

Authorised Version No. 001
Country Fire Authority Regulations 2014

S.R. No. 165/2014

Authorised Version as at
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PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to provide for the following—

- (a) the proceedings of the Authority;
- (b) the management of officers and employees of the Authority;
- (c) the management and administration of fire brigades;
- (d) the issue of permits to burn and other fire prevention measures;
- (e) the financial arrangements of, and fees and charges levied by, the Authority;
- (f) compensation for personal injury and destruction, damage or loss of wearing apparel and personal effects of volunteer members of brigades, members of forestry industry brigades, casual firefighters and volunteer auxiliary workers;
- (g) the management and administration of forestry industry brigades;
- (h) to set out alarm monitoring information requirements;
- (i) other matters authorised by the Act.

2 Authorising provision

These Regulations are made under section 110 of the **Country Fire Authority Act 1958**.

3 Commencement

These Regulations come into operation on 1 November 2014.

4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

appliance means a firefighting or emergency response vehicle operated by a member or operational employee;

AS 1019 means Australian Standard AS 1019—2000, Internal combustion engines—Spark emission control devices, as in force from time to time;

AS 1687 means Australian Standard AS 1687—1991, Knapsack spray pumps for firefighting, as in force from time to time;

AS/NZS 1841.1 means Australian Standard and New Zealand Standard AS/NZS 1841.1:2007, Portable fire extinguishers, Part 1: General requirements, as in force from time to time;

brigade area means the area of operation designated for a brigade by the Chief Officer under section 27 of the Act;

Commission means the Country Fire Authority Appeals Commission established under section 74A of the Act;

Computer Aided Dispatch system means the Computer Aided Dispatch system operated by the Emergency Services Telecommunications Authority established under the **Emergency Services Telecommunications Authority Act 2004**;

employee means a person appointed under section 17 of the Act;

financial statements means the accounting records referred to in regulation 60;

forestry industry brigade means an industry brigade in the forestry industry;

group of brigades or ***group***, in relation to brigades, means a group of brigades formed under section 23A of the Act;

hazardous material incident means a hazardous material incident or a toxic fire incident the whole or part of which is not a fire;

member or ***member of a brigade***, except in Part 6, means a person who is enrolled by the Authority as a volunteer officer or volunteer member of a brigade;

mobile fire-fighting unit means a vehicle suitably equipped for enabling an industry brigade to respond to and fight a fire;

operational employee means an employee of the Authority who is an operational staff member within the meaning of the **Emergency Services Superannuation Act 1986**;

plantation holdings means land which is used primarily for tree farming or other commercial forestry purposes;

relevant owner, in relation to a forestry industry brigade, has the same meaning as in section 23AA of the Act;

the Act means the **Country Fire Authority Act 1958**.

6 Application

These Regulations apply with respect to the country area of Victoria.

PART 2—THE AUTHORITY

7 Common seal

The common seal of the Authority must be kept as directed by the Authority and must not be used except as authorised by the Authority.

8 Authority to regulate its own proceedings

Subject to the Act and these Regulations, the Authority may regulate its own proceedings.

9 Meetings

- (1) The chairperson of the Authority must ensure that written notice of meetings of the Authority is served on each member of the Authority not less than 2 days before the meeting.
- (2) The notice of a meeting must specify the date, time and place of the meeting and, in the case of a special meeting, the business to be conducted at the meeting.

10 Minutes

The chairperson must ensure that—

- (a) a minute book is kept; and
 - (b) the minute book contains—
 - (i) minutes of decisions of the Authority and recommendations of committees of the Authority; and
 - (ii) names of the members of the Authority present at each meeting.
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PART 3—EMPLOYEES

Division 1—Discipline

11 Offences

An employee, other than the Chief Executive Officer or the Chief Officer, who—

- (a) is involved in a contravention of section 20A(2) of the Act by a brigade or group; or
- (b) is involved in the contravention of section 26 of the Act by an association of persons; or
- (c) contravenes a direction of the Chief Officer given under section 30(1) of the Act; or
- (d) commits an act of misconduct; or
- (e) is negligent in the discharge of the employee's duties; or
- (f) is inefficient or incompetent and the inefficiency or incompetence arises from causes within the employee's control; or
- (g) is guilty of disgraceful or improper conduct; or
- (h) during the period of the employee's service, is convicted or found guilty of a criminal offence punishable by imprisonment—

is guilty of an offence.

12 Penalties

- (1) An employee who is guilty of an offence under regulation 11 may be subject to one or more of the following penalties—
 - (a) an admonition;
 - (b) a reprimand;
 - (c) a fine not exceeding \$2000;

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- (d) a reduction in rank not amounting to removal under section 17 of the Act;
 - (e) a reduction in classification not amounting to removal under section 17 of the Act;
 - (f) a reduction in salary;
 - (g) transfer from the employee's position and appointment to another position with the Authority for a specified period or without a period being specified;
 - (h) suspension;
 - (i) removal under section 17 of the Act.
- (2) If a fine is imposed under this regulation, the Authority may deduct the amount of the fine from the pay of the employee fined, but the maximum amount that may be deducted in respect of each week must not exceed \$50.

13 Investigation

- (1) The Chief Executive Officer or the Chief Officer may appoint an employee or other person as an investigator to gather information concerning the circumstances which may have given rise to an offence under regulation 11.
- (2) Without limiting subregulation (1), the investigator must, as soon as practicable after commencing an investigation, give a written report on the circumstances to the person responsible for determining whether a charge should be laid in relation to those circumstances.

14 Laying of a charge

- (1) A senior employee, other than the Chief Executive Officer or the Chief Officer, may lay a charge for an offence under regulation 11.

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- (2) A charge for an offence must be laid against an employee within the prescribed period after the day on which the written investigation report is given under regulation 13(2).
 - (3) The senior employee who lays the charge must give to the employee charged a copy of the charge setting out the circumstances of the alleged offence.
 - (4) In subregulation (2), *prescribed period* means—
 - (a) 30 days; or
 - (b) any other period not exceeding 60 days that the Chief Executive Officer or Chief Officer determines.

15 Notification of hearing

Not less than 21 days before the day set for the hearing of a charge, the Authority must give written notice of the time, date and place of the hearing to the employee charged.

16 Chief Executive Officer to conduct hearing

If a charge is laid against an employee (other than an operational employee) the Chief Executive Officer—

- (a) may suspend the employee charged until the charge is dealt with under these Regulations; and
- (b) must hear the charge (unless the Chief Executive Officer decides to dismiss the charge without a hearing) and—
 - (i) dismiss the charge; or
 - (ii) find the charge proven and impose one or more of the penalties referred to in regulation 12.

17 Chief Officer to conduct hearing

If a charge is laid against an operational employee the Chief Officer—

- (a) may suspend the employee charged until the charge is dealt with under these Regulations; and
- (b) must hear the charge (unless the Chief Officer decides to dismiss the charge without a hearing) and—
 - (i) dismiss the charge; or
 - (ii) find the charge proven and impose one or more of the penalties referred to in regulation 12.

18 Hearing of a charge

- (1) At the hearing of a charge, the person charged may be—
 - (a) self-represented; or
 - (b) represented by another person.
- (2) The person charged may call, examine and cross-examine witnesses and make submissions.
- (3) The person hearing the charge is not bound by the rules of evidence and must be informed by the best evidence available.
- (4) The person hearing the charge must—
 - (a) ensure procedural fairness; and
 - (b) in making a decision, have regard to the interests of justice and fairness.
- (5) Subject to these Regulations, the person hearing the charge may conduct the hearing in any manner he or she reasonably thinks fit.
- (6) The person hearing the charge may adjourn a hearing if he or she considers it necessary.

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- (7) The Authority must not discriminate against a person on the basis of evidence given by the person at the hearing of a charge.
- (8) Subregulation (7) does not prevent—
- (a) a charge being laid as a result of the person's evidence and the Chief Officer or Chief Executive Officer from hearing the charge in accordance with this Division; or
 - (b) the Authority taking legal proceedings or assisting in prosecutions or legal proceedings commenced by another person as a result of that evidence.

19 Notice of decision

The person hearing a charge must, within 14 days after making a decision under regulation 16(b) or 17(b), give to the person charged written notice of the decision, including any penalty imposed.

20 Employee charged with criminal offence

An employee who has been charged with an offence punishable by a term of imprisonment may be suspended from duty by the Authority until the charge has been determined.

21 Employment and remuneration during period of suspension

- (1) An employee who has been suspended from duty under regulation 16(a), 17(a) or 20, may engage in remunerative employment, other than with the Authority, during the term of suspension.
- (2) All remuneration accruing to an employee in respect of the position from which the employee is suspended during any period of suspension must be withheld by the Authority unless the Chief Executive Officer or the Commission orders otherwise.

- (3) If the charge in respect of which an employee has been suspended is dismissed, all remuneration withheld under subregulation (2) must be paid to the employee.
- (4) If the charge in respect of which an employee has been suspended is found proven, all remuneration withheld in accordance with subregulation (2) is forfeited to the Authority unless the Chief Executive Officer or the Commission orders otherwise.

Division 2—Appeals to the Commission

22 Notice of an appeal

- (1) Subject to subregulation (2), a person wishing to appeal under Part VA of the Act must—
 - (a) lodge a written notice of appeal with the Commission not later than 21 days after the person is given notice of the matter against which the notice of appeal is lodged; and
 - (b) give a copy of the notice of appeal to the Authority.
- (2) An application for a remedy for unfair dismissal within the meaning of the Commonwealth Act may be made in accordance with the Commonwealth Act.

23 Procedures

The Commission must ensure that the Authority and the appellant receive not less than 14 days written notice of the time, date and place at which the hearing of an appeal will take place.

24 Notice of determination

After determining an appeal, the Commission must give written notice of its determination to the Authority and the appellant.

25 Payment on successful appeal against reduction in rank, classification or salary

- (1) This regulation applies if—
- (a) an employee appeals to the Commission under section 74I(b) of the Act against a reduction in rank, classification or salary; and
 - (b) the Commission—
 - (i) allows the appeal; or
 - (ii) dismisses the appeal and varies the penalty so that the employee is not subject to a reduction in rank, classification or salary, or is subject to a lesser reduction in rank, classification or salary.
- (2) The Authority must pay the employee an amount of money which is equivalent to the difference between the remuneration the employee would have received if the decision of the Commission had been made by the Chief Executive Officer under regulation 16 or by the Chief Officer under regulation 17 and the remuneration actually received by the employee from the Authority in respect of the period since the reduction in rank, classification or salary.

26 Payment on successful appeal against removal

- (1) This regulation applies if—
- (a) an employee appeals to the Commission under section 74I(b) of the Act against removal; and
 - (b) the Commission—
 - (i) allows the appeal; or

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- (ii) dismisses the appeal and varies the penalty so that the employee is subject to a reduction in rank, classification or salary in comparison with the employee's rank, classification or salary at the time the charge was laid.
- (2) The Authority must pay the employee an amount of money that is equivalent to the amount of money that the employee would have received if the decision of the Commission had been made by the Chief Executive Officer under regulation 16 or by the Chief Officer under regulation 17.
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PART 4—BRIGADES AND GROUPS

Division 1—General

27 Application

This Part does not apply to industry brigades created under section 23AA of the Act.

28 Foundation member of brigade

The requirements set out in rule 4(2) of Schedule 2 apply to each person who seeks enrolment as a foundation member of a newly formed brigade.

29 Decision by majority vote

A decision of a brigade or group, whether described as a recommendation, acceptance, advice, determination, appointment or otherwise, must be determined by a majority of persons present and eligible to vote at a properly constituted meeting of the brigade or group.

30 Application for registration of brigades

- (1) If it is proposed to apply to the Authority for registration of a brigade—
 - (a) a public meeting must be held to consider the establishment of a brigade; and
 - (b) a majority of those present must carry a resolution to apply for the registration of a brigade and the enrolment of proposed officers and members of that brigade.
- (2) An application for registration of a brigade must be made to the Authority in the form set out in Schedule 3.

31 Application for formation or variation of a group

- (1) A group of brigades must be formed in accordance with rule 23 in Schedule 2.
- (2) An application to the Authority for approval of the formation of a group must be in the form set out in Schedule 4.
- (3) An application to the Authority for approval of the variation of the composition of a group must be in the form set out in Schedule 5.

32 Sufficient members and apparatus to remain in brigade area

The officer in charge of a brigade may authorise specified members and apparatus to leave the brigade area for the purpose of attending a fire if members and apparatus sufficient to protect life and property in the brigade area remain in the brigade area.

33 Brigade constitutions

- (1) A brigade may, with the approval of the Authority—
 - (a) adopt rules to govern the internal working and administration of the brigade; and
 - (b) amend those rules.
- (2) A rule adopted or amended under subregulation (1) must not be inconsistent with the Act or these Regulations.
- (3) If a brigade has not adopted any rules under subregulation (1), the rules set out in Schedule 2 apply to the brigade.

34 Group constitutions

- (1) A group of brigades may, with the approval of the Authority—
 - (a) adopt rules to govern the internal working and administration of the group of brigades; and
 - (b) amend those rules.
- (2) A rule adopted or amended under subregulation (1) must not be inconsistent with the Act or these Regulations.
- (3) If a group of brigades has not adopted any rules under subregulation (1), the rules set out in Schedule 6 apply to the group.

35 Uniforms and equipment

- (1) A member of a brigade who is in possession of a uniform and has served as a member of one or more brigades for an aggregate of 20 years or more may retain the uniform on leaving or retiring from the brigade.
- (2) Subject to subregulation (1), a member of a brigade who is in possession of a uniform or equipment belonging to the Authority must return the uniform or equipment to the Authority on leaving or retiring from the brigade.

Division 2—Membership

36 Applications

- (1) This regulation applies to applications—
 - (a) for enrolment as a member of a brigade; or
 - (b) to transfer membership from one brigade to another brigade; or
 - (c) by a junior member to join a brigade as a senior member.

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- (2) An application must be in the form set out in Schedule 7 and be submitted to the relevant brigade.
 - (3) For the purposes of subregulation (2), in the case of an application referred to in subregulation (1)(b), the relevant brigade is the brigade to which the member is seeking to transfer.
 - (4) An application to join a brigade as a member under the age of 18 (whether as a junior member or otherwise) must be accompanied by the written consent of a parent or guardian of the applicant.
 - (5) If the brigade approves an application, the brigade must apply to the Authority to enrol the applicant in accordance with the application.
 - (6) The Authority may waive the requirement in rule 4(2)(b) of Schedule 2 in relation to senior membership of a brigade if it considers that special circumstances exist.

37 Enrolment of volunteers

- (1) A person is not a member of a brigade unless the person is enrolled by the Authority as a member of the brigade.
- (2) The Authority may enrol a person for duties specified by the Chief Officer if the Authority considers that the person is not physically capable of performing all the duties of a member without endangering the safety of others, but is capable of performing the duties specified by the Chief Officer.
- (3) The Authority may, in respect of a person who is enrolled as a member of a brigade, limit the duties for which the person is enrolled to those specified by the Chief Officer if the Authority considers that the person has become physically incapable of performing all the duties of a member without

endangering the safety of others, but is capable of performing the duties specified by the Chief Officer.

- (4) The Authority may refuse to enrol a person as a member of a brigade if the Authority—
 - (a) requires the person to undergo a medical examination and the person fails the examination or refuses to take the examination; or
 - (b) considers that the person is not a fit and proper person to be a member of the brigade; or
 - (c) is satisfied that some other reasonable ground exists to refuse enrolment.

