Authorised Version No. 138
Country Fire Authority Act 1958
No. 6228 of 1958
Authorised Version incorporating amendments as at 3 November 2011

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**SCHEDULE—Repealed**

**ENDNOTES**

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Authorised Version No. 138
Country Fire Authority Act 1958
No. 6228 of 1958

Authorised Version incorporating amendments as at
3 November 2011

An Act to consolidate the Law relating to the Country Fire
Authority and the Control of Fire in Country Areas.

BE IT ENACTED by the Queen's Most Excellent Majesty by
and with the advice and consent of the Legislative Council
and the Legislative Assembly of Victoria in this present
Parliament assembled and by the authority of the same as
follows (that is to say):

1 Short title and commencement

This Act may be cited as the Country Fire
Authority Act 1958, and shall come into
operation on a day to be fixed by proclamation of
the Governor in Council published in the
Government Gazette.

* * * * *

3 Definitions

(1) In this Act unless inconsistent with the context or
subject-matter—

S. 1 amended by
Nos 7516
s. 2, 9629 s. 2,
10149
s. 21(1)(a) (as
amended by
No. 10149
s. 21(2) (as
amended by
No. 10173
s. 4)), 41/1987
s. 103 (Sch. 4
item 8.1).

S. 2 repealed by
No. 2/1995
s. 13(n).

Nos 5040
s. 4(1), 5191
s. 27, 5651
ss 2(1)(a), 3(1),
6159 s. 2(a).

S. 3
amended by
No. 27/2001
s. 5(Sch. 3
item 1.2) (ILA
s. 39B(1)).

Authorised by the Chief Parliamentary Counsel
1
administrative unit means a Department within the meaning of the Public Administration Act 2004;

apparatus includes all engines vehicles horses reels buckets hoses pumps ladders escapes tools implements and things used for or in connexion with the prevention or suppression of fires or the protection of life or property in case of fire;

applicable work program means a work program (within the meaning of the Fire Services Commissioner Act 2010) that applies to the Authority;

* * * * * *
* * * * *

**Australian Fire Brigades Charges Scheme** means the Scheme in operation from 1 April 1982 providing the procedure for reimbursement of Fire Brigade Charges established by the 1982 Agreement between the "Participating Underwriters" and the "Subscribing Brokers" as defined in that Agreement;

**Authority** means the Country Fire Authority under this Act;

**authorized activity**, in relation to a volunteer auxiliary worker—

(a) means any activity performed for the welfare of a brigade or group of brigades by a volunteer auxiliary worker and authorized by the secretary of the brigade or the group secretary; and

(b) includes travelling to and from the performance of an activity referred to in paragraph (a);

**brigade** includes any fire brigade whether urban or rural and whether permanent or volunteer or industry brigade and **group of brigades** means group of brigades formed as a group under this Act;
broadcast means broadcast by means of radio or television transmission, and broadcasting station has a similar connotation;

Chief Executive Officer means the Chief Executive Officer of the Authority appointed under section 16A;

Chief Officer means the Chief Officer of all urban and rural brigades;

competition—

(a) means a gathering of brigades and apparatus for the purposes of engaging in training exercises and other events and increasing public awareness of fire prevention, protection or suppression techniques and other brigade activities; and

(b) includes any championship;

country area of Victoria means that part of Victoria which lies outside the metropolitan fire district, but does not include any forest, national park or protected public land;
dependant of a person means a person who is, or was at the date of the person's death, wholly or partially dependent on the person or who has, or had at that date, a legal right to look to the person for financial support;

Deputy Chief Officer means Deputy Chief Officer of all urban and rural brigades;

designated area means an area designated by the Authority under section 23AA;

domestic partner of a person means—

(a) a person who is in a registered relationship with the person; or

(b) a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);
Emergency Services Commissioner has the same meaning as Commissioner has in section 4(1) of the Emergency Management Act 1986;

Fair Work Australia has the same meaning as in the Fair Work Act 2009 of the Commonwealth;

federal award or agreement means—

(a) a modern award within the meaning of the Fair Work Act 2009 of the Commonwealth; or

(b) a determination of Fair Work Australia made under the Fair Work Act 2009 of the Commonwealth; or

(c) an award-based transitional instrument within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 of the Commonwealth; or

(d) a transitional minimum wage instrument within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 of the Commonwealth; or

(e) an enterprise agreement made under the Fair Work Act 2009 of the Commonwealth; or

(f) an agreement-based transitional instrument within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 of the Commonwealth;
fire includes—

(a) a hazardous material incident where the major or sole danger is the threat of fire up to the stage where there is no longer a threat of fire; and

(b) a toxic fire incident up to the stage where the fire has been effectively extinguished;

fire danger period in respect of the country area of Victoria or any part thereof means the period declared pursuant to this Act to be the fire danger period in respect of the said country area or any part thereof (as the case may be);

fire prevention officer means—

(a) in relation to a municipal council, a person appointed as a fire prevention officer under section 96A; and

(b) in relation to an administrative unit or public authority, a person nominated as a fire prevention officer for the purposes of this Act by the chief administrator of the administrative unit or by the public authority (as the case may be);

fire protected area means fire protected area within the meaning of section three of the Forests Act 1958;
fire services agency has the same meaning as in the Fire Services Commissioner Act 2010;

Fire Services Commissioner means the person appointed under section 5 of the Fire Services Commissioner Act 2010;

fire services reform action plan has the same meaning as in the Fire Services Commissioner Act 2010;

forest means State forest within the meaning of section three of the Forests Act 1958;

forest officer means a person appointed as an authorised officer under the Conservation, Forests and Lands Act 1987 for the purposes of the Forests Act 1958;

heat engine means any internal combustion engine any steam engine or any other engine in which any furnace, fire or spark or any burning or exploding oil or vapor is used in driving the engine but does not include any locomotive or other engine used on any railway line owned by or under the control of Victorian Rail Track within the meaning of section 3 of the Transport Integration Act 2010;
incident management operating procedures has the same meaning as in the Fire Services Commissioner Act 2010;

industry brigade means a brigade established under section 23AA;

insurance against fire means insurance against the risk of fire or the risk of loss of profits consequent upon fire whether the insurance is associated with insurance against any other risk or not and insured against fire and insuring against fire have corresponding interpretations;

insurance company means—
(a) a person (including a body corporate or unincorporate, a partnership or an underwriter) who, in Victoria, issues, or undertakes liability under, policies of insurance against fire in respect of property in Victoria; or
(b) a Lloyd's underwriter who—
(i) issues, or undertakes liability under, policies of insurance against fire in respect of property in Victoria; and
(ii) is a member of the Australian Fire Brigades Charges Scheme and makes payments to the Fund established under that Scheme;
**insurance intermediary** means—

(a) a person who arranges contracts of insurance in Victoria—

(i) for reward; and

(ii) as an agent for a person carrying on a business of insurance; or

(b) a financial services licensee (as defined in section 761A of the Corporations Act) whose licence covers arranging contracts of insurance as an agent for a person carrying on a business of insurance; or

(c) a regulated principal (as defined in section 1430 of the Corporations Act) when carrying on business as an insurance broker as authorised by Subdivision D of Division 1 of Part 10.2 of that Act; or

(d) a Lloyd's underwriter who—

(i) issues, or undertakes liability under, policies of insurance against fire in respect of property in Victoria; and

(ii) is not a member of the Australian Fire Brigades Charges Scheme, or is a member of the Australian Fire Brigades Charges Scheme but has failed to make payments to the Fund established under that Scheme;
Lloyd's means the society of that name incorporated by the Act of the United Kingdom known as Lloyd's Act 1871;

Lloyd's underwriter means an underwriting member of Lloyd's;

metropolitan fire district means the metropolitan fire district as in force for the time being under the Metropolitan Fire Brigades Act 1958;

national park means land that is or is part of a park within the meaning of the National Parks Act 1975;

officer in charge of a brigade includes, in the absence of a person of the rank of officer, a member of a brigade below the rank of officer;
owner means the person for the time being entitled to receive the rack rent of the premises in connexion with which the word is used either on his own account or as agent or trustee for some other person or who would be entitled to receive the same if the premises were let at a rack rent;

* * * * *

part-time officer or member of a brigade means an officer or member of the brigade who receives some form of remuneration for his services in relation to the brigade but whose sole or principal calling or means of livelihood does not consist of those services;

permanent brigade means any association of persons formed for the purpose of the prevention and suppression of fires and solely or principally composed of permanent or part-time officers and members but does not include an industry brigade;

permanent officer or member of a brigade means an officer or member who receives a fixed remuneration for his services in relation to the brigade and whose sole or principal calling or means of livelihood consists of those services but does not include an officer or member of an industry brigade;

* * * * *
private street means a road, other than—
(a) a road under the Road Management Act 2004;
(b) a road vested in a public authority;
(c) a road that is under the care and management of a municipal council under section 205 of the Local Government Act 1989;

* * * * *

protected public land has the same meaning as in the Forests Act 1958;

public authority means any board commission trust or other body corporate or unincorporate established or constituted by or under any Act for any public purpose, whether in respect of the whole or any part of Victoria, but does not include a municipal council;

region means a part of the country area of Victoria proclaimed as a fire control region pursuant to this Act;

* * * * *

* * * * *

S. 3(1) def. of
private street inserted by No. 2/1995 s. 6(1), amended by No. 6/2010 s. 203(1) (Sch. 6 item 10(b)).

S. 3(1) def. of
proper officer repealed by No. 10149 s. 4(k).

S. 3(1) def. of
protected public land inserted by No. 10149 s. 4(l).

S. 3(1) def. of
public authority amended by No. 12/1989 s. 4(1)(Sch. 2 item 17.3).

S. 3(1) def. of
regional officer repealed by No. 39/1992 s. 5(3)(a).

S. 3(1) def. of
Regulations repealed by No. 10149 s. 4(m).
road has the meaning given in section 3 of the Local Government Act 1989;

rural brigade means rural fire brigade under this Act;

rural district means an area designated by the Authority as the main area of operation of a rural brigade;

scrub or vegetation includes trees bushes plants and undergrowth of all kinds and sizes whether living or dead and whether standing or not standing, and also includes any part of any such trees bushes plants or undergrowth whether severed or not severed;

Secretary means the body corporate established by Part 2 of the Conservation, Forests and Lands Act 1987;

senior employee means the holder of a position designated by the Authority as a senior position;

spouse of a person means a person to whom the person is married;

station means fire station;
the 1982 Agreement means the Agreement establishing the Australian Fire Brigades Charges Scheme, a certified copy of which is lodged with the Minister under section 103A;

urban brigade means urban fire brigade under this Act;

urban district means an area designated by the Authority as the main area of operation of an urban brigade;

vessel means any kind of vessel that is used or is capable of being used, in navigation by water, however propelled or moved and includes—

(a) a barge, lighter, floating restaurant or other floating vessel; and

(b) an air-cushion vehicle or other similar craft that is used in navigation by water;

volunteer auxiliary worker means a person appointed as a volunteer auxiliary worker under section 17A;
volunteer brigade means any association of persons formed for the purpose of the prevention and suppression of fires and solely or principally composed of volunteer officers and members but does not include an industry brigade;

Volunteer Charter means the Volunteer Charter agreed by the Government of Victoria, Volunteer Fire Brigades Victoria Incorporated and the Authority, signed on 27 February 2011 and as amended from time to time;

volunteer officer or member of a brigade means an officer or member who receives no remuneration for his services in relation to the brigade but does not include an officer or member of an industry brigade.

(2) For the purposes of the definition of domestic partner in subsection (1)—

(a) registered relationship has the same meaning as in the Relationships Act 2008, and

(b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the Relationships Act 2008 as may be relevant in a particular case.
4 Declaration of summer period

The Chief Executive Officer after consultation with the Department Head of the Department of Natural Resources and Environment may by declaration published in the Government Gazette declare any period to be the fire danger period in respect of the country area of Victoria or any specified part or parts thereof and, without affecting the generality of the foregoing, may declare different periods to be the fire danger period in respect of different parts of the said country area. Any declaration so published may be revoked amended or varied by a subsequent declaration so published.
PART I—CONSTITUTION OF COUNTRY FIRE AUTHORITY

6 Appointment of Country Fire Authority

(1) For the more effective control of the prevention and suppression of fires in the country area of Victoria there shall be an Authority appointed by the Governor in Council to be called the "Country Fire Authority".

(2) By such name such Authority shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and of being sued and of taking purchasing holding exchanging leasing and disposing of real and personal property.

6A Accountability of Authority

(1) The Authority is subject to the general direction and control of the Minister in the performance of its functions and the exercise of its powers.

(2) The Minister may from time to time give written directions to the Authority.

6B Compliance with standards of Fire Services Commissioner

The Authority must use its best endeavours to carry out its functions in accordance with the performance standards developed by the Fire Services Commissioner under section 19 of the Fire Services Commissioner Act 2010.

6C Report on compliance with performance standards developed by the Fire Services Commissioner

(1) The Authority must, at the expiration of each period of 3 months, report in writing on the action it has taken during the preceding 3 months to comply with the performance standards developed by the Fire Services Commissioner under
section 19 of the Fire Services Commissioner Act 2010.

(2) A copy of the report prepared by the Authority under subsection (1) must be given to—
(a) the Fire Services Commissioner; and
(b) the Emergency Services Commissioner.

6D Fire services reform action plan

(1) The Authority must use its best endeavours to implement the applicable work program to give effect to the fire services reform action plan.

(2) The Authority must prepare a written report on the progress made, and achievements attained, by the Authority in its endeavours to give effect to the fire services reform action plan at intervals determined by the Fire Services Commissioner. The intervals must not be less than one a year.

(3) The Authority must give a copy of a report prepared by the Authority under subsection (2) to the Fire Services Commissioner.

6E Compliance with incident management operating procedures

The Authority must comply with any incident management operating procedures.

6F Recognition of Authority as a volunteer-based organisation

The Parliament recognises that the Authority is first and foremost a volunteer-based organisation, in which volunteer officers and members are supported by employees in a fully integrated manner.
6G Recognition of the Volunteer Charter

The Parliament recognises that the Volunteer Charter—

(a) is a statement of the commitment and principles that apply to the relationship between the Government of Victoria, the Authority and volunteer officers and members; and

(b) requires that the Authority recognise, value, respect and promote the contribution of volunteer officers and members to the well-being and safety of the community; and

(c) requires that the Government of Victoria and the Authority commit to consulting with Volunteer Fire Brigades Victoria Incorporated on behalf of volunteer officers and members on any matter that might reasonably be expected to affect them.

6H Authority to have regard to Volunteer Charter

The Authority must, in performing its functions, have regard to the commitment and principles set out in the Volunteer Charter.

6I Authority's responsibility to encourage, maintain and strengthen capacity of volunteers

The Authority has a responsibility to develop policy and organisational arrangements that encourage, maintain and strengthen the capacity of volunteer officers and members to provide the Authority's services.
7 Constitution of Authority

(1) The Authority shall consist of twelve members appointed by the Governor in Council of whom—

(aa) one shall be appointed by the Governor in Council to be the chairman of the Authority;

(ab) one shall be appointed by the Governor in Council to be the deputy chairman of the Authority;

(a) two shall be selected by the Governor in Council from a panel of not less than four names submitted by the Minister administering the Environment Protection Act 1970;

(b) two shall be selected by the Governor in Council from a panel submitted by the Board of Volunteer Fire Brigades Victoria Incorporated of the names of not less than four persons who are volunteer members of rural brigades;

(c) two shall be selected by the Governor in Council from a panel submitted by the Board of Volunteer Fire Brigades Victoria Incorporated of the names of not less than four persons who are volunteer members of urban brigades;

(d) two shall be selected by the Governor in Council from a panel of not less than four names (being the names of persons who are resident in Victoria) submitted by the Insurance Council of Australia;
(e) one shall be selected by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of not less than two persons each of whom at the time of the submission is a councillor of a municipal council who represents a ward in an urban area; and

(f) one shall be selected by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of not less than two persons each of whom at the time of the submission is a councillor of a municipal council who represents a ward in a rural area.

(2) If at any time any of the said bodies fails to submit to the Minister a panel of names as aforesaid within fourteen days after the receipt of a request in writing from the Minister in that behalf, the Governor in Council may without such submission appoint any otherwise eligible person or persons (as the case requires) to be a member or members of the Authority and the person or persons so appointed shall for all purposes be deemed to be duly appointed.
7A Member of Authority not holding office etc. under Crown

Notwithstanding anything in the Constitution Act 1975 or in any other Act a member of the Authority shall not by reason only of receiving any payment under this Act be deemed to hold or accept an office or place of profit under the Crown or to be employed in the Public Service so as to render him incapable of sitting or voting as a member of the Legislative Council or the Legislative Assembly or to make void his election to Parliament or to disqualified him or to render him incapable of being or continuing to be a member of the Council or the Assembly or to make him liable to any penalty under the Constitution Act 1975 or any other Act.

8 Term of office of members

(1) The members of the Authority shall subject to this Act be appointed to hold office for such term not exceeding three years as the Governor in Council determines before appointment, but any person appointed a member of the Authority shall upon expiration of the term for which he is so appointed be eligible for re-appointment if then qualified.

(2) The Governor in Council may at any time remove any member of the Authority from office.

(3) The office of a member of the Authority becomes vacant if the member—

(a) without the permission of the Authority, is absent from 4 consecutive meetings of the Authority; or

(b) becomes bankrupt; or

(c) accepts or holds an office of profit or place of profit under the Authority; or
(d) resigns by writing signed and addressed to the Governor in Council; or

(e) becomes permanently incapable of performing the duties of the office of member; or

(f) is convicted in Victoria of an offence punishable on first conviction with imprisonment for a term of 12 months or more or is elsewhere convicted of an offence which, if committed in Victoria, would be so punishable.

(4) On the occurrence of any vacancy in the office of any member of the Authority, a qualified person shall, in accordance with this Act, be appointed to fill the vacancy.

9 Chairman

(2) The chairman shall—

(a) preside at all meetings of the Authority;

(b) have a casting as well as a deliberative vote; and

(c) be entitled to receive such salary and allowances as are determined by the Governor in Council.
(3) At any meeting of the Authority at which the chairman or deputy chairman or, where a member has been appointed to act in the place of the deputy chairman, the acting deputy chairman is not present a person elected for the purpose by the members present at the meeting shall act as chairman at the meeting and may exercise the powers conferred on the chairman by this Act.

9A Rights of chairman in relation to the public service and superannuation

(1) The Public Administration Act 2004 (other than Part 3 of that Act) applies to a person appointed as chairman of the Authority in respect of the office of chairman.

(2) If any person appointed as chairman of the Authority was immediately before his or her appointment an employee in the public service, such person is eligible at the termination of his or her term of office under this Act to be employed in the public service with a classification and emolument corresponding with or higher than that which he or she held or received immediately before his or her appointment as the chairman of the Authority as if the whole period of his or her service under this Act had been a period of service in the public service.
(3) If any person appointed chairman of the Authority was immediately prior to that appointment an officer within the meaning of the **State Superannuation Act 1988** or any corresponding previous enactment he shall notwithstanding that appointment be deemed to continue subject to that Act to be an officer within the meaning of that Act.

**9B Deputy chairman**

(1) The person appointed to be deputy chairman of the Authority shall, in the absence of the chairman and also during the occurrence from any cause of a vacancy in the office of chairman and so long as such vacancy continues, have and may exercise all the powers, functions, authorities, duties and liabilities conferred or imposed by this or any other Act upon the chairman.

* * * * *

(3) The deputy chairman shall in the absence of the chairman and also during the occurrence from any cause of a vacancy in the office of chairman and so long as such vacancy continues—

(a) preside at all meetings of the Authority; and

(b) have a casting as well as a deliberative vote; and

(c) be paid the remuneration (if any) and travelling and other allowances (if any) fixed from time to time by the Minister.
(4) The deputy chairman shall be entitled to receive such salary as is from time to time determined by the Governor in Council.

(5) The chairman may in relation to any matter or class of matters by writing under his hand delegate to the deputy chairman all or any of his powers, functions, authorities, duties or liabilities under this or any other Act (except his power of delegation) so that the delegated powers, functions, authorities, duties and liabilities may be exercised and discharged by the delegate with respect to the matters or class of matters specified in the instrument of delegation.

(6) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power, function or authority or the discharge of any duty or liability by the chairman.

(7) The Public Administration Act 2004 (other than Part 3 of that Act) applies to a person appointed as deputy chairman of the Authority in respect of the office of deputy chairman.

(8) If any person appointed as deputy chairman of the Authority was immediately before his or her appointment an employee in the public service, such person is eligible at the termination of his or her term of office under this Act to be employed in the public service with a classification and emolument corresponding with or higher than that
(9) If any person appointed as deputy chairman of the Authority was immediately prior to that appointment an officer within the meaning of the State Superannuation Act 1988 or any corresponding previous enactment, he shall notwithstanding that appointment be deemed to continue subject to that Act to be an officer within the meaning of that Act.

(10) Where the deputy chairman is unable on account of illness or because the deputy chairman is pursuant to subsection (1) acting in the place of the chairman or is otherwise unable to perform the duties of the office of deputy chairman, the Minister may appoint another member of the Authority to act in the place of the deputy chairman during the period of inability.

(11) A member appointed under subsection (10) to act in the place of the deputy chairman—

(a) shall while so acting have and may exercise all the powers, functions, authorities, duties and liabilities conferred or imposed by this or any other Act upon the deputy chairman; and

(b) shall while so acting be paid the remuneration (if any) and travelling and other allowances (if any) fixed from time to time by the Minister.
10 **Quorum of Authority**

(1) A quorum of the Authority shall consist of not less than seven members.

(2) During any vacancy in the Authority the continuing members, subject to there being a quorum, may act as if no vacancy existed.

(3) No act or proceeding of the Authority shall be invalidated or affected by reason of any subsequently discovered defect or illegality in the appointment thereto or membership thereof of any person or the acting or voting in any matter of any member or, where a member has been appointed to act in the place of the deputy chairman, on the ground that the occasion for that member so acting has not arisen or has ceased.

11 **Voting at meetings**

(1) The decision on any matter of the majority of the members present at any meeting of the Authority shall be the decision of the Authority on that matter, but in the case of an equality of votes on any matter the chairman shall have a second or casting vote.

(2) Subject to the regulations, the Authority may appoint any number of its members to be a committee to consider and make a recommendation to the Authority upon any matter, but no decision or recommendation of any committee shall have any force or effect until approved by the Authority.

(3) The Authority shall meet at least twelve times in every year.

(4) Notice of every meeting of the Authority shall be given at such time before the meeting and in such manner as is prescribed, and the regulations may provide for the calling of special meetings and for special notice in the case of such meetings.
11A Conflicts of interest

(1) Whenever the Authority is to make a decision on a matter at a meeting, each member present at the meeting must, before the matter is considered, declare any direct or indirect pecuniary interest that he or she has in the matter.

Penalty: 5 penalty units.

(2) The Authority or the chairman must cause the declaration to be tabled at that meeting or at the next meeting of the Authority and the person presiding at that meeting must cause the declaration to be recorded in the minutes of the meeting.

(3) A member who has a conflict of interest in a matter—

(a) must not be present during any deliberations on the matter, unless a full declaration of the interest has been made and the Authority directs otherwise; and

(b) is not entitled to vote on the matter.

(4) A member who has a conflict of interest in a matter must not be present during any deliberations leading to a direction, or take part in making a direction under subsection (3)(a).

(5) If a member votes on a matter in contravention of subsection (3)(b), his or her vote must be disallowed.

(6) For the purposes of the section, a member is not to be regarded as having a conflict of interest—

(a) in a matter relating to the supply of goods or services to the member if the goods or services are, or are to be, available to members of the public on the same terms and conditions; or
(b) in a contract or arrangement only because that contract or arrangement may benefit a company or other body in which the member has a beneficial interest that does not exceed $2000 or 1% of the total nominal value of beneficial interests in the company or body, whichever is the lesser.

12 Minutes

(1) The Authority shall cause minutes of its proceedings to be kept in the prescribed manner.

(2) Such minutes purporting to be signed by the chairman or deputy chairman shall in any court or before any person acting judicially be prima facie evidence of the holding of the meetings and of the making of the decisions or resolutions and of the other matters recorded therein.

12A Fees of members of Authority

A member of the Authority other than the chairman or deputy chairman shall be entitled to receive from the funds of the Authority such fees (if any) in respect of the member's attendance at meetings of the Authority or of any committee appointed by the Authority under section 11(2) as are determined from time to time by the Governor in Council in respect of that member.

13 Expenses of chairman and members

(1) The chairman deputy chairman and other members of the Authority shall be severally entitled to receive from the funds of the Authority such personal and travelling expenses as are prescribed in respect of their attendance at meetings of the Authority and the carrying out of their duties as such chairman deputy chairman and members.
(2) The Authority with the approval of the Minister may make all such payments as are necessary to insure the chairman deputy chairman and other members of the Authority against accidents happening to them while travelling to or from or in attendance at the scene of any fire for any purpose relating to the administration of this Act.
PART II—FIRE CONTROL REGIONS, OFFICERS ETC.

