

## Authorised Version

# Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019

No. 20 of 2019

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**Authorised Version**



**Victoria**

**Firefighters' Presumptive Rights  
Compensation and Fire Services  
Legislation Amendment (Reform)  
Act 2019<sup>†</sup>**

**No. 20 of 2019**

[Assented to 2 July 2019]

**The Parliament of Victoria enacts:**

**Part 1—Preliminary**

**1 Purposes**

The purposes of this Act are to—

- (a) provide a rebuttable presumption for—
  - (i) career firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the

nature of their employment for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**; or

- (ii) volunteer firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the nature of their service as a firefighter for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**; and
- (b) amend the **Metropolitan Fire Brigades Act 1958**—
- (i) to abolish the Metropolitan Fire and Emergency Services Board and to establish Fire Rescue Victoria to take on its functions; and
  - (ii) to abolish the positions of Chief Executive Officer of the Metropolitan Fire and Emergency Services Board and Chief Officer of the Metropolitan Fire and Emergency Services, and to establish the positions of Fire Rescue Commissioner and Deputy Fire Rescue Commissioner; and
  - (iii) to establish the Strategic Advisory Committee to advise Fire Rescue Victoria; and
  - (iv) to change the boundaries of the Fire Rescue Victoria fire district; and

- (v) to provide a new mechanism for changing the boundaries of the Fire Rescue Victoria fire district by establishing the Fire District Review Panel to review the Fire Rescue Victoria fire district; and
- (vi) to establish the Fire Services Monitor and the Firefighters Registration Board; and
- (c) to amend the **Country Fire Authority Act 1958**—
  - (i) to make it an objective of the Country Fire Authority to support the recruitment, development and retention of volunteer officers and members; and
  - (ii) to recognise the Country Fire Authority as a fully volunteer fire fighting service; and
  - (iii) to allow certain functions to be performed and powers to be exercised within the Fire Rescue Victoria fire district; and
- (d) make consequential and other amendments to other Acts.

## 2 Commencement

- (1) This Part and Part 2 come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act come into operation on a day or days to be proclaimed.

## 3 Principal Act for the purposes of Parts 3 and 4 and 6 to 9

In Parts 3 and 4 and 6 to 9, the **Metropolitan Fire Brigades Act 1958** is called the Principal Act.

## Part 2—Firefighters' Presumptive Rights Compensation

### Division 1—Preliminary

#### 4 Definitions

(1) In this Act—

*advisory committee* means the advisory committee established under section 20;

*Authority* means the Victorian WorkCover Authority;

*career firefighter* means a person who is or was employed by a fire service as a firefighter in a role in which firefighting duties are or were a substantial portion;

*CFA* means the Country Fire Authority appointed under the **Country Fire Authority Act 1958**;

*firefighter* means—

(a) a career firefighter; or

(b) a volunteer firefighter;

*firefighting* means exposure to the hazards of a fire scene, including extinguishing, controlling or preventing the spread of fires;

*volunteer firefighter* means a person who performs or has performed firefighting duties, in a role in which firefighting duties are or were a substantial portion, and who receives or received no remuneration for the performance of those duties.

(2) A reference in this Act to *employment* in relation to a career firefighter includes appointment.

## 5 Construction of Act

- (1) This Act is to be read as if it formed part of the **Workplace Injury Rehabilitation and Compensation Act 2013**.
- (2) If there is an inconsistency between this Act and the **Workplace Injury Rehabilitation and Compensation Act 2013**, this Act prevails to the extent of the inconsistency.
- (3) Unless inconsistent with the context or subject-matter, words and expressions defined in section 3 of the **Workplace Injury Rehabilitation and Compensation Act 2013** have the same meaning in this Act as they have in that Act.
- (4) If a firefighter satisfies the presumption under Division 2, 3 or 4, their disease is to be taken to be an injury within the meaning of the **Workplace Injury Rehabilitation and Compensation Act 2013**.
- (5) A reference in this section to "this Act" does not include a reference to Parts 3 to 11 of this Act.

## Division 2—Operation of presumption in relation to career firefighters

### 6 Rebuttable presumption as to cause of certain diseases in relation to career firefighters

- (1) An injury to a career firefighter is presumed to be due to the nature of their employment as a firefighter if—
  - (a) the injury—
    - (i) is a disease referred to in column 1 of the Table in Schedule 1; and
    - (ii) occurs on or after 1 June 2016; and

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- (b) the injury occurs during a period in which the worker is employed as a career firefighter or within the 10 year period after the worker ceases to be employed or served as a firefighter; and
- (c) before the date on which the injury that is a disease referred to in column 1 of the Table in Schedule 1 occurred the worker is or was employed, or served as a firefighter, for at least the qualifying period specified in column 2 of that Table opposite the disease—

in the absence of proof to the contrary.

- (2) For the purposes of this section, if a worker suffers an injury that is a disease specified in column 1 of the Table in Schedule 1, the injury is to be taken to have occurred on the day on which the worker—
  - (a) is first diagnosed as suffering from the disease; or
  - (b) dies by reason of the disease—whichever occurs first.

**7 Determination of the qualifying period**

- (1) For the purposes of determining a period under section 6(1)(c), the following periods may be combined—
  - (a) any period during which the worker was employed as a career firefighter; and
  - (b) any period during which the worker served as a volunteer firefighter.
- (2) For the purposes of subsection (1), any consecutive or non-consecutive periods during which a worker has been employed or has served

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as specified in subsection (1)(a) or (b) may be combined.

- (3) If a worker has been employed or has served as specified in both paragraphs of subsection (1) at the same time, that period of concurrent employment or service is to be counted once only for the purposes of subsection (1).

**8 Determination as to whether a firefighter is a career firefighter for the purposes of this Division**

- (1) If a firefighter is employed as a career firefighter at the time the injury occurs, they are to be taken to be a career firefighter for the purposes of this Division.
- (2) If a firefighter has ceased employment as a career firefighter, they are to be taken to be a career firefighter for the purposes of this Division if—
  - (a) their most recent employment or service as a firefighter was as a career firefighter; or
  - (b) on balance, the majority of their employment or service was as a career firefighter.

**Division 3—Operation of presumption in relation to volunteer firefighters**

**9 Rebuttable presumption as to cause of certain diseases in relation to volunteer firefighters**

- (1) An injury to a volunteer firefighter is presumed to be due to the nature of their service as a firefighter if—
  - (a) the injury—
    - (i) is a disease referred to in column 1 of the Table in Schedule 1; and
    - (ii) occurs on or after 1 June 2016; and

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- (b) the injury occurs during a period in which the volunteer firefighter served as a firefighter or within the 10 year period after the volunteer firefighter ceases to serve as a firefighter; and
  - (c) before the date on which the injury that is a disease referred to in column 1 of the Table in Schedule 1 occurred, the volunteer firefighter served as a firefighter for at least the qualifying period specified in column 2 of that Table opposite the disease, and the volunteer firefighter attended fires to the extent reasonably necessary to fulfil the purpose of their service as a firefighter—  
in the absence of proof to the contrary.
- (2) For the purposes of this section, if a volunteer firefighter suffers an injury that is a disease specified in column 1 of the Table in Schedule 1, the injury is to be taken to have occurred on the day on which the volunteer firefighter—
- (a) is first diagnosed as suffering from the disease; or
  - (b) dies by reason of the disease—
- whichever occurs first.

**10 Determination of the qualifying period**

- (1) For the purposes of determining a period under section 9, any period during which the volunteer firefighter was employed as a career firefighter may be combined with service as a volunteer firefighter.
- (2) For the purposes of subsection (1), any consecutive or non-consecutive periods during which a volunteer firefighter has been employed or has served as specified in subsection (1) may be combined.



- (3) If a volunteer firefighter has been employed or has served as a volunteer firefighter and a career firefighter at the same time, that period of concurrent employment or service is to be counted once only for the purposes of subsection (1).

**11 Determination of whether a firefighter is a volunteer firefighter for the purposes of this Division**

- (1) Subject to section 8(2), if a firefighter is serving as a volunteer firefighter at the time the injury occurs, they are to be taken to be a volunteer firefighter for the purposes of this Division.
- (2) Subject to section 8(2), if a firefighter has ceased employment or service as a firefighter, they are to be taken to be a volunteer firefighter for the purposes of this Division if their most recent service or employment as a firefighter was as a volunteer firefighter.

**12 Determination of whether section 9 requirement is met**

- (1) For the purposes of determining whether a volunteer firefighter attended fires to the extent reasonably necessary to fulfil the purpose of their service as a firefighter under section 9, the Authority must seek an expert opinion from the advisory committee.
- (2) In providing the expert opinion to the Authority, the advisory committee must have regard to—
- (a) any relevant records, brigade records, CFA data, employer data and local knowledge; and
  - (b) any other matter prescribed by the regulations.

(3) The Authority—

- (a) must have regard to the expert opinion provided to the Authority under subsection (1); and
- (b) is not required to make a determination that is consistent with the expert opinion provided under subsection (1).

**Division 4—Operation of presumption because of special consideration**

**13 Special consideration**

(1) If a firefighter—

- (a) suffers an injury that is a disease referred to in column 1 of the Table in Schedule 1; and
- (b) would not be entitled to the presumption under Division 2 or 3 only because the firefighter does not satisfy the relevant qualifying period; and
- (c) can prove in accordance with this Division that the firefighter has had an exceptional exposure event in a firefighting capacity whether within or outside Victoria while employed or serving as a firefighter—

the injury is presumed to be due to the nature of their employment or service as a firefighter.

- (2) A firefighter who intends to rely on subsection (1) must make an application for special consideration in accordance with section 15.

**14 What is an exceptional exposure event?**

For the purposes of determining whether a firefighter has had an exceptional exposure event, regard must be given to the following—

- (a) the nature of the event;

- (b) whether there are any relevant findings from a coroner, any court proceedings or other official inquiry regarding an event known to have exposed firefighters to carcinogens, and if so, the nature of the findings;
- (c) any relevant records, brigade records, CFA data, employer data or local knowledge;
- (d) any other matter prescribed by the regulations.

### **15 Application for special consideration**

- (1) An application for special consideration must be—
  - (a) in the manner and form prescribed by the regulations; and
  - (b) made to the Authority.
- (2) An application for special consideration may only be made—
  - (a) at the same time as a claim for compensation is made; or
  - (b) after a claim for compensation has been made but before the claim has been accepted or rejected; or
  - (c) within the period of 60 days after the claim for compensation has been rejected.
- (3) In subsection (2) and section 16, a *claim for compensation* means a claim for compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of which the presumption under Division 2 or 3 is invoked.

## **16 Determination of application for special consideration**

- (1) The Authority must determine an application for special consideration only if the Authority has rejected a claim for compensation by the applicant.
- (2) The Authority must forward an application for special consideration to the advisory committee for an expert opinion as to whether the firefighter has had an exceptional exposure event.
- (3) The Authority must forward the application for special consideration as soon as practicable after the Authority has—
  - (a) received the application for special consideration; or
  - (b) has rejected the claim for compensation—  
whichever occurs later.
- (4) The Authority must, within the period of 10 days after receiving the expert opinion from the advisory committee, determine the application for special consideration having regard to the expert opinion.
- (5) The Authority is not required to make a determination of the application for special consideration that is consistent with the expert opinion.

### **Division 5—General**

## **17 Claim for injury occurring on or after 1 June 2016**

- (1) If before the commencement of this Part—
  - (a) a firefighter has made a claim for compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of an injury that is a

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disease referred to in column 1 of the Table in Schedule 1 which occurred on or after 1 June 2016; and

- (b) the Authority has rejected the claim for compensation—

the firefighter is entitled to make a new claim for compensation in accordance with this Act.

- (2) If before the commencement of this Part—

- (a) a firefighter has made a claim for compensation in accordance with Part 6 of the Country Fire Authority Regulations 2014 in respect of an injury that is a disease referred to in column 1 of the Table in Schedule 1 which occurred on or after 1 June 2016; and

- (b) the CFA has rejected the claim for compensation—

the firefighter is entitled to make a new claim for compensation in accordance with this Act.

**18 Compensation for certain diseases due to firefighting by volunteer firefighters**

- (1) Subject to section 19, if an injury to a volunteer firefighter is deemed under this Act to be due to the nature of their service as a firefighter, the volunteer firefighter must make a claim for compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of that injury.
- (2) The compensation must be paid in accordance with and subject to the **Workplace Injury Rehabilitation and Compensation Act 2013** as if the volunteer firefighter were a worker within the meaning of that Act and the disease were an injury arising out of or in the course of their employment.

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- (3) A claim for compensation must be made to the Authority in accordance with the **Workplace Injury Rehabilitation and Compensation Act 2013**.
- (4) All matters relating to compensation must be determined in accordance with the **Workplace Injury Rehabilitation and Compensation Act 2013** by the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court, as the case requires.
- (5) In making a determination in relation to any matter referred to in subsection (2), the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court must, as far as practicable, be guided by reference to the applicable provisions of the **Workplace Injury Rehabilitation and Compensation Act 2013** governing the corresponding matter in that Act.
- (6) For the purpose of assessing compensation, the pre-injury average weekly earnings of a volunteer firefighter is to be computed by the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court—
  - (a) by reference to the volunteer firefighter's employment by any employer or employers during the relevant period before the injury;  
or
  - (b) if the volunteer firefighter was not then working under a contract of service, on any basis that, in the opinion of the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court, is best calculated to give the appropriate compensation for the volunteer firefighter's loss of earning capacity—

Part 2—Firefighters' Presumptive Rights Compensation

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but so that any relevant maximum limits imposed by the **Workplace Injury Rehabilitation and Compensation Act 2013** are not exceeded.

- (7) For the purposes of enabling a return to work of a volunteer firefighter, the Authority may do any of the following—
- (a) plan the volunteer firefighter's return to work;
  - (b) approve a provider of occupational rehabilitation services for the purposes of planning the volunteer firefighter's return to work under paragraph (a);
  - (c) provide alternative assistance or programs to the volunteer firefighter or in respect of the employment of the volunteer firefighter.
- (8) The Authority must make any payment of compensation under this section out of the WorkCover Authority Fund.
- (9) For the purposes of subsection (8), any reasonable costs and expenses (including legal costs) incurred in administering claims under this section are taken to be a payment of compensation.

**19 Compensation under the Workplace Injury Rehabilitation and Compensation Act 2013 and the Country Fire Authority Regulations 2014**

- (1) A volunteer firefighter is not entitled to make a claim for compensation in respect of the same injury under the **Workplace Injury Rehabilitation and Compensation Act 2013** and in accordance with Part 6 of the Country Fire Authority Regulations 2014 at the same time.
- (2) Subject to subsection (4), if a volunteer firefighter's claim under Division 3 is rejected, the volunteer firefighter may make a claim for compensation in accordance with Part 6 of the

Part 2—Firefighters' Presumptive Rights Compensation

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Country Fire Authority Regulations 2014 in respect of the same injury and is entitled to have the claim determined in accordance with that Division.

- (3) The rejection of a volunteer firefighter's claim under Division 3 does not prejudice the volunteer firefighter's claim for compensation in accordance with Part 6 of the Country Fire Authority Regulations 2014.
- (4) A volunteer firefighter is not entitled to make a claim for compensation in accordance with Part 6 of the Country Fire Authority Regulations 2014 if the volunteer firefighter's claim in respect of the same injury is rejected under Division 3 because the Authority proved that the injury was not due to the nature of the volunteer firefighter's service as a firefighter.
- (5) If the volunteer firefighter's claim in accordance with Part 6 of the Country Fire Authority Regulations 2014 is rejected, the volunteer firefighter may make a claim under Division 3 in respect of the same injury and is entitled to have the claim determined in accordance with that Division.
- (6) The rejection of a volunteer firefighter's claim for compensation in accordance with Part 6 of the Country Fire Authority Regulations 2014 does not prejudice the volunteer firefighter's claim under Division 3.
- (7) A volunteer firefighter is not entitled to compensation in relation to the same injury under the **Workplace Injury Rehabilitation and Compensation Act 2013** and in accordance with Part 6 of the Country Fire Authority Regulations 2014.



- (8) The Authority and the CFA may exchange any document produced or served or information acquired in respect of a proceeding or claim for compensation by a volunteer firefighter in relation to the same injury under the **Workplace Injury Rehabilitation and Compensation Act 2013** and in accordance with Part 6 of the Country Fire Authority Regulations 2014.

## **20 Establishment of advisory committee**

- (1) The Minister must establish an advisory committee for the purposes of this Act in accordance with the regulations.
- (2) The purpose of the advisory committee is to provide an expert opinion to the Authority as to—
- (a) whether a volunteer firefighter has attended fires to the extent reasonably necessary to fulfil the purposes of service as a firefighter as required by section 9(1)(c); or
  - (b) whether a firefighter has had an exceptional exposure event.
- (3) Without limiting the generality of section 22, the regulations may make provision for or with respect to—
- (a) the appointment of the advisory committee, including—
    - (i) the number of members; and
    - (ii) the experience or qualifications of members; and
    - (iii) remuneration of members; and
  - (b) the powers and procedures of the advisory committee, including conditions of confidentiality of information provided to the advisory committee; and

- (c) the form of an expert opinion and the process for providing an expert opinion to the Authority.

## **21 Payments**

- (1) The Authority must make any payments necessary for the purposes of the administration of this Act (other than section 18) out of the WorkCover Authority Fund.
- (2) There is to be paid into the WorkCover Authority Fund out of the Consolidated Fund, which is to the necessary extent appropriated accordingly, the amount of any payments under section 18.

## **22 Regulations**

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations may—
  - (a) confer powers or impose duties in connection with the regulations on any specified person or specified class of persons; and
  - (b) apply, adopt or incorporate with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person—
    - (i) wholly or partially or as amended by the regulations; or

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- (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
- (iii) as formulated, issued, prescribed or published from time to time.

## **Part 3—Amendments relating to the establishment of Fire Rescue Victoria**

### **23 Metropolitan Fire Brigades Act 1958 renamed**

- (1) In the title to the Principal Act, for **"Metropolitan Fire Brigades"** substitute **"Fire Rescue Victoria"**.
- (2) In section 1 of the Principal Act, for **"Metropolitan Fire Brigades"** substitute **"Fire Rescue Victoria"**.

### **24 Purposes**

In section 2(b) of the Principal Act, for "a Metropolitan Fire and Emergency Services Board" substitute "Fire Rescue Victoria".

### **25 New section 2A inserted**

After section 2 of the Principal Act **insert**—

#### **"2A Objectives relating to interaction between fire services agencies**

- (1) It is the intention of the Parliament that Fire Rescue Victoria and the Country Fire Authority establish processes that will ensure that they—
  - (a) promote collaboration and coordination between fire services agencies to best meet the safety needs of the community; and
  - (b) recognise the importance of maintaining capacity to respond to peaks in demand for fire services within fire services agencies; and
  - (c) recognise and value the contribution of volunteer brigades; and

(d) recognise that both volunteer firefighters and career firefighters are vital to delivering safe and sustainable fire services; and

(e) maintain the ability of fire services agencies to respond to critical incidents, to prevent and suppress fires and to protect life and property.

