiding authority hearing the inquiry; and
- (ii) if suspended pending determination of the charge, reinstated in his employment and if suspended without pay, paid the amount of remuneration he would but for such suspension have received as such employee.

(9) The Chief Officer shall report to the Board in writing on every inquiry held by him forthwith on the completion thereof.

[Regulation 135 inserted in Gazette 8 February 1946 p. 146; amended in Gazettes 17 June 1949 p. 1324; 30 June 1982 p. 2262.]

Appeals to Board

136. Any officer or fireman, a charge against whom has been the subject of an inquiry by the Chief Officer, may, by notice stating the grounds thereof in writing served on the Board within 7 days of the promulgation of the finding, appeal therefrom to the Board.

[Regulation 136 inserted in Gazette 8 February 1946 p. 147.]

Appeals to Appeal Board

137. (1) Any employee, a charge against whom has been the subject of an inquiry by the Board under regulation 135 (4), or an appeal under regulation 136, may by notice stating the grounds thereof in writing served on the Board within 7 days of the promulgation of the finding on such inquiry or appeal, as the case may be, appeal to the Appeal Board.

- (2) The Appeal Board shall consist of a chairman and 2 members as follows—
- (a) The chairman shall be appointed to the office by the Board and shall be a Stipendiary Magistrate, but if a Stipendiary Magistrate is unable or unwilling to act, the Chairman shall be a person who shall have the qualifications requisite for appointment as a Stipendiary Magistrate under the *Stipendiary Magistrates Act 1957*.
 - (b) One member shall be nominated by the association or trade union, of which the appellant employee is a member or in the event of such employee not being a member of any association or trade union by reason of his employment being such that there is not available to him membership in any association or trade union then and in such case one member shall be nominated by the appellant employee; and
 - (c) One member shall be nominated by the Board.

(3) The Board shall pay to the Chairman and the members of the Appeal Board such fees as shall be agreed.

[*Regulation 137 inserted in Gazette 8 February 1946 p. 147.*]

Provisions as to appeals

138. In the case of appeals brought under regulations 136 and 137 the following provisions shall apply—

- (a) The Board or the Appeal Board, as the case may be, shall appoint a time for the determination of the appeal.
- (b) The time appointed shall be within 28 days of the receipt of the notice of appeal by the Board.
- (c) The parties to the appeal shall be given at least 7 days' prior notice in writing of the time so appointed.
- (d) The Board or the Appeal Board, as the case may be, may affirm, vary or annul the finding, the subject matter of appeal, or may make and promulgate, in lieu thereof, such finding as shall in the circumstances of the case be deemed fit.
- (e) The Board or the Appeal Board may fix and award to the appellant reasonable expenses of conducting his case.
- (f) Appeal may be brought on the grounds of innocence of the charge or excessive severity of punishment.

[*Regulation 138 inserted in Gazette 8 February 1946 p. 147; amended in Gazette 24 April 1953 p. 739.*]

Provisions as to inquiries and appeals

139. 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—

- (1) The employee concerned—
 - (a) may be represented by an advocate from the association or trade union of which he is a member, but if such advocate shall refuse to act, or in the event of such employee not being a member of any association or trade union, by reason of his employment being such that there is not available to him membership in any association or trade union, then and in such case he may be represented by any person of whom the presiding authority shall approve.
 - (b) shall at the direction of the presiding authority submit himself to examination-in-chief, cross examination and re-examination orally on oath or affirmation.

- (2) The Board shall—
- (a) cause the proceedings to be recorded;
 - (b) at the written request of the employee concerned, furnish him with a copy of such record within 4 days of the conclusion of such proceedings.
- (3) The proceedings shall be heard in private or in public as the presiding authority shall direct.
- (4) Subject to the provisions of these regulations, and the directions from time to time of the Chairman of the Appeal Board, procedure as to matters preliminary to and on the hearing of—
- (a) any inquiry—
 - (i) by the Board under regulation 135 (4); or
 - (ii) by the Chief Officer under the proviso to regulation 135 (4); or
 - (b) any appeal—
 - (i) to the Board under regulation 136; or
 - (ii) to the Appeal Board under regulation 137,shall as nearly as practicable, and with the requisite adaptation thereof, follow the appropriate procedure provided for in *Justices Act 1902* relating to (c) simple offences; and (d) appeals, respectively.
- (5) The Secretary or a person nominated by the Executive Chairman shall be authorized to carry out all clerical duties as clerk to the presiding authority in all matters of procedure preliminary to and at the hearing of any such inquiry or appeal.
- (6) (a) The Executive Chairman or the presiding authority of any such inquiry or appeal as aforesaid may summon any person who it is believed is able to give or produce evidence relevant or material to the determination of any matter the subject of any such inquiry or appeal.
- (b) Any person who, when reasonable expenses have been paid or tendered to him, fails, without reasonable cause in obedience to such summons to attend and give or produce evidence shall be guilty of an offence.
- Penalty: \$40.
- (7) The finding of the Board or the Appeal Board as the case may be, shall be the finding of the majority of the persons constituting the same.
- (8) Any fine inflicted as aforesaid may be recovered as a simple contract debt at the suit of the Board.

[Regulation 139 inserted in Gazette 8 February 1946 p. 147; amended in Gazettes 17 June 1949 p. 1324; 22 July 1949 p. 1523; 6 January 1966 p. 13; 30 June 1982 p. 2263.]

Remedial power of Chairman of Appeal Board

140. If anything required by regulations 135, 136, 137, 138 or 139 is omitted to be done or is not done in the prescribed manner or within the prescribed time, the Chairman of the Appeal Board may take all appropriate measures for—(i) rectifying such omission; (ii) validating any irregularity; and (iii) enlarging such time.

[Regulation 140 inserted in Gazette 8 February 1946 p. 148.]

Notice of resignation

141.³ Any officer or fireman desiring to terminate his service (unless under special circumstances) must give at least 7 clear days' notice in writing, addressed to the Chief Officer. Any officer or fireman resigning or discontinuing his duties without such notice, or without special permission, shall be liable to forfeit all pay due to him, and to be formally dismissed.

Retirement

141A. An officer, fireman or other employee of the Board—

- (a) may retire from the service of the Board on or after reaching the age of 55 years; and
- (b) if he has not retired from the service of the Board before reaching the age of 65 years, shall so retire on reaching that age.

[Regulation 141A inserted in Gazette 10 January 1986 p. 88.]

Condition of station quarters

142. Any officer or fireman having quarters in a station shall be held responsible for any wilful damage during the occupancy of such quarters. The quarters shall be subject to inspection by the Chief Officer and by the officer in charge of the station, and, when vacated, must be left clean and in good order.

[Regulation 142 amended in Gazette 19 September 1986 p. 3414.]

Indemnity of Board for loss

143. In the event of the Board sustaining any financial loss through misappropriation, or through wilful damage to any property of the Board by an officer or fireman, the amount so misappropriated and/or the amount of the wilful damage so done may be deducted from any moneys due to such officer or fireman then or thereafter.

Change in marital status

144. Any change in an officer's or fireman's marital condition shall be notified in writing to the Chief Officer.

[145. Regulation 145 repealed in Gazette 6 January 1966 p. 13.]

Removal expenses

146. When an officer or fireman is ordered to move from one station to another, the Board shall pay all reasonable expenses of removal, except when such removal be ordered by way of punishment, or is granted at the request of the officer or fireman.

Long service medal

147. The Queen's long service medal shall be issued to an officer or fireman on the completion of 20 years' service with good conduct, and shall not be liable to forfeiture. The medal must be worn on the left breast of tunic.

[Regulation 147 amended in Gazettes 8 February 1972 p. 247; 13 April 1972 p. 799.]

Auxiliary firemen—applications for appointment

148.³ Applications for appointment as firemen in the auxiliary force must be made in candidates' own handwriting to the Chief Officer.

Auxiliary firemen—physical health

149. Candidates must be physically strong, free from defect in limb or sight, and not subject to fits.

[Regulation 149 amended in Gazette 19 September 1986 p. 3414.]

Auxiliary firemen—other requirements

150. Candidates must be of suitable age, and be approved by the Chief Officer.

Auxiliary firemen—documents supporting application

151. Candidates shall furnish testimony from at least 2 reputable persons as to their character, and, if necessary, produce satisfactory proof of age.

Auxiliary firemen—probation

152. Candidates shall be required to serve at least one month on probation, and, if found suitable, may be appointed to the auxiliary force.

Auxiliary firemen—term of engagement

153. The engagement of every auxiliary fireman shall be for one month, and thereafter from month to month.

Auxiliary firemen—ineligibility for long service medal

154. Long service medals shall not be issued to auxiliary firemen.

Auxiliary firemen—pay

155. Subject to any relevant award or industrial agreement auxiliary firemen shall receive pay in accordance with the following scale, viz:—

- (a) A retaining fee of \$1.25 a month;
- (b) In addition to the retaining fee, pay shall be allowed for attendance at fires in accordance with the following schedule:—For the first hour—50 cents; for each subsequent hour or part thereof—25 cents;
- (c) No pay shall be granted for attendance at drills, false alarms, fires with but trifling damage or chimney fires, unless under special circumstances and no fireman shall be entitled to receive pay under this Schedule for services at any fire unless he shall have received orders to attend such fire from his seniors.

