

Reprinted under the  
*Reprints Act 1984* as  
at 17 June 1996

WESTERN AUSTRALIA

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**FIRE BRIGADES ACT 1942**

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## FIRE BRIGADES ACT 1942

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

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

### Short title and commencement

1. This Act may be cited as the *Fire Brigades Act 1942* and shall come into operation on a day to be fixed by Proclamation<sup>1, 1a, 1b, 1c</sup>.

### Arrangement

2. *[Section 2 omitted under Reprints Act 1984 s.7 (4) (d).]*

**PART I — PRELIMINARY**

**Repeal**

3. [Section 3 omitted under Reprints Act 1984 s.7 (4) (f).]

**Interpretation**

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

**“Board”** means the Western Australian Fire Brigades Board constituted under this Act;

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

**“Chairman”** means the person appointed to be the Chairman of the Board under section 7 (a);

**“Chief Executive Officer”** means the person appointed to be the Chief Executive Officer under section 8A;

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

**“Deputy Chairman”** means the member of the Board appointed under section 18 (3) to be the Deputy Chairman of the Board;

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

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

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

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

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

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

**“local authority”** means a municipality and the council thereof, and **“the local authority”** means the local authority for the particular district;

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

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

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

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

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

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

**“Secretary”** means the employee to be called the Secretary to the Board appointed under section 29 (1);

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



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

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

(2) A reference in this Act to an appointed or elected member of the Board is a reference to a member of the Board other than the Chief Executive Officer or the Chief Officer.

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

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

**PART II — FIRE DISTRICTS**

**Fire Districts**

5. (1) Subject to the provisions of subsection (2), the municipal districts and parts thereof constituted as fire districts prior to the coming into operation of the *Fire Brigades Act Amendment Act 1971*<sup>1</sup>, as set out in the Second Schedule, are for the purposes of this Act fire districts under the respective names as set out in the Schedule.

(2) For the purposes of this Act the Governor may from time to time, by order in council —

- (a) constitute the district or a part of the district of any other local authority, a fire district;
- (b) constitute as a fire district, any portion of a district of a local authority which after the coming into operation of the *Fire Brigades Act Amendment Act 1971*<sup>1</sup>, is not a fire district;
- (c) subject to subsection (5) unite any 2 or more fire districts the areas of which are contiguous, into one fire district;
- (d) adjust the boundaries of a fire district;
- (e) abolish a fire district;
- (f) assign a name to, or alter the name of a fire district;
- (g) include or remove, as the case may be, the name of a fire district or local authority in or from Part II, III, or IV of the Second Schedule; and
- (h) transfer the name of a fire district from one Part to another Part of the Second Schedule.

(3) An order in council made pursuant to the provisions of this section may from time to time be varied or cancelled.

(4) The municipal districts and parts thereof mentioned in Parts I and II of the Second Schedule are united into one fire district under the name of the Metropolitan Fire District.

(5) Before an order is made under the provisions of subsection (2) (c), the Minister on behalf of the Governor shall give to the local authorities whose districts or portion thereof are to be the subject of the order, at least 30 days' notice of intention to make the order.

(6) Any vessel lying in any river, harbour, or other water within or adjacent to any district shall be subject to this Act in the same manner as if it were premises within a district. But this subsection shall not apply to any of Her Majesty's vessels of war or to any vessel which belongs to the Government of any foreign State (not being an enemy).

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

### **Application of Act**

**5A.** (1) Except as otherwise provided in this Act, this Act applies to all fire districts.

(2) Subject to section 6 (4), this Act applies to —

- (a) hazardous material incidents that occur anywhere in the State; and
- (b) rescue operations that occur anywhere in the State.

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

**PART III — THE FIRE BRIGADES BOARD**

**Fire Brigades Board**

6. (1) For the purpose of carrying out the provisions of this Act there shall be a Board, to be called the Western Australian Fire Brigades Board, constituted as hereinafter provided.

(2) Such Board shall be a body corporate with perpetual succession, and shall adopt and use a common seal, and shall be capable in law of suing and being sued, and of taking, purchasing, holding, exchanging, leasing, and disposing of real and personal property.

(3) No member of the Board shall be personally liable for any act of the Board, but the Board shall alone be liable.

(4) The Minister may from time to time give directions to the Board, either generally or in relation to particular matters, with respect to the functions, powers and duties conferred or imposed on the Board by this Act.

(5) The Board shall give effect to directions given to it under subsection (4).

*[Section 6 amended by No. 28 of 1982 s.4.]*

**PART IV — CONSTITUTION OF BOARD**

**Constitution of Board**

7. The Board to be constituted under this Act shall consist of 13 members<sup>2</sup>, as follows: —

- (a) One shall be a person appointed by the Governor as a member and Chairman of the Board.
- (aa) One member shall be appointed by the Governor.
- (b) Three members shall be elected by the insurance companies carrying on business within the State.
- (c) One member shall be elected by the council of the City of Perth.
- (d) One member shall be elected by the councils of the municipal districts, or portions of municipal districts, from time to time included in Part II of the Second Schedule.
- (e) One member shall be elected by the councils of the municipal districts, or portions of municipal districts, from time to time included in Part III of the Second Schedule.
- (f) One member shall be elected by the councils of the municipal districts, or portions of municipal districts, from time to time included in Part IV of the Second Schedule.
- (g) One member shall be elected by the registered volunteer fire brigades.
- (ga) One member shall be the Chief Executive Officer *ex officio*.

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- (h) One member shall be the Chief Officer *ex officio*.
- (i) One member shall be a permanent employee of the Board elected by the permanent employees of the Board.

[Section 7 amended by No. 34 of 1963 s.6; No. 28 of 1982 s.5; No. 51 of 1985<sup>2</sup> s.4 (1); No. 52 of 1994 s.7.]

**Elections to be under regulations, etc.**

8. (1) All elections of members of the Board shall be conducted in all respects whatsoever in such manner as may be prescribed by the regulations, and every such election shall be held under the direction of such returning officers as the Governor may from time to time appoint.

(2) (a) Where a question or dispute arises as to the regularity or validity of an election held under the provisions of this Act or the voting at the election, the Minister shall appoint a stipendiary magistrate to determine in the manner prescribed the question or dispute.

(b) The determination of the magistrate is final.

[Section 8 amended by No. 34 of 1959 s.3.]

**Chief Executive Officer**

8A. (1) The Governor shall appoint a Chief Executive Officer.

(2) Subject to this section and section 8B, the Chief Executive Officer holds office for such term, not longer than 5 years, as is specified in the instrument of appointment and, upon expiration of the term, is eligible for reappointment.

(3) The Chief Executive Officer may resign his or her office by writing signed and delivered to the Governor.

(4) The function of the Chief Executive Officer is, subject to Part VII, to be responsible to the Board for the administration of this Act.

[Section 8A inserted by No. 52 of 1994 s.8.]

### **Terms and conditions of service of Chief Executive Officer**

**8B.** (1) Subject to the *Salaries and Allowances Act 1975*, the Minister, after consultation with the Minister to whom the administration of the *Public Service Act 1978*<sup>3</sup> is committed, shall determine the remuneration and other terms and conditions of service of the Chief Executive Officer.

(2) The Chief Executive Officer is not to engage in paid employment outside the duties of the office without the approval of the Minister.

(3) The Chief Executive Officer does not hold office under the *Public Service Act 1978*<sup>3</sup>.

(4) Where the Chief Executive Officer, immediately before being appointed as such, occupied an office in the Public Service, the Chief Executive Officer shall —

- (a) if the Chief Executive Officer resigns his or her office or if the term of the appointment expires and there is no reappointment, be entitled to be appointed to an office in the Public Service not lower in status than the office which he or she occupied immediately prior to appointment as Chief Executive Officer;
- (b) continue to retain any existing and accruing rights, including any rights under the *Superannuation and Family Benefits Act 1938*, as if the service as Chief Executive Officer were a continuation of service in the office in the Public Service.

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(5) The Governor may remove the Chief Executive Officer from office —

(a) for —

(i) misbehaviour or incompetence; or

(ii) physical or mental incapacity, other than temporary illness, impairing the performance of the Chief Executive Officer's functions;

(b) if the Chief Executive Officer becomes a bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of salary for their benefit.

(6) In subsection (5) (a) (i) "**misbehaviour**" includes conduct that renders the Chief Executive Officer unfit to hold office as Chief Executive Officer even if the conduct does not relate to any function of the office.

*[Section 8B inserted by No. 52 of 1994 s.8.]*

**Tenure of office**

9. (1) The term of office of each of the members of the Board appointed by the Governor shall be such period not exceeding 3 years as is specified in the instrument of his appointment.

(2) The term of office of an elected member shall, subject to section 11, be 3 years commencing on 1 January next following his election<sup>2</sup>.

(3) Notwithstanding that a person is or has previously been a member of the Board, he shall be eligible for re-election or reappointment, and the status of a retiring member whose term



is current shall not be affected by the election or appointment of his successor in office.

*[Section 9 inserted by No. 85 of 1978 s.2; amended by No. 28 of 1982 s.7; No. 52 of 1994 s.9.]*

**[9A.** *Repealed by No. 28 of 1982 s.8.]*

### **Periodical elections**

**10.** Subject to section 11, elections of persons to fill vacancies in offices of elected members shall be held within 2 months before the expiration of the term of office of the sitting member.

*[Section 10 inserted by No. 85 of 1978 s.4.]*

### **Extraordinary vacancies**

**11.** (1) Any vacancy in the office of an elected member of the Board, occasioned by any cause whatsoever other than the expiration of the term for which he was elected shall be filled within 3 months after the occurrence of such vacancy, or within such longer time as may be prescribed by the regulations.