(2) In this section, the expressions *career firefighter* and *volunteer firefighter* have the same meanings as in the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**."

## 26 Definitions

(1) In section 3(1) of the Principal Act **insert** the following definitions—

***Country Fire Authority*** means the Authority appointed under section 6(1) of the **Country Fire Authority Act 1958**;

***Deputy Fire Rescue Commissioner*** means a Deputy Fire Rescue Commissioner appointed under section 9A(1);

***Fire Rescue Commissioner*** means the Fire Rescue Commissioner appointed under section 9(1);

***Fire Rescue Victoria*** means the authority established by section 6;

***Secretary*** means the Secretary to the Department for which the Minister administering this Act is responsible;

***Strategic Advisory Committee*** means the committee established by section 33A;

*volunteer brigade* has the same meaning as it has in the **Country Fire Authority Act 1958**;

- (2) In section 3(1) of the Principal Act, the definitions of *Board* and *Chief Officer* are **repealed**.
- (3) In section 3(1) of the Principal Act, in the definitions of *applicable work program*, *senior operational staff* and *senior position*, for "the Board" **substitute** "Fire Rescue Victoria".

## **27 Metropolitan Fire and Emergency Services Board**

For section 6 of the Principal Act **substitute**—

### **"6 Fire Rescue Victoria**

- (1) Fire Rescue Victoria is established by this section.
- (2) Fire Rescue Victoria is constituted by the Fire Rescue Commissioner.
- (3) Fire Rescue Victoria—
  - (a) is a body corporate with perpetual succession; and
  - (b) must have an official seal; and
  - (c) may sue and be sued in its corporate name; and
  - (d) may acquire, hold and dispose of real and personal property for the purpose of performing its functions; and
  - (e) may do and suffer all acts and things that bodies corporate may by law do and suffer and that are necessary or incidental for the performance of its functions."

## **28 Functions of Board**

- (1) In section 7(1) of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".
- (2) After section 7(1)(b) of the Principal Act **insert**—
  - "(ba) to implement the fire and emergency services priorities of the Government of Victoria; and
  - (bb) to provide operational and management support to the Country Fire Authority in consultation with and as agreed by the Authority, to meet the Authority's objective under section 6B of the **Country Fire Authority Act 1958**, including support to maintain, strengthen and encourage the capability of volunteers; and".
- (3) In section 7(2) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (4) In section 7(3) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

## **29 Duty to assist in major emergency**

- (1) In section 7AA(1) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (2) In section 7AA(2) of the Principal Act, in the definition of *emergency agency*, for "the Board" **substitute** "Fire Rescue Victoria".

## **30 Objective**

In section 7A of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

## **31 Emergency Management Victoria**

In section 7AB of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

**32 Compliance with operational standards of  
Emergency Management Commissioner**

In section 7AC of the Principal Act, for  
"The Board" **substitute** "Fire Rescue Victoria".

**33 Report on compliance with operational standards  
developed by the Emergency Management  
Commissioner**

- (1) In section 7AD(1) of the Principal Act, for  
"The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 7AD(2) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

**34 Strategic Action Plan**

- (1) In section 7AE of the Principal Act, for  
"The Board" (wherever occurring) **substitute**  
"Fire Rescue Victoria".
- (2) In section 7AE(2) of the Principal Act, for  
"the Authority" **substitute** "Fire Rescue Victoria".
- (3) In section 7AE(4) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

**35 Compliance with incident management operating  
procedures**

In section 7B of the Principal Act, for  
"The Board" **substitute** "Fire Rescue Victoria".

**36 New section 7C inserted**

After section 7B of the Principal Act **insert**—

**"7C Fire Rescue Commissioner and Deputy  
Fire Rescue Commissioners**

- (1) There is to be—
  - (a) a Fire Rescue Commissioner; and
  - (b) as many Deputy Fire Rescue  
Commissioners as the Governor in  
Council considers necessary.



- (2) The Fire Rescue Commissioner—
  - (a) has all the functions, duties and powers of Fire Rescue Victoria; and
  - (b) has any other functions, duties and powers conferred on the Fire Rescue Commissioner by or under—
    - (i) this Act or the regulations; or
    - (ii) any other Act or regulations under any other Act.
- (3) All acts and things done by the Fire Rescue Commissioner in the name of, or on behalf of, Fire Rescue Victoria are taken to have been done by Fire Rescue Victoria.
- (4) A Deputy Fire Rescue Commissioner has the functions, duties and powers that are delegated to the Deputy Fire Rescue Commissioner by the Fire Rescue Commissioner."

### **37 Accountability of Board**

For section 8 of the Principal Act **substitute**—

#### **"8 Accountability of Fire Rescue Victoria and the Fire Rescue Commissioner**

- (1) Fire Rescue Victoria and the Fire Rescue Commissioner are subject to the general direction and control of the Minister in the performance of the duties and functions and the exercise of powers of Fire Rescue Victoria and the Fire Rescue Commissioner, including, but not limited to, the policies and priorities to be pursued by Fire Rescue Victoria and the Fire Rescue Commissioner.

- (2) Subject to this section, the Minister may from time to time give written directions to Fire Rescue Victoria and the Fire Rescue Commissioner.
- (3) The Minister must not give a direction under subsection (2) in relation to the exercise of the operational functions and powers of Fire Rescue Victoria or the Fire Rescue Commissioner including, but not limited to, a function or power under any of the following provisions of this Act—
- (a) section 26;
  - (b) section 32;
  - (c) section 32AA;
  - (d) section 32B;
  - (e) section 32C;
  - (f) section 32D;
  - (g) section 52;
  - (h) section 55A;
  - (i) section 55B;
  - (j) section 55C;
  - (k) section 55D;
  - (l) section 55E(1), (2) or (4);
  - (m) section 58;
  - (n) section 59;
  - (o) section 60;
  - (p) section 71;
  - (q) section 72;
  - (r) section 72A;
  - (s) section 78;

- (t) section 90;
- (u) section 93.
- (4) The Minister must not give a direction under subsection (2) in relation to the exercise of the powers of delegation under sections 24B and 31A.
- (5) The Minister must not give a direction under subsection (2) in relation to the organisational structure of Fire Rescue Victoria.
- (6) The Minister must not give a direction under subsection (2) in relation to—
  - (a) the allocation or deployment of employees at particular locations; or
  - (b) the establishment of fire or emergency services units.
- (7) If the Minister gives a direction under subsection (2)—
  - (a) the Minister must cause a copy of the direction to be published in the Government Gazette; and
  - (b) the Fire Rescue Commissioner must cause a copy of the direction to be published on the Internet site of Fire Rescue Victoria."

### **38 Constitution of the Board**

For section 9 of the Principal Act **substitute**—

#### **"9 Appointment of Fire Rescue Commissioner**

- (1) The Fire Rescue Commissioner is to be appointed by the Governor in Council, on the recommendation of the Minister.

- (2) The Governor in Council must not appoint a person as the Fire Rescue Commissioner unless the Governor in Council is satisfied that the person has appropriate management and operational expertise in—
  - (a) fire services; or
  - (b) emergency services; or
  - (c) a related field.
- (3) The Fire Rescue Commissioner holds office for the period, not exceeding 5 years, specified in the Fire Rescue Commissioner's instrument of appointment.
- (4) The Fire Rescue Commissioner is entitled to receive—
  - (a) remuneration; and
  - (b) travelling or other allowances—specified in the Fire Rescue Commissioner's instrument of appointment.
- (5) The Fire Rescue Commissioner is eligible for reappointment.
- (6) The Fire Rescue Commissioner holds office on the terms and conditions specified in the Fire Rescue Commissioner's instrument of appointment.

**9A Deputy Fire Rescue Commissioners**

- (1) A Deputy Fire Rescue Commissioner is to be appointed by the Governor in Council on the recommendation of the Minister.
- (2) The Governor in Council must not appoint a person as a Deputy Fire Rescue Commissioner unless the Governor in Council is satisfied that the person has

appropriate management and operational expertise in—

- (a) fire services; or
  - (b) emergency services; or
  - (c) a related field.
- (3) The Governor in Council must not appoint a person as a Deputy Fire Rescue Commissioner unless the Governor in Council is satisfied that the Minister has consulted the Fire Rescue Commissioner about the appointment.
- (4) A Deputy Fire Rescue Commissioner holds office for the period, not exceeding 5 years, specified in the Deputy Fire Rescue Commissioner's instrument of appointment.
- (5) A Deputy Fire Rescue Commissioner is entitled to receive—
- (a) remuneration; and
  - (b) travelling or other allowances—
- specified in the Deputy Fire Rescue Commissioner's instrument of appointment.
- (6) A Deputy Fire Rescue Commissioner is eligible for reappointment.
- (7) A Deputy Fire Rescue Commissioner holds office on the terms and conditions specified in the Deputy Fire Rescue Commissioner's instrument of appointment.

#### **9B Ceasing to hold office**

The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner ceases to hold office if the Fire Rescue Commissioner or Deputy Fire Rescue Commissioner, as the case requires—

- (a) resigns under section 9C; or
- (b) becomes an insolvent under administration; or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
- (e) is removed from office under section 9D.

**9C Resignation**

- (1) The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner may resign by signed letter delivered to the Governor in Council.
- (2) A resignation under subsection (1) takes effect—
  - (a) on the day the letter is received by the Governor in Council; or
  - (b) if a later date is specified in the letter, on that later date.

**9D Removal from office**

- (1) The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner may be removed from office by the Governor in Council on any of the following grounds—
  - (a) misconduct;
  - (b) neglect of duty;
  - (c) inability to perform the duties of office;

- (d) any other ground on which the Governor in Council is satisfied that the person is unfit for office.
- (2) The Governor in Council must not remove a Deputy Fire Rescue Commissioner under subsection (1) unless the Governor in Council is satisfied that the Minister has consulted the Fire Rescue Commissioner about the removal.

**9E Suspension from office**

- (1) The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner may be suspended from office by the Governor in Council.
- (2) The Governor in Council must not suspend the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner under subsection (1) unless the Governor in Council believes that grounds may exist for the removal of the Fire Rescue Commissioner or the Deputy Fire Rescue Commissioner under section 9D(1).
- (3) The Governor in Council may revoke the suspension of the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner at any time.
- (4) If—
  - (a) the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner has been suspended; and
  - (b) the Governor in Council has not revoked the suspension under subsection (3) during the period of 30 days after the suspension—

the suspension ceases to be in effect at the end of that period unless the Fire Rescue Commissioner or Deputy Fire Rescue Commissioner has for any reason ceased to hold office before the end of that period.

**9F Acting Fire Rescue Commissioner**

- (1) The Governor in Council may appoint a person to act as the Fire Rescue Commissioner for a period of not more than 12 months—
  - (a) during a vacancy in the office of the Fire Rescue Commissioner; or
  - (b) during any period when the Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- (2) The Minister may appoint a person to act as the Fire Rescue Commissioner for a period of not more than 4 weeks—
  - (a) during a vacancy in the office of the Fire Rescue Commissioner; or
  - (b) during any period when the Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- (3) Before appointing a person to act as the Fire Rescue Commissioner, the Governor in Council or the Minister, as the case requires, must be satisfied that the person has appropriate management and operational expertise in—
  - (a) fire services; or
  - (b) emergency services; or
  - (c) a related field.



- (4) A person appointed to act as the Fire Rescue Commissioner—
  - (a) holds office for the period specified in the person's instrument of appointment; and
  - (b) is entitled to the remuneration and allowances to which the Fire Rescue Commissioner would have been entitled; and
  - (c) holds office on such other terms and conditions as are specified in the person's instrument of appointment.
- (5) While a person is acting as the Fire Rescue Commissioner, the person has all the powers and may perform any of the functions of the Fire Rescue Commissioner.
- (6) The Governor in Council may revoke an appointment under subsection (1) at any time.
- (7) The Minister may revoke an appointment under subsection (2) at any time.
- (8) A person appointed to act as the Fire Rescue Commissioner under subsection (1) or (2) is eligible for reappointment.

**9G Acting Deputy Fire Rescue Commissioner**

- (1) The Governor in Council may appoint a person to act as a Deputy Fire Rescue Commissioner for a period of not more than 12 months—
  - (a) during a vacancy in the office of a Deputy Fire Rescue Commissioner; or

- (b) during any period when a Deputy Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- (2) The Fire Rescue Commissioner may appoint a person to act as a Deputy Fire Rescue Commissioner for a period of not more than 4 weeks—
  - (a) during a vacancy in the office of a Deputy Fire Rescue Commissioner; or
  - (b) during any period when a Deputy Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- (3) Before appointing a person to act as a Deputy Fire Rescue Commissioner, the Governor in Council or the Fire Rescue Commissioner, as the case requires, must be satisfied that the person has appropriate management and operational expertise in—
  - (a) fire services; or
  - (b) emergency services; or
  - (c) a related field.
- (4) Before appointing a person to act as a Deputy Fire Rescue Commissioner, the Governor in Council must be satisfied that the Minister has consulted the Fire Rescue Commissioner.
- (5) A person appointed to act as a Deputy Fire Rescue Commissioner—
  - (a) holds office for the period specified in the person's instrument of appointment; and

- (b) is entitled to the remuneration and allowances to which a Deputy Fire Rescue Commissioner would have been entitled; and
  - (c) holds office on such other terms and conditions as are specified in the person's instrument of appointment.
- (6) While a person is acting as a Deputy Fire Rescue Commissioner, the person has all the powers and may perform any of the functions of a Deputy Fire Rescue Commissioner.
- (7) The Governor in Council may revoke an appointment under subsection (1) at any time.
- (8) The Fire Rescue Commissioner may revoke an appointment under subsection (2) at any time.
- (9) A person appointed to act as a Deputy Fire Rescue Commissioner under subsection (1) or (2) is eligible for reappointment."

### **39 Repeal of sections 10, 11 and 11A**

Sections 10, 11 and 11A of the Principal Act are **repealed**.

### **40 Application of Public Administration Act 2004**

In section 12 of the Principal Act, for "a member of the Board in respect of the office of member" **substitute** "the Fire Rescue Commissioner and the Deputy Fire Rescue Commissioners in respect of those offices".

### **41 Repeal of sections 13, 14 and 15**

Sections 13, 14 and 15 of the Principal Act are **repealed**.

#### **42 Decisions not affected by certain matters**

For section 16 of the Principal Act **substitute**—

##### **"16 Decisions not affected by certain matters**

An act or decision of Fire Rescue Victoria, the Fire Rescue Commissioner, a Deputy Fire Rescue Commissioner, an acting Fire Rescue Commissioner or an acting Deputy Fire Rescue Commissioner is not invalid only because—

- (a) of a defect or irregularity in the appointment of the Fire Rescue Commissioner, Deputy Fire Rescue Commissioner, acting Fire Rescue Commissioner or acting Deputy Fire Rescue Commissioner; or
- (b) of a vacancy in the office of Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner; or
- (c) the occasion for the appointment of an acting Fire Rescue Commissioner or an acting Deputy Fire Rescue Commissioner has ceased to exist."

#### **43 Immunity of members of Board**

- (1) In section 17(1) of the Principal Act, for "A member of the Board" **substitute** "The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner".
- (2) In section 17(2) of the Principal Act, for "a member of the Board attaches instead to the Board" **substitute** "the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner attaches instead to Fire Rescue Victoria".

**44 Repeal of sections 18, 19 and 20**

Sections 18, 19 and 20 of the Principal Act are **repealed**.

**45 Decisions not affected by certain matters**

For section 21 of the Principal Act **substitute**—

**"21 Conflicts of interest**

- (1) If the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner has a conflict of interest in a matter arising in the course of duty, the Fire Rescue Commissioner or Deputy Fire Rescue Commissioner, as the case requires, must declare the conflict to the Minister as soon as reasonably practicable.
- (2) If the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner has made a conflict of interest declaration under subsection (1) in relation to a matter, the Fire Rescue Commissioner or Deputy Fire Rescue Commissioner, as the case requires, must not take any further part in decisions relating to that matter, unless otherwise directed to do so by the Minister.
- (3) For the purposes of this section, a person is not to be regarded as having a conflict of interest in a matter relating to the supply of goods or services to the person if the goods or services are, or are to be, available to members of the public on the same terms and conditions."

**46 Power to purchase and sell property**

- (1) In section 24(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 24 of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".

#### **47 Power to acquire land**

- (1) In section 24A(1) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (2) In section 24A(2)(a) of the Principal Act, for "**Metropolitan Fire Brigades Act 1958**" **substitute** "**Fire Rescue Victoria Act 1958**".
- (3) In section 24A(2)(b) of the Principal Act, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria".

#### **48 Power of delegation**

- (1) In section 24B of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 24B of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".

#### **49 General powers of Board**

- (1) In section 25A(1) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (2) In section 25A(2) of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
- (3) In section 25A(2)(g) of the Principal Act, for "the Board's" **substitute** "Fire Rescue Victoria's".
- (4) In section 25A(3) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (5) In section 25A(3)(a) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (6) In section 25A(4) of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".
- (7) In section 25A(4A) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

## 50 Employees of Board

- (1) In section 25B(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) After section 25B(2) of the Principal Act **insert**—
  - "(3) Fire Rescue Victoria may enter into a secondment agreement (within the meaning of section 25C(10)) with the Country Fire Authority under which officers or employees of Fire Rescue Victoria are made available (whether on a full-time, part-time or other basis) to the Country Fire Authority.
  - (4) Despite anything in this Act or any other Act, an officer or employee made available to the Country Fire Authority under a secondment agreement (within the meaning of section 25C(10)) remains an officer or employee of Fire Rescue Victoria and is not an officer or employee of the Country Fire Authority.
- (5) Nothing in this section or the **Country Fire Authority Act 1958**—
  - (a) empowers the Country Fire Authority, under section 17 of the **Country Fire Authority Act 1958**, to exercise a power in respect of an officer or employee made available (whether on a full-time, part-time or other basis) to the Country Fire Authority under subsection (3); or
  - (b) imposes a duty upon the Country Fire Authority, under section 18 or 19 of the **Country Fire Authority Act 1958**, in respect of an officer or employee made available (whether on a full-time, part-time or other basis) to the Country Fire Authority under subsection (3)."

