

Authorised Version

Metropolitan Fire Brigades (General) Interim Regulations 2016

S.R. No. 129/2016

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Authorised Version

STATUTORY RULES 2016

S.R. No. 129/2016

Metropolitan Fire Brigades Act 1958

Metropolitan Fire Brigades (General) Interim Regulations 2016

The Governor in Council makes the following Regulations:

Dated: 18 October 2016

Responsible Minister:

JAMES MERLINO

Minister for Emergency Services

ANDREW ROBINSON

Clerk of the Executive Council

Part 1—Preliminary

1 Objective

The objective of these Regulations is to provide for—

- (a) the management of employees of the Board; and
- (b) the operation and administration of the Metropolitan Fire and Emergency Services Appeals Commission; and
- (c) fees and charges levied by the Board; and
- (d) other matters authorised by the **Metropolitan Fire Brigades Act 1958** to be prescribed by regulation.

2 Authorising provision

These Regulations are made under section 34 of the **Metropolitan Fire Brigades Act 1958**.

3 Commencement

These Regulations come into operation on 24 October 2016.

4 Revocations

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

5 Definitions

In these Regulations—

appellant means an operational staff member who appeals against a decision of the Board under section 79H of the Act;

appliance means any firefighting or emergency response vehicle that is used by operational staff members;

Commission means the Metropolitan Fire and Emergency Services Appeals Commission established under section 79 of the Act;

general order means a general order issued under regulation 12;

Registrar means a Registrar appointed by the Commission;

the Act means the **Metropolitan Fire Brigades Act 1958**.

Part 2—The Board

6 Insignia of the Board

- (1) The insignia set out in Schedule 2 is the insignia for the purposes of section 75A(4) of the Act.
- (2) The insignia may be used—
 - (a) on clothing worn by the Chief Officer, operational staff or any other person acting in the lawful execution of a power conferred by the Act or these Regulations; or
 - (b) on any other property whatever used for the purposes of the Act or these Regulations.

7 Service for the purpose of long service leave

- (1) For the purposes of paragraph (b) of the definition of *service* in section 80(1) of the Act—
 - (a) a prescribed office is any office in the public sector within the meaning of the **Public Administration Act 2004**; and
 - (b) the prescribed extent of service is the extent to which that service—
 - (i) is continuous with service as an officer or employee of the Board; and
 - (ii) is service in respect of which long service leave or pay in lieu of the service has not been granted.
- (2) For the purposes of subregulation (1)(b)—
 - (a) service in any office or employment prescribed in subregulation (1)(a) is taken to be continuous with service as an officer or employee of the Board if service as an officer or employee of the Board commences not more than 4 weeks (or any longer period the Board having regard to any special circumstances relating to any officer or

employee may determine) from termination of the service prescribed in subregulation (1)(a); and

- (b) the relevant extent of any service includes any period of war service in the armed forces of the Commonwealth of Australia that ended not more than 12 months before commencement of any other service or employment which under this regulation entitles the officer or employee to long service leave.

Part 3—Management of employees of the Board

Division 1—Appointment

8 Appointments by Board

- (1) An applicant for appointment by the Board must provide the Board with any necessary authority for the Board to conduct a criminal record search and any other enquiries about the applicant that are relevant to the applicant's suitability for appointment.
- (2) An applicant for appointment as an employee of the Board must satisfy a medical officer approved by the Board of the applicant's fitness for service in the role for which the application is made.

Division 2—Restrictions on other employment

9 Members of operational staff not to hold other employment

Subject to section 78E(1) of the Act, an operational staff member who is an employee of the Board must not at any time, including periods of annual leave, long service leave or sick leave, engage in any employment or business as an employee or principal other than his or her employment by the Board if that employment—

- (a) affects the employee's ability to perform duties as an employee of the Board; or
- (b) conflicts with the interests, objectives, policies or functions of the Board commercially or otherwise—

without the prior written consent of the Board.

Division 3—Fitness for duty

10 Fitness for duty

Operational staff members must on the request of any senior operational staff member satisfy a medical officer approved by the Board that they are fit to discharge their duties.

