



Western Australia

Fire Brigades Regulations 1943

Compare between:

[20 Sep 2013, 05-a0-06] and [17 Aug 2019, 05-b0-01]



Western Australia

Reprinted under the
Reprints Act 1984 as
at 20 September 2013

Fire Brigades Act 1942

Fire Brigades Regulations 1943

Part I — Preliminary

[Heading inserted: Gazette 22 Dec 1998 p. 6844.]

1. Citation

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

[Regulation 1 amended: Gazette 30 Jun 1982 p. 2262.]

[2. Deleted: Gazette 19 Sep 1986 p. 3414.]

2A. Interpretation of time provisions

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: Gazette 24 Mar 1944 p. 270.]

[Former Part I (r. 3-26) and heading deleted: Gazette 22 Dec 1998 p. 6844.]

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[27-43. Deleted: Gazette 8 Aug 1986 p. 2824.]

[Part IA (r. 43A-43F) deleted: Gazette 22 Dec 1998 p. 6844.]

[Part II (incorporating the former Part III):

r. 44-52 deleted: Gazette 22 Dec 1998 p. 6845;

r. 53 deleted: Gazette 30 Jun 1982 p. 2262;

r. 54 deleted: Gazette 28 Sep 1960 p. 2983;

r. 55 deleted: Gazette 13 Apr 1973 p. 953;

r. 56-59A and heading deleted: Gazette 16 May 2003 p. 1725.]

[Part IV (r. 60-78) deleted: Gazette 22 Apr 1977 p. 1101.]

[Part V (r. 79-93) deleted: Gazette 19 Sep 1986 p. 3414.]

Part VI — Permanent fire brigades and provisions relating to employees

[Heading amended: Gazette 8 Feb 1946 p. 144; 22 Dec 1998 p. 6845; 31 Oct 2012 p. 5233.]

Division 1 — Preliminary

[Heading inserted: Gazette 16 Aug 2019 p. 3065.]

[94-95. Deleted: Gazette 16 May 2003 p. 1755.]

96. Terms used

In this Part —

Appeal Board means the Appeal Board constituted under regulation 137I;

breach of discipline means conduct of a kind described in regulation 134;

disciplinary action, in respect of an employee, means 1 or more of the following actions —

(a) cautioning the employee;

(b) imposing on the employee a fine not exceeding an amount equal to the amount of remuneration received by the employee in respect of the last 5 days during which the employee was at work as an employee before the day on which the finding that the conduct of the employee constitutes a disciplinary offence was made;

(c) reducing the employee's rank, class or status;

(d) transferring the employee to a district or workplace other than that in which the conduct constituting the disciplinary offence occurred;

(e) terminating the employee's employment;

disciplinary charge means a charge of a breach of discipline;

disciplinary finding means a finding under regulation 137C(4)(a);

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

improvement action, in respect of an employee, means 1 or more of the following actions —

- (a) counselling;
- (b) training and development;
- (c) issuing a warning to the employee that certain conduct is unacceptable;
- (d) any other action of a similar nature;

inquiry means an inquiry under regulation 137C;

operating account of the Department has the meaning given in the *Fire and Emergency Services Act 1998* section 3;

operational staff has the meaning given in the *Fire and Emergency Services Act 1998* section 19 ~~of the Act~~;

targeted drug means any of the following —

- (a) a drug to which the *Misuse of Drugs Act 1981* applies;
- (b) a Schedule 2 poison as defined in the *Medicines and Poisons Act 2014* section 3;
- (c) a Schedule 3 poison as defined in the *Medicines and Poisons Act 2014* section 3;
- (d) a Schedule 4 poison as defined in the *Medicines and Poisons Act 2014* section 3;
- (e) a drug or substance declared to be a targeted drug under regulation 135(1).

[Regulation 96 inserted: Gazette 31 Oct 2012 p. 5234;
amended: Gazette 16 Aug 2019 p. 3065-6.]

Division 2 — General employment provisions

[Heading inserted: Gazette 16 Aug 2019 p. 3067.]

97. Medical examination

Every approved candidate will be required to undergo a medical examination by the Department's medical officer as to suitability before being appointed to the service.

[Regulation 97 amended: Gazette 22 Dec 1998 p. 6849; 16 May 2003 p. 1725; 31 Oct 2012 p. 5234.]

[98. Deleted: Gazette 16 May 2003 p. 1755.]

[99. Deleted: Gazette 16 May 1986 p. 1660.]

[100. Deleted: Gazette 16 May 2003 p. 1755.]

[100A. Deleted: Gazette 5 Sep 1986 p. 3277.]

[101-104. Deleted: Gazette 16 May 2003 p. 1755.]

[105-113A. Deleted: Gazette 6 Jan 1966 p. 13.]

[114-121. Deleted: Gazette 16 May 2003 p. 1755.]

122. Service anywhere in State

Every officer and member of a brigade must serve wherever the FES Commissioner may direct and attend all incident calls while on duty.

[Regulation 122 amended: Gazette 6 Jan 1966 p. 13; 9 Dec 1994 p. 6658; 22 Dec 1998 p. 6847-8; 16 May 2003 p. 1726; 31 Oct 2012 p. 5242.]

[122A. Deleted: Gazette 12 Nov 1954 p. 1901.]

[123-125. Deleted: Gazette 16 May 2003 p. 1755-6.]

126. Uniform belongs to Department

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

[Regulation 126 amended: Gazette 22 Dec 1998 p. 6847-8; 31 Oct 2012 p. 5234.]

127. Indemnity for damaged uniform

If an officer or member of a brigade leaving the service fails to return any of the property of the Department in proper order, allowing for fair wear and tear, the FES Commissioner may deduct from any moneys due to him such sum as will indemnify the State against loss.

[Regulation 127 amended: Gazette 22 Dec 1998 p. 6847-8 and 6849; 16 May 2003 p. 1726; 31 Oct 2012 p. 5235.]

[128, 129. Deleted: Gazette 16 May 2003 p. 1755-6.]

130. Medical certificates as to sick leave

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

[Regulation 130 amended: Gazette 16 May 2003 p. 1726; 31 Oct 2012 p. 5235.]

131. Deferment of leave

The FES Commissioner may, for sufficient reason, defer any or all leave.

[Regulation 131 amended: Gazette 22 Dec 1998 p. 6848; 31 Oct 2012 p. 5235.]

132. Entitlements after work accidents

- (1) Any officer, member, operations room attendant, direct brigade alarm technician or hose and extinguisher serviceman who has established a claim under the *Workers' Compensation and Injury Management Act 1981*, 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 and Injury Management Act 1981*, 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; and
 - (b) prescribed overtime, being any payment for the number of hours constituting the difference between 42 hours 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 and Injury Management Act 1981* or until the services of the incapacitated worker have been terminated by the FES Commissioner whichever is the earlier.
- (4) Payments made under this regulation shall not be deducted from any payments made to the incapacitated worker under the

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~~Second Schedule of the~~ *Workers' Compensation and Injury Management Act 1981* [Schedule 2](#).

- (5) Leave granted under this regulation shall not be counted against sick leave.

[Regulation 132 inserted: Gazette 18 Jan 1980 p. 143; amended: Gazette 22 Dec 1998 p. 6846 and 6847-8; 16 May 2003 p. 1726; 31 Mar 2009 p. 1025-6; 31 Oct 2012 p. 5244; 16 Aug 2019 p. 3067.]

132A. Reference to medical ~~practitioner~~² [practitioner](#)²

- (1) An employee must, when requested by the FES Commissioner, submit himself or herself for examination and testing by a medical practitioner nominated by the FES Commissioner.
- (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 FES Commissioner 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: Gazette 5 Sep 1986 p. 3277-8; amended: Gazette 22 Dec 1998 p. 6848; 16 May 2003 p. 1726; 31 Oct 2012 p. 5236 and 5244.]

132B. Reference to medical panel

- (1) Whenever a question arises concerning an employee's fitness to continue in his present position or in another position the FES Commissioner shall refer the matter to a medical panel.
- (2) The medical panel shall consist of 3 medical practitioners of whom —
 - (a) one shall be a nominee of the chief executive officer of the Department of Health who shall be Chairman; and
 - (b) one shall be a nominee of the FES Commissioner; 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 FES Commissioner 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 FES Commissioner 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

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incapacity (if any) involved, and shall report its determination in writing to the FES Commissioner.

- (5) The FES Commissioner 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: Gazette 5 Sep 1986 p. 3278; amended: Gazette 18 Nov 1988 p. 4532; 22 Dec 1998 p. 6848; 31 Mar 2009 p. 1026; 31 Oct 2012 p. 5244; 18 Jan 2013 p. 147.]

132C. FES Commissioner to meet costs

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 FES Commissioner.

[Regulation 132C inserted: Gazette 5 Sep 1986 p. 3278; amended: Gazette 22 Dec 1998 p. 6847-8; 31 Oct 2012 p. 5242-3.]

133. Conduct requirements²

No officer or member of a brigade shall —

- [(a) deleted]*
- (b) accept any money, gifts or addresses, for services rendered at an incident, without permission of the FES Commissioner;
- (c) communicate with the media unless authorised to do so by the FES Commissioner;
- (d) take orders at incidents 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 FES Commissioner;
- (i) otherwise conduct himself in a manner whereby the discipline, good order, or reputation of the brigade may be imperilled.

[Regulation 133 amended: Gazette 30 Jun 1982 p. 2262; 9 Dec 1994 p. 6656 and 6658; 22 Dec 1998 p. 6847-8; 16 May 2003 p. 1727; 31 Oct 2012 p. 5236 and 5242; 4 Jun 2013 p. 2137.]