14 Control of the prevention and suppression of fires in the country area

The control of the prevention and suppression of fires in the country area of Victoria is, subject to this Act, vested in the Authority.

15 Proclamation of fire control regions

(1) The Governor in Council may from time to time, after consideration of a report submitted by the Authority, by proclamation published in the Government Gazette—

(a) proclaim parts of the country area of Victoria as fire control regions for the purposes of this Act;

* * * * *

(c) abolish or in any way vary the area of any such region.

(2) A proclamation under paragraph (a) of subsection (1) shall specify the ordinal number by which each fire control region shall be known.

16 Effect of alteration of municipal boundaries

Where the boundaries of a region are defined by reference to the boundaries or any portions of the boundaries of a municipal district, any alteration of the boundaries or relevant portions of the boundaries of the municipal district shall correspondingly alter the boundaries of the region concerned.
16A Chief Executive Officer

(1) The Authority must, with the approval of the Minister, appoint a person as Chief Executive Officer of the Authority.

(2) The Chief Executive Officer holds office for the period, not exceeding 5 years, specified in the instrument of his or her appointment.

(3) The Chief Executive Officer is responsible to the Authority for the carrying out of its functions.

(4) The Chief Executive Officer must comply with the directions of the Authority.

16B Acting Chief Executive Officer

(1) The Authority must appoint a person to be the Acting Chief Executive Officer of the Authority—

(a) while the office of Chief Executive Officer is vacant; or

(b) during any period when the Chief Executive Officer is unable, by reason of illness or absence, to perform the functions of that office.

(2) The Acting Chief Executive Officer has all the powers and functions and may perform the duties of the Chief Executive Officer while he or she is acting.

16C Delegation of powers of Chief Executive Officer

The Chief Executive Officer may, by instrument, delegate to any person by name or to the holder of an office or position approved by the Authority, any responsibility, power, authority, duty or function conferred on the Chief Executive Officer under this Act or the regulations, except this power of delegation.
17 Officers and employees

The Authority may from time to time appoint and may at any time transfer, suspend or remove—

(a) a Chief Officer; and

(b) such number of Deputy Chief Officers as the Authority considers necessary; and

(c) such other officers and employees at the classifications and in the numbers as the Authority considers necessary.

17A Volunteer auxiliary workers

The secretary of a brigade (other than an industry brigade) or the group secretary of a group of brigades may from time to time appoint any person as a volunteer auxiliary worker with respect to that brigade or group.

18 Salaries or wages of officers etc.

(1) The Authority shall pay to such officers members and employees such salaries or wages or other remuneration and such expenses as the Authority thinks fit being not less than those provided for in any federal award or agreement or minimum wage order under the Fair Work Act 2009 of the Commonwealth applicable to such officers members or employees or (if such an award, agreement or minimum wage order does not apply) as are or is prescribed or, in the absence of such prescription, as the Authority thinks fit.
(2) The Authority shall grant to such officers members and employees such leave as is provided in any federal award or agreement or the National Employment Standards under the Fair Work Act 2009 of the Commonwealth applicable to such officers members or employees or (if such an award, agreement or Standard does not apply) as is prescribed.

18A Immunity for officers etc.

An officer, member or employee of the Authority (not being a volunteer officer or member) is not subject to any action, liability, claim or demand for any matter or thing done or contract entered into by the Authority if the matter or thing is done or contract is entered into in good faith for the purposes of carrying out a power or duty of the Authority under this Act or the regulations or any other Act or regulations.

19 Long service leave of officers etc.

(1) The provisions of sections eighty to eighty-five of the Metropolitan Fire Brigades Act 1958 shall so far as applicable extend and apply to the granting by the Authority of long service leave or payment in lieu thereof with such modifications as are necessary and in particular with the modifications that—

(a) any reference in the said sections to the Board shall be read and construed as a reference to the Authority;
(aa) any reference in the said sections to the president of the Board shall be read and construed as a reference to the chairman and deputy chairman of the Authority;

(b) any reference in the said sections to the Metropolitan Fire Brigade shall be read and construed as a reference to an urban or rural fire brigade; and

(c) Any reference to service shall be read and construed as a reference—

(i) to service as an officer or employee of the Authority and in the case of persons who were transferred to the service of the Authority upon the abolition of the Country Fire Brigades Board, shall include a reference to their prior service as officers or employees of the said Country Fire Brigades Board as if it had been service as officers or employees of the Authority; and

(ii) to such extent as is prescribed by the regulations under this Act to service in any prescribed office under the Crown or with a Public or Government Authority or to service in any prescribed office in the service of the Commonwealth of Australia or any other Australian State.
Part II—Fire Control Regions, Officers etc.

(2) In this section unless inconsistent with the context or subject-matter officer or employee means a full-time paid officer or employee of the Authority, whether an officer or member of an urban or rural fire brigade or not, and does not include any part-time or volunteer member of any such brigade.
PART III—COUNTRY FIRE CONTROL

Division 1—General

20 General duty of Authority

The duty of taking superintending and enforcing all necessary steps for the prevention and suppression of fires and for the protection of life and property in case of fire and the general control of all stations and of all brigades and of all groups of brigades shall, subject to the provisions of this Act, so far as relates to the country area of Victoria be vested in the Authority.

20AA General powers of Authority

(1) Subject to this Act, the Authority has the power to do all things necessary or convenient to be done for or in connection with the performance of its duties and functions.

(2) Without limiting or derogating from the generality of the powers of the Authority under this Act, the powers of the Authority include the power to—

(a) enter into agreements or arrangements with any person or body for the provision of goods or services to the Authority;

(b) subject to subsection (3), enter into agreements or arrangements with any person or body for the provision of goods or services by the Authority;

(c) apply for, obtain and hold intellectual property rights (including patents, copyrights, trade marks and registered designs);
(d) enter into agreements or arrangements for the commercial exploitation of those intellectual property rights and ancillary services on any terms and conditions as to royalties, lump sum payments or otherwise as the Authority may see fit;

(e) subject to subsection (3), form, participate in the formation of, or be a member of a body corporate, association, partnership, trust or other body;

(f) subject to subsection (3), enter into a joint venture agreement, shareholders agreement or unitholders agreement with any other person or body;

(g) do all things necessary or convenient to give effect to any agreements or arrangements entered into by the Authority including power to appoint any person or body as the Authority's agent for that purpose.

(3) The Authority must obtain the written consent of the Minister before—

(a) entering into any agreement or arrangement with any person or body for the provision of goods or services by the Authority; or

(b) forming, participating in the formation of, or becoming a member of a body corporate, association, partnership, trust or other body; or

(c) entering into any joint venture agreement, shareholders agreement or unitholders agreement.
(4) Subsection (3)(a) does not apply to an agreement or arrangement for the provision of goods or services by the Authority to a brigade or group of brigades or to a person acting on behalf of a brigade or group of brigades.

(5) The Minister's consent under subsection (3)(a) or (b) may be given in respect of a particular case or a class of cases.

20A Attendances unconnected with a fire

(1) Notwithstanding anything in this Act the Authority, any group of brigades or any brigade (other than an industry brigade) may, subject to subsection (2), in response to a call for assistance, attend and carry out any function in relation to the provision of assistance to any person or the protection of any property involved in any accident or emergency not connected with the suppression or prevention of fire and the provisions of this Act shall with such adaptations and variations as are necessary apply to and in relation thereto to the same extent as in the case of the prevention and suppression of fire or the protection of life and property in the case of fire.

(2) No attendance or action shall be made or taken by any group of brigades or any brigade pursuant to subsection (1) unless the approval of the Chief Officer or the officer exercising the powers of the Chief Officer has been obtained or in any case where this is not practicable the Officer-in-Charge of any brigade involved has caused the attendance of such brigade to be subsequently reported to the Chief Officer or officer exercising the powers of the Chief Officer for his approval.
(4) Any person who is entitled to make any claim for compensation under this Act shall not be entitled to make any claim for compensation under the Victoria State Emergency Service Act 2005.

20B False alarm of fire

(1) If—

(a) a fire brigade in the country area of Victoria responds to a false alarm of fire given by an automatic fire alarm system; and

(b) the Authority, after considering a report by an officer of the Authority relating to the false alarm, determines that the owner or occupier of the property did not have a reasonable excuse for the alarm being given—

the Authority may by notice in writing given to the owner or occupier of the property require the owner or occupier to pay to the Authority the fees and charges prescribed for the attendance of the brigade in response to the false alarm.

(2) A person whose interests are affected by a decision of the Authority under subsection (1) may apply to the Victorian Civil and Administrative Tribunal, within 28 days after receiving notice of the decision, for review of the decision.

(3) This section does not apply in relation to an industry brigade.
21 Property of Authority etc.

(1) The Authority may purchase take on lease or otherwise acquire stations and other buildings and land and all such apparatus and other real and personal property and all such licences easements and rights in respect of real property as it thinks necessary for carrying into effect the purposes of this Act, and may from time to time sell or exchange or let any property whatsoever acquired by or vested in it for the purposes of this Act.

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

21A Power to grant Crown land to Authority

Notwithstanding anything to the contrary in any Act but subject to the provisions of section 8 of the Crown Land (Reserves) Act 1978 and by agreement with the Minister administering the Environment Protection Act 1970 the Governor in Council may grant any unalienated Crown land to the Authority for the purposes of this Act at such price and upon such terms and conditions as the Governor in Council thinks fit.

21B Power to acquire land

(1) In addition to its powers under section 21, the Authority may acquire compulsorily any land which it is authorized to acquire under this Act or which is required for the purposes of this Act.

(2) The Land Acquisition and Compensation Act 1986 applies to this Act and for that purpose—

(a) the Country Fire Authority Act 1958 is the special Act; and

(b) the Country Fire Authority is the Authority.
22 Persons holding property of brigades may transfer it to Authority or sell it etc.

(1) A person in whom personal property is vested for or on behalf of an urban or rural brigade or a group of brigades, and who is authorized in accordance with subsection (1A), may—

(a) transfer the property gratuitously to the Authority; or

(b) sell or otherwise dispose of the property and devote the proceeds to the purposes of the brigade or group of brigades (as the case requires).

(1A) Authorization for the purposes of subsection (1) may be given—

(a) in the case of a brigade—

(i) by a resolution of the members of the brigade duly passed in accordance with the rules of the brigade; or

(ii) in the absence of any applicable rules, by a resolution passed by a majority of members present at a meeting of which not less than fourteen days notice, signifying the intention to propose a resolution for the purposes of this subparagraph, has been given to all duly enrolled members of the brigade; or

(b) in the case of a group of brigades, jointly by the group officer and the group secretary.

(2) Where any personal property (not being the property of the Authority or of any particular person or persons) is in the possession and control of any urban or rural brigade and there is no person in whom that property is specifically vested for or on behalf of the brigade, then for the
purposes of this section that property shall be
deeded to be vested in the captain and the
secretary of the brigade jointly and the said
captain and secretary may exercise the powers
conferred by this section accordingly.

(2A) Where any personal property (not being a fire-
fighting vehicle and not being the property of the
Authority or of any particular person or persons)
is in the possession and control of any group of
brigades and there is no person in whom that
property is specifically vested for or on behalf of
the group of brigades, then for the purposes of this
section, that property shall be deemed to be vested
in the group officer and group secretary of the
group of brigades jointly and that group officer
and group secretary may exercise the powers
conferred by this section accordingly.

(3) Where in the exercise or purported exercise of the
powers conferred by this section any personal
property is transferred to and accepted by the
Authority or sold or otherwise disposed of, that
transfer sale or disposal shall be valid and
effectual for all purposes and shall operate to
convey the property free from all trusts and
encumbrances, and no person shall be deemed
guilty of any conversion or breach of trust by
reason only of any such transfer sale or disposal
if done in good faith.

(4) The Authority may in its discretion accept or
decline the transfer to it of any personal property
pursuant to this section, and where any such
transfer is accepted the property shall vest
absolutely in the Authority for the purposes of this
Act.

(5) This section does not apply in relation to an
industry brigade.
23 General powers of Authority with respect to brigades, apparatus etc.

(1) The Authority may at any time and from time to time—

(a) take measures to facilitate the formation of permanent or volunteer urban fire brigades and groups of brigades;

(b) subject to subsection (2), upon application made in the prescribed manner and form register a brigade in respect of any urban or rural district and enrol the officers and members thereof;

(c) cause to be kept a book or other written record containing the names ages occupations and places of abode of all members of brigades;

(d) amalgamate any urban brigades or any rural brigades or disband or cancel the registration of any brigade or the enrolment of any officer or member of any brigade;

(e) furnish any apparatus and other property acquired by or vested in the Authority to any brigade or group of brigades;

(f) determine the apparatus and other property of the Authority to be available for use by each brigade or group of brigades;

(g) establish schools and facilities or courses of instruction to provide training to any person in the skills required to perform any of the functions of the Authority and permit the use of those schools and facilities by any other body or person;
(h) establish and maintain or contract for the establishment and maintenance of fire alarms and other apparatus for the prevention or suppression of fires and, without affecting the generality of the foregoing, contract with the owner of any land building or premises for the maintenance by the Authority of fire alarms and other apparatus as aforesaid on such land building or premises;

(i) establish and maintain or contract for the establishment and maintenance of telephonic telegraphic radio or other communication between the several stations at which members of brigades are placed and between any such stations and any other places;

(j) contract for the carrying out of aerial reconnaissance of the country area of Victoria or any part or parts thereof for the detection of fires;

(k) organize and conduct fire brigade competitions, defray the cost of transport of members of brigades thereto and therefrom, and provide prizes and certificates for presentation to brigades and competitors thereat; and

(l) publish or disseminate or contract for the publication or dissemination of printed matter broadcast matter and general information in the interest of fire prevention and fire suppression.

(2) The Authority shall register one brigade only in respect of each urban district and may register such number of brigades as it thinks fit in respect of each rural district.
23AA Industry brigades

(1) The Authority may from time to time in accordance with the regulations designate areas in the country area of Victoria in which it is appropriate to establish industry brigades.

(2) The Authority may from time to time in accordance with the regulations require any relevant owner or group of relevant owners in a designated area—

(a) to form an industry brigade for that area; and

(b) to apply to the Authority for registration of the industry brigade; and

(c) at the expense of the relevant owner or owners—

(i) to provide such officers and members for the industry brigade as are determined by the Authority; and

(ii) to provide the industry brigade with such apparatus for the prevention or suppression of fires and the saving of life at fires as is determined by the Authority.

(3) A relevant owner must comply with a requirement of the Authority directed to the relevant owner under subsection (2).

(4) A relevant owner may apply to the Victorian Civil and Administrative Tribunal for review of a requirement under subsection (2) to form an industry brigade.
(4A) An application for review must be made within 28 days after the later of—

(a) the day on which the requirement is made;

(b) if, under the *Victorian Civil and Administrative Tribunal Act 1998*, the relevant owner requests a statement of reasons for the decision, the day on which the statement of reasons is given to the relevant owner or the relevant owner is informed under section 46(5) of that Act that a statement of reasons will not be given.

(5) The Authority, on the request of a relevant owner or owners or on the failure of a relevant owner or owners to comply with subsection (2), may—

(a) form an industry brigade for the designated area in accordance with the requirements of subsection (2); and

(b) recover the costs of forming, equipping and maintaining that brigade from the relevant owner or owners as a debt due to the Authority.

(6) The Authority may register an industry brigade and enrol the officers and members of the brigade.

(7) The Authority may cancel the registration of an industry brigade if—

(a) the Authority determines that there is no longer a need for the brigade; or

(b) the industry brigade fails to comply with the requirements of the Authority under this Act.

(8) The Authority may cancel the enrolment of any officer or member of an industry brigade.

(9) A relevant owner or group of relevant owners must not disband an industry brigade without the written consent of the Authority.
(10) In this section **relevant owner**, in relation to a designated area means—

(a) an owner of land in the designated area; or

(b) an occupier of land in the designated area; or

(ba) the owner of a forest carbon right within the meaning of the **Climate Change Act 2010**; or

(c) a forest property owner under a forest property agreement (within the meaning of the **Forestry Rights Act 1996**) in respect of land in the designated area.

**23A Groups of brigades**

(1) Any two or more brigades registered under this Act may for the purposes of fire prevention or extinction combine to form a group of brigades.

(2) Upon being notified in the prescribed manner and form of the formation or the variation of the composition of a group of such brigades the Authority may approve or disapprove of the formation or the variation of the composition of the group.

(3) If the Authority approves of the formation of a group of brigades it shall register the group and enrol the following officers—

(a) a group officer;

(b) such number of deputy group officers as are approved by the Authority for the group;

(c) a group communications officer;

(d) a group secretary.
(4) The Authority may at any time and from time to time cancel the registration of any group of brigades or the enrolment of any person enrolled pursuant to subsection (3).

* * * * *

24 Annual report

(1) After the annual report of the Authority has been laid before both Houses of Parliament, the Authority must send a copy of the annual report to each person or body that has made financial contributions under this Act in respect of the financial year reported upon.

(2) Unless subsection (2A) applies, the annual report of the Authority must include—

(a) in respect of each insurance company which has made a statement under section 77(4), a statement of—

   (i) the amount collected by the insurance company as being on account of a fire service levy however described; and

   (ii) the amount paid to the Authority as contributions;

(b) the total of the amounts under paragraph (a)(i);

(c) the total of the amounts under paragraph (a)(ii).

(2A) If the Authority is of the opinion that it would be misleading to include the information in the annual report required by subsection (2) in relation to an insurance company, the Authority...
may instead include a note to the statement in the annual report explaining why it would be misleading to include the information in relation to the specified insurance company.

(3) The Authority shall whenever so required by the Minister furnish to the Minister a special report upon any matter relating to its activities or to the administration of this Act.

25 Election of officers of volunteer brigades

(1) Every volunteer brigade shall, except so far as the officers or any of them have been appointed by the Authority, in the prescribed manner and for the prescribed period elect a captain and such other officers of the number and rank determined by the Authority for brigades of that classification and every group of brigades shall in the prescribed manner and for the prescribed period elect such group officers as are prescribed.

(2) No such election shall have any force or effect until approved by the Authority.

(3) The Authority may at any time disqualify any such captain or other officer from exercising any powers and authorities under this Act and thereupon such captain or other officer or any person acting under or in accordance with the direction given by such captain or other officer shall not have the powers and privileges or the benefit of any immunity conferred by this Act.

26 Prohibition of unregistered brigades

No association of persons shall operate as a fire brigade in the country area of Victoria unless it is first registered and its officers and members enrolled in accordance with this Act, and no persons so operating without such registration and enrolment shall have any powers or privileges or the benefit of any immunity conferred by this Act.
27 **Chief Officer to have control of all brigades etc.**

Subject to the general powers and directions of the Authority every brigade or group of brigades and all officers and members of brigades or group of brigades shall be under the order and control of the Chief Officer.

28 **Powers and duties of Chief Officer**

(1) The Chief Officer may, by written instrument, delegate to any person by name or to the holder of an office or position approved by the Authority, either generally or as otherwise provided by the instrument, any power or authority conferred on the Chief Officer under this Act or the regulations or any other Act or regulations, except—

(a) the power to form an opinion as required by section 41F(1)(a);

(b) the power, under section 41(3)(b), to determine the steps to be required of an owner or occupier by a fire prevention notice served under section 41F;

(c) this power of delegation.

(2) Unless otherwise directed by the Authority or otherwise specified in the regulations, in the absence of the Chief Officer, a Deputy Chief Officer has all the powers, authorities, duties and liabilities conferred or imposed by this Act on the
Chief Officer, including the power of delegation conferred by subsection (1).

29 General powers and duties of Chief Officer

Within the country area of Victoria the Chief Officer shall in addition to such other duties as the Authority determines carry out the duties and exercise the powers following (that is to say):

(a) He shall summon once a month at the least all or as many of the members of permanent brigades as may be required for practice in order to render the members fit and efficient for service, and shall arrange for regular practice of members of volunteer brigades;

(b) He shall from time to time inspect or arrange for the inspection of all brigades and report to the Authority on their state of efficiency or otherwise, and make such recommendations as he thinks fit;

(c) He shall at all times have the charge and control of all apparatus and other property of the Authority and shall cause the same to be kept in a fit state at all times for efficient service;

(d) He shall at all reasonable times have free access to any land building or premises (whether public or private) for the purpose of ascertaining and reporting to the Authority on any contravention of the laws relating to the storage of gunpowder dynamite or other dangerous explosive or of petrol kerosene or other inflammable substance or matter, or relating to the storage of empty crates cases packages sawdust shavings hay and straw, or otherwise relating to the prevention of fires or to the protection of life and property in
Division 2—Fire suppression

30 Powers of officers at fires

(1) Where the Chief Officer believes on reasonable grounds that there is danger of fire occurring or where a fire is burning or has recently been extinguished in any urban or rural district the Chief Officer for the purpose of preventing the occurrence of a fire, of extinguishing or restricting the spread of the fire or of protecting life or property shall have and may exercise the following powers and authorities:

* * * * *

(b) He shall have the control and direction of—

(i) any brigade or brigades present at the scene of the fire; and

(ii) any persons who voluntarily place their services at his disposal either individually or as members of any fire fighting organization (whether established by or for the purposes of a statutory authority or body corporate or not) whilst they remain present at the scene of the fire;
(c) He shall have authority either alone or with others under his command to enter upon any land house building or premises and if necessary to force open any outer or inner doors of any house or building which may be on fire or in the near neighbourhood of any fire for the purpose of taking any steps which he deems necessary for any of the purposes aforesaid, and he may take or give directions for taking any apparatus required to be used at a fire into through or upon any land house building or premises which he considers convenient for the purpose;

(ca) The Chief Officer may cause—

(i) any vessel, wharf, pier or jetty to be entered upon or into, if necessary with force; and

(ii) any necessary apparatus to be taken upon or into any vessel, wharf, pier or jetty;

(d) He may take any measures which in the circumstances are reasonable and which appear to him to be necessary or expedient for any of the purposes aforesaid and in particular he may cause any house building or structure to be entered into and taken possession of or pulled down or otherwise destroyed or removed, and any fences to be pulled down or otherwise destroyed or removed, and any undergrowth trees scrub grass stubble weeds or other vegetation to be burnt or otherwise destroyed or removed;

(e) He may cause water to be shut off from any main pipe channel or other works of water supply in order to obtain greater supply and pressure of water for the purpose of extinguishing the fire and he may enter or
give directions for entering any land or premises and may take or cause to be taken water from any waterway, lake, lagoon, bore, dam, tank, main or pipe or other source of water supply whatsoever; and no person or body of persons having the management of any water supply shall be liable to any penalty or claim by reason of any interruption in the supply of water occasioned by any act matter or thing done under this paragraph;

(f) He may cause any road or any part thereof in the vicinity of the scene of any fire to be closed to traffic and he may direct traffic on any part of that road which is not so closed;

(g) He may order to withdraw, and (in the event of a failure or a refusal to withdraw) remove or direct any member of any fire brigade or any member of the police force present at the scene of the fire to remove, any persons who interfere by their presence or otherwise with the operations of any brigade or who are in or on any land building or premises then burning or threatened by fire; and

(h) He may at any time pull down or shore up any wall or building damaged by fire that may be or may be likely to become dangerous to life or property;

(i) The Chief Officer may take such other measures as appear necessary for the protection of life and property.

(2) In subsection (1)(c), bore has the same meaning as in the Water Act 1989.
30A  Authorisation of certain persons

(1) This section applies to the following persons—

(a) a forest officer;

(b) a person employed under section 18 or 19 of the Parks Victoria Act 1998;

(c) a person employed in the Department of Sustainability and Environment under Part 3 of the Public Administration Act 2004 by the Department Head of that Department within the meaning of that Act.

(2) A person to whom this section applies may exercise the powers of the Chief Officer under section 30—

(a) at the direction of—

(i) a part-time officer or member; or

(ii) a permanent officer or member; or

(iii) a volunteer officer or member; or

(b) if the person believes that there is an imminent risk of fire occurring or a fire is burning in the country area of Victoria and none of the persons referred to in paragraph (a) are present at the scene.

31  Police to assist Chief Officer etc.

(1) Every officer of the police force present at the scene of any fire shall support and assist the Chief Officer or any officer exercising the powers of the Chief Officer or any officer in charge of a brigade or group of brigades in the maintenance of his authority and in enforcing due obedience by all persons to his orders in the execution of his duty.

(2) All members of the police force are hereby authorized and directed to aid brigades and groups of brigades in the execution of their duties.
(3) Any member of the police force may of his own motion or on the direction of the Chief Officer or any officer exercising the powers of the Chief Officer or any officer in charge of a brigade—

(a) close any road in the vicinity of the scene of any fire; and

(b) order to withdraw, and (in the event of a failure or refusal to withdraw) remove, any persons who interfere by their presence or otherwise with the operations of any brigade or group of brigades or who are in or on any land building or premises then burning or threatened by fire.