38 Probationary membership

- (1) Unless the Authority otherwise determines, the enrolment by the Authority of a person as a member of a brigade will first be for a probation period of 6 months.
- (2) A person transferring from one brigade to another brigade, who is not on probation as a member of the first mentioned brigade, may apply to the Authority to waive the period of probation referred to in subregulation (1).
- (3) The Authority may vary the probation period before the expiry of the probation period.

39 Cancellation of enrolment of member on probation

The Authority may cancel the enrolment of a member on probation if the Authority receives advice from the brigade, not less than 7 days before the expiry of the probation period, that the member is not a fit and proper person to be a member.

40 Resignation

- (1) A member of a brigade who wishes to resign from the brigade must notify the secretary of the brigade in writing.
- (2) The secretary of a brigade who receives notification of the resignation of a member of the brigade must notify the Authority.

Division 3—Elections of officers of volunteer brigades and groups

41 Election of officers

- (1) For the purposes of section 25(1) of the Act—
 - (a) the prescribed manner for election of officers of a volunteer brigade is set out in Schedule 8; and
 - (b) the prescribed period of office of those officers is set out in clauses 4 and 5 of Schedule 8.
- (2) For the purposes of section 25(1) of the Act—
 - (a) the prescribed manner for election of group officers of a group of brigades is set out in Schedule 9; and
 - (b) the prescribed period of office of those group officers is set out in clauses 4 and 5 of Schedule 9.

Division 4—Conduct and duties of members

42 Physical fitness

- (1) The Chief Officer may, from time to time, require a member to undergo a medical examination or test to determine—
 - (a) the member's physical fitness; or

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- (b) the physical ability of a member to perform tasks in relation to which the member is, or is to be, enrolled.
- (2) A medical examination or test under subregulation (1) is to be conducted—
- (a) by a person specified by the Chief Officer; and
 - (b) in relation to the brigade duties specified by the Chief Officer; and
 - (c) at the Authority's expense.
- (3) If a member unreasonably fails—
- (a) to undergo the medical examination or test as directed by the Chief Officer; or
 - (b) to submit to the Chief Officer a medical certificate in relation to the examination or test—
- the Chief Officer may suspend a member from the member's brigade until the examination or test is undergone or the medical certificate is submitted.
- (4) If a member knows, or becomes aware, of a matter which would significantly affect the member's capacity to perform the duties of a member in respect of which the member is enrolled, the member must, as soon as practicable, advise the Chief Officer of the matter.
- (5) The failure of a member to comply with subregulation (4) does not disqualify the member from receiving compensation under these Regulations.

43 Training

A member must comply with the training requirements determined by the Authority.

44 Offences

A member of a brigade is guilty of an offence if the member—

- (a) is involved in a contravention of section 20A(2) of the Act by a brigade or group; or
- (b) is involved in the contravention of section 26 of the Act by an association of persons; or
- (c) contravenes a direction of the Chief Officer given under section 30(1) of the Act; or
- (d) commits an act of misconduct; or
- (e) is negligent in the discharge of the member's duties; or
- (f) is inefficient or incompetent and the inefficiency or incompetence arises from causes within the member's control; or
- (g) is guilty of disgraceful or improper conduct.

45 Penalties

A member who is guilty of an offence under regulation 44 may be subject to one or more of the following penalties—

- (a) an admonition;
- (b) a reprimand;
- (c) a reduction in rank;
- (d) a reduction in classification;
- (e) removal from an office in a brigade to which the member was elected or appointed and appointment to another office in the brigade;
- (f) suspension of membership of the brigade for a specified period;
- (g) a recommendation to the Authority that the enrolment of the member be cancelled.

46 Investigation

- (1) The Chief Officer may appoint an employee or other person as an investigator to gather information concerning the circumstances which may have given rise to an offence under regulation 44.
- (2) Without limiting subregulation (1), an investigator must, as soon as practicable after commencing an investigation, give a written report on the circumstances to the person responsible for determining whether a charge should be laid in relation to those circumstances.

47 Suspension

- (1) At any time before the Chief Officer has caused an investigation to be conducted under regulation 46(1), the Chief Officer or an officer of the Authority nominated by the Chief Officer for the purpose may suspend the member from the member's brigade until the investigation report concerning the member has been given under regulation 46(2).
- (2) At any time after the Chief Officer has caused an investigation to be conducted under regulation 46(1), an officer of the Authority nominated by the Chief Officer for the purpose may suspend the member from the member's brigade until—
 - (a) the time for the laying of a charge under regulation 48(2) has expired; or
 - (b) if a charge is laid, the charge has been dismissed or found proven in accordance with regulation 49(3); or
 - (c) if an appeal has been made to the Appeal Panel, the chairperson of the Authority has given the appellant written notice of the Appeal Panel's determination.

48 Laying of a charge

- (1) The officer in charge of a brigade or an officer of the Authority nominated for the purpose by the Chief Officer may lay a charge for an offence under regulation 44.
- (2) A charge for an offence must be laid against a member within the prescribed period after the day on which the written investigation report is given under regulation 46(2).
- (3) The officer who lays the charge must give to the member charged a copy of the charge setting out the circumstances of the alleged offence.
- (4) In subregulation (2), *prescribed period* means—
 - (a) 30 days; or
 - (b) any other period not exceeding 60 days that the Chief Officer determines.

49 Hearing

- (1) The Chief Officer must, not less than 21 days before the day set for the hearing of a charge, give written notice of the time, date and place of the hearing to—
 - (a) the member charged; and
 - (b) the officer who laid the charge.
- (2) The officer who laid the charge must, not less than 14 days before the day set for the hearing of the charge, ensure that a copy of the investigation report given under regulation 46(2) is delivered to both the member charged and the Chief Officer.
- (3) The Chief Officer must hear the charge (unless the Chief Officer decides to dismiss the charge without a hearing) and—
 - (a) dismiss the charge; or

- (b) find the charge proven and impose one or more of the penalties referred to in regulation 45.

50 Hearing of a charge

- (1) At the hearing of a charge the person charged may be—
- (a) self-represented; or
 - (b) represented by another person.
- (2) The member charged may call, examine and cross-examine witnesses and make submissions.
- (3) The Chief Officer is not bound by the rules of evidence and must be informed by the best evidence available.
- (4) The Chief Officer must—
- (a) ensure procedural fairness; and
 - (b) in making a decision, have regard to the interests of justice and fairness.
- (5) Subject to these Regulations, the Chief Officer may conduct the hearing in any manner the Chief Officer reasonably thinks fit.
- (6) The Chief Officer may adjourn a hearing if the Chief Officer considers it necessary.
- (7) The Chief Officer must not discriminate against a person on the basis of evidence given by the person at the hearing of a charge or at an appeal under this Division.
- (8) Subregulation (7) does not prevent—
- (a) a charge being laid as a result of the person's evidence and the Chief Officer from hearing the charge in accordance with this Division; or

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- (b) the Authority taking legal proceedings or assisting in prosecutions or legal proceedings commenced by another person as a result of that evidence.

51 Notice of decision

The Chief Officer must, within 14 days after making a decision under regulation 49(3), give to the member charged written notice of the decision, including any penalty imposed.

52 Establishment of Appeal Panel

For the purposes of this Division there is established an Appeal Panel constituted by—

- (a) the chairperson of the Authority; and
- (b) a member of the Authority nominated by the chairperson of the Authority; and
- (c) a person nominated by Volunteer Fire Brigades Victoria Inc.

53 Right to appeal

- (1) A member may appeal to the Appeal Panel against a decision of the Chief Officer or a penalty imposed by the Chief Officer, or both, under regulation 49(3).
- (2) Notice of an appeal to the Appeal Panel must be—
 - (a) in writing; and
 - (b) lodged with the chairperson of the Authority not later than 14 days after the member has been given notice of the decision of the Chief Officer under regulation 51.

54 Setting down appeal

The Appeal Panel—

- (a) may, from time to time, determine the time and place at which appeals are to be heard; and
- (b) must ensure that, in respect of each appeal, the Chief Officer and the appellant receive not less than 14 days written notice of the time, date and place at which the hearing of the appeal will take place.

55 Appeal conducted as re-hearing

An appeal to the Appeal Panel is to be by way of a re-hearing.

56 Conduct of appeal

- (1) At a hearing of an appeal, the appellant may be—
 - (a) self-represented; or
 - (b) represented by another person.
- (2) The appellant may call, examine and cross-examine witnesses and make submissions.
- (3) The Appeal Panel is not bound by the rules of evidence and must be informed by the best evidence available.
- (4) The Appeal Panel must—
 - (a) ensure procedural fairness; and
 - (b) in making a decision, have regard to the interests of justice and fairness.
- (5) Subject to these Regulations, the Appeal Panel may conduct the hearing in any manner it reasonably thinks fit.
- (6) The Appeal Panel may adjourn the hearing of an appeal if it considers it necessary.

57 Determination and notification etc.

- (1) On the hearing of an appeal under this Division, the Appeal Panel—
 - (a) must set aside the order of the Chief Officer; and
 - (b) may make any order which the Appeal Panel thinks just and which the Chief Officer made or could have made; and
 - (c) may exercise any power which the Chief Officer exercised or could have exercised.
- (2) The chairperson of the Authority must, within 14 days after the making of the determination, give written notice to the appellant of the Appeal Panel's determination.

58 Member charged with criminal offence

A member who has been charged with an offence punishable by a term of imprisonment may be suspended from membership of the brigade by the Authority until the charge has been determined.

Division 5—Financial management

59 Appointment of secretary and treasurer

- (1) Subject to subregulation (2), a brigade—
 - (a) must appoint a secretary; and
 - (b) may appoint a treasurer.
- (2) The secretary and the treasurer, if one is appointed, of a brigade must be a member of that or another brigade.

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- (3) Subject to subregulation (4), a group of brigades—
 - (a) must appoint a secretary; and
 - (b) may appoint a treasurer.
 - (4) The secretary and treasurer, if one is appointed, of a group of brigades must be a member of one of the brigades in the group of brigades.

60 Financial records must be kept

The secretary of a brigade or group, or if the brigade or group has a treasurer, the treasurer of the brigade or group, must ensure that proper accounts and records of the financial transactions, affairs and assets of the brigade or group are kept.

61 Financial statements to be prepared and submitted to the Authority

- (1) As soon as practicable after the end of each financial year, the secretary of a brigade or group or, if the brigade or group has a treasurer, the treasurer must prepare financial statements that show the financial operations and financial position of the brigade or group for that year, and submit the financial statements to the Authority—
 - (a) not later than 1 August next after the end of the financial year; or
 - (b) if the Authority specifies any other date in relation to a brigade or group, not later than that date.
- (2) The Authority must give at least 28 days written notice of a date specified under subregulation (1)(b).
- (3) Financial statements submitted under subregulation (1) must be in the form specified by the Authority.

62 Authorisation to collect money

For the purposes of section 102 of the Act—

- (a) an authority to collect contributions or subscriptions for the purposes of any brigade, group or association must be in the form set out in Schedule 10; and
- (b) the prescribed condition is compliance with all laws relevant to any activities associated with the collection of contributions or subscriptions.

63 Property of the brigade—deregistration

If the registration of a brigade is cancelled by the Authority—

- (a) subject to paragraph (b), any personal property vested in a person on behalf of a brigade or a group of brigades must be distributed as determined by the Authority after consultation with the brigade; and
 - (b) any property referred to in paragraph (a) must not be distributed among the members of the brigade.
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PART 5—FORESTRY INDUSTRY BRIGADES

64 Responsibilities of a forestry industry brigade

A forestry industry brigade is responsible only for fire suppression on the plantation holdings of the relevant owner or group of relevant owners who formed the brigade.

65 Designation of areas

- (1) In designating an area for the formation of a forestry industry brigade, the Authority must—
 - (a) identify an area, within a radius of 25 kilometres of a central point determined by the Authority, with one or more plantation holdings amounting to an aggregate of not less than 500 hectares—
 - (i) located wholly or partially within the area; or
 - (ii) contiguous with plantation holdings located wholly or partially within the area; and
 - (b) ensure that the designated area consists of—
 - (i) any plantation holding referred to in paragraph (a); and
 - (ii) any plantation holding located elsewhere in Victoria the relevant owner of which is a relevant owner of a plantation holding referred to in paragraph (a) and which does not fall within the designated area for another forestry industry brigade.
- (2) Before designating an area for the formation of a forestry industry brigade, the Authority must consider the following matters—

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- (a) the size, location, topography, number and dispersion of the plantation holdings that will form the designated area;
 - (b) the characteristics of the area, including—
 - (i) the location of roads; and
 - (ii) the existing capacity for the suppression of fires; and
 - (iii) the past incidence of fire; and
 - (iv) the risk posed by fire to plantation holdings and the community.
- (3) Before designating an area for the formation of a forestry industry brigade, the Authority must consult with a committee appointed by the Minister on the proposal to designate the area and the matters set out in subregulation (2).
- (4) The committee must consist of—
- (a) at least one person experienced in the forestry industry; and
 - (b) at least one person experienced in fire-fighting in rural Victoria; and
 - (c) the Secretary to the Department of Justice or that Secretary's nominee.
- (5) At least 30 days before designating an area for the formation of a forestry industry brigade, the Authority must give all relevant owners of land in the area a notice—
- (a) specifying the reasons for the decision to designate the area; and
 - (b) identifying in a map form the area to be designated.

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- (6) The Authority must keep a register of designated areas for forestry industry brigades available for public inspection during business hours at its head office.
 - (7) The Authority may vary the designated area of a forestry industry brigade after consulting with the relevant owner or group of relevant owners.

66 Criteria for formation of forestry industry brigades

- (1) The Authority must have regard to the criteria under this regulation in determining whether to require a relevant owner or group of relevant owners to form a forestry industry brigade for a designated area.
- (2) If the aggregate plantation holdings of a relevant owner or group of relevant owners in the designated area are 10 000 hectares or more, the Authority must be satisfied that there is no other forestry industry brigade in another designated area that is able and willing to provide adequate services for the suppression of fires and the saving of life at fires in the designated area.
- (3) If the aggregate plantation holdings of a relevant owner or group of relevant owners in the designated area are less than 10 000 hectares, the Authority must be satisfied that—
 - (a) the aggregate plantation holdings of the relevant owner or group of relevant owners are 500 hectares or more; and
 - (b) there is no other forestry industry brigade in another designated area that is able and willing to provide adequate services for the suppression of fires in the designated area; and

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- (c) the formation of the forestry industry brigade is appropriate having regard to the following—
- (i) the adequacy of existing fire detection systems;
 - (ii) the first attack capability of the proposed brigade;
 - (iii) the apparatus available for undertaking the responsibilities of a forestry industry brigade;
 - (iv) the availability of competent persons to become members of the brigade;
 - (v) the fire suppression capacity of any other brigade in the designated area;
 - (vi) the fire hazard characteristics of the designated area.