134A. Paid outside employment

- (1) In this regulation —
commencement day means the day on which the *Fire Brigades Amendment Regulations 2013* regulation 5 comes into operation¹;
paid outside employment means work that —
 - (a) is carried out otherwise than for the purposes of the duties of an officer or member of a permanent fire brigade; and
 - (b) is carried out for reward under a contract of service, a contract for services or any other arrangement.
- (2) Subject to subregulation (8), an officer or member of a permanent fire brigade may engage in paid outside employment if he or she has given the FES Commissioner written notice of the paid outside employment in accordance with this regulation.
- (3) The notice must specify —

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- (a) the nature of the paid outside employment; and
 - (b) the hours of the paid outside employment; and
 - (c) where the paid outside employment will be undertaken; and
 - (d) the name and address of the employer (if any); and
 - (e) such other details as the FES Commissioner directs.
- (4) Unless subregulation (5) applies, the notice must be given at least 5 days before the officer or member commences the paid outside employment.
- (5) If —
- (a) immediately before commencement day an officer or member of a permanent fire brigade was engaged in paid outside employment; and
 - (b) the officer or member intends to continue to engage in the paid outside employment on or after commencement day,
- the notice must be given within 30 days after commencement day.
- (6) The FES Commissioner may, in a particular case, direct an officer or member of a permanent fire brigade —
- (a) not to engage in particular paid outside employment; or
 - (b) not to engage in particular paid outside employment except in accordance with any conditions the FES Commissioner thinks appropriate to impose.
- (7) A direction under subregulation (6) must be in writing and, if applicable, specify the conditions imposed by the FES Commissioner.
- (8) An officer or member of a permanent fire brigade must comply with a direction given under subregulation (6).

[Regulation 134A inserted: Gazette 4 Jun 2013 p. 2137-8.]

Division 3 — Disciplinary matters

[Heading inserted: Gazette 16 Aug 2019 p. 3067.]

134. ~~Offences~~ Breach of discipline

~~Any~~An employee ~~who~~ commits a breach of discipline if the employee —

- (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) is on duty while under the influence of or impaired by alcohol, a targeted drug or both; or
- ~~(da) while on duty, consumes intoxicants or drugs to excess,~~
uses or possesses alcohol, a targeted drug or both; 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 FES Commissioner, or any person representing the FES Commissioner, incorrect or misleading information in connection with being employed in the Department;

~~— 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: Gazette 8 Feb 1946 p. 146; amended: Gazette 22 Dec 1998 p. 6848; 16 May 2003 p. 1727; 31 Oct 2012 p. 5236-7; 16 Aug 2019 p. 3067.]

135. ~~Dealing with offences~~ Targeted drugs

(1) The FES Commissioner may, ~~if he has reason~~ declare a drug or substance to believe be a targeted drug for the purpose of regulation 134.

(2) A declaration is not effective unless it is published by the FES Commissioner in the *Gazette*.

(3) The FES Commissioner may, by notice published in the *Gazette*, amend or revoke a declaration.

[Regulation 135 inserted: *Gazette* 16 Aug 2019 p. 3068.]

136. Preliminary decision by FES Commissioner

(1) If the FES Commissioner is made aware, or becomes aware, that an employee ~~has~~ may have committed an offence, a breach of discipline, the FES Commissioner must decide —

(a) to do 1 or more of the following —

(i) make a disciplinary charge against the employee;

(ii) subject to regulation 137(1), suspend the employee from duty on full pay, partial pay or without pay;

(iii) take improvement action with respect to the employee;

or

(b) to take no action with respect to the employee.

(2) If the FES Commissioner decides to make a disciplinary charge against the employee, the FES Commissioner must —

(a) record the charge in writing; and ~~if he~~

(b) comply with regulation 137A.

(3) If the FES Commissioner decides to suspend the employee from duty or to take improvement action, the FES Commissioner must give the employee written notice of the decision.

(4) The FES Commissioner may carry out any investigation that the FES Commissioner considers ~~that the offence~~ necessary or expedient for the purposes of making a decision under subregulation (1).

(5) An employee is entitled to be represented during an investigation carried out under subregulation (4) by —

(a) an advocate from a trade union or other association of which the employee is a member; or

(b) if the employee is not a member of a trade union or other association, a person approved by the FES Commissioner.

[Regulation 136 inserted: Gazette 16 Aug 2019 p. 3068-9.]

137. Suspending employee from duty

(1) The FES Commissioner must not suspend an employee from duty under regulation 136(1)(a)(ii) unless the FES Commissioner considers that the employee's alleged breach of discipline is of such a nature that the employee should not continue in the performance of ~~his duty, suspend the employee on full pay, partial pay or 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 FES Commissioner pending determination of the charge, or, in any case when the~~ the employee's duty.

(2) The FES Commissioner may at any time remove, or vary the terms of, a suspension from duty.

(3) The FES Commissioner must remove a suspension from duty if —

(a) the FES Commissioner decides not to make a disciplinary charge ~~is not sustained, immediately upon the promulgation of the finding to that effect.~~ against the employee; or

~~{(2) — deleted}~~

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- ~~(3) Upon (b) a disciplinary charge being made against the employee is withdrawn under regulation 137B; or~~
- ~~(c) the employee is found under regulation 137C(4)(b) not to have committed a breach of discipline.~~
- (4) Any pay withheld from an employee, ~~it shall be recorded in writing and~~ while suspended from duty is forfeited to the operating account of the Department if a disciplinary finding is made against the employee.
- (5) An employee is entitled to have any pay withheld from the employee restored to the employee if the suspension from duty is removed under subregulation (3).

[Regulation 137 inserted: Gazette 16 Aug 2019 p. 3069.]

137A. Notification of disciplinary charge

- (1) If the FES Commissioner decides to make a disciplinary charge against an employee, the FES Commissioner must give the employee a copy ~~shall be handed to him forthwith~~ of the charge together with a written notice directing ~~him~~ the employee 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 to the charge, in accordance with subregulation (2), within 7 working days of service of after receiving~~ the copy of the charge ~~upon him he shall be deemed~~.
- (2) The reply to the disciplinary charge must —
- (a) state whether the employee admits or denies the charge; and
- (b) be signed by the employee or the person acting for or on behalf of the employee.
- (3) If the employee does not reply to the disciplinary charge within 7 working days after receiving the copy of the charge, the employee is taken to deny the ~~truth of the~~ charge.

~~(4) — Every~~ [Regulation 137A inserted: Gazette 16 Aug 2019 p. 3069-70.]

137B. Withdrawal of disciplinary charge ~~is to be the subject of an inquiry by the~~

The FES Commissioner may at any time withdraw a disciplinary charge made against an employee by giving written notice to that effect to the employee.

~~(5)~~ [Regulation 137B inserted: Gazette 16 Aug 2019 p. 3070.]

137C. Inquiry

(1) The FES Commissioner must conduct an inquiry in relation to a disciplinary charge made against an employee ~~charged shall be furnished with copies of all documents intended to be used as~~ soon as practicable.

(2) The FES Commissioner must give the ~~inquiry and~~ employee —

(a) written notice of the time and place at which the inquiry will be held at least 7 days before the commencement ~~thereof of the inquiry; and~~

~~(6) — The~~ (b) copies of all documents intended to be used at the inquiry ~~shall be held within at least 28 days of the service of the charge on~~.

(3) If the employee ~~—~~

~~(7) — The~~ fails to appear at the inquiry, and the FES Commissioner, upon being ~~is~~ satisfied that the ~~offence charged~~ employee was given notice of the inquiry in accordance with subregulation (2), the FES Commissioner may conduct the inquiry in the employee's absence.

(4) At the conclusion of the inquiry, the FES Commissioner must make —

(a) a finding that the employee has ~~been~~ committed a breach of discipline; or

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(b) a finding that the employee has not committed a breach of discipline.

(5) The FES Commissioner must give the employee written notice of the finding and, in the case of a disciplinary finding, of the FES Commissioner's decision under regulation 137D in relation to the finding.

[Regulation 137C inserted: Gazette 16 Aug 2019 p. 3070.]

137D. Action if disciplinary finding made

If, at the conclusion of an inquiry, the FES Commissioner makes a disciplinary finding, the FES Commissioner must decide, in respect of the employee —

(a) to take disciplinary action; or

(b) to take improvement action; or

(c) to take both disciplinary action and improvement action;
or

(d) to take no action.

[Regulation 137D inserted: Gazette 16 Aug 2019 p. 3070.]

137E. Expenses

If, at the conclusion of an inquiry, the FES Commissioner makes a finding under regulation 137C(4)(b), the employee must be paid the reasonable expenses incurred by the employee ~~may do any one or more of the following~~ in connection with defending the disciplinary charge at the inquiry, as fixed by the FES Commissioner.

~~(i) caution~~ [Regulation 137E inserted: Gazette 16 Aug 2019 p. 3071.]

137F. Right of appeal: decision of delegate of FES Commissioner

(1) This regulation applies if a delegate of the FES Commissioner makes —

(a) a disciplinary finding against an employee; or

- ~~(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) (b) a decision under regulation 137D in respect of an employee.~~
- (2) The employee may appeal to the FES Commissioner against the finding or decision.
- (3) An employee who has been charged with an offence which has not been sustained shall be —
- ~~(i) paid~~decides to bring an appeal under this regulation must give written notice of the reasonable expenses of conducting his case, such expenses to be fixed by appeal to the presiding authority hearing FES Commissioner within 7 days after receiving notice of the inquiry; and finding or decision appealed against.
- ~~(ii) if suspended pending determination of the charge, reinstated in his employment and if suspended on partial pay or without pay, paid the amount of remuneration he would but for such suspension have received as such employee.~~
- ~~[Regulation 135 inserted: Gazette 8 Feb 1946 p. 146; amended: Gazette 17 Jun 1949 p. 1324; Act No. 113 of 1965 s. 8(1); Gazette 30 Jun 1982 p. 2262; 9 Dec 1994 p. 6659; 22 Dec 1998 p. 6848; 16 May 2003 p. 1727; 31 Oct 2012 p. 5237 and 5244; 4 Jun 2013 p. 2139.]~~
- ~~[136. Deleted~~ [Regulation 137F inserted: Gazette 31 Oct 2012 16 Aug 2019 p. 5237 3071.]

