

Authorised Version No. 121
Metropolitan Fire Brigades Act 1958

No. 6315 of 1958

Authorised Version incorporating amendments as at
1 November 2016

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Metropolitan Fire Brigades Act 1958

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1 November 2016

An Act to consolidate the Law relating to the Protection of Life
and Property from Fire in the Metropolitan Fire District.

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

1 Short title and commencement

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

2 Purposes

The main purposes of this Act are—

- (a) to provide for fire safety, fire suppression
and fire prevention services and emergency
response services in the metropolitan district;
and
- (b) to establish a Metropolitan Fire and
Emergency Services Board.

S. 2
repealed by
No. 2/1995
s. 22(f),
new s. 2
inserted by
No. 24/1997
s. 16.

S. 2(a)
amended by
No. 5/2012
s. 59.

3 Definitions

Nos 3682 s. 3,
5040 s. 18,
5217 s. 2.
S. 3
amended by
No. 8019
s. 2(a).

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

S. 3(1) def. of
*applicable
work program*
inserted by
No. 73/2010
s. 53,
amended by
No. 73/2013
s. 88(a).

applicable work program means a work program
(within the meaning of the **Emergency
Management Act 2013**) that applies to the
Board;

S. 3(1) def. of
*Australian
Fire Brigades
Charges
Scheme*
inserted by
No. 51/2005
s. 67(1).

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

S. 3(1) def. of
Board
substituted by
No. 24/1997
s. 17(1).

Board means the Metropolitan Fire and
Emergency Services Board;

S. 3(1) def. of
brigade
repealed by
No. 24/1997
s. 17(2).

* * * * *

S. 3(1) def. of
*chief fire
officer*
amended by
No. 7926
s. 5(c),
substituted by
No. 24/1997
s. 17(3).

Chief Officer means the Chief Officer of the
Metropolitan Fire and Emergency Services;

emergency has the same meaning as in section 3 of the **Emergency Management Act 2013**;

S. 3(1) def. of *emergency* inserted by No. 24/1997 s. 17(4), substituted by No. 5/2012 s. 60(a), amended by No. 73/2013 s. 88(b).

Emergency Management Commissioner means the Emergency Management Commissioner within the meaning of the **Emergency Management Act 2013**;

S. 3(1) def. of *Emergency Management Commissioner* inserted by No. 73/2013 s. 88(c).

Emergency Services Telecommunications Authority means the Emergency Services Telecommunications Authority established under section 5 of the **Emergency Services Telecommunications Authority Act 2004**;

S. 3(1) def. of *Emergency Services Telecommunications Authority* inserted by No. 5/2012 s. 60(f).

fire includes—

- (a) a hazardous material incident where the major or sole danger is the threat of fire up to the stage where there is no longer a threat of fire; and
- (b) a toxic fire incident up to the stage where the fire has been effectively extinguished; and
- (c) the threat of a fire re-igniting;

S. 3(1) def. of *fire* inserted by No. 50/1989 s. 44(1), amended by No. 5/2012 s. 60(b).

fire prevention officer means a fire prevention officer appointed under section 5A;

S. 3(1) def. of *fire prevention officer* inserted by No. 2/1995 s. 19(1).

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S. 3(1) def. of
fire services agency
inserted by
No. 73/2010
s. 53,
amended by
No. 73/2013
s. 88(e).

fire services agency has the same meaning as in
the **Emergency Management Act 2013**;

S. 3(1) def. of
Fire Services Commissioner
inserted by
No. 73/2010
s. 53,
repealed by
No. 73/2013
s. 88(d).

* * * * *

S. 3(1) def. of
fire services reform action plan
inserted by
No. 73/2010
s. 53,
repealed by
No. 73/2013
s. 88(d).

* * * * *

S. 3(1) def. of
incident management operating procedures
inserted by
No. 73/2010
s. 53,
substituted by
No. 73/2013
s. 88(f).

incident management operating procedures has
the same meaning as it has in section 3 of the
Emergency Management Act 2013;

S. 3(1) def. of
Inspector-General for Emergency Management
inserted by
No. 73/2013
s. 88(c).

Inspector-General for Emergency Management
has the same meaning as it has in section 3
of the **Emergency Management Act 2013**;

S. 3(1) def. of
*interstate fire
brigade*
inserted by
No. 5/2012
s. 60(f).

(c) any other emergency services
organisation—
established outside Australia;
interstate fire brigade means—
(a) a fire brigade or unit (however
described); or
(b) any other agency or organisation
constituted for the purpose of fire
management or which has a fire
management role; or
(c) any other emergency services
organisation—
established outside Victoria but within
Australia;

S. 3(1) def. of
Lloyd's
inserted by
No. 51/2005
s. 67(1).

Lloyd's means the society of that name
incorporated by the Act of the United
Kingdom known as Lloyd's Act 1871;

S. 3(1) def. of
*Lloyd's
underwriter*
inserted by
No. 51/2005
s. 67(1).

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

S. 3(1) def. of
*metropolitan
district*
substituted by
No. 5/2012
s. 60(c).

metropolitan district means the metropolitan fire
district established under section 4;

S. 3(1) def. of
*municipal
district*
repealed by
No. 12/1989
s. 4(1)(Sch. 2
item 79.1).

* * * * *

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*	*	*	*	*	S. 3(1) def. of <i>municipality</i> repealed by No. 12/1989 s. 4(1)(Sch. 2 item 79.2).	
*	*	*	*	*	S. 3(1) def. of <i>officer</i> or <i>employee</i> inserted by No. 7926 s. 2(a), amended by No. 2/1995 s. 22(a), repealed by No. 24/1997 s. 17(2).	
					<i>operational staff</i> means all members of units;	S. 3(1) def. of <i>operational staff</i> inserted by No. 24/1997 s. 17(4).
					<i>owner</i> has the same meaning as it has in section 3(1) of the Subdivision Act 1988 ;	S. 3(1) def. of <i>owner</i> substituted by No. 5/2012 s. 60(d).
					<i>owners corporation</i> has the same meaning as it has in section 3 of the Owners Corporations Act 2006 ;	S. 3(1) def. of <i>owners corporation</i> inserted by No. 5/2012 s. 60(f).
*	*	*	*	*		S. 3(1) def. of <i>permanent fire brigade</i> repealed by No. 24/1997 s. 17(2).
					<i>police officer</i> has the same meaning as in the Victoria Police Act 2013 ;	S. 3(1) def. of <i>police officer</i> inserted by No. 37/2014 s. 10(Sch. item 113.1).

S. 3(1) def. of
private street
inserted by
No. 2/1995
s. 19(1),
amended by
No. 12/2004
s. 163.

private street means a road, other than—

- (a) a freeway or an arterial road within the meaning of the **Road Management Act 2004**;
- (b) a road vested in a public authority;
- (c) a road that is under the care and management of a municipal council under section 205 of the **Local Government Act 1989**;

S. 3(1) def. of
regulations
repealed by
No. 10/149
s. 25(a).

* * * * *

S. 3(1) def. of
road
inserted by
No. 2/1995
s. 19(1).

road has the meaning given in section 3 of the **Local Government Act 1989**;

S. 3(1) def. of
senior operational staff
inserted by
No. 24/1997
s. 17(4).

senior operational staff means all employees of the Board employed in senior positions;

S. 3(1) def. of
senior position
inserted by
No. 24/1997
s. 17(4).

senior position means a position in a unit designated by the Board as a senior position;

S. 3(1) def. of
State Crisis and Resilience Council
inserted by
No. 73/2013
s. 88(c).

State Crisis and Resilience Council has the same meaning as it has in section 3 of the **Emergency Management Act 2013**;

<p><i>Strategic Action Plan</i> has the same meaning as it has in section 3 of the Emergency Management Act 2013;</p>	<p>S. 3(1) def. of <i>Strategic Action Plan</i> inserted by No. 73/2013 s. 88(c).</p>
<p><i>the 1982 Agreement</i> means the Agreement establishing the Australian Fire Brigades Charges Scheme, a certified copy of which is lodged with the Minister under section 69A;</p>	<p>S. 3(1) def. of <i>the 1982 Agreement</i> inserted by No. 51/2005 s. 67(1).</p>
<p><i>unit</i> means a brigade or other fire or emergency service unit established under this Act;</p>	<p>S. 3(1) def. of <i>unit</i> inserted by No. 24/1997 s. 17(4), substituted by No. 5/2012 s. 60(e).</p>
<p>* * * * *</p>	<p>S. 3(1) def. of <i>volunteer fire brigade</i> repealed by No. 24/1997 s. 17(2).</p>
<p><i>year</i> means year ending the thirtieth day of June.</p>	
<p>* * * * *</p>	<p>S. 3(2) inserted by No. 8019 s. 2(b), repealed by No. 24/1997 s. 17(5), new s. 3(2) inserted by No. 86/1998 s. 23(1), substituted by No. 59/2003 s. 122(1), repealed by No. 74/2006 s. 27(1).</p>

Metropolitan fire district

4 Metropolitan fire district

Nos 3682 s. 4,
5040 s. 18.
S. 4
amended by
No. 10043
s. 4(1).

(1) For the proper and efficient carrying out of the provisions of this Act there shall be a metropolitan fire district consisting of the municipal districts or parts thereof set forth in the Second Schedule to this Act.

S. 4(2)
inserted by
No. 10043
s. 4(2),
substituted by
No. 50/1989
s. 27(1).

(2) The metropolitan fire district includes—

S. 4(2)(a)
substituted by
No. 63/1997
s. 10(4)(Sch.
item 3.1),
amended by
Nos 23/2003
s. 28(1)(a),
45/2010
s. 51(1).

(a) the port of Melbourne within the meaning of the **Port Management Act 1995**; and

S. 4(2)(aa)
inserted by
No. 82/1995
s. 206,
repealed by
No. 63/1997
s. 10(4)(Sch.
item 3.1).

* * * * *

S. 4(2)(ab)
inserted by
No. 63/1997
s. 10(4)(Sch.
item 3.1),
amended by
No. 23/2003
s. 28(1)(b),
repealed by
No. 45/2010
s. 51(2).

* * * * *

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(b) any rivers or waterways—

which are designated as being within the metropolitan fire district by the Governor in Council by proclamation published in the Government Gazette.

* * * * *

S. 4(2A)
inserted by
No. 86/1998
s. 23(2),
amended by
No. 59/2003
s. 122(2),
repealed by
No. 74/2006
s. 27(2).

(3) On receiving the request of a council whose municipal district or any part of it is outside the metropolitan fire district and the certificate of the Board that it is necessary or desirable so to do, the Governor in Council may by proclamation published in the Government Gazette declare that that municipal district or a specified part of that municipal district is to be added to the metropolitan fire district.