67 Requirement for formation of forestry industry brigade

- (1) A requirement by the Authority under section 23AA(2) of the Act must—
- (a) be in writing; and
 - (b) state the reasons why the requirement to form the brigade has been made; and
 - (c) identify the officers and members which the Authority has determined are to be provided for the brigade at the expense of the relevant owner or group of relevant owners; and
 - (d) identify the apparatus for undertaking the responsibilities of the forestry industry brigade, which the Authority has determined is to be provided for the brigade at the expense of the relevant owner or group of relevant owners; and

- (e) state the Authority's operational and administrative requirements of the relevant owner or group of relevant owners; and
 - (f) state that the relevant owner or group of relevant owners must apply to the Authority for registration of the forestry industry brigade; and
 - (g) state that the relevant owner or group of relevant owners may apply to the Victorian Civil and Administrative Tribunal under section 23AA(4) of the Act for review of the requirement to form the brigade.
- (2) The Authority must consult with the relevant owner or group of relevant owners before determining the officers, members and apparatus to be provided for the forestry industry brigade.
 - (3) A requirement under section 23AA(2) of the Act must be given to the relevant owner or each relevant owner in the group of relevant owners to whom the requirement is directed.

68 Minimum requirements for apparatus

- (1) The minimum requirement for apparatus for a forestry industry brigade to be determined by the Authority under section 23AA of the Act is, in relation to a relevant owner to whom regulation 66(2) applies, one mobile fire-fighting unit that—
 - (a) is capable of traversing all roads and tracks in the designated area; and
 - (b) has a minimum water carrying capacity of 2500 litres; and
 - (c) is equipped with at least 30 metres of 19 millimetre hose connected to a fire-fighting nozzle and a pump of at least 5 horsepower.

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- (2) The minimum requirement for apparatus for a forestry industry brigade to be determined by the Authority under section 23AA of the Act is, in relation to a relevant owner or group of owners to whom regulation 66(3) applies, one or more mobile fire-fighting units that—
- (a) are capable of traversing all roads and tracks in the designated area; and
 - (b) have a minimum aggregate water carrying capacity of 800 litres; and
 - (c) are equipped with at least 30 metres of 19 millimetre hose connected to a fire-fighting nozzle and a pump of at least 5 horsepower.
- (3) In relation to a relevant owner or group of owners to whom regulation 66(3) applies, in determining the apparatus to be provided under section 23AA of the Act, the Authority must have regard to—
- (a) the minimum requirements set out in subregulations (1) and (2), as applicable; and
 - (b) the size of the designated area; and
 - (c) the criteria set out in regulation 66(3)(c).

69 Application for registration of a forestry industry brigade

An application under section 23AA(2)(b) of the Act for the registration of a forestry industry brigade must provide the following information—

- (a) the name of the person engaged or employed by a relevant owner who is proposed for appointment as the officer in charge of the forestry industry brigade;
- (b) the names of the persons engaged or employed by the relevant owner or group of relevant owners who are proposed for

appointment as officers and members of the forestry industry brigade;

- (c) a list of the apparatus to be used by the brigade for undertaking the responsibilities of the forestry industry brigade.

70 Operation of a forestry industry brigade

- (1) The relevant owner, or the group of relevant owners, in relation to a forestry industry brigade—
 - (a) is responsible for the operation and command of the forestry industry brigade in relation to the designated area; and
 - (b) must ensure that all apparatus and equipment of the forestry industry brigade is maintained in operational order; and
 - (c) may respond to calls to assist other brigades attending fires outside the designated area for which the forestry industry brigade is responsible.

Notes

1. Section 42(4) of the Act allows forestry industry brigades to assist other brigades in carrying out fire prevention and other work subject to the general direction of the Authority and Chief Officer.
2. Section 93B(1B) of the Act enables forestry industry brigades, in specified circumstances, to assist the Authority, a group of brigades or any brigade in the prevention or suppression of a fire or the protection of life and property outside the country area of Victoria, subject to the direction and control of the person or body having authority in that place.

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- (2) If a fire is detected in part of the designated area for which a forestry industry brigade is responsible, the officer in charge of the brigade must ensure that—
- (a) regular situation reports of fire suppression activities by the brigade are provided to the Chief Officer; and
 - (b) a fire incident report in a form approved by the Authority and containing any additional information that is requested by the Authority is given to the Authority in the manner required by the Authority at the conclusion of the fire incident.

71 Training

- (1) The minimum training requirements for officers and members of forestry industry brigades are the training requirements determined by the Authority under regulation 43 for members operating in forest areas.
- (2) An officer or member of a forestry industry brigade must comply with the training requirements applicable to that officer or member.

72 Cancellation of forestry industry brigade

If the Authority decides to cancel the registration of a forestry industry brigade, it must notify the relevant owner or the group of relevant owners of the decision, the reasons for the decision and the date from which the decision takes effect.

73 Certain regulations not to apply to forestry industry brigades

Parts 3 and 4 do not apply to forestry industry brigades, except where otherwise specified in this Part.

PART 6—COMPENSATION

Division 1—Compensation for members

74 Definitions

In this Division—

compensation includes compensation for losses referred to in regulation 75(1)(b) but does not include damages for personal injury;

current work capacity, in relation to a member, means a present inability arising from an injury such that the member is not able to return to the member's pre-injury employment but is able to return to work in suitable employment;

dependant means—

- (a) a person who at the time of the death of a member was wholly, mainly or partly dependant on the earnings of the member; or
- (b) a person who would, but for the incapacity of a member due to the injury, have been wholly, mainly or partly dependent on the earnings of the member;

family member, in relation to a person, means—

- (a) a spouse, domestic partner, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, step-brother or step-sister of that person; or
- (b) any person who stands in the place of a parent in relation to that person;

medical and like expenses means—

- (a) reasonable costs of the medical, hospital, nursing, personal and household, rehabilitation and ambulance services received by a member because of the personal injury; and
- (b) if death results from the personal injury, the reasonable costs incurred of family counselling services provided to the family members and dependants of the deceased member by a medical practitioner or registered psychologist and the reasonable costs of burial or cremation of the member;

member means a volunteer officer, a member of a brigade, an officer or member of a forestry industry brigade or a person not formally enrolled as a member of a brigade but who has applied for membership and is performing the duties performed by a member of a brigade;

motor car, motor vehicle, railway train and *tram* have the same meaning as in section 3 of the **Transport Accident Act 1986**;

no current work capacity, in relation to a member, means a present inability arising from an injury such that the member is not able to return to work, either in the member's pre-injury employment or suitable employment;

notional current weekly earnings in relation to a member means the weekly earnings the Authority determines the member could earn from time to time (including, but not limited to, the amount of any current weekly

earnings) in employment being the member's employment before the injury or in suitable employment, that the Authority determines the member is capable of performing despite the injury;

personal effects does not include money;

personal injury means physical or mental injury and includes a disease or death;

senior officer means the Chief Officer, an officer in charge of a brigade or group of brigades or an officer authorised by the Chief Officer to be a senior officer for the purposes of this Division;

serious injury means an injury to a member in respect of which the member's degree of impairment is 30% or more when assessed in accordance with—

- (a) the American Medical Association's Guides to the Evaluation of Permanent Impairment (Fourth Edition)(other than chapter 15); or
- (b) the Guide to the Evaluation of Psychiatric Impairment for Clinicians—

as amended, varied or substituted from time to time under the **Workplace Injury Rehabilitation and Compensation Act 2013**;

service as a member—

- (a) means—
 - (i) an attendance at a fire or an alarm of fire in respect of which a fire and incident report has been made to the Authority; or

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- (ii) an attendance at an incident under section 20A, 97, 97A or 97B of the Act or an activity performed under section 97C of the Act in respect of which a fire and incident report has been made to the Authority; or
 - (iii) participation in, or preparation for, a fire brigade practice or training carried out with the consent of a senior officer; or
 - (iv) carrying out duties or exercising powers under the Act or these Regulations; or
 - (v) carrying out routine fire brigade duties, including building or maintenance at a fire station or other Authority premises by the order or with the consent of a senior officer; or
 - (vi) participation in, or preparation for, a fire brigade competition held under section 103 of the Act (whether as a competitor, official or organiser); or
 - (vii) attendance at a properly constituted meeting of a body or an official organ of a body established under this Act (other than the Authority), or at a meeting, recognised by the Authority, of members of that body; or
 - (viii) participation in, or preparation for, an activity designed to assist the community or any brigade or

group of brigades, if the activity is approved by a properly constituted meeting of the brigade or group conducted in accordance with the rules of the brigade or group; and

- (b) includes travelling to and from the performance of a service referred to in paragraph (a); and
- (c) in the case of a member of a forestry industry brigade, subject to paragraph (d), includes—
 - (i) the services referred to in paragraph (a) if those services are performed under the command and control of the Chief Officer; and
 - (ii) any service performed under section 42 or section 93B of the Act; and
 - (iii) travelling to and from the performance of the services referred to in subparagraphs (i) and (ii); and
- (d) in relation to a forestry industry brigade member performing a service referred to in paragraph (c), excludes any service, or travel to or from the performance of that service, within the designated area of the forestry industry brigade;

suitable employment, in relation to a member, means employment in work for which the member is currently suited—

- (a) having regard to the following—
 - (i) the nature of the member's incapacity and the details provided in medical information including, but not limited to, the medical certificate supplied by the member in accordance with regulation 78;
 - (ii) the member's age, education, skills and work experience;
 - (iii) the member's place of residence;
 - (iv) any plan or document prepared as part of the return to work process;
 - (v) any occupational rehabilitation services that are being, or have been, provided to the member; and
- (b) regardless of whether—
 - (i) the work or the employment is available; and
 - (ii) the work or the employment is of a type that is generally available in the employment market;

transport accident means an incident directly caused by the driving of a motor car or motor vehicle, a railway train or a tram.

75 Entitlement to compensation

- (1) If a member, in the course of, or arising out of, performing service as a member—
 - (a) suffers a personal injury; or

- (b) suffers destruction, damage or loss of—
 - (i) wearing apparel or personal effects worn while performing the service; or
 - (ii) a motor vehicle, equipment or property (other than aircraft) owned by, or in the possession of, the member and used in the performance of the service—

the member is entitled to compensation.

- (2) If a member suffers a personal injury in the course of, or arising out of, performing service as a member which results in, or materially contributes to, the member's death, the family members and dependants of the member are entitled to compensation under this Division.

76 Property loss and damage

- (1) The amount of compensation payable in respect of destruction, damage or loss of wearing apparel, personal effects, a motor vehicle, equipment, or other property, is the amount the Authority considers reasonable for the indemnification for the destruction, damage or loss.
- (2) Despite subregulation (1)—
 - (a) the amount of compensation payable in respect of destruction, damage or loss of wearing apparel or personal effects must not exceed an amount determined by the Authority from time to time; and
 - (b) if the member is entitled to reimbursement under any policy of insurance or from any other source, the amount of compensation payable under this regulation is an amount equivalent to any financial loss, related to the destruction, damage or loss, which remains after that reimbursement and is determined reasonable by the Authority.

77 Damages

- (1) If, in respect of a personal injury—
- (a) compensation is paid under this Division;
and
 - (b) an award of damages or compensation is paid by or on behalf of, or a compromise or settlement is reached with, a person or body other than the Authority—

the member or person to whom the compensation is paid must pay to the Authority an amount equal to—

- (c) if the amount paid under the award, compromise or settlement exceeds the amount of compensation paid under this Division, the total amount of compensation received under this Division; or
 - (d) if the amount paid under the award, compromise or settlement is equal to or less than the amount of compensation paid under this Division, the proportion of the amount of compensation received under this Division (including medical and like expenses paid by the Authority) that is determined by the Authority.
- (2) The Authority may recover money payable to the Authority under subregulation (1) in a court of competent jurisdiction as a debt due to the Authority.
- (3) If, in respect of a personal injury—
- (a) compensation is payable under this Division;
and

(b) an award of damages or compensation is paid by or on behalf of, or a compromise or settlement is reached with, a person or body other than the Authority—

the entitlement under this Division of the member or the person to whom compensation is payable is to be reduced by an amount equal to the amount paid under the award, compromise or settlement paid to the member or person.

(4) If, in respect of a personal injury—

(a) compensation is payable under these Regulations; and

(b) an award of damages is paid by or on behalf of the Authority—

then the following apply in respect of that personal injury—

(c) there is no entitlement to compensation under this Division in respect of that personal injury;

(d) if any amount has been paid in compensation under these Regulations before the award of damages, an amount equal to the amount paid in compensation must be deducted from the amount of damages recoverable from the Authority.

(5) This regulation does not apply to a compromise or settlement reached in respect of a personal injury sustained before 1 July 2014.

78 Making a claim

(1) A claim must—

(a) be in the form approved by the Victorian WorkCover Authority for the purposes of—

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- (i) for a claim relating to injuries sustained before 1 July 2014, the **Accident Compensation Act 1985**; or
 - (ii) for a claim relating to injuries sustained on or after 1 July 2014, the **Workplace Injury Rehabilitation and Compensation Act 2013**; and
- (b) in the case of a claim for destruction, damage or loss of personal property, include an estimate of the cost of the destruction, damage or loss; and
- (c) in the case of a claim for personal injury—
- (i) be in a form approved by the Authority; and
 - (ii) if a claim for loss of income is made, be accompanied by—
 - (A) a medical certificate in the form required by subregulation (2) in respect of a period of incapacity not exceeding 28 days; and
 - (B) proof of loss of earnings, including but not limited to taxation returns, profit and loss statements, PAYG pay assessments, statements from an employer or the member's accountant; and
 - (iii) if the personal injury arose out of a transport accident, be accompanied by the police report required by regulation 82; and
 - (iv) in respect of the death of a member, be accompanied by a copy of the death certificate.

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- (2) A medical certificate must—
- (a) be in the form approved by the Victorian WorkCover Authority for the purposes of the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013**, as the case may be; and
 - (b) be issued by a medical practitioner; and
 - (c) specify the expected duration of the member's incapacity and whether the member has a current work capacity or has no current work capacity during the period, not exceeding 28 days, stated in the certificate.
- (3) Despite subregulation (2)(c), the Authority may accept a medical certificate covering a period exceeding 28 days if the certificate states reasons why the certificate covers the longer period.
- (4) A medical certificate is of no effect to the extent that it relates to a period of time more than 90 days after the date the certificate is issued, unless the Authority otherwise determines.
- (5) Subject to regulation 80, a claim must be lodged with—
- (a) the officer in charge of the brigade to which the member belonged; or
 - (b) if the member or the claimant is the officer in charge of a brigade, the operational employee determined by the Authority for the purpose of receiving the claim—
- at the time of the destruction, damage or loss of personal property or of the personal injury, as the case may be.

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- (6) If a claim for compensation or the material accompanying the claim for compensation is incomplete or is insufficient to enable the Authority to make a determination of the claim, the Authority may request further information from the member or the claimants before determining the claim.

79 Report by officer in charge

- (1) Subject to subregulation (2), the officer in charge of the brigade who receives a claim under regulation 80 must lodge with the Authority as soon as practicable—
- (a) the claim form and medical certificate (if any); and
 - (b) a statement, signed by the officer in charge of the brigade, of the circumstances of the incident giving rise to the claim for compensation and the opinion of the officer as to the claim; and
 - (c) a report from any person who witnessed the incident giving rise to the claim for compensation.
- (2) If the member or claimant is the officer in charge of the brigade, the operational employee determined by the Authority for the purpose of this subregulation, must ensure that subregulation (1) is complied with.

80 Some personal injury claims may be lodged with Authority

- (1) A claim for personal injury may be lodged directly with the Authority if, after considering a request made under subregulation (2), the Authority is satisfied that in the circumstances it is not practicable for the member or claimants to lodge the claim in accordance with regulation 78(5).