**51 New section 25C inserted**

After section 25B of the Principal Act **insert**—

**"25C Secondment agreements**

- (1) If Fire Rescue Victoria proposes to make one or more officers or employees of Fire Rescue Victoria available to the Country Fire Authority under a secondment agreement, the Chief Officer of the Country Fire Authority may agree to a particular officer or employee being made available under the secondment agreement if—
  - (a) the Fire Rescue Commissioner, in consultation with the Chief Officer of the Country Fire Authority, has conducted an equitable, fair and transparent selection process covering the officers and employees proposed to be made available under the secondment agreement; and
  - (b) the particular officer or employee participated in the equitable, fair and transparent selection process; and
  - (c) the Chief Officer of the Country Fire Authority is satisfied that the officer or employee selected through that process is suitable to be made available.
- (2) If the Chief Officer of the Country Fire Authority is not satisfied that suitable officers or employees can be made available as a result of subsection (1), the Chief Officer of the Country Fire Authority may request Fire Rescue Victoria to conduct a further external equitable, fair and transparent selection process, in consultation with the Chief Officer of the Country Fire Authority.



- (3) A person cannot be engaged as an officer or employee of Fire Rescue Victoria as a result of a selection process carried out under subsection (2) unless the person meets the registration requirements (however described) specified by the Firefighters Registration Board.
- (4) If Fire Rescue Victoria proposes to make one or more officers or employees of Fire Rescue Victoria available to the Country Fire Authority under a secondment agreement—
  - (a) the Chief Officer of the Country Fire Authority must agree to a particular officer or employee being made available under the secondment agreement if the officer or employee is a transferred employee (within the meaning of section 101 or 102) or a person transferred to the employment of Fire Rescue Victoria under section 103; and
  - (b) to avoid doubt, an officer or employee referred to in paragraph (a) is not required to satisfy subsection (1)(a), (b) and (c).
- (5) The Chief Officer of the Country Fire Authority has the order and control of the work of an officer or employee of Fire Rescue Victoria who is made available to the Country Fire Authority under a secondment agreement.
- (6) The Chief Officer of the Country Fire Authority may terminate a secondment agreement that covers only one officer or employee if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the

conduct of the officer or employee and, after conducting the process, is satisfied that such termination is appropriate.

- (7) If a secondment agreement covers more than one officer or employee, the Chief Officer of the Country Fire Authority may vary the secondment agreement so that it no longer covers a particular officer or employee, if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such termination is appropriate.
- (8) If a secondment agreement is terminated or varied, the officer or employee who is no longer covered by the secondment agreement remains an employee of Fire Rescue Victoria.
- (9) The Chief Officer of the Country Fire Authority may suspend an officer or employee covered by a secondment agreement if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such suspension is appropriate.
- (10) In this section—
- secondment agreement*** means an agreement between the Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority under which one or more officers or employees of Fire Rescue Victoria are made available to the Country Fire Authority, whether on a full-time, part-time or other basis."

## **52 Formation of units**

- (1) In section 26(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 26(2) of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".
- (3) In section 26(3) of the Principal Act, for "the Chief Officer" **substitute** "Fire Rescue Victoria".

## **53 Copies of annual report and special report**

- (1) In section 27(1) of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".
- (2) In section 27(2) of the Principal Act, for "The Board must if required by the Minister give the Minister a special report" **substitute** "Fire Rescue Victoria must, if required by the Minister, give the Minister information or a report".

## **54 Repeal of sections 28, 29, 30 and 31**

Sections 28, 29, 30 and 31 of the Principal Act are **repealed**.

## **55 New sections 33A to 33G inserted**

After section 33 of the Principal Act **insert**—

### **"33A Strategic Advisory Committee**

- (1) The Strategic Advisory Committee is established by this section.
- (2) The Strategic Advisory Committee consists of up to 7 members appointed under section 33B.

- (3) The Minister must appoint one of the members of the Strategic Advisory Committee to be the Chairperson of the Committee.

**33B Appointment of members of the Strategic Advisory Committee**

- (1) The members of the Strategic Advisory Committee are to be appointed by the Minister.
- (2) In appointing the members of the Strategic Advisory Committee, the Minister must have regard to the mix of knowledge, skills and experience of the Committee as a whole including, but not limited to, the following matters—
- (a) organisational governance, performance and culture;
  - (b) workforce diversity and flexibility;
  - (c) fire or emergency services.
- (3) The Minister must not appoint a person as a member of the Strategic Advisory Committee if the person is—
- (a) an officer or employee of a fire services agency; or
  - (b) an officer or employee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; or
  - (c) an officer or official of Volunteer Fire Brigades Victoria Incorporated.

- (4) A member of the Strategic Advisory Committee holds office for the period, not exceeding 5 years, specified in the member's instrument of appointment.
- (5) A member of the Strategic Advisory Committee is entitled to receive—
  - (a) remuneration; and
  - (b) travelling or other allowances—  
fixed by the Minister.
- (6) A member of the Strategic Advisory Committee is eligible for reappointment.
- (7) A member of the Strategic Advisory Committee holds office on the terms and conditions specified in the member's instrument of appointment.
- (8) A member of the Strategic Advisory Committee who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of the member's appointment.
- (9) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Strategic Advisory Committee in respect of the office of member.

**33C Strategic Advisory Committee is a public entity**

The Strategic Advisory Committee is a public entity for the purposes of the **Public Administration Act 2004**.

**33D Resignation of members of the Strategic Advisory Committee**

- (1) A member of the Strategic Advisory Committee may resign from membership by signed letter delivered to the Minister.
- (2) A resignation under subsection (1) takes effect—
  - (a) on the day the letter is received by the Minister; or
  - (b) if a later date is specified in the letter, on that later date.

**33E Ceasing to hold office—removal**

A member of the Strategic Advisory Committee may be removed from office by the Minister at any time and for any reason.

**33F Role of the Strategic Advisory Committee**

The role of the Strategic Advisory Committee is to provide advice to Fire Rescue Victoria on the following matters—

- (a) cultural change within Fire Rescue Victoria;
- (b) workforce diversity and flexibility within Fire Rescue Victoria;
- (c) organisational governance of Fire Rescue Victoria;
- (d) Fire Rescue Victoria's engagement and integration with the broader emergency services sector;
- (e) the future direction of Fire Rescue Victoria, including emerging opportunities and risks;

- (f) matters relevant to Fire Rescue Victoria on which Fire Rescue Victoria seeks advice;
- (g) any other matter relevant to Fire Rescue Victoria.

**33G Strategic Advisory Committee terms of reference**

- (1) The Minister must develop terms of reference for the Strategic Advisory Committee in consultation with the Fire Rescue Commissioner.
- (2) The terms of reference for the Strategic Advisory Committee must include details of the following—
  - (a) the procedures to be followed by the Committee, including in relation to its meetings;
  - (b) the Committee's strategic focus for the 12 months after the terms of reference are developed;
  - (c) procedures for dealing with conflicts of interest.
- (3) The Minister must review the terms of reference for the Strategic Advisory Committee at least once each year, in consultation with the Fire Rescue Commissioner.
- (4) The Strategic Advisory Committee must conduct its meetings, and carry out other procedures, in accordance with the terms of reference."

**56 New section 2 inserted**

After section 1 of the **Country Fire Authority Act 1958** insert—

**"2 Objectives relating to interaction between fire services agencies**

- (1) It is the intention of the Parliament that the Country Fire Authority and Fire Rescue Victoria establish processes that will ensure that they—
  - (a) promote collaboration and coordination between fire services agencies to best meet the safety needs of the community; and
  - (b) recognise the importance of maintaining capacity to respond to peaks in demand for fire services within fire services agencies; and
  - (c) recognise and value the contribution of volunteer brigades; and
  - (d) recognise that both volunteer firefighters and career firefighters are vital to delivering safe and sustainable fire services; and
  - (e) maintain the ability of fire services agencies to respond to critical incidents, to prevent and suppress fires and to protect life and property.
- (2) In this section, the expressions *career firefighter* and *volunteer firefighter* have the same meanings as they have in the **Firefighters' Presumptive Rights Compensation and Fire Services**



**Legislation Amendment (Reform)  
Act 2019."**

**57 Definitions**

In section 3(1) of the **Country Fire Authority Act 1958** insert the following definitions—

**"Fire Rescue Victoria** means Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;

**officer** means a person appointed under section 17(c) and, subject to sections 25B and 25C of the **Fire Rescue Victoria Act 1958**, is taken to include an officer or employee of Fire Rescue Victoria made available to the Country Fire Authority by Fire Rescue Victoria under a secondment agreement within the meaning of section 25C(10) of the **Fire Rescue Victoria Act 1958**;"

## **Part 4—Amendments relating to the Fire Rescue Victoria fire district**

### **58 Purposes**

In section 2(a) of the Principal Act, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

### **59 Definitions**

(1) In section 3(1) of the Principal Act **insert** the following definitions—

**"change in fire risk**, in relation to the Fire Rescue Victoria fire district or the country area of Victoria, means the following—

- (a) a change in land use or development within the Fire Rescue Victoria fire district, or within the country area of Victoria, that may result in a material change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;
- (b) a demographic change or a change in demand for the services of a fire services agency, within the Fire Rescue Victoria fire district or the country area of Victoria, that may result in a material change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;
- (c) any other change in circumstances within the Fire Rescue Victoria fire district or the country area of Victoria that results or may result in a material change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;

*country area of Victoria* has the same meaning as in the **Country Fire Authority Act 1958**;

*emergency management sector* has the same meaning as in the **Emergency Management Act 2013**;

*Fire District Review Panel* means the panel established by section 4A;

*Fire Rescue Victoria fire district* means the district specified in section 4(1);

*industrial body* means an organisation within the meaning of the Fair Work (Registered Organisations) Act 2009 of the Commonwealth;

*review of the Fire Rescue Victoria fire district* means a review conducted under section 4G;"

- (2) In section 3(1) of the Principal Act, the definition of *metropolitan district* is **repealed**.

## **60 Metropolitan fire district**

- (1) In section 4(1) of the Principal Act, for "there shall be a metropolitan fire district consisting of the municipal districts or parts thereof set forth in the Second Schedule to this Act" **substitute** "there is to be a Fire Rescue Victoria fire district consisting of the land specified in Schedule 2".
- (2) In section 4(2) of the Principal Act, for "metropolitan fire district" (where twice occurring) **substitute** "Fire Rescue Victoria fire district".
- (3) Sections 4(3) to 4(6) of the Principal Act are **repealed**.

## **61 New sections inserted**

After section 4 of the Principal Act **insert—**

### **"4A Fire District Review Panel**

- (1) The Fire District Review Panel is established by this section.
- (2) The Fire District Review Panel consists of 3 members appointed under section 4C.
- (3) The Minister must appoint one of the members of the Fire District Review Panel to be the Chairperson of the Panel.

### **4B Fire District Review Panel is a public entity**

The Fire District Review Panel is a public entity for the purposes of the **Public Administration Act 2004**.

### **4C Appointment of members of the Fire District Review Panel**

- (1) The members of the Fire District Review Panel are to be appointed by the Minister.
- (2) The Minister must not appoint a person as a member of the Fire District Review Panel unless the Minister is satisfied that—
  - (a) the person has significant and substantial expertise and experience in fire response, fire management, emergency management or another relevant field; and
  - (b) the person is able to make an informed and independent assessment of the matters to be considered by the Panel.
- (3) The Minister must not appoint a person as a member of the Fire District Review Panel if the person is—

- (a) an officer or employee of a fire services agency; or
  - (b) an officer or employee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; or
  - (c) an officer or official of Volunteer Fire Brigades Victoria Incorporated.
- (4) A member of the Fire District Review Panel holds office for the period, not exceeding 5 years, specified in the member's instrument of appointment.
- (5) A member of the Fire District Review Panel is entitled to receive—
  - (a) remuneration; and
  - (b) travelling or other allowances—specified in the member's instrument of appointment.
- (6) A member of the Fire District Review Panel is eligible for reappointment.
- (7) A member of the Fire District Review Panel holds office on the terms and conditions specified in the member's instrument of appointment.
- (8) A member of the Fire District Review Panel who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of the member's appointment.
- (9) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Fire District Review Panel in respect of the office of member.

**4D Resignation of members of the Fire District Review Panel**

- (1) A member of the Fire District Review Panel may resign from membership by signed letter delivered to the Minister.
- (2) A resignation under subsection (1) takes effect—
  - (a) on the day the letter is received by the Minister; or
  - (b) if a later date is specified in the letter, on that later date.

**4E Ceasing to hold office—removal**

A member of the Fire District Review Panel may be removed from office by the Minister at any time and for any reason.

**4F Role of the Fire District Review Panel**

The role of the Fire District Review Panel is to provide independent and informed advice to the Minister on the following matters—

- (a) whether it is necessary or desirable for the Fire Rescue Victoria fire district to be changed;
  - (b) whether a change in fire risk, or something that may result in a change in fire risk, may warrant a review of the Fire Rescue Victoria fire district.
- 4G Review of the Fire Rescue Victoria fire district**

- (1) The Fire District Review Panel must conduct a review of the Fire Rescue Victoria fire district at least once during—
  - (a) the 4-year period beginning on the day on which this section commences; and

- (b) each subsequent 4-year period.
- (2) The Fire District Review Panel must also conduct a review of the Fire Rescue Victoria fire district if—
  - (a) the Minister requests a review after receiving a recommendation of the Secretary under section 4H; or
  - (b) the Minister determines under section 4M(1)(c) that a further review be conducted.

**4H Secretary may recommend a review of the Fire Rescue Victoria fire district**

The Secretary may recommend to the Minister that the Fire District Review Panel conduct a review of the Fire Rescue Victoria fire district if the Secretary—

- (a) has received evidence of a change in fire risk within the Fire Rescue Victoria fire district or the country area of Victoria; and
- (b) considers that the change in fire risk warrants such a review.

**4I Notice of review of the Fire Rescue Victoria fire district**

If the Minister requests the Fire District Review Panel to conduct a review of the Fire Rescue Victoria fire district under section 4G(2)(a)—

- (a) the Minister must cause a copy of the request, and the reasons for the request, to be published in the Government Gazette; and

- (b) the Fire Rescue Commissioner must cause a copy of the request, and the reasons for the request, to be published on the Internet site of Fire Rescue Victoria; and
- (c) the Chief Officer of the Country Fire Authority must cause a copy of the request, and the reasons for the request, to be published on the Internet site of the Country Fire Authority.

**4J Object and procedures relating to review**

- (1) The object of a review of the Fire Rescue Victoria fire district is to conduct a risk-based assessment of the assignment of responsibility necessary for the provision of fire services by fire services agencies, in order to prevent, and protect against, loss of life and damage to property, infrastructure or the environment in Victoria, within—
  - (a) the Fire Rescue Victoria fire district; and
  - (b) the country area of Victoria.
- (2) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must have regard to any change in fire risk in the Fire Rescue Victoria fire district or the country area of Victoria.
- (3) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel may—
  - (a) inquire into and inform itself of any matters relevant to the review as the Panel thinks fit; and



- (b) consult with any person or body as the Panel thinks fit including, but not limited to, by seeking oral or written submissions.
- (4) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must—
  - (a) consult with all relevant fire services agencies and any municipal district directly affected by the review; and
  - (b) if the Fire District Review Panel considers that there is a change in fire risk—
    - (i) determine by instrument that there is a change in fire risk; and
    - (ii) take the steps set out in section 4K before completing the review.
- (5) A review of the Fire Rescue Victoria fire district requested by the Minister under section 4G(2)(a) must be completed within the period (if any) specified in the request.

**4K Procedures if Fire District Review Panel considers that there is a change in fire risk**

- (1) If, in conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel determines under section 4J(4)(b)(i) that there is a change in fire risk—
  - (a) the determination must be published as follows—
    - (i) the Panel must cause the determination to be published in the Government Gazette;

- (ii) the Fire Rescue Commissioner must cause a copy of the determination to be published on the Internet site of Fire Rescue Victoria;
  - (iii) the Chief Officer of the Country Fire Authority must cause a copy of the determination to be published on the Internet site of the Country Fire Authority; and
- (b) the Panel must notify the Chief Officer of the Country Fire Authority of the determination and must—
  - (i) request the Chief Officer to give advice to the Panel on how the Country Fire Authority will support the volunteer brigades to which the determination is relevant to ensure that they have the capacity to respond effectively to the change in fire risk; and
  - (ii) suspend the review, for a period of not more than 12 months beginning on the date on which the determination is published in the Government Gazette, in order to allow the Chief Officer to give that advice to the Panel; and
- (c) if no advice has been received by the end of the period referred to in paragraph (b)(ii), the Panel must notify the Chief Officer that the period of suspension has ended, and request that the Chief Officer provide the advice referred to in paragraph (b)(i) within 30 days of the notice; and

- (d) if advice has been received by the end of the period referred to in paragraph (b)(ii) or (c), the Panel must request that the Chief Officer provide, within 30 days of the request, further advice on the progress of the Country Fire Authority in delivering the support to the volunteer brigades as mentioned in paragraph (b)(i); and
  - (e) at the end of the 30 day period referred to in paragraph (d), the Panel must finalise the review and prepare the report required by section 4L.
- (2) The review must be finalised whether or not any advice has been provided by the Chief Officer of the Country Fire Authority as mentioned in subsection (1), but if such advice has been provided, the Panel must have regard to the advice in preparing the report.
  - (3) If the review was requested by the Minister under section 4G(2)(a), the period of suspension under subsection (1)(b)(ii) must be such as to ensure that the report of the review can be provided within the period (if any) specified in the Minister's request.

#### **4L Report of review**

- (1) After conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must report its findings to the Minister.
- (2) The report may recommend—
  - (a) that no change be made to the Fire Rescue Victoria fire district; or
  - (b) that a change be made to the Fire Rescue Victoria fire district; or

- (c) that the Panel conduct a further review of the Fire Rescue Victoria fire district within the period specified in the report.

**4M Minister's determination on review**

- (1) After receiving a report under section 4L of a review of the Fire Rescue Victoria fire district, the Minister may determine by instrument—
  - (a) that no change be made to the Fire Rescue Victoria fire district; or
  - (b) that a change be made to the Fire Rescue Victoria fire district; or
  - (c) that the Fire District Review Panel conduct a further review of the Fire Rescue Victoria fire district within the period specified in the determination.
- (2) In making a determination under subsection (1), the Minister must have regard to—
  - (a) the report and recommendations of the Fire District Review Panel; and
  - (b) the capacity of each relevant fire services agency to perform its statutory functions and duties; and
  - (c) the implications of making the determination for the budget and resources of each relevant fire services agency; and
  - (d) the implications of making the determination for the budget and resources of the emergency management sector; and

- (e) the other implications of making the determination for the emergency management sector.
- (3) The Minister must cause a determination made under subsection (1), and the report of the Fire District Review Panel in respect of the review, to be published in the Government Gazette.
- (4) The Fire Rescue Commissioner must cause a determination made by the Minister under subsection (1), and the report of the Fire District Review Panel in respect of the review, to be published on the Internet site of Fire Rescue Victoria.
- (5) The Chief Officer of the Country Fire Authority must cause a determination made by the Minister under subsection (1), and the report of the Fire District Review Panel in respect of the review, to be published on the Internet site of the Country Fire Authority.