137. — Appeals to Appeal Board

137G. Right of appeal: decision of FES Commissioner

- (1) ~~Any employee, a charge against whom has been the subject of an inquiry~~In this regulation —

appellable decision means —

(a) a disciplinary finding made by the FES Commissioner;
or

(b) a decision made by the FES Commissioner under
regulation ~~135(4)~~, 137D; or

(c) a decision made by the FES Commissioner on an appeal
under regulation 137F.

- (2) An employee may ~~by~~ appeal to the Appeal Board against an
appellable decision made in respect of the employee.

- (3) An employee who decides to bring an appeal under this
regulation must give written notice ~~stating~~ of the appeal to the
FES Commissioner within 7 days after receiving notice of the
appellable decision.

[Regulation 137G inserted: Gazette 16 Aug 2019 p. 3071.]

137H. Notice of appeal

- (1) In this regulation —

notice of appeal means a notice given to the FES Commissioner
under regulation 137F(3) or 137G(3).

- (2) A notice of appeal must —

(a) give details of the finding or decision appealed against;
and

(b) set out the grounds ~~thereof in writing served on~~ of
appeal; and

(c) be signed by the ~~FES Commissioner within 7 days of~~
employee (or the ~~promulgation~~ person acting for or on
behalf of the ~~finding on such inquiry~~ employee).

(3) An employee must give a notice of appeal to the FES Commissioner personally or by registered post.

[Regulation 137H inserted: Gazette 16 Aug 2019 p. 3071-72.]

137I. Appeal Board:

(21) The Appeal Board ~~shall~~ must consist of a ~~chairman~~ chairperson and 2- members as follows —

~~(a) the Chairman shall be appointed to the office by the FES Commissioner and shall.~~

(2) The chairperson of the Appeal Board must be —

~~(a) Stipendiary Magistrate, but~~ a magistrate; or

(b) if a ~~Stipendiary Magistrate~~ magistrate is unable or unwilling to act, ~~the Chairman shall be~~ a person who ~~shall have~~ has the necessary qualifications requisite for appointment as a ~~Magistrate; and~~ magistrate.

~~(b) — one member shall~~ (3) One of the members of the Appeal Board must be a person —

(a) nominated by the trade union or other association ~~or trade union,~~ of which the appellant ~~employee~~ is a member; or

(b) if the appellant is not a member ~~or in the event of such employee not being a member of any association or of a 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~~ or other association, nominated by the appellant ~~employee; and.~~

~~(e) — one member shall be nominated by the Commissioner.~~

~~(34) The FES Commissioner shall~~ is authorised to pay to the ~~Chairman~~ chairperson and ~~the~~ members of the Appeal Board such fees as ~~shall be~~ are agreed.

[Regulation ~~137~~137I inserted: Gazette ~~8 Feb 1946~~16 Aug 2019 p. 147; amended: Gazette 22 Dec 1998 p. 6847-8; 31 Mar 2009 p. 1026; 31 Oct 2012 p. 5237-8, 5242 and 5244.] 3072.]

138. Provisions ~~as to~~about appeals

(1) In ~~the case of appeals~~this regulation —

appeal body means —

(a) in relation to an appeal brought under regulation ~~137~~137F — the FES Commissioner; or

(b) in relation to an appeal brought under regulation 137G — the Appeal Board.

(2) In the case of an appeal brought under regulation 137F or 137G the following provisions ~~shall~~ apply —

(a) ~~The Appeal Board shall~~the appeal body must appoint a time for the determination of the appeal;

(b) ~~The~~the time appointed ~~shall~~must be within 28 days of the receipt of the notice of appeal by the FES Commissioner;

(c) ~~The~~the parties to the appeal ~~shall~~must be given at least 7 days' ~~prior~~written notice ~~in writing~~of the time ~~so~~ appointed;

(d) ~~The Appeal Board~~subject to paragraph (e), the appeal body may ~~affirm~~ —

(i) confirm, vary or ~~annul~~set aside the finding, ~~the subject matter of appeal, or may make~~decision the subject of the appeal; and ~~promulgate, in lieu thereof, such~~

(ii) if it sets aside the finding ~~as shall in the circumstances of the case be deemed fit~~or decision, substitute its own finding or decision;

~~(e) The Appeal Board~~ (e) the appeal body must set aside a decision made under regulation 137D in respect

of the appellant if the appeal body sets aside the finding to which the decision relates;

(f) the appeal body must give the appellant written notice of its decision on the appeal;

(g) the appeal body may fix and award to the appellant reasonable expenses of conducting ~~his~~the appellant's case;

~~(f) — Appeal~~(h) the appeal may be brought on the grounds of innocence of the disciplinary charge or excessive severity of ~~punishment~~the action taken under regulation 137D.

[Regulation 138 inserted: Gazette 8 Feb 1946 p. 147; amended: Gazette 24 Apr 1953 p. 739; 22 Dec 1998 p. 6848; 31 Oct 2012 p. 5238.] 16 Aug 2019 p. 3072-73.]

139. Provisions as to inquiries and appeals

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

(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 FES Commissioner shall —

(a) cause the proceedings to be recorded;

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- (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~~chairperson of the Appeal Board, procedure as to matters preliminary to and on the hearing of—
- ~~(a) an the inquiry by the FES Commissioner under regulation 135(4); or~~
- ~~(b) an appeal to the Appeal Board under regulation 137,~~
- ~~shall~~must as nearly as practicable, and with the requisite adaptation thereof, follow the appropriate procedure provided for in the *Criminal Procedure Act 2004* Part 3 and the *Criminal Appeals Act 2004* Part 2.
- (5) ~~The Secretary or a~~A person nominated by the FES Commissioner shall be authorised 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 FES Commissioner 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 Appeal Board shall be the finding of the majority of the persons constituting the Appeal Board.

~~(8) Any fine inflicted as aforesaid may be recovered as a simple contract debt at the suit of the FES Commissioner on behalf of the State.~~

~~[(8) deleted]~~

[Regulation 139 inserted: Gazette 8 Feb 1946 p. 147-8; amended: Gazette 17 Jun 1949 p. 1324; 22 Jul 1949 p. 1523; Act No. 113 of 1965 s. 8(1); Gazette 6 Jan 1966 p. 13; 30 Jun 1982 p. 2263; 9 Dec 1994 p. 6659; 22 Dec 1998 p. 6846 and 6847-8; 31 Mar 2009 p. 1026; 31 Oct 2012 p. 5239 and 5244; 16 Aug 2019 p. 3073.]

140. Remedial power of ~~Chairman~~chairperson of Appeal Board

If anything required by ~~regulations 135~~regulation 136, 137, 137A, 137C, 137F, 137G, 137H, 138 or 139 is omitted to be done or is not done in the prescribed manner or within the prescribed time, the ~~Chairman~~chairperson of the Appeal Board may take all appropriate measures for —

- (~~ia~~) rectifying such omission; and
- (~~ib~~) validating any irregularity; and
- (~~ic~~) enlarging such time.

[Regulation 140 inserted: Gazette 8 Feb 1946 p. 148; amended: Gazette 31 Oct 2012 p. 5239-; 16 Aug 2019 p. 3074.]

141. Action that may be taken if employee convicted of serious offence

(1) In this regulation —

serious offence means —

- (a) an indictable offence against a law of the State (whether or not the offence is or may be dealt with summarily), another State or a Territory of the Commonwealth or the Commonwealth; or

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- (b) an offence against the law of another State or a Territory of the Commonwealth that would be an indictable offence against a law of this State if committed in this State (whether or not the offence could be dealt with summarily if committed in this jurisdiction); or
 - (c) an offence against the law of a foreign country that would be an indictable offence against a law of the Commonwealth or this State if committed in this State (whether or not the offence could be dealt with summarily if committed in this jurisdiction); or
 - (d) an offence, or an offence of a class, prescribed under the *Public Sector Management Act 1994* section 108.
- (2) Despite the *Sentencing Act 1995* section 11, if an employee is convicted or found guilty of a serious offence, the FES Commissioner may decide, with respect to the employee —
- (a) to take disciplinary action; or
 - (b) to take improvement action; or
 - (c) to take both disciplinary action and improvement action;
or
 - (d) to take no action.
- (3) Before the FES Commissioner takes action with respect to an employee under subregulation (2), the FES Commissioner must give the employee an opportunity to make a submission in relation to the proposed action.

[Regulation 141 inserted: Gazette 16 Aug 2019 p. 3074-5.]

142. Payment and recovery of fine

- (1) An employee must pay to the FES Commissioner the amount of any fine imposed on the employee by way of disciplinary action under this Division.
- (2) If an employee fails to comply with subregulation (1), the FES Commissioner may recover the amount in a court of competent jurisdiction as a debt owing to the State.

[Regulation 142 inserted: Gazette 16 Aug 2019 p. 3075.]

142A. Giving documents to employee

A requirement in this Division to give a written notice or other document to an employee is a requirement to give the notice or other document to the employee (or the person acting for or on behalf of the employee) personally or by registered post.

[Regulation 141 inserted: Gazette 16 Aug 2019 p. 3075.]

[141. Deleted: Gazette 16 May 2003 p. 1755-6.]

[141A. Deleted: Gazette 9 Sep 1997 p. 5065.]

[142. Deleted: Gazette 16 May 2003 p. 1755-6.]

Division 4 — Indemnity

[Heading inserted: Gazette 16 Aug 2019 p. 3075.]

143. Indemnity of State for loss

In the event of the State sustaining any financial loss through misappropriation, or through wilful damage to any property of the Department by an officer or member of a brigade, 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 member then or thereafter.