S. 4(3)
inserted by
No. 50/1989
s. 27(1).

(4) As from the date specified in a proclamation under subsection (3), the municipal district or part of the municipal district specified in the proclamation is included in and is part of the metropolitan fire district for the purposes of this Act.

S. 4(4)
inserted by
No. 50/1989
s. 27(1).

(5) On the certificate of the Board that it is necessary or desirable that a part of the metropolitan fire district be excised, the Governor in Council may by proclamation published in the Government Gazette declare that part to be excised from the metropolitan fire district.

S. 4(5)
inserted by
No. 50/1989
s. 27(1).

(6) As from the date specified in a proclamation under subsection (5), the part of the metropolitan fire district specified in the proclamation is no

S. 4(6)
inserted by
No. 50/1989
s. 27(1).

longer included in or part of the metropolitan fire district for the purposes of this Act.

Nos 3682 s. 5,
5040 s. 18,
5217 s. 2.

S. 5
substituted by
No. 6434 s. 2,
amended by
No. 12/1989
s. 4(1)(Sch. 2
items 79.3,
79.4),
repealed by
No. 50/1989
s. 27(2),
new s. 5
inserted by
No. 2/1995
s. 14.

5 Duties and powers of councils and public authorities in relation to fire

- (1) In the metropolitan district it is the duty of every municipal council and public authority to take all practicable steps (including burning) to prevent the occurrence of fires on, and minimise the danger of the spread of fires on and from—
 - (a) any land vested in it or under its control or management; and
 - (b) any road under its care and management.
- (2) A municipal council or public authority may—
 - (a) acquire any equipment;
 - (b) do any thing;
 - (c) expend from its funds any amount—
that is necessary or expedient for the purpose of fulfilling its duty under subsection (1).
- (3) If the cost of maintenance of a road is apportioned between municipal councils or public authorities or both the cost of fulfilling the duty imposed by subsection (1) must be apportioned in the same manner.

S. 5A
inserted by
No. 2/1995
s. 14.

5A Municipal fire prevention officers and assistants

- (1) Each municipal council, the municipal district or part of the municipal district of which is in the metropolitan district—
 - (a) must appoint a person to be the fire prevention officer for that council for the purposes of this Act;
 - (b) may appoint any number of persons it thinks fit to be assistant fire prevention officers.

- (2) A fire prevention officer may, by written instrument, delegate to an assistant fire prevention officer, either generally or as otherwise provided in the instrument, any power or duty of the fire prevention officer under this Act or the regulations except this power of delegation.

Metropolitan Fire and Emergency Services Board

Heading preceding s. 6 substituted by No. 24/1997 s. 18.

6 Metropolitan Fire and Emergency Services Board

Nos 3682 s. 6, 5040 s. 18, 5217 s. 2. S. 6 substituted by No. 24/1997 s. 19.

- (1) There is established a Metropolitan Fire and Emergency Services Board.
- (2) The Board—
- (a) is a body corporate with perpetual succession; and
 - (b) shall 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.

S. 6(2)(b) amended by No. 5/2012 s. 61.

7 Functions of Board

S. 7
amended by
No. 6434
s. 3(1),
repealed by
No. 7926 s. 3,
new s. 7
inserted by
No. 7926
s. 4(1),
amended by
Nos 8019 s. 3,
8476
s. 2(1)(a)(i)–
(iii)(b), 43/1987
s. 3(1)(a)(i)(ii),
12/1989
s. 4(1)(Sch. 2
item 79.5).
2/1995
s. 22(a)(b),
substituted by
No. 24/1997
s. 19.

(1) The functions of the Board are—

S. 7(1)(a)
amended by
No. 5/2012
s. 62(1).

(a) to provide for fire suppression and fire prevention services in the metropolitan district; and

S. 7(1)(b)
amended by
No. 5/2012
s. 62(1).

(b) to provide for emergency prevention and response services in the metropolitan district; and

S. 7(1)(c)
amended by
No. 5/2012
s. 62(2).

(c) to carry out any other functions conferred on the Board by or under this Act or the regulations or any other Act or any regulations under that Act.

(2) The Board has all powers necessary to carry out its functions.

S. 7(3)
amended by
No. 5/2012
s. 62(3).

(3) The functions of the Board extend to any vessel berthed adjacent to land which by virtue of section 4(2) is part of the metropolitan district.

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*	*	*	*	*	S. 7(4) inserted by No. 48/2000 s. 8, amended by No. 73/2010 s. 54(1), repealed by No. 73/2013 s. 90(a).
*	*	*	*	*	S. 7(5) inserted by No. 48/2000 s. 8, substituted by No. 73/2010 s. 54(2)), repealed by No. 73/2013 s. 90(a).
*	*	*	*	*	S. 7(6) inserted by No. 73/2010 s. 54(2)), repealed by No. 73/2013 s. 90(a).

7AA Duty to assist in major emergency

- (1) In addition to any other of its duties and functions under this Act, the Board must assist in the response to any major emergency occurring within Victoria.

- (2) In this section—

emergency agency means—

- (a) the Board;
- (b) the Country Fire Authority established under the **Country Fire Authority Act 1958**;
- (c) the Secretary to the Department of Sustainability and Environment when performing functions or duties or

S. 7AA
inserted by
No. 5/2012
s. 63.

exercising powers under section 62(2)
of the **Forests Act 1958**;

- (d) the Victoria State Emergency Service
Authority established under the
**Victoria State Emergency Service
Act 2005**;

S. 7AA(2) def.
of *major
emergency*
amended by
No. 73/2013
s. 90(b).

major emergency means—

- (a) a large or complex emergency
(however caused) which—
- (i) has the potential to cause or is
causing loss of life and extensive
damage to property, infrastructure
or the environment; or
 - (ii) has the potential to have or is
having significant adverse
consequences for the Victorian
community or a part of the
Victorian community; or
 - (iii) requires the involvement of 2 or
more emergency agencies to
respond to the emergency; or
- (b) a major fire within the meaning of the
Emergency Management Act 2013.

S. 7A
inserted by
No. 8750 s. 96,
repealed by
No. 24/1997
s. 19,
new s. 7A
inserted by
No. 73/2010
s. 55,
substituted by
No. 73/2013
s. 89.

7A Objective

The objective of the Board in performing its
functions and exercising its powers under this Act
is to—

- (a) contribute to a whole of sector approach to
emergency management;
- (b) promote a culture within the emergency
management sector of community focus,
interoperability and public value.

7AB Emergency Management Victoria

The Board must, in performing its functions and exercising its powers, collaborate and consult with Emergency Management Victoria.

S. 7AB
inserted by
No. 73/2013
s. 89.

**7AC Compliance with operational standards of
Emergency Management Commissioner**

The Board must use its best endeavours to carry out its functions in accordance with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.

S. 7AC
inserted by
No. 73/2013
s. 89.

**7AD Report on compliance with operational standards
developed by the Emergency Management
Commissioner**

- (1) The Board must, at the expiration of each period of 6 months, report in writing on the action it has taken during the preceding 6 months to comply with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.
- (2) A copy of the report prepared by the Board under subsection (1) must be given to the Emergency Management Commissioner.

S. 7AD
inserted by
No. 73/2013
s. 89.

7AE Strategic Action Plan

- (1) The Board must implement the applicable work program to give effect to the Strategic Action Plan.
- (2) The Board must prepare a written report on the progress made, and achievements attained, by the Authority to give effect to the Strategic Action Plan at intervals determined by the State Crisis and Resilience Council.
- (3) The intervals must not be less than one a year.

S. 7AE
inserted by
No. 73/2013
s. 89.

- (4) The Board must give a copy of a report prepared by the Board under subsection (2) to the State Crisis and Resilience Council and the Inspector-General for Emergency Management.

S. 7A
inserted by
No. 7926
s. 4(1),
renumbered
as s. 7B by
No. 9019
s. 2(1)(Sch.
item 166),
repealed by
No. 24/1997
s. 19,
new s. 7B
inserted by
No. 73/2010
s. 55.

7B Compliance with incident management operating procedures

The Board must comply with any incident management operating procedures.

S. 8
repealed by
No. 7926 s. 3,
new s. 8
inserted by
No. 7926
s. 4(1),
amended by
Nos 8165 s. 9,
42/1995
s. 224(Sch. 2
item 25),
substituted by
No. 24/1997
s. 19.

8 Accountability of Board

- (1) The Board is subject to the general direction and control of the Minister in the performance of its functions and the exercise of its powers.
- (2) The Minister may from time to time give written directions to the Board.

S. 8A
inserted by
No. 10043 s. 5,
repealed by
No. 24/1997
s. 19.

* * * * *

9 Constitution of the Board

- (1) The Board consists of up to 7 members appointed by the Governor in Council.
- (2) One of the members is to be appointed as President of the Board.
- (3) Another of the members is to be appointed as Deputy President of the Board.

S. 9
repealed by
No. 7926 s. 3,
new s. 9
inserted by
No. 7926
s. 4(1),
amended by
Nos 10149
s. 24(2),
45/1986 s. 12,
43/1987
s. 3(1)(b),
substituted by
No. 24/1997
s. 19.

S. 9(3)
inserted by
No. 41/2004
s. 22(1).

10 Term of appointment

- (1) Subject to this Act, a member of the Board holds office for the period, not exceeding 3 years, specified in the instrument of his or her appointment.
- (2) A member of the Board is eligible for reappointment.
- (3) The instrument of appointment may specify terms and conditions of appointment not inconsistent with this Act or the regulations.
- (4) A member of the Board may be removed from office by the Governor in Council.

S. 10
repealed by
No. 7926 s. 3,
new s. 10
inserted by
No. 7926
s. 4(1),
substituted by
No. 24/1997
s. 19.

11 Remuneration and allowances

S. 11
repealed by
No. 7926 s. 3,
new s. 11
inserted by
No. 7926
s. 4(1),
amended by
Nos 9727 s. 2,
50/1988
s. 93(2)(Sch. 2
Pt 2 item 34),
2/1995
s. 22(c)(d)(i)(ii),
substituted by
No. 24/1997
s. 19.

S. 11(1)
amended by
Nos 46/1998
s. 7(Sch. 1),
5/2012 s. 64.

- (1) A member of the Board (other than an employee of the public service) is entitled to receive—
 - (a) remuneration; and
 - (b) travelling or other allowances—as are fixed by the Governor in Council.
- (2) If a member of the Board is a member of the Legislative Council or the Legislative Assembly, the member is not entitled to the payment of any remuneration or allowances under this Act.

