

Country Fire Authority Regulations 2004**S.R. No. 9/2004****TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1. Objectives	1
2. Authorising provision	2
3. Commencement	2
4. Revocation	2
5. Definitions	2
6. Application	4
PART 2—THE AUTHORITY	5
7. Common seal	5
8. Authority to regulate its own proceedings	5
9. Meetings	5
10. Minutes	5
PART 3—STAFF	6
Division 1—Discipline	6
11. Offences	6
12. Penalties	6
13. Investigation	7
14. Laying of a charge	8
15. Notification of hearing	8
16. Chief Executive Officer to conduct hearing	8
17. Chief Officer to conduct hearing	9
18. Representation, procedures etc.	9
19. Notice of decision	10
20. Employee charged with criminal offence	10
21. Employment and remuneration during period of suspension	10
Division 2—Appeals to the Commission	11
22. Notice of an appeal	11
23. Procedures	11
24. Notice of determination	12
25. Payment on successful appeal or variation of penalty	12

<i>Regulation</i>	<i>Page</i>
PART 4—BRIGADES AND GROUPS	14
Division 1—General	14
26. Application	14
27. Foundation member of brigade	14
28. Decision by majority vote	14
29. Application for registration of brigades	14
30. Application for formation or variation of a group	14
31. Sufficient members and appliances to remain in brigade area	15
32. Brigade constitutions	15
33. Group constitutions	15
34. Uniforms and equipment	16
Division 2—Membership	16
35. Applications	16
36. Enrolment of volunteers	17
37. Probationary membership	17
38. Cancellation of enrolment of member on probation	18
39. Resignation	18
Division 3—Elections of Officers of Volunteer Brigades and Groups	18
40. Election of officers	18
Division 4—Conduct and Duties of Members	19
41. Physical fitness	19
42. Training	20
43. Offences	20
44. Penalties	20
45. Investigation	21
46. Suspension	21
47. Laying of a charge	22
48. Hearing	22
49. Representation, procedures etc.	23
50. Notice of decision	24
51. Establishment of Appeal Panel	24
52. Right to appeal	24
53. Setting down appeal	25
54. Appeal operates as re-hearing	25
55. Representation, procedures etc.	25
56. Determination and notification etc.	26
57. Member charged with criminal offence	26
Division 5—Financial Management	26
58. Appointment of secretary and treasurer	26
59. Financial records must be kept	26
60. Audit	27

<i>Regulation</i>	<i>Page</i>
61. Financial year	27
62. Authorisation to collect money	28
63. Property of the brigade—deregistration	28
PART 5—FORESTRY INDUSTRY BRIGADES	29
64. Plantation holdings of relevant owner	29
65. Designation of areas	29
66. Criteria for formation of forestry industry brigades	30
67. Requirement for formation of forestry industry brigade	32
68. Minimum requirements for apparatus	33
69. Application for registration of a forestry industry brigade	34
70. Responsibilities of forestry industry brigade	34
71. Operation of a forestry industry brigade	34
72. Training	35
73. Cancellation of forestry industry brigade	35
74. Certain regulations not to apply to forestry industry brigades	36
PART 6—COMPENSATION	37
Division 1—Compensation for Volunteers	37
75. Definitions	37
76. Entitlement to compensation	40
77. Property loss and damage	41
78. Damages	42
79. Making a claim	43
80. Report by officer in charge	45
81. Transport accident	46
82. Determination of claims	46
83. Average weekly earnings	47
84. Interim payment	47
85. Payment of medical expenses	48
86. Medical certificates and examinations	48
87. Duty to advise Authority	49
88. Alteration of weekly payments by request	49
89. Reduction of weekly payments	50
90. Termination of weekly payments	51
91. Procedure for increase, reduction or termination	52
92. Redemption of weekly payments and medical expenses	53
Division 2—Compensation for Casual Firefighters and Volunteer Auxiliary Workers	53
93. Claims procedure	53
94. Duty of officer in charge	54

<i>Regulation</i>	<i>Page</i>
PART 7—FEES AND CHARGES	55
95. Definitions	55
96. Fire protection charges	55
97. Emergency attendances	55
98. Hazardous material incidents	57
99. Monitoring fire alarm systems	58
100. Road accident rescue	58
PART 8—FIRE PREVENTION	60
Division 1—Fire Prevention Committees	60
101. Election of representatives of groups of brigades on regional fire prevention committees	60
102. Election of representatives of municipal councils to regional fire prevention committees	61
103. Election of brigade representatives to municipal fire prevention committees	62
104. Election of representatives of groups of brigades on municipal fire prevention committees	63
105. Minutes of meetings	64
Division 2—Permits granted during a Fire Danger Period	64
106. Grant of permits to burn	64
107. Production of permit on demand	65
Division 3—Fire Prevention Measures	65
108. Fire prevention notices	65
109. Vehicular heat engines	66
110. Non vehicular heat engines	67
111. Sawmills	68
PART 9—TRANSITIONAL	69
112. Transitional	69

SCHEDULES	70
SCHEDULE 1—Regulations Revoked	70
SCHEDULE 2—Application for the Registration of a Fire Brigade	71
SCHEDULE 3—Application for Approval of the Formation of a Group	72
SCHEDULE 4—Application for Approval of the Variation of the Composition of a Group	73
SCHEDULE 5—Brigade Model Rules	74

<i>Regulation</i>	<i>Page</i>
SCHEDULE 6—Group Model Rules	86
SCHEDULE 7—Application for Membership of Brigade	93
SCHEDULE 8—Elections of Officers of Brigades	94
SCHEDULE 9—Elections of Officers of Groups	96
SCHEDULE 10—Authorisation to Collect Contributions	98
SCHEDULE 11—Elections—Municipal Council Representatives	99
SCHEDULE 12—Permit to Burn by a Brigade	102
SCHEDULE 13—Permit to Burn by an Individual	104
SCHEDULE 14—Permit to Light a Fire for Miscellaneous Purposes	106
SCHEDULE 15—Fire Prevention Notice	107
SCHEDULE 16—Notice to Owners or Occupiers of Land	108
ENDNOTES	109
INDEX	110

STATUTORY RULES 2004

S.R. No. 9/2004

Country Fire Authority Act 1958

Country Fire Authority Regulations 2004

The Governor in Council makes the following Regulations:

Dated: 28 January 2004

Responsible Minister:

ANDRÉ HAERMEYER

Minister for Police and Emergency Services

STEPHANIE LENN

Acting Clerk of the Executive Council

PART 1—PRELIMINARY

1. Objectives

The objectives of these Regulations are to provide for—

- (a) the proceedings of the Country Fire 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;

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 1—Preliminary

r. 2

- (f) compensation for personal injury and destruction, damage or loss of wearing apparel and personal effects of volunteer members of brigades, casual firefighters and volunteer auxiliary workers;
- (g) other matters authorised by the **Country Fire Authority Act 1958**.

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 31 January 2004.