Auxiliary firemen—injury

156. Where an auxiliary fireman is injured whilst on duty incidental to a fire call, the provisions of regulation 190 shall apply.

Special firemen

157. Should the Chief Officer deem it necessary to obtain assistance at any fire, he may engage special firemen.

PART VII—VOLUNTEER FIRE BRIGADES

Registration of brigades

158. (1) Subject to the provisions of this regulation the complement of any volunteer brigade shall be not more than 40 registered members, consisting of the following number of members in each of the following grades—

- (a) 10 Probationary Volunteer Firemen;
- (b) 25 Active Volunteer Firemen including a Captain, Foreman, Apparatus Officer and Secretary; and
- (c) 5 Reserve Volunteer Firemen.

(2) The Board may, in addition to the 40 registered members referred to in subregulation (1), register Junior Members of any volunteer brigade.

(3) The Board may approve of a temporary increase in the number of Reserve Firemen in any case where the Board, having regard to the existence of the special circumstances, is of opinion that such increase is for the time being necessary.

(4) Where an Active or Reserve Volunteer Fireman is absent from duty with a brigade, by reason of the operation of the *National Service Act 1951* (as amended) of the Commonwealth, he continues as an active or reserve registered member of the brigade, but, notwithstanding that continued membership and any provision of this regulation to the contrary, his place may be filled, during his absence, as provided by regulation 167.

(5) Where the Board has filled the place of an Active or Reserve Volunteer Fireman pursuant to subregulation (4), and that member returns to active duty with the brigade, the Board shall not fill the vacancy occurring first after his return to active or reserve duty, with the intent that the brigade shall be restored to, and be maintained at the correct complement, as soon as practicable.

[Regulation 158 inserted in Gazette 13 April 1972 p. 799; amended in Gazette 7 August 1981 p. 3205.]

Suspension and disbandment of brigades

159. (a) Whenever any brigade by reason of deaths, resignations, or expulsions shall have reduced its roll to less than a minimum effective strength to be determined by the Board, the registration of the said brigade may be suspended, and any allowances payable to any officers and members thereof may be reduced or forfeited to the Board as the Board may determine.

(b) If after one month's notice from the Board, any registered brigade remains below the minimum effective strength determined by the Board, the Board may cancel the registration of such brigade.

(c) If through dissensions or other cause the efficiency of any brigade is, in the opinion of the Board, impaired, registration may be suspended or the brigade may be disbanded by the Board.

Brigade district

160. (a) The district within which each registered brigade shall be liable to do duty shall be that portion that is within the boundary of the fire district in which the brigade is established.

(b) Such fire district shall be known and designated as the brigade district under the name of the said fire district.

(c) A brigade may, at the discretion of the senior officer available at the time, be permitted on request to attend a fire outside its fire district, provided that sufficient officers and members and apparatus and plant are retained for adequate protection of that fire district.

[Regulation 160 amended in Gazette 28 September 1960 p. 2984.]

Observance of regulations

161. Every officer and member shall conform to the regulations made, or which may hereafter be made, for the management of the various fire brigades, and shall be subject to the duties, conditions and penalties named therein. All allowances may, at the discretion of the Board, be subject to stoppage or absolute forfeiture in the event of wilful violation of the regulations.

Brigade rules

162. Each brigade may have its own rules of internal and general working, which shall in all cases be subject to the approval of the Board. All proposed alterations or additions shall be submitted to the Board for approval or otherwise. No rule shall be contrary to these regulations.

Qualification for membership

163. (1) Subject to subregulation (2), a person shall not be registered on the roll of a brigade unless that person is—

- (a) in good health, and sound in body and mind;
- (b) of good moral character and habits;
- (c) except in the case of a person to be registered as a junior member, over the age of 17 years, and not over the age of 45 years;
- (d) in the case of a person to be registered as a junior member, over the age of 11 years but not over the age of 17 years and has first obtained the written consent of his parent or guardian thereto.

(2) Notwithstanding subregulation (1) (c), a person may be registered on the roll of a brigade—

- (a) where the person is over the age of 45 years, if the Board so agrees in a particular case; and
- (b) as a Probationary Volunteer Fireman, where the person is over the age of 16 years but not over the age of 17 years provided that the person shall not be transferred to the active volunteer grade or reserve volunteer grade under regulation 167 unless—
 - (i) the written consent of a parent or guardian of the person to the transfer has been received by the Chief Officer;
 - (ii) the brigade Captain is of the opinion that the person is a suitable person to be an active member of the brigade; and
 - (iii) the person has successfully completed a fire fighter study programme approved by the Board.

[Regulation 163 amended in Gazettes 19 July 1956 p. 1786; 28 September 1960 p. 2984; 17 December 1969 p. 4102; 13 April 1972 p. 799; 18 March 1988 p. 852.]

Persons not eligible for membership

164. No person shall, unless with the consent of the Board, be eligible for re-election to any brigade, who has been dismissed or struck off the roll of any brigade for misconduct, or for persistent neglect to attend fires or practices, or for want of interest generally in his duty as an officer or member, or for any cause which, in the opinion of the Board, would disqualify him for membership.

Retiring age of members

165. No officer or member over the age of 65 years shall be allowed to remain on the registered roll of any brigade unless under special circumstances, and with the approval of the Board.

[Regulation 165 amended in Gazette 28 September 1960 p. 2984.]

New members

166. (a) In each case of persons desiring to join, after a brigade has been registered by the Board, if the candidate complies with the requirements set forth in regulation 163, and the brigade approves of him, the name and particulars of such candidate shall be submitted to the Board, in such form as the Board may from time to time direct, for approval or otherwise.

(b) No person shall be recognised as an officer or member of any brigade until his name has been approved by the Board and registered on the roll of such brigade by the Board.

(c) The Board may require a certificate from the captain of the brigade that due regard has been paid to the distribution of the membership over the area in which property has to be protected.

(d) Every officer and member shall, unless the Board otherwise determines, reside or, in the case of an officer or member of a country brigade, have his place of employment, within easy hearing of the calling device, and the service of the officer or member must be reasonably available as required.

[Regulation 166 amended in Gazette 29 September 1960 p. 2984.]

Brigade membership

167. (1) New members shall be enrolled as Probationary Volunteer Firemen, and after serving 3 months' satisfactory service and in the case of a person not over the age of 17, after regulation 163 (2) (b) has been complied with, may be recommended by the brigade Captain to the Board for transfer to the active volunteer grade, and where approval by the Board is granted shall be so transferred when a vacancy occurs.

(2) Where a vacancy exists in either the active or the reserve grade, any member in either of those grades may, upon the resolution of a general meeting of the brigade and the approval of the Board, transfer to the other.

(3) Where a new brigade is inaugurated the Board may enrol persons over the age of 17 as Active Volunteer Firemen notwithstanding that they have not served 3 months as Probationary Volunteer Firemen if the Board is satisfied that they have each had sufficient training to equip them as active members of the brigade.

(4) Subject to the approval of the Board, the brigade Captain may enrol Junior Members, and when vacancies in the grade of Probationary Volunteer Firemen occur, those vacancies shall, whenever possible, be filled by Junior Members who have reached the age of 16 years.

[Regulation 167 inserted in Gazette 13 April 1972 p. 799; amended in Gazette 18 March 1988 p. 852.]

[167A. Regulation 167A repealed in Gazette 9 August 1972 p. 3014.]

Leave of absence

168. (1) Probationary, Active and Reserve Volunteer Firemen shall apply in writing to the brigade Captain for any leave of absence.

(2) The brigade Captain may approve or reject any application for leave of absence for a period less than one month.

(3) When an application for leave of absence is for a period greater than one month the Captain shall forward the application to the Board for approval or rejection, with his recommendation.

(4) Junior Members shall apply in writing to the brigade Captain for any period of leave of absence and the brigade Captain shall grant or reject that application.

[Regulation 168 inserted in Gazette 13 April 1972 p. 800.]

Transfer of members

169. Officers and members may be transferred from one brigade to another: Provided the complement of the latter permits of such transfer, on production of a certificate of good character and discharge from their former brigade and with the approval of the Board.

Resignations

170. Officers and members desiring to retire from the membership of their brigade shall send in their resignation in writing to the Board through the brigade.

Members may be struck off the roll

171. Where, without leave or sufficient excuse—

- (a) a probationary or active member fails to comply with any of the provisions of regulation 184;
- (b) a reserve member fails to comply with any of the provisions of regulation 185; or
- (c) a junior member fails to comply with the provisions of regulation 185A,

he may be struck off the register by the Board.