Division 4—Promotion

11 Promotion

- (1) The Board may promote operational staff members.
- (2) A promotion by the Board under subregulation (1) must be made on the basis of merit as defined in section 79P(3) of the Act.
- (3) An applicant for promotion must satisfy a medical officer approved by the Board of the applicant's fitness for service in the role for which application for promotion has been made.
- (4) The Chief Officer must give not less than one month's notice of the intention to accept applications for promotion to all positions other than senior positions.
- (5) Every promotion of an operational staff member must be notified as soon as practicable to operational staff.
- (6) A promotion made by the Board that is subject to the jurisdiction of the Commission becomes effective—
 - (a) if a member of the operational staff appeals to the Commission under section 79H(c) of the Act in relation to a promotion, only after the appeal has been heard and determined; or
 - (b) in all other cases, when the time for appealing expires.

Division 5—Discipline

12 General orders

- (1) The Chief Officer may issue to operational staff any general orders the Chief Officer considers to be desirable.
- (2) An operational staff member must comply with a general order applying to him or her.
- (3) The Board must keep a current General Order Book containing a signed copy of each general order issued under subregulation (1).
- (4) A copy of the General Order Book must be kept and be accessible including by means of electronic communication at each place at which operational staff members are based.

13 Prohibitions on members

An operational staff member must not—

- (a) disobey or fail to carry out a general order or any lawful order given in the course of his or her duty whether the order is in writing or not; or
- (b) exceed or misuse the member's authority; or
- (c) wilfully cause or allow loss, damage or injury to occur to any person or property; or
- (d) when on duty, partake in or be under the influence of or affected by any intoxicating liquor, narcotic, hallucinogen, medication or substance that could or is likely to impair, limit or affect the member's performance of duty; or
- (e) when on duty have any of the substances referred to in paragraph (d) in his or her possession or at the workplace; or

- (f) act in a manner that is likely to bring discredit to the reputation of the Board or diminish public confidence in it; or
- (g) be found guilty of having committed an indictable offence when on duty; or
- (h) be found guilty of having committed an indictable offence under Division 2 of Part I of the **Crimes Act 1958** when not on duty if the offence involved dishonesty, corruption, intent to deceive or defraud or trespass.

14 Charges for offences

- (1) If an operational staff member is charged with an offence under section 78A of the Act, the Chief Executive Officer must ensure that the member is given 7 days' written notice of the particulars of the charge and the time and place of the hearing of that charge under section 78C of the Act.
- (2) The Chief Executive Officer must cause an operational staff member charged with an offence under section 78A of the Act to be given notice in writing of the decision made at the hearing of the charge.
- (3) A notice under this regulation may be given personally or may be served by post on the member at the member's last known place of residence.

Division 6—Metropolitan Fire and Emergency Services Appeals Commission

15 Time for notice of appeals

- (1) An appellant must give notice of an appeal under section 79H of the Act in writing not later than 14 days after the appellant is notified of the matter appealed against.

- (2) The Commission may, on the application in writing of an operational staff member, extend the time for making an appeal if the Registrar has not received notice of an appeal in compliance with subregulation (1).

16 Process for appeals

- (1) A notice of appeal given under regulation 15(1) must—
- (a) clearly state the grounds of the appeal; and
 - (b) give full particulars of every ground on which the appellant relies; and
 - (c) provide an address for service for the appellant.
- (2) Copies of—
- (a) correspondence or other documents (if any);
 - (b) statements of fact—
- relating to the subject matter of the appeal must be attached to the notice of appeal.
- (3) The Registrar must forward to the Board a copy of the notice of appeal and copies of any documents or statements attached to the notice.
- (4) The Registrar must refer the appeal to the Commission.
- (5) The Senior Commissioner must advise the Registrar of the time and place of the hearing of the appeal.
- (6) The Registrar must give the Board and the appellant not less than 14 days' notice of the time and place of the hearing of the appeal.
- (7) Notice to the appellant under subregulation (6) may be served by post on the appellant at the appellant's last known place of residence or at the

address for service specified in the appellant's notice of appeal.

17 Register to be kept

- (1) The Commission must keep a Register in which the particulars of each appeal and the Commission's determination are kept.
- (2) Every entry in the Register must be signed by the Senior Commissioner or the Commissioner who heard the appeal.
- (3) If the Commission determines an appeal it must cause a document recording its determination and signed by the Senior Commissioner or the Commissioner who heard the appeal to be delivered to the Board and to the appellant.