**4N Effect of Minister's determination**

- (1) A determination made under section 4M(1) takes effect according to its terms on the day on which it is published in the Government Gazette.
- (2) If the determination states that a change is to be made to the Fire Rescue Victoria fire district, the Governor in Council may, by Order published in the Government Gazette, amend Schedule 2 to change the Fire Rescue Victoria fire district as stated in the determination and the Order has effect accordingly."

**62 Duties and powers of councils and public authorities in relation to fire**

In section 5(1) of the Principal Act, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

**63 Municipal fire prevention officers and assistants**

In section 5A(1) of the Principal Act, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

**64 Functions of Board**

- (1) In section 7(1) of the Principal Act, for "metropolitan district" (where twice occurring) **substitute** "Fire Rescue Victoria fire district".
- (2) In section 7(3) of the Principal Act, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

**65 New Schedule 2**

For the Schedule 2 to the Principal Act **substitute**—

**"Schedule 2**

The Fire Rescue Victoria fire district consists of the land delineated and coloured green on the plan lodged in the Central Plan Office and numbered LEGL./17-371."

**66 Definitions**

In section 3(1) of the **Country Fire Authority Act 1958**, in the definition of *fire danger period*, for "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)" **substitute** "an area of Victoria means

the period declared under this Act to be the fire danger period in respect of the area".

**67 Declaration of fire danger period**

In section 4 of the **Country Fire Authority Act 1958**, for "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" **substitute** "one or more areas of Victoria to be the fire danger period in respect of the area or areas, and may declare different periods in respect of different areas".

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

In section 34(1) of the **Country Fire Authority Act 1958**, for "the country area of Victoria at any time during a fire danger period" **substitute** "an area of Victoria at any time during a fire danger period in respect of the area".

**69 General prohibition against lighting open air fires**

In section 37 of the **Country Fire Authority Act 1958**, for "the country area of Victoria (not including any land within a fire protected area) during a fire danger period" **substitute** "an area of Victoria (other than a fire protected area) during a fire danger period in respect of the area".

**70 Prohibited actions near fires**

In section 39 of the **Country Fire Authority Act 1958**, for "the country area of Victoria (not including any land within a fire protected area) during a fire danger period" **substitute** "an area of Victoria (other than a fire protected area) during a fire danger period in respect of the area".

**71 Prohibition of high fire risk activities**

In section 39E(1) and (2)(b) of the **Country Fire Authority Act 1958**, for "the country area of Victoria during a fire danger period" **substitute** "an area of Victoria during a fire danger period in respect of the area".

**72 Required safety features of motor vehicles driven during fire danger period near crops**

- (1) In section 50(2) of the **Country Fire Authority Act 1958**, for "the country area of Victoria" **substitute** "an area of Victoria during a fire danger period in respect of the area".
- (2) In section 50(2)(c) of the **Country Fire Authority Act 1958** **omit** "during a fire danger period".

**73 Regulations**

In section 110(1)(z) of the **Country Fire Authority Act 1958**, for "the country area of Victoria during a fire danger period" **substitute** "an area of Victoria during a fire danger period in respect of the area".



## **Part 5—Amendments relating to volunteer brigades located in the Fire Rescue Victoria fire district**

### **74 Objective**

In section 6B of the **Country Fire Authority Act 1958**—

- (a) in paragraph (b), for "public value."  
**substitute** "public value;";
- (b) after paragraph (b) **insert**—
  - "(c) support the effective and sustainable recruitment, development and retention of volunteer officers and members, including those located in the Fire Rescue Victoria fire district, to deliver capability in the provision of the Authority's services."

### **75 Recognition of Authority as a volunteer-based organisation**

- (1) In section 6F of the **Country Fire Authority Act 1958**, for "first and foremost a volunteer-based organisation, in which volunteer officers and members are supported by employees in a fully integrated manner" **substitute** "a fully volunteer fire fighting service under the command and control of a paid Chief Officer and supported where necessary by other paid staff. The Parliament recognises that this does not preclude the Authority from employing paid staff in the role of Chief Officer, Deputy Chief Officer and Chief Executive Officer or from entering into a secondment agreement (within the meaning of section 25C(10) of the **Fire Rescue Victoria Act 1958**)".

Part 5—Amendments relating to volunteer brigades located in the Fire  
Rescue Victoria fire district

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- (2) In section 17 of the **Country Fire Authority Act 1958**, for "The" substitute "Subject to section 6F, the".
- (3) In section 20AA(2)(a) of the **Country Fire Authority Act 1958**, before "enter" insert "Subject to section 6F,".

**76 Immunity for officers etc.**

In section 18A of the **Country Fire Authority Act 1958**, after "(not being a volunteer officer or member)" insert ", and any officer or employee or class of officers or employees of Fire Rescue Victoria made available to the Authority under section 25B of the **Fire Rescue Victoria Act 1958**,".

**77 New section inserted**

After section 20AA of the **Country Fire Authority Act 1958** insert—

**"20AB Powers relating to volunteer brigades located in the Fire Rescue Victoria fire district**

- (1) This section sets out the powers exercisable under this Act in relation to volunteer brigades located in the Fire Rescue Victoria fire district for the purposes of—
  - (a) the duty of the Authority set out in section 20 in relation to the prevention and suppression of fires and the protection of life and property in case of fire so far as relates to the country area of Victoria; and
  - (b) any other function, power or duty of the Authority set out in this Act or any other Act.

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Rescue Victoria fire district

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- (2) The Authority may exercise powers under the following provisions in relation to volunteer brigades located in the Fire Rescue Victoria fire district—
- (a) section 20AA(2)(a), (b), (e), (f) and (g) (entering certain agreements or arrangements, forming certain bodies);
  - (b) section 21(1) (purchasing stations, etc.);
  - (c) section 23(1)(a), (b), (c), (d), (e), (f), (g), (i), (k) and (l) (registration etc. of brigades, matters relating to training, communications and publication of materials);
  - (d) section 102(1) (collecting contributions etc.);
  - (e) section 109A (appointment of deputies).
- (3) The Authority must obtain the written consent of the Minister before exercising a power under section 20AA(2)(b) to do any of the following in relation to volunteer brigades located in the Fire Rescue Victoria fire district—
- (a) entering into an agreement or arrangement with a person or body for the provision of goods or services by the Authority;
  - (b) forming, participating in the formation of, or becoming a member of a body corporate, association, partnership, trust or other body;
  - (c) entering into a joint venture agreement, shareholders agreement or unit holders agreement.

Part 5—Amendments relating to volunteer brigades located in the Fire  
Rescue Victoria fire district

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- (4) The Chief Officer may exercise powers under the following provisions in relation to volunteer brigades located in the Fire Rescue Victoria fire district—
  - (a) section 27(1) and (2) (powers of order and control over brigades, etc.);
  - (b) section 29(a), (b), (c) and (e) (summoning brigades for practice, inspection of brigades, control of property, inquiries and reports).
- (5) The Authority, the Chief Officer, any officer exercising the powers of the Chief Officer, or an officer or member of a brigade, may exercise powers under section 96 (water usage) in relation to volunteer brigades located in the Fire Rescue Victoria fire district.
- (6) Section 92 (immunity) applies in relation to the exercise of powers, in accordance with this section, in relation to volunteer brigades located in the Fire Rescue Victoria fire district."

**78 New section 20AC inserted**

Before section 20A of the **Country Fire Authority Act 1958** insert—

**"20AC Role of volunteer brigades to be recognised and valued**

- (1) It is the intention of the Parliament that Fire Rescue Victoria recognise and value the contribution of volunteer brigades located in the Fire Rescue Victoria fire district.
- (2) In particular, Fire Rescue Victoria must, subject to operational requirements, request the assistance of all volunteer brigades located in the Fire Rescue Victoria fire

district for the purposes of endeavouring  
to—

- (a) prevent or suppress a fire in the Fire Rescue Victoria fire district (including preventing a fire spreading to the Fire Rescue Victoria fire district from outside the Fire Rescue Victoria fire district); or
- (b) protect life or property in the Fire Rescue Victoria fire district."

### **79 Immunity provision**

After section 92(1)(d) of the **Country Fire Authority Act 1958** insert—

- "(da) an officer or employee or class of officers or employees of Fire Rescue Victoria made available to the Authority under section 25B of the **Fire Rescue Victoria Act 1958**;"

### **80 Delegation**

In section 109B of the **Country Fire Authority Act 1958**, for "or to any officer or employee or class of officers or employees of the Authority" **substitute** ", to any officer or employee or class of officers or employees of the Authority, or to any officer or employee or class of officers or employees of Fire Rescue Victoria made available to the Authority under section 25B of the **Fire Rescue Victoria Act 1958**".

### **81 Regulations**

After section 110(1)(x) of the **Country Fire Authority Act 1958** insert—

- "(y) for and in relation to the performance of functions and the exercise of powers by any person under a provision of this Act in relation to volunteer brigades located in the Fire Rescue Victoria fire district;"

## Part 6—Transitional provisions

### 82 New sections inserted

After section 98 of the Principal Act **insert—**

***Transitional provisions relating to the  
Firefighters' Presumptive Rights  
Compensation and Fire Services Legislation  
Amendment (Reform) Act 2019***

#### 98A Definitions

In this section and sections 99 to 120—

***approval date*** has the meaning given by  
section 105(6);

***commencing day*** means the day on which  
Part 3 of the **Firefighters'  
Presumptive Rights Compensation  
and Fire Services Legislation  
Amendment (Reform) Act 2019**  
commences;

***Country Fire Authority instrument*** means  
an instrument (including a legislative  
instrument other than this Act) or an  
oral agreement subsisting immediately  
before the approval date—

- (a) to which the Country Fire  
Authority was a party; or
- (b) that was given to, or in favour of,  
the Country Fire Authority; or
- (c) that refers to the Country Fire  
Authority; or
- (d) under which—
  - (i) money is, or may become,  
payable to the Country Fire  
Authority; or

- (ii) other property is to be, or may become liable to be, transferred to or by the Country Fire Authority;

***instrument*** includes a document and an oral agreement;

***liabilities*** means all liabilities, duties and obligations, whether actual, contingent or prospective;

***property*** means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

***rights*** means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

***the transitional provisions*** means sections 99 to 120.

## **99 Fire Rescue Victoria**

On the commencing day—

- (a) the Metropolitan Fire and Emergency Services Board is abolished and its members go out of office; and
- (b) Fire Rescue Victoria is the successor in law of the Metropolitan Fire and Emergency Services Board; and
- (c) all rights, assets, liabilities and obligations of the Metropolitan Fire and Emergency Services Board immediately before its abolition become rights, assets, liabilities and obligations of Fire Rescue Victoria; and

- (d) Fire Rescue Victoria is substituted for the Metropolitan Fire and Emergency Services Board as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Metropolitan Fire and Emergency Services Board; and
- (e) Fire Rescue Victoria may continue and complete any other continuing matter or thing commenced by or against or in relation to the Metropolitan Fire and Emergency Services Board.

**100 Fire Rescue Commissioner**

On the commencing day—

- (a) the offices of Chief Officer and Chief Executive Officer are abolished and the holders of those offices go out of office; and
- (b) the Fire Rescue Commissioner is the successor in law of the Chief Officer or the Chief Executive Officer (as the case requires); and
- (c) all rights, assets, liabilities and obligations of the Chief Officer or the Chief Executive Officer become rights, assets, liabilities and obligations of the Fire Rescue Commissioner; and
- (d) the Fire Rescue Commissioner is substituted for the Chief Officer or the Chief Executive Officer as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Chief Officer or the Chief Executive Officer (as the case requires); and



- (e) Fire Rescue Victoria may continue and complete any other continuing matter or thing commenced by or against or in relation to the Chief Officer or the Chief Executive Officer (as the case requires).

**101 Transfer of staff**

- (1) A person (referred to in this section as a *transferred employee*) employed by the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board immediately before the commencing day is to be regarded as—
  - (a) having been employed by Fire Rescue Victoria with effect from the commencing day; and
  - (b) having been so employed on the same terms and conditions as those that applied to the transferred employee, immediately before the commencing day, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires); and
  - (c) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that the transferred employee had accrued, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) immediately before the commencing day.

- (2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately before the commencing day, as an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire Emergency Services Board (as the case requires).
- (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) because of this section.
- (4) Nothing in this section prevents—
  - (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
  - (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment with Fire Rescue Victoria.

## **102 Transfer of Country Fire Authority staff**

- (1) A person (referred to in this section as a *transferred employee*)—
  - (a) who was appointed to perform functions under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the

**Country Fire Authority Act 1958** or otherwise, immediately before the commencing day; and

- (b) to whom the following apply immediately before the commencing day—
- (i) the transferred employee was performing a transferred function specified in column 1 of the table in Schedule 3;
  - (ii) the transferred employee was performing that function at an integrated fire station, or Country Fire Authority premises, at an address or location set out in column 2 of the table in Schedule 3;
  - (iii) the transferred employee belonged to a staff classification specified in column 3 of the table in Schedule 3—
- is to be regarded as—
- (c) having been employed by Fire Rescue Victoria with effect from the commencing day; and
  - (d) having been so employed on the same terms and conditions as those that applied to the transferred employee, immediately before the commencing day, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise; and
  - (e) having accrued an entitlement to benefits in connection with that employment that is equivalent to the

entitlement that the transferred employee had accrued, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day.

- (2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately before the commencing day, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise.
- (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise because of this section.
- (4) Nothing in this section prevents—
  - (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
  - (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment.

**103 Transfer of other Country Fire Authority staff**

- (1) The Minister may direct the Country Fire Authority to transfer a person, or persons included in a class of persons, to the employment of Fire Rescue Victoria on and from the day specified in the direction, if the person or persons—
  - (a) were employed to perform functions or duties under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day; and
  - (b) were not transferred to Fire Rescue Victoria because of the operation of section 102.
- (2) If the Minister gives a direction under subsection (1) in relation to a person, or persons included in a class of persons—
  - (a) the person or persons are taken to have been employed by Fire Rescue Victoria with effect from the day specified in the direction; and
  - (b) section 102 applies as if—
    - (i) the person had been transferred under that section; and
    - (ii) references in that section to the commencing day were references to the day specified in the direction.
- (3) The Minister must not give a direction under subsection (1) on or after 31 December 2020.

#### **104 Superseded references**

- (1) On and after the commencing day, in any Act (other than this Act), or in any instrument made under any Act or in any other document of any kind—
  - (a) a reference to the Metropolitan Fire and Emergency Services Board is taken to be a reference to Fire Rescue Victoria; and
  - (b) a reference to the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board is taken to be a reference to the Fire Rescue Commissioner; and
  - (c) a reference to the metropolitan district or the metropolitan fire district is taken to be a reference to the Fire Rescue Victoria fire district; and
  - (d) a reference to the Metropolitan Fire and Emergency Services Appeals Commission is taken to be a reference to the Fire Rescue Victoria Appeals Commission.
- (2) To avoid doubt, in this section a reference to the Metropolitan Fire and Emergency Services Board, the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board includes deemed references under section 95.

**105 Minister may direct Country Fire  
Authority to give an allocation statement**

- (1) The Minister may give a direction to the Country Fire Authority requiring the Country Fire Authority to give to the Minister a statement (an *allocation statement*) that—
- (a) sets out the property, rights, liabilities and obligations of the Country Fire Authority that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations of the Country Fire Authority that relate to the following—
    - (i) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;
    - (ii) staff assigned to such a station or such stations or premises; and
  - (b) identifies the location of any such property of the Country Fire Authority and identifies the rights, liabilities and obligations; and
  - (c) allocates that property and those rights, liabilities and obligations to Fire Rescue Victoria; and
  - (d) includes such other information about that property and those rights, liabilities and obligations (other than information about their value) as is specified in the direction.

- (2) Without limiting subsection (1), a direction under subsection (1) may specify either or both of the following—
- (a) the property, rights, liabilities and obligations of the Country Fire Authority;
  - (b) one or more classes of property, rights, liabilities and obligations of the Country Fire Authority—  
that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations or classes of property, rights, liabilities and obligations of the Country Fire Authority that relate to either or both of the following—
    - (c) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;
    - (d) staff assigned to such a station or such stations or premises.
- (3) Despite subsections (1) and (2), a direction under subsection (1) must not have the effect that any of the following are to be allocated to Fire Rescue Victoria—
- (a) a property that is a Victorian Emergency Management Training Centre;
  - (b) a property that is a Country Fire Authority District Headquarter.
- (4) If the Minister gives a direction to the Country Fire Authority under subsection (1), the Country Fire Authority must give the allocation statement required by the direction



to the Minister before the end of the period specified in the direction.

- (5) The Minister may approve the allocation statement.
- (6) If the Minister approves the allocation statement—
  - (a) the Minister must sign the statement; and
  - (b) the date on which the Minister signs the allocation statement is the *approval date*.
- (7) The Minister may give more than one direction under subsection (1), but must not give a direction on or after 31 December 2020.

**106 Property, rights, liabilities and obligations allocated in accordance with allocation statement**

On the approval date of an allocation statement—

- (a) all property and rights of the Country Fire Authority, wherever located, that are allocated under the allocation statement, vest in Fire Rescue Victoria in accordance with the allocation statement; and
- (b) all liabilities and obligations of the Country Fire Authority, wherever located, that are allocated under the allocation statement become liabilities and obligations of Fire Rescue Victoria in accordance with the allocation statement.

**107 Allocation subject to encumbrances**

Unless an allocation statement otherwise provides, if property and rights vest in Fire Rescue Victoria or liabilities and obligations become liabilities and obligations of Fire Rescue Victoria under the allocation statement—

- (a) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (b) the rights to which the Country Fire Authority was entitled in respect of those liabilities and obligations immediately before they ceased to be liabilities and obligations of the Country Fire Authority vest in Fire Rescue Victoria.

**108 Substitution of party to agreement**

If, under an allocation statement, the property, rights, liabilities and obligations of the Country Fire Authority under an agreement are allocated to Fire Rescue Victoria—

- (a) Fire Rescue Victoria becomes, on the approval date of the allocation statement, a party to the agreement in place of the Country Fire Authority; and
- (b) on and after the approval date of the allocation statement, the agreement has effect as if Fire Rescue Victoria had always been a party to the agreement.

### **109 Country Fire Authority instruments**

Unless an allocation statement otherwise provides, each instrument relating to property, rights, liabilities or obligations allocated to Fire Rescue Victoria under the allocation statement continues to have effect according to its tenor, on and after the approval date of the allocation statement, as if a reference in the instrument to the Country Fire Authority were a reference to Fire Rescue Victoria.

### **110 Proceedings**

Unless an allocation statement otherwise provides, if immediately before the approval date of the allocation statement, proceedings relating to property, rights or liabilities allocated to Fire Rescue Victoria (including arbitration proceedings) to which the Country Fire Authority was a party were pending or existing in any court or tribunal then, on and after the approval date, Fire Rescue Victoria—

- (a) is substituted for the Country Fire Authority as a party to the proceedings; and
- (b) has the same rights in the proceedings as the Country Fire Authority had.