[Regulation 171 inserted in Gazette 13 April 1972 p. 800.]

Election of officers

172. (a) Every brigade shall meet during the first week in June in each year, and elect by ballot the complement of officers specified in regulation 158(1).

(b) Each officer elected shall be a registered active member of his brigade.

(c) Officers shall hold office for the term of one year from and including 1 July next ensuing the annual election.

(d) In the event of an officer resigning or being removed from office, or ceasing to be a member of the brigade during the year, the brigade shall forthwith in meeting fill the vacancy by ballot. The officer elected shall hold office until the ensuing 30 June.

(e) Brigades may make their own rules or resolutions with regard to the date and method of nominating for the position of officers.

(f) Secretaries of brigades shall, within 7 days of such elections report to the Board the result thereof.

[Regulation 172 amended in Gazettes 28 September 1960 p. 2984; 12 August 1970 p. 2540.]

Demeanour towards fellow members

173.³ Officers and members of brigades shall in their intercourse with each other, official or social, observe a courteous demeanour, and officers and members addressing each other shall do so in a respectful manner.

Formalities while on duty

174. While on duty at fires, practices, drills, or parades, the greatest degree of silence compatible with a proper discharge of duty shall be observed, and members shall address officers by their official titles.

Times of duty

175. Officers and members of brigades shall be deemed to be on duty at all times when in uniform; and at fires, alarms of fire, practices, drills, parades or brigade meetings, etc., whether in uniform or plain clothes.

Suspension from duty

176.³ (a) The Chief Officer may, on his own initiative or on receipt of a complaint in writing, suspend any officer or member of a brigade.

(b) Any officer or member of a brigade who may be deemed to be guilty of disobedience of orders, insubordination, conduct subversive of discipline, intoxication, abusive or obscene language, or other unseemly conduct when on duty shall within 24 hours be reported to the Chief Officer, in writing, by the captain or senior officer, who may suspend such officer or member from duty pending an inquiry or until the Chief Officer at his discretion cancels such suspension. Officers below the rank of captain shall forward their reports in such cases to the captain for transmission to the Chief Officer.

[Regulation 176 amended in Gazette 28 September 1960 p. 2984.]

Inquiries into conduct

177. The Chief Officer shall be empowered to inquire into all offences contrary to the good order and discipline of the brigade, and take such action as he may consider necessary to meet the case.

Report to Board

178. The Chief Officer shall report all offences and penalties for same to the Board at its next meeting after the offence has been dealt with.

Appeal to Board

179. Any member may, in writing, appeal to the Board against any penalty inflicted by the Chief Officer, and the Board may affirm, annul, or vary such penalty.

Functions of captain

180.³ The Captain shall—

- (a) enforce discipline and the regulations of the Board;
- (b) take command at fires in the absence of any permanent officer of the Board;
- (c) take command at all brigade practices, drills, and parades;
- (d) be empowered to suspend any officer or member, as provided for in regulation 176 (b);

- (e) see that the officers and members, or any persons employed, do their duty faithfully;
- (f) see that all apparatus, plant, and buildings belonging to the Board or in charge of the brigade are kept clean and in good condition and repair;
- (g) cause regular monthly hydrant inspections to be made within the fire district of the brigade and ensure that details of defective hydrants are reported immediately to the Chief Officer;
- (h) see that a proper audited statement of receipts and payments, together with the bank passbook or bank statement, is presented at each monthly meeting of the brigade;
- (i) inspect brigade uniforms, and report to the Chief Officer thereon; as provided for in regulation 204;
- (j) act in any matter if a senior officer of the Board is not present;
- (k) see that effect is given to the provisions of regulation 192 (1), relative to demonstrations and competitions;
- (l) be responsible for the supervision of the discipline, conduct and training of junior members, enrolled in accordance with these regulations but may cause immediate control over those members to be vested in a senior member.

[Regulation 180 amended in Gazettes 28 September 1960 p. 2984; 17 December 1969 p. 4103; 13 April 1972 p. 800.]

Functions of foreman

181.³ The Foreman shall—

- (a) act with and be under the direction of the captain;
- (b) perform the duties of the captain in his absence;
- (c) where a station-keeper is not provided, take charge of all apparatus and plant and be responsible for its cleanliness, and the good order of the fire station;
- (d) immediately report any defects in the apparatus and plant and buildings to the captain.

Functions of apparatus officer

182.³ The Apparatus Officer shall—

- (a) be subject to the senior officers of the brigade;
- (b) assist the foreman in his duties;
- (c) perform the duties of foreman in his absence.

Functions of secretary

183.³ The secretary of a brigade shall—

- (a) subject to the control of the Board, have charge of all books, papers, and other documents of the Board that may be in the custody of the brigade;
- (b) attend promptly to all communications received from the Chief Officer or Executive Chairman;
- (c) promptly communicate the directions of the captain or the brigade;
- (d) keep a file containing all inwards correspondence, and copies of all outward official correspondence and requisitions;
- (e) attend all meetings of the brigade and record the minutes thereof;
- (f) issue a receipt, and at the same time make a duplicate by means of carbon paper from the receipt book provided by the Board for that purpose, for all moneys received by or on behalf of the brigade; and be held responsible for all moneys of the Board which may be remitted to the brigade, and deal with brigade funds as provided for in regulation 209.

- (g) (1) At each and every monthly meeting of the brigade—
- (a) submit a proper income and expenditure account for the month then next preceding the meeting, in a form to be prescribed from time to time by the Board, together with the cash book, the bank pass book written up to date by the bank, the cheque book, vouchers, duplicate receipt books and other documents of the brigade relevant to the said account and necessary to check and verify the same;
 - (b) answer all questions which may be put to him at the meeting relating to the funds and finances of the brigade: Provided that, if in the opinion of the meeting the said account, or the brigade books and documents as submitted therewith, or any answer given by the secretary of the brigade, is or are unsatisfactory, as indicating some breach of duty on the part of the secretary of the brigade, the chairman of the meeting shall forthwith report to the Executive Chairman in writing the matters which are deemed to be unsatisfactory as aforesaid;
 - (c) produce all other brigade books and correspondence.
- (2) As and when so requested by the Executive Chairman, prepare and submit a financial statement relating to the funds and finances of the brigade in respect of such period and in respect of such matters as may be required by the Executive Chairman, and together therewith produce to him for inspection such books, vouchers, receipts, and other documents of the brigade as may be relevant to such account and necessary for the purpose of checking and verifying the same.
- (3) Produce the brigade books and correspondence to the captain of the brigade or to any officer of the Board, as and whenever requested so to do by such captain or officer.
- (h) perform to the satisfaction of the Board and the brigade all such duties as may be imposed upon him by the regulations, the Board, or the brigade;
- (i) be under the general direction of the Board in all matters relating to office routine and management;
- (j) be liable to suspension, removal, or dismissal by the Board;
- (k) on his retirement from office, furnish to the Board all returns to the end of the term for which he held office, and hand to his successor all moneys, books, correspondence, or other documents which are the property of the Board;
- (l) furnish to the Board, within the times specified the following returns, forms, and reports:—

Returns, Forms and Reports to be Furnished.

Applications for registration of new junior, probationary, active and reserve members; applications for transfer; applications for leave of absence; resignations of members; requisitions—immediately after being dealt with by the brigade.

Receipts for uniforms issued—immediately after issue.

Invoices for goods supplied or services rendered—immediately after being certified correct.

Reports of fires—within 48 hours of the fire.

Reports of election of officers—within 7 days of the election.

Return of attendances at fires, practices and hydrant inspections; statement of petty cash expenditure and supporting invoices—within 7 days of each quarter ending 31 March, 30 June, 30 September, and 31 December.

Annual return of board and brigade property—on 30 June in each year.

(m) keep the following books and records, which are and shall remain the property of the Board, viz:—

- (i) Register of Members—in which shall be entered in ink the full name of every registered member, together with his age, birth-place, occupation, residence, brigade rank, dates of admission to and leaving the brigade, dates of election to and ceasing to be an officer, dates of transfer from one grade to another, dates granted long service awards, and any other relevant information.
- (ii) Register of Fires—in which shall be entered in ink full particulars of all fires and alarms of fire, together with the names and respective ranks of members in attendance.
- (iii) Minute Book—in which shall be entered in ink the names of officers and members attending each meeting, and the minutes of resolutions and proceedings thereat.
- (iv) Attendances Book—in which shall be entered in ink the dates of, and the names and respective ranks of members attending, all practices, drills, hydrant inspections, competitions and demonstrations.
- (v) Property Book—in which shall be entered in ink details of all property, showing in separate parts the respective property belonging to the Board and the brigade (including trophies).
- (vi) Cash Book—in which shall be entered in ink details of all brigade receipts and payments, as provided for in regulation 209.
- (vii) Reference File—which shall contain all regulations, the manual book, and general and special circulars issued by the Board.