S. 11A
inserted by
No. 5/2012
s. 65,

11A Rights of President in relation to the public service and superannuation

- (1) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a person appointed as President of the Board in respect of the office of President.
- (2) If a person appointed as President of the Board was, immediately before his or her appointment, an employee in the public service, he or she is eligible at the termination of his or her term of office under this Act to be employed in the public service with a classification and remuneration corresponding with or higher than that which he or she held or received immediately before his or

her appointment as the President of the Board as if the whole period of his or her service under this Act had been a period of service in the public service.

- (3) If a person appointed as President of the Board was, immediately prior to that appointment, an officer within the meaning of the **State Superannuation Act 1988** or any corresponding previous enactment, he or she is, despite that appointment, taken to continue subject to that Act to be an officer within the meaning of that Act.

12 Application of Public Administration Act 2004

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

S. 12
repealed by
No. 7926 s. 3,
new s. 12
inserted by
No. 7926
s. 4(1),
substituted by
No. 24/1997
s. 19,
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 133.1),
80/2006
s. 26(Sch.
item 70.1).

13 Vacancies

- (1) A member of the Board may resign from membership by letter signed by the member and delivered to the Minister.

S. 13
repealed by
No. 7926 s. 3,
new s. 13
inserted by
No. 7926
s. 4(1),
amended by
No. 9599 s. 2,
substituted by
No. 24/1997
s. 19.

S. 13(1A)
inserted by
No. 5/2012
s. 66.

- (1A) A resignation under subsection (1) takes effect—
- (a) on the date specified in the letter; or
 - (b) if no date is specified in the letter—on the day the letter is received by the Minister.
- (2) The office of a member of the Board becomes vacant if the member—
- (a) without the approval of the Board, fails to attend 3 consecutive meetings of the Board;
or
 - (b) becomes bankrupt; or
 - (c) is convicted in Victoria of an offence punishable on first conviction with imprisonment for a term of 12 months or more or is elsewhere convicted of an offence which, if committed in Victoria, would be so punishable.

S. 14
repealed by
No. 7926 s. 3,
new s. 14
inserted by
No. 7926
s. 4(1),
substituted by
No. 43/1987
s. 3(1)(c),
amended by
No. 2/1995
s. 22(b),
substituted by
No. 24/1997
s. 19.

14 Acting members

S. 14(1)
amended by
No. 5/2012
s. 67.

- (1) If a member of the Board is unable to perform the duties of his or her office, the Governor in Council may appoint a person to act in the place of the member during the period of the member's inability.

- (2) An acting appointment is to be for any term and on any conditions determined by the Governor in Council.
- (3) The Governor in Council may at any time terminate an acting appointment.
- (4) An acting member has all the powers and functions and may perform the duties of the member for whom he or she is acting.
- (5) An acting member is entitled to receive any remuneration or travelling or other allowances fixed from time to time by the Governor in Council in respect of that acting member.

15 Membership of Board not office or place of profit

A member of the Board must not, in respect of the office of member, be taken to hold an office or place of profit under the Crown which would—

- (a) prevent the member sitting or voting as a member of the Legislative Council or the Legislative Assembly;
- (b) make void the member's election to the Legislative Council or the Legislative Assembly;
- (c) prevent the member continuing to be a member of the Legislative Council or the Legislative Assembly;
- (d) subject the member to liability to a penalty under the **Constitution Act 1975**.

Nos 3682
s. 19, 5040
s. 18, 5829
s. 2(2)(c).
S. 15
amended by
Nos 7926
s. 5(a), 2/1995
s. 22(a)(b),
substituted by
No. 24/1997
s. 19.

16 Decisions not affected by certain matters

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

- (a) of a defect or irregularity in the appointment of a member or acting member; or

Nos 3682
s. 20, 5040
s. 18.
S. 16
substituted by
No. 24/1997
s. 19.

- (b) of a vacancy in its membership; or
- (c) the occasion for the appointment of an acting member has ceased to exist.

S. 16A
inserted by
No. 43/1987
s. 4(2),
amended by
Nos 39/1992
s. 19, 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 19.

* * * * *

Heading
preceding
s. 17
repealed by
No. 24/1997
s. 19.

* * * * *

S. 17
repealed by
No. 7926
s. 5(b),
new s. 17
inserted by
No. 24/1997
s. 19.

17 Immunity of members of Board

- (1) A member of the Board is not personally liable for anything done or omitted to be done in good faith—
 - (a) in the exercise of a power or the discharge of a duty under this Act or the regulations; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.
- (2) Any liability resulting from an act or omission that would but for subsection (1) attach to a member of the Board attaches instead to the Board.

18 Meetings of the Board

- (1) Meetings of the Board shall be held at the times and places determined by the Board.
- (2) The President or, in the absence of the President, the Deputy President must preside at a meeting of the Board at which he or she is present.
- (3) If neither the President nor the Deputy President is present at a meeting, the members present may elect one of their number to preside at the meeting.
- (4) Four members of the Board constitute a quorum for meetings of the Board.
- (5) The functions of the Board may be performed at a meeting at which there is a quorum.
- (6) At a meeting a decision of the Board is the decision of the majority of members present and voting at the meeting and, if voting is equal, the person presiding at the meeting has a casting vote as well as a deliberative vote.
- (7) The Board must ensure that minutes are kept of each meeting.
- (8) Subject to this Act, the Board may regulate its own proceedings.

Nos 3682
s. 22, 5040
s. 18.
S. 18
amended by
No. 7926 s. 6,
substituted by
No. 24/1997
s. 19.

S. 18(2)
substituted by
No. 41/2004
s. 22(2).

S. 18(3)
amended by
No. 41/2004
s. 22(3).

19 Participation in meetings by telephone etc.

- (1) The Board may permit its members to participate in a particular meeting, or all meetings, by—
 - (a) telephone; or
 - (b) closed-circuit television; or
 - (c) any other means of communication.

Nos 3682
s. 23, 5040
s. 18.
S. 19
substituted by
No. 24/1997
s. 19.

- (2) A member who participates in a meeting under a permission under subsection (1) is deemed to be present at the meeting.

Nos 3682
s. 24, 5040
s. 18.
S. 20
amended by
No. 43/1987
s. 3(1)(d),
substituted by
No. 24/1997
s. 19.

20 Resolutions without meetings

- (1) If—
- (a) the Board has taken reasonable steps to give notice to each member setting out the terms of a proposed resolution; and
 - (b) at least 4 members of the Board sign a document containing a statement that they are in favour of the resolution in the terms set out in the document—

a resolution in those terms is deemed to have been passed at a meeting of the Board held on the day on which the document is signed or, if the members referred to in paragraph (b) do not sign it on the same day, on the day on which the last of those members signs the document.

- (2) For the purposes of subsection (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more members, are deemed to constitute one document.
- (3) If a resolution is deemed by this section to have been passed at a meeting of the Board, each member must as soon as practicable be advised of the matter and given a copy of the resolution.
- (4) The members referred to in subsection (1)(b) must not include a member who, because of section 21, is not entitled to vote on the resolution.

21 Conflicts of interest

Nos 3682
s. 25, 5040
s. 18.
S. 21
substituted by
No. 24/1997
s. 19.

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

Penalty: 5 penalty units.

- (2) The Board or the President must cause the declaration to be tabled at that meeting or at the next meeting of the Board and the person presiding at that meeting must cause the declaration to be recorded in the minutes of the meeting.
- (3) A member who has a conflict of interest in a matter—
- (a) must not be present during any deliberations on the matter, unless a full declaration of the interest has been made and the Board directs otherwise; and
 - (b) is not entitled to vote on the matter.
- (4) A member who has a conflict of interest in a matter must not be present during any deliberations leading to a direction, or take part in making a direction under subsection (3)(a).
- (5) If a member votes on a matter in contravention of subsection (3)(b), his or her vote must be disallowed.
- (6) For the purposes of the section, a member is not to be regarded as having a conflict of interest—
- (a) in a matter relating to the supply of goods or services to the member if the goods or services are, or are to be, available to members of the public on the same terms and conditions; or

(b) in a contract or arrangement only because that contract or arrangement may benefit a company or other body in which the member has a beneficial interest that does not exceed \$2000 or 1% of the total nominal value of beneficial interests in the company or body, whichever is the lesser.

S. 22
repealed by
No. 24/1997
s. 20.

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S. 23
amended by
No. 57/1989
s. 3(Sch.
item 133.1),
repealed by
No. 24/1997
s. 20.

* * * * *

General powers and duties of Board

24 Power to purchase and sell property

Nos 3682
s. 28, 5040
s. 18.

S. 24(1)
amended by
No. 50/1989
s. 28.

- (1) The Board may purchase take on lease or otherwise acquire stations for appliances and the accommodation of fire-fighters and any other buildings, land, apparatus, plant or other property as the Board thinks requisite for carrying into effect the purposes of this Act, and may from time to time sell or exchange or let any property acquired by or vested in it for the purposes of this Act.
- (2) All moneys resulting from the sale exchange or letting of any property by the Board shall be applied in the purchase of property for the Board or the improvement of the property of the Board.

24A Power to acquire land

S. 24A
inserted by
No. 45/1986
s. 13.

(1) In addition to its powers under section 24, the Board may acquire compulsorily any land which is required for the purposes of this Act.

S. 24A(1)
amended by
No. 5/2012
s. 68.

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

S. 24A(2)
substituted by
No. 121/1986
s. 112.

(a) the **Metropolitan Fire Brigades Act 1958** is the special Act; and

(b) the Metropolitan Fire and Emergency Services Board is the Authority.

S. 24A(2)(b)
substituted by
No. 24/1997
s. 21.

24B Power of delegation

The Board may, by instrument under its official seal, delegate to any employee or class of employees of the Board any responsibility, power, authority, duty or function of the Board under this Act or the regulations or under any other Act or regulations, other than this power of delegation.