Part 4—Fees and charges for Board services

18 Emergency attendances

- (1) The following persons are liable to pay to the Board fees and charges—
 - (a) the owner, occupier or owners corporation of premises on which is installed—
 - (i) an automatic fire alarm system; or
 - (ii) equipment designed to detect a fire or other emergency conditions and transmit a signal of that detection—

for the attendance of a unit in response to a false alarm of fire given by or originating from that system or equipment if the Board is not satisfied that there was a reasonable excuse for the occurrence of a false alarm;
 - (b) if ordered to do so by a court, a person who has been convicted of giving or causing to be given a false report of fire under section 33 of the Act for the attendance of a unit in response to the false report;
 - (c) the owner or master of a vessel for the attendance of a unit in response to a fire on the vessel;
 - (d) in respect of an attendance of a unit in response to a hazardous material incident or toxic fire incident—
 - (i) the owner or occupier of premises at which the incident occurred; or
 - (ii) if the incident occurred on a street, road or highway (however described), the owner or driver of the vehicle transporting the materials involved in the incident;

- (e) in respect of an attendance of a unit in special circumstances requiring the protection of life or property in case of fire, the person requiring the attendance or owner or occupier, as the case may be.
- (2) The fees and charges to be paid to the Board are set out in item 1 of Schedule 3 and are payable for each appliance in attendance for each 15 minutes (or part of 15 minutes) during which the appliance is absent from its station.

19 Additional costs of hazardous material incidents and toxic fire incidents

- (1) A person who is liable to pay a fee under regulation 18(1)(d) for the attendance of a unit in response to a hazardous material incident or toxic fire incident is, in addition to the fee required under that regulation, liable to pay to the Board any additional costs incurred by the Board calculated in accordance with subregulation (2).
- (2) Additional costs of attending a hazardous material incident or toxic fire incident are the costs incurred by the Board in attending or dealing with the effects of attending the incident and include the following—
 - (a) the cost of obtaining advice as to the chemical analysis and environmental impact of materials involved in the incident or its containment;
 - (b) the cost of testing, cleaning, maintaining, repairing or replacing protective equipment;
 - (c) the cost of products purchased for, or consumed in, neutralising the hazard involved in the incident;
 - (d) the cost of hiring equipment and vehicles to deal with the hazard involved in the incident.

20 Property protection or loss mitigation services

Subject to any direction of the Minister under section 8 of the Act, the charges set by the Board from time to time under section 55C of the Act may be such charges as the Board thinks fit.

21 Road accident rescue services

- (1) In respect of road accident rescue services provided to people entitled to compensation under section 60(2)(a) of the **Transport Accident Act 1986**, the Board may charge the Transport Accident Commission the fees agreed with the Transport Accident Commission.
- (2) In respect of road accident rescue services provided to people entitled to compensation under section 99(1)(a) of the **Accident Compensation Act 1985** in relation to injuries sustained before 1 July 2014, the Board may charge the person or body responsible for payment of compensation under that section the fees agreed with that person or body.
- (3) In respect of road accident rescue services provided to people entitled to compensation under section 224(1)(a) of the **Workplace Injury Rehabilitation and Compensation Act 2013** in relation to injuries sustained on or after 1 July 2014, the Board may charge the person or body responsible for payment of compensation under that section the fees agreed with that person or body.
- (4) The fees agreed to under subregulations (1), (2) and (3) must take into account all relevant facts including—
 - (a) the relevant portion of the purchase or replacement cost of vehicles, equipment and protective clothing used to provide the

Part 4—Fees and charges for Board services

- services and other items used for the services; and
- (b) the operating costs of providing the services, including maintenance costs and the cost of employing staff to operate the services; and
 - (c) the organisational costs, including the cost of training people to provide the services, the co-ordination of the services, the welfare of people providing the services and the corporate support costs incurred in providing the services and any other costs incurred in providing the services.

Part 5—Fire prevention

22 Fire prevention notices

- (1) For the purpose of section 87(3) of the Act, a fire prevention notice must be in the form set out in Schedule 4.
- (2) For the purposes of section 88(3)(b) of the Act—
 - (a) the notice to be published in the relevant newspaper must be in the form set out in Schedule 5; and
 - (b) the prescribed particulars are—
 - (i) the substance of the steps to be taken to remove or minimise the threat of fire that are contained in the fire prevention notice; and
 - (ii) the date by which the owner or occupier must comply with the fire prevention notice; and
 - (iii) the address of the property or properties the subject of the fire prevention notice; and
 - (iv) the name and position of the person who is publishing the notice.