[*Regulation 183 amended in Gazettes 6 January 1966 p. 13; 12 August 1970 p. 2540; 13 April 1972 p. 800; 30 June 1982 p. 2263.*]

Functions of probationary and active members

184.³ Probationary and active members shall—

- (a) upon an alarm of fire proceed promptly with the apparatus and plant to the fire, and immediately on arrival report themselves to the senior officer present;
- (b) perform such duties at fires as may be required of them;
- (c) remain on duty until relieved by orders, which shall be given only by the officer in command;
- (d) where the brigade has no Station-keeper, keep the apparatus and plant and buildings clean and in good order;
- (e) make themselves effective by attending during each half-year not less than two-thirds of the monthly practices and drills held by the brigade in that period.
- (f) attend all brigade meetings unless excused, but attendances at meetings shall not be counted towards the attendances required for effectiveness.

[*Regulation 184 amended in Gazettes 28 September 1960 p. 2984; 13 April 1972 p. 800.*]

Role of probationary members at meetings

184A. Probationary members shall attend volunteer brigade meetings and may take part in the discussions, but they shall not have the right to vote on motions submitted to the meeting.

[*Regulation 184A inserted in Gazette 13 April 1972 p. 800.*]

Functions of reserve members**185. Reserve members—**

- (a) shall be available for fire calls;
- (b) shall keep themselves proficient in the use of fire extinguishing apparatus and plant by attending periodic drills and lectures, to the satisfaction of the brigade Captain or Chief Officer;
- (c) may attend volunteer brigade meetings and speak and vote on the proceedings at those meetings;
- (d) shall not hold office as an officer of the brigade.

[Regulation 185 inserted in Gazette 13 April 1972 p. 801.]

Functions of junior members**185A. Junior members—**

- (a) may operate pumps under the strict supervision of a brigade officer;
- (b) shall hold separate meetings, under the supervision of the Captain or officer in charge of the brigade or other officer appointed for the purpose;
- (c) shall not attend fires or participate in brigade practices and drills held for probationary, active or reserve members; and
- (d) shall not travel on a fire fighting appliance.

[Regulation 185A inserted in Gazette 13 April 1972 p. 801.]

Functions of station-keeper**186. Where the Board appoints a station-keeper he shall—**

- (a) reside at the fire station if practicable;
- (b) be under the direction of the senior officer present for the time being;
- (c) attend to and be responsible for the cleanliness, good order and condition of the fire station and the fire extinguishing apparatus and plant belonging to the Board or in charge of the brigade;
- (d) receive such remuneration as the Board may determine;
- (e) be liable to suspension, removal, or dismissal by the Board.

Duties at fires

187. At fires the senior officer present shall take command until the arrival of his senior. The brigade's duties shall be deemed not to be completed until the fire is properly and effectually extinguished. Officers and members who have been issued with uniforms must on turning out to fires or alarms of fire wear such uniforms when they can do so without causing undue delay in attending.

[Regulation 187 amended in Gazette 28 September 1960 p. 2985.]

Roll call after fires

188. On return from a fire or alarm of fire, the officer in command shall cause the roll to be called, and see that full details of same are recorded as provided for in regulation 183(m)(ii). He may exempt officers and members from returning to the fire station for roll call, and may call the roll at the place of the fire or alarm of fire.

Reports of fires

189. A report, in the prescribed form, of all fires and alarms of fire, signed by the officer in command, shall be furnished to the Board within 48 hours of the fire or alarm of fire. The names and respective ranks of officers and members present thereat shall be recorded in the space provided on the fire report form.

[*Regulation 189 amended in Gazette 12 August 1970 p. 2540.*]

Entitlements after accidents

190. Any officer or member of a volunteer fire brigade, or any auxiliary fireman who has established a claim with the Board's insurers as if he were a "worker" under the *Workers' Compensation Act 1912-1941*⁴ and any amendments thereof, by reason of personal injury by accident, arising out of or in the course of his employment shall be entitled to leave of absence from duty, and shall receive, during the period of incapacity, such sum weekly as shall, together with any weekly payment by way of compensation, including child allowance (if any), payable by the Board's insurers as if he were a "worker" under the *Worker's Compensation Act 1912-1941*⁴, and any amendments thereof, be equal to his weekly wages, but not exceeding the sum of \$100 per week:

Provided that—

- (a) such payments shall not be made for more than 13 weeks, except by resolution of the Board;
- (b) such payments shall not be continued after the services of any officer or members of a volunteer fire brigade or any auxiliary fireman have been terminated;
- (c) such payments, for a period not exceeding 13 weeks, shall not be deducted from any payments made under the Second Schedule of the above Act⁴.

[*Regulation 190 amended in Gazettes 18 August 1944 p. 705; 28 December 1951 p. 3486; 12 May 1965 p. 1458; 23 August 1972 p. 3231.*]

Practices

191. (1) Probationary and active members of each brigade shall be practised in the duties concerning fire extinguishing apparatus and plant, or other drills at least once each calendar month, under the supervision of their officers, and at such other times as the Board, Chief Officer or Captain may direct.

(2) Reserve members shall attend periodic drills and practices at such times as directed by the brigade Captain or Chief Officer.

(3) A recognised practice shall mean practical work in fire extinction or other drill, for at least three-quarters of an hour.

(4) Each brigade may appoint its own dates for practices.

[*Regulation 191 inserted in Gazette 13 April 1972 p. 801.*]

Demonstrations and competitions

192.³ (1) Brigades shall not at any time attend fire brigades' demonstrations or competitions outside a radius of 8 kilometres from their head station without leaving a sufficient number of effective registered members within their respective districts. No portion of the apparatus and plant (with the exception of a competition reel and apparatus) shall be taken to a demonstration or competition without the written consent of the Board. Captains shall be responsible for the observance of this regulation.

(2) The Board may by resolution authorize such expenditure or make such grants as it considers necessary or expedient for the successful conduct of demonstrations and competitions, and, in particular, for all or any of the following purposes, viz.:—

- (a) the transportation of volunteer firemen and their apparatus or plant;
- (b) the purchase of trophies for competition by volunteer fire brigades and firemen, and the allocation of the cost thereof;
- (c) the entertainment of volunteer firemen, and visiting officials and brigades;
- (d) any other matter incidental to the conducting of demonstrations and competitions.

(3) Subject to subregulation (3a), the Board may by resolution from time to time make grants of money to Volunteer Fire Brigades attending demonstrations outside the State.

(3a) A grant made under subregulation (3) shall not in any one financial year exceed an amount of \$250 in respect of any one Volunteer Fire Brigade and in any event the grants made under this regulation shall not exceed an aggregate of \$1000 in any one financial year.

(4) All expenditure incurred by the Board under this regulation shall be charged in the first instance to demonstration costs, and thereafter shall be dealt with in the following manner, namely:—

- (a) Expenditure incurred in connection with the conducting of the annual Volunteer Fire Brigades' Demonstration shall be apportioned equally between all private fire brigades permitted to compete, and all registered volunteer fire brigades eligible to compete, and when so apportioned, shall be charged against the fire district accordingly;
- (b) Expenditure incurred by the Board in connection with fire brigades attending inter-district competitions shall be charged against the fire district of the brigade in relation to which the expenditure was incurred;
- (c) Expenditure incurred by the Board by way of grant to a fire brigade or fire brigades attending demonstrations or competitions outside Western Australia shall be charged against the fire district of the brigade to which the grant was made.

[Regulation 192 amended in Gazettes 19 July 1956 p. 1786; 1 May 1970 p. 1231; 13 April 1972 p. 801; 2 August 1974 p. 2875; 30 September 1977 p. 3531; 20 January 1978 p. 187.]

Participation of junior members in demonstrations or competitions

192A. Junior members may compete in junior member events at organized demonstrations or competitions provided prior approval of the Board to compete in particular events in which water is drawn or discharged from hoses, has been obtained.

[Regulation 192A inserted in Gazette 21 December 1984 p. 4177.]

Uniforms

193.³ (1) The Board shall determine which volunteer brigades shall be eligible for uniform issue.

(2) The uniform supplied by the Board for Officers and active and reserve members of eligible volunteer fire brigades, shall consist of a coat with an arm flash with the brigade name inscribed thereon, and a cap and belt.

(3) Officers and active and reserve members may provide their own summer uniform shirt of a style and pattern approved by the Board, but when on duty may wear that shirt in lieu of the coat only if and when directed by the Board.

(4) Rank insignia and badges for officers shall be as follows:—

Captain—Double Scale Chrome Shoulder Epaulettes worn on coat and Captain's Badge attached to the coat above the right top pocket.

Foreman—Single Scale Chrome Shoulder Epaulettes worn on coat, and Foreman's Badge attached to the coat above the right top pocket.

Apparatus Officer—Apparatus Officer's Badge attached to the coat above the right top pocket.

Secretary of a Brigade—Secretary's badge attached to the coat above the right top pocket.