4. Revocation

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

5. Definitions

In these Regulations—

"Act" means the **Country Fire Authority Act 1958**;

"brigade" means an urban or rural brigade registered under section 23 of the Act;

"brigade area" means—

- (a) in the case of an urban brigade, the urban district in respect of which the brigade is registered; and
- (b) in the case of a rural brigade, the rural district in respect of which the brigade is registered; and
- (c) in respect of an industry brigade, the designated area of the industry brigade;

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 1—Preliminary

r. 5

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

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

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

"group" or **"group of brigades"** in Part 4 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 within the meaning of section 3 of the Act;

"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 appointed under section 17 of the Act 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 forestry purposes;

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

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 1—Preliminary

r. 6

"the Commonwealth Act" has the same meaning
as in the **Commonwealth Powers**
(Industrial Relations) Act 1996.

6. Application

These Regulations apply in respect of 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 Chairman 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 Chairman must ensure that—

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

PART 3—STAFF

Division 1—Discipline

11. Offences

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

- (a) contravenes section 20A(2), 26 or 44(1) of the Act; or
- (b) contravenes a direction of the Chief Officer given under section 30(1) of the Act; or
- (c) commits an act of misconduct; or
- (d) is negligent in the discharge of his or her duties; or
- (e) is inefficient or incompetent and the inefficiency or incompetence arises from causes within his or her control; or
- (f) is guilty of disgraceful or improper conduct; or
- (g) 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;

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 3—Staff

r. 13

- (d) a reduction in rank not amounting to a termination within the meaning of the Commonwealth Act;

Note: See section 170CD of the Workplace Relations Act 1996 of the Commonwealth

- (e) a reduction in classification not amounting to a termination within the meaning of the Commonwealth Act;

Note: See section 170CD of the Workplace Relations Act 1996 of the Commonwealth

- (f) a reduction in salary;

- (g) transfer from his or her position and appointment to another position with the Authority for a specified period or without a period being specified;

- (h) termination in accordance with the Commonwealth 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.
- (2) Without limiting sub-regulation (1), the investigator must, as soon as practicable after commencing his or her investigation, give a written report as to the circumstances to the person responsible for determining whether a charge should be laid in respect of 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.
- (2) A charge for an offence must be laid against an employee within—
 - (a) 30 days; or
 - (b) any other period not exceeding 60 days that the Chief Executive Officer or Chief Officer determines—
after the day on which the written report of the investigation is given in accordance with regulation 13(2).
- (3) The senior employee who lays the charge must give to the employee charged a copy of the charge and particulars of the alleged offence.

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. Representation, procedures etc.

- (1) At the hearing of a charge the person charged may appear or be represented by a person of their choice.
- (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 is bound by the rules of natural justice and must be guided by the real justice of the matter before him or her.
- (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.

- (7) The Authority must not discriminate against a person as a result of evidence given by that person at proceedings under this Division, but nothing in this sub-regulation prevents—
- (a) a charge being laid as a result of that evidence and the Chief Officer or Chief Executive Officer from hearing the charge in accordance with this Division; or
 - (b) the Authority instituting legal proceedings or assisting in prosecutions or legal proceedings instituted by another person as a result of that evidence.

19. Notice of decision

The person hearing the 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 penalties 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 which accrues 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 in accordance with sub-regulation (2) must be paid to him or her.
- (4) If the charge in respect of which an employee has been suspended is found proven, all remuneration withheld in accordance with sub-regulation (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 sub-regulation (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 he or she is given notice of the matter against which he or she wishes to appeal; and
 - (b) serve a copy of the notice of appeal on the Authority.
- (2) An application for relief in respect of termination within the meaning of the Commonwealth Act may be made in accordance with the Commonwealth Act.

Note: See Division 3 of Part VIA of the Workplace Relations Act 1996 of the Commonwealth.

23. Procedures

The Commission must ensure that, in respect of each appeal, the Authority 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.

24. Notice of determination

The Commission must give written notice of its determination to the Authority and the relevant appellant.

25. Payment on successful appeal or variation of penalty

(1) 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—

the Authority must pay the employee an amount of money which is equivalent to the difference between the remuneration the employee would have received had the decision of the Commission 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.

(2) If—

- (a) an employee appeals to the Commission under section 74I(b) of the Act against a removal; and

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 3—Staff

r. 25

(b) the Commission—

- (i) allows the appeal; or
- (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—

the Authority must pay the employee an amount of money that is equivalent to the amount of money that the employee would have received had the decision of the Commission been made by the Chief Executive Officer under regulation 16 or by the Chief Officer under regulation 17.

PART 4—BRIGADES AND GROUPS

Division 1—General

26. Application

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

27. Foundation member of brigade

Each person who applies for enrolment as a foundation member of a brigade must comply with the requirements of membership contained in the rules in Schedule 5.

28. 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 (as the case requires).

29. Application for registration of brigades

An application for the registration of a brigade must be in the form of Schedule 2 and be given to the Authority.

30. Application for formation or variation of a group

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

31. Sufficient members and appliances to remain in brigade area

The officer in charge of a brigade may authorise specified members and appliances to leave the brigade area if members and appliances sufficient to protect life and property in the brigade area remain in the brigade area.

32. Brigade constitutions

- (1) With the approval of the Authority, a brigade may—
 - (a) adopt rules as to the internal workings and administration of the brigade; and
 - (b) vary the rules—

if the rules or the variation are not inconsistent with the Act or these Regulations.
- (2) If a brigade has not adopted rules under this regulation within 6 months after the commencement of these Regulations, the rules in Schedule 5 apply.

33. Group constitutions

- (1) With the approval of the Authority, a group may—
 - (a) adopt rules as to the internal workings and administration of the group; and
 - (b) vary the rules—

if the rules or the variation are not inconsistent with the Act or these Regulations.
- (2) If a group has not adopted rules under this regulation within 6 months after the commencement of these Regulations, the rules in Schedule 6 apply.

34. Uniforms and equipment

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

Division 2—Membership

35. Applications

- (1) An application—
 - (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—must be in the form in Schedule 7 and be submitted to the brigade of which membership is sought.
- (2) 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.
- (3) If the brigade approves an application referred to in sub-regulation (1), the brigade must apply to the Authority to enrol that person in accordance with the application.

36. Enrolment of volunteers

- (1) A person will not be recognised as 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 that 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 lives of others, but is capable of performing the duties specified by the Chief Officer.

37. 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 sub-regulation (1).
- (3) The Authority may vary the probation period prior to the expiry of the probation period.

38. 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.

39. Resignation

- (1) A member of a brigade who wishes to resign from the brigade must advise the brigade in writing of that fact.
- (2) The secretary of a brigade who receives advice of the resignation of a member of the brigade must advise the Authority accordingly.

Division 3—Elections of Officers of Volunteer Brigades and Groups

40. 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

41. Physical fitness

- (1) To determine—
- (a) the physical capability of a member; or
 - (b) the physical capability of a member to perform the tasks in respect of which he or she is, or is to be, registered—

the Chief Officer may, from time to time, require the member to undergo, at the expense of the Authority with a person designated by the Chief Officer, medical examinations or tests related to brigade duties determined by the Chief Officer.