S. 24B
inserted by
No. 39/1992
s. 20,
substituted by
No. 24/1997
s. 22,
amended by
No. 5/2012
s. 69.

* * * * *

S. 25
amended by
Nos 10043
s. 6, 2/1995
s. 15,
repealed by
No. 24/1997
s. 23.

25A General powers of Board

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

S. 25A
inserted by
No. 2/1995
s. 16.

- (2) Without limiting or derogating from the generality of the powers of the Board under this Act, the powers of the Board include the power to—
- (a) enter into agreements or arrangements with any person or body for the provision of goods or services to the Board;
 - (b) subject to subsection (3), enter into agreements or arrangements with any person or body for the provision of goods or services by the Board;
 - (c) apply for, obtain and hold intellectual property rights (including patents, copyrights, trade marks and registered designs);
 - (d) enter into agreements or arrangements for the commercial exploitation of those intellectual property rights and ancillary services on any terms and conditions as to royalties, lump sum payments or otherwise as the Board may see fit;
 - (e) subject to subsection (3), form, participate in the formation of, or be a member of a body corporate, association, partnership, trust or other body;
 - (f) subject to subsection (3), enter into a joint venture agreement, shareholders agreement or unitholders agreement with any other person or body;
 - (g) do all things necessary or convenient to give effect to any agreements or arrangements entered into by the Board including power to appoint any person or body as the Board's agent for that purpose.

- (3) The Board must obtain the written consent of the Minister before—
- (a) entering into any agreement or arrangement with any person or body for the provision of goods or services by the Board; or
 - (b) forming, participating in the formation of, or becoming a member of a body corporate, association, partnership, trust or other body; or
 - (c) entering into any joint venture agreement, shareholders agreement or unitholders agreement.

- (4) Subsection (3)(a) does not apply to an agreement or arrangement for the provision of goods or services by the Board—

S. 25A(4)
substituted by
Nos 24/1997
s. 24(1),
5/2012 s. 70.

- (a) to a unit or group of units or to a person acting on behalf of a unit or group of units; or
- (b) where the provision of those goods or services falls within the general duties and functions of the Board.

- (4A) The Board, with the written consent of the Minister, may—

S. 25A(4A)
inserted by
No. 24/1997
s. 24(1).

- (a) enter into any agreement or arrangement with any person or body to provide consultancy services in emergency protection and response in any place outside Victoria; and
- (b) make any charge it thinks fit for those services.

S. 25A(5)
amended by
No. 24/1997
s. 24(2).

- (5) The Minister's consent under subsection (3)(a) or (b) or (4A) may be given in respect of a particular case or a class of cases.

S. 25B
inserted by
No. 24/1997
s. 25.

25B Employees of Board

- (1) The Board may from time to time—
- (a) employ any persons that it considers necessary to assist it in carrying out its functions under this Act or any other Act; and
 - (b) transfer, promote, suspend or remove any employee.
- (2) Every appointment or promotion of a member of the operational staff is to be on 3 months' probation.

Nos 3682
s. 31, 5040
s. 18.

26 Formation of units

S. 26
amended by
Nos 9928 s. 3,
10043 s. 7,
50/1989
s. 44(2),
substituted by
No. 24/1997
s. 26.

S. 26(1)
amended by
No. 5/2012
s. 71.

- (1) The Board may at any time establish fire or emergency services units to assist it in carrying out its functions.
- (2) A unit may consist of—
- (a) persons employed by the Board; or
 - (b) persons engaged under any contract or arrangement entered into by the Board; or
 - (c) both.

- (3) A member of a unit is subject to the direction and control of the Chief Officer.

27 Copies of annual report and special report

- (1) After the annual report of the Board has been laid before both Houses of Parliament, the Board must send a copy of the annual report to each person or body that has made contributions under this Act.

* * * * *

Nos 3682
s. 32, 5040
s. 18.
S. 27
substituted by
No. 50/1989
s. 29(1).

S. 27(1A)(1B)
inserted by
No. 51/2005
s. 68,
repealed by
No. 58/2012
s. 110(2) (as
amended by
No. 81/2012
s. 114(2)(c)).

- (2) The Board must if required by the Minister give the Minister a special report upon any matter relating to its activities or to the administration of this Act.

Chief Executive Officer and Chief Officer

Heading
preceding
s. 28
substituted by
No. 24/1997
s. 27.

28 Chief Executive Officer

- (1) The Board must, with the approval of the Minister, appoint a person as Chief Executive Officer of the Board.
- (2) The Chief Executive Officer holds office for the period, not exceeding 5 years, specified in the instrument of his or her appointment.
- (3) The Chief Executive Officer is responsible to the Board for the carrying out of its functions.
- (4) The Chief Executive Officer must comply with the directions of the Board.

Nos 3682
s. 33, 5040
s. 18.
S. 28
substituted by
No. 24/1997
s. 28.

Nos 3682
s. 34, 5040
s. 18, 5316
s. 4(1).
S. 29
amended by
Nos 8019 s. 4,
9599 s. 3(a),
substituted by
No. 24/1997
s. 28.

29 Acting Chief Executive Officer

- (1) The Board must appoint a person to be the Acting Chief Executive Officer of the Board—
 - (a) while the office of Chief Executive Officer is vacant; or
 - (b) during any period when the Chief Executive Officer is unable, by reason of illness or absence, to perform the functions of that office.
- (2) The Acting Chief Executive Officer has all the powers and functions and may perform the duties of the Chief Executive Officer while he or she is acting, including any power, function or duty as Chief Officer.

Nos 3682
s. 35, 5040
s. 18.
S. 30
amended by
Nos 7926
ss 5(c), 7,
substituted by
No. 24/1997
s. 28.

30 Delegation of powers of Chief Executive Officer

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

Nos 3682
s. 36, 5040
s. 18.
S. 31
amended by
Nos 7926
s. 5(c), 10149
s. 23(1)(a)(b)
(c)(i)(ii),
substituted by
No. 24/1997
s. 28.

31 Chief Officer

- (1) There is to be an officer to be called the Chief Officer of the Metropolitan Fire and Emergency Services.

S. 31(2)
repealed by
No. 5/2012
s. 72.

* * * * *

31A Delegation of powers by Chief Officer

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

S. 31A
inserted by
No. 10149
s. 23(2),
amended by
Nos 50/1989
s. 30, 2/1995
s. 19(2)(3),
24/1997
s. 56, 73/2010
s. 58(1),
substituted by
No. 5/2012
s. 73.

32 Powers of Chief Officer

Within the metropolitan district the Chief Officer or any person authorized for the purpose by the Chief Officer shall at all reasonable times have free access to any land building premises or other place for the purpose of ascertaining whether this Act and the regulations and any other law relating to—

S. 32
substituted by
No. 7926
s. 8(1),
amended by
Nos 10149
s. 23(3),
24/1997
s. 56.

- (a) the storage of explosives;
 - (b) the storage of radioactive substances;
 - (c) the storage of inflammable liquids or substances; and
 - (d) the prevention of fire or the protection of life or property in the case of fire—
- are being complied with.

32AA Duty to warn the community

- (1) The Chief Officer must issue warnings and provide information in relation to fires in the metropolitan district if—

S. 32AA
inserted by
No. 73/2010
s. 56.

S. 32AA(1)
amended by
No. 5/2012
s. 74.

S. 32AA(1)(a)
repealed by
No. 73/2013
s. 90(c).

* * * * *

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

S. 32AA(2)
amended by
No. 73/2013
s. 90(d).

(2) The Chief Officer must have regard to any guidelines, procedures or operating protocols issued by the Emergency Management Commissioner under section 44 of the **Emergency Management Act 2013** for the purposes of carrying out a duty under subsection (1).

Heading
preceding
s. 32A
inserted by
No. 10149
s. 24(1).

Alarm of fire

S. 32A
inserted by
No. 10149
s. 24(1).

32A Meaning of *alarm of fire*

In sections 32B, 32C and 32D, *alarm of fire* means any call for assistance at a fire, accident, explosion or other emergency.

S. 32B
inserted by
No. 10149
s. 24(1).

32B Action on alarm of fire

S. 32B(1)
substituted by
No. 24/1997
s. 29(1).

(1) For the purposes of this section, the Chief Officer is responsible for the control and direction of all members of units in the metropolitan district.

S. 32B(2)
substituted by
No. 24/1997
s. 29(1).

(2) On an alarm of fire being received by a unit, those members of the unit specified by the Chief Officer must, with the appliances and equipment specified by the Chief Officer, proceed with all practical speed to the scene of the alarm of fire.

Metropolitan Fire Brigades Act 1958
No. 6315 of 1958

- (3) At the scene of an alarm of fire the senior member of the operational staff—
- (a) shall endeavour by all practical means to have any fire suppressed and any person or property in jeopardy saved;
 - (b) shall have the control and direction of any unit present and of all persons assisting any unit or units at the scene;
 - (c) may, for the purposes of dealing with any alarm of fire, cause—
 - (i) any land building structure vessel or vehicle to be entered upon or into (if necessary by force), taken possession of, shored up, pulled down, otherwise destroyed or removed;
 - (ii) any vehicle or equipment to be taken through upon or into any land building structure vessel or vehicle;
 - (iii) water to be shut off from any main pipe or other source of supply in order to obtain a greater pressure or supply of water; and
 - (iv) any road waterway railway or tramway to be closed to traffic or any main pipeline conduit or conductor of gas electricity oil or any source of power fuel or energy to be shut off;
 - (d) may order to withdraw any persons who interfere by their presence or otherwise with the operation of the unit or units, and cause to be removed any persons who fail or refuse to comply with any such order to withdraw; and
- S. 32B(3) amended by No. 24/1997 s. 29(2)(a).**
- S. 32B(3)(b) substituted by No. 24/1997 s. 29(2)(b).**
- S. 32B(3)(c)(iv) amended by No. 2/1995 s. 22(e).**
- S. 32B(3)(d) amended by No. 24/1997 s. 29(2)(c).**

(e) may take such other measures as appear necessary for the protection of life and property.

(4) A person shall not be liable to any penalty or claim by reason of any action taken under subsection (3)(c)(iii) or (iv).

S. 32B(5)
amended by
Nos 24/1997
s. 29(3),
63/1997
s. 10(4)(Sch.
item 3.2),
23/2003
s. 28(2) (as
amended by
No. 29/2006
s. 3(Sch. 1
item 31),
45/2010 s. 52,
10/2016
s. 179(Sch. 1
item 6).

(5) Where the scene of an alarm of fire is land which by virtue of section 4(2) is part of the metropolitan district, or is a vessel berthed adjacent to such land, the senior member of the operational staff shall so far as practicable consult with an officer of the Victorian Ports Corporation (Melbourne) (within the meaning of the **Transport Integration Act 2010**) designated for that purpose by that Corporation.

S. 32B(5A)
inserted by
No. 98/2004
s. 41.

(5A) For the purposes of this section, an alarm of fire from the Emergency Services Telecommunications Authority (within the meaning of the **Emergency Services Telecommunications Authority Act 2004**) is to be taken not to have been received by a particular unit until a message in the prescribed form is received by the unit from the Authority.