(5) All officers and active and reserve members of volunteer fire brigades eligible to wear uniform, shall wear an official W.A. Fire Brigades badge on the cap.

(6) Probationary volunteer firemen shall not be issued with uniform.

[Regulation 193 inserted in Gazette 13 April 1972 pp. 801-02; amended in Gazette 30 June 1982 p. 2263.]

Supply of uniforms to junior members

194. (1) Junior members shall not be supplied with uniforms by the Board.

(2) The brigade may supply uniforms to junior members the type and design of which, shall from time to time, be determined by the Board.

[Regulation 194 inserted in Gazette 13 April 1972 p. 802.]

Uniforms and equipment belong to Board

195. (1) The uniform and equipment supplied to active and reserve members in accordance with these regulations shall remain the property of the Board.

(2) Any uniform supplied to junior members by a brigade shall remain the property of the brigade.

[Regulation 195 inserted in Gazette 13 April 1972 p. 802.]

Trousers

196. Officers and members shall provide their own trousers, which should be of dark blue serge with a strip of scarlet braid 15 millimetres wide covering the outside seam, and shall be a minimum of 45 centimetres and a maximum of 55 centimetres wide over the instep.

[Regulation 196 amended in Gazettes 13 April 1972 p. 802; 2 August 1974 p. 2875.]

Care of uniforms

197. Officers and members shall use reasonable care in keeping uniforms clean and in good order.

Lending of uniforms

198. Officers and members shall not lend a uniform or any part of it to any person not in the service.

Articles prohibited

199. Flowers shall not be worn in coats and tan boots shall not be worn.

Wearing of part of uniform prohibited

200. Officers and members shall not at any time appear dressed partly in uniform and partly in plain clothes, except in cases of emergency at fires.

Wearing of uniforms at inspections

201. Full uniforms shall be worn at inspections made by the Chief Officer, or any other officer deputed for that purpose by the Board or Chief Officer.

Wearing of uniforms at awards

202. Her Majesty the Queen's Fire Brigade Long Service and Good Conduct Medal shall be worn on the left breast of the coat but all other long service awards shall be worn in such manner as is determined from time to time by the Board.

[Regulation 202 inserted in Gazette 13 April 1972 p. 802.]

Wearing of ambulance badges

203. Members qualified in ambulance work shall wear their ambulance badge on the left arm.

Reports on uniforms and equipment

204. Captains shall during the months of January and July in each year, inspect all uniforms and equipment on issue, and forthwith report to the Chief Officer on the condition thereof, and requisitions for new issues or replacements shall reach the Chief Officer not later than 28 February and 31 August in each year.

[Regulation 204 inserted in Gazette 13 April 1972 p. 802.]

Duty of secretary

205. Brigade secretaries shall after checking all uniform issues to members, with store requisition or purchase order, return the appropriate copy, duly signed, to the Executive Chairman.

[Regulation 205 inserted in Gazette 13 April 1972 p. 802; amended in Gazette 30 June 1982 p. 2263.]

Wearing of certain epaulette and badge

206. (1) A member with not less than 5 years' service as a Captain under the Board, and not less than 15 years' service in all shall be entitled to retain his Double Scale Chrome Shoulder Epaulettes to be worn on coat and to wear an ex-Captain's Badge above the right top pocket of his coat.

(2) Service as a junior member shall not be counted as service for the purpose of subregulation (1).

[Regulation 206 inserted in Gazette 13 April 1972 p 803.]

Return of uniform and equipment

207. Subject to regulation 206, officers and members shall return uniforms and equipment to the Chief Officer or captain, on being requested in writing to do so. If an officer or member fails to comply within 7 days of the transmission to him of such request, the brigade shall be liable to a penalty not exceeding \$10 and shall, in addition to the penalty named, be further liable for and shall pay the cost of any article not returned.

[Regulation 207 amended in Gazette 13 April 1972 p. 803.]

Long service awards

208. (1) Officers and members of volunteer brigades who have efficiently served in one or more brigades in Western Australia are entitled to awards as follows:—

- (a) for 5 years' service, a Long Service Badge and Bar;
- (b) for 10, 15, 30, 40 and 50 years' service, a Bar;
- (c) for 20 years' service, the Fire Brigade Long Service and Good Conduct Medal, as awarded by Her Majesty the Queen.

(2) For the purposes of this regulation—

- (a) periods of service as an executive officer of the Western Australian Volunteer Fire Brigades Association shall count as service to qualify for awards;
- (b) periods of service as an officer or member of a volunteer fire brigade in a State other than Western Australia, notwithstanding the provisions of subregulation (1), shall at the discretion of the Board upon production to it of such evidence of that service as it may require, count as service to qualify for awards;
- (c) where a Probationary Volunteer Fireman is subsequently elevated to Active Volunteer Fireman, his period of service as a Probationary Volunteer Fireman shall count towards long service award entitlements;
- (d) satisfactory service as a reserve volunteer fireman shall count as an entitlement for long service awards;
- (e) periods of service as a junior member shall not count as service to qualify for awards.

(3) Upon an officer or member becoming eligible for an award under this regulation, he shall furnish to the Board an application in the prescribed form showing full particulars of service and certified by the captain and the secretary of the brigade, or the president and the secretary of the Association, as the case may require.

[Regulation 208 inserted in Gazette 28 September 1960 p. 2986; amended in Gazettes 17 December 1969 p. 4103; 13 April 1972 p. 803; 19 November 1976 p. 4587.]

Brigade funds

209. (a) All moneys received by or on behalf of a brigade from any source whatsoever shall be paid into an account in the name of the brigade, to be kept at a savings bank or other bank.

(b) All payments by or on behalf of the brigade shall be made out of such account by means of withdrawal form or cheque (as the case may require) drawn against such account, and signed by the secretary of the brigade and the captain

40

thereof and one other member of the brigade. Each account of \$2 and over owing by the brigade shall be paid by separate cheque, and only in the case of accounts under \$2 shall one cheque be drawn to pay several accounts in cash.

(c) All such receipts and payments shall be recorded in the brigade cash book, as provided for in regulation 183 (m)(vi).

(d) The auditors and the secretary of the brigade shall certify to the correctness of the brigade's funds by signing the certificate incorporated in the quarterly return form to be rendered to the Board.

(e) (i) Each brigade shall appoint 2 persons (other than the Secretary of the Brigade) to be auditors of the brigade's funds, and shall constantly keep such positions filled.

(ii) The said auditors shall from time to time examine all entries made in the brigade books by the Secretary of the brigade; and prior to the brigade's monthly meeting check the income and expenditure account of the secretary of the brigade from the cash book, and the duplicate receipts issued for income and the invoices and vouchers for payment, and verify the balance shown as cash in bank from the bank pass book; and report in writing to the said monthly meeting the result of their audit of the brigade's accounts.

[Regulation 209 amended in Gazette 8 February 1946 p. 148; 13 April 1972 p. 803; 30 June 1982 p. 2263.]

Petty cash

210. (a) The Board may advance each brigade an amount not exceeding \$2 on any one occasion for the purpose of purchasing minor supplies, and defraying the cost of minor repairs and services.

(b) A requisition shall not be necessary in such cases, but, where practicable invoices shall be obtained for each item of expenditure, and certified as correct.

(c) At the close of each quarter ending 31 March, 30 June, 30 September, and 31 December, the petty cash expenditure form shall be completed, and together with the supporting invoices, forwarded within 7 days to the Board.

(d) All expenditure under this regulation shall be subject to the approval of the Board, who may disallow any or all of it.

[Regulation 210 amended in Gazette 6 January 1966 p. 13; 13 April 1972 p. 803.]

Gratuities and allowances

211. (a) The Board may pay a gratuity, not exceeding in any one case the sum of \$100 to any member of a brigade or to any other person, in respect of voluntary or special services rendered by such member or person aforesaid in connection with the extinction of fires or saving of life or property at fires or for special services rendered to any brigade.

(b) The Board may, whenever it shall think fit, pay to any volunteer fire brigade for special services rendered at a fire, an allowance of an amount, to be determined by the Board, but not exceeding in any one case the sum of \$100.

(c) The Board may, whenever it shall think fit, pay to any volunteer fire brigade for its services in fire prevention and fire protection, and in keeping the brigade an efficient force by regular attendances of members at drills, practices and hydrant inspections, an allowance of an amount to be determined by the Board, but not exceeding in any one case the sum of \$3000 in any year.

(d) The Board may, in respect of Volunteer Fire Brigades registered after 31 December, 1955, subsidise those Brigades on a \$1 for \$1 basis to enable competition equipment to be obtained, provided that the total amount paid by the Board to any one Brigade by way of such subsidy does not exceed the sum of \$400.