- (2) If a member unreasonably fails—
- (a) to undergo the 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 his or her brigade until the examination or test is undergone or the medical certificate is submitted.

- (3) If a member knows, or becomes aware, of a matter which would significantly affect his or her capacity to perform the duties of a member in respect of which he or she is enrolled, the member must, as soon as practicable, advise the Chief Officer of that matter.
- (4) The failure of a member to comply with sub-regulation (3) does not disqualify the member from receiving compensation under these Regulations.

42. Training

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

43. Offences

A member of a brigade who—

- (a) contravenes section 20A(2), 26 or 44(1) of the Act; or
- (b) contravenes a direction of the Chief Officer given under section 30(1) of the Act; or
- (c) commits an act of misconduct; or
- (d) is negligent in the discharge of his or her duties; or
- (e) is inefficient or incompetent and the inefficiency or incompetence arises from causes within his or her control; or
- (f) is guilty of disgraceful or improper conduct—

is guilty of an offence.

44. Penalties

A member who is guilty of an offence under regulation 43 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 time;
- (g) a recommendation to the Authority that the enrolment of the member be cancelled.

45. 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.
- (2) Without limiting sub-regulation (1), an investigator must, as soon as practicable after commencing his or her investigation, give a written report as to the circumstances to the person responsible for determining whether a charge should be laid in respect of those circumstances.

46. Suspension

- (1) At any time before the Chief Officer has caused an investigation to be conducted in accordance with regulation 45(1), the Chief Officer or an officer of the Authority nominated by the Chief Officer for the purpose may suspend a member from his or her brigade until the report of an investigation concerning that member has been given under regulation 45(2).
- (2) At any time after the Chief Officer has caused an investigation to be conducted under regulation 45(1), an officer of the Authority nominated by the Chief Officer for the purpose may suspend a member from his or her brigade until—
 - (a) the time for the laying of a charge under regulation 47(2) has expired; or
 - (b) if a charge is laid, the charge has been dealt with under these Regulations.

47. Laying of a charge

- (1) An officer in charge of a brigade or an officer nominated for the purpose by the Chief Officer may lay a charge for an offence under regulation 43.
- (2) A charge for an offence must be laid against a member within—
 - (a) 30 days; or
 - (b) any other period not exceeding 60 days that the Chief Officer determines—
after the day on which the written report of the investigation is given in accordance with regulation 45(2).
- (3) The officer who lays the charge must give to the member charged a copy of the charge and particulars of the alleged offence.

48. Hearing

- (1) Not less than 21 days before the day set for the hearing of a charge, the Chief Officer must 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) Not less than 14 days before the day set for the hearing of the charge, the officer who laid the charge must ensure that a copy of the report prepared in accordance with regulation 45(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 44.

49. Representation, procedures etc.

- (1) At the hearing of a charge the member charged may appear or be represented by a person of their choice.
- (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 is bound by the rules of natural justice and must be guided by the real justice of the matter before him or her.
- (5) Subject to these Regulations, the Chief Officer may conduct the hearing in any manner he or she reasonably thinks fit.
- (6) The Chief Officer may adjourn a hearing if he or she considers it necessary.
- (7) The Chief Officer must not discriminate against a person as a result of evidence given by that person at proceedings under this Division, but nothing in this sub-regulation prevents—
 - (a) a charge being laid as a result of that evidence and the Chief Officer from hearing the charge in accordance with this Division; or
 - (b) the Authority instituting legal proceedings or assisting in prosecutions or legal proceedings instituted by another person as a result of that evidence.

50. Notice of decision

The Chief Officer must, within 14 days after making a decision under regulation 48(3), give to the member charged written notice of the decision, including any penalties imposed.

51. Establishment of Appeal Panel

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

- (a) the chairman of the Authority; and
- (b) a member of the Authority nominated by the chairman of the Authority; and
- (c) if the member appealing to the Appeal Panel is a member of—
 - (i) a rural brigade—a person nominated by the Victorian Rural Fire Brigades Association; or
 - (ii) an urban brigade—a person nominated by the Victorian Urban Fire Brigades Association; or
 - (iii) both an urban and a rural brigade—a person nominated by the Association elected by the member.

52. 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 48(3).
- (2) Notice of an appeal to the Appeal Panel must be—
 - (a) in writing; and
 - (b) lodged with the chairman of the Authority not later than 14 days after the member has been served with notice of the decision of the Chief Officer under regulation 50.

53. 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.

54. Appeal operates as re-hearing

An appeal under regulation 52 must be conducted as a re-hearing.

55. Representation, procedures etc.

- (1) At a hearing before an Appeal Panel, the appellant may appear in person or be represented by a person of their choice.
- (2) An 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 is bound by the rules of natural justice and must be guided by the real justice of the matter before it.
- (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.

56. 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 chairman 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.

57. 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

58. Appointment of secretary and treasurer

A brigade or group must appoint a secretary and may appoint a treasurer.

59. 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 appropriate records of the financial affairs and assets of the brigade or group are kept.

60. Audit

- (1) A brigade or group, by resolution at the biennial meeting to elect officers, must appoint an auditor to audit annually the brigade or group accounts, as the case requires.
- (2) Unless otherwise approved by the Authority—
 - (a) a member of a brigade whose accounts are required to be audited; or
 - (b) a member of a brigade which is a member of the group whose accounts are required to be audited—cannot be appointed as an auditor for the purposes of sub-regulation (1).
- (3) In this regulation "**auditor**" means—
 - (a) a person who is a registered company auditor within the meaning of the Corporations Law; or
 - (b) a member of CPA Australia or of The Institute of Chartered Accountants in Australia; or
 - (c) a person approved by the Authority.

61. Financial year

The financial year of brigades and groups commences on—

- (a) 1 April in each year; or
- (b) if, by resolution, a brigade or group adopts 1 July as the commencement of the financial year, 1 July in each year.

62. Authorisation to collect money

For the purposes of section 102 of the Act—

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

63. Property of the brigade—deregistration

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

- (a) the property of the brigade must not be distributed amongst the members of the brigade; and
 - (b) the property must be distributed as determined by the Authority after consultation with the brigade.
-

PART 5—FORESTRY INDUSTRY BRIGADES

64. Plantation holdings of relevant owner

In this Part, a reference to the plantation holdings of a relevant owner is a reference to plantation holdings leased or occupied by the relevant owner or of which the relevant owner is the forest property owner within the meaning of section 23AA(10)(c) of the Act.

65. Designation of areas

- (1) In designating an area for the formation of a forestry industry brigade, the Authority must—
 - (a) determine a point which is to be the central point of the proposed area; and
 - (b) ensure that the land in the designated area—
 - (i) is within a radius of 25 kilometres of that central point; or
 - (ii) is a plantation holding which is contiguous with a plantation holding within a radius of 25 kilometres of that central point.
- (2) Before designating an area for the formation of a forestry industry brigade, the Authority must consider the following matters—
 - (a) the size, location, topography, number and dispersion of plantation holdings in the area;
 - (b) the characteristics of the area, including—
 - (i) the location of roads;
 - (ii) the existing fire suppression capacity;
 - (iii) the past incidence of fire;
 - (iv) the risk posed by fire to plantation holdings and the community.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 5—Forestry Industry Brigades

r. 66

- (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 sub-regulation (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) at least one person from the Department of Justice.
- (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.
- (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.