(4) Nothing in this or the last preceding section shall authorize the removal from any land building or premises of any person having any pecuniary interest therein or in any goods or valuables whatsoever thereon.

32 Duties of turncocks of water supply authorities

(1) Every turncock or other similar officer or employee of any water supply authority shall on the occurrence of any fire within the area under his supervision with all possible speed proceed to the place where the fire is and assist by all means in his power to ensure a copious supply and pressure of water.

(2) Every public authority or distribution company within the meaning of the Electricity Industry Act 2000 or gas distribution company or gas transmission company within the meaning of the Gas Industry Act 2001 supplying gas or electricity to any house building or premises in any urban district shall, on the occurrence of any fire in or on such house building or premises, forthwith send some competent person to
disconnect the supply to that house or building or those premises and, if necessary, to other adjoining houses buildings and premises.

33 Determination of sole responsibility for fire suppression in certain areas

(1) (a) The Authority and the Secretary may jointly determine that either the Authority or the Secretary shall be solely responsible for the suppression of fires in any part of Victoria which lies outside the metropolitan fire district.

(b) Notice of every such determination describing by plan or otherwise the boundaries of the part of Victoria affected by the determination shall be published in the Government Gazette and a newspaper circulating generally in that part of Victoria and thereupon the Authority or the Secretary (as the case may be) shall be solely responsible accordingly for the suppression of fires in that part of Victoria.

(2) The powers and authorities conferred by this Act on the Chief Officer in respect of any district are exercisable as follows:

(a) If there is danger of a fire occurring or a fire is burning or has been recently extinguished at a place—

(i) in any part of the country area of Victoria (not being a part of Victoria in which by reason of a determination made under subsection (1), the Secretary is solely responsible for the suppression of fires); or
(ii) in any part of Victoria in which by reason of a determination made under subsection (1), the Authority is solely responsible for the suppression of fires—

by the Chief Officer or any officer in charge of any brigade or group of brigades who is present at that place or, if the Chief Officer or other officer is not present at that place or is unable to exercise those powers and authorities, by any forest officer or any officer of the Metropolitan Fire Brigade who is present at that place;

(b) If there is danger of a fire occurring or a fire is burning or has been recently extinguished at a place—

(i) on any land within any forest, national park or protected public land (not being land in a part of Victoria in which by reason of a determination made under subsection (1), the Authority is solely responsible for the suppression of fires); or

(ii) in any part of Victoria in which by reason of a determination under subsection (1), the Secretary is solely responsible for the suppression of fires—

by any forest officer present at that place or, if a forest officer is not present at that place or is unable to exercise those powers and authorities, by the Chief Officer or any officer in charge of any brigade or group of brigades who is present at that place;
(c) If there is danger of fire occurring or a fire is burning or has recently been extinguished at a place in any part of the metropolitan fire district, by an officer of the Metropolitan Fire Brigade who is present at that place or, if an officer of the Metropolitan Fire Brigade is not present at that place or is unable to exercise those powers and authorities, by the Chief Officer or any officer in charge of any brigade or brigades who is present at that place.

34 Duties of owner etc. of land in case of fire during fire danger period

(1) Where a fire (not being part of burning off operations carried on under and in accordance with this Act or any direction given thereunder or under and in accordance with the Forests Act 1958 or any direction or authority given thereunder) is burning on any land in the country area of Victoria at any time during a fire danger period the owner or the occupier or the person in charge of that land whether or not he has lighted the fire or caused the fire to be lighted shall—

(a) immediately upon becoming aware of the fire, take all possible steps to extinguish the fire; and

(b) in the event of it appearing that with the resources at his disposal he will be unable to extinguish the fire, if practicable means of communication are available, immediately inform or cause to be informed the nearest available officer or member of a brigade or a forest officer or a member of the police force of the existence and location of the fire.
(2) Notwithstanding that a person has complied with subsection (1) with respect to giving information as to the existence and location of a fire, he shall continue to take all possible steps to extinguish the fire.

Penalty: 50 penalty units or imprisonment for twelve months or both.

Division 3—Fire prevention

34A Meaning of in the open air

(1) For the purposes of this Division, a fire is in the open air if it is in any place other than within a permanent structure.

(2) In this section permanent structure—

(a) means a structure of a permanent kind consisting of a roof and fully enclosed on all sides;

(b) includes a caravan; and

(c) does not include a tent.
36 Authority may require certain municipalities to provide hydrants in streets etc.

The Authority may by notice in writing require any municipal council any part of the municipal district of which is supplied with water by a permanent reticulated water supply system to provide a pillar hydrant or hydrants at any specified place or places in or near a public street or road within the said part of the municipal district.

37 General prohibition against lighting open air fires

A person shall not light a fire in the open air in the country area of Victoria (not including any land within a fire protected area) during a fire danger period unless authorized or directed by or pursuant to some other provision of this Act.

Penalty: 50 penalty units or imprisonment for a term of not more than twelve months or both such penalty and imprisonment.

38 Lighting fires in accordance with permit

(1) Section 37 does not apply to a person who—

(a) sets fire to any grass, stubble, weeds, scrub, undergrowth or other vegetation;

(b) lights a fire for the purpose of converting wood into charcoal;

(c) lights any other fire—

on any land in accordance with a written permit obtained from—

(d) the fire prevention officer of the administrative unit or public authority which manages or controls the land or, when in any instance that fire prevention officer so requests, the Chief Officer; or
(e) (where paragraph (d) does not apply) the fire prevention officer of the municipal council in which the land is situated or the Chief Officer.

(2) A permit granted under subsection (1)—
   (a) shall be in or to the effect of the form prescribed;
   (b) shall contain such conditions and restrictions as are prescribed; and
   (c) may contain any further conditions and restrictions which the officer granting the permit may reasonably require.

(3) A person who fails to comply with a condition or restriction contained in a permit issued under subsection (1) shall be guilty of an offence and liable to a penalty of not more than 20 penalty units or to imprisonment for a term of not more than twelve months or to both that penalty and imprisonment.

(4) Compliance with the conditions of a permit does not of itself relieve the holder of a permit from liability for any damage sustained by another person as a result of any fire lit by the holder of the permit pursuant to that permit.

38A Fires for certain purposes to be lawful

(1) Section 37 does not apply to a person who lights a fire—
   (a) for the purpose of meal preparation or personal comfort if—
      (i) the air movement in the vicinity of the fire is no stronger than ten kilometres per hour;
S. 38A(1)(b) amended by No. 50/1989 s. 13(a).

(ii) the fire is lit in a properly constructed fireplace or in a trench at least 30 centimetres deep;

(iii) the fire is not within 7.5 metres of any log or stump;

(iv) the ground and air space within a distance of three metres from the outer perimeters and uppermost point of the fire are clear of flammable material; and

(v) the fire does not occupy an area in excess of one square metre and the size of the fire and the dimensions of solid fuel used are the minimum necessary for the purpose; or

(b) for the purpose of burning refuse if—

(i) the fire is effectively restricted within an incinerator;

(ii) the air movement in the vicinity is no stronger than 10 kilometres an hour;

(iii) the ground and air space within a distance of three metres of the incinerator are cleared of all flammable material; and

(iv) a supply of water adequate for the extinguishment of the fire is readily available at all times when the fire is burning; or

(c) for the purpose of extracting honey, heating bitumen, welding, gas-cutting, soldering, grinding or charring if—

(i) a shield or guard of fire resistant material is placed or erected in such a way as to prevent the emission of sparks, hot metal or slag from the fire;
(ii) the area for a radius of at least 1.5 metres from the operation is clear of all flammable material or wetted down sufficiently to prevent the spread of fire;

(iii) there is available for immediate use in the event of the fire a reticulated water supply or an effective water spray pump of the knapsack pattern with a tank capacity of not less than nine litres and fully charged with water; and

(iv) cut-offs and electrode stubs from the operation are placed directly in a fire proof receptacle; or

(d) for the purpose of disposal of the by-products of sawmilling operations if the person complies with the regulations; or

(e) for the purpose of burning excess and unused gas in relation to an industrial or commercial undertaking if—

(i) the burner is maintained so that no accretion of carbon or flammable material occurs on or within the burner; and

(ii) the base of the burner and the area around the burner is kept clear of flammable material for a distance of 3 metres or to the height of the burner (whichever is the greater) around the perimeter of the burner; or
S. 38A(1)(f) inserted by No. 50/1989 s. 13(b).

S. 38A(1A) inserted by No. 17/2003 s. 4.

39 Prohibited actions near fires

In the country area of Victoria (not including any land within a fire protected area) during a fire danger period—

(a) a person who has lit a fire in the open air or who has been left in charge of a fire in the open air shall not leave the place of the fire unless—

(i) he leaves another person in charge of the fire; or

(ii) he completely extinguishes the fire before leaving;

(b) a person shall not in the open air throw down or drop any lighted tobacco, cigarette, cigar or match or any other burning material or thing;
(c) a person shall not knowingly put or place any blow lamp or gas torch or any match or any phosphorus or any substance containing phosphorus or any explosive or any combustible substance or matter in such a position that—

(i) it may be directly or indirectly ignited exploded or set on fire by the action of the sun's rays or by friction or by any other natural cause; or

(ii) a fire is likely to be caused—

whether or not any fire or explosion is actually caused thereby; and

(d) a person who finds any fire burning shall as soon as practicable inform or cause to be informed the nearest available officer or member of a brigade or a forest officer or a member of the police force of the existence and locality of the fire.

Penalty: 50 penalty units or imprisonment for a term of not more than twelve months or both such penalty and imprisonment.

39A Causing fire in country area in extreme conditions of weather etc. an offence

In addition to and without in any way limiting the generality of any of the provisions of this Division any person who on any land in the country area of Victoria lights a fire in such circumstances of location, atmospheric temperature, wind velocity and flammable vegetation or other combustible substance that it causes or is likely to cause a fire that is a danger to the life or property of others shall be guilty of an offence and liable to imprisonment for a term of not less than three months and not more than two years.
Country Fire Authority Act 1958
No. 6228 of 1958
Part III—Country Fire Control

39B Defences

It shall be a defence to any proceedings for an offence against section 39A if the accused proves—

(a) that the danger was caused by the intervention or subsequent action of any person or persons acting without his knowledge or consent or contrary to his wishes or instructions; or

(b) that the fire was lit at a time when the circumstances of atmospheric temperature and wind velocity referred to in the said section were not present and could not reasonably have been foreseen; or

(c) that he is or was at the time of the alleged offence the owner or occupier of the land upon which the fire was lit or was acting under the direction of that owner or occupier—

and in any case that he took all precautions required by this or any other Act and the regulations thereunder with respect to the lighting of the fire and did everything in his power that was reasonable in the circumstances to suppress or extinguish the fire.

39C Causing fire in a country area with intent to cause damage etc. an indictable offence

In addition to and without in any way limiting the generality of any of the provisions of this Division any person who on any land in the country area of Victoria (without lawful excuse) does any act causing a fire or for the purpose of causing a fire and with intent to destroy any vegetation, produce, stock, crop, fodder or other property belonging to another shall be guilty of an indictable offence
and liable to imprisonment for a term of not less than one year and not more than twenty years.

39D Application

The provisions of section 39A or section 39C shall not apply to any person lighting, spreading or maintaining a fire under the direction or control of an officer of a brigade for the purpose of establishing a firebreak.

39E Prohibition of high fire risk activities

(1) A person must not—

(a) conduct; or

(b) engage in the conduct of—

a high fire risk activity in the open air in the country area of Victoria during a fire danger period except in accordance with the regulations.

Penalty: 50 penalty units or imprisonment for 12 months or both.

(2) Regulations made under this Act may—

(a) prescribe an activity to be a high fire risk activity for the purposes of this section;

(b) prescribe conditions subject to which a person may conduct or engage in the conduct of a high fire risk activity specified in the regulations in the open air in the country area of Victoria during a fire danger period;

(c) provide that a person may conduct or engage in the conduct of a high fire risk activity specified in the regulations in the open air in the country area of Victoria during a fire danger period in accordance with a permit granted under the regulations which permits that specified high fire risk activity.
40 Provisions about total fire bans

(1) The Authority may when it thinks fit declare a day or partial day of total fire ban in respect of the whole or any part or parts of Victoria and may at any time amend or revoke such a declaration.

(2) The Authority shall cause to be broadcast from a broadcasting station in Victoria any declaration made under subsection (1) and any amendment to or revocation of any such declaration.

(2A) The Authority may transmit by electronic means a declaration or any amendment or revocation of a declaration to a broadcasting station for broadcasting under subsection (2).

(3) The Chief Executive Officer of the Authority may authorize in writing the Chief Officer or an officer exercising the powers of the Chief Officer (either generally or in a particular instance) to cause any broadcast referred to in subsection (2) and may withdraw any such authority by notice in writing.

(4) Notwithstanding the provisions contained in section 38 or 38A, a person in a part of Victoria where and at a time when a declaration of total fire ban applies—

(a) shall not light a fire in the open air or allow a fire in the open air to remain alight; or

(b) use or leave in operation any producer-gas equipment on or in connexion with any vehicle.

Penalty: 100 penalty units or imprisonment for a term of two years or both such penalty and imprisonment.
(4A) Subsection (4) does not apply to an owner or occupier of a dwelling who, in a domestic appliance on the premises on which the dwelling is situated, lights a fire or allows a fire to remain alight for the sole purpose of meal preparation, where—

(a) the appliance is located within twenty metres of the dwelling;

(b) the area within a distance of three metres from the outer perimeters of the appliance is clear of flammable material;

(c) there is at hand and available for immediate use—

(i) a hose connected to a reticulated water supply; or

(ii) a vessel containing at least ten litres of water; and

(d) the appliance is attended by an adult at all times when the fire in the appliance is alight.

(4B) In subsection (4A)—

(a) *domestic appliance* means any fixed or portable appliance designed exclusively for meal preparation and fired by gas or electricity; and

(b) *dwelling* means a building used or designed for use as a residence, but does not include a caravan or tent or other portable place of residence.

(4C) Subsection (4) does not apply to a person who, in a fixed appliance, lights a fire or allows a fire to remain alight for the sole purpose of meal preparation, where—
(a) the area within a distance of three metres from the outer perimeters of the appliance is clear of flammable material;

(b) there is at hand and available for immediate use—

(i) a hose connected to a reticulated water supply; or

(ii) a vessel containing at least ten litres of water; and

(c) the appliance is attended by an adult at all times when the fire in the appliance is alight.

(4D) In subsection (4C), fixed appliance means a properly constructed and permanently fixed structure of brick, stone or concrete designed exclusively for meal preparation and fired by gas or electricity.

(4E) Subsection (4) does not apply to a person who—

(a) is engaged in a business of preparing meals for other persons; and

(b) lights a fire or allows a fire to remain alight—

(i) for the sole purpose of meal preparation in the course of the person's business; and

(ii) in accordance with a permit granted by a person, and in the circumstances, referred to in paragraph (a), (b), (c) or (d) of subsection (5).

(4F) For the purposes of subsection (4E), person includes a community charitable organisation.
(5) Subsection (4) does not apply to a person who, in a part of Victoria where and at a time when a declaration of total fire ban applies, lights a fire in the open air or allows a fire in the open air to remain alight for the purpose of carrying on the work of a community charitable organisation, statutory corporation or municipal council or an industrial operation or trade, or for the purpose of public entertainment, for which a fire is necessary in accordance with a permit granted—

(a) where the fire is to be lighted or allowed to remain alight in the metropolitan fire district, by the Chief Fire Officer of the Metropolitan Fire Brigades or by any other officer whom he may authorize in writing;

(b) where the fire is to be lighted or allowed to remain alight in the country area of Victoria (other than on lands within a fire protected area) by the Chief Officer of the Authority;

(c) where the fire is to be lighted or allowed to remain alight in a fire protected area, by the person for the time being holding the office of or acting as the Chief Fire Officer in the Department of Natural Resources and Environment; or

(d) by the Minister under subsection (8).

(6) A permit granted under subsection (4E) or (5)—

(a) shall be in writing;

(b) shall be subject to any prescribed conditions, and to any other conditions specified in the permit by the person granting the permit; and
(c) may be limited to the day in respect of which a total fire ban has been declared, or may be granted for that day and any specified subsequent days or generally for any specified period.

(7) A person who may grant a permit under subsection (4E) or (5)—

(a) may in any particular case authorize another person to sign and issue a permit on his behalf; and

(b) may at any time revoke a permit.

(8) A person who has been refused a permit under subsection (4E) or (5)(a), (b) or (c) or who has been granted such a permit subject to conditions to which he objects or whose permit has been revoked under subsection (7) may apply to the Minister for a permit and the Minister may grant a permit subject to such conditions as he thinks fit or may refuse to grant a permit, and may at any time revoke any permit granted by him.

(9) Any person who, in a part of Victoria where and at a time when a declaration of total fire ban applies, having been granted a permit pursuant to subsection (4E), (5) or (8) lights a fire in the open air or allows a fire in the open air to remain alight without complying with every condition to which the relevant permit is subject shall be guilty of an offence and liable to a penalty of not more than 100 penalty units or to imprisonment for a term of not more than two years or to both such penalty and imprisonment.

(10) Nothing in this section shall prevent a fire being lit or being allowed to remain alight—

(a) by any brigade or statutory corporation having responsibility for the suppression of fire where the fire is lit for that purpose;
(c) in any apparatus approved by the Chief Officer being used for the drying of fruit, grain or other primary produce in accordance with the terms and subject to the conditions of its approval.

(12) The Chief Officer may by declaration in writing declare subject to such terms and conditions as he thinks fit any apparatus to be approved apparatus for the purposes of subsection (10)(c) and revoke or vary any approval so given.

(13) In any proceedings for an offence against this section a certificate purporting to be signed by the Chief Executive Officer to the effect that a declaration of a day or partial day of total fire ban in the whole or any part or parts of Victoria was pursuant to this section broadcast from a broadcasting station in Victoria in respect of any specified day shall be prima facie evidence of the facts set out in the certificate.

(14) In any proceedings for an offence against this section, where the declaration under subsection (1) was made in respect of part of a day and first broadcast on that day, it is sufficient defence for the accused to prove that at the time of the commission of the offence he did not know and could not reasonably have known of the declaration of total fire ban, and that having regard to all the circumstances he had taken all
necessary precautions to prevent the spread of the fire.

(15) In any proceedings for an offence against this section, it is sufficient for the purposes of subsection (13), if a certificate purporting to be signed by the Chief Executive Officer is given to which is attached a copy of the declaration, or any amendment of the declaration, made by the Authority and transmitted under subsection (2A) to a broadcasting station for broadcasting.

41 Fire prevention notices

(1) In the country area of Victoria, the fire prevention officer of a municipal council may serve a fire prevention notice on the owner or occupier of land in the municipal district of that council (other than a public authority) in respect of anything—

(a) on that land, other than a building or in a building;

(b) on the adjacent half width of any private street that abuts that land—

(other than a prescribed thing or class of things) that by its nature, composition, condition or location constitutes or may constitute a danger to life or property from the threat of fire.

(2) A fire prevention notice may be served only if the fire prevention officer forms the opinion—

(a) that it is necessary, or may become necessary, to do so to protect life or property from the threat of fire; and

(b) that there is no procedure under any other Act or regulations made under any Act that is more appropriate in the circumstances to address that threat.

S. 40(15) inserted by No. 17/2003 s. 6(2).
Nos 5040 s. 42, 5191 s. 30.
S. 41 amended by Nos 6887 s. 2(a)(b), 7318 s. 2, 7476 s. 2(a)–(e), 7606 s. 2(a)(b)(c)(d), 7876 s. 2(3), 7877 ss 9(b), 21(a)(iv), 8257 s. 9(a)–(c), 8933 s. 4, 9389 s. 3, 9488 s. 2, 10004 s. 10, 10149 ss 11(a)–(c), 12(a)(i)(ii)(b), 21(1)(d)(ii)(ii)(e) (as amended by No. 10173 s. 4), 10235 s. 11(f), 45/1986 s. 6, 12/1989 s. 4(1) (Sch. 2 items 17.11–17.13), 50/1989 s. 14, substituted by No. 2/1995 s. 5.
(3) A fire prevention notice—

(a) must be in the prescribed form;

(b) may require the owner or occupier to take the steps specified in the notice to remove or minimise the threat of fire;

(c) must specify the time (not less than 7 days) within which the owner or occupier must comply with the notice;

(d) must comply with the regulations.

41A Service of notices

(1) A fire prevention notice may be served on an owner or occupier—

(a) by giving it to or serving it personally on the owner or occupier; or

(b) by sending it by post to the owner or occupier at that person's usual or last known residential or business address; or

(c) by leaving it at the usual or last known residential or business address of the owner or occupier with a person on the premises who is apparently at least 16 years old and apparently residing or employed there; or

(d) in a manner prescribed by any other Act or law for service on a person or class of persons of the same type as the owner or occupier.

(2) If the fire prevention officer—

(a) does not know who the owner or occupier of any land is; or

(b) does not know the residential or business address of the owner or occupier; or
(c) believes that the owner or occupier is absent from Victoria and has no agent in Victoria known to the officer—

the fire prevention notice may be served in accordance with subsection (3).

(3) If subsection (2) applies, a fire prevention notice may be served—

(a) by displaying it on the land; and

(b) by publishing a notice, in the prescribed form and containing the prescribed particulars, in a newspaper circulating generally in the municipal district.

(4) A notice served under subsection (3) is sufficient notice to the owner or occupier from the date of display or publication, whichever is later.

(5) Unless a fire prevention notice is withdrawn or cancelled, the costs of serving the notice (including reasonable administrative, labour and overhead costs and expenses incurred) may be recovered from the person on whom it was served—

(a) if the notice was served by a fire prevention officer, by the relevant municipal council;

(b) if the notice was served by the Chief Officer, by the Authority.
41B Objection to notices

(1) A person on whom a fire prevention notice has been served may lodge an objection with the fire prevention officer within 7 days of the service of the notice stating the grounds of objection.

(2) If a person lodges an objection the fire prevention officer and the person must genuinely attempt to resolve the matter by consultation.

(3) Within 14 days of the lodging of an objection the fire prevention officer must—
   (a) confirm the notice; or
   (b) vary the notice, if the fire prevention officer is satisfied that the variation will appropriately address the threat of fire; or
   (c) withdraw the notice, if the fire prevention officer is satisfied that there is no longer any case for the notice to be served.

(4) If the fire prevention officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.

(5) In sections 41D and 41E, fire prevention notice includes a fire prevention notice as confirmed or varied in accordance with this section.

41C Appeal against notices

(1) If a person has lodged an objection under section 41B and—
   (a) the fire prevention officer has failed to confirm, vary or withdraw the notice within 14 days; or
(b) the person is not satisfied with the confirmation or variation of the notice—

the person may appeal in writing to the Chief Officer within 7 days of the end of that 14 day period or the date of the confirmation or variation, whichever is earlier, stating the grounds of appeal.

(2) The Chief Officer—

(a) must consider the appeal within a reasonable time; and

(b) must take into account all relevant circumstances, including the proper needs of conservation and alternative means of addressing the threat of fire.

(3) After considering the appeal, the Chief Officer must—

(a) confirm the notice; or

(b) vary the notice in any way the Chief Officer thinks fit; or

(c) cancel the notice.

(4) If the Chief Officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.

(5) In sections 41D and 41E, *fire prevention notice* includes a fire prevention notice as confirmed or varied in accordance with this section.

41D Compliance with notices

(1) Subject to sections 41B and 41C, a person on whom a fire prevention notice has been served must comply with the notice.

Penalty: 50 penalty units or imprisonment for 12 months.
(2) Proceedings for an offence under subsection (1) may be taken—

(a) by a member of the police force;

(b) if the fire prevention notice was served by a fire prevention officer, in accordance with section 232 of the *Local Government Act 1989*;

(c) if the fire prevention notice was served by the Chief Officer, by a person appointed for the purpose by the Chief Officer.

### 41E Fire prevention infringement notices

(1) An authorised officer may serve a fire prevention infringement notice on a person the officer believes has committed an offence against section 41D, requiring that person to pay a penalty of 2 penalty units.

(1A) An offence referred to in subsection (1) for which a fire prevention infringement notice may be served is an infringement offence within the meaning of the *Infringements Act 2006*.

(2) In addition to and without limiting section 12 of the *Infringements Act 2006*, a fire prevention infringement notice under subsection (1) may be served in accordance with section 41A.

* * * * * *
(8) In this section, **authorised officer** means—

(a) if the fire prevention notice was served by a fire prevention officer, a person appointed for the purpose by the relevant municipal council;

(b) if the fire prevention notice was served by the Chief Officer, a person appointed for the purpose by the Chief Officer.

### 41F Issue of notices by Chief Officer

(1) If—

(a) the Chief Officer forms the opinion required by section 41(2); and

(b) upon request, the relevant fire prevention officer refuses or fails to issue a fire prevention notice within the time specified by the Chief Officer—

the Chief Officer may serve a fire prevention notice on the owner or occupier of the land.