[*Regulation 211 amended in Gazettes 28 September 1960 p. 2986; 1 May 1970 p. 1231; 13 April 1972 p. 803; 23 August 1974 p. 3125; 25 November 1977 p. 4361; 19 September 1986 p. 3414.*]

Requisitions, purchase orders and invoices

212. (1) Apparatus, plant, supplies and repairs required by any brigade shall, subject to regulations 210 and 213, be requisitioned for to the Chief Officer. Requisitions shall be sent in only on the authority of a properly constituted meeting of the brigade.

(2) Stores requisitions shall be submitted (in triplicate) to the Chief Officer for approval.

(3) Purchase orders shall be submitted (in duplicate) to the Chief Officer, and if approved, the original shall be forwarded to the supplying firm, or brigade secretary as the case requires.

(4) The original of the approved stores requisition shall be, wherever possible, returned to the brigade with the stores as a delivery docket and should be signed by the brigade secretary and returned to the Executive Chairman as a stores receipt.

(5) When services authorised by a purchase order have been supplied to the satisfaction of the secretary of the brigade, he will certify the purchase order triplicate promptly and forward it to the Executive Chairman.

(6) All invoices shall be forwarded promptly to the Executive Chairman with completed supporting documents.

[*Regulation 212 amended in Gazettes 6 January 1966 p. 13; 13 April 1972 pp. 803-04; 30 June 1982 p. 2263.*]

Urgent repairs

213. Urgent repairs to the Board's property may be effected by the brigade without requisition, provided the cost does not exceed \$10. Where the repairs will involve a larger expenditure, a requisition shall be made under regulation 212(2).

[*Regulation 213 amended in Gazette 13 April 1972 p. 804.*]

Brigade property and trophies

214. (1) Any property belonging to a brigade and which has been acquired by subscription, or trophies won, shall vest in 2 trustees, of whom one shall be appointed by the Board and the other by the brigade.

(2) A brigade shall notify the Board of the name of the trustee appointed by it under subregulation (1) and shall also notify the Board of any change of trustee.

(3) A brigade may with the consent of the trustees dispose of such of the property belonging to it as the trustees determine.

[*Regulation 214 inserted in Gazette 28 September 1960 p. 2986.*]

PART VIII—PRIVATE FIRE BRIGADES

Registration

215. A private fire brigade may be registered by the Board, subject to the person on whose property the brigade is to operate making written application to the Board and undertaking to give effect to the following conditions, viz.:—

- (i) to reimburse the Board all expenditure and costs of any nature whatsoever incurred by the Board in connection with the brigade;
- (ii) to pay to the Board annually the sum of \$10 for the Board's administration of the brigade.

Demonstrations and competitions

216. The Board may permit registered private fire brigades to compete in volunteer fire brigades Demonstrations and Competitions.

Rules

217. Each private fire brigade may have its own rules of internal and general working, which rules may, if it is so desired, be adopted with or without modification from the regulations contained in Part VII but in any case shall not be inconsistent with the *Fire Brigades Act 1942*, and shall be subject to the prior approval in writing of the Board.

[Regulation 217 inserted in Gazette 3 August 1973 p. 2905.]

Suspension or termination

218. The Board may at any time suspend or terminate the registration of a private fire brigade.

PART IX—MISCELLANEOUS

Fires outside district

219. Whenever occasion requires, any portion of a brigade or any of its officers or firemen or apparatus and plant may be directed to proceed or be taken beyond the limits of any district, and from one district to another for the purpose of attending fires.

Fires within provisions of section 44

220. In the event of any brigade attending a fire in premises or property to which the provisions of section 44 are applicable, the owner or occupier and, in the case of a vessel, the master and/or agents, shall be liable to pay to the Board an amount, to be determined by the Board, but not exceeding the following maximum scale of fees and charges:—

	For first hour or part thereof and thereafter per hour or part thereof.
Appliances:	\$
Turntable ladder or snorkel	30.00
Pumps, 750 g.p.m. and upwards	27.50
Pumps, 500-749 g.p.m.	25.00
Pumps, up to 499 g.p.m.	21.00
Other vehicles	10.20

43

	For first hour or part thereof and thereafter per hour or part thereof. \$
Equipment:	
Each 100 feet of hose	2.00
Fire extinguishers (2 gallons or 20 pounds)	2.00 each plus cost of recharge
Knapsack spray	2.00
Breathing apparatus:	
Oxygen (per 2 hour set)	8.00
C.A.B.A.	6.00
Manpower:	
Officer-in-Charge	5.00
Other officer	2.75
Firemen	2.75

[Regulation 220 amended in Gazette 13 April 1972 p. 804.]

[221 to 225. Regulations 221 to 225 repealed in Gazette 12 June 1959 p. 1517.]

Certain places of entertainment must have direct telephonic communication with a fire brigade station

226. (a) Every owner and/or occupier of any theatre, building, or place in which any entertainment is given and in connection with which scenery is used, or any exhibition of animated pictures is given, and situate within a fire district shall, on direction to that effect being given in writing by or on behalf of the Board, forthwith effect direct telephonic communication with a fire brigade station; Provided that application may be made to the Board for exemption from the provisions of this regulation, and the Board may grant such exemption subject to such terms and conditions as it may deem fit, in cases where it considers that direct telephonic communication with a fire brigade station is not necessary.

(b) The Board may at any time withdraw such exemption.

(c) The position of the alarm and the number of points in the theatre, building, or other place shall be as directed by the Board from time to time.

Provision of fire alarms on premises

227. The Board may enter into an agreement with an owner or occupier of any premises for the provision and maintenance of the receiving, monitoring and testing of equipment for direct brigade alarms installed in a building or other place.

[Regulation 227 inserted in Gazette 14 June 1974 p. 1879]

Notification of building work

227A. (1) Subject to subregulation (2) every builder who intends to erect, construct or alter any building shall, prior to the commencement of any work, give notice of that intention to the Board.

(2) Subregulation (1) does not apply to—

- (a) the erection or construction of any building of Class 1 or 1A;
- (b) the alteration of any building of Class 1 or 1A unless the building, when altered, will no longer be a building of Class 1 or 1A; or

(c) the erection, construction or alteration of any out-building appurtenant to a building of Class 1 or 1A.

(3) In this regulation—

“building of Class 1 or 1A” means a building classified as being of Class 1 or 1A within the meaning of uniform general by-laws in force from time to time under section 433A of the *Local Government Act 1960*.

[*Regulation 227A inserted in Gazette 5 April 1974 p. 1197.*]

Storage of inflammable matter

228.³ No person shall, on the roof, in the basement, or in any other part of any building or in any light area or in close proximity to any building in any fire district to which the Act applies, store any inflammable matter of such nature and in such manner, position, or quantity as may be or cause or be likely to become either directly or indirectly a danger by fire to life or property:

Provided that this regulation shall not apply to the storage of any inflammable matter which is stored in a manner prescribed or permitted by law.

Land to be kept free of inflammable matter

229. (a) The owner and/or occupier of any yard or vacant land situate in any fire district to which the Act applies shall cause such yard or vacant land to be kept at all times free of inflammable matter (including trees, crops, grasses, and weeds) of any nature or quantity which may be, or cause, or be likely to become, either directly or indirectly a danger by fire to life or property.

(b) For the purposes of this regulation:—

“Owner” means the person for the time being receiving or entitled to receive the rents and profits of land, whether on his own account or as agent, trustee, or attorney for another person or who, if the land were let to a tenant at a rent, would be entitled to receive the rent as aforesaid.

“Occupier” means the inhabitant occupier of any land or, if there is no inhabitant occupier, the person entitled to possession thereof.

“Person” includes any body of persons corporate or unincorporate.

[*230. Regulation 230 repealed in Gazette 28 September 1960 p. 2986.*]

Return and declaration of contribution numerator

231. (1) The annual return of, and declaration verifying, the contribution numerator of an insurance company, pursuant to section 39 of the *Fire Brigades Act 1942*, shall be in the form set out in the Third Appendix.

(2) The declaration prescribed by this regulation shall be made by the manager, secretary or agent of the insurance company or other officer performing those duties and where under the provisions of section 39 (5) of the *Fire Brigades Act 1942*, a person is constituted an insurance company, the declaration shall be made by that person.

[*Regulation 231 inserted in Gazette 19 February 1964 p. 678.*]

45

FIRST APPENDIX

Part I

WESTERN AUSTRALIAN FIRE BRIGADES BOARD

Issue of Debenture of \$.....

No.....

1. In consideration of the (hereinafter called "the Bank") having agreed to allow the Western Australian Fire Brigades Board (hereinafter called "the Board") to overdraw its account with the Bank to an amount not exceeding \$....., the Board hereby undertakes that it will on demand pay to the Bank all such sums as are now or shall from time to time hereafter become owing to the Bank from the Board on the balance of its current account with the Bank whether in respect of moneys advanced or paid to or for the use of the Board or charges incurred on its own account or in respect of negotiable instruments drawn, accepted, or indorsed by or on behalf of the Board and discounted or paid or held by the Bank either at the Board's request or in the course of business or otherwise or in respect of moneys which the Board shall become liable to pay to the Bank in any manner whatsoever and whether any such moneys shall be paid to or incurred on behalf of the Board alone or jointly with any other person or corporation together with the usual interest, commission, and lawful Bank charges.