*[(2) repealed]*

(3) Such vacancy shall be filled by the election of a new member by the body or bodies or persons by which the member whose place is to be filled was originally elected.

(4) Where a new member is elected pursuant to this section, he shall hold office as long as the person in whose place he was elected would have held office had he continued in office until the expiration of his term.

*[Section 11 amended by No. 85 of 1978 s.5; No. 51 of 1985 s.5.]*

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**Failure to elect**

12. If from any cause the body or bodies or persons whose duty it is to elect a member of the Board fail, neglect or refuse so to do at or within the time appointed or specified in that behalf in this Act or in the regulations or by the Governor, then the Governor may appoint any person whomsoever to be a member of such Board in lieu of the member whom such body or bodies or persons should have elected, and such person shall be deemed for all purposes to have been elected by such body or bodies or persons and to have been duly qualified.

*[Section 12 amended by No. 51 of 1985 s.6.]*

**Governor may remove member of Board**

13. The Governor may at any time, if he thinks fit, remove any appointed or elected member of the Board.

*[Section 13 amended by No. 28 of 1982 s.9.]*

**Disqualifications**

14. Except as provided in section 7 (i), no person who —

- (i) is an employee of the Board, or is concerned or participates in the profits of any contract with the Board; or
- (ii) has his affairs under liquidation by arrangement with his creditors, or is an uncertificated or undischarged insolvent; or
- (iii) is undergoing a sentence of imprisonment; or
- (iv) is of unsound mind;

shall be capable of being or continuing an appointed or elected member of the Board:

Provided that nothing herein contained shall disqualify any person from being or continuing a member solely because he is concerned or participates in a transaction with the Board in respect of —

- (a) a lease, sale, or purchase of land, or an agreement for such lease, sale, or purchase; or
- (b) a contract entered into by an incorporated company for the general benefit of such company; or
- (c) a contract for the publication of advertisements in a public journal.

*[Section 14 amended by No. 28 of 1982 s.10; No. 51 of 1985 s.7.]*

### **How seat vacated**

**15.** (1) The seat of an appointed or elected member of the Board shall become vacant and the said member shall cease to be a member of the Board in any of the following circumstances: —

- (a) if the member is removed under section 13;
- (aa) if the member becomes disqualified under section 14;
- (b) if the member, being a councillor of a municipality at the time of his election pursuant to section 7 (c), (d), (e), or (f) (as the case may be) ceases to be a councillor of a municipality;
- (ba) if the member, being the permanent employee of the Board elected for the purposes of section 7 (i), ceases to be a permanent employee of the Board;

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- (c) if the member is absent from 4 consecutive periodical meetings of the Board without leave obtained from the Board in that behalf;
- (d) if the member dies, or resigns by notice in writing given to the Chairman; or
- (e) if the member ceases to reside in this State.

(2) Notwithstanding the provisions of subsection (1), a member of the Board whose seat as such a member becomes vacant in the circumstances set out in paragraph (b) of that subsection shall continue to hold office until the vacancy so occasioned as filled by the election of a new member pursuant to the provisions of section 11, and while continuing to hold that office shall have and may exercise all the rights and powers of a member of the Board as fully and effectually as he could have done prior to his seat as a member of the Board becoming vacant.

*[Section 15 amended by No. 34 of 1963 s.7; No. 42 of 1966 s.4; No. 28 of 1982 s.11; No. 51 of 1985 s.8; No. 52 of 1994 s.10.]*

**Acts of members not invalidated by vacancies**

**16.** (1) No acts or proceedings of the Board or any committee thereof shall be invalidated or be deemed illegal in consequence only of the number of the members of the Board or committee not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the Board or a committee thereof, whether before or after the coming into operation of the *Fire Brigades Act Amendment Act 1978*<sup>1</sup>, shall, notwithstanding that a person has acted as an appointed or elected member while not being appointed or elected properly or at all, or has acted or voted as such a member while disqualified or otherwise not entitled to do so, be and be deemed always to have been as valid

as if that person had been so appointed or elected, or had been qualified and entitled to so act or vote.

*[Section 16 amended by No. 85 of 1978 s.6; No. 28 of 1982 s.12.]*

### **Remuneration of Board members**

17. (1) An appointed or elected member of the Board is entitled to receive out of the funds of the Board, such remuneration for his services as the Minister, in respect of each member, approves.

(2) The members of the Board may be insured for compensation in cases of accidents whilst engaged in the business of the Board, and the premiums for such insurance may be paid from the funds of the Board.

*[Section 17 amended by No. 31 of 1949 s.3; No. 34 of 1959 s.4; No. 42 of 1966 s.5; No. 28 of 1982 s.13.]*

**PART V — PROCEEDINGS OF THE BOARD**

**Meetings of Board**

18. (1) Meetings of the Board shall be held not less than 11 times in each calendar year, and notice in writing of each meeting, except an adjourned meeting, shall be sent by post to each member at least 7 clear days before the day of any such meeting.

(2) The Chairman shall preside at all meetings of the Board at which he is present.

(3) The Minister may appoint a member of the Board to be the Deputy Chairman of the Board for such term not exceeding 3 years as is specified in the instrument of his appointment.

(3a) The Deputy Chairman —

- (a) is, on the expiry of his term of appointment or reappointment, eligible for reappointment; and
- (b) has, while the office of Chairman is vacant or the Chairman is absent from duty or for any reason unable to perform the duties of the office, all the powers, duties and functions of the Chairman.

(3b) The office of the Deputy Chairman becomes vacant if —

- (a) the term of his appointment or reappointment expires;
- (b) he ceases to be a member of the Board; or
- (c) he resigns his office as the Deputy Chairman by notice in writing given to the Minister.

(4) In the absence of the Chairman and of the Deputy Chairman, the members present shall elect from their number a chairman for the day.

*[Section 18 amended by No. 42 of 1966 s.6; No. 28 of 1982 s.14; No. 52 of 1994 s.11.]*

### **Special meetings**

**19.** (1) The Chairman may at any time, and shall, upon receiving a requisition in writing requiring him so to do signed by at least 3 members of the Board, convene a special meeting for any particular purpose.

(2) Notice in writing of a special meeting shall be sent by post to each member at least 7 clear days before the day of such special meeting and the notice shall set forth the particular purpose for which such special meeting is convened.

*[Section 19 amended by No. 28 of 1982 s.15; No. 52 of 1994 s.12.]*

### **Quorum**

**20.** (1) Seven members of the Board present at any meeting shall form a quorum for the transaction of business, and no business shall be transacted at any meeting at which there is not a quorum present.

(2) All questions at any meeting shall be determined by a majority of the votes of the members present, and in the case of an equal division of votes, the Chairman or the person presiding at that meeting (as the case may be) shall have a second or casting vote in addition to his ordinary or deliberative vote.

*[Section 20 amended by No. 28 of 1982 s.16; No. 52 of 1994 s.13.]*

### **Committees of Board**

**21.** (1) The Board may appoint a committee for any purpose which in the opinion of the Board would be better regulated and managed by means of such committee, and at any meeting may continue, alter, or discontinue such committee.

(2) The acts of every committee of the Board shall be submitted to the general body of the Board for approval or otherwise.

(3) Every committee so appointed may meet from time to time and may adjourn from place to place, as the members thereof may think proper, for carrying into effect the purposes of its appointment, but no business shall be transacted at any meeting of the committee unless 3 members thereof are present.

### **Minutes of proceedings**

**22.** (1) Entries of all proceedings of the Board and of every committee, with the names of the members who attend each meeting, shall be made in books to be provided and kept for that purpose under the direction of the Board or committee, and shall be signed at the next or some subsequent meeting of the Board or committee respectively by the Chairman or by the chairman thereof.

(2) Entries purporting to be signed, and any minute made of proceedings at a meeting and copies of any orders made or resolutions passed at a meeting, if purporting to be so signed by the Chairman or the chairman (as the case may be), shall be received as evidence in all legal proceedings and by all Judges and other persons having by law or by consent of parties authority to hear, receive, and examine evidence without proof of any meeting of the Board or committee having been duly convened or held, or of the presence at any such meeting of the person named in any such entry as being present thereat, or of such persons being members of the Board or committee, or of the signature of the Chairman or the chairman of such meeting, or of the fact of his being Chairman or chairman, all which matters shall be presumed until the contrary is proved.

*[Section 22 amended by No. 28 of 1982 s.17; No. 52 of 1994 s.14.]*



## **PART VI — VESTING OF PROPERTY AND GENERAL POWERS AND DUTIES OF BOARD**

### **Vesting of property**

23. On the constitution of the Board under this Act, all the property and assets whatsoever of the Western Australian Fire Brigades Board as constituted under the Acts repealed by this Act, shall, by force of this Act, vest in the Board, and all the liabilities of the said Western Australian Fire Brigades Board constituted under the Acts repealed by this Act shall become the liability of the Board.

### **Power to purchase property for stations, etc.**

24. (1) The Board may purchase, take on lease, or otherwise acquire buildings or land, and all such apparatus and plant and other property as the Board may think requisite for carrying into effect the purposes of this Act, and may from time to time sell or exchange or let any property acquired by or vested in the Board for the purposes of this Act.

(2) All moneys resulting from the sale, exchange, or letting of any property by the Board shall be applied in the purchase of property for the Board or the improvement of the property of the Board:

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

### **Functions of the Board**

25. (1) Subject to this Act, the functions of the Board are —

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

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

(2) The Board has power to do all things necessary or convenient for or in connection with the performance of its functions.

(3) The Board may, in performing its functions, act alone or in conjunction with any person, firm, body corporate, department of the Government or State instrumentality.