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 to form a forestry industry brigade for a designated area.
- (2) If the aggregate plantation holdings of the relevant owner 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 which is able to provide adequate

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 5—Forestry Industry Brigades

r. 66

services for the suppression of 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 are 500 hectares or more; and
 - (b) there is no other forestry industry brigade in another designated area which is willing or able to provide adequate service for the control and suppression of fires in the designated area; and
 - (c) the formation of the forestry industry brigade is appropriate having regard to—
 - (i) the adequacy of existing fire detection systems; and
 - (ii) the first attack capability of the proposed brigade; and
 - (iii) the existing equipment available for fire suppression in the designated area; and
 - (iv) the availability of competent persons to become members of the brigade; and
 - (v) the fire suppression capacity of any other brigade in the designated area; and
 - (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) state the officers and members which the Authority has determined are to be provided for the brigade at the expense of the relevant owner or relevant owners; and
 - (d) state the apparatus for the suppression of fires which the Authority has determined is to be provided for the brigade at the expense of the relevant owner or relevant owners; and
 - (e) state the operational and administrative requirements required by the Authority; and
 - (f) state that the relevant owner 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; and
 - (g) state that the relevant owner must apply to the Authority for registration of the forestry industry 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 a forestry industry brigade.
- (3) A requirement under section 23AA(2) of the Act must be served on 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 firefighting unit—
 - (a) which is capable of traversing all roads and tracks in the designated area; and
 - (b) which has a minimum water carrying capacity of 2500 litres; and
 - (c) which is equipped with at least 30 metres of 19 millimetre hose connected to a firefighting nozzle and a pump of at least 5 horsepower.
- (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 firefighting units—
 - (a) which are capable of traversing all roads and tracks in the designated area; and
 - (b) which have a minimum aggregate water carrying capacity of 800 litres; and
 - (c) which are equipped with at least 30 metres of 19 millimetre hose connected to a firefighting nozzle and a pump of at least 5 horsepower.
- (3) In determining the apparatus to be provided for fire suppression under section 23AA of the Act, the Authority must have regard to—

Country Fire Authority Regulations 2004
S.R. No. 9/2004

r. 69

Part 5—Forestry Industry Brigades

- (a) the minimum requirements set out in sub-regulations (1) and (2); and
- (b) the criteria set out in regulation 66(3).

69. Application for registration of a forestry industry brigade

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

- (a) the name of the person engaged or employed by the relevant owner who is proposed for appointment as the officer in charge of the brigade; and
- (b) the names of the persons engaged or employed by the relevant owner who are proposed for appointment as officers and members of the brigade; and
- (c) a list of the apparatus to be used by the brigade in the suppression of fires.

70. Responsibilities of forestry industry brigade

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

71. Operation of a forestry industry brigade

- (1) The relevant owner, or 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 plantation holdings of the relevant owner or owners; and
 - (b) must ensure that all apparatus and equipment of the forestry industry brigade is maintained in operational order; and

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 5—Forestry Industry Brigades

r. 72

-
- (c) may respond to calls to assist other brigades attending fires beyond the plantation holdings.
 - (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) the nearest group of brigades is informed of the fire; and
 - (b) regular situation reports of fire suppression activities by the brigade are provided to the Chief Officer or the officer exercising the powers of the Chief Officer; and
 - (c) a fire incident report in a form approved by the Authority and any additional information that is requested by the Authority is submitted to the Authority in the manner required by the Authority at the conclusion of the fire incident.

72. Training

- (1) The maximum training requirements for officers and members of forestry industry brigades are those determined under regulation 42 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.

73. Cancellation of forestry industry brigade

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

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 5—Forestry Industry Brigades

r. 74

74. Certain regulations not to apply to forestry industry brigades

Parts 3 and 4 do not apply to forestry industry brigades.

PART 6—COMPENSATION

Division 1—Compensation for Volunteers

75. Definitions

In this Division—

"compensation" includes compensation for losses referred to in regulation 76(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 his or her pre-injury employment but is able to return to work in suitable employment;

"family member" means the parent, grandparent, step-parent, sibling, step-sibling, child or step-child of the member;

"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 spouse, domestic partner, family members and dependents 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 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;

"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;

"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
- (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

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 6—Compensation

r. 75

-
- 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);

"suitable employment", in relation to a member, means employment in work for which the member is currently suited (whether or not that work is available) having regard to the following—

- (a) the nature of the member's incapacity and pre-injury employment;
- (b) the member's age, education, skills and work experience;
- (c) the member's place of residence;
- (d) the details given in medical information including the medical certificate supplied by the member;
- (e) the member's return to work plan, if any;
- (f) any rehabilitation services that are being provided to or for the member;

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

76. 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 spouse, domestic partner, family members and dependents of the member are entitled to compensation under this Division.

77. 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 sub-regulation (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.

78. 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 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 award exceeds the amount of
compensation paid under this Division, the
total amount of compensation received under
this Division; or
- (d) if the award 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 sub-regulation (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 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 award of

damages or compensation 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; and
- (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.

79. Making a claim

- (1) A claim must—
- (a) be in writing signed by the member or, in the case of death, the claimants or any other person authorised by the Authority; 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;
 - (c) in the case of a claim for personal injury—
 - (i) be in a form approved by the Authority; and

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 6—Compensation

r. 79

-
- (ii) if a claim for loss of income is made, be accompanied by—
 - (A) a medical certificate in the form required by sub-regulation (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 81; and
 - (iv) in respect of the death of a member, be accompanied by a copy of the death certificate.
- (2) A medical certificate must—
- (a) be in the form approved by the Victorian WorkCover Authority for the purposes of section 105(1)(b) of the **Accident Compensation Act 1985**; 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.
-

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 6—Compensation

r. 80

- (3) Despite sub-regulation (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) A claim must be lodged with the officer in charge of the brigade to which the member belonged at the time of the destruction, damage or loss of personal property or of the personal injury, as the case may be.
- (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.

80. Report by officer in charge

- (1) Subject to sub-regulation (2), the officer in charge of the brigade who receives a claim under regulation 79 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 operations manager for the region must comply with sub-regulation (1).

81. 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 member of the police force 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.

82. 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 to sections 5, 82, 83, 86, 87, 88, 89, 90, 91, 92 (except subsection (7)), 93, 93D, 93DA, 93E, 93F, 96, 96A, 97, 98, 98A, 99, 99A, 100, 111, 112 and 113 of the **Accident Compensation Act 1985**, 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.

83. Average weekly earnings

In determining the average weekly earnings of a self-employed 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) other relevant matters.