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- (2) A request must specify—
- (a) that the member or claimants propose to make a claim for personal injury; and
 - (b) that, in the circumstances, it is not practicable for the member or claimants to lodge the claim in accordance with regulation 78(5); and
 - (c) the circumstances that make lodgement of the claim, in accordance with regulation 78(5), impracticable.
- (3) The Authority must advise the member or claimants who made a request under this regulation of its decision to receive or not receive a claim for personal injury directly from the member or claimants as soon as practicable after receiving the request.

81 Authority may request report by officer in charge

- (1) Subject to subregulation (3), if a claim for personal injury is received by the Authority directly under regulation 80, the Authority may give a copy of the claim to the officer in charge of the brigade to which the member belonged at the time of the personal injury.
- (2) Subject to subregulation (3), if a claim for personal injury is received by the Authority directly under regulation 80, the Authority may request the officer in charge of the brigade to which the member belonged at the time of the personal injury to give the Authority—
 - (a) a statement, signed by the officer in charge, of the circumstances of the incident giving rise to the claim for compensation and the opinion of the officer as to the claim; and

- (b) a report from any person who witnessed the incident giving rise to the claim for personal injury.
- (3) If the claim for personal injury is lodged by the officer in charge of a brigade, the Authority may deal with the operational employee referred to in regulation 78(5)(b) in accordance with subregulations (1) and (2).

82 Transport accident

If a member suffers property loss or damage, or a personal injury arising out of a transport accident, the member must—

- (a) make a report to a police officer concerning the circumstances of the transport accident; and
- (b) provide a copy of the police report to the Authority when lodging the claim for compensation.

83 Determination of claims

- (1) The Authority must—
 - (a) enquire into the circumstances of every claim lodged; and
 - (b) determine the claim as soon as possible.
- (2) In determining a claim for compensation, the Authority—
 - (a) has power to do all things necessary or expedient to determine the claim for compensation; and
 - (b) must give consideration—
 - (i) for a claim relating to injuries sustained before 1 July 2014, to the matters set out in sections 5, 5AC, 5AE, 5B, 82, 82A, 82B, 82C, 82D, 83, 86, 88, 89, 90,

91 (except subsection (2)), 92 (except subsection (7)), 93, 93CE, 93E, 93EA, 93F, 96, 96A, 97, 98, 98A, 99AAA, 99, 99AA, 99AC, 99AD, 99A, 100, 111 and 112 of the **Accident Compensation Act 1985**; or

- (ii) for a claim relating to injuries sustained on or after 1 July 2014, to the matters set out in sections 92, 98 and 98A of the **Accident Compensation Act 1985** and sections 3, 6, 7, 27, 39, 40, 41, 42, 43, 44, 45, 46, 50, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 152, 156, 158, 160, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 222, 223, 224, 226, 228, 229, 231, 232, 542 of, and clause 25 of Schedule 1 to, the **Workplace Injury Rehabilitation and Compensation Act 2013**—

with any variations that are necessary, and in so far as they are not inconsistent with these Regulations; and

- (c) in determining a claim for the destruction, damage or loss of personal property owned by, or in the possession or control of, a member, may take into account the negligence of the member after considering any additional material and submissions provided by the member; and
- (d) in determining a claim for compensation arising from the death of a member, may take into account the receipt by the member of—
- (i) income from employment of, or work performed by, the member; or

- (ii) a pension, regular annuity or benefit payable under a law enacted in Victoria or any other Australian jurisdiction or an amount payable under a policy of insurance in respect of loss of earnings or income.

84 Entitlement to compensation exists regardless of whether a member is a worker

A member is not debarred from compensation in respect of personal injury caused to the member in the course of or arising out of service as a member by reason only that the member was not, at the relevant time, a worker within the meaning of the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013** as the case may be.

85 Average weekly earnings

In determining the average weekly earnings of a member, the Authority—

- (a) must take into account information supplied by or on behalf of the member; and
- (b) may take into account any or all of the following—
 - (i) the average weekly earnings payable under a relevant industrial award to a person with the member's skills, qualifications and experience;
 - (ii) the average weekly earnings of a comparable person as published by the Australian Bureau of Statistics (ABS);
 - (iii) the reasonable cost of paying a person to perform the work the member is unable to perform as a result of the personal injury suffered while serving as a member;

- (iv) the member's employment by an employer before the injury;
 - (v) other relevant matters; and
- (c) if the member was not working under a contract of service at the time of the injury, may calculate average weekly earnings on any basis that, in the opinion of the Authority, most fairly reflects the worker's earning capacity had the injury not occurred to the member.

86 Interim payment

- (1) The Authority, before determining a claim for compensation for personal injury, may make an interim payment—
 - (a) for loss of income, calculated in accordance with regulation 85, for a period not exceeding 6 weeks; and
 - (b) for reasonable medical and like expenses for a period not exceeding 6 weeks.
- (2) A payment under subregulation (1) is subject to the provision of a medical certificate in accordance with regulation 78.
- (3) Subject to subregulations (4) and (5), if it appears to the Authority that a person may be entitled to compensation in respect of the death of a member, the Authority may, before determining the claim, make interim payments to the person as follows—
 - (a) a weekly payment for a period of up to 12 weeks from the date of death of the member in an amount the Authority considers reasonable; and
 - (b) a payment for reasonable medical and like expenses up to a maximum amount determined by the Authority.

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- (4) Only one spouse or domestic partner may receive interim payments under subregulation (3)(a).
 - (5) The total amount of interim payments paid to each person entitled to compensation in respect of the death of a member under subregulation (3) must not exceed the maximum amount determined by the Authority.
 - (6) If the Authority determines that compensation is payable, the compensation payable is to be reduced by the amount of any interim payment made under this regulation.
 - (7) A payment made under subregulation (1) or subregulation (3) is not an admission of liability to pay compensation in respect of the claim.

87 Payment of medical expenses

Payments made by the Authority for reasonable medical and like expenses incurred by a member are deemed to be payments made in satisfaction of a claim lodged by, or on behalf of, the member.

88 Medical certificates and examinations

- (1) The Authority may, from time to time, require a member who is receiving compensation payments from the Authority to attend any medical, rehabilitation, vocational or like examination with a medical practitioner or health professional nominated by the Authority.
- (2) If a member—
 - (a) unreasonably fails to provide a certificate required by the Authority; or
 - (b) unreasonably fails to attend or undergo a medical or like examination required by the Authority; or

(c) unreasonably obstructs an examination referred to in paragraph (b)—

the Authority may suspend compensation payments until the certificate is provided, the examination takes place or the obstruction ceases.

(3) The Authority must pay the cost of medical or like examinations referred to in subregulation (1).

89 Duty to advise Authority

(1) A member who is receiving from the Authority compensation payments for loss of income must advise the Authority of—

- (a) an alteration in the member's weekly earnings by reason of a change in employment circumstances; and
- (b) the member's return or partial return to work; and
- (c) a change in the member's capacity to return, or partially return, to work.

(2) A member or claimant who has received or is receiving compensation from the Authority must advise the Authority of—

- (a) any claim lodged against a person or body other than the Authority for compensation or damages for the same personal injury for which the Authority has paid compensation under this Division; and
- (b) any award of compensation or damages payable by, or any compromise or settlement reached with, a person or body other than the Authority for the same personal injury for which the Authority has paid compensation under this Division.

90 Alteration of weekly payments by request

- (1) A member who is receiving compensation for loss of income may apply in writing to the Authority for an increase or reduction in the amount of weekly payments and must specify the reasons for the application and provide the Authority with supporting evidence.
- (2) The Authority must—
 - (a) accept or reject the application; and
 - (b) give the member a written statement of its decision and the reasons for its decision; and
 - (c) if the Authority accepts the application, specify the new level of weekly payments and commencement date (if applicable).

91 Reduction of weekly payments

- (1) The Authority may, in accordance with regulation 93, reduce weekly payments on one or more of the following grounds—
 - (a) there is not, or is no longer, an entitlement to weekly payments at the existing amount;
 - (b) the member has returned to work;
 - (c) the member's current weekly earnings have altered by reason of a change in employment circumstances;
 - (d) the Authority considers that the member unreasonably did not accept—
 - (i) an offer of suitable employment; or
 - (ii) an offer of suitable employment which would result in increased weekly earnings;
 - (e) the member's current work capacity warrants a reduction of weekly payments.

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- (2) When a member has received weekly payments for loss of income in respect of an aggregate period of 156 weeks (whether consecutive or not), the Authority must reduce weekly payments, in accordance with regulation 93, to—
- (a) if the member has a serious injury as determined by the Authority or has no current work capacity for suitable employment, 90% of the member's pre-injury average weekly earnings as determined by the Authority;
 - (b) if the member has a current work capacity for suitable employment, 70% of the member's pre-injury average weekly earnings as determined by the Authority—

less the member's current weekly earnings, or notional current weekly earnings as determined by the Authority.

92 Termination of weekly payments

The Authority may, in accordance with regulation 93, terminate weekly payments on one or more of the following grounds—

- (a) there is not, or is no longer, an entitlement to weekly payments;
- (b) the member has returned to work;
- (c) the member's current weekly earnings have altered by reason of a change in employment circumstances;
- (d) the Authority considers that the member unreasonably did not accept—
 - (i) an offer of suitable employment; or

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- (ii) an offer of suitable employment which would result in increased weekly earnings or greater employment opportunities;
 - (e) if the member accepted an offer of suitable employment, the Authority considers that the member—
 - (i) did not actively take up the employment; or
 - (ii) took up the employment but did not make a reasonable attempt to continue in, or carry out that employment;
 - (f) the Authority considers that the member did not make every reasonable effort to—
 - (i) participate in an occupational rehabilitation service or return to work plan; or
 - (ii) return to work in suitable employment; or
 - (iii) participate in assessments of the member's capacity, rehabilitation progress and future employment prospects when requested to do so from time to time by the Authority or its health professionals;
 - (g) the Authority considers that the member's capacity or availability for employment has been materially reduced due to a cause that—
 - (i) is within the member's control; and
 - (ii) is not related to the personal injury entitling the member to weekly payments.

93 Procedure for increase, reduction or termination

The Authority may increase, reduce or terminate weekly payments of a member by serving the member with a written notice which must state—

- (a) in the case of an increase or reduction—
 - (i) the new level of weekly payments; and
 - (ii) when the new level of weekly payments will commence; and
- (b) in the case of a termination, when weekly payments will stop; and
- (c) the reasons for the increase, reduction or termination of weekly payments.

94 Redemption of weekly payments and medical expenses

The Authority, by agreement with a member entitled under this Division to weekly payments or medical and like expenses, may redeem the member's future entitlement to weekly payments or medical and like expenses under this Division by paying the member the sum agreed between the member and the Authority.

Division 2—Compensation for casual fire-fighters and volunteer auxiliary workers

95 Claims procedure

- (1) A claim for compensation under Part V of the Act must, with any variations that are necessary, comply with regulations 78 and 82.

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- (2) Subject to regulation 97, a claim must be lodged—
- (a) in the case of a claim by a casual fire-fighter, with the officer in charge of operations at the fire giving rise to the claim for compensation; or
 - (b) in the case of a claim by a volunteer auxiliary worker, with the secretary of the brigade or the group secretary of the group of brigades who appointed the person as a volunteer auxiliary worker.

96 Duty of officer in charge

The person with whom a claim is lodged under regulation 95(2) or any other officer designated by the Authority, must, as soon as practicable—

- (a) obtain a statement from any person who witnessed the incident giving rise to the claim for compensation; and
- (b) forward to the Authority the statement, together with a report of the circumstances of the incident giving rise to the claim for compensation and provide an opinion as to the claim.

97 Some claims for compensation may be lodged with Authority

- (1) A claim for compensation under Part V of the Act in respect of personal injury may be lodged directly with the Authority if, after considering a request made under subregulation (2), the Authority is satisfied that in the circumstances it is not practicable for the casual fire-fighter or volunteer auxiliary worker to lodge the claim in accordance with regulation 95(2).

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- (2) A request must specify—
- (a) that the casual fire-fighter or volunteer auxiliary worker proposes to make a claim for personal injury; and
 - (b) that, in the circumstances, it is not practicable for the casual fire-fighter or volunteer auxiliary worker to lodge the claim in accordance with regulation 95(2); and
 - (c) the circumstances that make lodgement of the claim in accordance with regulation 95(2) impracticable.
- (3) The Authority must advise the casual fire-fighter or volunteer auxiliary worker who made a request under this regulation of its decision to receive or not receive a claim for personal injury directly from the casual fire-fighter or volunteer auxiliary worker as soon as practicable after receiving the request.

98 Authority may provide claim to officer in charge or brigade Secretary

If a claim for personal injury is received by the Authority directly under regulation 97, the Authority may give a copy of the claim to—

- (a) in the case of a claim made by a casual fire-fighter, the officer in charge of operations at the fire giving rise to the claim for compensation; or
- (b) in the case of a claim made by a volunteer auxiliary worker, the Secretary of the brigade or the group of brigades who appointed the person as a volunteer auxiliary worker.

99 Authority may request report

If a claim for personal injury is received by the Authority directly under regulation 97, the officer in charge of operations at the fire giving rise to the claim for compensation, the relevant Secretary of the brigade or the group of brigades or any other officer designated by the Authority, must, on request by the Authority—

- (a) obtain a statement from any person who witnessed the incident giving rise to the claim for compensation in respect of a personal injury; and
 - (b) forward to the Authority the statement together with a report of the circumstances of the incident giving rise to the claim for compensation and provide an opinion as to the claim.
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PART 7—FEES AND CHARGES

100 Fire protection charges

- (1) The Authority may, from time to time, fix fees and charges for the following services provided by the Authority or officers of the Authority—
 - (a) inspections in relation to applications made under the **Building Act 1993**;
 - (b) the provision of advice on fire prevention and suppression matters;
 - (c) the testing and inspection of fire prevention and suppression equipment.
- (2) The person requesting a service referred to in subregulation (1) must pay the fee or charge fixed by the Authority for the service.

101 Emergency attendances

- (1) The following persons are liable to pay the relevant fee referred to in subregulation (3)—
 - (a) the owner, occupier or owners corporation of premises on which is installed—
 - (i) an automatic fire alarm system; or
 - (ii) equipment designed to detect a fire or other emergency conditions and transmit a signal of the detection—for the attendance of a brigade in response to a false alarm of fire given by or originating from the system or equipment if the Authority is not satisfied that there was a reasonable excuse for the occurrence of the false alarm;

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- (b) if ordered to do so by a court, a person who has been convicted of giving or causing to be given a false report of fire under section 107B of the Act, for the attendance of a brigade in response to the false report;
 - (c) the owner or master of a vessel, for the attendance of a brigade in response to a fire on the vessel;
 - (d) in respect of an attendance of a brigade in special circumstances requiring the protection of life or property in case of fire, the person requiring the attendance or the owner or occupier, as the case may be;
 - (e) in respect of an attendance of a brigade in response to a hazardous material incident—
 - (i) the owner or occupier of the premises at which the incident occurred; or
 - (ii) if the incident occurred on a street, road or highway (however described), the owner or driver of the vehicle transporting the hazardous material involved in the incident.
- (2) If more than one person is liable under subregulation (1) to pay a relevant fee, each person referred to is liable to pay the fee.
 - (3) The fee in respect of each appliance in attendance for each 15 minutes or part of 15 minutes during which the appliance is absent from its station is 39.45 fee units.
 - (4) A person who is liable to pay a fee under subregulation (3) for the attendance of a brigade in response to a hazardous material incident must, in addition to the fee required under that regulation, pay a charge to the Authority which is the amount equivalent to the cost of the incident calculated in accordance with subregulation (5).
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- (5) The additional cost of attending a hazardous material incident is determined by calculating the expenses incurred by the Authority in attending or dealing with the effects of the incident and shall be determined by assessing the following costs—
- (a) the cost of obtaining advice as to the chemical analysis and the environmental impact of materials involved in the incident or its containment;
 - (b) the cost of testing, cleaning, maintaining, repairing or replacing protective equipment;
 - (c) the costs of removal and disposal of materials;
 - (d) the cost of products purchased for or consumed in neutralising the hazard involved in the incident;
 - (e) the cost of hiring and operating equipment and vehicles to deal with the hazard involved in the incident;
 - (f) the cost of medical and like expenses in testing and treating any persons injured, or at risk of injury, in attending the incident in accordance with the Act or regulations;
 - (g) the cost of transporting any persons to deal with the hazard involved in the incident;
 - (h) the cost of any accommodation and meals for any persons attending the incident in accordance with the Act or regulations;
 - (i) any other costs incurred by the Authority in attending the incident or dealing with the effects of the incident.