*[Section 25 inserted by No. 52 of 1994 s.15.]*

**Board may require certain fire fighting appliances**

**25A.** (1) The Board may by notice in writing addressed to the owner or occupier of any premises direct him to install and provide within the time specified in the notice, such —

- (a) water taps, water pipes, connections, fittings and equipment in respect thereof; and
- (b) equipment, apparatus or appliances for the purpose of —
  - (i) preventing the outbreak of or extinguishing fire;  
or

- (ii) preventing injury or damage to persons or property by fire;

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

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

(3) The occupier of the premises shall keep and maintain in good working order and fit for immediate use any equipment, apparatus, appliances, taps, pipes or connections installed on the premises under the provisions of this section.

(4) (a) A person who is aggrieved by a direction of the Board may within 21 days of the receipt by him of the notice appeal in manner prescribed against the direction to a Judge of the Supreme Court or a court of petty sessions held nearest to the premises referred to in the direction, on the ground that the things directed to be installed and provided in or upon the premises are not reasonably required by the Board for any of the purposes referred to in subsection (1) (b).

(b) On the hearing of the appeal the Judge or stipendiary magistrate as the case may be may confirm, vary or cancel the direction and effect shall be given to the decision of the Judge or stipendiary magistrate as the case may be.

(c) A court of petty sessions hearing an appeal under this subsection shall consist of a stipendiary magistrate.

(d) Costs of the hearing shall be at the discretion of the Court.

*[Section 25A inserted by No. 34 of 1959 s.5.]*

**Formation of brigades, etc.**

**26.** The Board may —

- (a) take measures for the formation of permanent or volunteer or private fire brigades;
- (b) amalgamate, or disband, or cancel the registration of, any fire brigade;
- (c) determine the number of permanent and volunteer and private fire brigades necessary for the protection of any district, and also the apparatus and plant to be used by each brigade;
- (d) establish and support schools of instruction, and issue certificates of qualification in fire-extinction to members of fire brigades;
- (e) provide and maintain fire-alarms and apparatus and plant for the prevention and extinguishing of fires;
- (f) provide and maintain telephonic or other communication between fire brigade premises and between any such premises and any other places.

**Further powers of Board**

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

- (a) for the promotion of safety of life and property from fire, hazardous material incidents or incidents requiring rescue operations —
  - (i) establish and operate premises or mobile facilities for the dissemination of information, charge admission to such premises and sell or grant to any person the right to sell educational

- materials, souvenirs and refreshments on such premises or from such mobile facilities;
- (ii) create and distribute educational materials in any medium;
  - (iii) utilize the apparatus, plant and other property of the Board and use the employees of the Board to promote public awareness of the functions of the Board or to enhance its public image;
  - (iv) provide a maintenance and inspection service for fire and hazardous material detection and protection systems and equipment and rescue equipment, and deal in fire-fighting, hazardous material control and rescue equipment to which such service relates; and
  - (v) make such charges as it shall determine and receive remuneration for anything done by it under this paragraph or paragraph (ca);
- (b) (i) turn to account, on its own or jointly with any other person or body, any tangible or intangible resource which the Board has acquired or developed in the performance of its functions, and where applicable apply for patents, patent rights, copyrights or similar rights in relation thereto;
- (ii) provide any service for which the equipment or skills under the control of the Board are especially suited, and supply any specialist equipment under the control of the Board to any person or body; and
  - (iii) enter into financial arrangements with any other party, and receive payment under such arrangements, in relation to the exercise of any power conferred by this paragraph;

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- (c) charge and receive the prescribed fees for —
  - (i) the examination of plans and specifications of buildings, and for advisory and inspection services rendered in connection therewith, where the examination is made for the purpose of ensuring the safety of life and property from fire or hazardous materials;
  - (ii) the confining or ending of a hazardous material incident and rendering the site of the incident safe; and
  - (iii) the carrying out of rescue operations.
- (ca) establish facilities or courses of instruction to provide training to any person not employed by the Board in the skills required to perform a function of the Board referred to in section 25 (1) (a), (b) or (c);
- (d) receive gifts of money, by way of sponsorship or otherwise, towards the cost of, and accept by way of gift equipment and other property for use in, the performance of any function; and
- (e) do anything that is incidental to, or is necessary or convenient to be done for, the exercise of any power conferred on it by this section.

*[Section 26A inserted by No. 51 of 1985 s.9; amended by No. 52 of 1994 s.16.]*

**Board's proposals to be submitted to local authority**

27. (1) The Board shall submit its proposals in respect of the class of brigade, the method of fire protection and hazardous material incident control, and the rescue service to be established in each district to the local authority before putting such proposals into operation, and shall advise the local authority of

any intended change in the class of brigade, the method of fire protection and hazardous material incident control, and the rescue service, and any difference between the Board and the local authority on such matters shall be referred to the Minister for his decision:

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

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

*[Section 27 amended by No. 52 of 1994 s.17.]*

*[28. Repealed by No. 98 of 1985 Schedule 1.]*

**PART VII — OFFICERS AND MEMBERS OF BRIGADES  
AND OTHER EMPLOYEES**

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

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

29. (1) The Board shall from time to time appoint such officers and members of every permanent fire brigade and such other employees, including an employee to be called the Secretary to the Board<sup>4</sup>, and by such designations as shall be deemed necessary, and, subject to the provisions of any relevant award or industrial agreement<sup>5</sup> under the *Industrial Relations Act 1979*<sup>6</sup> and to the regulations, the Board shall have the power of suspension and removal of all such officers and members and employees.

(1a) In addition to performing the functions assigned to him by the Board, the Secretary has, while the office of the Chief Executive Officer is vacant or the Chief Executive Officer is absent from duty or for any reason unable to perform his duties, all the powers, duties and functions of the Chief Executive Officer.

(2) Subject to any award or industrial agreement<sup>5</sup> under the *Industrial Relations Act 1979*<sup>6</sup> the officers and members of any permanent fire brigade and the other employees aforesaid shall be respectively paid such salaries and wages from the funds of the Board as the Board shall from time to time direct, or as may be directed by regulations.

[*Section 29 amended by No. 42 of 1966 s.9; No. 28 of 1982<sup>4</sup> s.18 (1); No. 52 of 1994 s.18; No. 73 of 1994 s.4.*]



### **Approval of members of volunteer brigade**

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

### **Chief Officer**

**31.** (1) There shall be an officer, to be called the Chief Officer of Fire Brigades, who shall be from time to time appointed by the Governor<sup>7</sup>, and shall be subject to suspension or removal by the Governor.

(2) Subject to the general powers and authority of the Board, every brigade and all officers and members thereof in a fire district shall be under the immediate order and control of the Chief Officer of Fire Brigades, but the Chief Officer of Fire Brigades does not have the powers, duties and functions of the Chief Executive Officer.

*[Section 31 amended by No. 28 of 1982<sup>7</sup> s.19 (1);  
No. 52 of 1994 s.19.]*

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

### **General duties and powers of Chief Officer**

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

- (a) he shall cause a book to be kept containing the names, ages, occupations, and places of abode of all officers and members of every fire brigade;

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- (b) he shall summon once a month at the least all or as many of the officers and members of brigades as may be required for practice in order to render them fit and efficient for service;
- (c) he shall from time to time inspect all fire brigades and report to the Board on their state of efficiency and make such recommendations as to him may seem fit;
- (d) he shall have the immediate charge and control of all apparatus and plant, and other property of the Board, and shall keep the same in a fit state for efficient service;
- (e) (i) he shall at all reasonable times have free access to any premises, and if in his opinion there exists in or on any premises any potential danger to life or property from fire or hazardous materials, he may direct or order the owner or occupier of such premises to abate such danger within reasonable time, as named in the requisition.  
  
(ii) Any person who fails to comply with the requirements of a requisition served as aforesaid shall be liable on conviction to a penalty not exceeding \$2 500, and also to a further penalty not exceeding \$100 for every day during which the offence continues after that conviction.

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

- (f) he shall at all reasonable times have free access to all premises used or intended for purposes of public entertainment or of public concourse, for the purpose of ascertaining whether the laws and regulations

pertaining to the prevention of and escape from fire or hazardous material incidents are being observed;

- (g) he shall attend the Board at all times, when required to do so, and shall make all such inquiries and reports as the Board may direct.

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

**Powers and duties of Chief Officer and others in relation to public buildings**

**33A.** (1) If, after having inspected a public building, the Chief Officer or an officer authorized by the Board in that behalf considers that the safety of persons in the public building may be endangered in the event of fire or a hazardous material incident therein, he may —

- (a) using such force as is reasonably necessary for the purpose, cause any aisle, corridor, door, gangway, lobby or passage connected with any exit or escape from the public building or any such exit or escape itself, the obstruction, closing or locking of which aisle, corridor, door, gangway, lobby, passage, exit or escape is or reasonably appears to be in breach of any requirement of any Act, or of any proclamation, regulation, rule, by-law, order, notice, resolution or other instrument —
  - (i) made under an Act or under any other such proclamation, regulation, rule, by-law, order, notice, resolution or instrument; and
  - (ii) having legislative effect,

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

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

(2) The occupier or presumed occupier of a public building may in complying with an order given to him under subsection (1) use such force as is reasonably necessary for the removal from the public building of persons therein without doing them bodily harm.

(3) The Chief Officer or authorized officer giving an order under subsection (1) shall do so —

- (a) in writing served on the occupier or presumed occupier of the public building in question; or
- (b) orally, in which case he shall as soon as is practicable thereafter serve on the occupier or presumed occupier of the public building in question confirmation in writing of the contents of that order and of the time and place at which that order was so given,

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

(4) The Chief Officer or an authorized officer may, if he considers that the danger to which an order given under subsection (1) relates has been alleviated, rescind that order.