2. The Board will in the meantime until such demand pay to the Bank interest for the balance for the time being owing by the Board to the Bank at the rate of per centum per annum by equal half-yearly payments on every day of and day of in each year. The first of such payments to be made on the day of

3. The Board hereby charges with such payments its property and revenue, whether accrued or to accrue.

4. The principal money hereby secured shall become immediately repayable on demand being made by the Bank.

5. The Board may at any time give notice in writing to the Bank of its intention to pay off the said debenture, and at the expiration of one calendar month from the time of such notice being given the principal moneys hereby secured shall become payable.

6. At any time after the Board has made default in payment of the principal moneys hereby secured the Bank may proceed to exercise its powers under section 46 (8) of the *Fire Brigades Act 1942*, and its amendments.

Part II

MEMORANDUM of Agreement made the day of one thousand nine hundred and between the Western Australian Fire Brigades Board (hereinafter called "the Board"), of the one part, and (hereinafter called "the Bank"), of the other part.

Whereas the Board has for the purpose of its business a current account with the Bank:

And whereas the Board has applied to the Bank to allow it to overdraw such account to an amount not exceeding \$..... which the Bank has agreed to do upon delivery by the Board to the Bank of a debenture in the annexed form duly executed to secure such overdraft for the time being:

Now therefore it is agreed and declared as follows:—

1. The said debenture is a standing security with the Bank for payment of the final balance on the said current account including therein all usual and accustomed banker's charges and commissions together with interest on such final balance until payment at the current bank rate of interest ruling from time to time.

2. For the purposes hereof the final balance aforesaid means such sums as upon the closing at any time of the current account of the Board by either party shall be found due thereunder to the Bank and accordingly payments to the credit of the account so long as the same shall be current shall not be deemed to be made in or towards discharge of the said debenture.

3. The Board hereby declares that there is no mortgage or charge upon its property having priority to or ranking *pari passu* with the said debenture (save and except as the case may be), and the Board will not at any time during the continuance of this security create any mortgage or charge ranking or which can by any means be made to rank in priority to or *pari passu* with the said debenture (save as aforesaid).

In witness whereof the Common Seals of the parties were hereunto affixed the day and year first before written.

SECOND APPENDIX

Part 1

NOMINATION PAPER FOR USE BY INSURANCE COMPANIES

I acting for and on behalf of the
(insert name and official position)

..... Insurance Company hereby nominate the following candidates for election as members of the Western Australian Fire Brigades Board to represent the Insurance Companies in accordance with the provisions of the *Fire Brigades Act 1942*.

.....
.....
.....
(insert description of candidates)

.....
(signature of proposer)

I consent to this nomination
.....
.....
.....
(signature of candidates)

Part 2

NOMINATION PAPER FOR USE BY LOCAL AUTHORITIES

THE Council of the Municipality of hereby
Board Road District
nominates.....as a
(insert description of candidate)

47

candidate for election as a member of the Western Australian Fire Brigades Board to represent the Municipal and Road Board Fire Districts included in Part.....of the Second Schedule to the *Fire Brigades Act 1942*.

.....
(signature of Mayor or Chairman)

.....
(signature of Town Clerk or Secretary)

I consent to this nomination.....
(signature of candidate)

Part 3

NOMINATION PAPER FOR USE BY VOLUNTEER FIRE BRIGADES

THE Volunteer Fire Brigade
hereby nominates.....
(insert description of candidate)

as a candidate for election as a member of the Western Australian Fire Brigades Board to represent the Volunteer Fire Brigades in accordance with the provisions of the *Fire Brigades Act 1942*.

.....
(signature of Captain) (signature of secretary)

I consent to this nomination.....
(signature of candidate)

Part 3A

NOMINATION PAPER FOR USE BY PERMANENT EMPLOYEES

I,.....and,

I,.....
being permanent employees of the Western Australian Fire Brigades Board
nominate

(insert name of candidate)

as a candidate for election as a member of the Western Australian Fire Brigades Board.

.....
.....
(Signatures of the two
permanent employees named above)

I consent to this nomination.....
(signature of candidate)

Part 4

VOTING PAPER FOR ELECTION OF MEMBER/S TO THE WESTERN AUSTRALIAN FIRE BRIGADES BOARD

1. (a) Vote by placing the number "1" opposite the name of the candidate for whom you wish to vote.
or
- (b) If there are more than 2 candidates, vote by placing the number "1" opposite the name of the candidate for whom you wish to give your first preference and give contingent votes for all or any of the remaining candidates by placing the numbers "2", "3" and so on, as required, opposite their names, so as to indicate the order of your preference.

- 2. A voting paper not marked in accordance with paragraph 1 may be informal.
- 3. Do not place any mark or writing by which you may be identified on this paper.
- 4. After voting, place this paper in the envelope marked "voting paper" and seal that envelope. Then, place that envelope inside the outer envelope addressed to the returning officer and seal the outer envelope. Complete the declaration on the outer envelope.
- 5. Unless you are a permanent employee of the Board, the declaration on the outer envelope must be signed before a witness.
- 6. Where the declaration on the outer envelope is to be completed by a registered volunteer fire brigade or the council of a municipal district, it shall be signed by the person who chaired the meeting at which the resolution to vote was passed who shall sign it and ensure that the signature is witnessed at that meeting.
- 7. All voting papers received by the returning officer after 12 o'clock noon on 8 December 19 shall not be counted in the poll.

Part 4A

DECLARATION FOR INSURANCE COMPANY

I, the undersigned, declare that this voting paper has been completed on behalf of the

.....
 (Insert name of the insurance company)
 Signature.....
 Official Position.....
 Signature of witness.....
 Address of witness.....
 Date.....

Part 4B

DECLARATION FOR LOCAL AUTHORITY OR FOR REGISTERED VOLUNTEER FIRE BRIGADE

I,....., declare that the voting (insert name of person who chaired the meeting) paper contained in this envelope has been completed in accordance with a resolution of the

.....
 (Insert name of local authority or registered volunteer fire brigade) passed at an *ordinary/special meeting.
 Signature of person who chaired the meeting.....
 Signature of witness.....
 Address of witness.....
 Date.....

*strike out the word not applicable.

49

Part 5

Fire Brigades Act 1942

Reg. 43A

APPLICATION FOR DETERMINATION OF QUESTION OR DISPUTE CONCERNING AN ELECTION.

I,....., of....., (Full Name.) in the State of Western Australia,..... (Address.) claiming that a question or dispute arises as to the regularity or (Occupation.) validity of the election specified hereunder, or the voting at the election, hereby apply that the question or dispute be determined by a stipendiary magistrate in accordance with the provisions of the Fire Brigades Act 1942 (as amended) and the regulations made thereunder.

Particulars of the alleged irregularity or invalidity and the facts on which I rely to support this application are set out hereunder.

Particulars of Election

Date on which election held.....

Date of completion of election (if completed).....

Name and address of returning officer.....

Purpose for which election held.....

Names of bodies entitled to vote at the election.....

Particulars of Alleged Irregularity or Invalidity.

(Set out the particulars in numbered paragraphs.)

Facts Relied on.

(Set out in numbered paragraphs the facts relied on in support of this application.)

Dated at.....this.....

day of.....,19.....

Applicant.

Note.—This application must be lodged in duplicate with the Returning Officer.

Part 6

Fire Brigades Act 1942

Reg. 43C

SUMMONS

To.....

of....., in the State of Western Australia. WHEREAS it is alleged that a question or dispute has arisen as to the regularity or validity of the election specified hereunder, or the voting at such election and....., of..... in the said State has made application that the question or dispute be determined in accordance with the provisions of the Fire Brigades Act 1942 (as amended) and the regulations made thereunder: (Name of Applicant.) (Address of Applicant)

Now, therefore, take notice that your are hereby required to appear at....., in the said State, on the..... day of....., 19....., at.....o'clock in the.....noon, before me, the undersigned stipendiary magistrate, when I shall proceed to determine the question or dispute.

And further take notice that in default of your appearance as aforesaid, the application may be heard and the question or dispute be determined, your absence notwithstanding.

Particulars of Election.

Date on which election held..... Date of completion of election (if completed)..... Name and address of returning officer..... Purpose for which election held..... Names of bodies entitled to vote at election..... Given under my hand at..... in the said State, this.....day of.....19..... Stipendiary Magistrate.

[Second Appendix amended in Gazettes 1 April 1960 p. 981; 8 August 1986 pp. 2824-25.]