84. Interim payment

- (1) The Authority may—
 - (a) make an interim payment for loss of income, calculated by reference to regulation 83, for a period not exceeding 6 weeks in respect of a claim for compensation before determining the claim; and

- (b) off-set the amount of the interim payment for loss of income against the amount of compensation subsequently determined by the Authority.
- (2) A payment under sub-regulation (1) is subject to the provision of a medical certificate in accordance with regulation 79.
- (3) A payment made under sub-regulation (1) is not an admission of liability to pay compensation in respect of the claim.

85. 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.

86. 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 sub-regulation (1).

87. 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 a person or body other than the Authority for the same personal injury for which the Authority has paid compensation under this Division.

88. 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).

89. Reduction of weekly payments

- (1) The Authority may, in accordance with regulation 91, 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.
- (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 91, 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.

90. Termination of weekly payments

The Authority may, in accordance with regulation 91, 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
 - (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 his or her control; and
 - (ii) is not related to the personal injury entitling the member to weekly payments.

91. 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.

92. 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 Firefighters and Volunteer Auxiliary Workers

93. Claims procedure

- (1) A claim for compensation under Part V of the Act must, with any variations that are necessary, comply with regulations 79 and 81.
- (2) 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.

94. Duty of officer in charge

The person with whom a claim is lodged under regulation 93(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 his or her opinion as to the claim.

PART 7—FEES AND CHARGES

95. Definitions

In this Part—

"alarm signal monitor point" means each alarm transponder unit installed at a customer's premises that is monitored at a fire station;

"appliance" means a firefighting or emergency response appliance—

- (a) which is operated by the Authority; and
- (b) whose gross weight exceeds 3 tonnes.

96. Fire protection charges

- (1) The Authority may, from time to time, fix fees and charges for the following services rendered by officers of the Authority—
 - (a) the inspection of 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 sub-regulation (1) is liable to pay the fee or charge fixed by the Authority for that service.

97. Emergency attendances

- (1) The following persons are liable to pay the relevant fee referred to in sub-regulation (2)—
 - (a) the owner or occupier of property on which an automatic fire alarm system is installed, for the attendance of a brigade in response to a false alarm given by that system in respect

Country Fire Authority Regulations 2004
S.R. No. 9/2004

r. 97

Part 7—Fees and Charges

-
- of which the Authority may require payment under section 20B of the Act;
- (b) the owner or master of a vessel, for the attendance of a brigade in response to a fire on the vessel;
 - (c) 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;
 - (d) in respect of an attendance of a brigade in response to a hazardous material incident the whole or part of which is not a fire—
 - (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 of the vehicle transporting the hazardous material involved in the incident.
- (2) 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—
- (a) if the attendance is by a brigade classified by the Authority as a Class A Urban Fire Brigade—\$351.23; or
 - (b) if the attendance is by a brigade classified by the Authority as a Class A1 Urban Fire Brigade—\$246.22; or
 - (c) if the attendance is by any other brigade—\$140.03.
- (3) For the purposes of section 12 of the **Summary Offences Act 1966**, the amount of a brigade's expenses and charges is the relevant fee specified in sub-regulation (2).
-

98. Hazardous material incidents

- (1) The cost of attending a hazardous material incident the whole or part of which is not a fire 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—
 - (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 equipment and vehicles to deal with the hazard involved in the incident;
 - (f) the cost of medical and like expenses in testing and treating persons injured, or at risk of injury, in attending the incident.
- (2) A person who is liable to pay a fee under regulation 97 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 sub-regulation (1).

99. Monitoring fire alarm systems

The charges payable per annum under section 97C of the Act for monitoring a fire alarm system installed at a customer's premises are as follows—

- (a) if the alarm signal monitor point is monitored at a brigade classified by the Authority as a Class A Urban Fire Brigade—\$211.20 in respect of each alarm signal monitor point;
- (b) if the alarm signal monitor point is monitored at a brigade classified by the Authority as a Class A1 Urban Fire Brigade—\$147.03 in respect of each alarm signal monitor point.

100. Road accident rescue

- (1) In respect of road accident rescue services provided to people 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 sub-regulation (3).
- (2) In respect of road accident rescue services provided to people entitled to compensation under section 99(1)(a) of the **Accident Compensation Act 1985**, the Authority may charge the Accident Compensation Commission the fees agreed with the Commission, having regard to the matters set out in sub-regulation (3).
- (3) The fees agreed 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

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Part 7—Fees and Charges

r. 100

-
- (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 co-ordination 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.
-

PART 8—FIRE PREVENTION

Division 1—Fire Prevention Committees

101. 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 2 or more candidates receive an equality 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; and
 - (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 greatest number of votes of persons present and eligible to vote are to be declared elected; and
 - (c) if 2 candidates receive an equality of votes they are both to be declared elected; and

(d) if more than 2 candidates receive an equality 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.

102. 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 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 2 candidates as members of the regional fire prevention committee and 2 candidates as deputy members of the regional fire prevention committee.

- (6) The ballot paper under sub-regulation (4) must—
 - (a) contain names, in alphabetical order of the nominees; and
 - (b) indicate 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 which 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.

103. 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 urban or rural 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 2 or more candidates receive an equality 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 representative or representatives must be elected is 90 days.

104. 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 2 or more candidates receive an equality 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—
- (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; and
 - (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; and
 - (c) if 2 or more candidates receive an equality 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 purpose of section 56(b) of the Act, the prescribed time within which a representative or representatives must be elected is 90 days.

105. 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

106. 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 that 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 sub-regulation (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.

107. 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 member of the police force, produce the permit (or a copy of the permit) for the inspection of that person.

Division 3—Fire Prevention Measures

108. Fire prevention notices

- (1) For the purpose of section 41(3)(a) of the Act, a fire prevention notice must be in the form of Schedule 15.
- (2) For the purpose of section 41A(3)(b) of the Act—
 - (a) the prescribed form is the form in Schedule 16;
 - (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.

109. Vehicular heat engines

(1) For the purpose of section 50(2)(c) of the Act, the prescribed fire suppression equipment is—

(a) at least one knapsack spray pump 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 Australian Standard AS1687–1991 approved by Standards Australia in 1990 and published in February 1991 as amended and in force on 31 January 2004; 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 Australian/New Zealand Standard AS/NZS 1841.2:1997 approved by Standards Australia in 1997 as amended and in force on 31 January 2004.

- (2) For the purpose of section 50(5) of the Act, a spark arrester must comply with Australian Standard AS1019–2000 approved by Standards Australia in 2000 as amended and in force on 31 January 2004.

110. 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 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 sub-regulation (4), a person is in attendance at all times the heat engine is in operation together with fire suppression equipment referred to in regulation 109(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 sub-regulation (3)(b)(ii) where, in the opinion of the Chief Officer, the circumstances surrounding the operation of the heat engine warrant it.