(5) The Commissioner of Police may, if requested by the Chief Officer or an authorized officer to do so, assist the Chief Officer or authorized officer in the exercise of any power conferred on the Chief Officer or authorized officer by subsection (1).

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

(7) A stipendiary magistrate may on an application made to him under subsection (6) grant, subject to such conditions as he thinks fit to impose, or refuse to grant the order sought by that application.

(8) If an application is made to a stipendiary magistrate under subsection (6) while —

- (a) an order given under subsection (1) in relation to the public building in question is in force, that order continues in force; or
- (b) the public building in question is closed under subsection (1) (c), that closure continues,

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until the application is finally determined or is withdrawn.

(9) The Chief Officer or an authorized officer or the owner or occupier of a public building to which an order granted under subsection (7) relates may apply to a stipendiary magistrate for that order to be rescinded.

(10) A stipendiary magistrate may on an application made to him under subsection (9) rescind or refuse to rescind the order to which that application relates.

(11) The Chief Officer shall exercise general supervision over the exercise or performance by an authorized officer of any power or duty conferred or imposed by this section on the authorized officer.

(12) A person shall —

- (a) not hinder or obstruct a person to whom this subsection applies in the exercise of any power or the performance of any duty conferred or imposed on him by this section or by an order given or granted thereunder; or
- (b) if he is the occupier of the public building in question, comply with an order given or granted under this section in respect of that public building.

*(AKL 50/03)*

*DAILY PENALTY \$1000*

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

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

- (a) the failure resulted from the occupier complying with a requirement of this section or an order given or granted under this section; and

- (b) the occupier could not have fulfilled the contractual obligation as well as complying with the requirement.

(14) Subsection (12) applies to —

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

(15) In this section —

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

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

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

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

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

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

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

*[Section 33A inserted by No. 28 of 1982 s.20; amended by No. 52 of 1994 ss.21 and 34.]*

#### **Duties and powers of Chief Officer, etc., at fires**

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

- (a) he shall, with all possible speed, proceed upon the first alarm to the place where the fire or hazardous material incident is or is reported to be or where the rescue operation is to be carried out, and shall endeavour by all practicable means to extinguish the fire, confine or end the hazardous material incident or carry out the rescue operation and save all property in jeopardy;
- (b) he shall have the control and direction of any brigade or brigades present at any fire, hazardous material incident or rescue operation and of any persons who voluntarily place their services at his disposal;



- (c) he may take and direct any measures which appear to him to be necessary or expedient for the protection of life and property, or for the control and extinguishing of fire, the confining or ending of a hazardous material incident or the carrying out of a rescue operation, and may cause any premises to be entered, taken possession of, pulled down wholly or partially, or otherwise destroyed for such purpose, or for preventing fire or a hazardous material incident or for preventing the spread of fire or confining or ending a hazardous material incident;
- (d) he may cause water to be shut off from any main or pipe to obtain a greater pressure and supply of water for the purpose of extinguishing any fire or confining or ending a hazardous material incident; and no water supply authority shall be liable to any penalty or claim by reason of any interruption in the supply of water occasioned by compliance with the provisions of this section;
- (e) he may cause gas, electricity, or other illuminant to be shut off or disconnected to or at any premises; and no person supplying gas, electricity, or other illuminant shall be liable to any penalty or claim by reason of any interruption in the supply occasioned by compliance with the provisions of this section;
- (f) he may cause any street, private road, right-of-way, or thoroughfare in the vicinity of any fire, hazardous material incident or rescue operation to be closed against traffic during the continuance of any fire, hazardous material incident or rescue operation;
- (g) he may remove or order any member of any fire brigade or any member of the police force to remove any person who or anything which interferes with the operations of the brigade;

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

*[Section 34 amended by No. 52 of 1994 s.22.]*

**PART VIII — REGULATIONS**

**Power to make regulations**

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

- (a) for regulating the business and proceedings at the meetings of the Board and of committees thereof;
- (b) for defining the functions, powers and duties of the Chief Executive Officer, the Chairman of the Board and the chairman of any committee thereof;
- [(c) *deleted*]
- (d) for the examination, appointment, suspension, and removal of officers and members of brigades and other employees, and for regulating the duties and conduct of such officers and members and other employees;
- (e) for the establishment and maintenance of brigades and for the payment of salaries or wages to officers and members of permanent brigades and other employees;
- (f) for the training of officers and members of brigades;
- (g) for the payment of compensation in cases of accidents to officers and members of brigades and other employees of the Board or where death ensues therefrom to their dependants;
- [(h) *deleted*]
- (i) for paying gratuities in respect of voluntary or special services rendered;

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- (j) for permitting, when occasion requires any, portion of a brigade or its apparatus and plant to proceed or be taken beyond the limits of any district for the purpose of attending fires, and for regulating the charges for such service;
- (k) for dividing any district into subdistricts;
- (l) for ensuring discipline and good conduct amongst officers and members of brigades, and generally for the maintenance of brigades in a due state of efficiency;
- (m) for the registration of all brigades;
- (n) for regulating and controlling the management of hazardous material incidents;
- (na) for regulating and controlling rescue operations;
- (o) for regulating and controlling demonstrations and competitions;
- (p) for establishing and maintaining a salvage force, and for prescribing the charges to be levied for the services of such force;
- (pa) for prescribing the fees to be charged pursuant to section 26A (c), and the persons liable to pay such fees;
- (q) for prescribing charges to be levied for attending fires, hazardous material incidents and rescue operations on vessels, and for the recovery of such charges from the owner or master;
- (r) for prescribing the uniforms to be worn by officers and members of brigades when on duty;

- (s) for regulating the storage and deposit of inflammable matter and hazardous materials;
- (t) for regulating the conduct of all elections and prescribing the manner in which a question or dispute arising out of an election may be determined under the provisions of section 8;
- (u) for providing for and fixing the voting power of local authorities, insurance companies, and volunteer fire brigades in connection with the election of members of the Board;
- (v) for the control and attendance of officers and members of brigades on duty in public buildings and premises, and prescribing fees to be paid by the owner or occupier of any such building and premises for such service, and for the recovery thereof;
- (w) for managing and regulating the distributing of all revenue received under the provisions of this Act;
- (x) for altering the date prescribed by this Act for the doing or performance of any duty to any other date;
- (y) for imposing penalties for breaches of regulations, the maximum penalty in any case not to be fixed at a greater sum than \$2 500; and
- (z) for any purpose for which regulations are contemplated or required, or may, in his opinion, be necessary or expedient, for giving effect to the provisions of, and for the due administration of, this Act.

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

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

**35A.** (1) The Governor may, by Order in Council, declare —

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

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

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

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

**PART IX — FINANCIAL PROVISIONS**

**Annual estimate of expenditure**

**36.** (1) Before 31 July in every calendar year or within such extended time as the Governor may approve, the Board shall prepare estimates of —

- (a) the probable expenditure to be incurred in the operation of this Act within each district during the year ending the next following 30 June;
- (b) the interest payable during such year on the debentures issued by the Board under this Act, or by the Western Australian Fire Brigades Board, or by the West Australian Fire Brigades Board, or the Fire Brigades Board under the Acts hereby repealed, and for contributions to the sinking funds for the redemption thereof; and
- (c) the general administration expenses of the Board:

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

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

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

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contribution to the sinking fund shall be apportioned between the several districts in the manner specified by subsection (3).

(3) The general administration expenses of the Board referred to in subsection (1) shall be apportioned between the several districts in ratio to the amount of the actual expenditure in each district during the year.

(4) For the purposes of the estimates to be prepared under this section in respect of the year ending 30 June 1981 and each year ending 30 June thereafter —

- (a) all of the volunteer brigade districts shall be deemed to together constitute a single district; and
- (b) this section shall apply to and in relation to that single district as a whole and not to or in relation to each volunteer brigade district separately.

(5) In this section and in sections 37 and 45 “**volunteer brigade district**” means any district other than a district that is declared pursuant to section 35A (2) to be a district served by a permanent fire brigade.

*[Section 36 amended by No. 42 of 1966 s.13; No. 63 of 1979 s.4.]*

**Contributions towards expenditure**

**37.** (1) Subject to subsection (4), the expenditure for each year estimated in accordance with section 36 (1) in respect of each district shall be contributed to in each year in the portions hereinafter set out, and be paid to the Board as follows, by —

- (a) the Treasurer of Western Australia, out of the Consolidated Fund, which is hereby appropriated for that purpose accordingly;



- (b) the local authorities whose districts or portions thereof are constituted fire districts, or united with other districts into a fire district;
- (c) the insurance companies that are insurance companies within the meaning of this Act, jointly.

(2) For the purposes of subsection (1), the Treasurer of Western Australia shall contribute 16 per centum, the local authorities 20 per centum and the insurance companies 64 per centum, of the amount of the estimated expenditure for the year ending 30 June 1973, and the Treasurer of Western Australia shall contribute 12½ per centum, the local authorities 12½ per centum and the insurance companies 75 per centum, of the amount of the estimated expenditure for the year ending 30 June 1974, and each year ending 30 June thereafter.

(2a) For the purposes of subsection (2) the term “**estimated expenditure**” shall not include any moneys expended or proposed to be expended in relation to or arising either directly or indirectly from war or warlike operations.

(3) The amounts to be so contributed shall in all cases be paid by equal quarterly payments on 1 October, 1 January, 1 April and 1 July in each year to and including the year ending 30 September 1967, by 3 equal payments on 1 October, 1 January and 1 April in the year ending 30 June, 1968, and thereafter by equal quarterly payments on 1 July, 1 October, 1 January and 1 April in each year ending 30 June.