102 Property protection and loss mitigation services

Subject to any direction given by the Minister under section 6A of the Act, the Authority may set charges under section 97C(2) of the Act as the Authority considers appropriate.

103 Road accident rescue

- (1) In respect of road accident rescue services provided to persons entitled to compensation under section 60(2)(a) of the **Transport Accident Act 1986**, the Authority may charge the Transport Accident Commission fees agreed with the Commission, having regard to the matters set out in subregulation (4).
- (2) In respect of road accident rescue services provided to persons entitled to compensation under section 99(1)(a) of the **Accident Compensation Act 1985** in relation to injuries sustained before 1 July 2014, the Authority may charge the person or body responsible for payment of compensation under that section the fees agreed with that person or body, having regard to the matters set out in subregulation (4).
- (3) In respect of road accident rescue services provided to persons entitled to compensation under section 224(1)(a) of the **Workplace Injury Rehabilitation and Compensation Act 2013**, in relation to injuries sustained on or after 1 July 2014, the Authority may charge the person or body responsible for payment of compensation under that section the fees agreed with that person or body, having regard to the matters set out in subregulation (4).

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- (4) The fees agreed for the purposes of this regulation must take into account—
- (a) the relevant portion of the purchase or replacement cost of vehicles, equipment and protective clothing used to provide the services and other items used for the service; and
 - (b) the operating costs of providing the services, including maintenance costs and the costs of employing staff to operate the services; and
 - (c) the organisational costs, including the cost of training people to provide the services, the coordination of the services, the welfare of people providing the services and the corporate support costs incurred in providing the services; and
 - (d) any other costs incurred in providing the services.
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PART 8—FIRE PREVENTION

Division 1—Fire prevention committees

104 Election of representatives of groups of brigades on regional fire prevention committees

- (1) For the purposes of section 52(2)(b) of the Act, the prescribed manner for selection of delegates of each brigade in a group of brigades is by election at a meeting of the brigade where—
 - (a) the candidate who receives a majority of votes of members present and eligible to vote is to be elected; and
 - (b) if the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine who is to be elected as the delegate.
- (2) For the purposes of section 52(2)(b) of the Act, the prescribed manner for election of representatives is as follows—
 - (a) not later than 45 days after receipt of notice from the Authority that an election is required, the secretary of each group of brigades operating in the region must call a meeting of the delegates of the group;
 - (b) at the meeting, a ballot must be held and the candidate who receives the majority of the votes of persons present and eligible to vote and the person who receives the next highest number of votes of persons present and eligible to vote are to be declared elected;
 - (c) if the highest number of votes is received by 2 candidates who receive an equal number of votes, they are both to be declared elected;

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- (d) if the highest number of votes is received by more than 2 candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine the 2 candidates to be declared elected.
 - (3) The secretary of the group must give written notice to the Authority of the names and addresses of the persons elected as representatives of the group.
 - (4) For the purposes of section 56(b) of the Act, the prescribed time within which a group of brigades must elect a representative is 90 days.

105 Election of representatives of municipal councils to regional fire prevention committees

- (1) For the purposes of section 52(2)(d) of the Act, the prescribed manner for election of representatives is set out in this regulation.
- (2) At the next council meeting after a municipal council receives written notice from the Authority that the council's nomination is required, the council must nominate a candidate.
- (3) Without delay, the council must notify the executive officer of the relevant regional fire prevention committee of the name of the nominee.
- (4) Not less than one month after the request to each municipal council requiring a nomination, the executive officer of the regional fire prevention committee must forward to each municipal council a ballot paper containing the names of all nominees and a notice specifying the closing date for returns.
- (5) After the closing date for returns, the executive officer of the regional fire prevention committee must, in accordance with Schedule 11, declare elected—

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- (a) 2 candidates as members of the regional fire prevention committee; and
 - (b) for the purposes of section 52(2B)(c) and (2C) of the Act, 2 candidates as deputy members of the regional fire prevention committee.
- (6) The ballot paper under subregulation (4) must—
- (a) contain names, in alphabetical order of the nominees; and
 - (b) identify the municipal council that nominated each person; and
 - (c) call on the municipal council to elect a representative by placing numbers, in order of preference, against the name of each nominee so that the smaller the number the higher the preference.
- (7) Ballot papers that are not received by the executive officer of the regional fire prevention committee by the closing date of returns must be disregarded in the counting of the ballot.
- (8) A municipal council must give written notice to the Authority of the names and addresses of the persons elected as representatives of the Council.
- (9) For the purposes of section 56(b) of the Act, the prescribed time within which a municipal council must elect representatives is 90 days.

106 Election of brigade representatives to municipal fire prevention committees

- (1) For the purposes of section 54(2)(b) of the Act, the prescribed manner for election of representatives is as follows—
 - (a) not later than 45 days after receipt of notice from the Authority that an election is required, the secretary of each brigade

- operating within the area must call a meeting of the brigade;
- (b) at the meeting, a ballot must be held and the candidate who receives the majority of the votes of persons present and eligible to vote is to be declared elected;
 - (c) if the highest number of votes are received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine the candidate to be declared elected.
- (2) The secretary of the group must give written notice to the Authority of the name and address of the person elected as representative of the brigade.
 - (3) For the purpose of section 56(b) of the Act, the prescribed time within which a brigade must elect a representative is 90 days.

107 Election of representatives of groups of brigades on municipal fire prevention committees

- (1) For the purposes of section 54(2)(c) of the Act, the prescribed manner for selection of delegates of each brigade in a group of brigades is by election at a meeting of the brigade where—
 - (a) the candidate who receives a majority of votes of members present and eligible to vote is to be elected; and
 - (b) if the highest number of votes are received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine who is to be elected as the delegate.
- (2) For the purposes of section 54(2)(c) of the Act, the prescribed manner for election of representatives is as follows—

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- (a) not later than 45 days after receipt of notice from the Authority that an election is required, the secretary of each group of brigades operating in the area must call a meeting of the delegates of the group;
 - (b) at the meeting, a ballot must be held and the candidate who receives the majority of the votes of persons present and eligible to vote is to be declared elected;
 - (c) if the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine the candidate to be declared elected.
- (3) The secretary of the group must give written notice to the Authority of the name and address of the person elected as representative of the group.
 - (4) For the purposes of section 56(b) of the Act, the prescribed time within which a representative must be elected is 90 days.

108 Minutes of meetings

The person presiding at a meeting of a municipal fire prevention committee or a regional fire prevention committee must—

- (a) cause minutes of the meeting to be made and recorded; and
- (b) send a copy of the minutes to each member of the committee and to the officer in charge of the relevant fire control region; and
- (c) make the minutes available to the Authority on request.

Division 2—Permits granted during a fire danger period

109 Grant of permits to burn

- (1) A permit granted during a fire danger period under section 38(1) of the Act must be—
 - (a) in the form of Schedule 12 if the permit is granted to the officer in charge of a brigade to enable the brigade to burn off grass, stubble, weeds, scrub, undergrowth or other vegetation (whether dead or alive) or other material; or
 - (b) in the form of Schedule 13 if the permit is granted to a person, other than the officer in charge of a brigade, to enable the person to burn off grass, stubble, weeds, scrub, undergrowth or other vegetation (whether dead or alive) or other material; or
 - (c) in any other case, in the form of Schedule 14.
- (2) The person granting a permit under section 38(1) of the Act must—
 - (a) sign the permit; and
 - (b) in the case of a permit referred to in subregulation (1)(b) or (c), send a copy of the permit to the officer in charge of the brigade in whose brigade area the fire is to be lit.

110 Production of permit on demand

The holder of a permit to light a fire during the fire danger period must, on demand by the Chief Officer, the officer in charge of a brigade, a fire prevention officer, a forest officer or a police officer, produce the permit (or a copy of the permit) for inspection.

Division 3—Fire prevention measures

111 High fire risk activities

- (1) For the purposes of section 39E(2)(a) of the Act, the following activities are prescribed to be high fire risk activities—
- (a) welding;
 - (b) gas cutting;
 - (c) soldering;
 - (d) grinding;
 - (e) charring;
 - (f) the use of power operated abrasive cutting discs.
- (2) For the purposes of section 39E(2)(b) of the Act, the prescribed conditions are—
- (a) that the person ensures that, in conducting or engaging in the conduct of a high risk activity—
 - (i) a shield or guard of fire resistant material is placed or erected in such a way as to prevent the emission of sparks, hot metal or slag; and
 - (ii) the area for a radius of at least 1.5 metres from the activity is clear of all flammable material or wetted down sufficiently to prevent the spread of fire; and
 - (iii) there is available for immediate use in the event of fire a reticulated water supply or an effective water spray pump of the knapsack pattern with a tank capacity of not less than 9 litres and fully charged with water; and

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- (iv) cut-offs and electrode stubs from the activity are placed directly in a fire proof receptacle; or
 - (b) that conducting or engaging in the conduct of a high risk activity is reasonable in the circumstances to—
 - (i) prevent the occurrence of a fire; or
 - (ii) extinguish or restrict the spread of a fire; or
 - (iii) protect life or property; or
 - (c) that conducting or engaging in the conduct of the high risk activity is for the purpose of training in fire-fighting techniques that—
 - (i) take place at a designated training venue approved by the Chief Officer; and
 - (ii) have been approved by the Chief Officer.

112 Fire prevention notices

- (1) For the purposes of section 41(3)(a) of the Act, a fire prevention notice must be in the form set out in Schedule 15.
- (2) For the purposes of section 41A(3)(b) of the Act—
 - (a) the prescribed form of notice is set out in Schedule 16; and
 - (b) the prescribed particulars are—
 - (i) the substance of the steps to be taken to remove or minimise the threat of fire which are contained in the fire prevention notice; and

-
- (ii) the date by which the owner or occupier must comply with the fire prevention notice; and
 - (iii) the address of the property or properties to which the fire prevention notice relates; and
 - (iv) the name and position of the person who is serving the notice.
- (3) A fire prevention notice in the form set out under regulation 108(1) of the Country Fire Authority Regulations 2004 for the purposes of section 41(3)(a) of the Act is taken to have been in the form prescribed by this regulation.
- (4) A form of notice set out under regulation 108(2) of the Country Fire Authority Regulations 2004 for the purposes of section 41A(3)(b) of the Act is taken to have been in the form prescribed by this regulation.

113 Vehicular heat engines

- (1) For the purposes of section 50(2)(c) of the Act, the prescribed fire suppression equipment is—
- (a) at least one water spray pump of the knapsack pattern that—
 - (i) is in proper working order; and
 - (ii) is fully charged with water; and
 - (iii) has a tank capacity of not less than 9 litres; and
 - (iv) complies with AS 1687; or

-
- (b) at least one water (stored pressure) fire extinguisher that—
- (i) is in proper working order; and
 - (ii) is fully charged with water and maintained at the correct pressure; and
 - (iii) has a tank capacity of not less than 9 litres; and
 - (iv) complies with AS/NZS 1841.1.
- (2) For the purposes of section 50(5) of the Act, a spark arrester must comply with AS 1019.

114 Non vehicular heat engines

- (1) In this regulation, *fire danger period* includes a prohibited period declared under section 3 of the **Forests Act 1958**.
- (2) This regulation does not apply to—
- (a) a heat engine propelling or incorporated in a vehicle or machine to which section 50 of the Act applies; or
 - (b) a chainsaw, plant or grass trimmer or lawn mower used in green vegetation.
- (3) A person must not use a heat engine in the open air in the country area of Victoria (not including a fire protected area), unless—
- (a) the heat engine is fitted with an efficient spark arrester; and
 - (b) if a fire danger period is in force in the area of use—
 - (i) the area around the heat engine is cleared of flammable material for a radius of not less than 3 metres; or

- (ii) subject to subregulation (4), a person, who has the capacity and the means to extinguish a fire, is in attendance at all times the heat engine is in operation together with fire suppression equipment referred to in regulation 113(1) or other fire suppression equipment of the type and number approved by the Chief Officer.

Penalty: 10 penalty units.

- (4) The Chief Officer may exempt a person from compliance with subregulation (3)(b)(ii) where the Chief Officer considers it appropriate in the circumstances.

115 Sawmills

For the purposes of section 49 of the Act—

- (a) the disposal by burning of sawdust, bark edgings, wood or other flammable material must take place in a pit or burner—
 - (i) approved by the Chief Officer; and
 - (ii) operated and maintained to the satisfaction of the Chief Officer; and
- (b) at any time a fire is burning in the pit or burner—
 - (i) the number of adults specified by the Chief Officer must be present; and
 - (ii) the amount and type of fire suppression equipment specified by the Chief Officer must be available.

PART 9—ALARM MONITORING INFORMATION

116 Information in the case of an alarm pre-connection

- (1) For the purposes of section 50AA(1) of the Act, the following information is the prescribed information in the case of an alarm pre-connection—
- (a) the name of the alarm monitoring service;
 - (b) details of the site to be monitored, including the name, street, nearest cross-street, suburb and GPS coordinates;
 - (c) customer details, including entity name, postal address, contact name and telephone number;
 - (d) alarm number;
 - (e) whether the alarm system has previously been connected to the Computer Aided Dispatch system by another alarm monitoring service.
- (2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is—
- (a) 5 working days before the connection of the alarm; or
 - (b) if 5 working days before the connection is not practicable because the request to connect the alarm is made less than 5 working days before the alarm is to be connected, as close to 5 working days before the connection as is reasonably possible.

117 Information in the case of an alarm connection

- (1) For the purposes of section 50AA(1) of the Act, the following information is the prescribed information in the case of an alarm connection—
- (a) the name of the alarm monitoring service;
 - (b) details of the site being monitored, including the name, street, nearest cross-street, suburb and GPS coordinates;
 - (c) customer details, including entity name, postal address, contact name and telephone number;
 - (d) alarm details, including the following (if available)—
 - (i) alarm number;
 - (ii) alarm signalling equipment address;
 - (iii) alarm signalling equipment location;
 - (iv) input device numbers;
 - (v) input device alarm types;
 - (vi) input device locations;
 - (vii) whether or not the input is an automatic alarm;
 - (e) date of connection;
 - (f) whether the alarm system has been tested end-to-end from the site being monitored to the Computer Aided Dispatch service provider to the Authority in real time and found to be operating correctly;
 - (g) confirmation that the direct access location has been verified on the Computer Aided Dispatch map.