111. Sawmills

For the purpose of section 49 of the Act—

- (a) the disposal by burning of sawdust, bark edgings, wood or other inflammable material must be 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—TRANSITIONAL

112. Transitional

If, before the commencement of these Regulations, an appeal panel established by regulation 76 of the Country Fire Authority Regulations 1992 had commenced hearing an appeal and, on that commencement, the appeal had not been finally determined, the appeal panel must complete the hearing of that appeal in accordance with the Country Fire Authority Regulations 1992 and make any determination or order in respect of the appeal that it could have made immediately before the commencement of these Regulations and for that purpose the appeal panel shall continue to exist, despite the revocation of the Country Fire Authority Regulations 1992.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 1

SCHEDULES

SCHEDULE 1

Regulation 4

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
180/1992	Country Fire Authority Regulations 1992
25/1993	Country Fire Authority (Amendment) Regulations 1993
263/1993	Country Fire Authority (Charges) Regulations 1993
107/1995	Country Fire Authority (Fire Prevention) Regulations 1995
125/1995	Country Fire Authority (Contributions) Regulations 1995
188/1995	Country Fire Authority (Charges) Regulations 1995
144/1997	Country Fire Authority (Appeals Commission) Regulations 1997
161/1998	Country Fire Authority (Forestry Industry Brigades) Regulations 1998
48/2000	Country Fire Authority (Amendment) Regulations 2000
2/2001	Country Fire Authority (Amendment) Regulations 2001
130/2003	Country Fire Authority (Charges) Regulations 2003

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 2

SCHEDULE 2

Regulation 29

APPLICATION FOR THE REGISTRATION OF A FIRE BRIGADE

To: Area Manager

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 fire 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 members (in alphabetical order):

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

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 3

SCHEDULE 3

Regulation 30(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 register 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: _____

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 4

SCHEDULE 4

Regulation 30(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 5

Regulations 27, 30(1), 32

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) the highest ranking volunteer officer of the brigade; and
- (b) the person appointed by the Authority as the officer in charge 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 2004.

2. Object

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

- (1) An urban brigade may have the following categories of members—
 - (a) senior members;
 - (b) junior members.
- (2) A rural brigade may have the following categories of members—
 - (a) senior members;
 - (b) junior members.

4. Criteria for senior membership

- (1) A person is not eligible—
- (a) to join, or to transfer to, an urban brigade as a senior member; or
 - (b) to remain a senior member of an urban brigade—
unless—
 - (c) the person is capable of performing his or her duties as a member of that brigade without endangering his or her safety or the safety of others; and
 - (d) the person is 16 years of age or more; and
 - (e) the person is reasonably available to carry out the functions and duties of a member of a brigade; and
 - (f) the person is a fit and proper person to be a member.
- (2) A person is not eligible—
- (a) to join, or transfer to, a rural brigade as a senior member; or
 - (b) to remain a senior member of a rural brigade—
unless—
 - (c) the person is capable of performing his or her duties as a member of that brigade without endangering his or her safety or the safety of others; and
 - (d) the person is 16 years of age or more; and
 - (e) the person is reasonably available to carry out the functions and duties of a member of a brigade; and
 - (f) the person is a fit and proper person to be a member.
- (3) The Authority may waive the requirement in sub-rule (2)(d) if it determines that special circumstances exist to warrant the waiver.

5. Membership

A person who wishes to join the brigade must—

- (a) apply to the brigade for membership; and
- (b) satisfy the requirements of the Regulations.

6. Refusal of membership

Membership of a brigade may be refused where the Authority—

- (a) requires the person to undergo a medical examination determined by the Authority 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.

7. Probationary membership

During the probation period 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.

8. 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.

9. 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.

10. 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 the 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 the Regulations.

PART 2—MEETINGS

11. Number of meetings

The brigade must meet—

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

whichever is the greater.

12. 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.

13. Chairing of meeting

Meetings of a brigade must be chaired by—

- (a) the highest ranking volunteer officer present; or
- (b) if the brigade elects a member as president of the brigade—by the president; or
- (c) if the meeting nominates a chairperson for the meeting—the person so nominated.

14. Procedure

- (1) The person chairing the meeting must—
 - (a) put to the vote of the meeting all matters for determination by the brigade; and
 - (b) declare as carried a motion which obtains 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 equality of votes, the person chairing the meeting has a casting as well as a deliberative vote.

15. Eligibility to vote

All members are eligible to vote at brigade meetings.

16. Quorum

- (1) For the purpose of meetings held under these Rules, a quorum of the brigade is—
 - (a) not less than 15 members; or
 - (b) not less than half the number of members of the brigade—whichever is the lesser.
- (2) Despite sub-rule (1)—
 - (a) if the brigade, at its annual meeting—
 - (i) determines that it cannot meet the quorum requirements in sub-clause (1); and
 - (ii) specifies a quorum which it can meet; and
 - (b) the officer in charge of the fire control region in which the brigade is located approves the quorum specified by the brigade or specifies a quorum less than that specified in sub-rule (1), the quorum approved or specified by that officer is the quorum for brigade meetings.

17. Annual general meeting

- (1) The brigade must hold an annual general meeting every year.
- (2) The secretary must notify each member in writing—
 - (a) of the date, place and time of the annual general meeting; and

-
- (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 can be effected 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.

18. Matters at an annual general meeting

- (1) The secretary, or if the brigade has a treasurer, the treasurer must, at each annual general meeting, in respect of the last financial year—
 - (a) table the annual audited accounts of the brigade; and
 - (b) make a full report of the activities and financial position of the brigade; and
 - (c) ensure that full reports of the activities and financial position of clubs or 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.

19. 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 seniority of rank.

20. Nomination of officers

Unless the brigade determines 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.

21. Casual vacancies

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

- (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—

elect an officer to fill the vacancy in accordance with these Rules and the Regulations.

22. Procedural matters

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

23. Special meetings

- (1) A special meeting of the brigade—
 - (a) may be called by the highest ranking elected officer on his or her own initiative; and
 - (b) must be called by the secretary if so 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 served on each member not less than 4 days before the meeting.
- (3) Notification of a special meeting must be effected in the same way as notification for the annual general meeting is required to be effected.
- (4) Business which is not specified in the notice calling a special meeting must not be dealt with at the special meeting.

24. 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 equality of votes, the person presiding at the meeting must draw lots to determine who is to be declared elected.

PART 3—MANAGEMENT

25. 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 as president of the brigade one of the members of the management team.

26. 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 president of the brigade; or
 - (b) if there is no president, or the president is absent—by the committee 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 equality of votes, the person chairing the meeting has a deliberative as well as a casting vote.

27. Delegation to management team

Unless the brigade, by resolution, delegates to the management team the power to make decisions regarding a matter or class of matters, a decision of the management team is of no effect until approved by a resolution of the brigade.

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 which apply to the management team apply with any modifications that are necessary to each sub-committee of the management team.

29. 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 to the team for the remainder of the term for which the member was elected.

PART 4—FINANCE

30. 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; and
 - (b) cash payment book; and
 - (c) bank pay-in book; and
 - (d) bound minute book with numbered pages; and
 - (e) records of approvals for fund raising appeals; and

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 5

-
- (f) financial records of fund raising appeals; and
 - (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 under sub-rule (1) is kept for 7 years from the date of the document's creation; and
 - (b) each set of audited annual accounts is kept for 7 years from the date of the audit.
- (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.