(4) Notwithstanding subsections (1) and (2) the whole of the expenditure estimated in accordance with section 36 (1) in respect of the volunteer brigade districts for the year ending 30 June 1981 and for each year ending 30 June thereafter shall be paid to the Board by the Treasurer of Western Australia, out of the Consolidated Fund, which is hereby appropriated for that purpose accordingly.

(5) For the purposes of subsection (4) the Treasurer of Western Australia shall pay the amount of the estimated

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

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

### **Contributions of local authorities, how raised**

38. (1) The amount of the contributions payable under this Act by local authorities may be raised —

- (a) by the levy of an annual fire brigade rate; or
- (b) by increasing the annual general rate under the *Local Government Act 1960* notwithstanding any statutory limit of such rate.

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

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

[Section 38 amended by No. 34 of 1963 s.11; No. 76 of 1978 s.48; No. 51 of 1985<sup>s</sup> s.11 (1).]

**Returns by insurance companies**

39. (1) In this section and in section 40 —

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

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

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

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

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

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

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(4) Every return furnished pursuant to this section shall be accompanied by such statutory declaration as may be prescribed by regulations under this Act, verifying the amount of the contribution numerator and an insurance company shall be bound by an amount so verified.

(5) Every person who —

- (a) negotiates a policy of insurance on behalf of an insurance company; or
- (b) being the owner of property, without negotiating with a person in the State, takes out a policy of insurance in respect of that property with an insurance company; or
- (c) not being the owner, has an insurable interest in any property in respect of which a policy of insurance, not negotiated with a person in the State, has been taken out with an insurance company,

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

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

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

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

40. (1) The portion of the contribution payable under section 37 by the insurance companies shall be levied by the Board among them in the proportion that each insurance company's contribution numerator bears to the contribution denominator and, subject to the succeeding provisions of this section, every insurance company shall pay the amount so levied.

(2) In levying the amounts to be paid by the insurance companies under subsection (1), the Board shall compute the amount payable by each insurance company to the nearest amount of 20 cents or multiple thereof.

(3) Notwithstanding the provisions of subsection (1), the minimum amount to be paid by any insurance company thereunder is \$500 in each year.

(4) Where an insurance company newly commences to carry on business, it shall, until it has been levied pursuant to a return furnished under the provisions of section 39, contribute to the funds of the Board an amount of \$125 on the days provided by section 37 (3).

(5) Where any amount, or part of any amount levied on an insurance company under this section is determined by the Board as being irrecoverable, the amount so determined shall be added by the Board to the amount of the contribution payable by the insurance companies for the year next following that determination.

(6) Every amount levied by the Board on insurance companies, for the purposes of this Act, before the coming into operation of the *Fire Brigades Act Amendment Act 1963*<sup>1</sup>, is deemed to have been lawfully levied, to all intents and purposes as if the amount had been levied under the provisions of this section.

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

**Marine insurance companies**

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

*[Section 41 amended by No. 34 of 1963 s.14.]*

**Insurance companies to permit books to be inspected**

42. (1) The manager, secretary, agent, or other person having the custody of the books and papers of any insurance company shall allow any person appointed by the Board to inspect, during the hours of business, any books and papers of such company, and to make extracts therefrom in order to verify any return or declaration made in pursuance of this Act.

(2) Any such manager, secretary, agent or other person as aforesaid who fails to comply with the requirements of this section shall be guilty of an offence against this Act.

(3) Provided that, except for the purpose of a prosecution for an offence against this Act, all such returns and all information obtained and all extracts made in order to verify such returns shall be kept secret by the Board and every member thereof, and by every person appointed thereby; and every person guilty of non-observance of the secrecy hereby required shall be liable on conviction to a fine of not less than \$1 000 and not exceeding \$2 500, or to imprisonment for not more than 3 months.

*[Section 42 amended by No. 42 of 1966 s.17; No. 51 of 1992 s.16 (1); No. 52 of 1994 s.34.]*

**Recovery of contributions and further contribution for delay in payment**

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

(2) All contributions and penalties, whether from any local authority or any insurance company, shall be recoverable by action at the suit of the Board either in the Supreme Court or any local court, whatever the amount sought to be recovered.

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

*[Section 43 amended by No. 42 of 1966 s.18; No. 52 of 1994 s.34.]*

**Insurance companies to contribute in certain cases**

44. (1) In the event of any fire brigade attending a fire in which there is interested any insurance company which has failed or omitted to make any payment under this Act within the prescribed time, it shall be lawful for the Board to levy such charges for such attendance as the Board may deem adequate.

(2) Such charges may be recovered from the owner or occupier of such property in any court of competent jurisdiction, and shall be deemed to be damage by fire within the meaning of any policy of insurance covering the said property,

notwithstanding any clause or condition to the contrary in any such policy; and every such occupier, unless he is under contract or agreement with the owner thereof to insure such property, shall be entitled to deduct all charges so paid by him and all costs and expenses incurred by him in relation thereto from any rent then due or thereafter accruing due to such owner, or to recover the same from such owner in any court of competent jurisdiction.

(3) Unless otherwise prescribed by regulations, such charges shall not exceed the charges set forth in the Third Schedule.

*[Section 44 amended by No. 34 of 1963 s.15.]*

**Supply of deficit in any year and appropriation of any surplus**

45. (1) Subject to subsections (2) and (3), if in any year the amount received by the Board from contributions under this Act in respect of any district falls short of the expenditure within or on account of such district, based upon the estimate for the year, then the deficit shall be added to the estimate of expenditure for the ensuing year, and the rate of contributions increased proportionately; but if the amount received by the Board in any year from contributions as aforesaid exceeds the expenditure based upon the estimate for the year, then the excess shall be treated as a credit in favour of the estimated income of the ensuing year, and the rate of contribution for the said ensuing year reduced proportionately.

(2) If in the year ending 30 June 1980 the amount received by the Board from contributions under this Act in respect of any volunteer brigade district falls short of or exceeds the expenditure within or on account of that district, based on the estimates for the year, then the deficit or excess shall be added to or deducted from, as the case may require, the amount to be paid by the Treasurer of Western Australia under section 37 (4) in respect of the year ending 30 June 1981.



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

[Section 45 amended by No. 63 of 1979 s.6.]

### **Borrowing powers**

46. (1) The Board may, with the consent of the Governor, from time to time borrow such moneys as may be deemed necessary to enable the Board to carry out and perform the powers, authorities, and duties vested in or conferred or imposed on the Board by this Act, or to redeem any debentures lawfully issued under this Act or any Act hereby repealed.

(2) The Board shall have power, with the like consent, to issue debentures under the seal of the Board for the amount so borrowed, with interest thereon.

(3) The amount so borrowed shall be a charge upon all the property and revenue, whether accrued or to accrue, of the Board.

(4) Where more than one loan is raised, priority shall depend upon the date of issue, but all debentures forming part of the same loan shall rank *pari passu*.

(5) Such debentures shall be redeemable at such time or times as may be fixed by the Governor.

(6) The Governor may make regulations prescribing the form of such debentures and the conditions on which they may be issued and the mode in which a sinking fund may be provided for the purpose of paying off such debentures and the amount or rate

of the periodical or other payments to be made into such sinking fund.

(7) Such sinking fund may be invested in Government securities under the control of the Minister, or in the purchase of debentures so issued.

(8) If the Board at any time makes default in paying any principal money or interest secured by any debenture or in forming a sinking fund under this section, the Minister, if so authorized by the Governor, shall be entitled to receive from the Treasurer of Western Australia, and to receive and recover from the local authorities and insurance companies respectively either the whole of the annual contributions which would otherwise have been payable to the Board, or such part thereof as the Governor may determine to be necessary for the purpose of paying any principal money or interest in arrear, or making payments into such sinking fund, and shall apply to such purposes the moneys so received:

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

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

(9) Nothing in this section shall be deemed to take away any right of action or proceedings which any debenture holder at any time has in respect of the property and revenues of the Board.

(10) The provisions of this section shall apply in relation to moneys already borrowed by the Western Australian Fire Brigades Board, the West Australian Fire Brigades Board, and the Fire Brigades Board under the Acts hereby repealed.

(11) The *Bills of Sale Act 1899* and the amendments thereof shall not apply to debentures issued under this Act or any Act hereby repealed.

[*Section 46 amended by No. 34 of 1959 s.8.*]

### **Establishment of Replacement Funds**

**46A.** (1) The Board may establish Replacement Funds into which shall be paid such amounts —

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

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

[*Section 46A inserted by No. 42 of 1966 s.19.*]

### **Estimated expenditure may be placed in separate account**

**46B.** The Board may whenever it deems necessary place expenditure provided for in the estimates to the credit of an appropriate account into and from which moneys receivable and payable in connection with the undertaking or matter shall be paid and withdrawn, and any sum unused standing to the credit of any such account may be credited to expenditure in such year as the Board approves.

[*Section 46B inserted by No. 42 of 1966 s.20.*]

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

47. (1) With the exception of section 42, the provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Board and its operations.

(2) Section 36 of this Act shall continue to apply to and in respect of the Board notwithstanding the *Financial Administration and Audit Act 1985*.

[Section 47 inserted by No. 98 of 1985 s.3.]

**PART X — MISCELLANEOUS**

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

**47A.** Notwithstanding anything in this Act, to the extent that there is in the case of a person who is appointed under —

- (a) section 8A to be the Chief Executive Officer;
- (b) section 29 to be an officer or member of a permanent fire brigade or other employee; or
- (c) section 31 to be the Chief Officer,

and who is a member of the Senior Executive Service within the meaning of the *Public Service Act 1978*<sup>3</sup> an inconsistency between this Act and that Act that Act shall prevail.