THIRD APPENDIX

Fire Brigades Act 1942

RETURN AND DECLARATION BY INSURANCE COMPANY

(Pursuant to Section 39)

STATUTORY DECLARATION

I (1)....., of (2)....., do solemnly and sincerely declare that:—

- 1. I am the (3).....of (4)..... the registered office of which is situated at (5)..... 2. The said company is carrying on the business of insurance (6) (is constituted an insurance company under the provisions of section 39 (5) of the Fire Brigades Act 1942). 3. To the best of my knowledge, information and belief the figures set out in the Schedule below are true figures verifying the contribution numerator of the said company for the 12 months ended , 19 .

51

Schedule

	Column 1	Column 2	Column 3	Column 4
	Gross Premiums	Gross premiums paid for reinsurance with other Companies required by the Act to make similar return pursuant to s.39	Balance after deducting column 2 from Column 1	Relative percentage of premiums
Policies declared with respect to districts served by Permanent Fire Brigades—				
Item 1. FIRE, CONSEQUENTIAL LOSS AND LOSS OF RENT and combinations thereof, including additional premiums in respect of ALL extensions to cover extraneous risks such as Riot and Civil Commotion, Aircraft, Storm and Tempest, Explosion, Earthquake, Water Leakage, Flood, Extraneous Water Impact, Malignant Damage, Fusion and the like	\$	\$	\$	90% of Col. 3 = \$
Item 2. HOUSEOWNERS and HOUSEHOLDERS, however designated (Buildings or contents or both) including extra premiums for all extensions thereto	\$	\$	\$	65% of Col. 3 = \$
Item 3. CONTRACTORS AND/OR ENGINEERING COMBINED insurance covering erection and/or installation of Buildings, Plant and Machinery, however designated, Business Interruption Insurance, however designated; Traders or Industrial Combined or Manufacturer's Output Insurance; however designated; General Property and all other policies not otherwise enumerated, including composite policies incorporating static risks insured on Marine contracts with the exception of the following classes of policies, Hailstone, Employers' Liability and Workers' Compensation, Personal Accident, Public Liability Third Party, Products Liability, Plate Glass, Livestock, Burglary, Fidelity Guarantee and all Bonds, Pluvius, Television and Machinery Breakdown ...	\$	\$	\$	85% of Col. 3 = \$
Item 4. BOILER EXPLOSION	\$	\$	\$	5% of Col. 3 = \$
Policies declared with respect to the whole of the State—				
Item 5. MOTOR VEHICLE and MOTOR CYCLE	\$	\$	\$	2½% of Col. 3 = \$
Item 6. FLOATING RISKS not otherwise specified	\$	\$	\$	50% of Col. 3 = \$
Item 7. MARINE, other than on static risks referred to in item 3 of this Schedule, AVIATION HULL and BAGGAGE	\$	\$	\$	5% of Col. 3 = \$
Item 8. PERSONAL COMBINED on personal jewellery and clothing, personal effects and works of art	\$	\$	\$	5% of Col. 3 = \$

CONTRIBUTION NUMERATOR TOTAL = \$

And I make this solemn declaration under, and by virtue of, section 106 of the Evidence Act 1906.

Declared at.....in the State of }
this.....day of }
, 19.....

Before me.....
 Justice of the Peace or Commissioner
 for Declarations.

- (1) Full name of declarant. (2) Address and description of declarant. (3) Office held by declarant with insurance company. (4) Corporate name or registered business name of insurance company. (5) Address of registered office. (6) Strike out the portion of this clause that the circumstances require. (7) Where this declaration is made at a place outside the State of Western Australia, this clause must be varied to conform with the law of that place.

[Third Appendix inserted in Gazette 16 April 1964 p. 1936; amended in Gazettes 9 November 1973 p. 4168; 24 December 1975 p. 4645; 7 December 1979 p. 3790.]

NOTES

- ¹. This reprint is a compilation as at 15 January 1991 of the *Fire Brigades Regulations 1943* and includes all amendments effected by the other Regulations referred to in the following Table.

Table of Regulations

Regulation	Gazettal	Commencement	Miscellaneous
<i>Fire Brigades Regulations 1943</i>	4 June 1943 pp. 552-76	4 June 1943	Citation subsequently amended (see note under regulation 1)
(Regulations effecting amendments included in the previous reprint are not referred to in this table)			
<i>Amendment Regulations 1973</i>	13 April 1973 p. 953	13 April 1973	
<i>Amendment Regulations 1973</i>	3 August 1973 p. 2905	3 August 1973	
<i>Amendment Regulations 1973</i>	9 November 1973 pp. 4167-68	9 November 1973	
<i>Amendment Regulations 1974</i>	5 April 1974 p. 1197	5 April 1974	
<i>Amendment Regulations 1974</i>	14 June 1974 p. 1879	14 June 1974	
<i>General Metric Conversion Amendment Notice</i>	2 August 1974 p. 2875	2 August 1974	
<i>Amendment Regulations 1974</i>	23 August 1974 p. 3125	23 August 1974	
<i>Amendment Regulations 1975</i>	24 December 1975 p. 4645	24 December 1975	
<i>Amendment Regulations 1976</i>	19 November 1976 p. 4587	19 November 1976	
<i>Amendment Regulations 1977</i>	22 April 1977 p. 1101	22 April 1977	
<i>Amendment Regulations 1977</i>	30 September 1977 p. 3531	30 September 1977	
<i>Amendment Regulations 1977</i>	25 November 1977 p. 4361	25 November 1977	
<i>Amendment Regulations 1978</i>	20 January 1978 p. 187	20 January 1978	
<i>Amendment Regulations 1979</i>	7 December 1979 p. 3790	7 December 1979	
<i>Amendment Regulations 1980</i>	18 January 1980 pp. 142-43	1 March 1980 (See regulation 1 and Gazette 8 February 1980 p. 383.)	
<i>Fire Brigades Act Amendment Regulations 1981</i>	7 August 1981 p. 3205	7 August 1981	

Table of Regulations—continued

Regulation	Gazettal	Commencement	Miscellaneous
<i>Fire Brigades Amendment Regulations 1982</i>	30 June 1982 pp. 2262-63	30 June 1982 (See regulation 2 and <i>Gazette</i> 30 June 1982 p. 2261.)	
<i>Fire Brigades Amendment Regulations (No. 2) 1984</i>	21 December 1984 p. 4177	21 December 1984	
<i>Fire Brigades Amendment Regulations 1986</i>	10 January 1986 p. 88	10 January 1986	
<i>Fire Brigades Amendment Regulations (No. 3) 1986</i>	16 May 1986 pp. 1659-60	16 May 1986	
<i>Fire Brigades Amendment Regulations (No. 4) 1986</i>	8 August 1986 pp. 2820-25	8 August 1986 (See regulation 2 and <i>Gazette</i> 8 August 1986 p. 2815.)	Regulation 6 transitional ²
<i>Fire Brigades Amendment Regulations (No. 2) 1986</i>	5 September 1986 pp. 3277-78	5 September 1986	
<i>Fire Brigades Amendment Regulations (No. 5) 1986</i>	19 September 1986 p. 3414	19 September 1986	
<i>Fire Brigades Amendment Regulations (No. 6) 1986</i>	19 September 1986 p. 3414	19 September 1986	
<i>Fire Brigades Amendment Regulations 1988</i>	18 March 1988 p. 852	18 March 1988	
<i>Fire Brigades Amendment Regulations (No. 2) 1988</i>	18 November 1988 p. 4532	18 November 1988	
<i>Fire Brigades Amendment Regulations (No. 3) 1988</i>	9 June 1989 p. 1665	9 June 1989	
<i>Fire Brigades Amendment Regulations 1989</i>	14 July 1989 p. 2161	14 July 1989	

2. Regulation 6 of the *Fire Brigades Amendment Regulation (No. 4) 1986* reads as follows:

Members of Board elected prior to the commencement of these regulations

6. The repeal of Part I of the principal regulations by regulation 4 does not affect any member of the Fire Brigades Board who held office immediately before such repeal, and that person shall, subject to the Act, continue in office for the remainder of his term of office as if he had been elected under the provisions substituted for that repealed Part.

3. Headings preceding groups of regulations were repealed by the *Fire Brigades Amendment Regulations 1989*. Regulation 2 of those regulations reads as follows:

Headings deleted

2. For the purposes of facilitating a reprint of the *Fire Brigades Regulations 1943**, those regulations are amended—

- (a) by deleting the heading "Medical Fitness of Employees" in respect of regulations 132A to 132C;
- (b) by deleting the heading "Duties of Officers and Members" in respect of regulations 180 to 183; and

(c) by deleting the headings immediately preceding the regulations cited in the Table to this regulation.

Table

Regulation 44	Regulation 133
Regulation 46	Regulation 141
Regulation 57	Regulation 148
Regulation 95	Regulation 173
Regulation 101	Regulation 176
Regulation 114	Regulation 184
Regulation 119	Regulation 192
Regulation 124	Regulation 193
Regulation 128	Regulation 228

⁴ Now see the *Workers Compensation and Assistance Act 1981*.