[Regulation 143 amended: Gazette 22 Dec 1998 p. 6847-8; 16 May 2003 p. 1727-8; 31 Oct 2012 p. 5239-40.]

[144. Deleted: Gazette 16 May 2003 p. 1755-6.]

[145. Deleted: Gazette 6 Jan 1966 p. 13.]

[146-157. Deleted: Gazette 16 May 2003 p. 1755-6.]

Part VII — Volunteer fire brigades

158. Terms used

In this Part, unless the contrary intention appears —
Association means the Western Australian Volunteer Fire and Rescue Services Association (Inc), an association incorporated under the *Associations Incorporation Act* ~~1987~~[2015](#);

brigade means a volunteer fire brigade;

district includes a subdistrict;

member, in relation to a brigade, includes an officer of the brigade;

registered means registered by the FES Commissioner under regulation 159B.

*[Regulation 158 inserted: Gazette 16 May 2003 p. 1728;
amended: Gazette 31 Oct 2012 p. 5242; [16 Aug 2019 p. 3075.](#)]*

159. Membership of brigades

- (1) A brigade may consist of active members, probationary members, active reserve members, support members and junior members.
- (2) Subject to subregulation (6), the total number of members of a brigade (excluding junior members) is not to be greater than 40.
- (3) Subject to subregulation (6), the total number of active members and probationary members of a brigade is not to be greater than 25.
- (4) Subject to subregulation (6), the total number of active reserve members and support members of a brigade is not to be greater than 15.
- (5) The number of active members of a brigade is to be greater than the number of members of any other category of membership of the brigade (excluding junior members), and the active members

are to include the brigade's captain, lieutenant and apparatus officer.

- (6) The number of members of a brigade, or of categories of membership of a brigade, may be greater than the number specified in subregulation (2), (3) or (4) if the FES Commissioner approves that number because of special circumstances that apply to the brigade.
- (7) For the purposes of this regulation, a member of a brigade who has been granted leave of absence for a period greater than 6 months under regulation 168(3) is not counted as a member of the brigade while the member is on leave.

*[Regulation 159 inserted: Gazette 16 May 2003 p. 1728-9;
amended: Gazette 31 Oct 2012 p. 5242.]*

159A. Joining a brigade

- (1) A person may join a brigade as a probationary member or junior member of the brigade if —
 - (a) the person is eligible to be registered in that category of membership under regulation 159C; and
 - (b) in the case of a probationary member, the person's application for membership is approved at a meeting of the brigade held at least one month after the application is made.
- (2) A person becomes a probationary member or junior member of a brigade on the FES Commissioner giving approval under section 30 of the Act.

*[Regulation 159A inserted: Gazette 16 May 2003 p. 1729;
amended: Gazette 31 Oct 2012 p. 5242.]*

159B. FES Commissioner to keep register

- (1) The FES Commissioner registers a member of a brigade by recording in a register, kept in a form that the FES Commissioner considers appropriate, details of the member's

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name, address, date of birth, occupation, brigade, and category of membership.

- (2) The FES Commissioner is to make appropriate amendments to the details recorded in the register for a member when the FES Commissioner is informed of any change to those details.
- (3) The FES Commissioner is to cancel the registration of a person who has ceased to be a member of a brigade.

[Regulation 159B inserted: Gazette 16 May 2003 p. 1730; amended: Gazette 31 Oct 2012 p. 5242-3.]

159C. Eligibility for registration for probationary and junior members

- (1) Subject to regulation 159E, a member is eligible to be registered as a probationary member of a brigade if —
 - (a) the member has reached 17 years of age; and
 - (b) the brigade's captain has informed the FES Commissioner that he or she is satisfied that the member is able to perform appropriately the duties of a probationary member under these regulations.
- (2) When there is a vacancy in a brigade for a probationary member, preference is to be given to applicants who have been junior members of the brigade.
- (3) Subject to regulation 159E, a member is eligible to be registered as a junior member of a brigade if —
 - (a) the member has reached 11 years of age and is under 17 years of age; and
 - (b) the member has the written consent of his or her parent or guardian to be registered as a junior member; and
 - (c) the brigade's captain has informed the FES Commissioner that he or she is satisfied that the member is able to perform appropriately the duties of a junior member under these regulations.

- (4) Subject to regulation 159E, a member who is eligible to be registered as a junior member of a brigade may instead be registered as a probationary member of the brigade if —
- (a) the member has reached 16 years of age; and
 - (b) the member has the written consent of his or her parent or guardian to be registered as a probationary member; and
 - (c) the brigade's captain has informed the FES Commissioner that he or she is satisfied that the member is able to perform the duties of a probationary member under these regulations.

[Regulation 159C inserted: Gazette 16 May 2003 p. 1730-1; amended: Gazette 31 Oct 2012 p. 5242.]

159D. Eligibility for registration for active, active reserve and support members

- (1) Subject to subregulation (2) and regulation 159E, a probationary member of a brigade is eligible to be registered as an active, active reserve or support member of the brigade, as determined by the FES Commissioner on the recommendation of the brigade's captain, if —
- (a) the probationary member has completed —
 - (i) 3 months (or any lesser period approved by the FES Commissioner) satisfactory service with the brigade; or
 - (ii) an introductory training program approved by the FES Commissioner;
- or
- (b) for a brigade that has been registered for less than 3 months — the FES Commissioner is satisfied that the member has had sufficient training to enable him or her to perform the duties appropriate to the category of membership concerned.

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- (2) Subject to regulation 159E, a junior member of a brigade who has reached 16 years of age and is under 17 years of age is eligible to be registered as an active, active reserve or support member of the brigade, as determined by the FES Commissioner on the recommendation of the brigade's captain, if —
- (a) the junior member has completed —
 - (i) 3 months (or any lesser period approved by the FES Commissioner) satisfactory service with the brigade; or
 - (ii) an introductory training program approved by the FES Commissioner;and
 - (b) the junior member has the written consent of his or her parent or guardian to be registered as an active, active reserve or support member, as the case requires; and
 - (c) the brigade's captain has informed the FES Commissioner that he or she is satisfied that the junior member is able to perform appropriately the duties of an active, active reserve or support member, as the case requires, under these regulations.
- (3) Subject to regulation 159E, a person who is —
- (a) an active member of a brigade may be registered instead as an active reserve member or a support member of the brigade; or
 - (b) an active reserve member of a brigade may be registered instead as an active member or a support member of the brigade; or
 - (c) a support member of a brigade may be registered instead as an active member or an active reserve member of the brigade,
- if —
- (d) the brigade has a vacancy in the category of membership concerned; and

- (e) the change in registration is approved at a meeting of the brigade and by the FES Commissioner.

[Regulation 159D inserted: Gazette 16 May 2003 p. 1731-3; amended: Gazette 31 Oct 2012 p. 5242.]

159E. Physical and medical requirements for members of brigades

- (1) In this regulation —
member means —
 - (a) a probationary member; or
 - (b) an active member, or active reserve member, who has not been a probationary member of a brigade.
- (2) A member of a brigade is not eligible to be registered under regulation 159C or 159D unless the member has satisfied any physical or medical requirements for registration determined by the FES Commissioner, after consultation with the Association.
- (3) Different physical or medical requirements may be determined under subregulation (2) for different categories of membership of a brigade.
- (4) The FES Commissioner is liable for any costs incurred by a member of a brigade in taking a physical or medical examination for the purposes of subregulation (2).

[Regulation 159E inserted: Gazette 16 May 2003 p. 1733; amended: Gazette 31 Oct 2012 p. 5242.]

159F. Training requirements for members of brigades

- (1) The FES Commissioner is to determine the training that is required to be undertaken by the members of a brigade in relation to the performance of the brigade's functions.
- (2) The FES Commissioner is to give written notice to a brigade's captain and to the Association of the training that the brigade's members are required to undertake or any change made by the FES Commissioner to that training.

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- (3) A brigade's captain is to ensure that the brigade's members undertake training in accordance with a notice under subregulation (2).

[Regulation 159F inserted: Gazette 16 May 2003 p. 1734; amended: Gazette 31 Oct 2012 p. 5242.]

159G. Suspension of registration of brigades

- (1) Subject to regulation 159H, subregulation (2) applies if the FES Commissioner is satisfied that, for any reason, a brigade is no longer able to perform its functions safely and efficiently.
- (2) If this subregulation applies the FES Commissioner may, after consultation with the Association, by written notice given to the brigade's captain suspend the registration of the brigade for the period that the FES Commissioner specifies in the notice.
- (3) The brigade cannot perform any of the functions of a brigade during the period of the suspension of its registration except for the purposes of the training that its members are required to undertake under regulation 159F.

[Regulation 159G inserted: Gazette 16 May 2003 p. 1734; amended: Gazette 31 Oct 2012 p. 5242.]

159H. Procedure before brigade's registration is suspended

- (1) If the FES Commissioner proposes to suspend the registration of a brigade under regulation 159G, the FES Commissioner is to give written notice to the brigade's captain setting out the reasons for the proposed suspension.
- (2) The brigade's captain may, within one month after given a notice under subregulation (1), make written submissions to the FES Commissioner in relation to the proposed suspension.
- (3) The FES Commissioner is to have regard to any submissions under subregulation (2) before suspending the registration of the brigade.

[Regulation 159H inserted: Gazette 16 May 2003 p. 1734-5; amended: Gazette 31 Oct 2012 p. 5242.]

159I. FES Commissioner's responsibilities on cancellation of brigade's registration

If the FES Commissioner cancels the registration of a brigade under section 26(b) of the Act —

- (a) the FES Commissioner is to ensure that —
 - (i) all the plant, apparatus and other property of the Department that was under the control of the brigade is transferred to another brigade or otherwise appropriately dealt with; and
 - (ii) other arrangements are made for extinguishing fires and dealing with hazardous material incidents and rescue operations in the district concerned;

and

- (b) each person who was a member of the brigade immediately before its registration was cancelled ceases to be a member of the brigade.