Part 6—Alarm monitoring information

23 Information in the case of an alarm pre-connection

- (1) For the purposes of section 78(1) of the Act, the prescribed information in the case of an alarm pre-connection is—
 - (a) the name of the alarm monitoring service; and
 - (b) details of the site to be monitored, including the name, street, cross street, suburb and GPS co-ordinates; and
 - (c) customer details, including entity name, postal address, contact name and telephone number; and
 - (d) alarm number; and
 - (e) whether the alarm system has previously been connected to the Computer Aided Dispatch system by another alarm monitoring service.
- (2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is—
 - (a) 5 working days prior to the connection of the alarm; or
 - (b) if 5 working days prior to the connection is not practicable because the request to connect the alarm is made less than 5 working days before the alarm is to be connected, as close to 5 working days prior to the connection as is reasonably possible.

24 Information in the case of alarm connection

- (1) For the purposes of section 78(1) of the Act, the prescribed information in the case of an alarm connection is—
 - (a) the name of the alarm monitoring service; and
 - (b) details of the site being monitored, including the name, street, cross street, suburb and GPS co-ordinates; and
 - (c) customer details, including entity name, postal address, contact name and telephone number; and
 - (d) alarm details including the following (if available)—
 - (i) alarm number;
 - (ii) alarm signalling equipment address;
 - (iii) alarm signalling equipment location;
 - (iv) input device numbers;
 - (v) input device alarm types;
 - (vi) input device locations;
 - (vii) whether the input device is an automatic alarm; and
 - (e) date of connection; and
 - (f) whether the alarm system has been tested end-to-end from the site being monitored to the Computer Aided Dispatch service provider to the Board in real time and found to be operating correctly; and
 - (g) confirmation that the direct access location has been verified on the Computer Aided Dispatch map.

- (2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours of the connection of the alarm.

25 Information in the case of an alarm modification

- (1) For the purposes of section 78(1) of the Act, the prescribed information in the case of a modification to any of the following details—
- (a) the name of the alarm monitoring service;
 - (b) details of the site being monitored, including the name, street, cross street, suburb and GPS co-ordinates;
 - (c) alarm details including the following (if available)—
 - (i) alarm number;
 - (ii) alarm signalling equipment address;
 - (iii) alarm signalling equipment location;
 - (iv) input device numbers;
 - (v) input device alarm types;
 - (vi) input device locations;
 - (vii) whether it is an automatic alarm;
 - (viii) the previous alarm number (if the alarm number has changed);
 - (d) relevant fire station and key peg numbers (if provided by the Board)—

is the particulars of the modification, including the modified details.

- (2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is within 24 hours of the modification of the details.

26 Information in the case of an alarm disconnection

- (1) For the purposes of section 78(1) of the Act, the prescribed information in the case of an alarm disconnection is—
 - (a) the name of the alarm monitoring service; and
 - (b) alarm details including the following (if available)—
 - (i) alarm number;
 - (ii) input device numbers;
 - (iii) input device alarm types;
 - (iv) input device locations;
 - (v) whether it is an automatic alarm; and
 - (c) whether the disconnection relates to all or part of the alarm system and, if appropriate, which part or parts are being disconnected; and
 - (d) the date of disconnection; and
 - (e) whether the disconnection is permanent or temporary; and
 - (f) the building permit number (if applicable).
- (2) For the purposes of section 78(1) of the Act, in the case of an alarm being disconnected pursuant to a building permit issued under the **Building Act 1993**, the prescribed period for providing the information in subregulation (1) is within 24 hours of the disconnection of the alarm.
- (3) For the purposes of section 78(1) of the Act, in the case of an alarm being disconnected other than pursuant to a building permit issued under the **Building Act 1993**, the prescribed period for providing the information in subregulation (1) is 6 weeks prior to the disconnection of the alarm.