(2) If the Chief Officer serves a fire prevention notice under subsection (1)—

(a) the provisions of this Act (except this section) and the regulations apply as if, unless the contrary intention appears—

(i) references to the fire prevention officer were references to the Chief Officer;

(ii) references to the Chief Officer were references to the Authority;

(b) sections 225, 226, 227 and 227A of the **Local Government Act 1989** apply as if references to a Council were references to the Authority.
42 Brigades may carry out fire prevention work

(1) The officers and members of any brigade, at the request of—

(a) the owner or occupier of any land;
(b) a Minister in whom any land is vested;
(c) a municipal council or public authority—
   (i) in which any land is vested;
   (ii) that has any land under its control or management;
   (iii) that is responsible for the care and management of any road—

may carry out on that land or road any work (including burning) for the removal or abatement of any fire danger or for the prevention of the occurrence or spread of fire.

(2) Any work carried out under subsection (1) must be paid for by the owner, occupier, Minister, council or authority requesting the work and, if not paid, is recoverable in the Magistrates' Court as a debt due to the Authority.

(3) Subject to the general direction of the Authority and the Chief Officer, the officers and members of any brigade, with the consent of the relevant owner, occupier, Minister, council or authority, may carry out any work (including burning) that the officer in charge of the brigade thinks necessary or expedient for the prevention of the occurrence or spread of fire.

(4) This section does not apply to an industry brigade.

Nos 5040 s. 43, 5191 s. 31. S. 42 amended by Nos 6956 s. 6(2), 7877 s. 10(a)(ii)(b)(c), 9019 s. 2(1)(Sch. item 25), 9389 s. 4(b), 12/1989 s. 4(1)(Sch. 2 items 17.20, 17.21), 57/1989 s. 3(Sch. item 36.3), substituted by No. 2/1995 s. 7.

S. 42(4) inserted by No. 24/1997 s. 12(6).
43 Duties and powers of councils and public authorities in relation to fire

(1) In the country area of Victoria it is the duty of every municipal council and public authority to take all practicable steps (including burning) to prevent the occurrence of fires on, and minimise the danger of the spread of fires on and from—

(a) any land vested in it or under its control or management; and

(b) any road under its care and management.

(2) A municipal council or public authority may—

(a) acquire any equipment;

(b) do any thing;

(c) expend from its funds any amount—

that is necessary or expedient for the purpose of fulfilling its duty under subsection (1).

(3) If the cost of maintenance of a road is apportioned between municipal councils or public authorities or both the cost of fulfilling the duty imposed by subsection (1) must be apportioned in the same manner.

44 Duties of officers as to inspection etc.

(1) It shall be the duty of every officer appointed by the Authority as the officer in charge of a fire control region subject to the general direction and control of the Authority and the Chief Officer, to make regular inspections within his region to ascertain whether the provisions of this Act are being properly and efficiently carried out and administered therein and to report to the Authority thereon at such times as are prescribed or as the Authority directs, and for the purposes of any such inspection any such officer appointed by the Authority as the officer in charge of a fire control
region may enter into and upon any land or premises whatever within his region.

(2) Unless otherwise directed by the Authority or otherwise specified in the regulations, in the absence of the officer appointed by the Authority as the officer in charge of a fire control region, a person appointed by the Authority as deputy to that officer has all the powers, authorities, duties and liabilities conferred or imposed by this Act on that officer.

### 44A Power to Chief Officer to close roads

(1) Where any fire is burning in any urban or rural district (whether that fire is lighted under and in accordance with this Division or is part of burning off operations carried out under and in accordance with this Act or any direction or permit given or issued thereunder or under and in accordance with the **Forests Act 1958** or any direction or authority given thereunder) the Chief Officer for the purpose of protecting life or property or if in his opinion smoke from that fire impairs visibility on any road to such an extent that the safety of any persons using that road is endangered may cause the road or any part thereof in the vicinity of the fire to be closed to traffic during the continuance of the fire and may during the continuance of the fire direct traffic on any part of that road which is not so closed.

(2) The power conferred on the Chief Officer by subsection (1) shall be exercisable by the Chief Officer or by any officer in charge of a brigade or group of brigades or by any forest officer who is present at the fire.
(3) This section shall be read and construed as in aid of and not in derogation from the powers and authorities conferred on the Chief Officer by or under this or any other Act.

45 Power to Governor in Council to transfer municipal officers' powers

(1) Where the Governor in Council is satisfied upon a report of the Authority that the powers and duties conferred and imposed by this Part upon the fire prevention officer of a municipal council are not being properly and efficiently carried out in the municipal district of any municipal council, the Governor in Council may by Order published in the Government Gazette direct that such powers and duties shall for such period as is specified in the Order be vested in and imposed upon a person nominated by the Authority for the purpose in respect of any urban or rural district or any part of any urban or rural district within the municipal district but any officer so nominated shall be subject to the general direction and control of the Authority and the Chief Officer.

(2) Upon the publication of any such Order the powers and duties of such fire prevention officer shall for the specified period be so vested in and imposed upon the person named or referred to in the Order, and the provisions of this Division shall with the necessary adaptations be read and construed accordingly, and the expenses of the carrying out of such powers and duties, as determined by the Governor in Council, shall (to the extent that they are not otherwise paid or recovered) be borne by and may irrespective of amount be recovered from the municipal council by the Authority in the Magistrates' Court as a civil debt recoverable summarily.
46 Failure by public authority etc. to observe provisions of this Act

Where the Authority upon the report of the Chief Officer or other officer exercising the powers of the Chief Officer is satisfied that the powers and duties conferred and imposed by this Division upon any administrative unit or public authority or upon any officer thereof or upon any municipal council are not being properly and efficiently carried out on and in relation to any land vested in or under the management or control of such administrative unit public authority or municipal council or on and in relation to any road the maintenance of which is charged upon such administrative unit public authority or municipal council, the Authority shall report thereon to the Governor in Council, and thereupon the Governor in Council may take such action in the matter as he thinks fit.

46A Power to arrest

Any member of the police force may apprehend with or without warrant any person found lighting or maintaining any fire contrary to the provisions of this Division or to the conditions or restrictions contained in any permit granted thereunder and forthwith take and convey him before a bail justice or the Magistrates' Court to be dealt with according to law.

47 Construction of this Division

The provisions of this Division shall be read and construed as in aid of and not in derogation from the provisions of any other Act or law relating to fires or to the careless negligent or criminal use of fire.
48 Power to police, Chief Officer etc. to direct extinguishment of fire

(1) In this section *authorized officer* means—

(a) a member of the police force; or

(b) the Chief Officer; or

(c) any officer exercising the powers of the Chief Officer; or

(d) the captain of any brigade; or

(e) any officer of a brigade appointed generally or specially in respect of any district for the purpose of this section.

(1A) An authorized officer may direct—

(a) the occupier or owner of any land; or

(b) any person residing upon or in control of any land; or

(c) any person having lit or maintained a fire on any land within the country area of Victoria—

to extinguish the fire on that land or to take the steps directed by the authorized officer to extinguish the fire or to prevent the fire from spreading or causing injury.

(1B) A direction of an authorized officer must be complied with even if the fire was lit or maintained in accordance with this Act and the regulations under this Act.
(2) Every such owner occupier or person who when so directed as aforesaid—

(a) fails neglects or refuses to extinguish the fire forthwith or to take forthwith such steps as aforesaid; or

(b) purports to carry out the directions but does so in such a manner that the fire is not extinguished and breaks out or is likely to break out subsequently—

shall be guilty of an offence and liable to a penalty of not more than 50 penalty units or to imprisonment for a term of not more than twelve months or to both such penalty and imprisonment.

(3) It is a defence to a prosecution under this section if the accused satisfies the court that, having regard to the direction and to the circumstances of the particular case, he acted reasonably.

49 Obligation of sawmillers

A person who disposes of the by-products of sawmilling operations by burning must comply with the regulations.

Penalty: 10 penalty units.
50 Required safety features of motor vehicles driven during fire danger period near crops

(1) In the country area of Victoria a person shall not drive or operate a vehicle propelled by internal combustion (other than a vehicle referred to in subsection (2)) so that the vehicle is in contact with any crop, grass, stubble, weeds, undergrowth or other vegetation unless the vehicle is fitted with an efficient silencing device so constructed that all the exhaust from the engine of the vehicle passes through the silencing device.

Penalty: 10 penalty units.

(2) In the country area of Victoria a person must not drive or operate a tractor or a self-propelled farm machine or a traction engine or an earth-moving, excavating or road-making machine propelled by or incorporating a heat engine within nine metres of or in contact with any crop, grass, stubble, weeds, undergrowth or vegetation unless the tractor, traction engine or machine—

(a) is free from faults and mechanical defects which would tend to cause an outbreak of fire; and

(b) is fitted with a spark arrester; and
(c) carries the prescribed fire suppression equipment during a fire danger period.

Penalty: 10 penalty units.

(3) A person operating a tractor, traction engine or machine referred to in subsection (2) must maintain the spark arrester in proper working order so as to prevent the discharge of exhaust particles which may tend to cause an outbreak of fire.

Penalty: 10 penalty units.

(4) A person must not fit a spark arrester to a tractor, traction engine or machine referred to in subsection (2) unless the spark arrester complies with the standard prescribed under subsection (5).

Penalty: 10 penalty units.

(5) A person must not sell a tractor, traction engine or machine unless it is fitted with a spark arrester which complies with the relevant Standards Association of Australia standard prescribed for the purposes of this subsection.

Penalty: 10 penalty units.

(6) The Chief Officer may exempt a person from compliance with subsection (2)(c) where in the opinion of the Chief Officer the circumstances surrounding the operation of the tractor, traction engine or machine warrant it.

(7) Nothing in this section requires a tractor, engine or machine referred to in subsection (2) which is fitted with a turbocharger or an exhaust aspirated air-cleaner to be fitted with a spark arrester.
Country Fire Authority Act 1958
No. 6228 of 1958
Part III—Country Fire Control

S. 50A

inserted by
No. 7516 s. 3,
amended by
Nos 8933
s. 7(e),
16/1986 s. 30,
repealed by
No. 57/1989
s. 3(Sch.
item 36.6).
PART IIIA—IMPROVING COMMUNITY SAFETY

Division 1—Definitions

50A Definitions

In this Part—

*community fire refuge* means a place that is—

(a) to be used by the public for short-term shelter from a fire front during a bushfire; and

(b) designated as a community fire refuge in—

(i) a municipal fire prevention plan under Part IV; or

(ii) a municipal emergency management plan under the *Emergency Management Act 1986*;

*council land* means land occupied or controlled by a municipal council;

*designated neighbourhood safer place* means a place designated by a municipal council as a neighbourhood safer place under this Part;

*neighbourhood safer place* means a place that may, as a last resort, provide shelter for people from the immediate life-threatening effects of a bushfire;

*non-council land* means land (including Crown land) that is not council land;

*place* means land or premises.
Division 2—Duty to warn community

50B Duty to warn the community

(1) The Chief Officer must issue warnings and provide information in relation to fires in the country area of Victoria if—

(a) the Fire Services Commissioner has delegated to the Chief Officer under section 26 of the Fire Services Commissioner Act 2010 his or her duty to issue warnings or provide information;

(b) the Chief Officer considers that the issuing of warnings or the provision of information is necessary for the purposes of protecting life and property.

(2) The Chief Officer must have regard to any guidelines, procedures or operating protocols issued by the Fire Services Commissioner under section 25 of the Fire Services Commissioner Act 2010 for the purposes of carrying out a duty under subsection (1).
Division 3—Neighbourhood safer places

50E Country Fire Authority Assessment Guidelines

(1) The Authority may from time to time issue guidelines (the Country Fire Authority Assessment Guidelines) setting out criteria and other considerations to be applied in relation to neighbourhood safer places, including for the purpose of—

(a) assessing a place as suitable to be a neighbourhood safer place; and

(b) carrying out annual assessments of neighbourhood safer places.

(2) The Country Fire Authority Assessment Guidelines may incorporate or refer to any other document as issued or published from time to time.

(3) The Authority must publish the Country Fire Authority Assessment Guidelines—

(a) in the Government Gazette; and

(b) on the Authority's Internet site.

50F Municipal Council Neighbourhood Safer Places Plan

(1) A municipal council may prepare a plan (a Municipal Council Neighbourhood Safer Places Plan) in relation to—

(a) the identification, suitability and designation of places as neighbourhood safer places; and

(b) the inspection, maintenance and decommissioning of designated neighbourhood safer places.

(2) A Municipal Council Neighbourhood Safer Places Plan must not be inconsistent with the Country Fire Authority Assessment Guidelines.
(3) A Municipal Council Neighbourhood Safer Places Plan may incorporate or refer to any other document as issued or published from time to time.

(4) A municipal council must—

(a) publish its Municipal Council Neighbourhood Safer Places Plan on its Internet site; and

(b) make the Municipal Council Neighbourhood Safer Places Plan and any documents incorporated in the Plan available at its municipal offices for public inspection during normal office hours free of charge.

50G Municipal councils to identify and designate neighbourhood safer places

(1) A municipal council, the municipal district of which is located wholly or partly in the country area of Victoria, must identify and designate places as neighbourhood safer places in its municipal district.

(2) A neighbourhood safer place may be on council land, or, with the consent of the occupier or the person in control of the land, on non-council land.

(3) In identifying and designating neighbourhood safer places, a municipal council may have regard to its Municipal Council Neighbourhood Safer Places Plan.

(4) After identifying a neighbourhood safer place, a municipal council must ask the Authority to assess the place in accordance with the Country Fire Authority Assessment Guidelines.
(5) On receiving a request, the Authority must—

(a) assess the place; and

(b) if the place meets the criteria set out in the Country Fire Authority Assessment Guidelines, certify in writing that the place meets those criteria.

(6) A municipal council must not designate a place as a neighbourhood safer place unless the place has been certified by the Authority under this section.

(7) A municipal council is not required to designate a place under subsection (1) if—

(a) no place has been certified by the Authority under this section; or

(b) the Authority has certified a place under this section but the council is satisfied on reasonable grounds that it is not appropriate to designate the place as a neighbourhood safer place; or

(c) any suitable existing place is on non-council land and the occupier or the person in control of the land does not consent to the designation of the place as a neighbourhood safer place.

(8) Before 1 July 2010, a municipal council complies with subsection (1) if it uses its best endeavours to do so.

50H **Appropriate signage for designated neighbourhood safer places**

(1) A municipal council must ensure that appropriate signs are provided at each designated neighbourhood safer place in its municipal district to identify it to the public as a neighbourhood safer place.
(2) A municipal council must have regard to the signage guidelines published from time to time on the Internet site of the Office of the Emergency Services Commissioner in ensuring the provision of appropriate signs under this section.

50I Maintenance of designated neighbourhood safer places

A municipal council is responsible for maintaining all designated neighbourhood safer places in its municipal district.

50J Annual assessment of designated neighbourhood safer places

(1) A municipal council must, by 31 August in each year, conduct a review of each designated neighbourhood safer place in its municipal district to determine if it is still suitable to be designated as a neighbourhood safer place.

(2) In conducting an annual review, the municipal council must ask the Authority to assess each neighbourhood safer place in its municipal district in accordance with the Country Fire Authority Assessment Guidelines.

(3) On receiving a request, the Authority must—
   (a) assess the place; and
   (b) if the place meets the criteria set out in the Country Fire Authority Assessment Guidelines, certify in writing that the place meets those criteria.

(4) If the Authority's assessment determines that a designated neighbourhood safer place is no longer suitable, it must be decommissioned.
(5) The municipal council may also decommission a designated neighbourhood safer place if—

(a) the Authority has certified the place under this section but the council is satisfied on reasonable grounds that it is not appropriate for the place to continue to be a designated neighbourhood safer place; or

(b) the place is on non-council land and the occupier or the person in control of the land has withdrawn consent to the designation of the place as a neighbourhood safer place.

50K Municipal fire prevention officer to provide up to date list of designated places to Authority

A municipal fire prevention officer must provide to the Authority by 30 September in each year an up to date list of all designated neighbourhood safer places and community fire refuges in the municipal district.

50L Authority to keep up to date list of all designated neighbourhood safer places

(1) The Authority must keep an up to date list showing the location of all designated neighbourhood safer places and community fire refuges in Victoria of which it is notified under section 50K.

(2) The Authority must publish the list on its Internet site and provide a copy of the list—

(a) to the Secretary; and

(b) to the Chief Commissioner of Police; and

(c) to the Chief Executive Officer of the State Emergency Service; and

(d) to the Municipal Association of Victoria; and

(e) for the use of the Victorian Bushfire Information Line.
Division 4—Liability in relation to designated neighbourhood safer places

50M Application of Part XII of Wrongs Act 1958

This Division is to be construed as being in addition to and not in derogation of Part XII of the Wrongs Act 1958.

50N Liability relating to designated neighbourhood safer places

(1) This section applies in respect of a designated neighbourhood safer place.

(2) Subject to this section, any liability for the death of or injury to a person arising from the use of the designated neighbourhood safer place that would attach to the owner or occupier of the land or a person with control of the land attaches instead to the municipal council in the municipal district of which the land is situated.

(3) This section only applies in respect of a death or injury arising from the use of the designated neighbourhood safer place as a shelter from bushfire on a day (or during part of a day) when the area in which the place was located was beset, or threatened, by bushfire.

(4) This section does not apply to a death or injury that was caused in the course of travelling to or from the designated neighbourhood safer place.

(5) A reference to a liability in subsection (2), is a reference to a liability—

(a) that arises in tort, contract, under statute or otherwise; and

(b) that does not arise from an intentional act of a person at the designated neighbourhood safer place.
50O Policy defence

For the purposes of any proceeding for the death of or injury to a person arising from—

(a) the use of a designated neighbourhood safer place; or

(b) a failure of a municipal council to designate a neighbourhood safer place—

an act or omission by a municipal council, which is in accordance with a policy in its Municipal Council Neighbourhood Safer Places Plan, does not constitute a wrongful exercise or failure by the municipal council, unless the policy is so unreasonable that no municipal council in that municipal council's position acting reasonably could have made that policy.

Division 5—Advice on defendability of buildings

50P Chief Officer may advise on defendability of buildings

The Chief Officer may provide advice to the community or to any person on ways to improve the defendability of a home or other building in the event of a bushfire.
PART IV—REGIONAL AND MUNICIPAL FIRE PREVENTION COMMITTEES

Division 1—Preliminary

51 Definition

In this Part appropriate authorities in respect of any region or area, means—

(a) the fire prevention officer or fire prevention officers of the municipal council or municipal councils the municipal district or municipal districts of which is or are wholly or partly within the region or area;

(aa) a municipal council, but only with respect to—

(i) any land vested in the municipal council or under its control or management; and

(ii) any road the maintenance of which is charged upon the municipal council;
(b) the fire prevention officers of every administrative unit and public authority in which any land within the region or area is vested or which has the management or control of any such land; and

(c) (where there is adjacent to the region or area any part of a forest or any part of a national park) the Secretary.

Division 2—Regional fire prevention committees

52 Appointment of regional fire prevention committees

(1) The Authority may appoint a regional fire prevention committee for each region (not being a region consisting wholly of urban districts).

(2) Each such committee shall consist of—

(a) the officer appointed by the Authority as the officer in charge of the fire control region, who shall be the executive officer of the committee;
Part IV—Regional and Municipal Fire Prevention Committees

(b) two representatives (appointed by the Authority after election in the prescribed manner by delegates selected in the prescribed manner of each brigade in the group concerned) of each group of brigades operating within the region;

(ba) not more than two representatives (appointed by the Authority after nomination by the relevant owner or group of relevant owners who formed each industry brigade in the group concerned) of each group of industry brigades operating within the region;

(c) not more than four representatives of the Secretary appointed by the Authority upon nomination by the Secretary;

(d) not more than two representatives (appointed by the Authority after election in the prescribed manner by the municipal councils concerned) of the municipal councils whose municipal districts are wholly or partly within the region; and

(e) any person appointed under subsection (2A) as a member of the committee.

(2A) The Authority shall, upon the request of a committee, appoint as a member of that committee a representative (nominated by the corporation concerned) of any public statutory corporation specified by the committee.
(2B) The Authority shall appoint a deputy for each representative of—

(a) each group of brigades operating within the region;

(b) the Secretary;

(c) the municipal councils whose municipal districts are wholly or partly within the region; and

(d) each public statutory corporation specified pursuant to subsection (2A)—

who shall, at any meeting of the committee from which the appropriate representative member or all appropriate representative members (as the case requires) is or are to be absent, act in the place of that member or those members (as the case requires).

(2C) Each deputy appointed under subsection (2B) shall be appointed only after being elected or nominated in the same manner as the representative member or members (as the case requires) in whose place the deputy is to act.

(3) The chairman of each such committee shall be elected annually by the members thereof.

(4) A regional fire prevention committee is deemed to be the same body despite any change to its membership arising from the amendment of this section by section 5(1) of the Fire and Emergency Services Acts (Amendment) Act 1998.
53 Functions of committee

The functions of a regional fire prevention committee shall be—

(a) to submit to the appropriate authorities recommendations and plans for—

(i) the burning or clearing of a co-ordinated system of major firebreaks for the protection of the region; and

(ii) the carrying out of works (including the burning or clearing of firebreaks) for the prevention of the outbreak or spread of fire from areas within or immediately adjacent to the region;

(b) to co-ordinate fire prevention planning within the region; and

(ba) to consult on fire prevention planning with regional fire prevention committees in adjacent regions;

(c) to carry out such other functions as are conferred or imposed upon regional fire prevention committees by regulations made upon the recommendation of the Authority.
Division 3—Municipal fire prevention committees

54 Appointment of municipal fire prevention committees

(1) The Authority may appoint a municipal fire prevention committee in respect of any area being within the country area of Victoria and being the municipal district or part of the municipal district of a municipal council.

(2) Each municipal fire prevention committee shall consist of—

(a) the fire prevention officer of the municipal council, who shall be chairman and executive officer of the committee;

(b) one representative (appointed by the Authority after election in the prescribed manner by the members of the brigade) of each urban or rural brigade operating within the area;

(ba) one representative (appointed by the Authority after nomination by the relevant owner or group of relevant owners who formed the industry brigade) of each industry brigade operating within the area;
(c) one representative (appointed by the Authority after election in the prescribed manner by delegates selected in the prescribed manner of each brigade in the group concerned) of each group of brigades operating within the area;

(d) a representative of the municipal council appointed by the Authority upon nomination by the council;

(e) (where there is adjacent to the area any part of a forest or any part of a national park) a representative of the Secretary appointed by the Authority upon nomination by the Secretary; and

(f) any person appointed under subsection (3) as a member of the committee.

(3) The Authority shall, upon the request of a committee, appoint as a member of that committee—

(a) a representative (nominated by the corporation concerned) of any public statutory corporation specified by the committee; and
(b) a representative (nominated by the group concerned) of any local interest group specified by the committee.

(3A) A representative cannot be appointed unless he or she has consented in writing to be appointed.

(4) For each member of a committee appointed under subsection (2)(b), (c), (d) or (e) or (3) the Authority shall appoint a deputy to attend and act in the place of the member at any meeting of the committee from which the member is to be absent.

(5) Each deputy appointed under subsection (4) shall be appointed only after being elected or nominated in the same manner as the member in whose place the deputy is to act.

(6) A municipal fire prevention committee is deemed to be the same body despite any change to its membership arising from the amendment of this section by section 6(1) of the Fire and Emergency Services Acts (Amendment) Act 1998.

55 Functions of committee

The functions of each municipal fire prevention committee shall be—

(a) to plan the burning or clearing of firebreaks within the area for which it is appointed;

(b) to advise the appropriate authorities as to the existence of and steps to be taken for the removal of fire hazards within the area;

(c) to advise and make recommendations to the municipal council in the preparation of its municipal fire prevention plan;
(d) to recommend to the Authority or to the appropriate authorities (as the case may require) any action which the committee deems necessary or expedient to be taken for reducing the risk of an outbreak of fire or for suppressing any fire which may occur within the area;  

(f) to advise the fire prevention officer concerning the removal of fire hazards under section forty-one of this Act;  

(g) to refer to the regional fire prevention committee for consideration all matters which in the opinion of the municipal fire prevention committee should be so referred; and  

(h) to carry out such other functions as are conferred or imposed upon municipal fire prevention committees by regulations made upon the recommendation of the Authority.

55A Municipal fire prevention plans  

(1) A municipal council must prepare and maintain a municipal fire prevention plan for its municipal district in accordance with the advice and recommendations of the municipal fire prevention committee.  

(2) A municipal fire prevention plan must contain provisions in accordance with the regulations—  

(a) identifying areas, buildings and land use in the municipal district which are at particular risk in case of fire; and
(b) specifying how each identified risk is to be treated; and

(c) specifying who is to be responsible for treating those risks; and

(ca) identifying all designated neighbourhood safer places in the municipal district or if no places have been designated, recording that fact; and

(cb) designate any places in the municipal district that are community fire refuges; and

(d) relating to any other matter prescribed for inclusion in the plan.