### **111 Interests in land**

Without affecting the generality of the transitional provisions and despite anything to the contrary in any other Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or law, if, immediately before the approval date for an allocation statement, the Country Fire Authority is, in relation to property, rights,

liabilities or obligations allocated to Fire Rescue Victoria, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after the approval date—

- (a) Fire Rescue Victoria is taken to be the registered proprietor of that interest in land; and
- (b) Fire Rescue Victoria has the same rights and remedies in respect of that interest as the Country Fire Authority had.

### **112 Easements**

If Fire Rescue Victoria acquires any right in the nature of an easement as a result of an allocation under the transitional provisions, that right is taken to be an easement even though there is no land vested in Fire Rescue Victoria which is benefited, or capable of being benefited, by that right.

### **113 Action by Registrar of Titles**

On being requested to do so and on delivery of any relevant instrument, the Registrar of Titles must make any recordings in the Register that are necessary because of the operation of the transitional provisions.

### **114 Taxes**

No stamp duty or other tax is chargeable under any Act in respect of anything done under the transitional provisions or in respect of any act or transaction connected with or necessary to be done because of the transitional provisions, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of

property, rights, liabilities or obligations under an allocation statement.

### **115 Evidence**

- (1) Documentary or other evidence that would have been admissible for or against the interests of the Country Fire Authority in relation to property, rights, liabilities or obligations allocated to Fire Rescue Victoria under an allocation statement is admissible for or against the interests of Fire Rescue Victoria.
- (2) The **Evidence Act 2008** applies with respect to the books of account of the Country Fire Authority and to entries made in those books of account before the approval date for an allocation statement, whether or not they relate to Fire Rescue Victoria property, as if those books of account and entries were business records of Fire Rescue Victoria.

### **116 Validity of things done under the transitional provisions**

Nothing effected by, or done or suffered under, the transitional provisions—

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or
- (b) is to be regarded as placing any person in a breach of or as constituting a default under any Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any

provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or

- (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
- (d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any property, right, liability or obligation; or
- (e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or
- (f) is to be regarded as frustrating any contract; or
- (g) releases any surety or other obligee wholly or in part from any obligation.

**117 Transitional provision relating to insignias**

An insignia prescribed for the purposes of section 34(1)(pa) is taken for all purposes to be an insignia of Fire Rescue Victoria, on and after the commencing day, until a new insignia is prescribed.

**118 Transitional provision relating to  
Metropolitan Fire and Emergency  
Services Appeals Commission**

- (1) On and after the commencing day, the Metropolitan Fire and Emergency Services Appeals Commission, as established by section 79 as in force immediately before the commencing day, continues in existence under the name "Fire Rescue Victoria Appeals Commission".
- (2) A thing done by, or in relation to, the Metropolitan Fire and Emergency Services Appeals Commission before the commencing day (including but not limited to an appeal on foot as at the commencing day) has effect, after the commencing day, as if it had been done by, or in relation to, the Fire Rescue Victoria Appeals Commission.

**119 Transitional regulations**

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**.
- (2) Without limiting subsection (1), the regulations may make provision for or in relation to—
  - (a) persons employed by the Country Fire Authority or the Chief Officer of the Country Fire Authority; and
  - (b) the sale, transfer or disposal of property, rights, liabilities and obligations of the Country Fire

Authority to Fire Rescue Victoria or otherwise.

- (3) Regulations made under this section may—
- (a) have a retrospective effect to a day on or after a day not earlier than the day on which this Act receives the Royal Assent; and
  - (b) be of limited or general application; and
  - (c) differ according to time, place or circumstance; and
  - (d) leave any matter or thing to be decided by a specified person or class of person.
- (4) To the extent to which any provision of the regulations takes effect from a date that is earlier than the date of its making, the provision does not operate so as—
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its making; or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its making.
- (5) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.



- (6) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to any regulations made under this section.
- (7) This section expires on 31 December 2020.

**120 Renaming of Act—Savings provision**

- (1) On and from the commencing day, any reference in any Act (other than this Act), regulation, subordinate instrument, or other document whatsoever to the **Metropolitan Fire Brigades Act 1958** is to be construed as a reference to the **Fire Rescue Victoria Act 1958**, unless the contrary intention appears.
- (2) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under this Act or existing or continuing under this Act immediately before the commencing day continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if this Act had not been amended by section 23 of **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**.
- (3) Nothing in this section limits or otherwise affects the operation of the **Interpretation of Legislation Act 1984**.

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**83 New Schedule 3 inserted**

After Schedule 2 to the Principal Act **insert—**

**"Schedule 3**

<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
1	Prevention and suppression of fires	Ballarat City 1120 Sturt Street, Ballarat Victoria 3350	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
2	Prevention and suppression of fires	Belmont 2–4 Reynolds Road, Belmont Victoria 3216	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
3	Prevention and suppression of fires	Bendigo 145–149 Hargreaves Street, Bendigo Victoria 3550	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
4	Prevention and suppression of fires	Boronia 296–306 Boronia Road, Boronia Victoria 3155	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
5	Prevention and suppression of fires	Caroline Springs 8–10 Caroline Springs Boulevard, Caroline Springs Victoria 3012	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
6	Prevention and suppression of fires	Corio 20–32 Birdwood Avenue, Norlane Victoria 3214	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
7	Prevention and suppression of fires	Craigieburn 2 Belsay Place, Craigieburn Victoria 3064	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
8	Prevention and suppression of fires	Cranbourne 8–10 Arundel Street, Cranbourne Victoria 3977	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
9	Prevention and suppression of fires	Dandenong 186–194 Princes Highway, Dandenong Victoria 3175	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
10	Prevention and suppression of fires	Eltham 61 Brougham Street, Eltham Victoria 3095	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
11	Prevention and suppression of fires	Frankston 3 Cranbourne Road, Frankston Victoria 3199	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
12	Prevention and suppression of fires	Geelong City 69 McKillop Street, Geelong Victoria 3220	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
13	Prevention and suppression of fires	Greenvale 33 Barrymore Road, Greenvale Victoria 3059	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
14	Prevention and suppression of fires	Hallam 12–14 Belgrave- Hallam Road, Hallam Victoria 3803	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
15	Prevention and suppression of fires	Hoppers Crossing 119 Derrimut Road, Werribee Victoria 3030	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
16	Prevention and suppression of fires	Lara 25 Mill Road, Lara Victoria 3212	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
17	Prevention and suppression of fires	Latrobe West 77-79 Lloyd Street, Moe Victoria 3825	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
18	Prevention and suppression of fires	Lucas 89 Ballarat- Carngham Road, Winter Valley Victoria 3358	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
19	Prevention and suppression of fires	Melton 40-44 Henry Street, Melton Victoria 3337	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
20	Prevention and suppression of fires	Mildura 326 San Mateo Avenue, Mildura Victoria 3500	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
21	Prevention and suppression of fires	Mornington 859 Nepean Highway, Mornington Victoria 3931	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
22	Prevention and suppression of fires	Morwell 26 Mcdonald Street, Morwell Victoria 3840	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
23	Prevention and suppression of fires	Ocean Grove 5–11 Shell Road, Ocean Grove Victoria 3226	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
24	Prevention and suppression of fires	Pakenham 780 Princes Highway, Pakenham Victoria 3810	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
25	Prevention and suppression of fires	Patterson River 37 McLeod Road, Carrum Victoria 3197	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
26	Prevention and suppression of fires	Point Cook 83–93 Dunnings Road, Point Cook Victoria 3030	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
27	Prevention and suppression of fires	Portland 130 Percy Street, Portland Victoria 3305	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters



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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
28	Prevention and suppression of fires	Rosebud 99–101 Boneo Road, Rosebud Victoria 3939	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
29	Prevention and suppression of fires	Rowville 1063 Wellington Road, Rowville Victoria 3178	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
30	Prevention and suppression of fires	Shepparton 268 Maude Street, Shepparton Victoria 3630	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
31	Prevention and suppression of fires	South Morang 875 Plenty Road, South Morang Victoria 3752	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
32	Prevention and suppression of fires	South Warrandyte 29 Falconer Road, Park Orchards Victoria 3114	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
33	Prevention and suppression of fires	Springvale 518 Springvale Road, Springvale South Victoria 3172	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
34	Prevention and suppression of fires	Sunbury 144 Gap Road, Sunbury Victoria 3429	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
35	Prevention and suppression of fires	Traralgon 158 Princes Street, Traralgon Victoria 3844	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
36	Prevention and suppression of fires	Wangaratta 26–30 Handley Street, Wangaratta Victoria 3677	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
37	Prevention and suppression of fires	Warrnambool 61–67 Mortlake Road, Warrnambool Victoria 3280	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
38	Prevention and suppression of fires	Wodonga 37–39 Stanley Street, Wodonga Victoria 3690	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
39	Liaison between the fire services and the power generation industry including the responsibility for these risks	Morwell 203 Hazelwood Road, Morwell Victoria 3840	Operations Officer – Critical Infrastructure

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
	and the planning and preparedness for response to these risks		
40	Prevention and suppression of fires	Victorian Emergency Management Training Centre— CRAIGIEBURN 284–290 Hume Highway, Craigieburn Victoria 3064	Recruit Fire Fighters
41	Provision of training to Integrated Brigades	All locations in Victoria	Senior Instructors Instructors Practical Area (Drill) Operators

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## **Part 7—Amendments relating to causing fires and other matters**

### **84 New sections 94A to 94F inserted**

After section 94 of the Principal Act **insert—**

*"Provisions relating to causing fires and other matters*

**94A Causing fire in the Fire Rescue Victoria fire district in extreme conditions of weather etc. an offence**

- (1) A person must not light, spread or maintain a fire in the Fire Rescue Victoria fire district if the circumstances of location, atmospheric temperature, wind velocity and flammable vegetation or other combustible substance are such that lighting the fire causes, or is likely to cause, a fire that is a danger to the life or property of others.

Penalty: Imprisonment for not less than 3 months and not more than 2 years.

- (2) Subsection (1) does not apply if the person lights, spreads or maintains the fire under the direction or control of an officer or employee of Fire Rescue Victoria for the purpose of establishing a firebreak.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the accused proves—
- (a) that one or more of the following applies—
    - (i) the danger was caused by the intervention or subsequent action of one or more persons acting without the knowledge or consent,

or contrary to the wishes or instructions, of the accused;

- (ii) the fire was lit at a time when the circumstances of atmospheric temperature and wind velocity referred to in subsection (1) were not present and could not reasonably have been foreseen;
- (iii) at the time of the alleged offence the accused was 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

(b) that the accused—

- (i) took all precautions required by this or any other Act, and regulations under this or any other Act, with respect to the lighting of the fire; and
- (ii) did everything in the power of the accused that was reasonable in the circumstances to suppress or extinguish the fire.

**94B Causing fire in the Fire Rescue Victoria fire district with intent to cause damage etc.**

- (1) A person must not, without lawful excuse, do an act in the Fire Rescue Victoria fire district that causes a fire, or is for the purpose of causing a fire, intending to destroy any vegetation, produce, stock, crop, fodder or other property belonging to another person.

Penalty: Imprisonment for not less than 12 months and not more than 20 years.

- (2) Subsection (1) does not apply if the person does the act under the direction or control of an officer or employee of Fire Rescue Victoria for the purposes of establishing a firebreak.

**94C Direction not to light fire**

- (1) Fire Rescue Victoria may, for the purpose of protecting life, property or the environment, direct one or more persons not to light a fire at a place, or within a period, specified in the direction.
- (2) A person must not, without reasonable excuse, fail to comply with a direction given to the person under subsection (1).

Penalty: 120 penalty units or imprisonment for 12 months or both.

**94D Power of Fire Rescue Victoria to close roads**

- (1) This section applies—
- (a) if there is a fire or a threat of a fire anywhere within the Fire Rescue Victoria fire district; and
- (b) regardless of whether the fire—
- (i) was lit under and in accordance with this Act or a direction or permit under this Act; or
- (ii) is part of burning-off operations carried out under and in accordance with this Act; or

- (iii) was lit under and in accordance with the **Forests Act 1958** or any direction or authority given under that Act.
- (2) Fire Rescue Victoria may, for the purpose of protecting life, property or the environment, or if, in the opinion of Fire Rescue Victoria, smoke from a fire impairs visibility on any road to such an extent that the safety of any persons using the road is endangered—
  - (a) close any road or part of any road affected, or likely to be affected, as a consequence of a fire or smoke from a fire; and
  - (b) direct traffic on any road in the vicinity of the closed road or closed part of a road.
- (3) The power conferred on Fire Rescue Victoria by subsection (2) is exercisable by—
  - (a) Fire Rescue Victoria; or
  - (b) a person authorised by Fire Rescue Victoria for the purposes of this subsection who is present at the fire.
- (4) The power conferred by this section is in addition to, and not in derogation from, the powers and authorities conferred on Fire Rescue Victoria or any person by or under this Act or any other Act.

**94E Power to direct extinguishment of fire**

- (1) An authorised officer may direct—
  - (a) the occupier or owner of land in the Fire Rescue Victoria fire district; or



(b) a person residing upon or in control of land in the Fire Rescue Victoria fire district; or

(c) a person who has lit or maintained a fire on land in the Fire Rescue Victoria fire district—

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

(2) An owner, occupier or person to whom a direction has been given under subsection (1) must, without delay, take all reasonable steps to comply with the direction, regardless of whether the fire—

(a) was lit under and in accordance with this Act or a direction or permit issued under this Act; or

(b) was part of burning-off operations carried out under and in accordance with this Act; or

(c) was lit under and in accordance with the **Forests Act 1958**, or any direction or authority given under that Act.

Penalty: 120 penalty units or imprisonment for 12 months or both.

(3) In this section—

*authorised officer* means—

(a) a police officer; or

(b) the Fire Rescue Commissioner; or

(c) an officer or employee exercising the powers of Fire Rescue Victoria; or

- (d) an officer or employee of Fire Rescue Victoria appointed for the purposes of this section.

**94F Power to arrest**

A police officer may—

- (a) apprehend with or without warrant any person found lighting, spreading or maintaining any fire contrary to sections 94A to 94E or to the conditions or restrictions contained in any permit granted under or in relation to any of those sections; and
- (b) take the person before a bail justice or the Magistrates' Court to be dealt with according to law."

## **Part 8—Amendments relating to Fire Services Implementation Monitor and Firefighters Registration Board**

### **85 New sections inserted**

Before the heading to the Schedules to the  
Principal Act **insert—**

*"Fire Services Implementation Monitor*

### **121 Definitions**

In this section and sections 121 to 144—

*agency* means any of the following—

- (a) a public service body within the meaning of the **Public Administration Act 2004**;
- (b) a public entity within the meaning of the **Public Administration Act 2004**;
- (c) a special body within the meaning of the **Public Administration Act 2004**, other than the following—
  - (i) a department of the Parliament of Victoria;
  - (ii) the IBAC within the meaning of the Independent Broad-based Anti-corruption Commission Act 2011;
  - (iii) the Electoral Boundaries Commission established under section 3 of the **Electoral Boundaries Commission Act 1982**;

- (iv) the office of the Ombudsman within the meaning of the **Ombudsman Act 1973**;
- (v) the Victorian Auditor-General's Office within the meaning of the **Audit Act 1994**;
- (vi) the Victorian Electoral Commission established under section 6 of the **Electoral Act 2002**;
- (vii) the Victorian Inspectorate established under section 8 of the **Victorian Inspectorate Act 2011**;

*agency Head*, in relation to an agency that is a public service body, a public entity or a special body, means a public service body Head, public entity Head or special body Head, as the case requires, within the meaning of the **Public Administration Act 2004**;

*commencing day* means the day on which this section comes into operation;

*emergency agency* has the same meaning as in section 7AA(2);

*fire services reforms* means the measures provided for by the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019**;

*Fire Services Statement* means the statement of that name issued in May 2017 by the Premier and the Minister for Emergency Services;

***implementation action*** means an action specified in the Implementation Plan to implement or give effect to any aspect of the Plan;

***Implementation Plan*** means the plan prepared under section 130, as in force from time to time;

***Monitor*** means the Fire Services Implementation Monitor appointed under section 123;

***this Part*** means sections 121 to 144.

## **122 Establishment**

There is to be a Fire Services Implementation Monitor.

## **123 Appointment**

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as the Fire Services Implementation Monitor.
- (2) A person is not eligible to be the Monitor unless the Minister is satisfied that the person has—
  - (a) relevant senior executive management experience, particularly in an operational environment; and
  - (b) a strong understanding of complex multi-agency environments; and
  - (c) a significant record of providing evidence-based reports to Government.
- (3) The Monitor may be appointed on a full-time or part-time basis.

**124 Remuneration and allowances**

- (1) The Monitor is entitled to be paid the remuneration and allowances that are determined by the Governor in Council.
- (2) The remuneration of the Monitor cannot be reduced during the Monitor's term of office unless the Monitor consents to the reduction.

**125 Terms and conditions**

The Monitor holds office—

- (a) for the term specified in the Monitor's instrument of appointment, which must not exceed 5 years, and is eligible for reappointment; and
- (b) on the terms and conditions determined by the Governor in Council.

**126 Acting appointment**

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person to act as the Monitor—
  - (a) during a vacancy in the office of Monitor; or
  - (b) during any period when the Monitor is absent from duty or is for any other reason unable to perform the duties of the office.
- (2) The Governor in Council may appoint a person to perform a particular function or duty of the Monitor in relation to a particular matter or on a particular occasion if the Monitor is for any reason unable to perform that function or duty in relation to that matter or on that occasion.

- (3) The Monitor may, in consultation with the Minister, appoint a person to act as the Monitor for a period of not more than one month during any period when the Monitor is absent from duty or is for any other reason unable to perform the duties of the office.

**127 When Monitor ceases to hold office**

The Monitor ceases to hold office if the Monitor—

- (a) resigns by notice in writing delivered to the Governor in Council; or
- (b) becomes an insolvent under administration; or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
- (e) is suspended or removed from office under section 128.

**128 Suspension and removal**

- (1) The Governor in Council may, on the recommendation of the Minister, suspend the Monitor from office on any of the following grounds—
- (a) misconduct;
  - (b) neglect of duty;
  - (c) inability to perform the duties of the office;

- (d) any other ground on which the Governor in Council is satisfied that the Monitor is unfit to hold office.
- (2) The Minister must cause to be laid before each House of the Parliament a full statement of the grounds of suspension within 7 sitting days of that House after the suspension.
- (3) The Monitor must be removed from office by the Governor in Council if each House of the Parliament, within 20 sitting days after the day when the statement is laid before it, declares by resolution that the Monitor ought to be removed from office.
- (4) The Governor in Council must remove the suspension and restore the Monitor to office unless each House of the Parliament makes a declaration of the kind specified in subsection (3) within the time specified in that subsection.
- (5) If the Monitor is suspended from office under subsection (1), the Monitor is taken not to be the Monitor during the period of suspension.