*[Section 47A inserted by No. 113 of 1987 s.32;  
amended by No. 52 of 1994 s.24.]*

**Board to furnish information to Commissioner of Public Health**

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

**Brigades to be registered, etc.**

**49.** Volunteer and private brigades already established or hereafter to be established shall conform to the regulations

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affecting such brigades, and shall be registered in such manner and subject to such conditions as may be prescribed by the regulations, and shall be subject to inspection by any member or officer of the Board.

### **Restriction as to establishment of salvage corps**

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

### **Rewards to brigades**

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

### **Penalty for soliciting contributions for brigades without authority**

**52.** (1) Subject to regulations, the Board may grant an authority in writing or in print to any person to collect contributions or subscriptions for the purposes of any brigade, and may at any time call in or cancel such authority.

(2) Any person not duly authorized in that behalf by the Board who solicits contributions or subscriptions for the purpose

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

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

### **Provision of fire hydrants**

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

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

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

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

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

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

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

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

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TABLE

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

(ca) Such a request may only be made to a water supply authority in respect of a particular location if that location is within a controlled area for which that authority holds an operating licence (water supply services) under the *Water Services Coordination Act 1995*.

(d) So soon after receiving the request as is reasonably practicable, the water supply authority shall, in accordance with the powers conferred upon it by the relevant Act mentioned in Column 3 of the Table, install or abolish the fire hydrant as requested.



(e) The water supply authority shall keep all fire hydrants in fire districts except those which are abolished, whether installed before, on or after the proclaimed day, in effective order.

(f) When the water supply authority has, in pursuance of the provisions of this subsection, installed, abolished, or kept in effective order a fire hydrant, it shall render to the Board a statement of account showing the cost to the water supply authority of the labour and materials incurred in doing so, except the cost of re-instatement, and shall render to the local authority in whose district the work is done a statement of account showing the cost to the water supply authority of the labour and materials incurred in re-instatement, and the amounts of the respective accounts shall, in the event of non-payment, be recoverable at the suit of the water supply authority in a court of competent jurisdiction from the Board or the local authority respectively as a debt due.

(g) (i) By virtue of this section, the property in the fire hydrants referred to in the respective items of Column 1 of the Table set out hereunder shall vest in the Board as owner at the times set out opposite those respective items in Column 2 of the Table.

TABLE

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

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

*[Section 54 amended by No. 41 of 1951 s.3 (5); No. 73 of 1994 s.4; No. 73 of 1995 s.188.]*

### **Use of pillar-hydrants instead of fireplugs**

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

### **Turncocks to attend fires**

**56.** Every turncock employed by a water supply authority shall forthwith —

- (a) on any fire occurring in a fire district within the area or part of the State allotted to him; or
- (b) when so requested by the Board, on any hazardous material incident occurring within the area or part of the State allotted to him,

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

*[Section 56 amended by No. 52 of 1994 s.25.]*

### **Disconnection of gas or artificial light**

**57.** Every company or person supplying gas or electricity or other illuminant to any premises on fire in a fire district or to any premises where a hazardous material incident is occurring or

a rescue is being carried out shall forthwith, when so requested by the Board, send some competent person to shut off or disconnect the supply to such premises or any adjoining premises.

*[Section 57 amended by No. 52 of 1994 s.26.]*

### **Police and others to aid Chief Officer**

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

### **Penalties for interference, damage, etc.**

**59.** Any person who —

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

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

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

**Removal of persons not members of recognized fire brigades from burning premises**

**60.** (1) Any person who is not a member of a fire brigade, or who is not acting under the control or direction of any officer or member of a brigade, may be ordered by any officer or member of a brigade or by any member of the police force to withdraw from —

- (a) any premises then burning or which are threatened by fire;
- (b) any premises at which there is a hazardous material incident or the threat of such an incident; or
- (c) any premises at which a rescue operation is being carried out,

and thereupon that person shall withdraw from the premises.

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

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

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

**61.** The Board, the officers and members of brigades and any brigade registered under this Act shall have the use of all water

mains, fire hydrants, water plugs, valves, and pipes vested in or belonging to any water supply authority and of all water therein or in any well or tank, free of charge, for the purpose of extinguishing any fire or confining or ending a hazardous material incident, or for the purpose of drills, competitions, and practice conducted under the authority of the Board.

*[Section 61 amended by No. 52 of 1994 s.29.]*

### **Owner to give information as to insurance**

**62.** (1) The owner of any premises or property involved in a fire or a hazardous material incident shall, on being requested so to do by any officer or member of a brigade or administrative employee or member of the Board, furnish him with particulars of any policy of insurance thereon.

(2) The owner of any personal property which may be in any premises where a fire or a hazardous material incident occurs or which may be destroyed or damaged by fire or a hazardous material incident shall, on being requested so to do by any officer or member of a brigade or administrative employee of the Board, furnish him with particulars of any policy of insurance thereon.

(3) Any person who refuses to comply with any such request as aforesaid, or who wilfully gives any false information, or who wilfully gives any incorrect particulars with regard to any policy of insurance as aforesaid, shall on conviction be liable to a penalty not exceeding \$1 000.

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

### **Inquisition by coroner**

**63.** The coroner exercising jurisdiction at any place within a fire district at which a fire has occurred shall, at the request in

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writing of the Board, hold an inquisition into the cause and origin of the fire.

**Protection from liability**

**64.** (1) In this section, a reference to the doing of anything includes a reference to the omission to do anything.

(2) An action in tort does not lie against a person for anything that either that person or any other person has, in good faith, done in the performance or purported performance of a function or duty or the exercise or purported exercise of a power under this Act.

(3) The protection given by this section applies even though the thing done in the performance or purported performance of a function or duty or the exercise or purported exercise of a power under this Act may have been capable of being done whether or not this Act had been enacted.

(4) Any damage, loss or injury to property that results from a tort referred to in subsection (2) is deemed to be damage by fire within the meaning of any policy of insurance covering the property damaged, lost or injured, notwithstanding any clause or condition to the contrary contained in the policy.

*[Section 64 inserted by No. 52 of 1994 s.31.]*

**Charges for brigades attending fires**

**65.** (1) (a) Where within a district that is declared pursuant to section 35A (2) to be a district served by a permanent fire brigade a fire occurs in or on —

uninsured premises or uninsured property,

uninsured vacant land,

an uninsured crop, grass, scrub, stubble or any other vegetable matter whether of the same class or kind as the class or kind before enumerated or not and whether it is alive or dead or standing or not,

whether or not the same is insurable; or

in or on any rubbish, refuse or waste matter,

if the fire is attended by a Brigade which is under the control of the Board,

the owner of the premises or property;

the owner of the vacant land;

the occupier of the land upon which the crop, grass, scrub, stubble or vegetable matter is situate;

the occupier of the land upon which the rubbish, refuse or waste matter is situate,

as the case may be, is liable to pay to the Board for the attendance of the Brigade at the fire, an amount to be determined by the Board but not exceeding the fees and charges set out in the Third Schedule.

(b) For the purposes of this section —

- (i) **“uninsured”** means not insured under a policy of insurance within the meaning of this Act;
- (ii) **“occupier”** in relation to land means the person in or entitled to possession of the land.

(2) Where a fire occurs in premises or property situate outside a district to which this Act applies, the owner of such premises or property shall be liable to pay to the Board for the attendance at the fire of any brigade under the control of the

Board, an amount to be determined by the Board, but not exceeding the fees and charges mentioned in the Third Schedule.

(3) The Crown shall not under any circumstances be liable to pay the fees and charges referred to in the Third Schedule.

(4) The Board may remit the whole or part of the fees and charges hereinbefore mentioned.

(5) In default of payment any such fees and charges may be recovered by the Board summarily in any court of petty sessions, or in any other court of competent jurisdiction.

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

### **Failure to deliver up any premises in occupation by officer or fireman**

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

### **Detention of Board's property**

**67.** (1) The Chief Officer or any officer, or other employee, or agent of the Board, if authorized in writing by the Board, may



enter, and, if necessary, break into any place where any property of the Board is detained contrary to the order of the Chief Officer or of the Board, and may remove the same.

(2) Any person hindering or obstructing the Chief Officer or any such officer, employee, or agent in so entering or breaking into any such place shall be guilty of an offence against this Act.

### **Powers of agents**

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

### **Power of agents to deduct payments made for owners**

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

### **Power of trustees**

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

**Documents signed by Chief Executive Officer to be evidence**

71. All orders, directions, notices, and documents whatever purporting to be issued or written by or under the direction of the Board and purporting to be signed by the Chief Executive Officer shall be received as evidence in all courts of law, and shall be deemed to be issued or written by or under the direction of the Board without further proof, unless the contrary be shown.