55B Audit of municipal fire prevention plan

(1) A municipal fire prevention plan must be audited by the Authority during the period commencing 1 January 1998 and ending 31 December 1998 and thereafter at least once every 3 years.

(2) The audit must assess whether the plan complies with the requirements of this Act and the regulations.

Division 4—General

56 Provision in case of failure of nomination or election

If at any time any person or body of persons aforesaid—

(a) fails to submit to the Authority, within one month after receipt of a request in writing in that behalf from the Authority, a nomination of a representative; or
(b) fails to elect within the prescribed time a representative or representatives—
for appointment to any regional or municipal fire prevention committee, the Authority may without such submission or election appoint any otherwise eligible person or persons (as the case requires) to be a member or members of the said committee and the person or persons so appointed shall for all purposes be deemed to be duly appointed.

57 Term of office

(1) The members of each such committee shall, subject to this Part, be appointed to hold office for such term, not exceeding three years, as the Authority determines, but any person so appointed shall upon the expiration of the term for which he was appointed be eligible for re-appointment if then qualified.

(2) The Authority may at any time remove any member of any such committee from office.

58 Filling vacancies

(1) The Authority may, subject to this Part, at any time appoint a person to fill a vacancy in any such committee however arising.

(2) Any person appointed to fill a vacancy in the office of member of any such committee arising otherwise than by the effluxion of the term for which the member was appointed shall hold office only for the remainder of that term.

59 Meetings

(1) Each such committee shall meet—

(a) in each year on the minimum number of occasions determined for that committee by the Authority; and
(b) in any particular year—

(i) on any further occasions determined for that committee by the Authority; and

(ii) on any further occasions determined by the chairman or a majority of members of the committee.

(2) At any meeting of any such committee the chairman or in his absence a member of the committee elected by the members present at the meeting shall preside and be chairman of the meeting.

(3) A quorum of any such committee shall consist of not less than half of the full number of members of the committee.

(4) Any question arising at any meeting of any such committee shall be determined by the votes of a majority of the members present thereat and in the event of an equality of votes on any matter the chairman of the meeting shall have a second or casting vote.

(5) Subject to this Part and the regulations, each committee may regulate its own proceedings in such manner as it thinks fit.

59A Fire prevention sub-committees

Each such committee may appoint a sub-committee, consisting of such persons as the committee thinks fit, to advise the committee on any matter specified by the committee.

60 Travelling and personal expenses of members of fire prevention committees

The members of every regional fire prevention committee and every municipal fire prevention committee (including deputy members appointed under sections 52(2B) and 54(4)) and of every sub-committee appointed under section 59A shall
be entitled to receive such travelling and personal expenses as are prescribed by regulations made under this Act, and the travelling and personal expenses paid to such members shall be deemed to be part of the expenditure incurred by the Authority in the execution of this Act.

* * * * * * *
PART V—COMPENSATION OF CASUAL FIRE-FIGHTERS AND VOLUNTEER AUXILIARY WORKERS

62 Definitions

In this Part—

casual fire-fighter means any person (including an enrolled officer or member of an industry brigade but not including an enrolled officer or member of any other brigade) who without remuneration or reward voluntarily engages in fire-fighting at any fire in or outside Victoria with a Victorian brigade or group of brigades (other than an industry brigade)—
Part V—Compensation of Casual Fire-Fighters and Volunteer Auxiliary Workers

Country Fire Authority Act 1958
No. 6228 of 1958

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(a) at the request of an officer in charge of operations at the fire addressed to that person or to an organisation of which he or she is a member or employee; or

(b) with the express or implied approval of an officer in charge of operations at the fire.

Fire-fighting at any fire means—

(a) performing under the control or direction of the officer in charge of operations at the fire any act or operation at or about the scene of the fire which is necessary or expedient for or directed towards the suppression of the fire, or the prevention of the spread of the fire, or the saving of life or property, or the treatment of persons injured at the fire, or the provision of sustenance for persons performing those acts or operations; and

(b) proceeding at the direction or request (whether directly or indirectly) of that officer to the scene of the fire exclusively for the purposes of performing any such act or operation or returning from the scene of the fire—

and for the purposes of this Part fire includes any emergency or accident which a brigade is authorized to deal with;

Officer in charge in respect of operations at any fire means the Chief Officer, Deputy Chief Officer, any officer exercising the powers of the Chief Officer, any officer in charge of a brigade or group of brigades or any forest officer or an officer of the metropolitan fire brigade (as the case may be), who, under this
Act, has the control and direction of any brigade or brigades present at the fire and of any persons who voluntarily place their services at his or her disposal;

personal injury includes death.

63 Compensation in respect of injury to casual fire-fighter

(1) If personal injury is suffered—

(a) by a casual fire-fighter, by accident arising out of or in the course of fire-fighting at any fire in or outside Victoria with a Victorian brigade or group of brigades; or

(b) by a volunteer auxiliary worker, by accident arising out of or in the course of the performance of an authorized activity in or outside Victoria—

compensation is payable under this Part.

(2) The persons to whom or for whose benefit compensation is payable are, in respect of personal injury suffered before the appointed day within the meaning of the Accident Compensation Act 1985, those persons to whom or for whose benefit compensation would be payable under the Workers Compensation Act 1958 if the casual fire-fighter or volunteer auxiliary worker were a worker within the meaning of that Act and the personal injury were caused in his or her employment by accident arising out of or in the course of the employment.

(3) The persons to whom or for whose benefit compensation is payable are, in respect of personal injury suffered on or after the appointed day within the meaning of the Accident Compensation Act 1985, those persons to whom or for whose benefit compensation would be payable under that Act if the casual fire-fighter or volunteer auxiliary worker were a worker within the meaning of that Act and the personal injury were caused in his or her employment by accident arising out of or in the course of the employment.
volunteer auxiliary worker were a worker within the meaning of that Act and the personal injury were caused in the employment of the casual fire-fighter or volunteer auxiliary worker by accident arising out of or in the course of the employment.

(4) All claims for compensation under this section must be made to the Authority in accordance with the regulations.

(5) The nature, amount and limits of the compensation, the time at which and the period during which compensation is payable, the manner of payment or application of compensation, the circumstances in which payments of compensation are to cease to be reviewed or altered and all other matters relating to compensation are to be determined by the Authority or in such manner as the Authority directs and the Authority's determinations and directions are final and without appeal.

(6) In making any determination or giving any direction in relation to any matter referred to in subsection (5) the Authority must so far as practicable be guided by reference to the applicable provisions of the Workers Compensation Act 1958 (other than sections 11 to 26) or, as the case requires, of the Accident Compensation Act 1985 (other than sections 86, 87, 88, 89, 90 and 98) governing the corresponding matter under that Act.

(7) A person is not debarred from compensation in respect of personal injury caused to any casual fire-fighter or volunteer auxiliary worker by reason only that the casual fire-fighter or volunteer auxiliary worker was not at the relevant time a worker within the meaning of the Workers Compensation Act 1958 or within the meaning of...
the Accident Compensation Act 1985 (as the case requires).

(8) For the purpose of assessing compensation the average weekly earnings of a casual fire-fighter or volunteer auxiliary worker are to be computed by the Authority by reference to his or her employment by any employer or employers during the relevant period before the accident or (if he or she was not then working under any contract of service) upon such basis as in the opinion of the Authority is best calculated to give the appropriate compensation for his or her loss of earning capacity, but so that any relevant maximum limits imposed by the Workers Compensation Act 1958 or the Accident Compensation Act 1985 (as the case requires) are not exceeded.

64 Compensation in respect of destruction or damage of wearing apparel, vehicles or equipment

(1) Where, in or outside Victoria—

(a) any wearing apparel or personal effects worn by or upon the person of—

(i) a casual fire-fighter while engaged in fire-fighting at a fire with a Victorian brigade or group of brigades; or

(ii) a volunteer auxiliary worker while engaged in the performance of an authorized activity; or

(b) any vehicle, equipment or property owned by or in the possession or custody of—

(i) a casual fire-fighter and used in connection with attendance at a fire or fire-fighting at a fire with a Victorian brigade or group of brigades; or
(ii) a volunteer auxiliary worker and used in connection with the performance of an authorized activity—

is destroyed, damaged or lost, the owner is entitled to such compensation as the Authority considers reasonable to indemnify the owner for the destruction, damage or loss.

(2) The compensation payable for the destruction, damage or loss of any property referred to in subsection (1)(a) must not in any particular case exceed the amount fixed by a general determination of the Authority.

(2A) A general determination made under subsection (2)—

(a) must be published in the Government Gazette; and

(b) has effect from the date that it is published in the Government Gazette; and

(c) continues in force until it is revoked by a subsequent general determination.

(3) If a person has received compensation from the Authority and is entitled to reimbursement under any policy of insurance or from any other source that person must claim that reimbursement and forward the amount reimbursed to the Authority.

(4) A claim for compensation under this section must be made to the Authority in accordance with the regulations.

65 Compensation where compensation otherwise payable

(1) If a person has received compensation in respect of personal injury and that person is otherwise entitled to compensation in respect of that injury that person must claim that compensation and forward the amount obtained to the Authority.
(2) Compensation is not payable under any provision of this Part in respect of personal injury to or destruction or damage of any property of—

(a) the owner or occupier of or any resident on the land or premises on which the injury, destruction or damage occurs; or

(b) any employee of any such owner, occupier or resident.

Ss 66–74 repealed by No. 50/1989 s. 18(1).
PART VA—APPEALS

Division 1—Country Fire Authority Appeals Commission

74A Country Fire Authority Appeals Commission

There is established a Commission to be called the Country Fire Authority Appeals Commission.

74B Function of the Commission

The function of the Commission is to hear and determine any appeals made to it under Division 2.

74C Membership of Commission

(1) The Commission consists of up to 3 Commissioners appointed by the Governor in Council.

(2) One of the Commissioners is to be appointed as Senior Commissioner.

74D Term of appointment

(1) Subject to this Act, a Commissioner holds office for the period, not exceeding 3 years, specified in the instrument of his or her appointment.

(2) A Commissioner is eligible for reappointment.
74E Remuneration and allowances

A Commissioner (other than an employee of the public service) is entitled to receive—

(a) remuneration; and

(b) travelling or other allowances—
from time to time fixed by the Governor in Council.

74F Application of Public Administration Act 2004

The Public Administration Act 2004 (other than Part 3 of that Act) applies to a Commissioner in respect of the office of Commissioner.

74G Vacancies

(1) A Commissioner may resign from office by letter signed by the Commissioner and delivered to the Minister.

(2) The office of Commissioner becomes vacant if the Commissioner—

(a) becomes bankrupt; or

(b) is convicted in Victoria of an offence punishable on first conviction with imprisonment for a term of 12 months or more or is elsewhere convicted of an offence which, if committed in Victoria, would be so punishable.
(3) The Governor in Council, on the recommendation of the Minister, may remove a Commissioner from office if the Commissioner—

(a) becomes incapable of performing his or her duties; or

(b) is negligent in the performance of those duties; or

(c) engages in improper conduct; or

(d) is convicted of an offence.

74H **Annual report of the Commission**

(1) The Commission must prepare a report in respect of each year ending on 30 June on its own work and activities for that year.

(2) The Commission must submit the report to the Minister not later than 30 September in that year.

**Division 2—Appeals**

74I **Rights of appeal**

An officer or employee of the Authority appointed pursuant to section 17 (other than a senior employee) may appeal to the Commission against—

(a) a suspension or removal imposed on him or her under section 17; or

(b) a suspension, removal or penalty imposed by the Chief Executive Officer or the Chief Officer under the regulations; or

(c) a transfer of him or her other than a transfer for a period not exceeding 6 months; or
(d) the promotion of another officer or employee to a vacant position below that of senior employee, to which he or she is eligible to be promoted and for which he or she has applied.

74J Appeals to be by way of re-hearing

An appeal to the Commission under this Act is to be by way of re-hearing.

74K Proceedings of the Commission

(1) An appeal is to be heard by the full Commission or by a Commissioner sitting alone.

(2) For the purposes of subsection (1), the Senior Commissioner is to determine who is to hear the appeal.

74L Assistants in proceedings

(1) The Commission may in each appeal be assisted by a person nominated by the Authority and a person nominated by the appellant.

(2) If the Authority or the appellant fails to nominate a person under subsection (1), the Commission may proceed to hear the appeal without that assistance.

(3) A person assisting the Commission under this section is entitled to be present during the whole of the appeal proceedings.

(4) A person assisting the Commission under this section must advise the Commission on any matter on which it seeks to be advised but must not adjudicate on the matter before the Commission.
74M Procedure on appeal

(1) A person who has appealed to the Commission under this Division may appear at the appeal or may be represented at the appeal by any person including an Australian legal practitioner (within the meaning of the Legal Profession Act 2004).

(2) If the appellant does not attend in person or by a representative at the time and place fixed for the hearing, the Commission may proceed in his or her absence.

(3) At an appeal—

(a) subject to this Act, the procedure of the appeal is at the discretion of the Commission; and

(b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and

(c) the Commission is not bound by the rules of evidence but may inform itself in any way it sees fit; and

(d) the Commission is bound by the rules of natural justice.

74N Commission powers on appeal

Sections 14 to 16 and 21A of the Evidence (Miscellaneous Provisions) Act 1958 apply in respect of any appeal to the Commission under this Act as if the Commission were a board appointed by the Governor in Council and as if the Commissioner hearing the appeal had the powers of the chairman of a board appointed by the Governor in Council.
74O Costs

Each party to an appeal must bear—

(a) that party's own costs; and
(b) the costs of any nominee of that party appointed to assist the Commission under section 74L.

74P Appeals against transfer

(1) An appeal against an order of transfer does not, prior to the determination of the appeal, stay the operation of the order.

(2) An appeal against an order of transfer can only be made on the ground of hardship.

(3) The Commission must disallow an appeal against an order of transfer if it is of the opinion that the transfer was in the best interests of the efficiency of the Authority.

(4) In this section hardship means financial or personal hardship caused to the appellant or the appellant's family by a requirement to move to a location distant from the appellant's home.

74Q Promotion appeals

(1) The Commission in determining an appeal against the failure of the Authority to select a person for promotion must have regard to the merit of the person selected for promotion and the appellant.

(2) In this section merit means—

(a) skills, knowledge, aptitude and experience relevant to the requirements of the position; and
(b) special qualifications, fitness (including physical fitness), diligence and good conduct.
74R Determination of Commission

The Commission—

(a) must hear and determine an appeal under this Division; and

(b) may—

(i) allow the appeal; or

(ii) dismiss the appeal; or

(iii) dismiss the appeal and vary the penalty or order, as the case may be.

74S Authority and Chief Officer to give effect to determination

The Authority and the Chief Officer must give effect to a determination of the Commission.

74T Evidence of determination

A document purporting to record a determination of the Commission and to be signed by a Commissioner is in all courts of law evidence of the determination and its making.
PART VI—FINANCIAL

75 Annual estimate of expenditure and revenue

(1) Before the end of every financial year the Authority must provide the Minister with—

(a) an estimate of the expenditure which may be incurred by the Authority in the execution of this Act during the next financial year (including any amounts payable into any fund under this Act); and

(b) an estimate of the revenue of the Authority during the next financial year (including the amounts payable into any fund under this Act).

(2) The Minister must determine the total amounts of contributions payable under section 76 having regard to the estimates under subsection (1) and to any other matters as the Minister thinks fit and that determination has no force or effect until it is approved by the Governor in Council.

76 Amounts of contributions

(1) The total amount of contributions are to be contributed as follows—

(a) 22.5 per cent from the Consolidated Fund;

(b) 77.5 per cent by the insurance companies insuring against fire property situated within the country area of Victoria.

(2) The amount to be contributed under subsection (1)(a) is to be paid to the Authority in equal quarterly instalments on 1 July, 1 October, 1 January and 1 April in each financial year.
77 Returns of premiums

(1) Each insurance company must before 15 August in each year lodge with the Authority a return in the prescribed form showing the portion of the total amount of the gross premiums received by or due to the insurance company during the preceding financial year as is properly attributable to insurance against fire in respect of property situated in the country area of Victoria.

(1A) The Victorian Managed Insurance Authority must lodge a return under subsection (1) in respect of gross premiums referred to in that subsection received or due to the Victorian Managed Insurance Authority from a relevant body.

(1B) For the purposes of subsection (1A)—

*exempt participating body* means a participating body within the meaning of paragraph (a) or (b) of the definition of *relevant body* which is a participating body of the kind specified in paragraph (c)(i) of the definition of *participating body* in section 3 of the *Victorian Managed Insurance Authority Act 1996*;

*relevant body* means—

(a) a statutory authority or a body corporate declared to be a participating body under section 4(1)(b) or 4(1)(c) of the *Victorian Managed Insurance Authority Act 1996*; or

(b) a person or body provided with insurance by the Victorian Managed Insurance Authority under a direction given under section 25A of the  *Victorian Managed Insurance Authority Act 1996* which is insurance
of a type that is subject to a contribution under this Act—

which is not an exempt participating body;

*Victorian Managed Insurance Authority* means the Victorian Managed Insurance Authority established under section 5 of the *Victorian Managed Insurance Authority Act 1996.*

(2) The gross premiums shown in the return must—

(a) include any commissions or discounts;

(b) include a notional premium for deductibles of $10,000 or more calculated in accordance with the prescribed formula;

(c) exclude any amounts received or due to the insurance company in respect of re-insurance contracts or agreements.

(2A) If subsection (2)(b) applies, the return must include the prescribed details in the manner and form prescribed for the purposes of this subsection.

(3) The return must include a statutory declaration made by the manager, secretary, agent or other person for the time being performing the duties of the manager, secretary or agent of the company to the effect that according to the books of the company and to the best of his or her knowledge and belief the return contains a true statement of the amount of gross premiums.

(4) The statutory declaration made under subsection (3) must include a statement as to the amount collected by the insurance company as being on account of a fire service levy however described in any policy document, certificate of insurance, renewal notice or premium invoice.
(5) For the purposes of this section, the return must include as a discount any reduction in gross premiums as a result of the use of net rating in relevant policies of insurance against fire issued by the insurance company.

(6) In subsection (5), net rating means any practice or device adopted by an insurance company involving the waiving of commission or brokerage by an insurance intermediary which has the effect of reducing the premium payable to the insurance company.

77A Determination of provisional contributions

The Authority must issue a determination of the provisional contribution of each insurance company as follows:

(a) For the quarter beginning 1 July—

(i) the aggregate of all provisional contributions by all insurance companies must equal 25% of the total amount to be contributed by insurance companies under section 76; and

(ii) the portion to be contributed by each insurance company must bear the same proportion to the whole contribution by insurance companies as the portion of gross premiums shown in the insurance company's return bears to the aggregate portions of gross premiums shown in all returns in respect of the previous preceding financial year; and

(iii) the amounts of provisional contributions are to be paid to the Authority by 1 July;
(b) For the quarters beginning 1 October, 1 January and 1 April—

(i) the aggregate of all provisional contributions by all insurance companies must equal 75% of the total amount to be contributed by insurance companies under section 76; and

(ii) the portion to be contributed by each insurance company must bear the same proportion to the whole contribution by insurance companies as the portion of gross premiums shown in the insurance company's return bears to the aggregate portions of gross premiums shown in all returns in respect of the preceding financial year; and

(iii) for the purposes of this paragraph the amount of gross premiums shown in all returns excludes the amount of gross premiums returned by any insurance company which has failed within 45 days of the due date to pay the whole or any part of the provisional contributions payable by that insurance company under paragraph (a); and

(iv) unless section 78 or 80 applies, the amounts to be contributed under this paragraph are to be paid to the Authority in equal quarterly instalments on 1 October, 1 January and 1 April in each financial year.
77B  Final calculation of contribution

(1) The Authority must make a final calculation of the contribution of each insurance company for the financial year in respect of which the return is lodged in accordance with the following formulae:

(a) In the case of an insurance company which has lodged a return in respect of that financial year but was not required to lodge a return in respect of the preceding financial year—

\[ \frac{C - B}{pa + pb} \times pi; \]

(b) In the case of an insurance company which, in respect of that financial year—

(i) has paid all of its provisional contributions under section 77A; or

(ii) has paid part of its provisional contributions under section 77A and the remainder of its provisional contributions under any notice issued under section 80(1)(b) or 80(1)(c), within that financial year; or

(iii) has paid all of its provisional contributions under any notice issued under section 80(1)(b), within that financial year—

\[ \frac{C - B}{pa + pb} \times pi; \]
(c) In the case of an insurance company which in respect of that financial year has not paid any of its provisional contributions under section 77A or 80(1)(b)—

\[ \frac{C - B}{Pa + Pb} \times Pi; \]

(d) In the case of an insurance company which, in respect of that financial year—

(i) has paid part of its provisional contributions for that financial year and within that financial year—

(A) under section 77A; or

(B) under any notice issued under section 80(1)(b) or 80(1)(c) during that financial year; or

(C) under section 77A and any notice issued under section 80(1)(b) or 80(1)(c) during that financial year—

and was either—

(ii) required to pay a contribution in accordance with any notice issued under section 78(3), 78(4)(a) or 78(5)(d); or

(iii) required to pay provisional contributions under any notice issued under section 80(1)(b) or 80(1)(c), but did not pay all or any part of those contributions within that financial year—
(A) in respect of amounts referred to under paragraph (d)(i)—

\[
\left( \frac{C - B}{Pa + Pb} \right) \times Pi \times A; \text{ and}
\]

(B) in respect of amounts referred to under paragraphs (d)(ii) and (d)(iii)—

\[
\left( \frac{C - B}{Pa + Pb} \right) \times Pi \times [1 - A].
\]

(2) If the final calculation of, or the sum of the final calculations of, contributions in respect of an insurance company is more or less than the contribution paid or payable by that insurance company in respect of that financial year, the Authority must make a determination of the additional amount that is to be paid by, or of the payment that is due to, the insurance company determined as follows:

(a) In the case of an insurance company to which subsection (1)(a) applies, the amount under subsection (1)(a);

(b) In the case of an insurance company to which subsection (1)(b) applies, the amount under subsection (1)(b) less X;

(c) In the case of an insurance company to which subsection (1)(c) applies, the amount under subsection (1)(c) less Y, provided Y is not more than that amount, in which case no adjustment is to be made;
(d) In the case of an insurance company to which subsection (1)(d) applies, the sum of—

(i) the amount calculated in respect of amounts referred to in subsection (1)(d)(i), less X; and

(ii) the amount calculated in respect of amounts referred to in subsections (1)(d)(ii) and (1)(d)(iii), less Y, provided Y is not more than that amount, in which case no adjustment is to be made in respect of amounts referred to in subsections (1)(d)(ii) and (1)(d)(iii).

(3) The Authority must issue each insurance company with a notice of the calculation relating to that insurance company under subsection (1) and the amount determined in respect of that insurance company in accordance with subsection (2).

(4) The amount determined in respect of an insurance company under subsection (2) must be added to, or subtracted from, the instalment due to be paid by that insurance company for the quarter beginning 1 October or, if section 78(3), 78(4) or 78(5) applies, the quarter beginning 1 January, in the financial year in which the return is lodged.

(5) Where no instalment is due to be paid by an insurance company at a time when an adjustment in accordance with subsection (4) would otherwise be made, the Authority must—

(a) in a case where a determination has been made of an additional amount that is to be paid by the insurance company, by notice require the insurance company to pay that amount within the period specified by the Authority in the notice; and
(b) in a case where a determination has been made of an amount that is due to the insurance company, apply that amount against any amount owing by that insurance company to the Authority and refund the remainder within a reasonable period.

(6) In this section—

A means the proportion of provisional contributions paid by an insurance company under section 77A and, within that financial year, under any notice issued under section 80(1)(b) or 80(1)(c) during that financial year;

B means the sum of the provisional contributions paid by insurance companies under any notices issued under section 80(1)(b) or 80(1)(c), during the year for which final calculations are being made, but not including payments made under those notices if those payments were made during the periods specified in those notices;

C means the total amount required to be contributed by all insurance companies under section 76;

Pa means the sum of the amounts of the portions of gross premiums specified in the return of each insurance company multiplied by the proportion of provisional contributions paid by each insurance company under section 77A and, within that financial year, under any notice issued under section 80(1)(b) or 80(1)(c) during that financial year;
\( Pb \) means the sum of the amounts of the portions of gross premiums specified in the return of each insurance company which has made a return in respect of that financial year but was not required to lodge a return in respect of the preceding financial year;

\( Pi \) means the amount comprising the portion of gross premiums specified in the return of the insurance company in respect of which a final calculation is being made;

\( X \) means the total amount of provisional contributions paid by the insurance company in respect of which a final calculation is being made, under section 77A and, within that financial year, under any notice issued under section 80(1)(b) or 80(1)(c) during that financial year;

\( Y, \) in relation to an insurance company in respect of which a final calculation is being made, means—

(a) the total amount of payments made or payable by the insurance company under any notice issued under section 78(3), 78(4)(a) or 78(5)(d); or

(b) the total amount of provisional contributions payable by the insurance company under any notice issued during the financial year under section 80(1)(b) or 80(1)(c), but not including any amounts which have been paid during that financial year.
78 Penalties in relation to returns

(1) Any insurance company which fails to lodge a return before 15 August is guilty of an offence and liable to a penalty of not more than 60 penalty units.