S. 32B(6)
amended by
No. 24/1997
s. 29(3).

(6) In this section, *senior member of the operational staff*, in relation to the scene of an alarm of fire, means the person determined in accordance with the directions of Chief Officer to be the senior member of the operational staff at the scene.

32C Destruction of building by Chief Officer

S. 32C
(Heading)
inserted by
No. 73/2010
s. 58(2),
amended by
No. 5/2012
s. 75.

S. 32C
inserted by
No. 10149
s. 24(1).

- (1) If a fire has been recently extinguished, the Chief Officer may cause any building or structure—
- (a) which has been damaged by the fire; and
 - (b) which the Chief Officer reasonably believes is or may become dangerous to life or property because of that damage—

S. 32C(1)
substituted by
No. 24/1997
s. 30.

to be shored up, pulled down or otherwise destroyed or removed.

- (1A) For the purposes of subsection (1), the Chief Officer may do or cause to be done anything which the senior member of the operational staff at the scene of an alarm of fire may do or cause to be done under section 32B(3)(c).
- (2) The Board may sell or dispose of any material salvaged from any building or structure shored up, pulled down, otherwise destroyed or removed under this section or section 32B.
- (3) The proceeds of a sale or disposal under this section shall be applied towards any expenses incurred by the Board in relation to the shoring up, pulling down, other destruction or removal, and any surplus shall be paid by the Board to the owner of the building or structure.
- (4) The owner of a building or structure shored up, pulled down, otherwise destroyed or removed under this section shall pay to the Board—

S. 32C(1A)
inserted by
No. 24/1997
s. 30.

- (a) the expenses incurred by the Board in relation to the shoring up, pulling down, other destruction or removal and remaining after the application of the proceeds of a sale or disposal under this section; or
- (b) where there has been no sale or disposal under this section, the whole of the expenses incurred by the Board in relation to the shoring up, pulling down, other destruction or removal.

S. 32D
inserted by
No. 10149
s. 24(1),
substituted by
No. 50/1989
s. 44(3),
amended by
Nos 57/1989
s. 3(Sch.
item 133.2),
24/1997
s. 31, 52/1998
s. 311(Sch. 1
item 62.1),
substituted by
No. 5/2012
s. 76.

32D False alarm of fire

- (1) This section applies if a unit in the metropolitan district responds to a false alarm of fire at a premises given by or originating from—
 - (a) an automatic fire alarm system; or
 - (b) equipment designed to detect a fire or other emergency conditions and transmit a signal of that detection.
- (2) The Board may, by written notice, require the owner, occupier or owners corporation of the premises to provide details of the circumstances of the false alarm of fire to the Board.
- (3) A person who receives a notice under subsection (2) may provide the Board with an explanation of the circumstances of the false alarm of fire and any information supporting the explanation including maintenance and testing records.
- (4) The Board is not required to consider an explanation given by a person under subsection (3) unless it is—
 - (a) in writing; and
 - (b) provided to the Board within 14 days after the person has received the notice under subsection (2).

- (5) After the expiry of the period provided under subsection (4)(b) for the provision of an explanation, the Board must consider whether or not there was a reasonable excuse for the occurrence of the false alarm having regard to—
- (a) subject to subsection (4), any explanation and information provided by the person under subsection (3); and
 - (b) any report of the member of the operational staff who attended at the false alarm of fire at the premises; and
 - (c) the history of any attendances at the premises; and
 - (d) any other information that the Board considers is relevant.
- (6) If, after considering the matters referred to in subsection (5), the Board is not satisfied that there was a reasonable excuse for the occurrence of the false alarm of fire, the Board may by written notice require the person to whom the notice under subsection (2) was given to pay to the Board the fees and charges prescribed for the attendance of the unit in response to the false alarm.
- (7) A person who receives a notice under subsection (6) may apply to VCAT for review of the decision of the Board to issue the notice.
- (8) An application under subsection (7) for a review must be made within 28 days after the later of—
- (a) the day on which the applicant is notified of the decision; or
 - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the applicant requests a statement of reasons for the decision—the day on which—

- (i) the statement of reasons is given to the applicant; or
- (ii) the applicant is informed under section 46(5) of that Act that a statement of reasons will not be given.

S. 33 substituted by No. 7926 s. 8(1), amended by Nos 9928 s. 2(2), 10043 s. 8(a)(b), substituted by No. 10149 s. 24(1), repealed by No. 50/1989 s. 44(4), new s. 33 inserted by No. 5/2012 s. 77.

33 False report of fire

- (1) A person must not give or cause to be given a false report of a fire to a unit in the metropolitan district knowing the report to be false.

Penalty: 60 penalty units.

- (2) In addition to any penalty imposed under subsection (1), the court may order a person convicted of an offence under subsection (1) to pay to the Board—
- (a) the fees and charges prescribed for the attendance of the unit in response to the false report; or
 - (b) a lesser amount as the court thinks fit.

Heading preceding s. 33A inserted by No. 9599 s. 3(b), repealed by No. 24/1997 s. 32(1).

* * * * *

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* * * * *

S. 33A
inserted by
No. 9599
s. 3(b),
amended by
Nos 47/1992
s. 25(4)(a),
83/1992
s. 184(Sch. 6
item 14.1(a)(b)
(i)(ii)), 2/1995
s. 22(b),
59/1996
s. 10(Sch. 2
item 15.1,
15.2),
repealed by
No. 24/1997
s. 32(2).

Regulations

34 Power to make regulations

(1) The Governor in Council may as to the whole or any part of Victoria make regulations for all or any of the following purposes—

Nos 3682
s. 39, 4519
s. 6, 5040
s. 18, 5217
s. 2, 5316
s. 4(2), 5419
s. 3, 5829
s. 2(2)(d).
S. 34
amended by
No. 7885
s. 4(a).

* * * * *

S. 34(1)(a)
repealed by
No. 24/1997
s. 33(1)(a).

(b) For the appointment, promotion, probation, transfer, suspension and removal of employees of the Board;

S. 34(1)(b)
amended by
Nos 8019
s. 5(1)(a), 9599
s. 3(c)(i),
substituted by
No. 24/1997
s. 33(1)(b).

(ba) For the examination of employees of the Board and members of units;

S. 34(1)(ba)
inserted by
No. 24/1997
s. 33(1)(b).

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S. 34(1)(c)
amended by
No. 9599
s. 3(c)(ii),
substituted by
No. 24/1997
s. 33(1)(b).

(c) For regulating the duties and conduct of
employees of the Board and members of
units;

S. 34(1)(ca)
inserted by
No. 9599
s. 3(c)(iii),
amended by
Nos 47/1992
s. 25(4)(b),
83/1992
s. 184(Sch. 6
item
14.2(a)(b)),
2/1995
s. 22(b),
59/1996
s. 10(Sch. 2
item 15.1),
repealed by
No. 24/1997
s. 33(1)(a).

* * * * *

S. 34(1)(d)
amended by
No. 10043
s. 9(a)(i),
substituted by
No. 50/1989
s. 44(5).

(d) for the provision of training or training
facilities and the issue of any certificate or
qualification after the completion of any
course of training and the prescribing of the
fees and charges payable in relation thereto;

S. 34(1)(e)
amended by
Nos 10043
s. 9(a)(ii), 10,
2/1995
s. 22(b),
repealed by
No. 24/1997
s. 33(1)(a).

* * * * *

S. 34(1)(f)
repealed by
No. 24/1997
s. 33(1)(a).

* * * * *

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	*	*	*	*	*
S. 34(1)(m) repealed by No. 24/1997 s. 33(1)(a).					
S. 34(1)(n) substituted by No. 50/1989 s. 44(6).	(n)	for prescribing the basis on which the cost of attending at a hazardous material incident or toxic fire incident the whole or part of which is not a fire within the meaning of section 3(1) is to be determined and prescribing the fees and charges to be paid to the Board for that attendance;			
S. 34(1)(o) substituted by Nos 50/1989 s. 44(6), 5/2012 s. 78(3).	(o)	for prescribing, or authorising the Board to fix, the fees and charges to be paid to the Board for— (i) the inspection by the Board of plans, premises and equipment for the prevention or suppression of fire; (ii) any service the Board is empowered to provide under this or any other Act; (iii) any other service rendered by the Board or by members or employees of the Board (whether within or outside Victoria);			
S. 34(1)(oa) inserted by No. 9928 s. 11(2), amended by No. 24/1997 s. 33(1)(e), substituted by No. 5/2012 s. 78(3).	(oa)	for prescribing, for the purposes of this Act, the fees and charges of any unit in relation to attendance at any fire, answering any alarm or responding to any report of a fire;			
S. 34(1)(ob) inserted by No. 9928 s. 11(2), substituted by No. 5/2012 s. 78(3).	(ob)	for prescribing the information that an alarm monitoring service must provide to the Board for the purposes of section 78 and the period of time within which that information must be provided;			

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*	*	*	*	*	S. 34(1)(p) amended by Nos 10043 s. 9(a)(iii), 39/1992 s. 23(2)(a), repealed by No. 24/1997 s. 33(1)(a).
					(pa) for prescribing the insignia and the use of the insignia of the Board;
					S. 34(1)(pa) inserted by No. 39/1992 s. 23(2)(b), amended by No. 24/1997 s. 33(1)(f).
*	*	*	*	*	S. 34(1)(q) repealed by No. 24/1997 s. 33(1)(a).
*	*	*	*	*	S. 34(1)(r) repealed by No. 24/1997 s. 33(1)(a).
					(s) for managing and regulating the distribution of all revenue received under the provisions of this Act;
*	*	*	*	*	S. 34(1)(t) repealed by No. 58/2012 s. 110(1).
					(u) for altering any date prescribed by this Act for the doing or performance of any duty to any other date;
					(ua) for prescribing forms for the purposes of this Act;
					S. 34(1)(ua) inserted by No. 7885 s. 4(b).
*	*	*	*	*	S. 34(1)(v) repealed by No. 8019 s. 5(1)(b).