*[Section 71 amended by No. 28 of 1982 s.22; No. 52 of 1994 s.32.]*

**Penalty for offences**

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

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

**Recovery of penalties**

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

*Fire Brigades Act 1942*

**THE FIRST SCHEDULE**

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

THE SECOND SCHEDULE

[Section 5]

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Fire District	Municipal District or part thereof constituting Fire District
PART I	
Metropolitan Fire District	City of Perth
PART II	
Metropolitan Fire District	City of Fremantle City of Melville City of Nedlands City of South Perth City of Stirling City of Subiaco City of Wanneroo Town of Cambridge Town of Canning Town of Claremont Town of Cockburn Town of Cottesloe Town of East Fremantle Town of Mosman Park Town of Shepperton <sup>9</sup> Town of Vincent Shire of Bassendean Shire of Bayswater Shire of Belmont Shire of Gosnells Shire of Kalamunda Shire of Mundaring Shire of Peppermint Grove Shire of Swan
PART III	
Coolgardie Fire District	Shire of Coolgardie
Cue Fire District	Shire of Cue
Kalgoorlie-Boulder Fire District	City of Kalgoorlie-Boulder
Kambalda Fire District	Shire of Coolgardie
Laverton Fire District	Shire of Laverton
Leonora Fire District	Shire of Leonora
Meekatharra Fire District	Shire of Meekatharra
Mount Magnet Fire District	Shire of Mount Magnet
Norseman Fire District	Shire of Dundas
Southern Cross Fire District	Shire of Yilgarn

*Fire Brigades Act 1942*

Sch. 2

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Fire District	Municipal District or part thereof constituting Fire District
PART IV	
Albany Fire District	Town of Albany
Armadale Fire District	Shire of Armadale-Kelmscott
Augusta Fire District	Shire of Augusta-Margaret River
Ballidu Fire District	Shire of Wongan-Ballidu
Beverley Fire District	Shire of Beverley
Boyup Brook Fire District	Shire of Boyup Brook
Bridgetown Fire District	Shire of Bridgetown-Greenbushes
Brookton Fire District	Shire of Brookton
Broome Fire District	Shire of Broome
Brunswick Junction Fire District	Shire of Harvey
Bunbury Fire District	Town of Bunbury
Busselton Fire District	Shire of Busselton
Carnarvon Fire District	Shire of Carnarvon
Collie Fire District	Shire of Collie
Corrigin Fire District	Shire of Corrigin
Cunderdin Fire District	Shire of Cunderdin
Dalwallinu Fire District	Shire of Dalwallinu
Denham Fire District	Shire of Shark Bay
Denmark Fire District	Shire of Denmark
Derby Fire District	Shire of West Kimberley
Dongara-Port Denison Fire District	Shire of Irwin
Donnybrook Fire District	Shire of Donnybrook-Balingup
Dumbleyung Fire District	Shire of Dumbleyung
Eaton-Australind Fire District	{ Shire of Dardanup Shire of Harvey
Esperance Fire District	Shire of Esperance

*Fire Brigades Act 1942*

Sch. 2

Fire District	Municipal District or part thereof constituting Fire District
Exmouth Fire District	Shire of Exmouth
Falcon Fire District	Town of Mandurah
Geraldton-Greenough Fire District	{ Town of Geraldton Shire of Greenough
Goomalling Fire District	Shire of Goomalling
Harvey Fire District	Shire of Harvey
Jurien Fire District	Shire of Dandaragan
Kalamunda Fire District	Shire of Kalamunda
Karratha Fire District	Shire of Roebourne
Katanning Fire District	Shire of Katanning
Kellerberrin Fire District	Shire of Kellerberrin
Kojonup Fire District	Shire of Kojonup
Kulin Fire District	Shire of Kulin
Kununurra Fire District	Shire of Wyndham
Kwinana Fire District	Shire of Kwinana
Lake Grace Fire District	Shire of Lake Grace
Mandurah Fire District	Town of Mandurah
Manjimup Fire District	Shire of Manjimup
Margaret River Fire District	Shire of Augusta-Margaret River
Merredin Fire District	Shire of Merredin
Moora Fire District	Shire of Moora
Mount Barker Fire District	Shire of Plantagenet
Mullewa Fire District	Shire of Mullewa
Mundaring Fire District	Shire of Mundaring
Nannup Fire District	Shire of Nannup
Narrogin Fire District	Town of Narrogin
Newman Fire District	Shire of East Pilbara

*Fire Brigades Act 1942*

**Sch. 2**

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Fire District	Municipal District or part thereof constituting Fire District
Northam Fire District	Town of Northam
Northcliffe Fire District	Shire of Manjimup
Pemberton Fire District	Shire of Manjimup
Pingelly Fire District	Shire of Pingelly
Pinjarra Fire District	Shire of Murray
Port Hedland Fire District	Shire of Port Hedland
Quairading Fire District	Shire of Quairading
Ravensthorpe Fire District	Shire of Ravensthorpe
Rockingham Fire District	Shire of Rockingham
Roebourne Fire District	Shire of Roebourne
Tammin Fire District	Shire of Tammin
Toodyay Fire District	Shire of Toodyay
Wagin Fire District	Shire of Wagin
Walpole Fire District	Shire of Manjimup
Waroona Fire District	Shire of Waroona
Wickham Fire District	Shire of Roebourne
Williams Fire District	Shire of Williams
Wongan Hills Fire District	Shire of Wongan-Ballidu
Wundowie Fire District	Shire of Northam
Wyalkatchem Fire District	Shire of Wyalkatchem
Wyndham Fire District	Shire of Wyndham

*Fire Brigades Act 1942*

**Sch. 2**

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Fire District	Municipal District or part thereof constituting Fire District
Yanchep Fire District	City of Wanneroo
York Fire District	Shire of York

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*[The Second Schedule inserted by No. 27 of 1971 s.4; amended by No. 38 of 1993 s.34; amended in Gazettes 21 January 1972 p.74; 4 February 1972 pp.213-14; 23 June 1972 pp.2029-30; 4 August 1972 p.2923; 20 October 1972 p.4152; 27 October 1972 p.4208; 25 May 1973 p.1617; 26 October 1973 p.4050; 28 June 1974 pp.2233-4; 30 August 1974 p.3236; 28 February 1975 pp.721-2; 7 December 1979 p.3772; 27 March 1981 pp.1039-40; 20 May 1983 pp.1523-4; 16 March 1984 p.701; 14 August 1987 pp.3163-6; 3 March 1989 p.675; 29 June 1990 p.3147; 16 July 1993 p.3889; 19 December 1995 p.6145.]*



*Fire Brigades Act 1942*

Sch. 3

**THE THIRD SCHEDULE**

[Section 65]

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

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For the first hour or part thereof and  
thereafter per hour or part thereof

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

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

**THE FOURTH SCHEDULE**

[Section 46 (8)]

1. A receiver appointed under section 46 (8), or under the provisions of this Schedule, shall be deemed an officer of and shall act under the direction of the Supreme Court or a Judge thereof.

2. The Supreme Court or a Judge thereof may from time to time remove any receiver so appointed as aforesaid, and on the death or removal of any such receiver may appoint some other person in his place.

3. The receiver so appointed shall be entitled to receive and recover from the Treasurer, and from the local authorities and insurance companies, respectively, the whole of the annual contributions in respect of interest on debentures and contributions to the sinking fund for the redemption thereof which have become payable to the Board, or which shall or would but for the default committed by the Board become so payable.

4. For the purposes of paragraph 3 a receiver shall be deemed to be the Board, and shall have and may exercise, in the name of the Board, all or any of the powers of the Board including any power —

- (a) to make any estimate of any expenditure requisite for interest on debentures and contributions to any sinking fund for the redemption thereof;
- (b) to make any determination requisite to be made regarding any annual contribution;
- (c) to enforce the rendering of any necessary returns;
- (d) to exercise any powers of inspection;
- (e) to take any action or legal proceeding for the recovery or collection of any contribution or other moneys.

5. Every such receiver shall be entitled to such commission, as remuneration for his services, as the Supreme Court or a Judge thereof directs.

6. The Supreme Court or a Judge thereof may order the Minister or the Board or any other person to transfer all or any inscribed stock and other securities and fixed deposits standing in their respective names and forming part of any such sinking fund as aforesaid into the name of the receiver, and may likewise order the Minister or any other person to hand over to the receiver any money which such Minister or

person has collected in exercise of any authority granted, in consequence of the Board's default, by the Governor or the Supreme Court or a Judge thereof.

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

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## *Fire Brigades Act 1942*

### NOTES

<sup>1</sup> This reprint is a compilation as at 17 June 1996 of the *Fire Brigades Act 1942* and includes the amendments effected by the Acts referred to in Part I of the following Table<sup>1a, 1b, 1c</sup> and by the Orders referred to in Part II of the following Table<sup>10, 11</sup>.

#### Table of Acts and Orders

##### PART I — ACTS

Act	Number	Assent	Commencement	Miscellaneous
	and Year			
<i>Fire Brigades Act 1942</i>	35 of 1942	23 December 1942	17 May 1943 (see <i>Gazette</i> 14 May 1943 p.463)	
<i>Fire Brigades Act Amendment Act 1949</i>	31 of 1949	25 October 1949	25 October 1949	
<i>Acts Amendment (Fire Brigades Board and Fire Hydrants) Act 1951</i>	41 of 1951	20 December 1951	4 April 1952 (see <i>Gazette</i> 4 April 1952 pp.799-800)	
<i>Fire Brigades Act Amendment Act 1959</i>	34 of 1959	30 October 1959	30 October 1959	
<i>Fire Brigades Act Amendment Act 1961</i>	5 of 1961	10 October 1961	10 October 1961	
<i>Fire Brigades Act Amendment Act 1963</i>	34 of 1963	19 November 1963	14 February 1964 (see <i>Gazette</i> 14 February 1964 p.643)	
<i>Fire Brigades Act Amendment Act 1964</i>	3 of 1964	2 October 1964	2 October 1964	
<i>Fire Brigades Act Amendment Act 1966</i>	42 of 1966	4 November 1966	4 November 1966	
<i>Fire Brigades Act Amendment Act 1971</i>	27 of 1971	1 December 1971	1 December 1971	