31. 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 the **Trustee Act 1958**.
- (2) The determination of whether to approve a matter for the purposes of this rule must be by a resolution of the brigade.

32. Bank accounts—brigades

- (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 officer in charge of the fire control region in which the brigade is located.
- (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—
 - (a) there must—
 - (i) be paid 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

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 5

- (ii) be paid out of each special purpose account payments for the purpose for which the account was established; and
- (b) there must—
 - (i) be paid 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
 - (ii) be paid 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.

33. 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.

34. Purchasing

- (1) Subject to sub-rule (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 officer in charge of the fire control region, the brigade may, by resolution, delegate to a member the power to authorise specified purchases.

35. Signatories

A brigade cheque must be signed by any 2 of the officer in charge of the brigade, the secretary, the treasurer or an officer authorised by resolution of the brigade.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 5

36. Payment

- (1) The secretary or 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.

37. Reporting

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

38. Audit

The secretary or, if the brigade has a treasurer, the treasurer must ensure that the brigade's financial books and records are audited annually in accordance with the Regulations.

SCHEDULE 6

Regulation 33

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 Regulations 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 2004.

(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

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 co-ordinating 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.

PART 2—MEETINGS

4. Number of meetings

Meetings of the group must be held—

- (a) at least twice in every 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 person chairing the meeting must—
 - (a) put to the vote of the meeting all matters for determination by the group; and
 - (b) declare carried a motion which obtains 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 equality of votes, the person chairing the meeting has a casting as well as a deliberative vote.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 6

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 every 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 can be effected by posting or delivering the notice to the relevant brigade's last known address.

10. Matters at an annual general meeting

- (1) The secretary must, at each annual general meeting, in respect of the last financial year—
 - (a) table the annual audited accounts of the group; and
 - (b) make a full report of the activities and financial position of the group; and
 - (c) ensure that full reports of the activities and financial position of clubs or 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 every 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 on his or her own initiative; 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 effected in the same way as notification for the annual general meeting is required to be effected.
- (4) Business which 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—by 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 equality of votes, the person chairing the meeting has a deliberative as well as a casting vote.

18. Delegation to management team

Unless the group, by resolution, delegates to the management team the power to make decisions regarding a matter or class of matters, a decision of the management team is of no effect until approved 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 which 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 must ensure that the following books or records are established and maintained—
 - (a) cash receipt book; and
 - (b) cash payment book; and
 - (c) bank pay-in book; and
 - (d) bound minute book with numbered pages; and
 - (e) records of approvals for fund raising appeals; and
 - (f) financial records of fund raising appeals; and
 - (g) petty cash book.
- (2) The secretary must ensure that—
 - (a) a document that is required to be kept as part of a book or record referred to under sub-rule (1) is kept for 7 years from the date of the document's creation; and
 - (b) each set of audited annual accounts is kept for 7 years from the date of the audit.
- (3) The secretary 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 the **Trustee Act 1958**.

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.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 6

23. Petty cash

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

24. Purchasing

- (1) Subject to sub-rule (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 officer in charge of the fire control region, the group may, by resolution, delegate to a brigade delegate the power to authorise specified purchases.

25. Payment

- (1) The secretary 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 must ensure that all payments, other than payments out of petty cash, are made by cheque.

26. Signatories

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

27. Reporting

The secretary must, at each meeting, report to the group on all transactions since the last meeting.

28. Audit

The secretary must ensure that the group's financial books and records are audited annually in accordance with the Regulations.

SCHEDULE 7

Regulation 35

APPLICATION FOR MEMBERSHIP OF BRIGADE

1. Brigade and Type of Application

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.

3. Applicant's acknowledgment of application

Applicant's signature

SCHEDULE 8

Regulation 40(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—
 - (a) is a member of the brigade; and
 - (b) is not prohibited from standing for election by the operation of regulation 36 or rule 8(3) of Schedule 5.
- (2) A member of a brigade is not eligible to stand for the office of captain of the brigade unless—
 - (a) the member has served as an officer of a brigade for 2 years or more; 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 designated 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 2 or more candidates receive an equality of votes, the person presiding at the meeting must 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 2 or more candidates receive an equality 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 clause 5, an officer of a brigade holds office for 2 years, commencing on 1 July next following his or her 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 deemed to be extended until a person is elected to that office in accordance with this Schedule.

5. Casual vacancies

- (1) If, before the expiration of his or her term of office, an officer of a brigade—
 - (a) resigns from office or is disqualified from holding office; or
 - (b) ceases to be a volunteer—the brigade must, as soon as is practicable after receiving notice of a matter referred to in paragraph (a) or (b), elect a member to replace that officer.
- (2) A member elected to replace an officer in accordance with sub-clause (1) 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 40(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—
 - (a) is a registered member of a brigade that is a member of the group; and
 - (b) is not prohibited from standing for election by the operation of regulation 36 or rule 8(3) of Schedule 5.
- (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 designated 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 2 or more candidates receive an equality of votes, the person presiding at the meeting must 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 his or her 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 deemed to be extended until a person is elected to that office in accordance with this Schedule.

5. Casual vacancies

- (1) If, before the expiration of his or her 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—
- the group must, as soon as is practicable after receiving notice of a matter referred to in paragraph (a) or (b), elect a member to replace that officer.
- (2) A member elected to replace an officer in accordance with sub-clause (1) 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.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 10

SCHEDULE 10

Regulation 62

AUTHORISATION TO COLLECT CONTRIBUTIONS

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 102(5)

ELECTIONS—MUNICIPAL COUNCIL REPRESENTATIVES

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 municipal councils 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 municipal councils 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

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 11

-
- (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 municipal councils 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 the ballot papers 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
 - (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) re-arrange all the ballot papers under the names of the respective candidates for which a first preference vote is indicated; and
 - (ii) place the ballot papers 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
-

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 11

-
- (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 the ballot papers 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.
-

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 12

SCHEDULE 12

Regulation 106(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)* 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).

The 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 contiguous to 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 contiguous to the area to be burned between 2 and 24 hours before the burning is to commence.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 13

SCHEDULE 13

Regulation 106(1)(b)

PERMIT TO BURN BY AN INDIVIDUAL

(Not valid on a day of TOTAL FIRE BAN)

PERMIT granted to *(insert name)*
of *(insert address)*
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)

The 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 to 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.
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.
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 whilst the fire is within 3 metres of the wetted area.
5. Burning off must not commence before *(insert time)*

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 13

6. 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.
7. 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 adults and adequate fire suppression equipment or appliances must be present.
8. 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.
9. All fires must be extinguished before sunrise on the day following the day on which they were lit.
10. Additional conditions (if any)

Dated at _____ on _____
 (Signed) ** _____
 of the _____ (Name of Municipal Council,
 Administrative Unit, Public Authority)

* Delete whichever is inapplicable.