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S. 34(1)(w) repealed by No. 24/1997 s. 33(1)(a).	*	*	*	*	*
S. 34(1)(x) substituted by No. 24/1997 s. 33(1)(g).		(x)	For appeals to the Metropolitan Fire and Emergency Services Appeals Commission, including the period and procedure for making an appeal;		
S. 34(1)(xa) inserted by No. 24/1997 s. 33(1)(g).		(xa)	For hearings under section 78C;		
		(y)	and generally for the purposes of carrying into effect the objects of this Act.		
S. 34(2) inserted by No. 7885 s. 4(c), repealed by No. 58/2012 s. 110(1).	*	*	*	*	*
S. 34(3) inserted by No. 39/1992 s. 23(3), amended by No. 24/1997 s. 33(2).		(3)	Regulations made under this Act may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 23 of the Subordinate Legislation Act 1994 , which disallowance shall be deemed disallowance by Parliament for the purposes of that Act.		
S. 35 amended by No. 6886 s. 3, repealed by No. 24/1997 s. 34.	*	*	*	*	*

Financial

Heading
preceding
s. 36
inserted by
No. 10149
s. 25(b).

36 Annual estimate of expenditure and revenue

Nos 3682
s. 41, 4519
s. 4(2), 5040
s. 18.
S. 36
substituted by
No. 43/1987
s. 9(2)(a).

(1) For the purposes of enabling the Minister administering the **Fire Services Property Levy Act 2012** to determine the levy rate under that Act, the Board must provide the Minister with an estimate of—

S. 36(1)
substituted by
No. 58/2012
s. 104,
amended by
No. 43//2015
s. 33(1).

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

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

(1A) The Board must provide the Minister with an estimate under subsection (1) by the date specified by the Minister.

S. 36(1A)
inserted by
No. 58/2012
s. 104.

(2) The Minister must determine the total amounts of contributions payable under section 37 having regard to the estimates under subsection (1) and to any other matters as the Minister thinks fit.

S. 36(2)
amended by
No. 43/2015
s. 33(2).

37 Contributions towards annual expenditure

S. 37
amended by
No. 7885 s. 5,
substituted by
No. 8476
s. 4(1).

S. 37(1)
amended by
No. 43/1987
s. 9(2)(b).

S. 37(1)(b)
amended by
No. 12/1989
s. 4(1)(Sch. 2
items 79.6,
79.7),
substituted by
No. 58/2012
s. 105(1).

S. 37(1)(c)
repealed by
No. 58/2012
s. 105(1).

S. 37(2)
amended by
No. 91/1989
s. 5(1).

S. 37(3)
inserted by
No. 58/2012
s. 105(2),
repealed by
No. 58/2012
s. 110(1).

S. 38
amended by
Nos 12/1989
s. 4(1)(Sch. 2
items 79.8 (as
amended by
No. 13/1990
s. 38(2)(j)),
79.9),
50/1989 s. 31,
repealed by
No. 58/2012
s. 110(1).

- (1) The sum required to meet the total amount of contributions shall be contributed as follows—
- (a) one-eighth from the Consolidated Fund;
 - (b) seven-eighths funded by the levy under the **Fire Services Property Levy Act 2012**.

* * * * *

- (2) The amounts to be contributed pursuant to subsections (1)(a) and (1)(b) shall be paid to the Board by equal quarterly payments on the 1st day of July, October, January and April in each year.

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*	*	*	*	*	S. 39 amended by No. 12/1989 s. 4(1)(Sch. 2 items 79.10– 79.13), repealed by No. 58/2012 s. 110(1).
*	*	*	*	*	S. 40 amended by Nos 7885 s. 6(a)(b), 9727 s. 6, 9928 s. 7(2), 43/1987 s. 14(2)(a), 50/1989 s. 32, substituted by No. 91/1989 s. 5(2), amended by Nos 51/2005 ss 69, 70, 58/2012 s. 106, repealed by No. 58/2012 s. 110(1).
*	*	*	*	*	S. 40A inserted by No. 91/1989 s. 5(2), amended by No. 24/1997 s. 59, repealed by No. 58/2012 s. 110(1).
*	*	*	*	*	S. 40B inserted by No. 91/1989 s. 5(2), repealed by No. 58/2012 s. 110(1).

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S. 41 amended by No. 7885 s. 7, substituted by No. 91/1989 s. 5(2), amended by Nos 49/2002 s. 26, 64/2010 s. 23(1), 58/2012 s. 107, repealed by No. 58/2012 s. 110(1).	*	*	*	*	*
S. 42 amended by Nos 9928 s. 8(2), 43/1987 ss 7(2)(a) (i)-(iii)(b), 14(2)(b), 12/1989 s. 4(1)(Sch. 2 item 79.14), 50/1989 s. 33, substituted by No. 91/1989 s. 5(2), amended by No. 49/2002 s. 27, repealed by No. 58/2012 s. 110(1).	*	*	*	*	*
S. 43 amended by Nos 43/1987 s. 14(2)(c), 12/1989 s. 4(1)(Sch. 2 item 79.15), substituted by No. 91/1989 s. 5(2), amended by No. 64/2010 s. 24, repealed by No. 58/2012 s. 110(1).	*	*	*	*	*

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*	*	*	*	*	S. 44 amended by Nos 7885 s. 9(2), 24/1997 s. 58(1), repealed by No. 58/2012 s. 110(1).
*	*	*	*	*	S. 44A inserted by No. 7885 s. 8, amended by Nos 9928 s. 9(2)(3), 43/1987 s. 14(2)(d)(i)(ii), 50/1989 s. 34(a)(b), substituted by No. 91/1989 s. 5(3), amended by No. 5/1991 s. 4(2)-(5), 51/2005 s. 71, repealed by No. 58/2012 s. 110(1).
*	*	*	*	*	S. 45 substituted by No. 43/1987 s. 8(2), amended by Nos 12/1989 s. 4(1)(Sch. 2 items 79.16– 79.18), 50/1989 s. 35, substituted by No. 91/1989 s. 5(3), amended by Nos 39/1992 s. 21, 49/2002 s. 28 (ILA s. 39B(1)), 64/2010 s. 25, repealed by No. 58/2012 s. 110(1).

S. 45A
inserted by
No. 49/2002
s. 29,
amended by
Nos 73/2010
s. 57, 73/2013
s. 90(e),
repealed by
No. 58/2012
s. 110(1).

Nos 3682,
s. 51, 5040
s. 18, 5316
s. 5.

S. 46
amended by
Nos 6568
s. 2(a)(b), 6614
s. 2, 7864
s. 3(a)(b), 8019
s. 6, 8753 s. 2,
9727 s. 3, 9928
s. 10(2)(a)
(i)–(iii),
43/1987
s. 13(2),
50/1989 s. 36,
substituted by
No. 99/1993
s. 17.

Nos 3682
s. 52, 5040
s. 18, 5753
s. 2.

S. 47
amended by
Nos 9928
s. 10(2)(b)
(i)–(v), 58/2012
s. 108.

* * * * *

46 Borrowing by Board

- (1) The Board may obtain financial accommodation subject to and in accordance with the **Borrowing and Investment Powers Act 1987**.
- (2) The payment of amounts payable as a result of or in connection with financial accommodation obtained by the Board (including the expenses of enforcement) are secured as a first charge on the property and revenue of the Board.
- (3) The amounts secured under subsection (2) include amounts (and interest) borrowed by the Board before the commencement of section 17 of the **Borrowing and Investment Powers (Amendment) Act 1993**.

47 Power of Minister in case of default of Board

If the Board at any time makes default in paying any principal money or interest secured by any debenture, the Minister shall be entitled to receive from the Treasurer of Victoria either the whole of the annual contributions which would otherwise have been payable to the Board or such part thereof as the Treasurer of Victoria determines to be necessary for the purposes of paying any principal money or interest in arrear and shall apply to such purposes the moneys so received.

This section shall not be deemed to take away any right of action or procedure which any debenture holder at any time has in respect of the property and revenue of the Board.

47A Guarantee of debentures etc. of Board

S. 47A
inserted by
No. 45/1986
s. 14.

(1) The due repayment of the principal and the payment of the interest secured by any debentures issued by the Board before the commencement of section 18 of the **Borrowing and Investment Powers (Amendment) Act 1993** in accordance with section 46, and the due repayment of any overdraft obtained by the Board in accordance with that section as so in force, and the payment of interest on any such overdraft, is guaranteed by the Government of Victoria.

S. 47A(1)
amended by
No. 99/1993
s. 18(a)(b).

(2) Money required by the Treasurer of Victoria for fulfilling any such guarantee shall be paid out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

(3) When sufficient money becomes properly available to it, including money received under section 47, the Board must reimburse the Treasurer for any such payment, and the Treasurer must pay into the Consolidated Fund any money so reimbursed.

* * * * *

S. 48
repealed by
No. 50/1989
s. 29(2).

* * * * *

Heading
preceding
s. 49
repealed by
No. 10149
s. 25(c).

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S. 49
amended by
No. 9928
s. 10(2)(c)
(i)–(vi),
repealed by
No. 99/1993
s. 18(c).

* * * * *

S. 50
amended by
Nos 9727
s. 4(a)(b),
29/1988
s. 57(13),
repealed by
No. 94/1990
s. 40(10).

* * * * *

Nos 4519 s. 4,
5040 s. 18.

51 Board may establish funds

The Board may—

- (a) with the consent of the Governor in Council establish a Land, Building, Vehicle, Plant and Machinery Purchase, Construction, Renewal and Replacement Fund; and
- (b) pay into that fund such amounts as the Governor in Council approves either generally or in a particular case.

S. 51
substituted by
No. 43/1987
s. 10(3).

S. 51A
inserted by
No. 43/1987
s. 11(2),
substituted by
No. 99/1993
s. 19.

51A Investment by Board

The Board may invest money of the Board in accordance with powers conferred on it by the **Borrowing and Investment Powers Act 1987**.

General provisions

Nos 3682
s. 54, 5040
s. 18.

52 Units to be registered

All units—

- (a) must conform to the laws affecting units; and
- (b) must be registered in the manner and subject to the conditions prescribed by the regulations; and

S. 52
substituted by
No. 24/1997
s. 35.

(c) are subject to inspection by any employee of the Board who is authorised by the Board to carry out inspections.

* * * * *

S. 53
repealed by
No. 24/1997
s. 36.

54 Damage to be covered by fire insurance

(1) This section applies if, in the exercise of any power or the performance of any duty conferred or imposed by or under this Act, damage to property is caused by—

- (a) the Chief Officer; or
- (b) an officer or member of—
 - (i) a unit; or
 - (ii) an interstate fire brigade; or
 - (iii) an international fire brigade; or
- (c) a unit; or
- (d) an interstate fire brigade; or
- (e) an international fire brigade; or

No. 3682 s. 56.
S. 54
amended by
No. 7926
s. 5(c),
substituted by
Nos 24/1997
s. 37,
5/2012
s. 79.

(f) a State Response Controller (within the meaning of section 3 of the **Emergency Management Act 2013**) or any controller appointed or deployed under section 37 of that Act.