- (2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours after the connection of the alarm.

118 Information in the case of an alarm modification

- (1) For the purposes of section 50AA(1) of the Act, the prescribed information in the case of a modification is particulars of any modification of any of the following details—
- (a) the name of the alarm monitoring service;
 - (b) details of the site being monitored, including the name, street, nearest cross-street, suburb and GPS coordinates;
 - (c) alarm details, including the following (if available)—
 - (i) alarm number;
 - (ii) alarm signalling equipment address;
 - (iii) alarm signalling equipment location;
 - (iv) input device numbers;
 - (v) input device alarm types;
 - (vi) input device locations;
 - (vii) whether or not the input is an automatic alarm;
 - (viii) the previous alarm number (if the alarm number has changed);
 - (d) relevant fire station and key peg numbers (if provided by the Authority);
 - (e) date of modification.
- (2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours after the modification.

119 Information in the case of an alarm disconnection

- (1) For the purposes of section 50AA(1) of the Act, the following information is the prescribed information in the case of an alarm disconnection or proposed disconnection—
 - (a) the name of the alarm monitoring service;
 - (b) alarm details, including the following (if available)—
 - (i) alarm number;
 - (ii) input device numbers;
 - (iii) input device alarm types;
 - (iv) input device locations;
 - (v) whether or not the input is an automatic alarm;
 - (c) whether the disconnection relates to all or part of the alarm system and, if appropriate, which part or parts are being disconnected;
 - (d) the date of a proposed disconnection;
 - (e) whether the disconnection is, or is to be, permanent or temporary;
 - (f) the building permit number (if applicable).
- (2) For the purposes of section 50AA(1) of the Act—
 - (a) in the case of an alarm being disconnected pursuant to a building permit issued under the **Building Act 1993**, the prescribed period for providing the information in subregulation (1) is within 24 hours after the disconnection of the alarm; and
 - (b) in any other case, the prescribed period for providing the information in subregulation (1) is 6 weeks before the proposed disconnection of the alarm.

120 Information in the case of failure of alarm monitoring system

- (1) For the purposes of section 50AA(1) of the Act, in the case of a failure by an alarm monitoring system to be able to automatically process and transmit an alarm of fire, the prescribed information is the time and date of the failure.
- (2) For the purposes of section 50AA(1) of the Act, in the case of the reinstatement of a failed alarm monitoring system, the prescribed information is the time and date of the reinstatement.
- (3) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) or (2) is the period specified by the Authority in the written notice given under that subsection.

121 Isolation and testing data

- (1) For the purposes of section 50AA(1) of the Act, the prescribed information in the case of a review of the isolation and testing records of all alarms connected to an alarm monitoring service is the raw data generated by alarm signalling equipment connected to the alarm monitoring service regarding the isolation and testing of the equipment.
- (2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is the period specified by the Authority in the written notice given under that subsection.

122 Information for verification purposes

- (1) For the purposes of section 50AA(1) of the Act, the prescribed information in the case of the verification of all alarms connected to an alarm monitoring service is the raw data generated by

alarm signalling equipment connected to the alarm monitoring service in relation to—

- (a) the name of the alarm monitoring service;
 - (b) details of the site being monitored, including the name, street, nearest cross-street, suburb and GPS coordinates;
 - (c) details of each alarm, including the following (if available)—
 - (i) alarm number;
 - (ii) alarm signalling equipment address;
 - (iii) alarm signalling equipment location;
 - (iv) input device numbers;
 - (v) input device alarm types;
 - (vi) input device locations;
 - (vii) whether or not the input is an automatic alarm;
 - (d) the fire station and key peg numbers (if provided by the Authority).
- (2) For the purposes of section 50AA(1) of the Act, the prescribed period for providing the information in subregulation (1) is the period specified by the Authority in the written notice given under that subsection.

Country Fire Authority Regulations 2014
S.R. No. 165/2014

Sch. 1

SCHEDULES

SCHEDULE 1

Regulation 4

REGULATIONS REVOKED

| <i>S.R. No.</i> | <i>Title</i> |
|-----------------|---|
| 9/2004 | Country Fire Authority Regulations 2004 |
| 43/2005 | Country Fire Authority (Charges) Regulations 2005 |
| 42/2006 | Country Fire Authority (Charges) Regulations 2006 |
| 123/2006 | Country Fire Authority (Amendment) Regulations 2006 |
| 67/2007 | Country Fire Authority (Charges) Regulations 2007 |
| 89/2008 | Country Fire Authority (Charges) Amendment Regulations 2008 |
| 106/2008 | Country Fire Authority Amendment Regulations 2008 |
| 67/2009 | Country Fire Authority Amendment Regulations 2009 |
| 66/2010 | Country Fire Authority Amendment Regulations 2010 |
| 60/2011 | Country Fire Authority Amendment Regulations 2011 |
| 66/2012 | Country Fire Authority Amendment Regulations 2012 |
| 149/2013 | Country Fire Authority Amendment Regulations 2013 |
| 81/2014 | Country Fire Authority Amendment (Member Compensation) Regulations 2014 |

SCHEDULE 2

Regulations 28, 31(1), 33(3), 36(6)

BRIGADE MODEL RULES

PART 1—GENERAL

1 Definitions

In these Rules—

member or *member of a brigade* does not include a member on probation, a junior member or an honorary life member who is not otherwise a member;

officer in charge of a brigade means—

- (a) a person appointed by the Authority as the officer in charge of the brigade; or
- (b) if an officer in charge has not been appointed by the Authority, the highest ranking volunteer officer of the brigade;

resolution or *resolution of the brigade* means a resolution by a majority of members present and eligible to vote at a meeting held in accordance with these Rules;

the Regulations means the Country Fire Authority Regulations 2014.

2 Object of brigade

The object of the brigade is to serve the community by protecting life and property from the threat of fire or other emergency.

3 Categories of members

A brigade may have the following categories of members—

- (a) senior members;
- (b) junior members.

4 Criteria for senior membership

- (1) This rule applies to a person's eligibility—
 - (a) to join, or to transfer to, a brigade as a senior member; or
 - (b) to remain a senior member of a brigade.
- (2) A person is eligible if—
 - (a) the person is capable of performing the duties of a member of the brigade without endangering the person's own safety or the safety of others; and
 - (b) the person is 16 years of age or more; and
 - (c) the person is reasonably available to carry out the functions and duties of a member of a brigade; and
 - (d) the person is a fit and proper person to be a member.

5 Membership

- (1) A person who wishes to join the brigade must—
 - (a) apply to the brigade for membership; and
 - (b) satisfy the requirements of the regulations.
- (2) Under regulation 37(4), the Authority may refuse to enrol a person as a member of a brigade.

6 Probationary membership

During the probation period under regulation 38, the member is not entitled—

- (a) to vote at meetings of the brigade; or
- (b) to be counted as part of a quorum; or
- (c) to stand for election as an officer of the brigade or a group.

7 Junior members

- (1) A person who is aged 11 years or more, but less than 16 years, is eligible to be enrolled as a junior member of a brigade.
- (2) Rule 4 applies to a junior member applying for enrolment as a senior member of a brigade.
- (3) A junior member is not entitled to vote at brigade meetings or stand for election as an officer of a brigade or group.
- (4) A junior member may undertake activities including social activities, sporting activities, community service, fundraising and training in first aid and practical skills.
- (5) A junior member must not attend at a fire or other emergency.

8 Honorary life membership

The brigade may, by resolution and with the approval of the Authority, invite a person to be an honorary life member of the brigade.

9 Rules

- (1) The brigade may, by resolution and with the approval of the Authority, make rules not inconsistent with the **Country Fire Authority Act 1958** or these Regulations.

-
- (2) These Rules may be amended by the brigade if—
- (a) at least one month before the proposal to amend is put to a brigade meeting, each member is given notice of the proposal; and
 - (b) at the meeting at which the proposed amendment is put to the brigade, at least two-thirds of the members present and eligible to vote support the proposal; and
 - (c) the proposed amendment is not inconsistent with the **Country Fire Authority Act 1958** or these Regulations; and
 - (d) the Authority approves of the amendment under regulation 33.

PART 2—MEETINGS

10 Number of meetings

The brigade must meet—

- (a) at least once each year; or
- (b) the number of times directed by the Authority for brigades of the brigade's classification—

whichever is the greater.

11 Determination by brigade

All matters to be determined by the brigade must be determined at a meeting of the brigade held in accordance with these Rules, unless the matter is delegated to a brigade committee in accordance with these Rules.

12 Chairing of meeting

Meetings of a brigade must be chaired by—

- (a) the highest ranking volunteer officer present;
or

- (b) if the brigade has elected a member as president of the brigade—by the president;
or
- (c) despite paragraphs (a) and (b), if the meeting nominates a chairperson for the meeting—
the person so nominated.

13 Procedure

- (1) The chairperson of a meeting must—
 - (a) put to the vote of the meeting all matters for determination by the brigade; and
 - (b) declare as carried a motion that receives a majority of votes of persons present and eligible to vote.
- (2) If a motion, other than a motion for the election of officers or delegates of the brigade, receives an equal number of votes, the chairperson has a casting as well as a deliberative vote.

14 Eligibility to vote

Subject to these Rules, all members are eligible to vote at brigade meetings.

15 Quorum

- (1) For the purpose of meetings held under these rules, a quorum for brigade meetings is the lesser of—
 - (a) 15 members; or
 - (b) half the number of members of the brigade.
- (2) Despite subrule (1) if—
 - (a) the brigade at its annual meeting—
 - (i) determines that it cannot meet the quorum requirements in subrule (1);
and

- (ii) specifies a quorum which it can meet;
and
- (b) the Authority approves the specified quorum or specifies a quorum that is less than the quorum set out in subrule (1)—
the quorum approved or specified by the Authority is the quorum for brigade meetings.

16 Annual general meeting

- (1) The brigade must hold an annual general meeting each year.
- (2) The secretary must notify each member in writing—
 - (a) of the date, place and time of the annual general meeting;
 - (b) if the election of officers of the brigade is to take place at the meeting, that nominations for officer positions are invited.
- (3) Notification be given by—
 - (a) posting or delivering the notice to the member's last known address; or
 - (b) electronic communication to the electronic address of the member; or
 - (c) publishing the notice in a newspaper circulating in the area.

17 Matters at an annual general meeting

- (1) The secretary or, if the brigade has a treasurer, the treasurer must, at each annual general meeting—
 - (a) table the financial statements of the brigade in respect of the last financial year; and
 - (b) make a full report of the activities and financial operations and position of the brigade; and

- (c) ensure that full reports of the activities and financial operations and position of clubs and auxiliary bodies associated with the brigade are made.
- (2) If the brigade has a management team, the president must make a full report at the annual general meeting of the team's activities since the last annual general meeting.

18 Election of officers

The president of the brigade or, if there is no president, the secretary must ensure that—

- (a) an election of officers of the brigade is held at every second annual general meeting in accordance with the Regulations; and
- (b) officers are elected in order of rank beginning with the highest rank.

19 Nomination of officers

Unless the brigade has determined otherwise at a previous annual general meeting, a nomination for election as an officer may be made—

- (a) at the meeting at which the election is to be held; or
- (b) before that meeting.

20 Casual vacancies

If a casual vacancy arises in the office of any officer, the brigade must elect an officer to fill the vacancy in accordance with these Rules and the Regulations—

- (a) at the next meeting of the brigade after the brigade received notice of the vacancy; or
- (b) at a special meeting called to fill the vacancy.

21 Procedural matters

Except where otherwise specified in these Rules, procedural matters at meetings are to be determined by the chairperson.

22 Special meetings

- (1) A special meeting of the brigade—
 - (a) may be called at the initiative of the highest ranking elected officer; and
 - (b) must be called by the secretary if requested in writing by not less than 7 members of the brigade.
- (2) A notice calling a special meeting must—
 - (a) be in writing; and
 - (b) specify—
 - (i) the date, time and place of the meeting; and
 - (ii) the business to be conducted at the meeting; and
 - (c) be given to each member not less than 4 days before the meeting.
- (3) A notice must be given under subrule 2(c) in the manner prescribed for notification of an annual general meeting under rule 16(3).
- (4) Business that is not specified in the notice calling a special meeting must not be dealt with at the special meeting.

23 Formation of a group of brigades

- (1) A group of brigades may be formed in accordance with this rule.
- (2) At a meeting of a maximum of 2 delegates appointed by each brigade in the area in which the proposed group would operate—

-
- (a) the meeting must elect the officers of the group; and
 - (b) each brigade delegate has one vote; and
 - (c) a majority of votes of delegates present and eligible to vote is sufficient to secure election.
- (3) If 2 or more candidates receive an equal number of votes, the person presiding at the meeting must draw lots to determine who is to be declared elected.

PART 3—MANAGEMENT

24 Management team

- (1) The brigade may, by resolution at a brigade meeting, appoint a management team to manage and administer the affairs of the brigade.
- (2) The management team consists of—
 - (a) elected officers of the brigade; and
 - (b) any other members that are elected by the brigade as members of the management team.
- (3) The brigade may elect one of the members of the management team as president of the brigade.

25 Meetings of the management team

- (1) The management team must meet as often as is necessary to carry out its functions.
- (2) The management team must be chaired by—
 - (a) the president of the brigade; or
 - (b) if there is no president, or the president is absent, the team member elected by the team to chair meetings or chair that meeting.
- (3) All team members are eligible to vote at a meeting of the management team.

-
- (4) A motion is carried at a meeting of the management team if it receives a majority of votes of persons present and eligible to vote.
 - (5) If a motion receives an equal number of votes, the chairperson has a casting as well as a deliberative vote.

26 Delegation to management team

- (1) Subject to subrule (2), a decision of the management team has effect only when approved by a resolution of the brigade.
- (2) Subrule (1) does not apply to a matter or a class of matters responsibility for which has been delegated to the management team by a resolution of the brigade.

27 Casual vacancies

If a casual vacancy occurs in the office of a member elected as a member of the management team, the management team may co-opt a member of the brigade to the team for the remainder of the term for which the management team member was elected.

28 Sub-committees

- (1) The management team may—
 - (a) form sub-committees to advise on any matter or class of matters; and
 - (b) appoint to a sub-committee members of the management team or other members of the brigade.
- (2) The provisions of these Rules that apply to the management team apply with any modifications that are necessary to each sub-committee of the management team.

PART 4—FINANCE

29 Records

- (1) The secretary or, if the brigade has a treasurer, the treasurer must ensure that the following books or records are established and maintained—
 - (a) cash receipt book;
 - (b) cash payment book;
 - (c) bank pay-in book;
 - (d) minute book with numbered pages;
 - (e) records of approvals for fund raising activities and grants;
 - (f) financial records of fund raising activities and grants;
 - (g) petty cash book.
- (2) The secretary or, if the brigade has a treasurer, the treasurer must ensure that—
 - (a) a document that is required to be kept as part of a book or record referred to in subrule (1) is kept for 7 years from the date of the document's creation; and
 - (b) each of the brigade's financial statements is kept for 7 years from the date of submission of the financial statements to the Authority under the Regulations.
- (3) The secretary or, if the brigade has a treasurer, the treasurer must ensure that a register of the assets of, and assets held on behalf of, the brigade is established and maintained.

30 Investment

- (1) Subject to a resolution of the brigade, any 2 of the secretary and officer in charge of a brigade or other officers of the brigade approved by the brigade, may invest money of the brigade in accordance with Part I of the **Trustee Act 1958** as if the brigade were a trustee within the meaning of that Part.
- (2) The determination of whether to approve a matter for the purposes of this rule must be by a resolution of the brigade.