### **129 Independence of the Monitor**

- (1) The Monitor is not subject to the general direction or control of the Minister in respect of the performance of the Monitor's functions or duties or the exercise of the Monitor's powers.
- (2) Subject to this Act and other laws of the State, the Monitor has complete discretion in respect of the performance of the Monitor's functions and duties and the exercise of the Monitor's powers.



**130 Preparation, tabling and publication of  
Implementation Plan**

- (1) The Minister must prepare a plan (the *Implementation Plan*) within 60 days of the commencing day.
- (2) The Implementation Plan must include, but is not limited to, priorities and proposed actions in relation to the following matters—
  - (a) the adoption of procedures by Fire Rescue Victoria and the Country Fire Authority to enable them to have regard to the priorities set out in the Fire Services Statement in carrying out their functions;
  - (b) the financial sustainability of Fire Rescue Victoria and the Country Fire Authority, including in relation to ensuring that volunteer brigades are not adversely affected by the fire services reforms;
  - (c) improvements in the ability of Fire Rescue Victoria, the Country Fire Authority and other emergency agencies to work effectively across organisational boundaries;
  - (d) the provision of operational and management support by Fire Rescue Victoria to the Country Fire Authority, and the effectiveness of this support in enabling the Country Fire Authority to meet the objectives set out in section 2 of the **Country Fire Authority Act 1958**;
  - (e) improvements in staff training in relation to Fire Rescue Victoria and the Country Fire Authority.

- (3) The Implementation Plan must also—
- (a) include the development of a funding plan to determine the financial requirements of the Country Fire Authority and Fire Rescue Victoria, and identify and address the impact of—
    - (i) transfers of functions, resources and assets between the Country Fire Authority and Fire Rescue Victoria; and
    - (ii) the change to the Fire Rescue Victoria fire district upon the fire services property levy revenue base after the commencing day; and
    - (iii) any changes to the differential rates of the fire services property levy after the commencing day; and
  - (b) include the development of a long-term funding plan for the Country Fire Authority and Fire Rescue Victoria, which identifies and addresses the issues mentioned in subsection (3)(a)(i), (ii) and (iii) in respect of the period after the third anniversary of the commencing day.
- (4) The Minister may amend the Implementation Plan.
- (5) The Minister may consult Fire Rescue Victoria and the Country Fire Authority in preparing or amending the Implementation Plan.
- (6) The Minister must cause the Implementation Plan, and any amended Implementation Plan, to be laid before each House of the

Parliament within 7 sitting days of that House after the Plan is prepared or amended, as the case requires.

- (7) The Minister must, as soon as reasonably practicable after the Implementation Plan or an amended Implementation Plan is laid before each House of the Parliament—
  - (a) cause the Plan to be published in the Government Gazette; and
  - (b) notify the Monitor, the Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority that the Plan has been laid before each House of the Parliament and published in the Government Gazette.
- (8) After having been notified as mentioned in subsection (7)(b)—
  - (a) the Fire Rescue Commissioner must cause a copy of the Plan to be published on the Internet site of Fire Rescue Victoria; and
  - (b) the Chief Officer of the Country Fire Authority must cause a copy of the Plan to be published on the Internet site of the Country Fire Authority.

### **131 Functions of the Monitor**

- (1) The Monitor has the following functions—
  - (a) to monitor and review the progress of Fire Rescue Victoria and the Country Fire Authority in carrying out the Implementation Plan, including by assessing—

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- (i) the progress of Fire Rescue Victoria and the Country Fire Authority in completing an implementation action; and
  - (ii) the effectiveness of the methods used by, or actions taken by, Fire Rescue Victoria and the Country Fire Authority in carrying out an implementation action; and
  - (iii) the impact of the fire services reforms upon the financial sustainability of Fire Rescue Victoria and the Country Fire Authority; and
  - (iv) the efficacy of particular implementation actions taken by agencies;
- (b) to monitor and assess ongoing efforts to improve the interaction between Fire Rescue Victoria and the Country Fire Authority and other agencies;
  - (c) to consult and engage with agencies in the performance of the Monitor's functions;
  - (d) to prepare a quarterly report under section 141 in respect of updates provided to the Monitor by Fire Rescue Victoria and the Country Fire Authority under section 140;
  - (e) to prepare annual reports on the findings of the Monitor in relation to the performance of the Monitor's functions.
- (2) The Monitor has any other function conferred on the Monitor by or under this or any other Act.

**132 Powers of the Monitor**

The Monitor has all the powers necessary to perform the Monitor's functions.

**133 Performance of functions of the Monitor**

The Monitor must, in performing the Monitor's functions—

- (a) have regard to the Implementation Plan; and
- (b) if the Monitor considers it necessary, engage in activities with, require demonstrations of systems by, or obtain documents from, an agency, to produce an accurate assessment of how an implementation action is being carried out or has been carried out; and
- (c) establish appropriate consultation arrangements with agency Heads and officers or employees of agencies, and with advisory bodies to Government, in order to—
  - (i) facilitate the effective monitoring and review of progress in the carrying out of an implementation action; and
  - (ii) obtain the information necessary to perform the monitoring and assessment function of the Monitor; and
- (d) provide written or oral advice to the Minister, and to any advisory bodies to Government that the Minister considers appropriate, about one or more of the following—

- (i) compliance or non-compliance by an agency in relation to the completion of an implementation action;
  - (ii) corrective action by an agency that the Monitor considers necessary to address a concern that the Monitor has in relation to an implementation action;
  - (iii) methods developed by an agency that the Monitor considers best practice in relation to an implementation action; and
- (e) provide written or oral advice to the Minister, at the earliest reasonable opportunity, about any concern that the Monitor has about the carrying out of an implementation action; and
- (f) make recommendations to the Minister, and to any advisory body to Government that the Minister considers appropriate, in relation to the carrying out of an implementation action by an agency, and provide a copy of the recommendations to the agency Head concerned.

**134 Power to require information to be given**

- (1) For the purposes of performing a function or duty under this Act, the Monitor may, by written notice, require an agency to give to the Monitor the information specified in the notice that the Monitor reasonably believes is necessary to perform the function or duty.
- (2) The agency must give the information to the Monitor within 7 days after receiving a notice under subsection (1) unless—

- (a) the Monitor has agreed to allow an extension of time for the giving of the information; or
  - (b) the Monitor has agreed that the agency is not able to give the information.
- (3) If the Monitor reasonably believes that it is urgent that the information be given within a period of less than 7 days—
- (a) the Monitor may specify a shorter period for the giving of the information; and
  - (b) the information must be given within the shorter period.

### **135 Power of entry and inspection**

- (1) Subject to subsection (3), the Monitor or one or more persons authorised by the Monitor may, if the Monitor considers it necessary for the purposes of performing the functions or duties of the Monitor—
- (a) enter any place of an agency during ordinary business hours and inspect that place and any document, thing or activity in that place that the Monitor reasonably considers to be relevant; and
  - (b) make a copy of any relevant document, or any document that the Monitor reasonably considers to be relevant.
- (2) The Monitor may, if the Monitor considers it necessary for the purposes of performing the functions or duties of the Monitor, require any agency—
- (a) to allow the Monitor, or one or more persons authorised by the Monitor, to observe the operation of a system, procedure or thing; and

- (b) to demonstrate the operation of a system, procedure or other thing to the Monitor, or any persons authorised by the Monitor.
- (3) The Monitor must give an agency reasonable notice of an intention—
  - (a) to enter any place of an agency for the purposes specified in subsection (1); and
  - (b) to require an agency to perform an action specified under subsection (2).

### **136 Duty to cooperate**

An agency must comply with any reasonable request made by the Monitor, or any person assisting the Monitor, that has been made for the purposes of performing the functions or exercising the powers of the Monitor.

### **137 Constraints on access to information not to apply**

- (1) An obligation to maintain secrecy or any other restriction on the disclosure of information by an agency, imposed by or under an Act or rule of law, does not apply—
  - (a) to the disclosure of information required by the Monitor under section 134; or
  - (b) to information obtained by the Monitor under section 135.
- (2) The Monitor or any other person must not divulge or communicate, except to another person performing duties under this Act, any information which has come to the knowledge of the Monitor by reason, directly or indirectly, of subsection (1), if the person who had possession of that information



could not, but for that subsection, lawfully have divulged that information to the Monitor or the other person.

- (3) Despite subsection (2) or any other law, the Monitor may include in a report under section 142 any information obtained in the course of the Monitor's performance of functions under this or any other Act (other than information that would disclose a deliberation or decision of Cabinet that has not been officially published) if the Monitor considers that—
- (a) the information is relevant to the subject matter of the report; and
  - (b) following consultation with the Minister (if any) responsible for the agency that provided the information—the inclusion of the information in the report is in the public interest.

### **138 Use and disclosure of information**

The Monitor must not use or disclose confidential information obtained or received in the course of, or as a result of, the performance of the functions of the Monitor except as permitted by this Act.

### **139 Secretary may provide assistance**

The Monitor may request the Secretary to provide any assistance that is reasonably necessary for the Monitor to perform the Monitor's functions under this Act, including the provision of staff and facilities.

**140 Fire Rescue Victoria and the Country Fire Authority to prepare outcomes frameworks and quarterly updates**

- (1) Fire Rescue Victoria and the Country Fire Authority must each, by 1 August 2020, prepare an outcomes framework that sets out—
  - (a) outcomes-based fire services performance measures for Fire Rescue Victoria or the Country Fire Authority, as the case requires; and
  - (b) such other matters as are prescribed by the regulations.
- (2) After preparing an outcomes framework under subsection (1)—
  - (a) the Fire Rescue Commissioner must cause a copy of the outcomes framework for Fire Rescue Victoria to be published on the Internet site of Fire Rescue Victoria; and
  - (b) the Chief Officer of the Country Fire Authority must cause a copy of the outcomes framework for the Country Fire Authority to be published on the Internet site of the Country Fire Authority.
- (3) An outcomes framework under subsection (1) may be reviewed and amended from time to time, and each amended outcomes framework must be published as mentioned in subsection (2).
- (4) The Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority must prepare, and provide to the Monitor, a quarterly update that sets out the performance of Fire Rescue Victoria or the

Country Fire Authority, as the case requires, against the performance measures set out in the relevant outcomes framework.

- (5) The first update under subsection (4) must be provided to the Monitor on 1 November 2020, and subsequent updates must be provided to the Monitor on 1 February, 1 May, 1 August and 1 November each year.
- (6) An update under subsection (4) must be accompanied by any supporting data relied upon in its preparation.

**141 Quarterly report to be prepared by the Monitor about updates**

- (1) The Monitor must, after receiving the quarterly updates from Fire Rescue Victoria and the Country Fire Authority under section 140(4), prepare and publish a quarterly report that sets out—
  - (a) the quarterly updates; and
  - (b) any supporting data relied upon in the preparation of the quarterly updates; and
  - (c) any other information that the Monitor considers relevant, including any comments on the accuracy of the quarterly updates or the supporting data.
- (2) The Monitor must cause a copy of a quarterly report prepared under subsection (1) to be published on the Internet site of the Monitor within 30 days after receiving the quarterly updates referred to in subsection (1).

## **142 Reports prepared by the Monitor**

- (1) The Monitor must prepare a report on the operations of the Monitor in respect of each financial year as soon as practicable after the end of that financial year.
- (2) The Monitor may prepare a report on the operations of the Monitor at any other time.
- (3) The Monitor must ensure that a report under subsection (1) or (2) does not include information that is likely to identify a person unless the information is publicly available or the person has consented to the inclusion of the information in the report.
- (4) The Monitor must cause a report under subsection (1) or (2) to be laid before each House of the Parliament as soon as reasonably practicable after the report is prepared.
- (5) The Monitor must give a copy of each report prepared under subsection (1) or (2) to the Minister at least 28 days before the report is laid before a House of the Parliament under subsection (4).
- (6) The publication under this section of a report is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975**, and of any other Act or rule of law relating to the publication of the proceedings of the Parliament, apply to and in relation to the publication of that report as if—
  - (a) it were a report to which those sections applied; and
  - (b) it had been published by the Government Printer under the authority of the Parliament.

### **143 Review of this Part**

The Minister must cause a review of the operation of this Part to be undertaken as soon as practicable after the fifth anniversary of the commencing day.

### **144 Regulations**

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Part to be prescribed or necessary to be prescribed to give effect to this Part.
- (2) The regulations may relate to the matters to be included by Fire Rescue Victoria and the Country Fire Authority in an outcomes framework under section 140(1).
- (3) The regulations may—
  - (a) be of general or limited application; and
  - (b) differ according to differences in time, place or circumstances; and
  - (c) confer a discretionary authority or impose a duty on a specified person or a specified class of person.

### **145 Repeal of sections 121 to 144**

Sections 121 to 144 are **repealed** on the tenth anniversary of the commencing day.

### **146 Transitional provision**

- (1) As soon as practicable after the sunset day, the Monitor must prepare a report in accordance with section 142, as in force immediately before that day, with the following modifications.

- (2) The report is to cover the period beginning on 1 July in the year the sunset day occurs and ending on the sunset day.
- (3) The report must be provided to the Minister before the report is laid before a House of the Parliament.
- (4) In this section—  
*sunset day* means the day that is the tenth anniversary of the commencing day.

***Firefighters Registration Board***

**147 Definitions**

In this section and sections 148 to 159—

***current firefighter*** means an officer or employee of Fire Rescue Victoria who is employed in a role of which fire fighting duties form a substantial part;

***Firefighters Register*** means the register of persons who have been assessed as satisfying the requirements for inclusion on the Firefighters Register;

***Firefighters Registration Board*** means the Board established under section 149;

***Firefighters Registration Scheme*** means the scheme referred to in section 148;

***qualification*** means the recognition, by the award or issue of a certificate or otherwise, that a person has achieved specified learning outcomes or competencies through the completion of a course;

***qualification assessment*** means an assessment of whether a person satisfies the competency and

qualification requirements for inclusion on the Firefighters Register and may include requirements in relation to certificates or other evidence in relation to those matters from professional organisations, higher education bodies or post-secondary technical or vocational educational institutions;

*this Part* means sections 147 to 159.

#### **148 Firefighters Registration Scheme**

- (1) This Part sets out the framework for the Firefighters Registration Scheme.
- (2) The objectives of the Firefighters Registration Scheme are—
  - (a) to provide for the registration of—
    - (i) officers and employees of Fire Rescue Victoria proposed to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10); and
    - (ii) other persons who wish to be employed by Fire Rescue Victoria in order to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10); and
  - (b) to provide for matters relating to the competencies necessary for the registration of such officers and employees; and
  - (c) to provide a mechanism for determining through qualification assessments whether persons satisfy the

competency requirements for inclusion  
on the Firefighters Register.

- (3) The Firefighters Registration Scheme is to be administered by the Firefighters Registration Board.

**149 Establishment of Firefighters Registration Board**

- (1) There is to be a Firefighters Registration Board.
- (2) The Firefighters Registration Board consists of 4 members appointed under section 150.
- (3) The Firefighters Registration Board—
- (a) is a body corporate with perpetual succession; and
  - (b) must have an official seal; and
  - (c) may sue and be sued in its corporate name; and
  - (d) may acquire, hold and dispose of real and personal property for the purpose of performing its functions; and
  - (e) may do and suffer all acts and things that bodies corporate may by law do and suffer and that are necessary or incidental for the performance of its functions.
- (4) The Minister must appoint one of the members of the Firefighters Registration Board to be the Chairperson of the Board.



**150 Appointment of members of the  
Firefighters Registration Board**

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as a member of the Firefighters Registration Board.
- (2) The members of the Board must include—
  - (a) a nominee of the Minister; and
  - (b) a nominee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; and
  - (c) a former senior firefighter, who is to be nominated by current firefighters in accordance with an election process prescribed by the regulations; and
  - (d) an academic with relevant expertise, who is to be nominated by current firefighters in accordance with an election process prescribed by the regulations.
- (3) A member of the Firefighters Registration Board holds office for the period, not exceeding 5 years, specified in the member's instrument of appointment.
- (4) A member of the Firefighters Registration Board is entitled to receive—
  - (a) remuneration; and
  - (b) travelling or other allowances—fixed by the Governor in Council.
- (5) A member of the Firefighters Registration Board is eligible for reappointment.

- (6) A member of the Firefighters Registration Board holds office on the terms and conditions specified in the member's instrument of appointment.
- (7) A member of the Firefighters Registration Board who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of the member's appointment.

**151 When member ceases to hold office**

A member of the Firefighters Registration Board ceases to hold office if the member—

- (a) resigns by notice in writing delivered to the Governor in Council; or
- (b) becomes an insolvent under administration; or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
- (e) is removed from office under section 152.

**152 Removal from office**

A member of the Firefighters Registration Board may be removed from office by the Governor in Council on any of the following grounds—

- (a) misconduct;
- (b) neglect of duty;

- (c) inability to perform the duties of office;
- (d) any other ground on which the Governor in Council is satisfied that the person is unfit for office.

### **153 Independence of the Firefighters Registration Board**

The Firefighters Registration Board is not subject to the general direction or control of the Minister in respect of the performance of the Board's functions or duties or the exercise of the Board's powers.

### **154 Functions of the Firefighters Registration Board**

- (1) The Firefighters Registration Board has the following functions—
  - (a) to administer the Firefighters Registration Scheme;
  - (b) to perform the registration functions prescribed by the regulations in relation to—
    - (i) maintaining the Firefighters Register; and
    - (ii) including on the Firefighters Register persons who satisfy the competency requirements for inclusion on the Register;
  - (c) to perform functions in respect of setting professional capability and standards, including but not limited to—
    - (i) the recognition of qualifications and accredited courses of training, including through certificates or other evidence in relation to those

- matters from professional organisations, higher education bodies or post-secondary technical or vocational educational institutions; and
- (ii) the establishment and approval of competencies that will satisfy the requirements for inclusion on the Firefighters Register; and
  - (iii) the development, establishment and maintenance of guidelines about appropriate standards;
- (d) the provision of advice to Fire Rescue Victoria and the Chief Officer of the Country Fire Authority about matters relating to the functions set out in paragraphs (a) and (b);
  - (e) the provision of advice to the Minister on matters relating to the functions of the Firefighters Registration Board;
  - (f) such other functions as are prescribed by this Act or any other Act or regulations under this Act or any other Act.
- (2) In performing its functions, the Firefighters Registration Board is to have regard to any relevant standards relating to qualifications and competencies that are applicable to fire-fighting and emergency services.

### **155 Validity of acts**

An act or decision of the Firefighters Registration Board is not invalid only—

- (a) because of a vacancy in the membership of the Board; or

- (b) because of a defect or irregularity in, or in connection with, the appointment of a member of the Board.

**156 Powers of Firefighters Registration Board**

The Firefighters Registration Board has all the powers necessary to perform the Board's functions.