S. 54(1)(e)
amended by
No. 43/2015
s. 34(1)(a).

S. 54(1)(f)
inserted by
No. 43/2015
s. 34(1)(b).

Note

In relation to paragraph (f), see section 37(7) of the Emergency Management Act 2013.

Note to
s. 54(1)
inserted by
No. 43/2015
s. 34(2).

- (2) The damage is taken to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.
- (3) Subsection (2) applies despite any clause or condition to the contrary contained in the policy of insurance.

S. 54A
inserted by
No. 10043
s. 11,
substituted by
No. 24/1997
s. 37,
amended by
No. 5/2012
s. 80.

54A Immunity from certain liabilities

The Chief Officer, any member of a unit and any officer or member of an interstate fire brigade or international fire brigade are not personally liable for anything done or omitted to be done in good faith—

- (a) in the exercise of a power or the discharge of a duty under section 32B, 32C, 55, 55A, 55B, 55C, 55D or 55E; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under that section.

Nos 3682
s. 57, 5040
s. 18.

S. 55
amended by
No. 10043
s. 9(b),
substituted by
No. 50/1989
s. 44(7).

55 Board is a protection agency

The Board is a protection agency for the purposes of section 66 of the **Environment Protection Act 1970**.

S. 55A
inserted by
No. 50/1989
s. 44(7).

55A Board may provide rescue and extrication services

The Board may provide a rescue and extrication service for any person or property endangered as the result of an accident or explosion (other than a road accident) which does not involve the risk or existence of a fire.

55B Board may provide road accident rescue service

- (1) The Board may provide a road accident rescue service for persons involved in road accidents.
- (2) The Board may charge for the provision of services under subsection (1) in accordance with the regulations.

S. 55B
inserted by
No. 50/1989
s. 44(7) (as
amended by
No. 91/1989
s. 7(d)).

55C Board may provide protection services

- (1) The Board may enter into an agreement with any person to provide any other property protection or loss mitigation service for the prevention of or to deal with the effects of any emergency or hazard.
- (2) The Board may charge for the provision of services under subsection (1) in accordance with the regulations.

S. 55C
inserted by
No. 50/1989
s. 44(7).

55D Board may provide emergency prevention and response service

Without limiting any other power of the Board under this Act, the Board may provide emergency prevention and response services within the metropolitan district.

S. 55D
inserted by
No. 50/1989
s. 44(7),
substituted by
No. 24/1997
s. 38,
amended by
No. 5/2012
s. 81.

55E Activities outside metropolitan district

- (1) Where the Board or any unit receives from any person or any body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth for the prevention

S. 55E
(Heading)
inserted by
No. 5/2012
s. 82(1).

S. 55A
inserted by
No. 10043
s. 12(1),
re-numbered
as s. 55E by
No. 50/1989
s. 44(8)(a).

S. 55E(1)
amended by
Nos 24/1997
s. 39(1),
5/2012
s. 82(2).

and suppression of fire a request for assistance in preventing or suppressing a fire in some place outside the metropolitan district (whether within Victoria or not) or in protecting life or property in any such place a unit may attend at that place and, subject to the direction and control of the person or body requesting the assistance and having authority in that place, may engage in the prevention or suppression of fire or the protection of life and property in that place.

S. 55E(2)
inserted by
No. 50/1989
s. 44(8)(b),
amended by
Nos 24/1997
s. 39(1),
5/2012
s. 82(2).

- (2) Where the Board or any unit receives from any person or body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth to perform a function of the type specified in section 55, 55A, 55B or 55C a request for assistance in performing that function in some place outside the metropolitan district (whether within Victoria or not) the unit may attend at that place and, subject to the direction and control of the person or body requesting the assistance and having authority in that place, may perform that function in that place.

S. 55E(3)
inserted by
No. 24/1997
s. 39(2),
amended by
No. 5/2012
s. 82(2).

- (3) If the Minister directs the Board to provide an emergency prevention or response service at a place outside the metropolitan district (whether within Victoria or not), the Board may attend at that place and, subject to the direction and control of the person having authority in that place, may provide that service in that place.

S. 55E(4)
inserted by
No. 5/2012
s. 82(3).

- (4) The powers and authorities conferred by this Act on the Chief Officer in respect of the metropolitan district may be exercised by the Chief Officer, or any member in charge of any unit or units present at a place in the country area of Victoria if—

- (a) at that place—
 - (i) a fire is burning; or
 - (ii) there is a danger of a fire occurring; or
 - (iii) a fire has been recently extinguished;
and
- (b) an officer or member of the Country Fire Authority—
 - (i) is not present at that place; or
 - (ii) is unable to exercise those powers and authorities.

(5) In subsection (4)—

country area of Victoria has the same meaning as in section 3(1) of the **Country Fire Authority Act 1958**;

Country Fire Authority means the Country Fire Authority established under Part I of the **Country Fire Authority Act 1958**.

S. 55E(5)
inserted by
No. 5/2012
s. 82(3).

56 Extension and application of Act

For the purposes of carrying out any function under section 55, 55A, 55B, 55C, 55D or 55E, the Board has all the powers (with any necessary modification or extension) which the Chief Officer has in relation to the prevention and suppression of fire or the protection of life and property in case of fire.

No. 3682 s. 58.
S. 56
amended by
No. 10043
s. 9(c),
substituted by
No. 24/1997
s. 40.

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S. 57
amended by
No. 7926
s. 5(c),
repealed by
No. 24/1997
s. 41.

No. 3682 s. 60.

S. 58(1)
substituted by
No. 24/1997
s. 42(1),
amended by
No. 37/2014
s. 10(Sch.
item 113.2).

58 Removal of persons from burning premises

- (1) A member of a unit or a police officer may order any person who is not a member of a unit or who is not acting under the control or direction of a member of a unit to withdraw from any premises then burning or which are threatened by fire.

S. 58(1A)
inserted by
No. 24/1997
s. 42(1).

- (1A) A person must comply immediately with an order given to the person under subsection (1).

S. 58(2)
amended by
No. 24/1997
s. 42(2).

- (2) If such person neglects or refuses to so withdraw he may be forcibly removed by order of any such member.
- (3) Nothing herein contained shall authorize the removal from any such premises of any person having any pecuniary interest therein or in any goods or valuables whatsoever thereon.

Nos 3682
s. 61, 5040
s. 18.

S. 59
amended by
Nos 9727 s. 5,
24/1997
s. 43.

59 Rights to water

The Board, its operational staff and any unit registered under this Act shall have the use of all water mains water plugs valves pipes vested in or belonging to the Melbourne and Metropolitan Board of Works or any public or municipal corporation or local body whatsoever and of all water therein or in any well or tank free of charge for the purpose of extinguishing any fire or for the purpose of drills competitions and practice conducted under the authority of the Board.

60 Collection of contributions for units

S. 60
(Heading)
inserted by
No. 5/2012
s. 83.
Nos 3682
s. 62, 5040
s. 18.

- (1) Subject to regulations the Board may grant an authority in writing or in print to any person to collect contributions or subscriptions for the purposes of any unit and may at any time call in or cancel such authority.
- (2) Every person not duly authorized in that behalf by the Board who solicits contributions or subscriptions for the purpose of any unit shall on conviction thereof be guilty of an offence against this Act.

S. 60(1)
amended by
No. 24/1997
s. 58(2).

S. 60(2)
amended by
No. 24/1997
s. 58(2).

61 Police to aid Units

No. 3682 s. 63.
S. 61
amended by
Nos 7926
s. 5(c), 10149
s. 24(3)
(a)(b)(c),
substituted by
No. 24/1997
s. 44.

- (1) Every police officer present at any fire must support and assist the senior member of the operational staff at the scene—
 - (a) in the maintenance of the senior member's authority; and
 - (b) in enforcing compliance by all persons with any order given by the senior member in the execution of his or her duty.
- (2) All police officers are authorised and required to aid units in the execution of their duties.

S. 61(1)
amended by
No. 37/2014
s. 10(Sch.
item 113.3(a)).

S. 61(2)
amended by
No. 37/2014
s. 10(Sch.
item 113.3(b)).

S. 61(3)
amended by
No. 37/2014
s. 10(Sch.
item 113.3(b)).

- (3) For the purpose of subsection (2), police officers may—
- (a) close any street in or near which a fire is burning; and
 - (b) of their own volition or at the request of the senior member of the operational staff at the scene, remove any persons who interfere by their presence or otherwise with the operations of the unit.
- (4) In this section *senior member of the operational staff* has the same meaning as it has in section 32B.

S. 62
repealed by
No. 24/1997
s. 45.

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Nos 3682
s. 65, 5040
s. 18.

* * * * *

S. 63
amended by
Nos 7926
s. 5(c),
43/1987
s. 14(2)(e)(i)(ii),
97/1987 s. 181
(10)(a)–(c),
10/2005
s. 3(Sch. 1
item 16(a)(b)),
repealed by
No. 64/2010
s. 26¹.

Nos 3682
s. 66, 5040
s. 18.

64 Regulation of height of buildings

S. 64
amended by
No. 43/1987
s. 14(2)(f).

- (1) In the interests of fire prevention the council of every city town or borough the municipal district of which is wholly or partly within the metropolitan district may pursuant to the provisions of any Act for the time being in force relating to local government and with the approval of the Governor in Council make alter or repeal

Metropolitan Fire Brigades Act 1958
No. 6315 of 1958

by-laws for the purpose of regulating or limiting the height of all buildings to be erected in such city town or borough or in any part thereof specified in such by-law and for providing means of escape from every such building in case of fire.

- (2) Every person who constructs any building contrary to any such by-law and suffers the height of the same to remain contrary to such by-law after twenty-eight days' notice in writing from the council to reduce the height of such building to the height limited in the by-law shall on conviction be liable to a penalty of not more than $\frac{1}{5}$ of a penalty unit for every day after the expiration of such notice during which such building continues to be above the height so limited.

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S. 65
amended by
Nos 9727 s. 7,
10262 s. 4,
46/1998
s. 7(Sch. 1),
repealed by
No. 29/2010
s. 65.

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S. 66
substituted by
No. 7885
s. 9(1),
amended by
Nos 9727 s. 6,
43/1987
s. 5(2),
50/1989 ss 37,
44(9)(10),
52/1998
s. 311(Sch. 1
item 62.2),
51/2005 s. 72,
repealed by
No. 58/2012
s. 110(1).