(2) Any insurance company which lodges a return which is incomplete is to be treated for the purposes of this section as not having lodged the return until it lodges a complete return.

(3) In addition to the penalty under subsection (1), if an insurance company lodges a return after the Authority has made its determinations of provisional contributions under section 77A(b) but before 1 October the Authority may by notice require the insurance company to pay all of the amount which would have been assessed to be the insurance company's provisional contributions for the financial year in which the return is to be lodged had the return been lodged on or before 15 August within the period specified by the Authority in the notice.

(4) In addition to the penalty under subsection (1), if an insurance company lodges a return on or after 1 October—

(a) the Authority may by notice require the insurance company to pay all of the amount which would have been assessed to be the insurance company's provisional contributions for the financial year in which the return is to be lodged had the return been
lodged on or before 15 August within the period specified by the Authority in the notice; and

(b) the Authority may charge the insurance company penalty interest at the rate for the time being fixed by notice under section 2 of the Penalty Interest Rates Act 1983 on the balance of the insurance company's provisional contributions for the financial year in which the return is to be lodged as from 1 October.

(5) In addition to the penalty under subsection (1), if an insurance company has not lodged a return by 1 October and in the opinion of the Authority it is unlikely to do so the following apply—

(a) the Authority may estimate the portion of the total amount of gross premiums received by or due to the insurance company during the preceding financial year as is properly attributable to insurance against fire in the country area of Victoria on any basis which the Authority considers reasonable in the circumstances;

(b) for the purposes of this Act, the Authority's estimation under paragraph (a) is deemed to constitute the insurance company's return;

(c) for the purposes of determining the appropriate penalty under subsection (1), the insurance company is deemed to have lodged its return with effect from the date on which the Authority completes its estimation under paragraph (a);

(d) the Authority may by notice require the insurance company to pay all of the amount which would have been assessed to be the insurance company's provisional...
contributions for the financial year in which
the return is deemed to be lodged had the
return been lodged on or before 15 August
within the period specified by the Authority
in the notice;

(e) the Authority may charge the insurance
company penalty interest at the rate for the
time being fixed by notice under section 2 of
the **Penalty Interest Rates Act 1983** on the
balance of the insurance company's
provisional contributions for the financial
year in which the return is deemed to have
been lodged as from 1 October.

79 Inspection of documents

(1) The manager, secretary, agent or any other person
having the custody of the documents of any body
corporate or unincorporate must allow any officer
appointed by the Authority to exercise the powers
specified in subsection (2) for the purpose of—

(a) verifying any return or declaration made
under this Act; or

(b) determining whether the body is carrying on
the business of insurance against fire; or

(c) ascertaining the details of any contract of
insurance held by that body and determining
whether the body is liable to pay a
contribution to the Authority under this Act.
(2) An officer appointed by the Authority has power for the purposes of subsection (1)—

(a) to inspect any documents of the body during normal business hours; and

(b) to make copies and take extracts from the documents; and

(c) to require the manager, secretary, agent or other person to answer any questions or provide any information in relation to the inspection.

(3) A manager, secretary, agent or other person who does not comply with any requirement under this section is guilty of an offence and liable to a penalty of not more than 60 penalty units.

(4) A person must not, without reasonable excuse, hinder or obstruct an officer appointed by the Authority who is exercising a power under subsection (2).

Penalty: 120 penalty units.

80 Penalty for failure to make payment

(1) If an insurance company does not pay any quarterly instalment or amount payable under subsection (2), (3) or (4) within 14 days after it is due or after the date on which notice of demand is given (whichever is the later date)—

(a) the insurance company is guilty of an offence and liable to a penalty of 10 penalty units; and

(b) where an insurance company has failed to pay by the due date the whole or any part of any contribution assessed as being payable by that insurance company under section 77A(a), the Authority may by notice require the insurance company to pay the outstanding amount and all of the amount
that would have been assessed to be the provisional contributions that would have otherwise have been due by that insurance company under section 77A(b) for that financial year had the insurance company paid the contributions due under section 77A(a) by the due date, within the period specified by the Authority in the notice; and

(c) where an insurance company has failed to pay by the due date the whole or any part of any contribution assessed as being payable by that insurance company under section 77A(b), the Authority may by notice require the insurance company to pay the balance of its provisional contributions for the financial year to which the overdue instalment relates within the period specified by the Authority in the notice; and

(d) the Authority may charge the insurance company penalty interest at the rate for the time being fixed by notice under section 2 of the Penalty Interest Rates Act 1983 on the outstanding instalment from the date on which it became due.

(2) If an insurance company fails to pay within 45 days after the due date of the instalment for the quarter beginning 1 July any contribution assessed as being payable by the Authority, the Authority may increase in accordance with the method specified in section 77A(b) the provisional contributions that would otherwise have been payable by the other insurance companies in the quarters beginning 1 October, 1 January and 1 April of that financial year to meet the amount of the provisional contribution which the insurance company has failed to pay.
(3) If an insurance company fails to pay within 45 days after the due dates of the instalments for the quarters beginning 1 October and 1 January any contribution assessed as being payable by the Authority, the Authority may—

(a) re-calculate in accordance with the method specified in section 77A(b) the provisional contributions due by other insurance companies during the remainder of the financial year to meet the amount which the Authority considers to be the estimated shortfall in total provisional contributions; and

(b) issue a new determination of the provisional contributions payable by each insurance company in the remaining quarters of that financial year.

(4) If an insurance company fails to pay within 45 days after the due date of an instalment for the quarter beginning 1 April any contribution assessed as being payable to the Authority, the Authority may—

(a) re-calculate in accordance with the method specified in section 77A(b) the provisional contributions due by other insurance companies to meet the amount of the provisional contribution which the insurance company has failed to pay; and

(b) issue a notice of additional provisional contributions payable by each insurance company to meet the amount of the unpaid provisional contributions.
80A Contributions by owners and insurance intermediaries

(1) This section applies if property in the country area of Victoria is insured against fire with a person carrying on a business of insurance against fire, not being an insurance company required to make a return under section 77.

(2) If this section applies, within 14 days after the owner of the property insured has paid the premium—

(a) the insurance intermediary through whom the insurance is arranged; or

(b) if the insurance is not arranged through an insurance intermediary or is arranged through an insurance intermediary who does not carry on business in Victoria, the owner of the property insured—

must lodge with the Authority a return in the prescribed form showing the portion of the total amount of the premium paid to the insurance intermediary or insurance company as is properly attributable to insurance against fire.

Penalty: 10 penalty units and an additional penalty of double the amount that would have been payable under subsection (3) if subsection (3) had been complied with.
(3) The insurance intermediary or owner of the property insured must within 14 days after the owner of the property insured has paid the premium pay to the Authority as a contribution an amount equal to \[
\frac{C \times P}{T - (0.8C)}
\] together with an amount equal to one per cent of the portion of the premium shown in the return lodged under subsection (2).

Penalty: 10 penalty units and an additional penalty of double the amount that would have been payable under this subsection if this subsection had been complied with.

(3A) If the return under subsection (2) is lodged by an insurance intermediary, the gross premiums shown in the return must—

(a) include any commissions or discounts;

(b) include a notional premium for deductibles of $10 000 or more calculated in accordance with the prescribed formula;

(c) exclude any amounts received or due to the insurance company in respect of re-insurance contracts or agreements.

(3B) If subsection (3A)(b) applies, the return must include the prescribed details in the manner and form prescribed for the purposes of this subsection.

(3C) For the purposes of this section, the return must include as a discount any reduction in gross premiums as a result of the use of net rating in relevant policies of insurance against fire issued by the insurance intermediary.
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(3D) In subsection (3C), net rating means any practice or device adopted by an insurance company involving the waiving of commission or brokerage by an insurance intermediary which has the effect of reducing the premium payable to the insurance company.

(4) In subsection (3)—

"C" is the total amount required to be contributed to the Authority by insurance companies under section 76 in the year in which the insurance is effected or renewed;

"P" is the amount comprising the portion of the premium shown in the return lodged under subsection (3);

"T" is the total amount of the portions of gross premiums shown in the returns lodged by insurance companies under section 77—

(a) for the previous preceding financial year, if the insurance is effected or renewed in the quarter of a financial year beginning 1 July; or

(b) for the preceding financial year, if the insurance is effected or renewed in the quarter of a financial year beginning 1 October, 1 January or 1 April.

81 Adjustment of contribution

(1) Despite anything in this Act, if the Authority is satisfied that, whether by reason of any error in any return or otherwise, the amount contributed by any insurance company is more or less than the proper contribution of that insurance company—

(a) the Authority may require that insurance company to submit an amended return; and
(b) the Authority may, at its absolute discretion—

(i) by notice, require that insurance company to pay the amount of the deficiency within the period specified by the Authority in the notice; or

(ii) add to, or subtract from, the amount of any subsequent instalment payable by that insurance company the amount of the excess or deficiency and that amount may be added to or subtracted from the amount of any instalment to be made by other insurance companies in any subsequent period; and

(c) the Authority may charge the insurance company penalty interest at the rate for the time being fixed by notice under section 2 of the *Penalty Interest Rates Act 1983* on the amount of any deficiency with effect from the date upon which that amount would have become payable had the error not occurred.

(2) Despite anything in this Act, if the Authority is satisfied that, because of exceptional circumstances, the contribution to be paid by an insurance intermediary or the owner of a property calculated under section 80A exceeds an amount that the Authority determines to be equitable, the Authority may, at its absolute discretion, determine an amount of contribution for that insurance intermediary or owner that is less than the contribution calculated under section 80A.
(3) If a new amount of contribution is determined under subsection (2), the Authority may—

(a) if the contribution under section 80A has not yet been paid, require the insurance intermediary or the owner to pay that new amount instead of the amount payable under section 80A; or

(b) if the contribution under section 80A has been paid to the Authority, refund to the insurance intermediary or owner the difference between the contribution paid under section 80A and the new amount.

(4) It is sufficient compliance with section 80A(3)(b) if an insurance intermediary or the owner of a property pays an amount required under subsection (3) to be paid by that insurance intermediary or owner.

81A Disclosure of information by Authority

(1) The Authority may disclose to the Secretary to the Department of Justice, the Secretary to the Department of Treasury and Finance or the Fire Services Commissioner or otherwise publish in any manner the Authority thinks fit any information obtained by the Authority under section 77, 78, 79, 80A or 81.

(2) The Secretary to the Department of Justice, the Secretary to the Department of Treasury and Finance or the Fire Services Commissioner may publish in any manner the Secretary or Commissioner thinks fit any information disclosed to the Secretary or Commissioner by the Authority under subsection (1).
(3) Nothing in subsection (1) or (2) permits the disclosure or publication of information that could lead to the identification of an individual.

(4) The Authority may disclose to a member of the police force any information obtained by the Authority under section 77, 78, 79, 80A or 81 if the Authority is satisfied that the disclosure is reasonably necessary for the purpose of the investigation of an offence against this Act or any other Act or law.

82 Borrowing by Authority

(1) The Authority may obtain financial accommodation subject to and in accordance with the Borrowing and Investment Powers Act 1987.

(2) The payment of amounts payable as a result of or in connection with financial accommodation obtained by the Authority (including the expenses of enforcement) are secured as a first charge on the property and revenue of the Authority.

(3) The amounts secured under subsection (2) include amounts (and interest) borrowed by the Authority before the commencement of section 13 of the Borrowing and Investment Powers (Amendment) Act 1993.

82A Guarantee of debentures etc. of Authority

(1) The due repayment of the principal and the payment of the interest secured by any debentures issued by the Authority in accordance with section 82 as in force immediately before the commencement of section 14 of the Borrowing and Investment Powers (Amendment) Act 1993, and the due repayment of any overdraft obtained by the Authority in accordance with that section as so in force, and the payment of interest...
on any such overdraft, is guaranteed by the Government of Victoria.

(2) Money required by the Treasurer of Victoria for fulfilling any such guarantee shall be paid out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

(3) When sufficient money becomes properly available to it, including money received under section 83, the Authority must reimburse the Treasurer for any such payment, and the Treasurer must pay into the Consolidated Fund any money so reimbursed.

83 Provision in case of default by Authority in respect of debentures

(1) If the Authority at any time makes default in paying any principal or interest secured by any debenture or in making the prescribed provision for the redemption of debentures, the Minister shall be entitled to receive from the Treasurer of Victoria and to receive and recover from the insurance companies either the whole of the annual contributions which would otherwise have been payable to the Authority or such part thereof as the Treasurer of Victoria determines to be necessary for the purposes of paying any principal or interest in arrear or making the prescribed provision for the redemption of debentures, and shall apply to such purposes the moneys so received.

(2) Nothing in this section shall be deemed to take away any right of action or procedure which any debenture holder at any time has in respect of the property and revenue of the Authority.
84 Authority may establish funds

The Authority may—

(a) with the consent of the Governor in Council establish the following funds to be applied toward the achievement of the objectives of this Act—

(i) a Land, Building, Vehicle, Plant and Machinery Purchase, Construction, Renewal and Replacement Fund;

(ii) a Superannuation Fund;

(iii) a Compensation Fund;

(iv) a Loan Principal Repayment Fund; and

(b) pay into any such fund such amounts as the Governor in Council approves either generally or in a particular case.

84A Investment by Authority

The Authority may invest money of the Authority in accordance with powers conferred on it by the Borrowing and Investment Powers Act 1987.

84B Manufacture and sale of firefighting vehicles and equipment

(1) Without derogating from any other power of the Authority under this Act, the Authority may—

(a) design, make, assemble or alter any vehicle, equipment or product used for the prevention or suppression of fire or any other emergency; and

(b) enter into any contract or agreement with any person within Australia to design, make, assemble or alter any vehicle, equipment or product referred to in paragraph (a) or a
component thereof for or jointly with the Authority; and

(c) enter into any contract or agreement with any person within Australia—

(i) for the sale or lease of any vehicle, equipment or product referred to in paragraph (a); or

(ii) for the commercial exploitation of any industrial or intellectual property rights held by the Authority in any design.

(2) The Authority is deemed always to have had the powers referred to in subsection (1)(a)(b) and (c) and anything done by the Authority or any member or officer of the Authority in the purported exercise of those powers is deemed to have been validly done.

(2A) The powers conferred by subsection (1) cannot be exercised by the Authority to expand the range of classes of equipment or products (other than vehicles) which the Authority was designing, making, assembling or altering as at 15 December 1988 except where the equipment or products is not or are not otherwise commercially available or is or are to be used by the Authority or a brigade or group of brigades.

(3) The Authority must obtain the written consent of the Minister before entering into any contract or agreement referred to in subsection (1)(c) except a contract or agreement for the sale or lease of any vehicle, equipment or product to a brigade or group of brigades registered under this Act or to any person acting on behalf of such a brigade or group of brigades.

(4) The Minister's consent under subsection (3) may be given in respect of a particular contract or agreement or a class of contracts or agreements.
(5) Subsections (3) and (4) apply to contracts and agreements entered into after the commencement of the Country Fire Authority (Amendment) Act 1988.

85 Power to Treasurer to make additional grants to Authority

The Treasurer of Victoria may, in addition to the contribution to the expenditure of the Authority hereinbefore provided for, from time to time grant to the Authority for any special purposes and subject to such conditions as the Treasurer thinks fit, any further sums out of moneys available for the purpose.

* * * * *

87 Payment of expenses where property uninsured

(1) The owner of any property situate within the country area of Victoria which is damaged or destroyed by fire shall if that property is not insured be liable to pay to the Authority the reasonable costs and expenses incurred by the Authority in providing fire fighting services for him in relation to that property.

(2) The amount payable under subsection (1) shall be determined by the Authority.

(3) Notice of the amount so determined shall be sent by post to the owner concerned.

(4) The amount specified in the notice shall be payable to the Authority by the owner within 28 days after receipt of the notice.

* * * * *
(7) A person whose interests are affected by a determination of the Authority under this section may apply to the Victorian Civil and Administrative Tribunal for review of the decision.

(8) The provisions of this section do not apply to the Crown.

(9) Where—

(a) some but not all of the improvements and equipment used for or in connexion with a business of primary production are insured; and

(b) the extent of the insurance, having regard to all the improvements and equipment so used, is reasonable and in accordance with the usual practice of persons carrying on such a business—

all of the said improvements and equipment shall for the purposes of this section be deemed to be insured.

* * * * * *

S. 87(9A) inserted by No. 43/1987 s. 5(1), amended by No. 50/1989 s. 2(1), substituted by No. 52/1998 s. 311(Sch. 1 item 16.3).

S. 87(9B) inserted by No. 43/1987 s. 5(1), repealed by No. 51/2005 s. 64.
(10) In this section *insured* means insured against fire—

(a) with an insurance company making a return under section 77; or

(b) under a contract of insurance in respect of which contributions have been paid to the Authority under section 80A of this Act.

87A Recovery of charges for services

(1) Any money to be paid to the Authority as fees and charges for services provided by the Authority may be recovered by the Authority in any court of competent jurisdiction as a debt due to the Authority.

(2) The Authority may on the application of any person who is liable in respect of an amount for services provided by the Authority, if the Authority considers it appropriate—

(a) remit or excuse the payment of the amount or any part of the amount; or

(b) defer the payment of the amount or any part of the amount for such time as the Authority thinks fit.

88 As to agents of insurance companies

Any agent may deduct from any moneys held by him for any insurance company all expenditure necessarily and properly incurred and paid by him under this Act for or in respect of that insurance company, or he may in any court of competent jurisdiction recover from that insurance company the amount so incurred and paid.
89 As to agents for owners of property

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

90 As to trustees

Any trustee being the owner of any land house building or premises may apply any of the funds under his control in defraying any charges costs or expenses necessarily and properly incurred by him under this Act as such owner.

91 Owners of houses and property to give information as to insurance

(1) The owner of a house or building on the premises of which a fire occurs shall on being requested so to do by the Chief Officer or by any other officer of the Authority or any officer of a brigade (other than an industry brigade) inform such officer whether such house or building is insured or not, and at the like request shall furnish such officer with full particulars of the insurance thereon including the name of the insurance company with which the same is effected and the amount thereof and the details of any excess applying to that insurance.

(2) The owner of any personal property which is in any house or building or on any premises in or on which a fire occurs, or which (whether in a house or building or not) is destroyed or damaged by fire, shall at the like request give the like information and furnish the like particulars as are
required to be given with respect to a house or building as hereinbefore provided.

(3) Every person who refuses or fails forthwith to comply with any such request as aforesaid or who wilfully gives any false information or who wilfully gives any incorrect particulars with regard to such insurance as aforesaid shall be guilty of an offence and liable to a penalty of not more than 5 penalty units.
PART VII—MISCELLANEOUS

92 Immunity provision

(1) This section applies to—

(a) the Chief Officer;

(b) any officer exercising the powers of the Chief Officer;

(c) any officer or member of any brigade or group of brigades or an interstate fire brigade;

(d) a volunteer auxiliary worker;

(e) a person to whom section 30A applies.

(2) A person to whom this section applies is not personally liable for any thing done or omitted to be done in good faith—

(a) in the exercise of a power or the discharge of a duty under this Act or the regulations; or

(b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.

(3) Any liability resulting from an act or omission that would but for subsection (2) attach to a person to whom this section applies attaches to the Authority.

* * * * * *
93 Damage done by Chief Officer etc. to be covered by fire insurance

Any damage to property caused by the Chief Officer or by any officer exercising the powers of the Chief Officer or by any officer or member of any brigade or group of brigades or any interstate fire brigade or by any brigade or group of brigades or any interstate fire brigade in the exercise of any power or the performance of any duty conferred or imposed by or under this Act shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged notwithstanding any clause or condition to the contrary in any such policy.

93A Interstate fire brigades

(1) Every officer or member of an interstate fire brigade who is present in Victoria for the purpose of endeavouring to prevent or suppress a fire (including the prevention of a fire outside Victoria spreading to Victoria) or to protect life or property shall—

(a) place himself and any equipment or gear in his charge (including a fire engine) at the disposal of; and

(b) obey any orders given to him by—

the Chief Officer or other officer or member in Victoria who is in charge of the fire fighting operations and is present at the fire.

(2) Where the Chief Officer or such other officer or member in charge of the fire fighting operations is not so present the person who is present at the fire and in charge of the interstate brigade shall, until the arrival of the Chief Officer or such other officer or member aforesaid, have and may exercise all powers authorities duties and
functions which by or under this Act are conferred or imposed on the Chief Officer.

(3) For the purposes of this Part unless inconsistent with the context or subject-matter—

interstate fire brigade means a fire brigade (by whatever name it is called) established in a State or territory of the Commonwealth other than the State of Victoria;

member in relation to an interstate fire brigade includes a fireman or other member of that brigade (by whatever name he is called) who is not an officer.

93B Activities outside country area of Victoria

(1) Where the Authority, a group of brigades or any brigade receives from any person or body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth for the prevention and suppression of fire a request for assistance in preventing or suppressing a fire in some place outside the country area of Victoria (whether within Victoria or not) or in protecting life or property in any such place the group or brigade may attend at that place and, subject to the direction and control of the person or body requesting the assistance and having authority in that place, may engage in the prevention or suppression of fire or the protection of life and property in that place.

(1A) Where the Authority, a group of brigades or any brigade receives from any person or body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth to perform a function of the type specified in section 97, 97A, 97B or 97C a request for assistance in performing that function in some
(2) Where a group of brigades or a brigade is engaged as referred to in subsection (1) or (1A) in a place outside the country area of Victoria compensation shall be payable under the regulations made under section 110(1)(g) to officers or members thereof in all respects as if the place in which they are so engaged is within the country area of Victoria.

(3) This section does not apply to an industry brigade.

94 Saving of municipal councils and public authorities etc. from liability in certain cases

(1) A municipal council, a public authority and a fire prevention officer of a municipal council, public authority or administrative unit shall not be liable in respect of any loss or damage sustained by any person as the result of the doing of any act matter or thing pursuant to any direction given or permit granted by any such officer pursuant to this Act if such direction or permit was given or granted in good faith.

(2) No municipal council or public authority and no member servant agent or workman thereof and no officer or member of any brigade shall be liable in respect of any loss or damage sustained by any other person as the result of the doing of any act matter or thing in order to comply with section forty-three of this Act unless such loss or damage is caused by negligence or wilful default.
(3) No municipal council or public authority and no member thereof shall be liable in respect of any loss or damage sustained by any other person as the result of the doing of any act matter or thing pursuant to this Act by the members of any brigade at the request or with the consent of the said municipal council or public authority².

95 Immunity provision for persons acting under certain circumstances

(1) A person complying with any direction given under this Act is not personally liable for any thing done or omitted to be done in accordance with the direction and in good faith.

(2) A person requesting or consenting to the doing of any act, matter or thing by the members of a brigade is not personally liable for any thing done or omitted to be done—

(a) in the exercise of a power or the discharge of a duty under this Act or the regulations; or

(b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.

(3) Any liability resulting from an act or omission that would but for subsection (1) or (2) attach to a person to whom subsection (1) or (2) applies attaches to the Authority.
96 Power to Authority to use water for fires and drills etc. without charge

The Authority, the Chief Officer, any officer exercising the powers of the Chief Officer and all officers and members of any brigade shall have the use free of charge of all water mains water plugs valves pipes and works of water supply vested in or under the management or control of any water supply authority public authority or body whatsoever and of all water therein and of all water in any well or tank belonging to any person whatsoever for the purpose of extinguishing any fire or for the purpose of drills competitions and practices conducted by or with the permission of the Authority.

96A Municipal fire prevention officers and assistants

(1) Each municipal council, the municipal district or part of the municipal district of which is in the country area of Victoria—

(a) must appoint a person to be the fire prevention officer for that council for the purposes of this Act;

(b) may appoint any number of persons it thinks fit to be assistant fire prevention officers.

(2) A fire prevention officer may, by written instrument, delegate to an assistant fire prevention officer, either generally or as otherwise provided in the instrument, any power or duty of the fire prevention officer under this Act or the regulations except this power of delegation.

97 Authority is a protection agency

The Authority is a protection agency for the purposes of section 66 of the Environment Protection Act 1970.
97A Authority may provide rescue and extrication services

The Authority may provide a rescue and extrication service for any person or property endangered as the result of an accident or explosion (other than a road accident) which does not involve the risk or existence of a fire by the use of brigades which have been specifically approved for that purpose by the Minister under the Emergency Management Act 1986.

97B Authority may provide road accident rescue service

(1) The Authority may provide a road accident rescue service for persons involved in road accidents by the use of brigades which have been specifically approved for that purpose by the Minister under the Emergency Management Act 1986.

(2) The Authority may charge for the provision of services under subsection (1) in accordance with the regulations.

97C Authority may provide protection services

(1) The Authority may enter into an agreement with any person to provide any other property protection or loss mitigation service for the prevention of or to deal with the effects of any emergency or hazard.