[Regulation 159I inserted: Gazette 16 May 2003 p. 1735; amended: Gazette 31 Oct 2012 p. 5240.]

160. Brigade district

- (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 an incident outside its fire district, provided that sufficient officers and members and apparatus and plant are retained for adequate protection of that fire district.
- (d) A brigade may, at the discretion of the senior officer available at the time, deploy appropriate resources to attend an incident

outside its fire district, provided that sufficient consideration has been given to the protection of that fire district.

*[Regulation 160 amended: Gazette 28 Sep 1960 p. 2984;
9 Dec 1994 p. 6656.]*

161. Members to comply with directions of FES Commissioner and brigade rules

- (1) Subject to subregulation (2), a member of a brigade is to comply with —
 - (a) a written direction given to the brigade by the FES Commissioner; or
 - (b) a rule made by the brigade under regulation 162.
- (2) A direction or rule has no effect to the extent that it is inconsistent with these regulations.

*[Regulation 161 inserted: Gazette 16 May 2003 p. 1736;
amended: Gazette 31 Oct 2012 p. 5242-3.]*

162. Brigade rules

- (1) A brigade may make rules relating to the administration and internal management of the brigade.
- (2) A brigade may amend or repeal a rule.
- (3) A brigade is to give written notice to the FES Commissioner of any rules that it makes, or any amendment to or repeal of those rules, under this regulation.
- (4) A rule, or an amendment to or repeal of a rule, has no effect unless it has been approved by the FES Commissioner by written notice given to the brigade.
- (5) A rule has no effect to the extent that it is inconsistent with a written direction given to the brigade by the FES Commissioner.

*[Regulation 162 inserted: Gazette 16 May 2003 p. 1736;
amended: Gazette 31 Oct 2012 p. 5242-3.]*

[163, 164. Deleted: Gazette 16 May 2003 p. 1755.]

[165. Deleted: Gazette 9 Sep 1997 p. 5066.]

[166, 167. Deleted: Gazette 16 May 2003 p. 1755.]

[167A. Deleted: Gazette 9 Aug 1972 p. 3014.]

168. Leave of absence

- (1) An active, probationary, active reserve or support member of a brigade may 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 6 months.
- (3) When an application for leave of absence is for a period greater than 6 months the captain shall forward the application to the FES Commissioner for approval or rejection, with his recommendation.
- (4) Junior members may apply in writing to the brigade captain for any period of leave of absence and the brigade captain may grant or reject that application.

*[Regulation 168 inserted: Gazette 13 Apr 1972 p. 800;
amended: Gazette 22 Dec 1998 p. 6847; 16 May 2003 p. 1737;
31 Oct 2012 p. 5242-3.]*

169. Transfer of members

- (1) A member of a brigade (the *former brigade*) may transfer to another brigade (the *new brigade*) if —
 - (a) the new brigade has a vacancy in an appropriate category of membership and agrees to the transfer; and
 - (b) the member has a certificate of discharge from the former brigade; and
 - (c) the transfer is approved by the FES Commissioner.

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- (2) If a member transfers to a new brigade, the FES Commissioner is to make appropriate amendments to the details recorded in the register for the member.

[Regulation 169 inserted: Gazette 16 May 2003 p. 1737-8; amended: Gazette 31 Oct 2012 p. 5242-3.]

170. Resignations

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

[Regulation 170 amended: Gazette 22 Dec 1998 p. 6847; 31 Oct 2012 p. 5242-3.]

171. Suspension and cancellation of registration of members

- (1) Subject to subregulation (2), the FES Commissioner may, by written notice given to a member of a brigade, suspend for the period specified in the notice, or cancel, the registration of the member —
- (a) if the FES Commissioner is satisfied that the member —
 - (i) has been convicted of an offence, whether in this State or another State or a Territory; or
 - (ii) has persistently failed to perform his or her duties as a member of a brigade; or
 - (iii) has failed to undertake the training required of the member under regulation 159F;
 - or
 - (b) in accordance with a decision under regulation 177(5)(c).
- (2) Before deciding to suspend or cancel the registration of a member, the FES Commissioner is to —
- (a) obtain and have regard to a written report from the relevant brigade's captain on the circumstances that gave rise to the proposed suspension or cancellation; and

- (b) invite the member to make, within a reasonable period, written submissions to the FES Commissioner in relation to those matters; and
- (c) have regard to any submissions made by the member within that period.

[Regulation 171 inserted: Gazette 16 May 2003 p. 1738-9; amended: Gazette 31 Oct 2012 p. 5242-3.]

172. Election of officers

- (a) Every brigade shall meet in June in each year, and elect by ballot the brigade's officers.
- (b) Only active members of a brigade are eligible to be elected as the brigade's officers.
- (ba) The active, active reserve and support members of a brigade are eligible to vote in the election of the brigade's officers.
- (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 FES Commissioner the result thereof.

[Regulation 172 amended: Gazette 28 Sep 1960 p. 2984; 12 Aug 1970 p. 2540; 22 Dec 1998 p. 6847; 16 May 2003 p. 1739; 31 Oct 2012 p. 5242-3.]

[173-176. Deleted: Gazette 16 May 2003 p. 1755.]

177. Enquiries into conduct of members

- (1) If a brigade's captain, or another senior officer, considers that a member of the brigade has, while on duty with the brigade, disobeyed an order, been insubordinate or under the influence of drugs or alcohol, used obscene or abusive language or engaged in conduct that does not meet the standards required of a member while on duty with the brigade, the captain or other senior officer —
 - (a) may suspend the member from duty with the brigade until the FES Commissioner makes a decision under subregulation (5); and
 - (b) is to give a written report (an *officer's report*) of the matter to the FES Commissioner within 7 days.
- (2) On being given an officer's report, the FES Commissioner is to appoint a person (an *investigator*) to enquire into the circumstances that gave rise to the report.
- (3) The investigator is to enquire into the circumstances that gave rise to the officer's report and is to give to the FES Commissioner a written report that sets out the investigator's findings and recommendations in relation to those circumstances.
- (4) The FES Commissioner is to —
 - (a) have regard to the officer's report and the investigator's report; and
 - (b) invite the member concerned to make, within a reasonable period, written submissions to the FES Commissioner in relation to the matters that are the subject of those reports; and
 - (c) have regard to any submissions made by the member within that period; and
 - (d) make a decision under subregulation (5).

- (5) The FES Commissioner may decide to —
 - (a) take no action; or
 - (b) reprimand the member concerned; or
 - (c) without having to comply with subregulation (2) of regulation 171, suspend or cancel under that regulation the registration of the member concerned.
- (6) The FES Commissioner is to give to the member concerned and to the captain of the member's brigade written notice of a decision under subregulation (5).
- (7) If the FES Commissioner decides to suspend the registration of the member concerned, the notice under subregulation (6) is to specify the period of suspension.

*[Regulation 177 inserted: Gazette 16 May 2003 p. 1740-1;
amended: Gazette 31 Oct 2012 p. 5242-3.]*

178. Appeals

- (1) A member of a brigade whose registration is suspended or cancelled under regulation 171, or who is reprimanded under regulation 177(5), may appeal to the Appeal Panel appointed under regulation 179.
- (2) An appeal is to be made in writing setting out the grounds of the appeal and is to be lodged with the FES Commissioner within 21 days after the appellant is given notice under regulation 177(6).
- (3) The FES Commissioner may accept an appeal lodged after the period referred to in subregulation (2) if the FES Commissioner considers that, in all the circumstances, it is reasonable to do so.
- (4) The registration of a member remains suspended or cancelled pending the determination of an appeal lodged by the member against the suspension or cancellation of his or her registration.

*[Regulation 178 inserted: Gazette 16 May 2003 p. 1741-2;
amended: Gazette 31 Oct 2012 p. 5244.]*

179. Appeal Panel

- (1) The FES Commissioner is to appoint an Appeal Panel to determine appeals under regulation 178.
- (2) The Appeal Panel is to consist of —
 - (a) a chairman and one other person who are nominated by the FES Commissioner; and
 - [(b) deleted]*
 - (c) a person who is nominated by the Association.

[Regulation 179 inserted: Gazette 16 May 2003 p. 1742; amended: Gazette 31 Oct 2012 p. 5240 and 5242-3.]

180. Appeal procedures²

- (1) The rules of evidence do not apply to an appeal under regulation 178, and the Appeal Panel may as it sees fit —
 - (a) have regard only to the appeal document lodged by the appellant and any other document the Appeal Panel considers relevant to the appeal; or
 - (b) consider those documents and may also invite the appellant to appear before the Appeal Panel to answer questions from, and make submissions to, the Appeal Panel.
- (2) An appellant who appears before the Appeal Panel may only appear personally and cannot be represented by a legal practitioner or another person.
- (3) In determining an appeal, the Appeal Panel —
 - (a) may confirm, vary or set aside the decision of the FES Commissioner; or
 - (b) substitute the Appeal Panel's own decision for the decision of the FES Commissioner.
- (4) The chairman of the Appeal Panel is to cause written notice of the Appeal Panel's determination of an appeal to be given to the

FES Commissioner and to the appellant within 14 days after the determination is made, and the FES Commissioner is to give effect to the determination.

- (5) Subject to this regulation, the Appeal Panel is to determine its own procedure.

[Regulation 180 inserted: Gazette 16 May 2003 p. 1742-3; amended: Gazette 31 Oct 2012 p. 5242-3.]