** Fire Prevention Officer or other person authorised to issue the permit.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 14

SCHEDULE 14

Regulation 106(1)(c)

PERMIT TO LIGHT A FIRE FOR MISCELLANEOUS PURPOSES

(Not valid on a day of TOTAL FIRE BAN)

This permit is granted to
of _____ to light or cause a fire to be lit for the purpose
of _____

* on _____ (*insert date*)

* at any time between _____ and _____

This permit is subject to the following conditions:

Date:

Signature:

Name and position:

* Delete whichever is inapplicable.

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 15

SCHEDULE 15

Regulation 108(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:

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Sch. 16

SCHEDULE 16

Regulation 108(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:

=====

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Endnotes

ENDNOTES

**Table of Applied, Adopted or Incorporated Matter Required by
Subordinate Legislation Regulations 1994**

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 109(1)	Australian Standard AS 1687–1991, knapsack spray pumps for firefighting published by Standards Australia in 1991 Australian/New Zealand Standard AS/NZS 1841.2:1997, Portable fire extinguishers published by Standards Australia and Standards New Zealand in 1997	AS 1687–1991 AS/NZS 1841.2:1997
Regulation 109(2)	Australian Standard AS 1019–2000, Internal combustion engines—Spark emission control devices published by Standards Australia in 2000.	AS 1019–2000

Country Fire Authority Regulations 2004
S.R. No. 9/2004

INDEX

<i>Subject</i>	<i>Regulation</i>
Appeal Panel	
appeals to	
appeal to operate as re-hearing	54
determination and notification	56
notice of appeal	52
representation, procedures	55
right to appeal	52
setting down appeal	53
establishment	51
Appeals <i>See</i> Appeal Panel; Country Fire Authority	
Appeals Commission	
Authority <i>See</i> Country Fire Authority	
Brigades	
appliances to remain in area	31
applications for formation or variation of groups	30, Sch. 3–Sch. 5
applications for registration	29, Sch. 2
application of Part 4	26
brigade (def.)	5
brigade area (def.)	5
Chief Officer's power and duties	13, 14, 17–19, 41, 45, 46, 48–50, 107, 110, 111
constitutions of	32, Sch. 5
constitutions of groups of	33, Sch. 6
decisions by majority vote	28
members	
charged with criminal offences	57
definition of member	5
disciplinary actions against	44
enrolments	36
foundation members	27, Sch. 5
hearing of charges against	48–50
investigation into conduct and duties	45
laying of charges against	47
offences by	43
physical fitness	41
resignation	39
right to appeal	52
suspension	41, 44, 46, 57
to remain in area	31
training	42
membership	
applications	35, Sch. 7
probationary memberships	37, 38
suspension	41, 44, 46, 57
volunteers	36
uniforms and equipment	34
volunteer brigades and groups	40, Sch. 8, Sch. 9
<i>See also</i> Appeal Panel; Compensation; Forestry	
Industry Brigades	

Country Fire Authority Regulations 2004
S.R. No. 9/2004

<i>Subject</i>	<i>Regulation</i>
Brigades—Financial provisions	
appointment of secretary and treasurer	58
audits	60
authorisation to collect money	62, Sch. 10
financial records	59
financial year	61
property of the brigade—deregistration	63
Chief Executive Officers	
powers and duties regarding	
appointment of investigators	13
hearing of charges	16, 18
laying of charges	14, 47
notice of decisions	19
Chief Officers	
powers and duties regarding	
appointment of investigators	13, 45
hearing of charges	17–18, 48–49
laying of charges	14
members	41, 45, 46
non-vehicular heat engines	110
notice of decisions	19, 50
permits to burn during fire danger periods	107
sawmills	111
review of decisions of	52
Commission <i>See</i> Country Fire Authority Appeals Commission	
Compensation	
claims	
determination of	82
for casual firefighters, auxiliary workers	93, 94
making a claim	79
reports by officer in charge	80
transport accidents	81
definitions regarding	75
entitlement	76
loss of income	
determination of average weekly earnings	83
interim payments	84
weekly payments	89–92
medical certificates, examinations	86
members' duties	87
payment of medical expenses	85
personal injury	78, 81
property loss and damage	77, 81
suspension of payments	86
Compensation—Casual firefighters, volunteer auxiliary workers	
claims procedure	93
duties of officers in charge regarding	94
Country Fire Authority	
Chairman	9, 10, 56
Chief Executive Officer's powers and duties	13, 14, 16, 18, 19, 47

Country Fire Authority Regulations 2004
S.R. No. 9/2004

Subject	Regulation
common seal	7
employees	
charges against	14
hearings regarding	15–18
investigations regarding	13
notice of decisions	19
offences and penalties	11, 12
senior employees	14
suspension of	16, 17, 20, 21
meetings	9
minutes	10
powers and duties in regards to	
brigades, brigade members	32, 33, 37, 38, 42, 46, 57, Sch. 5, Sch. 6
Forestry Industry Brigades	65–68, 73
payments on successful appeals	25
regulation of own proceedings	8
<i>See also</i> Compensation; Country Fire Authority Appeals Commission	
Country Fire Authority—Fees and charges	
definitions	95
emergency attendances	97
fire protection charges	96
hazardous material incidents	98
monitoring fire alarm systems	99
road accident rescues	100
Country Fire Authority Appeals Commission	
appeals to	
notice of	22
notice of determinations	24
payments on successful appeals	25
procedures	23
powers as to remuneration of suspended employees	21
Definitions	5, 60, 75, 95
Fire brigades <i>See</i> Brigades	
Fire danger periods	
permits to burn during	106, 107, Sch. 12– Sch. 14
Fire Prevention Committees	
minutes of meetings	105
municipal fire prevention committees	103–104
regional fire prevention committees	101–102, Sch. 11
Fire prevention notices	108, Sch. 15, Sch. 16
Fire suppression equipment	
for vehicular heat engines	109
Forestry Industry Brigades	
application for registration	69
cancellation of registration	73
certain regulations not to apply to	74
definition	5

Country Fire Authority Regulations 2004
S.R. No. 9/2004

<i>Subject</i>	<i>Regulation</i>
formation of	
criteria	66
designation of areas	65
requirements for	67
minimum requirements for apparatus	68
officers in charge	71
operation of	71
plantation holdings (definition and reference)	5, 64
relevant owners	5, 64, 71
responsibilities	70
training for officers, members	72
Heat engines	109–110
Municipal Fire Prevention Committees	
election of brigade representatives to	103
election of representatives of groups of brigades on	104
minutes of meetings	105
Non-vehicular heat engines	110
Offences and penalties	
regarding	
Authority employees	11–12
members of a brigade	43–44
non-vehicular heat engines	110
Permits	106–107, Sch. 12– Sch. 14
Regional Fire Prevention Committees	
election of representatives of groups of brigades on	101
election of representatives of municipal councils to	102, Sch. 11
minutes of meetings	105
Regulations	
application of	6
authorising provisions	2
commencement	3
objectives	1
revocations	4, Sch. 1
transitional provisions	112
Review	52
Sawmills	111
Transitional provisions	112
Vehicular heat engines	109
Volunteer brigades and groups	
election of officers	40, Sch. 8, Sch. 9