**157 Use and disclosure of information**

A person must not use or disclose information obtained or received in relation to, or in connection with, the carrying out of a qualification assessment except as authorised by this Act, regulations under this Act or otherwise by law.

Penalty: 60 penalty units.

**158 Reports prepared by the Firefighters Registration Board**

- (1) The Firefighters Registration Board must prepare a report on the work and activities of the Firefighters Registration Board in respect of each financial year as soon as practicable after the end of the financial year.
- (2) The Firefighters Registration Board must give a report under subsection (1) to the Minister not later than 3 months after the end of the relevant financial year.
- (3) The Minister must cause a report under subsection (1) to be laid before each House of the Parliament on or before 31 October each year or, if the House is not sitting on that day, on the first sitting day of that House after 31 October.

- (4) If a report under subsection (1) has not been given to the Minister within the period referred to in subsection (2), the Minister must—
- (a) cause that fact, and the reasons for it, to be reported to each House of the Parliament; and
  - (b) cause the report under subsection (1) to be laid before each House of the Parliament as soon as practicable after the Minister receives it.
- (5) The Firefighters Registration Board may also prepare a report on the work and activities of the Firefighters Registration Board at any time, and must give the report to the Minister as soon as practicable.
- (6) The Minister must cause a report under subsection (5) to be laid before each House of the Parliament as soon as practicable.

### **159 Regulations**

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Part to be prescribed or necessary to be prescribed to give effect to this Part.
- (2) The regulations may relate to the following—
- (a) the appointment of Board members including, but not limited to, the process for appointing a member referred to in section 150(2)(c) or (d);
  - (b) the disclosure of Board members' interests;
  - (c) acting appointments of Board members;

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- (d) the conduct of Board meetings;
- (e) the immunity and liability of Board members;
- (f) the appointment, promotion, probation, transfer, suspension and removal of employees of the Board;
- (g) the duties and conduct of employees of the Board;
- (h) the powers of the Board to enter into agreement or arrangements;
- (i) delegations;
- (j) the preparation of the annual report by the Board;
- (k) the carrying out of the registration function of the Board and matters relating to the Register, including but not limited to the following—
  - (i) applications for registration;
  - (ii) renewal of registration;
  - (iii) endorsement of registration;
  - (iv) time limits;
  - (v) conditions on registration and variation of such conditions;
  - (vi) revocation of registration;
- (l) the conduct and coordination of qualifications assessments of officers and employees of Fire Rescue Victoria who are to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10);

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- (m) the establishment of competencies and setting of standards;
  - (n) the criteria against which qualifications are to be assessed and decisions that may be made as a result of qualifications assessments;
  - (o) the accreditation of training or qualifications;
  - (p) the imposition of fees and charges;
  - (q) methods of communication for the Board, notifications to be made by the Board and the form of advice or decisions of the Board;
  - (r) review of decisions by VCAT;
  - (s) any other matter or thing required or permitted to be prescribed or necessary to be prescribed to give effect to this Part.
- (3) The regulations may—
- (a) be of general or limited application; and
  - (b) differ according to differences in time, place or circumstances; and
  - (c) confer a discretionary authority or impose a duty on a specified person or a specified class of person.
- (4) The regulations may—
- (a) apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed or published at the time the regulation is



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made or at any time before the  
regulation is made; and

- (b) apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed (whether under this or any other Act) or published from time to time; and
  - (c) impose a penalty not exceeding 100 penalty units for a contravention of the regulations.
- (5) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to the first regulations made under this section."

## **Part 9—Consequential amendments of the Metropolitan Fire Brigades Act 1958**

### **86 Delegation of powers by Chief Officer**

- (1) In the heading to section 31A of the Principal Act, for "**Chief Officer**" substitute "**Fire Rescue Commissioner**".
- (2) In section 31A of the Principal Act, for "Chief Officer" (where twice occurring) substitute "Fire Rescue Commissioner".
- (3) In section 31A of the Principal Act omit "approved by the Board".

### **87 Powers of Chief Officer**

In section 32 of the Principal Act—

- (a) for "the Chief Officer" (where twice occurring) substitute "Fire Rescue Victoria";
- (b) for "metropolitan district" substitute "Fire Rescue Victoria fire district".

### **88 Duty to warn the community**

In section 32AA of the Principal Act—

- (a) for "The Chief Officer" (where twice occurring) substitute "Fire Rescue Victoria";
- (b) for "the Chief Officer" substitute "Fire Rescue Victoria";
- (c) for "metropolitan district" substitute "Fire Rescue Victoria fire district".

### **89 Action on alarm of fire**

- (1) In section 32B of the Principal Act—
  - (a) for "the Chief Officer" (wherever occurring) substitute "Fire Rescue Victoria";

(b) for "metropolitan district" (where twice occurring) **substitute** "Fire Rescue Victoria fire district".

(2) In section 32B(6) of the Principal Act, for "Chief Officer" **substitute** "Fire Rescue Victoria".

#### **90 Destruction of building by Chief Officer**

(1) In the heading to section 32C of the Principal Act, for "**Chief Officer**" **substitute** "**Fire Rescue Victoria**".

(2) In section 32C(1) and (1A) of the Principal Act, for "the Chief Officer" (wherever occurring) **substitute** "Fire Rescue Victoria".

(3) In section 32C(2) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

(4) In section 32C(3) and (4) of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".

#### **91 False alarm of fire**

(1) In section 32D(1) of the Principal Act, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

(2) In section 32D(2) and (4) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

(3) In section 32D of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".

#### **92 False report of fire**

(1) In section 33(1) of the Principal Act, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

(2) In section 33(2) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

### **93 Power to make regulations**

- (1) In section 34(1)(i) of the Principal Act, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".
- (2) In section 34(1)(b), (ba), (c), (n) and (o) of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
- (3) In section 34(1)(o)(iii) of the Principal Act, for "the Board or by members or employees of the Board" **substitute** "Fire Rescue Victoria or employees of Fire Rescue Victoria".
- (4) In section 34(1)(ob) and (pa) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (5) In section 34(1)(x) of the Principal Act, for "Metropolitan Fire and Emergency Services" **substitute** "Fire Rescue Victoria".

### **94 Annual estimate of expenditure and revenue**

- (1) In section 36(1) of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
- (2) In section 36(1A) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

### **95 Contributions towards annual expenditure**

In section 37(2) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

### **96 Borrowing by Board**

- (1) In section 46(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 46 of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".

**97 Power of Minister in case of default of Board**

In section 47 of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".

**98 Guarantee of debentures etc. of Board**

In section 47A of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".

**99 Board may establish funds**

In section 51 of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

**100 Investment by Board**

- (1) In section 51A of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 51A of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

**101 Units to be registered**

In section 52(c) of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".

**102 Damage to be covered by fire insurance**

In section 54(1)(a) of the Principal Act, for "Chief Officer" **substitute** "Fire Rescue Commissioner".

**103 Immunity from certain liabilities**

In section 54A of the Principal Act, for "Chief Officer" **substitute** "Fire Rescue Commissioner".

**104 Board is a protection agency**

In section 55 of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

**105 Board may provide rescue and extrication services**

In section 55A of the Principal Act, for  
"The Board" **substitute** "Fire Rescue Victoria".

**106 Board may provide road accident rescue service**

In section 55B of the Principal Act, for  
"The Board" (where twice occurring) **substitute**  
"Fire Rescue Victoria".

**107 Board may provide protection services**

In section 55C of the Principal Act, for  
"The Board" (where twice occurring) **substitute**  
"Fire Rescue Victoria".

**108 Board may provide emergency prevention and  
response service**

In section 55D of the Principal Act—

- (a) for "the Board" (where twice occurring)  
**substitute** "Fire Rescue Victoria";
- (b) for "metropolitan district" **substitute**  
"Fire Rescue Victoria fire district".

**109 Activities outside metropolitan district**

- (1) In the heading to section 55E of the Principal Act, for "**metropolitan district**" **substitute** "**Fire Rescue Victoria fire district**".
- (2) In section 55E of the Principal Act—
  - (a) for "the Board" (wherever occurring)  
**substitute** "Fire Rescue Victoria";
  - (b) for "metropolitan district" (wherever occurring) **substitute** "Fire Rescue Victoria fire district".
- (3) In section 55E(4) of the Principal Act, for  
"Chief Officer" (where twice occurring)  
**substitute** "Fire Rescue Commissioner and  
Fire Rescue Victoria".

**110 Extension and application of Act**

- (1) In section 56 of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (2) In section 56 of the Principal Act, for "Chief Officer" **substitute** "Fire Rescue Commissioner".

**111 Rights to water**

- (1) In section 59 of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 59 of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

**112 Collection of contributions for units**

In section 60 of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".

**113 Regulation of height of buildings**

In section 64(1) of the Principal Act, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

**114 Recovery of charges for services**

- (1) In section 66A of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
- (2) In section 66A(2) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

**115 Place where fire occurs**

- (1) In section 71(1) of the Principal Act, for "The Board or the Chief Officer" **substitute** "Fire Rescue Victoria".
- (2) In section 71(2) of the Principal Act—
  - (a) for "The Board or Chief Officer" **substitute** "Fire Rescue Victoria";

- (b) for "the Board's or the Officer's" **substitute** "Fire Rescue Victoria's".
- (3) In section 71(3) of the Principal Act, for "the Board or Chief Officer" (wherever occurring) **substitute** "Fire Rescue Victoria".
- (4) In section 71(5) of the Principal Act, for "the Board or the Chief Officer" (where twice occurring) **substitute** "Fire Rescue Victoria".
- (5) In section 71 of the Principal Act, for "metropolitan district" (where twice occurring) **substitute** "Fire Rescue Victoria fire district".

**116 Board or unit may carry out fire prevention work**

- (1) In the heading to section 72 of the Principal Act, for "**Board**" **substitute** "**Fire Rescue Victoria**".
- (2) In section 72(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (3) In section 72(2) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (4) In section 72(3) of the Principal Act, for "the Chief Officer" **substitute** "Fire Rescue Victoria".

**117 Interstate fire brigades and international fire brigades**

- (1) In section 72A(1) of the Principal Act—
- (a) for "metropolitan district" (wherever occurring) **substitute** "Fire Rescue Victoria fire district";
- (b) for paragraph (b) and the words after paragraph (b) from and including "the Chief Officer" to and including "fire." **substitute**—
- "(b) obey any orders given by—  
Fire Rescue Victoria."



- (2) In section 72A(2) of the Principal Act—
- (a) for "the Chief Officer or the senior member of the operational staff in charge of the fire fighting operations is not present at the fire, then, until the arrival of the Chief Officer or senior member of the operational staff" **substitute** "Fire Rescue Victoria is not present at the fire, then until the arrival of Fire Rescue Victoria";
  - (b) for "the Chief Officer" (where third occurring) **substitute** "Fire Rescue Victoria".
- (3) In section 72A(3) of the Principal Act, for "metropolitan district" (wherever occurring) **substitute** "Fire Rescue Victoria fire district".
- (4) In section 72A(4) of the Principal Act—
- (a) for "the Chief Officer or the senior member of the operational staff who is in charge of the fire fighting operations and is present at the fire" **substitute** "Fire Rescue Victoria";
  - (b) for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

**118 Documents signed by President or Deputy President to be evidence**

- (1) In the heading to section 75 of the Principal Act, for "**President or Deputy President**" **substitute** "**Fire Rescue Commissioner**".
- (2) In section 75 of the Principal Act, for "the Board" (where first and thirdly occurring) **substitute** "Fire Rescue Victoria".
- (3) In section 75 of the Principal Act, for "the President or the Deputy President of the Board" **substitute** "the Fire Rescue Commissioner".

**119 Offences relating to impersonation**

In section 75A of the Principal Act, for  
"the Board" (wherever occurring) **substitute**  
"Fire Rescue Victoria".

**120 Damage or interference with fire indicator panel or other apparatus**

- (1) In section 75B(4) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".
- (2) In section 75B(5) of the Principal Act, in the  
definition of *fire indicator panel*, for "the Board"  
**substitute** "Fire Rescue Victoria".

**121 Obstruction of officers and damage to apparatus**

- (1) In section 75C(1)(a) of the Principal Act, for  
"Chief Officer" **substitute** "Fire Rescue  
Commissioner".
- (2) In section 75C(1)(b) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

**122 Recovery and application of penalties**

- (1) In section 77(1)(b) of the Principal Act, for  
"the Chief Officer, by any person authorised by  
the Board" **substitute** "Fire Rescue Victoria, by  
any person authorised by Fire Rescue Victoria".
- (2) In section 77(2) and (4) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".
- (3) In section 77(3)(b) of the Principal Act, for  
"the Chief Officer, to the Board" **substitute**  
"Fire Rescue Victoria, to Fire Rescue Victoria".

**123 Alarm monitoring service to provide prescribed information**

- (1) In section 78(1) of the Principal Act, for  
"The Board" **substitute** "Fire Rescue Victoria".

- (2) In section 78 of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".

**124 Laying of charges**

In section 78B(2) of the Principal Act, for "The Chief Executive Officer" **substitute** "Fire Rescue Victoria".

**125 Hearing of charges**

In section 78C of the Principal Act, for "Chief Executive Officer" (wherever occurring) **substitute** "Fire Rescue Commissioner".

**126 Decision of Chief Executive Officer**

In section 78D(1) of the Principal Act, for "Chief Executive Officer" (where twice occurring) **substitute** "Fire Rescue Commissioner".

**127 Metropolitan Fire and Emergency Services Appeals Commission**

In section 79 of the Principal Act, for "Metropolitan Fire and Emergency Services" **substitute** "Fire Rescue Victoria".

**128 Rights of appeal**

- (1) In section 79H(a) of the Principal Act, for "Chief Executive Officer" **substitute** "Fire Rescue Commissioner".
- (2) In section 79H(c) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

**129 Assistants in proceedings**

In section 79K of the Principal Act, for "the Board or the Chief Executive Officer" (where twice occurring) **substitute** "Fire Rescue Victoria".

**130 Appeals against transfer**

- (1) In section 79O(1) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (2) In section 79O(3) of the Principal Act, for "the Metropolitan Fire and Emergency Service" **substitute** "Fire Rescue Victoria".

**131 Promotion appeals**

- (1) In section 79P of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".
- (2) In section 79P(2) of the Principal Act, for "the Metropolitan Fire and Emergency Service" **substitute** "Fire Rescue Victoria".

**132 Board and Chief Executive Officer**

In section 79R of the Principal Act, for "The Board and the Chief Executive Officer" **substitute** "Fire Rescue Victoria".

**133 Definition**

In section 80(1) of the Principal Act, in the definition of *service*, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".

**134 Entitlement to long service leave**

In section 81 of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".

**135 Payment in lieu of long service leave**

In section 81A of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".

**136 Leave not to affect Board's activities**

- (1) In section 82 of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

- (2) In section 82 of the Principal Act, for "the Board"  
**substitute** "Fire Rescue Victoria".

**137 Provision in case of death before or during long  
service leave**

In section 84 of the Principal Act, for "the Board"  
**substitute** "Fire Rescue Victoria".

**138 Fire prevention notices**

In section 87(1) of the Principal Act for  
"metropolitan district" **substitute** "Fire Rescue  
Victoria fire district".

**139 Service of notices**

In section 88(5)(b) of the Principal Act, for  
"the Chief Officer, by the Board" **substitute**  
"Fire Rescue Victoria, by Fire Rescue Victoria".

**140 Appeal against notices**

- (1) In section 90 of the Principal Act, for  
"the Chief Officer" (wherever occurring)  
**substitute** "Fire Rescue Victoria".
- (2) In section 90(2) of the Principal Act, for  
"The Chief Officer" **substitute** "Fire Rescue  
Victoria".
- (3) In section 90(4) of the Principal Act, for "he or  
she" **substitute** "Fire Rescue Victoria".

**141 Fire prevention infringement notices**

In section 92(8)(b) of the Principal Act, for  
"the Chief Officer" (where twice occurring)  
**substitute** "Fire Rescue Victoria".

**142 Issue of notices by Chief Officer**

- (1) In section 93 of the Principal Act, for  
"Chief Officer" (wherever occurring) **substitute**  
"Fire Rescue Commissioner".

- (2) In section 93(2)(a)(ii) and (b) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

**143 Consequential amendments—headings**

- (1) In the Principal Act, for the heading—
- (a) preceding section 4 **substitute** "*Fire Rescue Victoria fire district*";
  - (b) preceding section 6 **substitute** "*Fire Rescue Victoria*";
  - (c) preceding section 24 **substitute** "General powers and duties of Fire Rescue Victoria";
  - (d) preceding section 79 **substitute** "*Fire Rescue Victoria Appeals Commission*".
- (2) **Insert** the following headings to the following sections in the Principal Act—
- (a) to section 4—"Fire Rescue Victoria fire district";
  - (b) to section 7—"Functions of Fire Rescue Victoria";
  - (c) to section 17—"Immunity of Fire Rescue Commissioner";
  - (d) to section 25A—"General powers of Fire Rescue Victoria";
  - (e) to section 25B—"Employees of Fire Rescue Victoria";
  - (f) to section 32—"Powers of access";
  - (g) to section 46—"Borrowing by Fire Rescue Victoria";
  - (h) to section 47—"Power of Minister in case of default";
  - (i) to section 47A—"Guarantee of debentures of Fire Rescue Victoria";

- (j) to section 51—"**Fire Rescue Victoria may establish funds**";
- (k) to section 51A—"**Investment by Fire Rescue Victoria**";
- (l) to section 55—"**Fire Rescue Victoria is a protection agency**";
- (m) to section 55A—"**Fire Rescue Victoria may provide rescue and extrication services**";
- (n) to section 55B—"**Fire Rescue Victoria may provide road accident rescue services**";
- (o) to section 55C—"**Fire Rescue Victoria may provide protection services**";
- (p) to section 55D—"**Fire Rescue Victoria may provide emergency prevention and response services**";
- (q) to section 78D—"**Decision of Fire Rescue Commissioner**";
- (r) to section 79—"**Fire Rescue Victoria Appeals Commission**";
- (s) to section 79R—"**Fire Rescue Victoria to give effect to determination**";
- (t) to section 82—"**Leave not to affect Fire Rescue Victoria's activities**";
- (u) to section 93—"**Issue of notices**".

## **Part 10—Consequential amendments of other Acts**

### **Division 1—Amendment of Borrowing and Investment Powers Act 1987**

#### **144 Schedule 1**

In Schedule 1 to the **Borrowing and Investment Powers Act 1987**, for item 9 substitute—

- "9. Fire Rescue Victoria 5, 8, 11, 11AA, 12, 14, 15, 20, 20A and 21".