181. Duties of captain

The duties of a brigade's captain are —

- (a) to manage the affairs and activities of the brigade; and
- (b) to enforce discipline and ensure compliance with these regulations and any directions given by the FES Commissioner; and
- (c) to take command, in the absence of an officer or member of a permanent fire brigade, at an incident attended by the brigade; and
- (d) to ensure that all members of the brigade are adequately trained to perform their duties; and
- (e) to suspend a member of the brigade under regulation 177(1)(a), if the captain considers it appropriate to do so; and
- (f) to ensure that the brigade's apparatus, plant and buildings are kept clean, in good condition and, where applicable, ready for immediate use; and
- (g) to ensure that the hydrants in the brigade's district are maintained; and
- (h) to ensure that the brigade takes part in community based risk management and public education activities; and
- (i) to ensure that proper financial records for the brigade are presented at each monthly meeting of the brigade; and
- (j) to maintain a close liaison with other brigades, with other bodies that provide emergency services to the

community, and with members of other interest groups in the community.

[Regulation 181 inserted: Gazette 16 May 2003 p. 1743-4; amended: Gazette 31 Oct 2012 p. 5242-3.]

182. Duties of lieutenant

The duties of a brigade's lieutenant are —

- (a) to comply with the directions of the captain; and
- (b) to perform the captain's duties in the absence of the captain; and
- (c) to maintain an inventory of the brigade's property and to record, and provide information about, brigade training and other brigade activities; and
- (d) to ensure that records and information about incidents attended by the brigade are provided to the appropriate people and organisations; and
- (e) to be responsible for the maintenance of the hydrants in the brigade's district, for keeping records of that maintenance and for immediately reporting any defects to the hydrants; and
- (f) to identify relevant risks in the local community and to be responsible for the development and documentation of plans that enable the brigade to be prepared for, and to respond to, those risks.

[Regulation 182 inserted: Gazette 16 May 2003 p. 1744-5.]

183. Duties of apparatus officer

The duties of a brigade's apparatus officer are —

- (a) to comply with the directions of the senior officers of the brigade; and
- (b) to assist the lieutenant in the performance of the lieutenant's duties and to perform those duties in the absence of the lieutenant; and

- (c) to be responsible for the brigade's apparatus, plant and buildings and for keeping that apparatus and plant, and those buildings, clean and in good condition; and
- (d) to report immediately to the captain any defects to the brigade's apparatus, plant or buildings; and
- (e) to ensure that all the brigade's uniforms and protective clothing are maintained in good condition.

[Regulation 183 inserted: Gazette 16 May 2003 p. 1745.]

184. Duties of secretary or treasurer etc.²

- (1) The duties of a brigade's secretary (who is to be a member of the brigade) are —
 - (a) to comply with the directions of the captain; and
 - (b) to be responsible for, and to keep current, the brigade's books, papers and other documents; and
 - (c) to deal promptly with, and to keep a record of, the brigade's correspondence; and
 - (d) to attend the meetings of the brigade and record the minutes of those meetings; and
 - (e) to be responsible for the brigade's funds, including any amounts received by the brigade from the FES Commissioner; and
 - (f) at the request of the FES Commissioner, to prepare and provide to the FES Commissioner a financial statement for the brigade; and
 - (g) to make the brigade's financial records available for inspection when required for the purposes of an audit; and
 - (h) at the request of the captain or of an officer employed in the Department, to make the brigade's financial records and correspondence available for inspection by the captain or officer; and

- (i) to provide to the FES Commissioner, within the period specified by the FES Commissioner, any required return, form or report; and
- (j) at each monthly meeting of the brigade —
 - (i) to present a financial statement for the relevant month, supported by relevant financial records; and
 - (ii) to answer any question raised at the meeting about the financial affairs of the brigade; and
 - (iii) to make available to the meeting all of the brigade's books, papers and other documents.
- (2) The officer presiding at a meeting of a brigade is to give to the FES Commissioner a written report of any document presented or information given by the secretary at the meeting that, in the officer's opinion, indicates that the secretary is not performing his or her duties satisfactorily.
- (3) Before leaving office, the secretary is to give to the captain any funds and any books, papers or other documents held by the secretary.
- (4) If a brigade has a treasurer instead of a secretary —
 - (a) the treasurer may be, but is not required to be, a member of the brigade; and
 - (b) references in this regulation to the secretary are to be read as references to the treasurer.
- (5) If a brigade has both a secretary and a treasurer, a duty described in this regulation is to be performed by the secretary or treasurer, as directed by the captain.

*[Regulation 184 inserted: Gazette 16 May 2003 p. 1745-7;
amended: Gazette 31 Oct 2012 p. 5241 and 5242-3.]*

[184A. Deleted: Gazette 16 May 2003 p. 1740.]

185. Duties of active members and probationary members

- (1) The duties of a brigade's active members are —
 - (a) when alerted of an incident, to proceed promptly to, as directed, the brigade's fire station or to the incident with the appropriate apparatus; and
 - (b) to perform the duties required of them at an incident, and to remain on duty until relieved; and
 - (c) to keep the brigade's apparatus, plant and buildings clean and in good condition, as directed; and
 - (d) to take part in training programs to ensure that they are proficient in the use of the brigade's appliances and equipment; and
 - (e) to understand and comply with the brigade's policies and procedures; and
 - (f) to attend the meetings of the brigade.
- (2) The duties of a brigade's probationary members are —
 - (a) until their training program is completed — the duties referred to in subregulation (1), to the extent that probationary members are directed by the captain to perform them; and
 - (b) to attend the meetings of the brigade, at which they may take part in discussions but not vote on motions moved at the meetings.

[Regulation 185 inserted: Gazette 16 May 2003 p. 1747-8.]

[185A. Deleted: Gazette 16 May 2003 p. 1740.]

186. Duties of active reserve members

The duties of a brigade's active reserve members are —

- (a) when available to do so, to attend incidents as directed by the captain; and
- (b) otherwise the duties of active members referred to in regulation 185(1).

[Regulation 186 inserted: Gazette 16 May 2003 p. 1748.]

187. Support members

The duties of a brigade's support members are —

- (a) to be available to attend incidents attended by other members of the brigade and to provide those members with support services such as assistance with equipment, radio monitoring and catering; and
- (b) to take part, from time to time, in training programs; and
- (c) to understand and comply with the brigade's policies and procedures; and
- (d) to attend the meetings of the brigade; and
- (e) any other duties agreed between the support members and the captain.

[Regulation 187 inserted: Gazette 16 May 2003 p. 1748.]

187A. Duties of junior members

- (1) The duties of a brigade's junior members are —
 - (a) to comply with the directions of the captain or another officer designated by the captain; and
 - (b) to take part in training programs conducted for junior members in relation to the brigade's appliances, equipment, policies and procedures; and
 - (c) to help keep the brigade's apparatus, plant and buildings clean and in good condition; and
 - (d) to attend the meetings of the brigade held specifically for its junior members.
- (2) A junior member of a brigade cannot attend an incident.

[Regulation 187A inserted: Gazette 16 May 2003 p. 1749.]

187B. Command of brigades at incidents

- (1) When a brigade attends an incident, the most senior officer of the brigade in attendance or, if there is no officer, the most senior member of the brigade in attendance is, subject to this regulation, to take command of the brigade.

- (2) A more senior officer or member of the brigade who later attends the incident may take command of the brigade.
- (3) An officer or member of a permanent fire brigade who attends an incident attended by a brigade may take command of the brigade.

[Regulation 187B inserted: Gazette 16 May 2003 p. 1749.]

187C. Brigades' duties at incidents

A brigade's duties at an incident attended by the brigade are not completed until —

- (a) the person in command of the brigade considers it is safe for the brigade to leave the incident because —
 - (i) if the incident is a fire — the fire is properly and effectively extinguished or made safe; or
 - (ii) if the incident is a hazardous material incident — there is no further threat from the incident to public safety; or
 - (iii) if the incident is a rescue operation — the operation has been completed;

or

- (b) the FES Commissioner directs the brigade to leave the incident.

[Regulation 187C inserted: Gazette 16 May 2003 p. 1750; amended: Gazette 31 Oct 2012 p. 5242-3.]

188. Roll call after incidents

On return from an incident or incident alarm, the officer in command shall cause the roll to be called, and see that full details of same are recorded. 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 incident or incident alarm.

[Regulation 188 inserted: Gazette 9 Dec 1994 p. 6657; amended: Gazette 16 May 2003 p. 1750.]

189. Captain to provide report of incident

Within 7 days after a brigade attends an incident, the captain is to ensure that a report of the incident, in a form approved by the FES Commissioner, is provided to the FES Commissioner.

[Regulation 189 inserted: Gazette 16 May 2003 p. 1750; amended: Gazette 31 Oct 2012 p. 5242-3.]

190. Entitlements after accidents

- (1) Any officer or member of a volunteer fire brigade who has established a claim with the Department's insurers as if he were a "worker" under the *Workers' Compensation and Injury Management Act 1981* 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 Department's insurers as if he were a "worker" under the *Workers' Compensation and Injury Management Act 1981*, and any amendments thereof, be equal to his weekly wages, but not exceeding an amount per week equal to 1% of the prescribed amount.

Provided that —

- (a) such payments shall not be made for more than 13 weeks, except by resolution of the FES Commissioner;
- (b) such payments shall not be continued after the services of any officer or members of a volunteer fire brigade have been terminated;
- (c) such payments, for a period not exceeding 13 weeks, shall not be deducted from any payments made under the ~~Second~~ [Workers' Compensation and Injury Management Act 1981](#) Schedule ~~of the above Act~~ [2](#).

- (2) In subregulation (1) —

prescribed amount means the amount that, during the period of incapacity referred to in that subregulation, is the prescribed amount as defined in section 5(1) of the *Workers' Compensation and Injury Management Act 1981*.