*Fire Brigades Act 1942*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Metric Conversion Act 1972</i>	94 of 1972	4 December 1972	The relevant amendments, as set out in the Fourth Schedule, took effect on 19 December 1975 (see s.4 (2) and <i>Gazette</i> 19 December 1975 p.4577)	The Fourth Schedule was added by the <i>Metric Conversion Amendment Act 1975</i> (Act No. 42 of 1975)
<i>Fire Brigades Act Amendment Act 1972</i>	107 of 1972	6 December 1972	23 December 1972 (see <i>Gazette</i> 22 December 1972 p.4755)	
<i>Acts Amendment and Repeal (Valuation of Land) Act 1978, Part VI</i>	76 of 1978	20 October 1978	1 July 1979 (see section 2 and <i>Gazette</i> 11 May 1979 p.1211)	
<i>Fire Brigades Act Amendment Act 1978</i>	85 of 1978	27 October 1978	27 October 1978	
<i>Fire Brigades Act Amendment Act 1979</i>	63 of 1979	12 November 1979	7 December 1979 (see <i>Gazette</i> 7 December 1979 p.3769)	
<i>Fire Brigades Amendment Act 1982</i>	28 of 1982	27 May 1982	30 June 1982 (see <i>Gazette</i> 30 June 1982 p.2261)	Sections 18 (2) and 19 (2) savings <sup>4,7</sup>
<i>Fire Brigades Amendment Act 1985</i>	51 of 1985	23 October 1985	Sections 1 to 8: 8 August 1986 (see <i>Gazette</i> 8 August 1986 p.2815); sections 9 and 10: 5 August 1988 (see <i>Gazette</i> 5 August 1988 p.2583); section 11: 3 January 1986 (see <i>Gazette</i> 3 January 1986 p.9)	Sections 4 (2) and 11 (2) effective dates <sup>2,8</sup>

## Fire Brigades Act 1942

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Fire Brigades Superannuation Act 1985, Part IV</i>	87 of 1985	4 December 1985	3 November 1986 (see <i>Gazette</i> 24 October 1986 p.3938)	Section 36 transitional
<i>Acts Amendment (Financial Administration and Audit) Act 1985, section 3</i>	98 of 1985	4 December 1985	1 July 1986 (see section 2 and <i>Gazette</i> 30 June 1986 p.2255)	Section 4 savings and transitional
<i>State Government Insurance Commission Act 1986, section 46, item 3 of Schedule 3</i>	51 of 1986	5 August 1986	1 January 1987 (see <i>Gazette</i> 19 December 1986 p.4859)	Section 47 (Schedule 4) savings, validation and transitional
<i>Acts Amendment (Public Service) Act 1987, section 32, item 15 of Schedule 2</i>	113 of 1987	31 December 1987	16 March 1988 (see <i>Gazette</i> 16 March 1988 p.813)	Section 6 (2) and (3), 19 (2) and (3), 20 (2) and (3), 25 (2), 26 (2) and 28 (2) transitional, validation and savings provisions
<i>SGIO Privatisation Act 1992, section 29</i>	49 of 1992	9 December 1992	7 January 1993 (see sections 2 (3) and 4 (2) and <i>Gazette</i> 7 January 1993 p.15)	
<i>Criminal Law Amendment Act (No. 2) 1992, section 16 (1)</i>	51 of 1992	9 December 1992	6 January 1993	
<i>Financial Administration Legislation Amendment Act 1993, section 12</i>	6 of 1993	27 August 1993	Deemed operative 1 July 1993 (see section 2(1))	

## *Fire Brigades Act 1942*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>City of Perth Restructuring Act 1993</i> , section 34, (Schedule 7)	38 of 1993	20 December 1993	Schedule 7: 1 July 1994 (see sections 3 and 34 (2))	
<i>Acts Amendment (Public Sector Management) Act 1994</i> , section 3 (2)	32 of 1994	29 June 1994	1 October 1994 (see <i>Gazette</i> 30 September 1994 p.4948)	
<i>Fire Brigades Amendment Act 1994</i>	52 of 1994	2 November 1994	10 December 1994 (see <i>Gazette</i> 9 December 1994 p.6647)	Section 35 validation <sup>12</sup>
<i>Statutes (Repeals and Minor Amendments) Act 1994</i> , section 4	73 of 1994	9 December 1994	9 December 1994	
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995</i> , section 188	73 of 1995	27 December 1995	Section 188: 1 January 1996 (see section 2 (2) and <i>Gazette</i> 29 December 1995 p.6291)	Part 14 transitional

### PART II — ORDERS IN COUNCIL

Order	Gazettal	Commencement	Miscellaneous
Amending Order	21 January 1972 p.74	21 January 1972	
Amending Order	4 February 1972 pp.213-14	4 February 1972	
Amending Order	23 June 1972 pp.2029-30	23 June 1972	
Amending Order	4 August 1972 p.2923	4 August 1972	

## *Fire Brigades Act 1942*

Order	Gazettal	Commencement	Miscellaneous
Amending Order	20 October 1972 p.4152	20 October 1972	
Amending Order	27 October 1972 p.4208	27 October 1972	
Amending Order	25 May 1973 p.1617	25 May 1973	
Amending Order	26 October 1973 p.4050	26 October 1973	
Amending Order	28 June 1974 pp.2233-4	28 June 1974	
Amending Order	30 August 1974 p.3236	30 August 1974	
Amending Order	28 February 1975 pp.721-2	28 February 1975	
Amending Order	7 December 1979 p.3772	7 December 1979	
Fire Brigades Act Order (No. 2) 1981	27 March 1981 pp.1039-40	27 March 1981	
Fire Brigades Act Order 1983	20 May 1983 pp.1523-4	20 May 1983	
Fire Brigades Act Order 1984	16 March 1984 p.701	16 March 1984	
Fire Brigades (Dongara-Port Denison Fire District) Order 1987	14 August 1987 pp.3163-4	14 August 1987	
Fire Brigades (Denham Fire District) Order 1987	14 August 1987 p.3164	14 August 1987	
Fire Brigades (Falcon Fire District) Order 1987	14 August 1987 pp.3164-5	14 August 1987	
Fire Brigades (Yanchep Fire District) Order 1987	14 August 1987 pp.3165-6	14 August 1987	



## *Fire Brigades Act 1942*

Order	Gazettal	Commencement	Miscellaneous
Fire Brigades (Jurien Fire District) Order 1989	3 March 1989 p.675	3 March 1989	
Fire Brigades (Kalgoorlie-Boulder) Amendment Order 1990	29 June 1990 p.3147	29 June 1990	
Fire Brigades (Kambalda Fire District) Order 1993	16 July 1993 p.3889	16 July 1993	
Fire Brigades (Mundaring Fire District) Order 1995	19 December 1995 pp.6145-6	19 December 1995	

<sup>1a</sup> As at the date of this reprint the *Fire Brigades Amendment Act (No. 2) 1982* (Act No. 111 of 1982) was not in operation.

<sup>1b</sup> As at the date of this reprint section 147 of the *Sentencing (Consequential Provisions) Act 1995* (Act No. 78 of 1995) was not in operation. That section amends section 42(3) of the *Fire Brigades Act 1942* by deleting “, or to imprisonment for not more than 3 months”.

<sup>1c</sup> As at the date of this reprint section 61 of the *Coroners Act 1996* (Act No. 2 of 1996) was not in operation. That section (in item 7 of Schedule 1) amends the *Fire Brigades Act 1942* by repealing section 63.

<sup>2</sup> Section 4 (2) of the *Fire Brigades Amendment Act 1985* (Act No. 51 of 1985) reads as follows —

“ (2) Notwithstanding anything in the principal Act —

- (a) the increase in the membership of the Board provided for by subsection (1) (a) shall not have effect until the commencement of the term of office of the first member elected to the Board for the purposes of section 7 (i) of the principal Act;
- (b) such election shall be held as soon as is practicable after the commencement of this section; and
- (c) the term of office of the first member of the Board elected for the purposes of section 7 (i) of the principal Act shall commence on the publication in the *Gazette* by the returning officer of the name of the member so elected and, subject to that Act, expire on 31 December 1988. ”.

## *Fire Brigades Act 1942*

- <sup>3</sup> Repealed by the *Public Sector Management Act 1994* (Act No. 31 of 1994) section 110 (1).
- <sup>4</sup> Section 18 (2) of the *Fire Brigades Amendment Act 1982* (Act No. 28 of 1982) reads as follows —
- “ (2) The person who was, immediately before the coming into operation of this Act, the Chief Executive Officer of the Board appointed under the principal Act and the regulations made thereunder shall, on that coming into operation and subject to the principal Act as amended by this Act and to the regulations made thereunder, be deemed to have been appointed as the Secretary to the Board. ”.
- <sup>5</sup> Reference to "award" altered to include "industrial agreement" under the *Acts Amendment and Repeal (Industrial Relations) Act (No.2) 1984* (Act No. 94 of 1984), section 88 (2).
- <sup>6</sup> Short title as changed by section 4 of the *Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984* (Act No. 94 of 1984) substituted under section 7 (3) (h) of the *Reprints Act 1984*.
- <sup>7</sup> Section 19 (2) of the *Fire Brigades Amendment Act 1982* (Act No. 28 of 1982) reads as follows —
- “ (2) The person who, immediately before the coming into operation of this Act, occupied the office of Chief Officer of Fire Brigades shall, notwithstanding this section and subject to the principal Act as amended by this Act and to the regulations made thereunder, continue to occupy that office as if he had been appointed thereto by the Governor. ”.
- <sup>8</sup> Section 11 (2) of the *Fire Brigades Amendment Act 1985* (Act No. 51 of 1985) reads as follows —
- “ (2) Section 38 of the principal Act as amended by subsection (1) shall have effect on and after 1 July 1985. ”.
- <sup>9</sup> Now Town of Victoria Park.
- <sup>10</sup> Marginal notes in the *Fire Brigades Act 1942* referring to legislation of other jurisdictions have been omitted from this reprint.
- <sup>11</sup> Marginal notes in the *Fire Brigades Act 1942* referring to sections of the *Fire Brigades Act 1916* have been omitted from this reprint.

## *Fire Brigades Act 1942*

<sup>12</sup> Section 35 of the *Fire Brigades Amendment Act 1994* (Act No. 52 of 1994) reads as follows —

“ **Validity of past acts**

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

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

”.

