

FIRE BRIGADES.

No. 85 of 1978.

AN ACT to amend sections 11 and 16 of, to repeal and re-enact sections 9 and 10 of, and to add section 9A to, the Fire Brigades Act, 1942-1975.

[Assented to 27th October, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Fire Brigades Act Amendment Act, 1978*. Short title and citation.

(2) In this Act the Fire Brigades Act, 1942-1975 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Fire Brigades Act, 1942-1978.

Section 9
repealed
and
re-enacted.

2. The principal Act is amended by repealing section 9 and re-enacting that section as follows—

Tenure of
office.

9. (1) Subject to section 9A of this Act, the term of office of a member appointed by the Governor shall be such period not exceeding three years as is specified in the instrument of his appointment.

(2) The term of office of an elected member shall, subject to section 11 of this Act, be three years commencing on the first day of January next following his election.

(3) Notwithstanding that a person is or has previously been a member of the Board, he shall be eligible for re-election or re-appointment, 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 9A
added.

3. The principal Act is amended by adding after section 9, the following section—

Transitional.

9A. The appointed member of the Board who holds office at the coming into operation of the Fire Brigades Act Amendment Act, 1978 shall, subject to this Act, hold office until the expiration of three years from the date on which his term of office commenced. .

Section 10
repealed
and
re-enacted.

4. The principal Act is amended by repealing section 10 and re-enacting that section as follows—

Periodical
elections.

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

5. Section 11 of the principal Act is amended— Section 11 amended.

(a) as to subsection (1)—

- (i) by deleting the word “a” in line one and inserting in lieu thereof the words “an elected”;
- (ii) by deleting the words “appointed or” in line four; and
- (iii) by deleting the word “two” in line four and inserting in lieu thereof the word “three”;

(b) by repealing subsection (2);

(c) as to subsection (3), by deleting the passage “In the case of an elected member, such” and inserting in lieu thereof the word “Such”; and

(d) by repealing subsection (4) and re-enacting that subsection as follows—

(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. .

6. Section 16 of the principal Act is amended by repealing subsection (2) and re-enacting that subsection as follows— Section 16 amended.

(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, shall, notwithstanding that a person has acted as a member while not being appointed or elected properly or at all, or has acted or voted as 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. .