(2) The Authority may charge for the provision of services under subsection (1) in accordance with the regulations.
97D Extension and application of Act

The powers and immunities conferred by this Act on the Chief Officer extend and apply to the Authority with such modifications and extensions as are necessary to enable the Authority to perform its functions under section 97, 97A, 97B and 97C and the provisions of this Act apply with such adaptations and variations as are necessary to and in relation to the performance of those functions to the same extent as in the case of the prevention and suppression of fire or the protection of life and property in the case of fire.

98 Place where fire occurs

(1) The Authority or the Chief Officer may cause any place in the country area of Victoria where any fire has occurred to be searched, and may remove and keep possession of any materials which may tend to prove the cause or origin of the fire.

(2) The Authority or Chief Officer may act under subsection (1) in relation to a fire on the Authority's or the Officer's own initiative but shall not so act if a coroner is investigating the fire.

(3) Where the Authority or Chief Officer causes a search to be made or takes possession of anything under subsection (1) in relation to a fire, the Authority or Officer shall, if a coroner subsequently investigates the fire—

   (a) report to the coroner any information found in the search concerning the cause or origin of the fire; and
   
   (b) give to the coroner anything of which the Authority or Officer has taken possession.
(4) Anything given to the coroner under subsection (3)(b) shall be deemed to have come into the coroner's possession under Division 4 of Part 4 of the Coroners Act 2008.

(5) If in the opinion of the Authority or the Chief Officer there are suspicious circumstances in relation to the cause or origin of any fire in the country area of Victoria, the Authority or the Chief Officer—

(a) may restrict access to the place where the fire occurred until a coroner with jurisdiction to investigate the fire under the Coroners Act 2008 orders otherwise or until an inquest into the fire is held under that Act, whichever first occurs;

(b) may cause to be erected at the entrance or boundary of the place a notice in the prescribed form of the restriction; and

(c) may request a coroner to investigate the fire.

98AA Restriction of access to fire area

(1) This section applies if access to a place where a fire has occurred has been restricted under section 98.

(2) A person must not, without lawful excuse, enter or interfere with any place to which access is restricted under section 98.

Penalty: 60 penalty units or imprisonment for 6 months.

98A Report of emergency incidents

Each brigade in attendance at an emergency incident must make a report to the Authority in the form determined by the Authority within 48 hours of the attendance.
99A Valor medals

(1) After due inquiry and after receipt of statutory declarations by not less than two witnesses of the action of any officer of the Authority or officer or member of any brigade in saving (or attempting to save) human life at grave risk to his own the Authority may award to such officer or member a medal which shall be known as the "Valor" medal.

(2) A Valor medal—

(a) shall be gold in colour and shall have depicted on the obverse a fireman rescuing a child and on the reverse the seal of the Authority; and

(b) shall be worn on all ceremonial occasions suspended by a red and blue ribbon fastened to the right breast of the jacket.

99B Special Recognition Award

(1) The Authority may award a Special Recognition Award to a brigade in recognition of—

(a) outstanding community service; or

(b) other significant activities performed by the brigade which have had a positive impact on an individual or a group or the community as a whole.

(2) The Authority may—

(a) make an award at its discretion; or

(b) by public notice seek nominations from members of the public.
(3) A person may at any time nominate a brigade to the Authority for consideration for an award under this section.

100 Role of Volunteer Fire Brigades Victoria Incorporated

(1) The role of Volunteer Fire Brigades Victoria Incorporated in relation to this Act is to enable members of brigades (other than industry brigades) to consider and bring to the notice of the Authority all matters affecting their welfare and efficiency (other than questions of discipline and promotion).

(2) A person is not eligible to become an officer or official of Volunteer Fire Brigades Victoria Incorporated unless he or she is a registered volunteer.

(3) Subsection (2) does not apply to the chief executive officer, an executive officer or a member of staff of the Volunteer Fire Brigades Victoria Incorporated.

(4) The regulations may provide for the payment by the Authority to members of Volunteer Fire Brigades Victoria Incorporated of personal and travelling expenses actually incurred in relation to their attendance at—

(a) such meetings of the Volunteer Fire Brigades Victoria Incorporated as are approved by the Authority; or

(b) meetings with the Authority.

(5) The expenses paid must not exceed the limits fixed by the regulations.

(6) This section applies despite anything to the contrary in the Associations Incorporation Act 1981 or the rules or constitution of Volunteer Fire Brigades Victoria Incorporated.
101 Information to be furnished by associations

In the month of January in each year the Volunteer Fire Brigades Victoria Incorporated and all other associations of fire brigades or of the members of fire brigades in the country area of Victoria shall transmit to the Minister or, if the Minister so directs, to the Authority a copy of their rules and a list of their members and of the officers of their governing bodies, and from time to time all such associations shall supply to the Minister all such other information as the Minister requires.

102 Collections for brigades etc. to be authorized by Authority

(1) Subject to the regulations, the Authority may grant to any person an authority in writing in the prescribed form and containing the prescribed conditions to collect contributions or subscriptions for the purposes of any brigade group of brigades or association and the Authority may at any time by writing cancel any such authority.

(2) Any person who is not the holder of a subsisting authority as aforesaid and who solicits or collects contributions or subscriptions for the purposes of any brigade group of brigades or association in the country area of Victoria, and any person who contravenes or fails to comply with any condition contained in any such authority, shall be guilty of an offence against this Act and liable to a penalty of not more than 5 penalty units.

103 Fire brigade competitions to be authorized by Authority

(1) No fire brigade competition shall be held in the country area of Victoria unless the permission of the Authority has been obtained.
Country Fire Authority Act 1958
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(2) Any person who organizes or manages or assists
in the organization or management of or takes
part in any fire brigade competition held in
contravention of the last preceding subsection
shall be guilty of an offence against this Act and
liable to a penalty of not more than 5 penalty
units.

103A Australian Fire Brigades Charges Scheme

(1) Lloyd's must continue to operate and manage the
Australian Fire Brigades Charges Scheme.

(2) Lloyd's must within 30 days of the
commencement of section 65 of the Victoria
State Emergency Service Act 2005 provide a
certified copy of the 1982 Agreement as in force
at that commencement to the Minister.

(3) If Lloyd's fails to comply with subsections (1)
and (2), section 80A applies to Lloyd's.

(4) Lloyd's must at the same time that it provides a
notice of changes to the Australian Fire Brigades
Charges Scheme to signatories under clause 16 of
the 1982 Agreement, provide a copy of the notice
of changes to the Minister.

Penalty: 60 penalty units.

104 Recovery of contributions

All contributions to the expenditure of the
Authority from any insurance company shall be
recoverable either in the Supreme Court or in the
county court irrespective of the amount sought to
be recovered.
105 Provision in case of unincorporate insurance company

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

106 Proof of orders, directions etc. of Authority

All orders directions notices and documents whatever purporting to be issued or written by or under the direction of the Authority shall be received as evidence in all courts of law and before all persons acting judicially and shall be deemed to be issued or written by or under the direction of the Authority without further proof unless the contrary is shown.

107 Obstruction of officers etc. and damage to apparatus

Any person who—

(a) wilfully obstructs hinders or interferes with the Chief Officer or any other officer or employee of the Authority or any officer or member of any brigade or group of brigades or any other person in the exercise of any power or the performance of any duty conferred or imposed by or under this Act;

(b) wilfully damages or interferes with any apparatus or other property of the Authority or of any brigade or with any fire alarm hydrant water plug or other apparatus for the prevention or suppression of fire;
(c) drives any vehicle over a fire hose; or

(d) drives any vehicle within such proximity to the place of any fire or to any apparatus in use at any fire as to interfere with the operations of any brigade or group of brigades or the use of such apparatus—

shall be guilty of an offence and liable to a penalty of not more than 10 penalty units.

107A Offences relating to impersonation

A person must not—

(a) use any name, title or description to imply an association with the Authority, without the written authority of the Authority; or

(b) represent that the person is associated with the Authority unless such an association exists; or

(c) impersonate an officer of the Authority or a member or volunteer; or

(d) use any insignia described or set out in the regulations in any manner contrary to the manner set out in the regulations without the written authority of the Authority.

Penalty: 20 penalty units.

108 Mode of proof that place is in country area

In any proceedings for an offence or for the recovery of money under this Act a certificate purporting to be signed by the Chief Officer or a Deputy Chief Officer to the effect that any place or locality is within the country area of Victoria shall be sufficient evidence of that fact until the contrary is shown.
Part VII—Miscellaneous

108A Evidence of ownership or occupancy

In any proceedings under this Act or the regulations, the following is evidence that a person is the owner or occupier of land—

(a) evidence that the person is liable to be rated in respect of the land;

(b) evidence by the certificate of the Registrar of Titles or an Assistant Registrar of Titles authenticated by the seal of the Office of Titles that the person is the registered proprietor of an estate in fee-simple or of a leasehold estate held of the Crown in the land;

(c) evidence by the certificate of the Registrar-General or a Deputy Registrar-General authenticated by the seal of the Registrar-General that the person appears from the memorial of any deed, conveyance or instrument to be the last registered owner of the land.

109 Penalties for offences

Any person who contravenes or fails to comply with any provision of this Act or with any order direction requirement condition or restriction made given or imposed by or pursuant to this Act shall be guilty of an offence against this Act, and if no penalty is specially provided therefor shall be liable to a penalty of not more than 5 penalty units as well as ½ a penalty unit for each day during which the offence continues after the person is convicted of it.
### 109A Power to Authority to appoint deputies

Where by this Act any duty obligation right or power is imposed or conferred upon any person appointed by the Authority under this Act such duty obligation right or power may be performed or exercised by any other person whom the Authority directs to perform and exercise the duties obligations rights and powers of such first-mentioned person during his temporary absence or incapacity in the same manner and to the same extent in all respects as the same might have been performed or exercised by such first-mentioned person and everything so done under the provisions of this section shall be as good and effectual for all purposes and against all persons whomsoever as if done by such first-mentioned person.

### 109B Delegation

The Authority may by instrument delegate to a member of the Authority, the Chief Executive Officer or to any officer or employee or class of officers or employees of the Authority any of its powers or duties under this Act or the regulations or any other Act or regulations, other than this power of delegation.

### 109C Application of penalties

1. All penalties recovered for offences committed against section 41D, including penalties recovered under section 41E, are to be paid—
   
   (a) if the relevant fire prevention notice was issued by a fire prevention officer, to the relevant municipal council;
   
   (b) if the relevant fire prevention notice was issued by the Chief Officer, to the Authority.

2. All penalties recovered for any other offences against this Act are to be paid to the Authority.
109D Time within which proceedings for certain offences may be brought

Notwithstanding anything to the contrary in any Act proceedings for an offence against section 80A(2) or 80A(3) may be commenced within the period of 2 years after the commission of the alleged offence.

110 Regulations

(1) The Governor in Council may in respect of the country area of Victoria make regulations for or with respect to all or any of the following purposes—

(a) for regulating the business and proceedings at the meetings of the Authority and of committees thereof, and for prescribing the notice to be given of such meetings;

(aa) for determining which positions or classes of positions with the Authority are senior employee positions;

(b) for the examination appointment training promotion suspension and removal of officers and employees of the Authority, and for regulating the duties and conduct of such officers and employees and the salaries wages or other remuneration and expenses of such officers and employees to whom no federal award or agreement applies;

(ba) for regulating appeals to the Country Fire Authority Appeals Commission, including the period and procedure for making an appeal;

(bb) for regulating the proceedings of regional fire prevention committees and the keeping of minutes of meetings of those committees,
and prescribing the persons, whether or not members of the committees, to whom such minutes are to be distributed;

(bc) for regulating the proceedings of municipal fire prevention committees and the keeping of minutes of meetings of those committees, and prescribing the persons, whether or not members of the committees, to whom such minutes are to be distributed;

(c) for the payment of salaries or wages or other remuneration and expenses to permanent and part-time officers and members of brigades;

(ca) for the granting of leave of absence to volunteer officers and members of brigades;

(d) for the provision of training or training facilities and the issue of any certificate or qualification after the completion of any course of training and the prescribing of the fees and charges payable in relation thereto;

(da) for the payment of allowances for personal and travelling expenses incurred by persons who gratuitously provide services in connexion with schools or courses of instruction established by the Authority;

(e) for the provision, grant or payment of superannuation, allowances, pensions or gratuities to officers and employees of the Authority or their spouses, domestic partners, families, surviving spouses, surviving domestic partners or dependants on the resignation, retirement or death of those officers and employees;

(ea) for requiring officers and employees of the Authority and volunteer officers and members of the brigades to take medical and
work related tests and to submit medical certificates;

(eb) for regulating the discipline and good conduct of officers and employees of the Authority and volunteer officers and members of brigades, including providing for suspension or removal or the imposing of a penalty;

(ec) for providing and regulating appeals by volunteer officers and members of brigades to an Appeal Panel constituted by the regulations;

(f) for the payment of compensation to such officers and employees on their sickness incapacity injury or disablement;

(g) for the establishment of a compensation scheme for persons who are—
(i) volunteer officers; or
(ii) members of a brigade; or
(iii) not formally enrolled as members of a brigade but have applied for membership and are performing the duties performed by members of a brigade;

(ga) for the payment of compensation to a person specified in paragraph (g) in the case of an incident causing—
(i) personal injury to; or
(ii) destruction, damage or loss of personal property owned by, or in the possession or control of—

that person;
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S. 110(1)(gb) inserted by No. 17/2003 s. 13(1), amended by No. 29/2011 s. 3(Sch. 1 item 19).

S. 110(1)(h) repealed by No. 43/1987 s. 10(2).

S. 110(1)(j) inserted by No. 6956 s. 15.

S. 110(1)(ja) inserted by No. 6956 s. 15.

S. 110(1)(j) amended by No. 2/1995 s. 13(d).

S. 110(1)(k) amended by No. 8257 s. 15.

S. 110(1)(l) for the payment of compensation to the spouse, domestic partner, family and dependants of a person specified in paragraph (g) in the case of an incident causing the death of that person;

(i) for the joining or co-operating in any scheme for supporting aiding or subscribing to any association fund or trust for any of the said purposes;

(j) for prescribing what amounts shall be paid by or deducted from the salaries or wages of officers and employees of the Authority as contributions to any fund scheme association or trust for any of the said purposes;

(ja) for prescribing the conditions under which radio telephone equipment may be installed and operated for fire fighting purposes by brigades or groups of brigades;

(k) for permitting when occasion requires any brigade or portion of a brigade or any of its officers or members or apparatus or other property to proceed or be taken beyond the limits of the district in respect of which the brigade is registered for the purpose of attending a fire and for providing for the control and direction of such brigade officers and members in such case;

(l) for establishing stations and companies or divisions of brigades;
(la) for providing for matters to be included in the constitutions of brigades and groups of brigades;

(lb) for prescribing the management and administration and financial management of brigades and groups of brigades;

(lc) for providing for the winding up of brigades or groups of brigades;

(m) for ensuring the speedy attendance of members of brigades and groups of brigades with all necessary apparatus on the occasion of any alarm of fire and generally for the maintenance of brigades and groups of brigades in a due state of efficiency;

(n) for the registration of all permanent and volunteer brigades and industry brigades and groups of brigades and the enrolment of their members, and for the election of the officers of volunteer brigades and groups of brigades and also for prescribing the various apparatus for the prevention or suppression of fire and the saving of life and property at fires to be kept and maintained by all such brigades and groups of brigades;

(na) for specifying the criteria for and the method of designation of areas for the formation of industry brigades;

(nb) for specifying the criteria for determining when an industry brigade should be formed;

(nc) for providing for the responsibilities and performance of industry brigades and the training and monitoring of industry brigades;
(nd) for providing the procedures for the
cancellation of an industry brigade and for
the responsibilities of relevant owners on
that cancellation;

(o) for providing for the attendance of brigades
at fires on vessels and for the charges to be
paid to the Authority by the owner or master
of any such vessel in respect of such
attendance;

(p) for providing for the attendance of members
of brigades and for the control of members
of brigades while in attendance at public
buildings and places where numbers of
persons are assembled, and for the charges to
be paid to the Authority in respect of such
attendance;

(q) for regulating and controlling the carriage of
members of brigades and their apparatus to
and from fire brigade competitions, and for
the regulation of all fire brigade
competitions;

(r) for prescribing the insignia and uniforms to
be worn by officers of the Authority;

(s) for prescribing the use of the insignia of the
Authority;

(t) for prescribing the insignia and uniforms to
be worn by the various grades and classes of
members of brigades when on duty;
(ta) for prescribing the conditions under which uniforms may be retained on leaving a brigade;

(tb) for prescribing long service badges and insignia and the entitlement thereto;

(u) for prescribing matters relating to the granting of permits, including the conditions and restrictions to be contained in such permits;

(ua) for prescribing forms for the purposes of this Act;

(v) for regulating the storage in urban districts of empty crates cases and other packages sawdust shavings hay and straw either in packages or loose and prescribing the means by which, the times and intervals at which, the conditions under which and the manner in which industrial waste sawdust bark edgings wood or other inflammable material whether or not of the like kind to the foregoing shall be destroyed or disposed of in the country area of Victoria;

(va) for regulating the disposal by burning of by-products of sawmilling operations;

(vb) for prescribing fire protection measures to be taken in the vicinity of any building, appliance or fuel storage used in the curing or reconditioning of tobacco leaf;
Country Fire Authority Act 1958  
No. 6228 of 1958  
Part VII—Miscellaneous

<table>
<thead>
<tr>
<th>Section</th>
<th>Amendment Details</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>s. 110(1)(w)</td>
<td>amended by No. 8181 s. 2(1)(Sch. item 29).</td>
<td>(w) for prescribing, for the purposes of this Act and section twelve of the <em>Summary Offences Act 1966</em>, the expenses and charges of any brigade in relation to attendance at any fire or answering any alarm;</td>
</tr>
<tr>
<td>s. 110(1)(wa)</td>
<td>inserted by No. 9928 s. 11(1).</td>
<td>(wa) for prescribing the fees and charges to be paid to the Authority for the inspection of plans, premises and equipment for the prevention or suppression of fire and other services rendered by officers of the Authority or authorizing the Authority to fix such fees and charges;</td>
</tr>
<tr>
<td>s. 110(1)(wb)</td>
<td>inserted by No. 50/1989 s. 26(13).</td>
<td>(wb) for prescribing the basis on which the cost of attending at a hazardous material incident or toxic fire incident the whole or part of which is not a fire within the meaning of section 3 is to be determined and prescribing the fees and charges to be paid to the Authority for that attendance;</td>
</tr>
<tr>
<td>s. 110(1)(wc)</td>
<td>inserted by No. 50/1989 s. 26(13).</td>
<td>(wc) for prescribing the fees and charges to be paid to the Authority for any service that the Authority is empowered to provide under this Act and for which this Act or the regulations enables the Authority to charge for providing that service;</td>
</tr>
<tr>
<td>s. 110(1)(x)</td>
<td>amended by Nos 6583 s. 5(m)(i), 7877 s. 20(d).</td>
<td>(x) for managing and regulating the distribution of all revenue received under this Act including, without affecting the generality of the foregoing, the payment of allowances to brigades and groups of brigades for minor expenses and for expenses in connexion with fires practices demonstrations and competitions and for the stoppage reduction or forfeiture of any such payment;</td>
</tr>
<tr>
<td>s. 110(1)(y)</td>
<td>amended by</td>
<td>(y) for registering insurance companies and their agents or representatives;</td>
</tr>
</tbody>
</table>
(z) for regulating or prohibiting the use of fireworks in the country area of Victoria during a fire danger period;

(za) in relation to fire prevention notices, for—
   (i) things or classes of things in respect of which notices may not be served;
   (ii) the matters which may be dealt with in notices, including the steps that owners or occupiers may be required to take;
   (iii) the form and content of notices;
   (iv) the form of, and particulars to be included in, a notice under section 41A(3)(b);

(zb) for prescribing the matters to be included in a municipal fire prevention plan;

(zc) for regulating the use of heat engines (including determining what equipment shall be carried by heat engines) in the country area of Victoria or any part thereof and for prescribing penalties not in any case exceeding 10 penalty units for any offence against regulations made under this paragraph; and

(zd) for prescribing any matter or thing authorized or required to be prescribed by this Act or necessary or expedient to be prescribed for the purposes of this Act.
(1A) A power conferred by this Act to make regulations may be exercised—

(a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified case or class of case; and

(b) so as to make, as respects the cases in relation to which it is exercised—

(i) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provisions for the same case or class of case for different purposes; or

(ii) any such provision either unconditionally or subject to any specified condition.

(2) Regulations made under this Act may be made—

(a) so as to apply—

(i) at all times or at a specified time; or

(ii) throughout the whole of the State or in a specified part of the State; or

(iii) as specified in both subparagraphs (i) and (ii); and

(b) so as to require a matter affected by the regulations to be—

(i) in accordance with a specified standard or specified requirement; or

(ii) approved by or to the satisfaction of a specified person or body or a specified class of persons or bodies; and
(c) so as to leave any matter or thing to be from
time to time determined, applied, dispensed
with or regulated by the Authority or any
officer or employee thereof; and

(d) so as to confer powers or impose duties in
connection with the regulations on the
Authority or any officer or employee thereof;
and

(e) so as to apply, adopt or incorporate, with or
without modification, the provisions of any
Act or of any regulations made under any
Act as in force at a particular time or from
time to time; and

(f) so as to provide in a specified case or class
of case for the exemption of persons or
things or a class of persons or things from
any of the provisions of the regulations,
whether unconditionally or on specified
conditions and either wholly or to such an
extent as is specified.

(2AA) Regulations made under this Act may be
disallowed in whole or in part by resolution of
either House of the Parliament.

(2A) A regulation made under this section may
incorporate or adopt by reference in whole or in
part and with or without modifications any
standard formulated by the Standards Association
of Australia.

* * * * *
(3) The regulations may prescribe—

(a) an amount in respect of the premium payable in respect of any insurance or class of insurance; and

(b) a proportion of the premium payable in respect of any insurance or class of insurance—

which shall in respect of that insurance or class of insurance for the purposes of this Act be the portion of the premium that is properly attributable to insurance against fire.

* * * * *

(5) In paragraphs (ca), (ea), (eb), (ec), (f) and (g) of subsection (1) brigade does not include an industry brigade.

(6) The Country Fire Authority Regulations 1992, Statutory Rule No. 180/1992, are deemed to have been made under this section as amended by sections 13(1) and 13(2) of the Country Fire Authority (Volunteer Protection and Community Safety) Act 2003.

111 Transitional—appeals

If—

(a) an appeal had been lodged with the Country Fire Authority Appeal Tribunal under section 74B of this Act as in force before the commencement of section 13 of the Fire Authorities (Amendment) Act 1997; and
(b) the appeal had not been heard before that commencement—

the Country Fire Authority Appeals Commission may hear and determine the appeal in accordance with this Act as in force immediately before that commencement and for that purpose has all the powers of the Country Fire Authority Appeal Tribunal.

112 Declaration of fire danger period

A declaration made by the Chairman under section 4 and in force immediately before the commencement of section 5 of the Country Fire Authority (Amendment) Act 2000 is deemed, on and from that commencement, to be a declaration made by the Chief Executive Officer under section 4 as amended by that Act.

113 Transitional—chairman

On the commencement of section 6 of the Country Fire Authority (Amendment) Act 2000, the chairman holding that office immediately before that commencement goes out of office and a chairman may be appointed in accordance with this Act as amended by the Country Fire Authority (Amendment) Act 2000.

114 Transitional—rights of appeal under section 74I

For the purposes of an appeal under section 74I, a suspension, removal or penalty imposed by the Chairman under the regulations and in force immediately before the commencement of section 11 of the Country Fire Authority (Amendment) Act 2000, is deemed, on and from that commencement to be a suspension, removal or penalty imposed by the Chief Executive Officer under the regulations.
115 Transitional—Neighbourhood safer places

A neighbourhood safer place (within the meaning of Part IIIA) that has been certified by the Authority as suitable and designated by a municipal council and included in—

(a) the council's municipal fire prevention plan under Part IV; or

(b) the council's municipal emergency management plan under the Emergency Management Act 1986; or

(c) the council's township protection plan—before the commencement of the Emergency Services Legislation Amendment Act 2009 is taken to be a designated neighbourhood safer place for the purposes of Part IIIA.

116 Transitional—Constitution of Authority

The Country Fire Authority is the same body despite the changes to its membership made by the Emergency Services Legislation Amendment Act 2009.
Country Fire Authority Act 1958
No. 6228 of 1958

SCHEDULE

* * * * *

ENDNOTES

1. General Information

The Country Fire Authority Act 1958 was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 892.
2. Table of Amendments

This Version incorporates amendments made to the Country Fire Authority Act 1958 by Acts and subordinate instruments.