[Regulation 190 amended: Gazette 18 Aug 1944 p. 705; 28 Dec 1951 p. 3486; 12 May 1965 p. 1458; 23 Aug 1972 p. 3231; 22 Dec 1998 p. 6846 and 6849; 16 May 2003 p. 1751; 31 Mar 2009 p. 1026-7; 31 Oct 2012 p. 5241; [16 Aug 2019 p. 3076.](#)]

191. Practices

- (1) Probationary and active members of each brigade shall be practised in the duties concerning 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 FES Commissioner or captain may direct.
- (2) Active reserve members shall attend periodic drills and practices at such times as directed by the brigade captain.
- (3) A recognised practice shall mean practical work in extinguishing fires, dealing with hazardous materials, rescue operations or other drill, for at least three-quarters of an hour.
- (4) Each brigade may appoint its own dates for practices.

[Regulation 191 inserted: Gazette 13 Apr 1972 p. 801; amended: Gazette 9 Dec 1994 p. 6657; 22 Dec 1998 p. 6847-8; 16 May 2003 p. 1751; 31 Oct 2012 p. 5242-3.]

191A. Brigades to remain able to respond to incidents within districts

If a brigade undertakes any activity outside its district, the captain is to ensure that sufficient members, apparatus and plant remain in the district to attend any incident that may arise.

[Regulation 191A inserted: Gazette 16 May 2003 p. 1752.]

191B. Apparatus and plant not to be taken without FES Commissioner's consent

If a brigade takes part in a demonstration or competition, the captain is to ensure that no apparatus or plant (other than a competition reel and related apparatus) is taken to the demonstration or competition without the consent of the FES Commissioner.

[Regulation 191B inserted: Gazette 16 May 2003 p. 1752; amended: Gazette 31 Oct 2012 p. 5242-3.]

192. Demonstrations and competitions ²

[(1) deleted]

- (2) The FES Commissioner may authorise such expenditure or make such grants as the FES Commissioner 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 members of brigades and their apparatus or plant;
 - (b) the purchase of trophies for competition by brigades and their members, and the allocation of the cost thereof;
 - (c) the entertainment of members of brigades, and visiting officials and brigades;
 - (d) any other matter incidental to the conducting of demonstrations and competitions.
- (3) Subject to subregulation (3a), the FES Commissioner may from time to time make grants of money to brigades attending demonstrations outside the State.
- (3a) A grant made under subregulation (3) shall not in any one financial year exceed an amount of \$2 000 in respect of any one brigade and in any event the grants made under this regulation

shall not exceed an aggregate of \$8 000 in any one financial year.

- (4) All expenditure incurred by the FES Commissioner 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 FES Commissioner in connection with 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 FES Commissioner by way of grant to a brigade or 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: Gazette 19 Jul 1956 p. 1786; 1 May 1970 p. 1231; 13 Apr 1972 p. 801; 2 Aug 1974 p. 2875; 30 Sep 1977 p. 3531; 20 Jan 1978 p. 187; 19 Jan 1993 p. 738; 22 Dec 1998 p. 6847 and 6848; 16 May 2003 p. 1752-3; 31 Oct 2012 p. 5241 and 5242-3.]

192A. Participation of junior members in demonstrations or competitions

Junior members may compete in junior member events at organised demonstrations or competitions provided prior approval of the FES Commissioner to compete in particular

events in which water is drawn or discharged from hoses, has been obtained.

[Regulation 192A inserted: Gazette 21 Dec 1984 p. 4177; amended: Gazette 22 Dec 1998 p. 6847-8; 31 Oct 2012 p. 5242-3.]

[193-207. Deleted: Gazette 16 May 2003 p. 1755-6.]

208. Service awards

- (1) The FES Commissioner may determine that a member of a brigade is to receive an award for efficient service in one or more brigades in the State.
- (2) In determining whether a member of a brigade is to receive an award, the FES Commissioner is not to take into account the service of the member as a junior member of a brigade but may take into account the service of the member —
 - (a) as an executive officer of the Association; or
 - (b) as an active member of a brigade; or
 - (c) as a probationary member of a brigade, but only if the probationary member was later promoted to an active member of the brigade; or
 - (d) as an active reserve member of a brigade; or
 - (e) as a support member of a brigade.

[Regulation 208 inserted: Gazette 16 May 2003 p. 1753-4; amended: Gazette 31 Oct 2012 p. 5242-3.]

209. Brigade funds

- (1) A brigade is to give a receipt for any amount of funds that it receives, and the amount is to be credited to an account held in the name of the brigade with a bank or other financial institution.
- (2) The payment of any amount by a brigade is to be charged to and paid out of that account and recorded by the brigade in its financial records.

- (3) A brigade is to appoint 2 members (who are not to include its secretary or treasurer) to act as the brigade's auditors and is to ensure that, if an auditor's position becomes vacant, the position is filled as soon as is practicable.
- (4) The auditors are to examine a brigade's financial records from time to time but at least twice in each financial year, and, if satisfied that the records correctly record and explain the brigade's transactions and financial position and performance, the auditors are to give a certificate to that effect to the brigade's captain.
- (5) If, at the end of each financial year, the secretary or treasurer, as the case may be, is satisfied that a brigade's financial records correctly record and explain the brigade's transactions and financial position and performance for that year, the secretary or treasurer is to give a certificate to that effect to the brigade's captain.
- (6) On being given certificates under subregulations (4) and (5) in relation to a financial year, the brigade's captain is to inform the FES Commissioner, in writing, that the brigade's financial records correctly record and explain the brigade's transactions and financial position and performance for that year.

*[Regulation 209 inserted: Gazette 16 May 2003 p. 1754-5;
amended: Gazette 31 Oct 2012 p. 5242-3.]*

[210-213. Deleted: Gazette 16 May 2003 p. 1755-6.]

214. Brigade property and trophies

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

r. 214

- (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: Gazette 28 Sep 1960 p. 2986;
amended: Gazette 22 Dec 1998 p. 6847-8; 31 Oct 2012 p. 5242-3.]*

Part VIII — Private fire brigades

215. Registration

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

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

[Regulation 215 amended: Act No. 113 of 1965 s. 8(1); Gazette 22 Dec 1998 p. 6847-8 and 6849; 31 Oct 2012 p. 5242-3.]

216. Demonstrations and competitions

The FES Commissioner may permit registered private fire brigades to compete in volunteer fire brigades demonstrations and competitions.

[Regulation 216 amended: Gazette 22 Dec 1998 p. 6847-8; 31 Oct 2012 p. 5242-3.]

217. Rules

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 FES Commissioner.

[Regulation 217 inserted: Gazette 3 Aug 1973 p. 2905; amended: Gazette 22 Dec 1998 p. 6847-8; 31 Oct 2012 p. 5242-3.]

218. Suspension or termination

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

*[Regulation 218 amended: Gazette 22 Dec 1998 p. 6847-8;
31 Oct 2012 p. 5242-3.]*

Part IX — Miscellaneous

219. Fires outside district

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 incidents.

[Regulation 219 amended: Gazette 9 Dec 1994 p. 6658.]

220. Fires within provisions of section 44

In the event of any brigade attending an incident in or on premises or property to which the provisions of section 44³ of the Act 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 FES Commissioner an amount, to be determined by the FES Commissioner, but not exceeding the maximum scale of fees and charges set out in the Third Schedule⁴ of the Act.

[Regulation 220 inserted: Gazette 9 Dec 1994 p. 6658; amended: Gazette 22 Dec 1998 p. 6847-8; 31 Oct 2012 p. 5242-3.]

[221-225. Deleted: Gazette 12 Jun 1959 p. 1517.]

[226. Deleted: Gazette 16 May 2003 p. 1755-6.]

227. Provision of fire alarms on premises

The FES Commissioner 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: Gazette 14 Jun 1974 p. 1879; amended: Gazette 22 Dec 1998 p. 6847-8; 31 Oct 2012 p. 5242-3.]

[227A. Deleted: Gazette 16 May 2003 p. 1755-6.]

228. Storage of inflammable matter ²

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.

229. Land to be kept free of inflammable matter

- (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 —

occupier means the inhabitant occupier of any land or, if there is no inhabitant occupier, the person entitled to possession thereof;

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;

person includes any body of persons corporate or unincorporate.

[230. Deleted: Gazette 28 Sep 1960 p. 2986.]

[231. Deleted: Gazette 31 Oct 2012 p. 5242.]

[First Appendix deleted: Gazette 18 Jan 2013 p. 147.]

[Second Appendix deleted: Gazette 22 Dec 1998 p. 6847.]

[Third Appendix deleted: Gazette 18 Jan 2013 p. 147.]



Notes

- ¹ This ~~reprint~~ is a compilation ~~as at 20 September 2013~~ of the *Fire Brigades Regulations 1943* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Fire Brigades Act Regulations</i> ⁵	4 Jun 1943 p. 552-76	17 Sep 1943
Untitled regulations	24 Mar 1944 p. 270-1	24 Mar 1944
Untitled regulations	18 Aug 1944 p. 705	18 Aug 1944
Untitled regulations	8 Feb 1946 p. 144-8	11 Sep 1946
Untitled regulations	2 Aug 1946 p. 940	2 Oct 1946
Untitled regulations	17 Jun 1949 p. 1324	17 Jun 1949
Untitled regulations	22 Jul 1949 p. 1523	22 Jul 1949
Untitled regulations	25 Nov 1949 p. 3015	25 Nov 1949
Untitled regulations	9 Dec 1949 p. 3193	9 Dec 1949
Untitled regulations	1 Sep 1950 p. 2035-6	1 Sep 1950
Untitled regulations	4 May 1951 p. 1232	4 May 1951
Untitled regulations	17 Aug 1951 p. 2253	17 Aug 1951
Untitled regulations	9 Nov 1951 p. 3074	9 Nov 1951
Untitled regulations	28 Dec 1951 p. 3486	28 Dec 1951
Untitled regulations	24 Apr 1953 p. 739	24 Apr 1953