27 Information in the case of failure of alarm monitoring system

- (1) For the purposes of section 78(1) of the Act, in the case of a failure by an alarm monitoring system to be able to automatically process and transmit an alarm of fire, the prescribed information is the time and date of the failure.
- (2) For the purposes of section 78(1) of the Act, in the case of the reinstatement of a failed alarm monitoring system, the prescribed information is the time and date of the reinstatement.
- (3) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) or (2) is the period specified by the Board in the written notice given under that section.

28 Isolation and testing data

- (1) For the purposes of section 78(1) of the Act, the prescribed information in the case of a review of the isolation and testing records of all alarms connected to an alarm monitoring service is the raw data generated by alarm signalling equipment connected to the alarm monitoring service regarding the isolation and testing of that equipment.
- (2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is the period specified by the Board in the written notice given under that section.

29 Information for verification purposes

- (1) For the purposes of section 78(1) of the Act, the prescribed information in the case of the verification of all alarms connected to an alarm monitoring service is the raw data generated by

Part 6—Alarm monitoring information

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

- (a) the name of the alarm monitoring service; and
 - (b) details of the site being monitored, including the name, street, cross street, suburb and GPS co-ordinates; and
 - (c) details of each alarm including the following (if available)—
 - (i) alarm number;
 - (ii) alarm signalling equipment address;
 - (iii) alarm signalling equipment location;
 - (iv) input device numbers;
 - (v) input device alarm types;
 - (vi) input device locations;
 - (vii) whether the input device is an automatic alarm; and
 - (d) the fire station and key peg numbers (if provided by the Board).
- (2) For the purposes of section 78(1) of the Act, the prescribed period for providing the information in subregulation (1) is the period specified by the Board in the written notice given under that section.

Part 7—Expiry of Regulations

30 Expiry

These Regulations expire on 24 October 2017.

Metropolitan Fire Brigades (General) Interim Regulations 2016
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Schedule 1—Regulations revoked

Schedule 1—Regulations revoked

Regulation 4

<i>S.R. No.</i>	<i>Title</i>
111/2007	Metropolitan Fire Brigades (General) (Charges Amendment) Regulations 2007
155/2008	Metropolitan Fire Brigades (General) (Charges Amendment) Regulations 2008
179/2009	Metropolitan Fire Brigades Amendment Regulations 2009
126/2010	Metropolitan Fire Brigades (General) Amendment Regulations 2010
61/2011	Metropolitan Fire Brigades (General) Amendment Regulations 2011
68/2012	Metropolitan Fire Brigades (General) Amendment Regulations 2012
82/2014	Metropolitan Fire Brigades (General) Amendment (Road Accident Rescue Service) Regulations 2014

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Schedule 2—Insignia of the Metropolitan Fire and Emergency Services Board

Schedule 2—Insignia of the Metropolitan Fire and Emergency Services Board

Regulation 6



Authorised by the Chief Parliamentary Counsel

Metropolitan Fire Brigades (General) Interim Regulations 2016
S.R. No. 129/2016

Schedule 3—Fees and charges for board services

**Schedule 3—Fees and charges for
board services**

Regulation 18

<i>Item No.</i>	<i>Reg No.</i>	<i>Description</i>	<i>Amount</i>
1	18	Emergency attendances	39.06 fee units for each appliance in attendance for each 15 minutes (or part of 15 minutes) during which the appliance is absent from its station.

Authorised by the Chief Parliamentary Counsel

Schedule 4—Fire prevention notice

Regulation 22(1)

Metropolitan Fire Brigades Act 1958

Metropolitan Fire Brigades Interim Regulations 2016

FIRE PREVENTION NOTICE

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

All work must be completed not later than

Work to be completed:

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

Date:

Signature:

Name and position:

Schedule 5—Notice to owners or occupiers of land

Regulation 22(2)

Metropolitan Fire Brigades Act 1958

Metropolitan Fire Brigades Interim Regulations 2016

NOTICE TO OWNERS OR OCCUPIERS OF LAND

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

A notice to

[insert substance of steps to be taken to remove or minimise the threat of fire]

not later than / / has been affixed on the following properties in accordance with section 88(3) of the **Metropolitan Fire Brigades Act 1958**.

Date:

Name and position:

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Endnotes

Fee Units

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

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

The value of a fee unit for the financial year commencing 1 July 2016 is \$13.94. The amount of the calculated fee may be rounded to the nearest 10 cents.

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