### **Division 2—Amendment of Building Act 1993**

#### **145 Definitions**

In section 3(1) of the **Building Act 1993**, in the definition of *chief officer*, for paragraphs (a) and (b) substitute—

- "(a) in relation to the Fire Rescue Victoria fire district under the **Fire Rescue Victoria Act 1958**, the Fire Rescue Commissioner; and
- (b) in relation to any building or land outside the Fire Rescue Victoria fire district under the **Fire Rescue Victoria Act 1958**, the Chief Officer of the Country Fire Authority under the **Country Fire Authority Act 1958**; "

#### **146 Guidelines**

For section 188(1)(d) of the **Building Act 1993** substitute—

- "(d) the circumstances in which a municipal building surveyor or private building surveyor should, in preparing a building notice or building order, seek assistance from the Fire Rescue Commissioner under the **Fire Rescue Victoria Act 1958**, the Chief



Officer under the **Country Fire Authority Act 1958** or any public authority.".

**147 Membership and procedure**

In section 210(2)(c) of the **Building Act 1993**, for "**Metropolitan Fire Brigades Act 1958**" substitute "**Fire Rescue Victoria Act 1958**".

**148 General regulation-making powers**

In section 261(1)(t)(ii) of the **Building Act 1993**, for "the Metropolitan Fire Brigades Board" substitute "Fire Rescue Victoria".

**Division 3—Amendment of Coroners Act 2008**

**149 Definitions**

- (1) In section 3(1) of the **Coroners Act 2008**, the definition of *Metropolitan Fire and Emergency Services Board* is repealed.
- (2) In section 3(1) of the **Coroners Act 2008** insert the following definition—

*"Fire Rescue Victoria* means Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;".

**150 Fire authority request for fire investigation**

- (1) In section 30(1) and (1A) of the **Coroners Act 2008**, for "Metropolitan Fire and Emergency Services Board" substitute "Fire Rescue Victoria".
- (2) In section 30(3) of the **Coroners Act 2008**, for "Board" substitute "Fire Rescue Victoria".

**151 Fire authority to assist**

In section 35 of the **Coroners Act 2008**, for "Metropolitan Fire and Emergency Services Board" substitute "Fire Rescue Victoria".

## **Division 4—Amendment of Country Fire Authority Act 1958**

### **152 Definitions**

- (1) In section 3(1) of the **Country Fire Authority Act 1958**, in the definition of *country area of Victoria*, for "metropolitan district" substitute "Fire Rescue Victoria fire district".
- (2) In section 3(1) of the **Country Fire Authority Act 1958** insert the following definition—  
*"Fire Rescue Victoria fire district* has the same meaning as it has in the **Fire Rescue Victoria Act 1958**;"
- (3) In section 3(1) of the **Country Fire Authority Act 1958**, the definition of *metropolitan district* is repealed.

### **153 Long service leave of officers etc.**

In section 19(1) of the **Country Fire Authority Act 1958**—

- (a) for "eighty-five of the **Metropolitan Fire Brigades Act 1958**" substitute "eighty-four of the **Fire Rescue Victoria Act 1958**";
- (b) in paragraph (a) for "the Board;" substitute "Fire Rescue Victoria; and";
- (c) paragraphs (aa) and (b) are repealed.

### **154 Duty to assist in major emergency**

In section 20AAA(2) of the **Country Fire Authority Act 1958**, in the definition of *emergency agency*, for paragraph (b) substitute—

- "(b) Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;"

**155 Determination of sole responsibility for fire suppression in certain areas**

- (1) In section 33(1)(a) of the **Country Fire Authority Act 1958**, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".
- (2) In section 33(2)(a) of the **Country Fire Authority Act 1958**, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria".
- (3) In section 33(2)(c) of the **Country Fire Authority Act 1958**—
  - (a) for "metropolitan district" **substitute** "Fire Rescue Victoria fire district";
  - (b) for "the Metropolitan Fire and Emergency Services Board" (where twice occurring) **substitute** "Fire Rescue Victoria".

**156 Determination of sole responsibility for fire prevention in certain areas**

In section 36A(1) of the **Country Fire Authority Act 1958**, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

**157 Provisions about total fire bans**

In section 40(5)(a) of the **Country Fire Authority Act 1958**, for "the metropolitan district, by the Chief Officer of the Metropolitan Fire and Emergency Services" **substitute** "the Fire Rescue Victoria fire district, by the Fire Rescue Commissioner within the meaning of the **Fire Rescue Victoria Act 1958**".

**158 Definitions**

In section 62 of the **Country Fire Authority Act 1958**, in the definition of *officer in charge*, for "an officer of the Metropolitan Fire and Emergency Services Board" **substitute** "the Fire

Rescue Commissioner within the meaning of the  
**Fire Rescue Victoria Act 1958**".

## **Division 5—Amendment of Dangerous Goods Act 1985**

### **159 Definitions**

In section 3(1) of the **Dangerous Goods Act 1985**—

- (a) in the definition of *Fire Authority*, for "**Metropolitan Fire Brigades Act 1958**" substitute "**Fire Rescue Victoria Act 1958**";
- (b) in the definition of *officer or member*, for "the Metropolitan Fire Brigades Board under the **Metropolitan Fire Brigades Act 1958**" substitute "Fire Rescue Victoria under the **Fire Rescue Victoria Act 1958**".

### **160 Delegations**

In section 10B(5)(b) of the **Dangerous Goods Act 1985**, for "**Metropolitan Fire Brigades Act 1958**" substitute "**Fire Rescue Victoria Act 1958**".

### **161 Authority to send the information to relevant fire authority**

In section 28(1) of the **Dangerous Goods Act 1985**, for "Chief Fire Officer of the Metropolitan Fire Brigades" substitute "Fire Rescue Commissioner of Fire Rescue Victoria".

## **Division 6—Amendment of EastLink Project Act 2004**

### **162 Emergency access to Project area**

In section 239(2) of the **EastLink Project Act 2004**, in the definition of *emergency service*, for paragraph (b) **substitute—**

"(b) Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;"

## **Division 7—Amendment of Electricity Safety Act 1998**

### **163 Definitions**

In section 3 of the **Electricity Safety Act 1998**, in the definition of *fire control authority*, for paragraph (a) **substitute—**

"(a) Fire Rescue Victoria, if the area is within the Fire Rescue Victoria fire district within the meaning of the **Fire Rescue Victoria Act 1958**; or".

## **Division 8—Amendment of Emergency Management Act 1986**

### **164 Definitions**

In section 4(1) of the **Emergency Management Act 1986**, in the definition of *emergency services agency*, for paragraph (b) **substitute—**

"(b) Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;"

## **Division 9—Amendment of Emergency Management Act 2013**

### **165 Definitions**

- (1) In section 3 of the **Emergency Management Act 2013**, the definition of *Metropolitan Fire and Emergency Services Board* is repealed.
- (2) In section 3 of the **Emergency Management Act 2013**, in the definition of *Chief Officer*, for paragraph (a)(i) **substitute**—
  - "(i) the Fire Rescue Commissioner of Fire Rescue Victoria;"
- (3) In section 3 of the **Emergency Management Act 2013**—
  - (a) in paragraph (b) of the definition of *Class 1 emergency*, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria";
  - (b) in paragraph (a) of the definition of *fire services agency*, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria";
  - (c) in paragraph (a) of the definition of *responder agency*, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria".
- (4) In section 3 of the **Emergency Management Act 2013** **insert** the following definition—

**"Fire Rescue Victoria** means Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;"

**166 Constitution of the State Crisis and Resilience Council**

For section 8(7)(a) of the **Emergency Management Act 2013** substitute—

"(a) Fire Rescue Victoria;"

**167 Division to prevail**

For section 41(b) of the **Emergency Management Act 2013** substitute—

"(b) section 55E of the **Fire Rescue Victoria Act 1958**;"

**Division 10—Amendment of Emergency Services Superannuation Act 1986**

**168 Membership of the Board**

In section 7(1)(b) of the **Emergency Services Superannuation Act 1986**, for "the Metropolitan Fire and Emergency Services Board" substitute "Fire Rescue Victoria".

**169 Scheme may be supplemented by Consolidated Fund**

In section 20(1)(ab) of the **Emergency Services Superannuation Act 1986**—

(a) for "the Metropolitan Fire and Emergency Services Board" substitute "Fire Rescue Victoria";

(b) for "**Metropolitan Fire Brigades Act 1958**" substitute "**Fire Rescue Victoria Act 1958**".

## **Division 11—Amendment of Emergency Services Telecommunications Authority Act 2004**

### **170 Definitions**

- (1) In section 3 of the **Emergency Services Telecommunications Authority Act 2004**, in the definition of *emergency services and other related services organisation*, for paragraph (c) substitute—

"(c) Fire Rescue Victoria;"

- (2) In section 3 of the **Emergency Services Telecommunications Authority Act 2004**, the definition of *Metropolitan Fire and Emergency Services Board* is repealed.

- (3) In section 3 of the **Emergency Services Telecommunications Authority Act 2004** insert the following definition—

"*Fire Rescue Victoria* means Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;"

### **171 Advisory committee**

In section 21(2)(f) of the **Emergency Services Telecommunications Authority Act 2004**, for "the Metropolitan Fire and Emergency Services Board" substitute "Fire Rescue Victoria".

## **Division 12—Amendment of Firearms Act 1996**

### **172 Schedule 3—Non-prohibited persons who are exempt from requirement to hold a licence under Part 2**

In Schedule 3 to the **Firearms Act 1996**, in item 16, for "the Metropolitan Fire and Emergency Services Board" substitute "Fire Rescue Victoria".



## **Division 13—Amendment of Fire Services Property Levy Act 2012**

### **173 Purpose**

In section 1(a) of the **Fire Services Property Levy Act 2012**, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria".

### **174 Definitions**

- (1) In section 3 of the **Fire Services Property Levy Act 2012**, the definition of *MFB* is **repealed**.
- (2) In section 3 of the **Fire Services Property Levy Act 2012**, the definition of *metropolitan fire district* is **repealed**.
- (3) In section 3 of the **Fire Services Property Levy Act 2012** **insert** the following definitions—

*Fire Rescue Victoria* means Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;

*Fire Rescue Victoria fire district* has the same meaning as it has in section 4 of the **Fire Rescue Victoria Act 1958**;
- (4) In section 3 of the **Fire Services Property Levy Act 2012**, in the definition of *country area of Victoria*, for "metropolitan fire district" **substitute** "Fire Rescue Victoria fire district".

### **175 Determination of levy rates**

- (1) In section 12(2)(b) of the **Fire Services Property Levy Act 2012**, for "for each levy year subsequent to the 2013–2014 levy year" **substitute** "for the 2014–2015, 2015–2016, 2016–2017, 2017–2018, 2018–2019 and 2019–2020 levy years".

- (2) In section 12(2)(b)(v) of the **Fire Services Property Levy Act 2012**, for "rates." substitute "rates;".
- (3) After section 12(2)(b) of the **Fire Services Property Levy Act 2012** insert—
- "(c) in the case of the levy rates for each levy year subsequent to the 2019–2020 levy year—
- (i) the funding requirements of Fire Rescue Victoria and the CFA in the levy year in which a determination under subsection (1) is to be made and any likely changes to the funding requirements of Fire Rescue Victoria and the CFA in the following levy year; and
  - (ii) any surplus financial assets for the Fire Rescue Victoria and the CFA; and
  - (iii) any shortfall in the collection of the levy; and
  - (iv) the administrative costs of collection agencies in performing functions under this Act; and
  - (v) any other matter the Minister considers is relevant to the proper determination of the levy rates."

(4) In section 12(3) of the **Fire Services Property Levy Act 2012**, for "and (2)(b)(iv)" substitute ", (2)(b)(iv) and (2)(c)(iv)".

#### **176 Levy rates based on location of leviable land**

In section 14 of the **Fire Services Property Levy Act 2012**, for "metropolitan fire district" (wherever occurring) substitute "Fire Rescue Victoria fire district".

**177 Permitted disclosures to particular persons**

In section 65(d)(v) of the **Fire Services Property Levy Act 2012**, for "the MFB" substitute "Fire Rescue Victoria".

**Division 14—Amendment of Gas Safety Act 1997**

**178 Mandatory reporting of gas incidents**

In section 36(3) of the **Gas Safety Act 1997**, for "Chief Officer of the Metropolitan Fire and Emergency Services" substitute "Fire Rescue Commissioner of Fire Rescue Victoria".

**Division 15—Amendment of Housing Act 1983**

**179 Insurance**

In section 36A(8) of the **Housing Act 1983**—

- (a) in paragraph (a), for "**Metropolitan Fire Brigades Act 1958**" substitute "**Fire Rescue Victoria Act 1958**";
- (b) in paragraph (c), for "the Metropolitan Fire Brigades Board" substitute "Fire Rescue Victoria".

**Division 16—Amendment of Local Government Act 1989**

**180 What land is rateable?**

In section 154(3)(c) of the **Local Government Act 1989**, for "the Metropolitan Fire Brigades Board" substitute "Fire Rescue Victoria".

## **Division 17—Amendment of Liquor Control Reform Act 1998**

### **181 Definitions**

- (1) In section 148S of the **Liquor Control Reform Act 1998**, in the definition of *Chief Officer*, for paragraph (a) **substitute**—

"(a) in relation to licensed premises in the Fire Rescue Victoria fire district (within the meaning of the **Fire Rescue Victoria Act 1958**), the Fire Rescue Commissioner appointed under the **Fire Rescue Victoria Act 1958**; or".

- (2) In section 148S of the **Liquor Control Reform Act 1998**, in the definition of *emergency*, for "**Metropolitan Fire Brigades Act 1958**" **substitute** "**Fire Rescue Victoria Act 1958**".

### **182 Appointment of fire safety inspector**

In section 148T of the **Liquor Control Reform Act 1998**, for paragraph (a) **substitute**—

"(a) who is a person employed by Fire Rescue Victoria under section 25B of the **Fire Rescue Victoria Act 1958**; or".

### **183 Disclosure of information for enforcement purposes**

In section 148ZS(3)(a) of the **Liquor Control Reform Act 1998**, for "**Metropolitan Fire Brigades Act 1958**" **substitute** "**Fire Rescue Victoria Act 1958**".

## **Division 18—Amendment of Marine Safety Act 2010**

### **184 Consultation required before making a determination**

In section 202C(f) of the **Marine Safety Act 2010**, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria".

## **Division 19—Amendment of National Electricity (Victoria) Act 2005**

### **185 Definitions**

- (1) In section 13 of the **National Electricity (Victoria) Act 2005**, the definition of *Metropolitan Fire and Emergency Services Board* is repealed.
- (2) In section 13 of the **National Electricity (Victoria) Act 2005**, in the definition of *relevant entity*, for paragraph (d) **substitute**—  
"(d) Fire Rescue Victoria;".
- (3) In section 13 of the **National Electricity (Victoria) Act 2005** **insert** the following definition—  
*"Fire Rescue Victoria* means Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;".

## **Division 20—Amendment of Residential Tenancies Act 1997**

### **186 Authorised persons**

- (1) In section 525(2B) of the **Residential Tenancies Act 1997**—
  - (a) for "Chief Officer within the meaning of the **Metropolitan Fire Brigades Act 1958**" **substitute** "Fire Rescue Commissioner within the meaning of the **Fire Rescue Victoria Act 1958**";
  - (b) in paragraph (b), for "the Metropolitan Fire and Emergency Services" **substitute** "Fire Rescue Victoria".
- (2) In section 525(4B) of the **Residential Tenancies Act 1997**, for "Chief Officer within the meaning of the **Metropolitan Fire Brigades Act 1958**" **substitute** "Fire Rescue Commissioner within the meaning of the **Fire Rescue Victoria Act 1958**".
- (3) For section 525(5)(f) of the **Residential Tenancies Act 1997** **substitute**—

"(f) if the identity card is issued by the Fire Rescue Commissioner within the meaning of the **Fire Rescue Victoria Act 1958**, be signed by the Fire Rescue Commissioner."

## **Division 21—Amendment of Sentencing Act 1991**

### **187 Custodial sentence for certain offences against emergency workers, custodial officers and youth justice custodial officers on duty**

In section 10AA(8) of the **Sentencing Act 1991**, in the definition of *emergency worker*, for paragraph (d) **substitute**—

"(d) a person employed by Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958** or a member of a fire or emergency service unit established under that Act; or".

### 188 Definitions

(1) In section 87C of the **Sentencing Act 1991**, in the definition of *emergency service agency*, for paragraph (b) **substitute**—

"(b) Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**; or".

(2) In section 87C of the **Sentencing Act 1991**, in the definition of *emergency service worker*, for paragraph (d) **substitute**—

"(d) a person employed by Fire Rescue Victoria under the **Fire Rescue Victoria Act 1958** or a member of a fire or emergency service unit established under that Act; or".

## Division 22—Amendment of Taxation Administration Act 1997

### 189 Permitted disclosures to particular persons or for particular purposes

In section 92(1)(e)(vd) of the **Taxation Administration Act 1997**, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria".

## Division 23—Amendment of Terrorism (Community Protection) Act 2003

### 190 Definitions

In section 15 of the **Terrorism (Community Protection) Act 2003**, in the definition of *emergency services agency*, for paragraph (b) **substitute**—

"(b) Fire Rescue Victoria established under the  
**Fire Rescue Victoria Act 1958**;"

**Division 24—Amendment of Victoria State  
Emergency Service Act 2005**

**191 Duty to assist in major emergency**

In section 6A(2) of the **Victoria State  
Emergency Service Act 2005**, in the definition of  
*emergency agency*, for paragraph (c) **substitute—**

"(c) Fire Rescue Victoria established under the  
**Fire Rescue Victoria Act 1958**;"



## **Part 11—Repeal of amending provisions**

### **192 Repeal of amending provisions**

Section 5(5), Parts 3 to 10 and this Part are **repealed** on the first anniversary of the day on which all of the provisions of this Act are in operation.

#### **Note**

The repeal of these provisions does not affect the continuing operation of the amendments made by these provisions (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Firefighters' Presumptive Rights Compensation and Fire Services Legislation  
Amendment (Reform) Act 2019  
No. 20 of 2019

Schedule 1

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**Schedule 1**

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	<i>Column 1</i>	<i>Column 2</i>
	<i>Disease</i>	<i>Qualifying period</i>
1	Primary site brain cancer	5 years
2	Primary site bladder cancer	15 years
3	Primary site kidney cancer	15 years
4	Primary non-Hodgkins lymphoma	15 years
5	Primary leukemia	5 years
6	Primary site breast cancer	10 years
7	Primary site testicular cancer	10 years
8	Multiple myeloma	15 years
9	Primary site prostate cancer	15 years
10	Primary site ureter cancer	15 years
11	Primary site colorectal cancer	15 years
12	Primary site oesophageal cancer	25 years

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

<sup>†</sup> *Minister's second reading speech—*

*Legislative Assembly: 4 June 2019*

*Legislative Council: 7 June 2019*

The long title for the Bill for this Act was "A Bill for an Act to provide a rebuttable presumption for career firefighters and volunteer firefighters suffering from specified forms of cancer for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**, to amend the **Metropolitan Fire Brigades Act 1958**, the **Country Fire Authority Act 1958** and certain other Acts to reform fire services and for other purposes."