Citation	Gazettal	Commencement
Untitled regulations	11 Sep 1953 p. 1690-1	11 Sep 1953
Untitled regulations	12 Nov 1954 p. 1901	12 Nov 1954
Untitled regulations	31 Aug 1955 p. 2077	31 Aug 1955
Untitled regulations	19 Jul 1956 p. 1785-6	19 Jul 1956
Untitled regulations	20 Nov 1957 p. 3397-8	20 Nov 1957
Untitled regulations	19 Feb 1958 p. 307	19 Feb 1958
Untitled regulations	12 Jun 1959 p. 1517	12 Jun 1959
Untitled regulations	1 Apr 1960 p. 980-2	1 Apr 1960
Untitled regulations	28 Sep 1960 p. 2983-6	28 Sep 1960
Untitled regulations	29 Jun 1961 p. 2044	29 Jun 1961
Untitled regulations	19 Feb 1964 p. 678-9	19 Feb 1964
Untitled regulations	16 Apr 1964 p. 1935-6	16 Apr 1964
Untitled regulations	23 Jun 1964 p. 2497	23 Jun 1964
Untitled regulations	8 Jan 1965 p. 10	8 Jan 1965
Reprint of the <i>Fire Brigades Act Regulations</i> authorised 14 Apr 1965 in <i>Gazette</i> 28 Apr 1965 p. 1183-229 (includes amendments listed above except those in <i>Gazette</i> 8 Jan 1965)		
Untitled regulations	12 May 1965 p. 1458	12 May 1965
<i>Decimal Currency Act 1965</i> assented to	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
Untitled regulations	6 Jan 1966 p. 12-13	6 Jan 1966

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Citation	Gazettal	Commencement
Untitled regulations	22 Apr 1966 p. 967	22 Apr 1966
Untitled regulations	7 Sep 1966 p. 2383	7 Sep 1966
Untitled regulations	2 Apr 1968 p. 862-4	2 Apr 1968
Untitled regulations	17 Dec 1969 p. 4102-3	17 Dec 1969
Untitled regulations	1 May 1970 p. 1231	1 May 1970
Untitled regulations	12 Aug 1970 p. 2540	12 Aug 1970
Untitled regulations	16 Dec 1971 p. 5249	16 Dec 1971
Untitled regulations	8 Feb 1972 p. 247	8 Feb 1972
Untitled regulations	13 Apr 1972 p. 798-804	13 Apr 1972
Untitled regulations	9 Aug 1972 p. 3014	9 Aug 1972
Untitled regulations	23 Aug 1972 p. 3231	23 Aug 1972
Reprint of the <i>Fire Brigades Act Regulations</i> authorised 2 Feb 1973 in <i>Gazette</i> 12 Feb 1973 p. 389-438 (includes amendments listed above)		
Untitled regulations	13 Apr 1973 p. 953	13 Apr 1973
Untitled regulations	3 Aug 1973 p. 2905	1 Oct 1973
Untitled regulations	9 Nov 1973 p. 4167-8	9 Nov 1973
Untitled regulations	5 Apr 1974 p. 1195	5 Apr 1974
Untitled regulations	14 Jun 1974 p. 1879	14 Jun 1974
Untitled notice under the <i>Metric Conversion Act 1972</i> s. 6	2 Aug 1974 p. 2875	2 Aug 1974
Untitled regulations	23 Aug 1974 p. 3125	23 Aug 1974

Citation	Gazettal	Commencement
Untitled regulations	24 Dec 1975 p. 4645	24 Dec 1975
Untitled regulations	19 Nov 1976 p. 4587	19 Nov 1976
Untitled regulations	22 Apr 1977 p. 1101	29 Apr 1977
Untitled regulations	30 Sep 1977 p. 3531	30 Sep 1977
Untitled regulations	25 Nov 1977 p. 4361	25 Nov 1977
Untitled regulations	20 Jan 1978 p. 187	20 Jan 1978
Untitled regulations	7 Dec 1979 p. 3790	7 Dec 1979
Untitled regulations	18 Jan 1980 p. 142-3	1 Mar 1980 (see r. 1 and <i>Gazette</i> 8 Feb 1980 p. 383)
<i>Fire Brigades Act Amendment Regulations 1981</i>	7 Aug 1981 p. 3205	7 Aug 1981
<i>Fire Brigades Amendment Regulations 1982</i>	30 Jun 1982 p. 2262-3	30 Jun 1982 (see r. 2 and <i>Gazette</i> 30 Jun 1982 p. 2261)
<i>Fire Brigades Amendment Regulations (No. 2) 1984</i> ⁶	21 Dec 1984 p. 4177	21 Dec 1984
<i>Fire Brigades Amendment Regulations 1986</i>	10 Jan 1986 p. 88	10 Jan 1986
<i>Fire Brigades Amendment Regulations (No. 3) 1986</i>	16 May 1986 p. 1659-60	16 May 1986
<i>Fire Brigades Amendment Regulations (No. 4) 1986</i> ⁷	8 Aug 1986 p. 2820-5	8 Aug 1986 (see r. 2 and <i>Gazette</i> 8 Aug 1986 p. 2815)
<i>Fire Brigades Amendment Regulations (No. 2) 1986</i>	5 Sep 1986 p. 3277-8	5 Sep 1986
<i>Fire Brigades Amendment Regulations (No. 5) 1986</i>	19 Sep 1986 p. 3414	19 Sep 1986
<i>Fire Brigades Amendment Regulations (No. 6) 1986</i>	19 Sep 1986 p. 3414	19 Sep 1986
<i>Fire Brigades Amendment Regulations 1988</i>	18 Mar 1988 p. 852	18 Mar 1988
<i>Fire Brigades Amendment Regulations (No. 2) 1988</i>	18 Nov 1988 p. 4532	18 Nov 1988

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Citation	Gazettal	Commencement
<i>Fire Brigades Amendment Regulations (No. 3) 1988</i>	9 Jun 1989 p. 1665	9 Jun 1989
<i>Fire Brigades Amendment Regulations 1989</i>	14 Jul 1989 p. 2161	14 Jul 1989
Reprint of the <i>Fire Brigades Regulations 1943</i> as at 15 Jan 1991 in <i>Gazette</i> 30 Jan 1991 p. 447-506 (includes amendments listed above)		
<i>Fire Brigades Amendment Regulations 1992</i>	19 Jan 1993 p. 738	19 Jan 1993
<i>Fire Brigades Amendment Regulations 1994</i>	9 Dec 1994 p. 6655-9	10 Dec 1994 (see r. 2 and <i>Gazette</i> 9 Dec 1994 p. 6647)
<i>Fire Brigades Amendment Regulations 1997</i>	9 Sep 1997 p. 5065-6	9 Sep 1997
<i>Fire Brigades Amendment Regulations 1998</i>	22 Dec 1998 p. 6844-9	1 Jan 1999 (see r. 2 and <i>Gazette</i> 22 Dec 1998 p. 6833)
<i>Fire Brigades Amendment Regulations 2003</i> ⁸	16 May 2003 p. 1723-57	16 May 2003
Reprint 4: The <i>Fire Brigades Regulations 1943</i> as at 26 Sep 2003 (includes amendments listed above)		
<i>Fire Brigades Amendment Regulations 2009</i>	31 Mar 2009 p. 1025-7	r. 1 and 2: 31 Mar 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Apr 2009 (see r. 2(b))
<i>Fire Brigades Amendment Regulations (No. 2) 2012</i> ⁹	31 Oct 2012 p. 5233-44	r. 1 and 2: 31 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2012 (see r. 2(b) and <i>Gazette</i> 31 Oct 2012 p. 5255)
<i>Fire Brigades Amendment Regulations (No. 3) 2012</i>	18 Jan 2013 p. 147	r. 1 and 2: 18 Jan 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Jan 2013 (see r. 2(b))
<i>Fire Brigades Amendment Regulations 2013</i>	4 Jun 2013 p. 2137-9	r. 1 and 2: 4 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Jun 2013 (see r. 2(b))
Reprint 5: The <i>Fire Brigades Regulations 1943</i> as at 20 Sep 2013 (includes amendments listed above)		

Citation	Gazettal	Commencement
Fire Brigades Amendment Regulations 2019	16 Aug 2019 p. 3065-76	r. 1 and 2: 16 Aug 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Aug 2019 (see r. 2(b))

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

2. Headings deleted

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

³ Deleted by the *Fire and Emergency Services Legislation (Emergency Services Levy) Amendment Act 2002* s. 23.

⁴ Deleted by the *Fire and Emergency Services Legislation Amendment Act 2002* s. 61.

⁵ Now known as the *Fire Brigades Regulations 1943*; citation changed (see note under r. 1).

⁶ The *Miscellaneous Regulations (Validation) Act 1985* applied to these regulations. It deems the regulations not to have ceased to have effect as a result of the failure to comply with section 42(1) of the *Interpretation Act 1984*, subject to their being laid before the Legislative Assembly. The *Interpretation Act 1984* s. 42(2) then

applied as if the words “or if any regulations are not laid before both Houses of Parliament in accordance with subsection (1)” had been omitted.

⁷ The *Fire Brigades Amendment Regulations (No. 4) 1986* r. 6 was a savings provision that is of no further effect.

⁸ The *Fire Brigades Amendment Regulations 2003* r. 30 reads as follows:

30. Savings

- (1) If immediately before the commencement of these regulations —
 - (a) an enquiry under regulation 177 of the former regulations; or
 - (b) an appeal under regulation 179 of the former regulations, has been started but not completed, the former regulations continue in operation to the extent necessary for the enquiry or appeal to continue and be completed.
- (2) The former regulations continue in operation to the extent necessary for an appeal under regulation 179 of those regulations against a penalty imposed as a result of an enquiry under regulation 177 that is continued and completed by the operation of subregulation (1).
- (3) In this regulation —
former regulations means the *Fire Brigades Regulations 1943*, as in force immediately before the commencement of these regulations.

⁹ The *Fire Brigades Amendment Regulations (No. 2) 2012* r. 28 stated as follows:
~~Delete the Schedule.~~

[Delete the Schedule.](#)