Country Fire Authority (Amendment) Act 1959, No. 6583/1959

- **Assent Date:** 8.12.59
- **Commencement Date:** 8.12.59
- **Current State:** All of Act in operation

Country Fire Authority (Sawmill Burners) Act 1960, No. 6726/1960

- **Assent Date:** 21.12.60
- **Commencement Date:** 21.12.60
- **Current State:** All of Act in operation

Subordinate Legislation Act 1962, No. 6886/1962

- **Assent Date:** 8.5.62
- **Commencement Date:** 18.6.62: Government Gazette 4.7.62 p. 2314
- **Current State:** All of Act in operation

Country Fire Authority (Amendment) Act 1962, No. 6887/1962

- **Assent Date:** 8.5.62
- **Commencement Date:** 8.5.62
- **Current State:** All of Act in operation

Country Fire Authority (Amendment) Act 1962, No. 6956/1962

- **Assent Date:** 18.12.62
- **Commencement Date:** 18.12.62
- **Current State:** All of Act in operation

Insurance Commissioner (Costs and Expenses) Act 1963, No. 6986/1963

- **Assent Date:** 7.5.63
- **Commencement Date:** 7.5.63
- **Current State:** All of Act in operation

Statute Law Revision Act 1963, No. 7065/1963

- **Assent Date:** 3.12.63
- **Commencement Date:** 3.12.63
- **Current State:** All of Act in operation

Statute Law Revision Act 1964, No. 7142/1964

- **Assent Date:** 5.5.64
- **Commencement Date:** 5.5.64
- **Current State:** All of Act in operation

Country Fire Authority (Borrowing Powers) Act 1964, No. 7156/1964

- **Assent Date:** 6.10.64
- **Commencement Date:** 6.10.64
- **Current State:** All of Act in operation
Country Fire Authority Act 1958
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Country Fire Authority Act 1965, No. 7261/1965
Assent Date: 18.5.65
Commencement Date: 1.9.65: Government Gazette 25.8.65 p. 2635
Current State: All of Act in operation

Country Fire Authority (Service of Notices) Act 1965, No. 7318/1965
Assent Date: 7.12.65
Commencement Date: 7.12.65
Current State: All of Act in operation

Country Fire Authority (Borrowing Powers) Act 1966, No. 7383/1966
Assent Date: 3.5.66
Commencement Date: 3.5.66
Current State: All of Act in operation

Country Fire Authority (Interstate Fire Brigades) Act 1966, No. 7386/1966
Assent Date: 3.5.66
Commencement Date: 3.5.66
Current State: All of Act in operation

Country Fire Authority (Fire Prevention) Act 1966, No. 7476/1966
Assent Date: 6.12.66
Commencement Date: 6.12.66
Current State: All of Act in operation

Country Fire Authority (Prosecutions) Act 1967, No. 7516/1967
Assent Date: 7.3.67
Commencement Date: 7.3.67
Current State: All of Act in operation

Assent Date: 5.12.67
Commencement Date: 5.12.67
Current State: All of Act in operation

Assent Date: 28.10.69
Commencement Date: 28.10.69
Current State: All of Act in operation

Justices (Amendment) Act 1969, No. 7876/1969
Assent Date: 25.11.69
Commencement Date: 1.4.70 (except for ss 3, 5, 6 and 7(k)(m)(o)); ss 3, 5, 6, 7(k)(m)-(o) on 1.7.70: Government Gazette 25.2.70 p. 463
Current State: All of Act in operation

Country Fire Authority (Amendment) Act 1969, No. 7877/1969
Assent Date: 25.11.69
Commencement Date: 25.11.69
Current State: All of Act in operation
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Fire Brigades (Contributions) Act 1969, No. 7885/1969
Assent Date: 2.12.69
Commencement Date: 1.7.70: Government Gazette 1.7.70 p. 2271
Current State: All of Act in operation

Assent Date: 29.10.70
Commencement Date: 29.10.70
Current State: All of Act in operation

Assent Date: 1.12.70
Commencement Date: 27.1.71 (except ss 4, 5, 7, 8): Government Gazette 27.1.71 p. 200; ss 4, 5, 7, 8 on 15.12.72: Government Gazette 13.12.72 p. 3977
Current State: All of Act in operation

Statutory Salaries Act 1971, No. 8165/1971
Assent Date: 3.11.71
Commencement Date: 3.11.71
Current State: All of Act in operation

Statute Law Revision Act 1971, No. 8181/1971
Assent Date: 23.11.71
Commencement Date: 23.11.71
Current State: All of Act in operation

National Parks (Amendment) Act 1971, No. 8210/1971
Assent Date: 14.12.71
Commencement Date: 14.12.71
Current State: All of Act in operation

Country Fire Authority (Amendment) Act 1972, No. 8257/1972
Assent Date: 2.5.72
Commencement Date: Ss 4, 7, 8–11, 13, 14 on 7.6.72: Government Gazette 7.6.72 p. 2063; ss 1, 12 on 7.3.73: Government Gazette 7.3.73 p. 498; ss 2, 3, 5, 6, 15 on 11.7.73: Government Gazette 11.7.73 p. 2411
Current State: All of Act in operation

Railways (Amendment) Act 1972, No. 8353/1972
Assent Date: 13.12.72
Commencement Date: 8.5.73: Government Gazette 2.5.73 p. 946
Current State: All of Act in operation

Country Fire Authority (Amendment) Act 1972, No. 8478/1972
Assent Date: 27.11.72
Commencement Date: Ss 1, 3, 4, 5(a) on 19.12.73: Government Gazette 19.12.73 p. 4037; s. 2 on 22.5.74: Government Gazette 22.5.74 p. 1711; s. 5(b) on 13.10.75: Government Gazette 8.10.75 p. 3483
Current State: All of Act in operation

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Country Fire Authority (Amendment) Act 1974, No. 8614/1974
Assent Date: 10.12.74
Commencement Date: 10.12.74
Current State: All of Act in operation

National Parks Act 1975, No. 8702/1975
Assent Date: 16.5.75
Commencement Date: 1.12.75: Government Gazette 26.11.75 p. 3888
Current State: All of Act in operation

Constitution Act 1975, No. 8750/1975
Assent Date: 19.11.75
Commencement Date: 1.12.75: Government Gazette 26.11.75 p. 3888
Current State: All of Act in operation

Country Fire Authority (Constitution) Act 1975, No. 8813/1975
Assent Date: 9.12.75
Commencement Date: 9.12.75
Current State: All of Act in operation

Country Fire Authority (Amendment) Act 1976, No. 8933/1976
Assent Date: 14.12.76
Commencement Date: 14.12.76
Current State: All of Act in operation

Assent Date: 17.5.77
Commencement Date: 17.5.77: subject to s. 2(2)
Current State: All of Act in operation

Assent Date: 16.5.78
Commencement Date: 16.5.78
Current State: All of Act in operation

Port of Melbourne Authority Act 1978, No. 9178/1978
Assent Date: 8.11.78
Commencement Date: 8.11.78
Current State: All of Act in operation

Assent Date: 19.12.78
Commencement Date: 1.3.79: Government Gazette 21.2.79 p. 441
Current State: All of Act in operation

Assent Date: 19.12.78
Commencement Date: 20.12.78: Government Gazette 20.12.78 p. 3886
Current State: All of Act in operation

Assent Date: 13.5.80
Commencement Date: 1.7.80: Government Gazette 25.6.80 p. 2119
Current State: All of Act in operation
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Assent Date: 23.12.80
Commencement Date: 23.12.80
Current State: All of Act in operation


Assent Date: 27.10.81
Commencement Date: 27.10.81
Current State: All of Act in operation


Assent Date: 8.12.81
Commencement Date: Ss 1, 3–8, 10, 11(2), 12 on 16.12.81: Government Gazette 16.12.81 p. 4149; rest of Act on 21.7.82: Government Gazette 21.7.82 p. 2391
Current State: All of Act in operation


Assent Date: 22.12.81
Commencement Date: 3.3.82: Government Gazette 3.3.82 p. 603
Current State: All of Act in operation

Public Account (Trust Funds) Act 1982, No. 9861/1982

Assent Date: 5.1.83
Commencement Date: 12.1.83: Government Gazette 12.1.83 p. 81
Current State: All of Act in operation


Assent Date: 15.6.83
Commencement Date: 15.6.83: subject to s. 2(2)
Current State: All of Act in operation


Assent Date: 23.6.83
Commencement Date: S. 255(Sch. 12) on 1.7.83: s. 1(2)(c)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958


Assent Date: 28.6.83
Commencement Date: S. 13 on 29.6.83: Government Gazette 29.6.83 p. 1899; rest of Act on 20.7.83: Government Gazette 20.7.83 p. 2291
Current State: All of Act in operation

Country Fire Authority (Amendment) Act 1983, No. 10004/1983 (as amended by No. 10087)

Assent Date: 13.12.83
Commencement Date: Ss 1–7, 9–14, 17–22 on 14.12.83: Government Gazette 14.12.83 p. 4037; s. 16 on 1.7.83: s. 16(2); rest of Act on 1.11.84: Government Gazette 31.10.84 p. 3925
Current State: All of Act in operation
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Country Fire Authority (Borrowing Powers) Act 1984, No. 10040/1984
Assent Date: 1.5.84
Commencement Date: 1.5.84
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1984, No. 10043/1984
Assent Date: 1.5.84
Commencement Date: Ss 1–3, 13 on 2.5.84; Government Gazette 2.5.84 p. 1363; ss 4–12 on 9.5.84: Government Gazette 9.5.84 p. 1387
Current State: All of Act in operation

Statute Law Revision Act 1984, No. 10087/1984
Assent Date: 22.5.84
Commencement Date: 22.5.84: subject to s. 3(2)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

State Insurance Office Act 1984, No. 10089/1984
Assent Date: 22.5.84
Commencement Date: 18.9.84: Government Gazette 18.9.84 p. 3219
Current State: All of Act in operation

Fire Authority Act 1984, No. 10149/1984 (as amended by No. 10173/1985)
Assent Date: 13.11.84
Commencement Date: S. 21(2) on 31.10.84: s. 2(2); ss 1–3, 5, 7–9, 11, 12, 22–25 on 13.11.84: Government Gazette 13.11.84 p. 4051; rest of Act on 1.12.84: Government Gazette 30.11.84 p. 4207
Current State: All of Act in operation

Accident Compensation Act 1985, No. 10191/1985
Assent Date: 30.7.85
Commencement Date: S. 276(Sch. 2) on 31.8.85: Government Gazette 30.8.85 p. 3401
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Assent Date: 10.12.85
Commencement Date: 10.12.85
Current State: All of Act in operation

Coroners Act 1985, No. 10257/1985
Assent Date: 10.12.85
Commencement Date: Ss 1–3, Pt 9 on 12.2.86: Government Gazette 12.2.86 p. 382; rest of Act on 1.6.86: Government Gazette 30.4.86 p. 1115
Current State: All of Act in operation

Authorised by the Chief Parliamentary Counsel
200
Health (Amendment) Act 1985, No. 10262/1985

Assent Date: 10.12.85
Commencement Date: S. 4(Sch.) on 1.3.86: Government Gazette 26.2.86 p. 451
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Courts Amendment Act 1986, No. 16/1986

Assent Date: 22.4.86
Commencement Date: S. 30(Sch.) on 1.7.86: Government Gazette 25.6.86 p. 2180
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Fire Authorities (Amendment) Act 1986, No. 45/1986

Assent Date: 20.5.86
Commencement Date: S. 7 on 1.11.86: s. 2(1); ss 1–6, 9–14 on 21.5.86:
Government Gazette 21.5.86 p. 1484; s. 8 on 1.8.86:
Government Gazette 30.7.86 p. 2945
Current State: All of Act in operation

Country Fire Authority (Amendment) Act 1986, No. 69/1986

Assent Date: 28.10.86
Commencement Date: 1.11.86: s. 2
Current State: All of Act in operation

Land Acquisition and Compensation Act 1986, No. 121/1986

Assent Date: 23.12.86
Commencement Date: 29.11.87: Government Gazette 25.11.87 p. 3224
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S. 103(Sch. 4 items 8.1–8.6) on 1.7.87: Government Gazette 24.6.87 p. 1694
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Fire Authorities Act 1987, No. 43/1987

Assent Date: 19.5.87
Commencement Date: Ss 1, 2, 4, 6, 7, 9, 13 on 20.5.87; ss 3, 5, 8, 10–12, 14
on 1.7.87: Government Gazette 20.5.87 p. 1155
Current State: All of Act in operation

Victoria State Emergency Service Act 1987, No. 57/1987

Assent Date: 27.10.87
Commencement Date: 2.5.88: Special Gazette (No. 30) 28.4.88 p. 1
Current State: All of Act in operation

State Bank Act 1988, No. 29/1988

Assent Date: 17.5.88
Commencement Date: 9.6.88: Government Gazette 8.6.88 p. 1582
Current State: All of Act in operation

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State Superannuation Act 1988, No. 50/1988
Assent Date: 24.5.88
Commencement Date: S. 93(2)(Sch. 2 Pt 2 item 9) on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Subdivision Act 1988, No. 53/1988
Assent Date: 31.5.88
Commencement Date: 30.10.89: Government Gazette 4.10.89 p. 2532
Current State: All of Act in operation

Country Fire Authority (Amendment) Act 1988, No. 68/1988
Assent Date: 15.12.88
Commencement Date: 15.12.88
Current State: All of Act in operation

Assent Date: 9.5.89
Commencement Date: S. 4(Sch. 2 items 17.1–17.43) on 1.11.89: Government Gazette 1.11.89 p. 2798
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

County Court (Amendment) Act 1989, No. 19/1989 (as amended by No. 34/1990)
Assent Date: 16.5.89
Commencement Date: 1.8.89: Government Gazette 26.7.89 p. 1858
Current State: All of Act in operation

Transport (Amendment) Act 1989, No. 44/1989
Assent Date: 6.6.89
Commencement Date: S. 41(Sch. 2 item 6) on 1.7.89: s. 2(1)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Fire Authorities Act 1989, No. 50/1989 (as amended by No. 91/1989)
Assent Date: 14.6.89
Commencement Date: S. 10 on 30.6.89: Government Gazette 28.6.89 p. 1559; ss 1–9, 11–16, 19, 20, 22, 23, 25 on 1.7.89: Government Gazette 28.6.89 p. 1559; s. 26(2)–(5)(7) on 1.12.89: Government Gazette 8.11.89 p. 2864; s. 26(10) on 5.12.89: Special Gazette (No. 71) 5.12.89 p. 1; ss 17(a), 21, 26(11)–(13) on 1.1.90: Special Gazette (No. 71) 5.12.89 p. 1; ss 18, 24, 26(1)(8)(9) on 3.7.90: Special Gazette (No. 31) 3.7.90 p. 1; s. 17(b) on 1.9.94: Special Gazette (No. 58) 30.8.94 p. 1; ss 26(6) never proclaimed, repealed by No. 21/2007 s. 3(Sch.)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958
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<th>Assent Date</th>
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<tr>
<td>Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989</td>
<td>14.6.89</td>
<td>S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette</td>
<td>All of Act in operation</td>
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<td>30.8.89 p. 2210; rest of Act on 1.9.90: Government</td>
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<td>Gazette 25.7.90 p. 2217</td>
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<td>Accident Compensation (General Amendment) Act 1989, No. 64/1989</td>
<td>29.9.89</td>
<td>S. 38(1) on 1.10.89: Special Gazette (No. 55) 29.9.89</td>
<td>This information relates only to the provision/s</td>
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<td>amending the Country Fire Authority Act 1958</td>
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<td>Fire Authorities (Contributions) Act 1989, No. 91/1989 (as amended by</td>
<td>5.12.89</td>
<td>Ss 1–6, 7(b)–(h), 8 on 12.12.89: Special Gazette</td>
<td>All of Act in operation</td>
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<td>Gazette (No. 58) 30.8.94 p. 1</td>
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<td>State Bank (Succession of Commonwealth Bank) Act 1990, No. 94/1990</td>
<td>18.12.90</td>
<td>S. 40(3) on 1.1.91: Special Gazette (No. 73) 31.12.90</td>
<td>This information relates only to the provision/s</td>
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<td>amending the Country Fire Authority Act 1958</td>
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<td>Fire Authorities (Amendment) Act 1991, No. 5/1991</td>
<td>16.4.91</td>
<td>Ss 3(1)–(4), 4(1)–(4) on 12.12.89: s. 2(2); ss 3(5),</td>
<td>All of Act in operation</td>
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<td>4(5) on 1.10.90: s. 2(3); rest of Act on 16.4.91: s.</td>
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Assent Date: 24.11.92
Commencement Date: S. 184(Sch. 6 item 5) on 1.3.93: Special Gazette (No. 63) 27.11.92 p. 1
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Assent Date: 23.11.93
Commencement Date: Pt 1 (ss 1–3) on 23.11.93: s. 2(1); rest of Act on 23.5.94: s. 2(3)
Current State: All of Act in operation

Assent Date: 31.5.94
Commencement Date: S. 3(Sch. 1 item 15) on 7.7.94: Government Gazette 7.7.94 p. 1878
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Assent Date: 13.12.94
Commencement Date: 13.12.94
Current State: All of Act in operation

Fire Authorities (Miscellaneous Amendments) Act 1995, No. 2/1995
Assent Date: 15.3.95
Commencement Date: Pts 1, 2 (ss 1–3) on 15.3.95; ss 4, 16 on 23.3.95: Government Gazette 23.3.95 p. 611; rest of Act on 1.9.95: s. 2(3)
Current State: All of Act in operation

Assent Date: 14.6.95
Commencement Date: S. 224 on 5.10.95: Government Gazette 28.9.95 p. 2731; Sch. 2 item 10 on 1.1.96: Government Gazette 21.12.95 p. 3571
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Electricity Industry (Amendment) Act 1995, No. 56/1995
Assent Date: 20.6.95
Commencement Date: S. 68(Sch. 1 item 5) on 20.6.95: Special Gazette (No. 52) 20.6.95 p. 1
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Assent Date: 12.12.96
Commencement Date: S. 10(Sch. 2 item 5) on 1.1.97: Special Gazette (No. 146) 23.12.96 p. 15
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958
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<th>Act</th>
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<tr>
<td>Country Fire Authority Act 1958</td>
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<td>Fire Authorities (Amendment) Act 1997, No. 24/1997</td>
<td>20.5.97</td>
<td>Ss 3, 5, 6, 10, 11(2), 13 on 5.12.97: Government</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Gazette 4 .12.97 p. 3289; ss 4, 7–9, 11(1)(3)–(5), 12, 14 on 1.1.98: s. 2(3)</td>
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<td>Gas Industry (Amendment) Act 1997, No. 36/1997</td>
<td>3.6.97</td>
<td>S. 21 on 3.6.97: Special Gazette (No. 58) 3.6.97</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Law and Justice Legislation (Further Amendment) Act 1997, No. 84/1997</td>
<td>2.12.97</td>
<td>S. 12 on 2.12.97: s. 2(1)</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Rail Corporations (Amendment) Act 1997, No. 104/1997</td>
<td>16.12.97</td>
<td>S. 41 on 31.3.98: Special Gazette (No. 25) 31.3.98</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Fire and Emergency Services Acts (Amendment) Act 1998, No. 11/1998</td>
<td>28.4.98</td>
<td>S. 8 on 5.12.89: s. 2(2); rest of Act on 28.4.98: s. 2(1)</td>
<td>All of Act in operation</td>
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<td>Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998 (as amended by No. 12/1999)</td>
<td>26.5.98</td>
<td>S. 7(Sch. 1) on 1.7.98: s. 2(2)</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998 (as amended by No. 101/1998)</td>
<td>2.6.98</td>
<td>S. 311(Sch. 1 items 16.1–16.3) on 1.7.98: Government Gazette 18.6.98 p. 1512</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<th>Assent Date</th>
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<td>Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998, No. 76/1998</td>
<td>10.11.98</td>
<td>S. 30 on 15.12.98: s. 2(5)</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Rail Corporations (Further Amendment) Act 1998, No. 98/1998</td>
<td>24.11.98</td>
<td>S. 45 on 29.4.99: Government Gazette 29.4.99 p. 967</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Transport (Amendment) Act 2000, No. 30/2000</td>
<td>30.5.00</td>
<td>31.5.00: s. 2</td>
<td>All of Act in operation</td>
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<td>Emergency Management (Amendment) Act 2000, No. 48/2000</td>
<td>14.6.00</td>
<td>15.6.00: s. 2</td>
<td>All of Act in operation</td>
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<td>Electricity Industry Legislation (Miscellaneous Amendments) Act 2000, No. 69/2000</td>
<td>21.11.00</td>
<td>S. 47 on 1.1.01: s. 2(4)</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Statute Law Revision Act 2000, No. 74/2000</td>
<td>21.11.00</td>
<td>S. 3(Sch. 1 item 28) on 22.11.00: s. 2(1)</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Country Fire Authority (Amendment) Act 2000, No. 77/2000</td>
<td>28.11.00</td>
<td>29.1.01: Government Gazette 25.1.01 p. 100</td>
<td>All of Act in operation</td>
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<td>Statute Law Amendment (Relationships) Act 2001, No. 27/2001</td>
<td>12.6.01</td>
<td>S. 5(Sch. 3 item 1) on 23.8.01: Government Gazette 23.8.01 p. 1927</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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<td>Gas Industry Legislation (Miscellaneous Amendments) Act 2001, No. 32/2001</td>
<td>19.6.01</td>
<td>S. 26 on 1.9.01: s. 2(2)</td>
<td>This information relates only to the provision/s amending the Country Fire Authority Act 1958</td>
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Corporations (Financial Services Reform Amendments) Act 2002, No. 9/2002
Assent Date: 23.4.02
Commencement Date: S. 3(Sch. item 3) on 23.4.02: s. 2
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Assent Date: 22.10.02
Commencement Date: Ss 22–25 on 23.10.02: s. 2(1)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Assent Date: 13.5.03
Commencement Date: S. 13(1)(2) on 30.6.92: s. 2(2); ss 3–12, 13(3) on 14.5.03: s. 2(1)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 46) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005
Assent Date: 24.5.05
Commencement Date: S. 18(Sch. 1 item 24) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Victoria State Emergency Service Act 2005, No. 51/2005
Assent Date: 24.8.05
Commencement Date: S. 58(1) on 1.11.05: Government Gazette 20.10.05 p. 2308; ss 59–66 on 1.7.06: s. 2(3)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006
Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 8) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 21) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958


Assent Date: 15.4.08
Commencement Date: S. 73(1)(Sch. 1 item 13) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Coroners Act 2008, No. 77/2008

Assent Date: 11.12.08
Commencement Date: S. 129(Sch. 2 item 7) on 1.11.09: s. 2
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958


Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 34) on 1.1.10: Government Gazette 10.12.09 p. 3215
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958


Assent Date: 24.11.09
Commencement Date: S. 54(Sch. Pt 2 item 15) on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Emergency Services Legislation Amendment Act 2009, No. 73/2009

Assent Date: 1.12.09
Commencement Date: Ss 3–8 on 2.12.09: s. 2
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958


Assent Date: 1.12.09
Commencement Date: S. 9 on 1.1.10: Government Gazette 10.12.09 p. 3215
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Transport Integration Act 2010, No. 6/2010

Assent Date: 2.3.10
Commencement Date: S. 203(1)(Sch. 6 item 10) on 1.7.10: Special Gazette (No. 256) 30.6.10 p. 1
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

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Health and Human Services Legislation Amendment Act 2010, No. 29/2010

Assent Date: 8.6.10
Commencement Date: S. 53 on 1.7.10: Special Gazette (No. 235) 23.6.10 p. 1
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Climate Change Act 2010, No. 54/2010

Assent Date: 14.9.10
Commencement Date: S. 77 on 1.7.11: s. 2(2)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Justice Legislation Further Amendment Act 2010, No. 64/2010

Assent Date: 28.9.10
Commencement Date: Ss 16–18 on 1.1.10: Government Gazette 21.10.10 p. 2530
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Fire Services Commissioner Act 2010, No. 73/2010

Assent Date: 19.10.10
Commencement Date: Ss 41–47 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Subordinate Legislation Amendment Act 2010, No. 78/2010

Assent Date: 19.10.10
Commencement Date: S. 24(Sch. 1 item 8) on 1.1.11: s. 2(1)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958


Assent Date: 10.5.11
Commencement Date: Ss 3, 4 on 11.5.11: s. 2(1)
Current State: All of Act in operation

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 19) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958


Assent Date: 2.11.11
Commencement Date: S. 4 on 3.11.11: s. 2(1)
Current State: This information relates only to the provision/s amending the Country Fire Authority Act 1958

Date of Making: 27.11.73
Date of Commencement: 27.11.73
3. Explanatory Details

1 S. 85: The amendment to section 85 proposed by section 3 (Schedule 1 item 15) of the Financial Management (Consequential Amendments) Act 1994, No. 31/1994 is not included in this publication as the words to be amended do not appear in this section.

2 S. 94(3): The amendment to section 94(3) proposed by section 6(3) of the Fire Authorities (Miscellaneous Amendments) Act 1995, No. 2/1995 is not included in this publication as the words to be amended do not appear in this subsection.