

Fire Brigades Act 1942

Fire Brigades Amendment Regulations (No. 2) 2012

Made by the Governor in Executive Council.

1. Citation

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

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Fire Brigades Regulations 1943*.

4. Part VI heading amended

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

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5. Regulation 96 inserted

At the beginning of Part VI insert:

96. Terms used

In this Part —

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

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

6. Regulation 97 amended

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

Department’s

7. Regulation 126 amended

In regulation 126 delete “Authority.” and insert:

Department.

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

Uniform belongs to Department

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

In regulation 127:

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

property of the Department

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

FES Commissioner may

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

State against

9. Regulation 130 amended

In regulation 130 delete “Chief Officer” and insert:

FES Commissioner

10. Regulation 131 amended

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

FES Commissioner

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11. Regulation 132A amended

Delete regulation 132A(1) and insert:

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

12. Regulation 133 amended

In regulation 133:

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

FES Commissioner;

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

FES Commissioner;

13. Regulation 134 amended

In regulation 134:

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

employee

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

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

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

14. Regulation 135 amended

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

FES Commissioner,

- (4) Delete regulation 135(9).

15. Regulation 136 deleted

Delete regulation 136.

16. Regulation 137 amended

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

inquiry,

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

Commissioner.

17. Regulation 138 amended

In regulation 138:

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

regulation 137

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

Appeal Board

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

FES Commissioner.

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

Appeal Board

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

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

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

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

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

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

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

FES Commissioner on behalf of the State.

19. Regulation 140 amended

In regulation 140 delete “136,”.

20. Regulation 143 amended

In regulation 143:

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

State

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

Department

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

Indemnity of State for loss

21. Regulation 159I amended

In regulation 159I:

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

FES Commissioner

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

Department

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

FES Commissioner’s responsibilities on cancellation of brigade’s registration

22. Regulation 179 amended

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

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

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

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

employed in the Department,

24. Regulation 190 amended

In regulation 190(1):

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

Department’s

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

FES Commissioner;

25. Regulation 192 amended

In regulation 192(2):

- (a) delete “Authority” and insert:

FES Commissioner

- (b) delete “as it” and insert:

as the FES Commissioner

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26. Regulation 215 amended

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

FES Commissioner’s

27. Regulation 231 deleted

Delete regulation 231.

28. Schedule deleted

Delete the Schedule.

29. Various references to “Authority” amended

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

FES Commissioner

Table

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

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

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

Table

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

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

30. Various references to “Chief Executive Officer” amended

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

FES Commissioner

Table

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

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.