31 Bank accounts

- (1) A brigade—
 - (a) must have one general purpose bank account; and
 - (b) may have as many special purpose bank accounts as are approved by the Authority.
- (2) If the brigade has only a general purpose account—
 - (a) all money received by or on behalf of the brigade must be paid into the general purpose account; and
 - (b) all payments by or on behalf of the brigade must be paid out of the general purpose account.
- (3) If a brigade has one or more special purpose accounts there must be paid—
 - (a) into each special purpose account all money received by or on behalf of the brigade for the purpose for which the account was established; and
 - (b) out of each special purpose account all payments for the purpose for which the account was established; and

-
- (c) into the general purpose account all money received by or on behalf of the brigade other than money required to be paid into a special purpose account; and
 - (d) out of the general purpose account all payments, other than those payments required to be paid out of a special purpose account.
- (4) The opening of any bank account or the withdrawal of money from a bank account must be in accordance with a resolution of the brigade.

32 Petty cash

- (1) The brigade, by resolution, may advance the secretary or, if the brigade has a treasurer, the treasurer not more than \$500 as petty cash.
- (2) Each withdrawal must—
 - (a) be recorded in the petty cash book by the secretary or, if the brigade has a treasurer, by the treasurer; and
 - (b) be approved by the brigade's highest ranking elected officer.

33 Purchasing

- (1) Subject to subrule (2), each purchase, other than a purchase out of the petty cash fund, must be approved by resolution of the brigade.
- (2) Subject to the approval of the Authority, the brigade may, by resolution, delegate to a member the power to authorise specified purchases.

34 Signatories

A brigade cheque must be signed by any 2 of the officer in charge of the brigade, the secretary, the treasurer, if the brigade has a treasurer, or an officer authorised for this purpose by resolution of the brigade.

35 Payment

- (1) The secretary or, if the brigade has a treasurer, the treasurer may authorise payment for goods or services after checking that the goods or services—
 - (a) have been received; and
 - (b) comply with the purchase order.
- (2) The secretary or, if the brigade has a treasurer, the treasurer must ensure that all payments, other than payments out of petty cash, are made by cheque or electronic funds transfer.

36 Reporting

The secretary or, if the brigade has a treasurer, the treasurer must, at each meeting of the brigade, report to the brigade on all transactions since the last meeting.

SCHEDULE 3

Regulation 30

**APPLICATION FOR THE REGISTRATION OF A FIRE
BRIGADE**

To: The Authority

Date:

Sir/Madam,

At a public meeting held at _____ on _____ a resolution was carried by a majority of those present to apply for the registration of a brigade with headquarters at _____ and the enrolment of the persons listed below as volunteer officers and members of the brigade.

Yours faithfully,

Chairperson of the Meeting:

Suggested Name of Brigade:

Name and full postal address of proposed Secretary:

Details of proposed foundation members (in alphabetical order):

| <i>Surname</i> | <i>Given Names</i> | <i>Place of Residence</i> | <i>Date of Birth</i> | <i>Occupation</i> |
|----------------|------------------------|-------------------------------|--------------------------|-------------------|
|----------------|------------------------|-------------------------------|--------------------------|-------------------|

Sch. 4

SCHEDULE 4

Regulation 31(2)

**APPLICATION FOR APPROVAL OF THE FORMATION OF
A GROUP**

The Country Fire Authority is notified that on _____ the delegates of the brigades listed below met and by a majority of delegates present resolved to form a group of brigades and elected as officers of the group the persons listed below. The Authority is requested to approve the formation of the group and enrol the elected officers as officers of the group.

1. The meeting was convened by:
2. Delegates of the following brigades attended the meeting:
3. The following persons were elected as officers:

| <i>Office</i> | <i>Name</i> | <i>Address</i> |
|---------------|-------------|----------------|
|---------------|-------------|----------------|

Group Officer

Group Communications
Officer

Group Secretary

Date: _____ Group Secretary: _____

SCHEDULE 5

Regulation 31(3)

**APPLICATION FOR APPROVAL OF THE VARIATION OF
THE COMPOSITION OF A GROUP**

The Country Fire Authority is notified that at a meeting of the
Group held on the delegates resolved that the Group
would be composed of the following brigades. The Authority is requested to
vary the composition of the Group accordingly.

Date: Group Secretary:

SCHEDULE 6

Regulation 34(3)

GROUP MODEL RULES

PART 1—GENERAL

1 Definitions

(1) In these Rules—

brigade delegate means a person who is appointed by a brigade under the Rules of the brigade as a delegate to represent the brigade at meetings of the group and is eligible to vote at meetings of the group;

group or *group of brigades* means a group of brigades formed under section 23A of the **Country Fire Authority Act 1958**;

resolution or *resolution of the group* means a resolution by a majority of brigade delegates of member brigades present and eligible to vote at a meeting held in accordance with these Rules;

the Regulations means the Country Fire Authority Regulations 2014.

(2) A reference in these Rules to a meeting of a group of brigades is a reference to a meeting of the delegates of the brigades that are members of the group.

2 Object of the group

The object of the group of brigades is to serve the community by protecting life and property from the threat of fire or other emergency and coordinating activities of brigades that are members of the group.

3 Rules

- (1) The group of brigades may, by resolution and with the approval of the Authority, make rules not inconsistent with the **Country Fire Authority Act 1958** or the Regulations.
- (2) These Rules may be amended by the group of brigades if—
 - (a) at least one month before the proposal to amend is put to a group meeting, each member brigade is given notice of the proposal; and
 - (b) at the meeting at which the proposed amendment is put to the group, at least two-thirds of the brigade delegates present and eligible to vote support the proposal; and
 - (c) the proposed amendment is not inconsistent with the **Country Fire Authority Act 1958** or the Regulations; and
 - (d) the Authority approves of the amendment under regulation 34.

PART 2—MEETINGS

4 Number of meetings

Meetings of the group of brigades must be held—

- (a) at least twice in each year; or
- (b) the number of times directed by the Authority or determined by the group—

whichever is the greater.

5 Determination by group

All matters to be determined by the group of brigades must be determined at a meeting of the group held in accordance with these Rules, unless the matter is delegated to a group committee in accordance with these Rules.

6 Chairing of meeting

Meetings of a group must be chaired by—

- (a) the group officer; or
- (b) if the group, by resolution, nominates another brigade delegate or person to chair meetings or chair that meeting—that delegate or person.

7 Procedure

- (1) The chairperson must—
 - (a) put to the vote of the meeting all matters for determination by the group; and
 - (b) declare carried a motion that receives a majority of votes of persons present and eligible to vote.
- (2) If a motion, other than a motion for the election of officers of the group, receives an equal number of votes, the chairperson has a casting as well as a deliberative vote.

8 Eligibility to vote

Not more than 2 delegates of each brigade in the group may vote on any matter arising for determination at the meeting.

9 Annual general meeting

- (1) The group must hold an annual general meeting each year.
- (2) The secretary must, in writing, notify each brigade that is a member of the group—
 - (a) of the date, place and time of the annual general meeting; and
 - (b) if the election of officers of the group is to take place at the meeting, that nominations for officer positions are invited.

-
- (3) Notification must be given by posting or delivering the notice to the brigade's last known address.

10 Matters at an annual general meeting

- (1) The secretary or, if the group has a treasurer, the treasurer must, at each annual general meeting—
- (a) table the financial statements of the group in respect of the last financial year; and
 - (b) make a full report of the activities and financial operations and position of the group; and
 - (c) ensure that full reports of the activities and financial operations and position of clubs and auxiliary bodies associated with the group are made.
- (2) If the group has a management team, the president must make a full report of the team's activities at the annual general meeting.

11 Election of officers

The secretary must ensure that—

- (a) an election of officers of the group is held at each second annual general meeting in accordance with the Regulations; and
- (b) officers are elected in order of seniority of rank; and
- (c) if the group has more than one deputy group officer, that the group, by resolution, determines the relative ranking of its deputy group officers.

12 Nomination of officers

Unless the group determines otherwise at a previous annual general meeting, a nomination for election as an officer may be made at the meeting at which the election is to be held.

13 Casual vacancies

If a casual vacancy arises in the office of any officer, the brigade delegates must—

- (a) at the next meeting of the group after the group secretary received notice of the vacancy; or
- (b) at a special meeting called to fill the vacancy—

elect an officer in accordance with the provisions of these Rules and the Regulations.

14 Procedural matters

Except where otherwise specified in these Rules, procedural matters are to be determined by the person chairing the meeting.

15 Special meetings

- (1) A special meeting of the group—
 - (a) may be called by the highest ranking elected officer; and
 - (b) must be called by the secretary if so requested in writing by not less than 7 brigade delegates.
- (2) A notice calling a special meeting must—
 - (a) be in writing; and
 - (b) specify—
 - (i) the date, time and place of the meeting; and

-
- (ii) the business to be conducted at the meeting; and
 - (c) be served on each brigade that is a member of the group not less than 4 days before the meeting.
- (3) Notification of a special meeting must be given in the same manner as notification for the annual general meeting under rule 9(3).
 - (4) Business that is not specified in the notice calling a special meeting must not be dealt with at the special meeting.

PART 3—MANAGEMENT

16 Management team

- (1) The group may, by resolution at a group meeting, appoint a management team to manage and administer the affairs of the group.
- (2) The management team consists of the elected officers of the group.

17 Meetings of the management team

- (1) The management team must meet as often as is necessary.
- (2) The management team must be chaired by—
 - (a) the group officer; or
 - (b) if the group officer is absent, the team member elected by the team to chair meetings or chair that meeting.
- (3) All team members are eligible to vote at a meeting of the management team.
- (4) A motion is carried at a meeting of the management team if it receives a majority of votes of persons present and eligible to vote.

-
- (5) If a motion receives an equal number of votes, the chairperson has a casting as well as a deliberative vote.

18 Delegation to management team

- (1) Subject to subrule (2), a decision of the management team has effect only when approved by a resolution of the group.
- (2) Subrule (1) does not apply to a matter or a class of matters responsibility for which has been delegated to the management team by a resolution of the group.

19 Sub-committees

- (1) The management team may—
- (a) form sub-committees to advise on any matter or class of matters; and
 - (b) appoint to a sub-committee members of the management team or other members of brigades that are members of the group.
- (2) The provisions of these Rules that apply to the management team apply, with any modifications that are necessary, to each sub-committee of the management team.

PART 4—FINANCE

20 Records

- (1) The secretary or, if the group has a treasurer, the treasurer must ensure that the following books or records are established and maintained—
- (a) cash receipt book;
 - (b) cash payment book;
 - (c) bank pay-in book;
 - (d) minute book with numbered pages;

-
- (e) records of approvals for fund raising activities and grants;
 - (f) financial records of fund raising activities and grants;
 - (g) petty cash book.
- (2) The secretary or, if the group has a treasurer, the treasurer must ensure that—
- (a) a document that is required to be kept as part of a book or record referred to in subrule (1) is kept for 7 years from the date of the document's creation; and
 - (b) each of the group's financial statements are kept for 7 years from the date of submission of the financial statements to the Authority under the Regulations.
- (3) The secretary or, if the group has a treasurer, the treasurer must ensure that a register of the assets of, and assets held on behalf of, the group is established and maintained.

21 Investment

Subject to the resolution of the group, any 2 of the secretary and group officer, or other officers of the group approved by the group, may invest money of the group in accordance with Part I of the **Trustee Act 1958** as if the brigade were within the meaning of that Part.

22 Bank account

- (1) A group must have one general purpose bank account—
- (a) into which all money received by or on behalf of the group must be paid; and
 - (b) out of which all payments by or on behalf of the group must be made.

-
- (2) The opening of a bank account or the withdrawal of money from a bank account must be in accordance with a resolution of the group.

23 Petty cash

- (1) The group, by resolution, may advance the secretary or, if the group has a treasurer, the treasurer not more than \$500 as petty cash.
- (2) Each withdrawal must—
- (a) be recorded in the petty cash book by the secretary or, if the group has a treasurer, by the treasurer; and
 - (b) be approved by the group officer.

24 Purchasing

- (1) Subject to subrule (2), each purchase, other than a purchase out of the petty cash fund, must be approved by resolution of the group.
- (2) Subject to the approval of the Authority, the group may, by resolution, delegate to a brigade delegate the power to authorise specified purchases.

25 Payment

- (1) The secretary or, if the group has a treasurer, the treasurer may authorise payment for goods or services after checking that the goods or services—
- (a) have been received; and
 - (b) comply with the purchase order.
- (2) The secretary or, if the group has a treasurer, the treasurer must ensure that all payments, other than payments out of petty cash, are made by cheque or electronic funds transfer.

26 Signatories

Cheques of a group must be signed by any 2 of the group officer, the secretary, the treasurer or an officer of the group authorised for this purpose by resolution of the group.

27 Reporting

The secretary or, if the group has a treasurer, the treasurer must, at each meeting of the group, report to the group on all transactions since the last meeting.

SCHEDULE 7

Regulation 36

APPLICATION FOR MEMBERSHIP OF BRIGADE

1. Brigade and Type of Membership

Brigade name and no.

Application as a new member

as a transferring member

Type of membership—

Junior

Senior

2. Applicant's details

Family and given names:

Home address:

Postal address:

Contact details:

Details of any relevant medical conditions:

Details of any current or past membership of CFA brigades:

Name of brigade

Volunteer no.

Applicant's signature

SCHEDULE 8

Regulation 41(1)

ELECTIONS OF OFFICERS OF BRIGADES

1 Eligibility to stand for election—brigades

- (1) A person is not eligible to stand for election as an officer of a brigade (including the office of captain) unless the person is a member, other than a junior member, of the brigade whose duties as an enrolled member are not limited under regulation 37(3).
- (2) A member of a brigade is not eligible to stand for the office of captain of a brigade unless—
 - (a) the member has served as an officer of a brigade for 2 years or more; and
 - (b) the member has the competencies specified by the Chief Officer as requirements for that office.
- (3) The Authority may waive the requirements in subrule (2).
- (4) A member of a brigade is not eligible to stand for the office of lieutenant of the brigade unless—
 - (a) the member has the competencies specified by the Chief Officer as requirements for that office; or
 - (b) the Authority waives the requirement in paragraph (a).

2 Elections of brigade officers

- (1) The Authority must determine which brigades must hold elections for brigade officers in years designated by—

-
- (a) an odd number; or
 - (b) an even number.
- (2) A brigade must hold an election for brigade officers in the month and the year determined by the Authority for the brigade.
 - (3) A majority of votes of members present and eligible to vote is sufficient to secure election.
 - (4) If the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must—
 - (a) call for a second vote; and
 - (b) if the highest number of votes is received by 2 or more candidates who receive an equal number of votes on the second vote, draw lots to determine who is to be declared elected.

3 Brigade delegates

- (1) Each brigade in a group of brigades may, from time to time, elect delegates to represent the brigade at meetings of the group.
- (2) Each delegate must be elected separately, with a majority of votes of members present and eligible to vote being sufficient to secure election.
- (3) If the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must draw lots to determine who is to be declared elected.
- (4) At a meeting of a group of brigades, not more than 2 delegates of each brigade in the group may vote on any matter arising for determination at the meeting.

4 Term of office

- (1) Subject to rule 5, an officer of a brigade holds office for 2 years, commencing on 1 July next following the officer's election.
- (2) If, at the expiration of the term of office of an officer of a brigade, no person has been elected to that office in accordance with this Schedule, the term of office of the officer of the brigade is extended until a person is elected to that office in accordance with this Schedule.

5 Casual vacancies

- (1) This clause applies if, before an officer of a brigade's term of office expires, the officer—
 - (a) resigns from office or is disqualified from holding office; or
 - (b) ceases to be a volunteer.
- (2) The brigade must, as soon as is practicable after receiving notice of a matter referred to in subclause (1), elect a member to replace the officer.
- (3) A member elected under subclause (2) holds office for the remainder of the term of the replaced officer.

6 Notification of the Authority

The secretary of a brigade must notify the Authority of the result of an election of officers of the brigade within 7 days after the election.

SCHEDULE 9

Regulation 41(2)

ELECTIONS OF OFFICERS OF GROUPS

1 Eligibility to stand for election—groups

- (1) A person is not eligible to stand for election as an officer of a group of brigades (including the office of a group officer) unless the person is a member, other than a junior member, of a brigade whose duties as an enrolled member are not limited under regulation 37(3).
- (2) A person is not eligible to stand for election to the office of group officer unless the person has served as an officer of a brigade or as a deputy group officer for 2 years or more.

2 Elections for officers of the group

- (1) The Authority must determine which groups of brigades must hold elections for officers of the group in years designated by—
 - (a) an odd number; or
 - (b) an even number.
- (2) A group must hold an election for officers of a group in the month and the year determined by the Authority for the group.
- (3) A majority of votes of delegates present and eligible to vote is sufficient to secure election.
- (4) If the highest number of votes is received by 2 or more candidates who receive an equal number of votes, the person presiding at the meeting must—
 - (a) call for a second vote; and

-
- (b) if the highest number of votes is received by 2 or more candidates who receive an equal number of votes on the second vote, draw lots to determine who is to be declared elected.

3 Deputy group officers

Each group must determine the relative seniority of its deputy group officers.

4 Term of office

- (1) Subject to clause 5, an officer of a group holds office for 2 years, commencing on 1 July next following the officer's election.
- (2) If, at the expiration of the term of office of an officer of a group, no person has been elected to that office in accordance with this Schedule, the term of office of the officer of the group is extended until a person is elected to that office in accordance with this Schedule.

5 Casual vacancies

- (1) This clause applies if, before the expiration of an officer's term of office, an officer of a group—
- (a) resigns from office or is disqualified from holding office; or
 - (b) ceases to be a volunteer.
- (2) The group must, as soon as is practicable after receiving notice of a matter referred to in subclause (1), elect a member to replace the officer.
- (3) A member elected under subclause (2) holds office for the remainder of the term of the replaced officer.

6 Notification of the Authority

The secretary of a group must notify the Authority of the result of an election of officers of the group within 7 days after the election.

SCHEDULE 10

Regulation 62

**AUTHORISATION TO COLLECT CONTRIBUTIONS OR
SUBSCRIPTIONS**

I, the undersigned, certify that (full name) _____ of
(postal address) _____ whose signature appears
below is authorised under section 102 of the **Country Fire Authority Act
1958** to collect money on behalf of the

*Fire Brigade
*Group of Fire Brigades
*Association

from / / to / / and is not entitled to retain any money
as a fee or commission or for any other purpose.

Signature of Authorised Collector

(Signed)

(Signed) _____ for the Country Fire Authority

Date:

Compliance with all laws relevant to the activities conducted is a condition of
this authorisation.

* Cross out whichever is not applicable.

SCHEDULE 11

Regulation 105(5)

**ELECTIONS—MUNICIPAL COUNCIL REPRESENTATIVES
ON REGIONAL FIRE PREVENTION COMMITTEES**

- 1 In this Part—
continuing candidate means a candidate not already elected or excluded from the count;
returning officer means the executive officer of the relevant regional fire prevention committee.
- 2 Subject to clause 3, the result of an election of representatives of a municipal council as members and deputy members of regional fire prevention committees is to be determined as follows—
 - (a) the returning officer must declare elected as members of the regional fire prevention committee—
 - (i) the single candidate who received the highest number of first preference votes and the single candidate who received the second highest number of first preference votes; or
 - (ii) the only 2 candidates who received the equally highest number of first preference votes;
 - (b) of the continuing candidates, the returning officer must declare elected as deputy members of the regional fire prevention committee—
 - (i) the single candidate who received the highest number of first preference votes and the single candidate who received the second highest number of first preference votes; or
 - (ii) the only 2 candidates who received the equally highest number of first preference votes.

-
- 3 (1) If the count of votes for the election of representatives of a municipal council as members of a regional fire prevention committee does not satisfy the requirements of clause 2(a), the result of the ballot for election of members and deputy members of that committee is to be determined in accordance with clauses 4 and 5.
- (2) If—
- (a) the members of the regional fire prevention committee are declared elected in accordance with clause 2(a); and
 - (b) the count of votes for the election of deputy members of the fire prevention committee did not satisfy the requirements of clause 2(b), representatives of a municipal council as deputy members of a regional fire prevention committee must be determined in accordance with clause 5.
- 4 (1) The result of the ballot for election of the first member of the regional fire prevention committee must be determined as follows—
- (a) the returning officer must declare elected as the first member, the candidate who received the highest number of first preference votes;
 - (b) if more than one candidate received the highest number of first preference votes, the returning officer must—
 - (i) declare the candidate who received the fewest number of first preference votes an excluded candidate; and
 - (ii) distribute every ballot paper counted to the excluded candidate among the other candidates next in order of the voter's preference; and
 - (iii) determine the number of votes given to each continuing candidate; and

Sch. 11

-
- (iv) declare elected the continuing candidate with the highest number of votes;
 - (c) if after following the procedure in paragraph (b) more than one candidate has the highest number of votes, the returning officer must repeat the process described in paragraph (b) until a single candidate receives the highest number of votes.
- (2) After declaration of the election of the first member of the regional fire prevention committee, the ballot for the election of the second member must be determined as follows—
- (a) the returning officer must—
 - (i) rearrange all the ballot papers under the names of the respective candidates for which a first preference vote is indicated; and
 - (ii) place every ballot paper on which a first preference vote is indicated for the elected candidate in the parcel of the continuing candidates next in order of the voter's preference; and
 - (iii) determine the number of votes given to each continuing candidate; and
 - (iv) declare elected the continuing candidate with the highest number of votes;
 - (b) if after following the procedure in paragraph (a), more than one candidate receives the highest number of votes, the returning officer must—
 - (i) declare the candidate who has received the fewest number of votes an excluded candidate; and
 - (ii) distribute every ballot paper counted to the excluded candidate among the continuing candidates next in order of the voter's preference; and

-
- (iii) determine the total number of votes given to each continuing candidate; and
 - (iv) declare elected the candidate with the highest number of votes;
 - (c) if after following the procedure in paragraph (b) more than one candidate has the highest number of votes, the returning officer must repeat the process described in paragraph (b) until a single candidate receives the highest number of votes.
- 5 After the declaration of the election of members of the fire prevention committee (whether in accordance with clause 2 or 4) the result of the ballot for the selection of the deputy members of the regional fire prevention committee must be determined in the manner described in clause 4(2), with every ballot paper on which a first preference is indicated for an elected candidate being placed in the parcel of the continuing candidate next in order of the voter's preference.
- 6 If in any count, 2 or more candidates have an equal number of votes, and one of them has to be declared an excluded candidate, the returning officer must determine by lot who is to be the excluded candidate.
- 7 Where a matter is not covered by this Schedule, the provisions of Schedule 3 of the **Local Government Act 1989**, with any modifications that are applicable, apply to the determination of a ballot under this Schedule.
-

SCHEDULE 12

Regulation 109(1)(a)

PERMIT TO BURN BY A BRIGADE

(Not valid on a day of TOTAL FIRE BAN)

PERMIT granted to *(insert name of officer in charge of the brigade)* to light a fire or fires for the purpose of allowing officers and members of the *(insert name of Fire Brigade)* to burn the following specific material:

(insert type of material, e.g. grass, stubble)
during the period commencing on *(insert date)* and ending on *(insert date)* on the land owned, occupied or under the care and management of the following person or organisation

at

(insert address or description and location of land).

This permit is granted subject to the following conditions—

1. The person performing the burning operation to which the permit relates must be in possession of the permit or a copy of it.
2. *If the brigade intends to conduct a burning operation on any street, road or other thoroughfare, notice of that intention must be given—
 - (a) to each owner or occupier of land that includes or is contiguous with the area to be burned between 2 and 24 hours before the burning is to commence; or
 - (b) by inserting in a newspaper circulating in the area in which the burning is to occur, at least 2 days before the burning is to occur, a notice specifying—
 - (i) the period during which the burning is likely to occur; and
 - (ii) the portion of the street, road or other thoroughfare that is to be burned.

OR

*If the brigade intends to conduct a burning operation on land that is not a street, road or other thoroughfare, notice of that intention must be given to each owner or occupier of land that includes or is contiguous with the area to be burned between 2 and 24 hours before the burning is to commence.

-
3. If the brigade intends to conduct a burning operation within 3 kilometres of any State forest, national park or protected public land, notice of that intention must be given to the appropriate forest officer between 2 and 24 hours before the burning is to commence.
4. Before commencing a burning operation, a fire break must be prepared around the perimeter of the area to be burned, which is—
- * not less than _____ metres wide (being a minimum width of 1.5 metres) and cleared of all flammable materials;
- OR
- * not less than _____ metres wide (being a minimum width of 1.5 metres) and thoroughly wetted down while the fire is within 3 metres of the wetted area.
5. Every reasonable precaution must be taken that only the material specified in this permit is burned. Any other material catching alight must be extinguished immediately.
6. Until all fires lit under this permit have been completely extinguished—
- (a) the perimeter of the burning area must be continuously patrolled; and
 - (b) an adequate number of fire-fighters and adequate fire suppression equipment or appliances must be present.
7. If in the vicinity of the area to be burned, the shade temperature exceeds 32 degrees celsius or the average wind speed exceeds 15 kilometres per hour—
- (a) burning operations must not be commenced; or
 - (b) if burning operations have commenced all fires must be extinguished as soon as possible.
8. Additional conditions (if any)

Dated at _____ on _____

(Signed) **

of the (Name of Municipal Council, Administrative Unit or Public Authority)

* Delete whichever is inapplicable.

** Fire Prevention Officer or person authorised to grant this permit.

SCHEDULE 13

Regulation 109(1)(b)

PERMIT TO BURN BY A PRIVATE PERSON

(Not valid on a day of TOTAL FIRE BAN)

PERMIT granted to *(insert name)*
of *(insert address)*
to light a fire or fires for the purpose of allowing the following specified
material to be burned:

(insert type of material e.g. grass, stubble) during the
period commencing on *(insert date)* and ending on *(insert date)*
at

(insert address or description and location of land).

This permit is granted subject to the following conditions—

1. The person performing the burning operation to which the permit relates must be in possession of the permit or a copy of it.
2. Notice of intention to conduct a burning operation must be given between 2 and 24 hours before the burning is to commence—
 - (a) to each owner or occupier of land contiguous with the area to be burned; and
 - (b) to the officer in charge of the fire brigade in whose area the burning is to take place, by telephoning the officer in charge on *(insert telephone number)*; and
 - (c) to the Emergency Services Telecommunications Authority (within the meaning of the **Emergency Services Telecommunications Authority Act 2004**) (ESTA), on 1800 668 511, or by one or more of the means of notification specified on the ESTA Internet site *(insert link to relevant page on ESTA Internet site)* or the Country Fire Authority Internet site *(insert link to relevant page on CFA Internet site)*.
3. If the area to be burned is within 3 kilometres of any State forest, national park or protected public land, notice of the intention to burn must be given to the appropriate forest officer between 2 and 24 hours before the burning is to commence.

SCHEDULE 14

Regulation 109(1)(c)

**PERMIT TO LIGHT A FIRE FOR MISCELLANEOUS
PURPOSES**

(Not valid on a day of TOTAL FIRE BAN)

PERMIT granted to _____
of _____ to light a fire or fires for the purpose of

* between *(insert date)* and *(insert date)*
(under s. 38(2A) of the Act a period may be specified)

* at any time between _____ and _____

This permit is subject to the following conditions:

Date:

Signature:

Name and position:

* Delete whichever is inapplicable.

SCHEDULE 15

Regulation 112(1)

FIRE PREVENTION NOTICE

I direct _____ of
the owner or occupier of (*insert address or certificate of title number*)
to do the work specified below.

All work must be completed not later than:

Work to be completed:

*(Specify the part or parts of the land affected by this notice and the steps
required to remove or minimise the threat of fire).*

Date:

Signature:

Name and position:

Fire Prevention Officer for (*insert name of municipality*)

You may lodge an objection to this notice under section 41B of the **Country Fire Authority Act 1958** and appeal the outcome of that objection under section 41C of that Act.

SCHEDULE 16

Regulation 112(2)

NOTICE TO OWNERS OR OCCUPIERS OF LAND

To the owner/occupier or owners/occupiers of land described below.

A notice to

(insert substance of steps to be taken to remove or minimise the threat of fire)

not later than *(insert date)*
has been affixed on the following properties in accordance with
section 41A(3) of the **Country Fire Authority Act 1958**.

Date:

Name and position:

Fire Prevention Officer for *(insert name of municipality)*

You may lodge an objection to this notice under section 41B of the **Country Fire Authority Act 1958** and appeal the outcome of that objection under section 41C of that Act.

ENDNOTES

1. General Information

The Country Fire Authority Regulations 2014, S.R. No. 165/2014 were made on 14 October 2014 by the Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council under section 110 of the **Country Fire Authority Act 1958**, No. 6228/1958 and came into operation on 1 November 2014: regulation 3.

The Country Fire Authority Regulations 2014 will sunset 10 years after the day of making on 14 October 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

Endnotes

2. Table of Amendments

There are no amendments made to the Country Fire Authority Regulations 2014 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2014 is \$13.24. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

| Statutory rule provision | Title of applied, adopted or incorporated document | Matter in applied, adopted or incorporated document |
|--|---|---|
| Definition of AS 1019 in regulation 5 | Australian Standard AS 1019—2000, Internal combustion engines—spark emission control devices, published in 2000 by Standards Australia on 1 August 2000 | The whole |
| Definition of AS 1687 in regulation 5 | Australian Standard AS 1687—1991, Knapsack spray pumps for fire-fighting, published in 1991 by Standards Australia on 11 February 1991 | The whole |

Country Fire Authority Regulations 2014
S.R. No. 165/2014

| Statutory rule provision | Title of applied, adopted or incorporated document | Matter in applied, adopted or incorporated document |
|---|--|--|
| Definition of <i>AS/NZS 1841.1</i> in regulation 5 | Australian Standard and New Zealand Standard AS/NZS 1841.1:2007, Portable fire extinguishers— Part 1: General Requirements, published in 2007 by Standards New Zealand on 31 August 2007 | The whole |
| Paragraph (a) of the definition of <i>serious injury</i> in regulation 74 | American Medical Association Guides to the Evaluation of Permanent Impairment (Fourth Edition) | The whole, other than Chapter 15 |
| Paragraph (b) of the definition of <i>serious injury</i> in regulation 74 | Guide to the Evaluation of Psychiatric Impairment for Clinicians, published in the Government Gazette dated 27 July 2006. | The whole |