S. 66A
inserted by
No. 50/1989
s. 44(12).

66A Recovery of charges for services

- (1) Any money to be paid to the Board as fees and charges for services provided by the Board may be recovered by the Board in any court of competent jurisdiction as a debt due to the Board.
- (2) The Board may on the application of any person who is liable in respect of an amount for services provided by the Board, if the Board considers it appropriate—
 - (a) remit or excuse the payment of the amount or any part of the amount; or
 - (b) defer the payment of the amount or any part of the amount for such time as the Board thinks fit.

S. 66A(2)
amended by
No. 39/1992
s. 22.

S. 67
repealed by
No. 58/2012
s. 110(1).

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S. 68
repealed by
No. 58/2012
s. 110(1).

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S. 69
repealed by
No. 58/2012
s. 110(1).

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S. 69A
inserted by
No. 51/2005
s. 73,
repealed by
No. 58/2012
s. 109.

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S. 70
amended by
Nos 7926
s. 5(c),
43/1987
ss 6(2)(g),
14(2)(g),
50/1989 s. 38,
24/1997
s. 46(a)(b) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 48)),
5/2012 s. 84,
repealed by
No. 58/2012
s. 110(1).

Nos 3682
s. 73, 5040
s. 18.

S. 71
amended by
No. 7926
s. 5(c),
substituted by
No. 10257
s. 89.

71 Place where fire occurs

- (1) The Board or the Chief Officer may cause any place in the metropolitan district where any fire occurred to be searched, and may remove and keep possession of any materials which may tend to prove the cause or origin of the fire.
- (2) The Board or Chief Officer may act under subsection (1) in relation to a fire on the Board's or the Officer's own initiative but shall not so act if a Coroner is investigating the fire.
- (3) Where the Board or Chief Officer causes a search to be made or takes possession of anything under subsection (1) in relation to a fire, the Board or Chief Officer shall, if a Coroner subsequently investigates the fire—
 - (a) report to the Coroner any information found in the search concerning the cause or origin of the fire; and

S. 71(1)
amended by
No. 24/1997
s. 56.

S. 71(2)
amended by
No. 24/1997
s. 56.

S. 71(3)
amended by
Nos 24/1997
s. 56,
5/2012
s. 85.

S. 71(3)(b)
amended by
No. 5/2012
s. 85.

(b) give to the Coroner anything of which the Board or Chief Officer has taken possession under subsection (1).

S. 71(4)
amended by
No. 77/2008
s. 129(Sch. 2
item 17.1).

(4) Anything given to the Coroner under subsection (3)(b) shall be deemed to have come into the Coroner's possession under Division 4 of Part 4 of the **Coroners Act 2008**.

S. 71(5)
amended by
No. 24/1997
s. 56.

(5) If in the opinion of the Board or the Chief Officer there are suspicious circumstances in relation to the cause or origin of any fire in the metropolitan district, the Board or the Chief Officer—

S. 71(5)(a)
amended by
Nos 50/1989
s. 39, 77/2008
s. 129(Sch. 2
item 17.2).

(a) may restrict access to the place where the fire occurred until a Coroner with jurisdiction to investigate the fire under the **Coroners Act 2008** orders otherwise or until an inquest into the fire is held under that Act, whichever first occurs;

(b) may cause to be erected at the entrance or boundary of the place a notice in the prescribed form of the restriction; and

(c) may request a coroner to investigate the fire.

S. 71A
inserted by
No. 77/2008
s. 129(Sch. 2
item 17.3).

71A Restriction of access to fire area

(1) This section applies if access to a place where a fire has occurred has been restricted under section 71.

(2) A person must not, without lawful excuse, enter or interfere with any place to which access is restricted under section 71.

Penalty: 60 penalty units or imprisonment for 6 months.

72 Board or unit may carry out fire prevention work

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

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

- (2) Any work carried out under subsection (1) must be paid for by the owner, occupier, Minister, council or authority requesting the work and, if not paid, the outstanding payment is recoverable in the Magistrates' Court as a debt due to the Board.
- (3) Subject to the general direction and control of the Chief Officer, the members of any unit, with the consent of the relevant owner, occupier, Minister, council or authority, may carry out any work (including burning) that the senior member of the operational staff in the unit thinks necessary or expedient for the prevention of the occurrence or spread of fire.
- (4) In this section *senior member of the operational staff* has the same meaning as it has in section 32B.

S. 72
(Heading)
inserted by
No. 5/2012
s. 86(1).

Nos 3682
s. 74, 5040
s. 18.

S. 72
repealed by
No. 10257
s. 89,
new s. 72
inserted by
No. 2/1995
s. 17.

S. 72(2)
amended by
No. 5/2012
s. 86(2).

S. 72(3)
substituted by
No. 24/1997
s. 47.

S. 72(4)
inserted by
No. 24/1997
s. 47.

S. 72A
inserted by
No. 5/2012
s. 87.

72A Interstate fire brigades and international fire brigades

- (1) Subject to subsection (2), an officer or member of an interstate fire brigade or of an international fire brigade who is present in the metropolitan district for the purpose of endeavouring to prevent or suppress a fire (including the prevention of a fire outside the metropolitan district spreading to the metropolitan district) or to protect life or property must—
 - (a) place himself or herself and any equipment or gear in his or her charge (including a fire engine) at the disposal of; and
 - (b) obey any orders given to him or her by—

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.
- (2) If 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, an officer or member of the interstate fire brigade or international fire brigade who is present at the fire and in charge of that interstate fire brigade or international fire brigade has and may exercise all the powers, authorities, duties and functions which by or under this Act are conferred or imposed on the Chief Officer.
- (3) Subsection (4) applies if, for the purpose of endeavouring to prevent or suppress a fire (including the prevention of a fire outside the metropolitan district spreading to the metropolitan district) or to protect life or property, an interstate fire brigade or an international fire brigade sends only equipment or resources to the metropolitan district.

- (4) If this subsection applies, then, while the equipment or resources remain in the metropolitan district, the equipment or resources are subject to the control of 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.

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S. 73
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 79.20),
repealed by
No. 58/2012
s. 110(1).

* * * * *

S. 74
repealed by
No. 58/2012
s. 110(1).

75 Documents signed by President or Deputy President to be evidence

All orders directions notices and documents whatever purporting to be issued or written by or under the direction of the Board and purporting to be signed by the President or the Deputy President of the Board shall be received as evidence in all courts of law, and shall be deemed to be issued or written by or under the direction of the Board without further proof unless the contrary is shown.

S. 75
(Heading)
inserted by
No. 5/2012
s. 88(1).
Nos 3682
s. 77, 5040
s. 18
S. 75
amended by
No. 5/2012
s. 88(2).

75A Offences relating to impersonation

- (1) A person must not use any name, title or description to imply an association with the Board, without the written authority of the Board.

Penalty: 60 penalty units.

- (2) A person must not represent that the person is associated with the Board unless such an association exists.

Penalty: 60 penalty units.

S. 75A
inserted by
No. 39/1992
s. 23(1),
amended by
No. 24/1997
s. 48,
substituted by
No. 5/2012
s. 89.

- (3) A person must not impersonate a member of a unit.

Penalty: 60 penalty units.

- (4) A person must not use any insignia described or set out in the regulations in any manner contrary to the manner set out in the regulations without the written authority of the Board.

Penalty: 60 penalty units.

S. 75B
inserted by
No. 5/2012
s. 90.

75B Damage or interference with fire indicator panel or other apparatus

- (1) A person must not, without reasonable excuse, damage or interfere with a fire indicator panel.

Penalty: 60 penalty units.

- (2) For the purposes of subsection (1), interference with a fire indicator panel includes any action that causes the transmission of the signal from the fire indicator panel to be isolated, disconnected or disabled.

- (3) Subsection (1) does not apply to a member of operational staff who is acting in the exercise of any power or in the performance of any duty conferred or imposed under this Act.

- (4) If a fire indicator panel detects a fire and sounds an alarm, a person must not, without the consent of the Board or reasonable excuse, reset the fire indicator panel.

Penalty: 60 penalty units.

- (5) In this section—

fire indicator panel includes any apparatus designed to detect a fire or other emergency conditions and transmit the signal of that detection to the Board either directly or via an approved monitoring provider.

75C Obstruction of officers and damage to apparatus

S. 75C
inserted by
No. 5/2012
s. 90.

- (1) A person must not, without reasonable excuse, obstruct, hinder or interfere with—
- (a) the Chief Officer; or
 - (b) any other officer or employee of the Board; or
 - (c) any member of operational staff; or
 - (d) any officer or member of—
 - (i) an interstate fire brigade; or
 - (ii) an international fire brigade; or
 - (e) any other person—

who is exercising a power or performing a duty conferred or imposed by or under this Act.

Penalty: 60 penalty units.

- (2) A person must not, without reasonable excuse, damage or interfere with—
- (a) any apparatus or other property of any unit, interstate fire brigade or international fire brigade; or
 - (b) a fire alarm, hydrant, water plug or other apparatus for the prevention or suppression of fire.

Penalty: 60 penalty units.

- (3) A person must not, without reasonable excuse, drive a vehicle over a fire hose.

Penalty: 60 penalty units.

- (4) A person must not, without reasonable excuse, drive a vehicle within such proximity to the place of a fire or to any apparatus in use at a fire as to interfere with—

- (a) the operations of any unit, group of units, interstate fire brigade or international fire brigade; or
- (b) the use of the apparatus.

Penalty: 60 penalty units.

No. 3682 s. 78.

S. 76
amended by
Nos 43/1987
s. 14(2)(h),
24/1997
s. 58(3),
repealed by
No. 5/2012
s. 91.

* * * * *

S. 76A
inserted by
No. 2/1995
s. 20.

76A Evidence of ownership or occupancy

In any proceedings under this Act or the regulations, the following is evidence that a person is the owner or occupier of land—

- (a) evidence that the person is liable to be rated in respect of the land;
- (b) evidence by the certificate of the Registrar of Titles or an Assistant Registrar of Titles authenticated by the seal of the Office of Titles that the person is the registered proprietor of an estate in fee-simple or of a leasehold estate held of the Crown in the land;
- (c) evidence by the certificate of the Registrar-General or a Deputy Registrar-General authenticated by the seal of the Registrar-General that the person appears from the memorial of any deed, conveyance or instrument to be the last registered owner of the land.

77 Recovery and application of penalties

(1) Subject to section 92, any penalty for an offence committed against section 91 may be recovered—

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

(b) if the fire prevention notice was served by the Chief Officer, by any person authorised by the Board.

Nos 3682
s. 79, 5040
s. 18.

S. 77
substituted by
No. 2/1995
s. 21.

S. 77(1)(b)
substituted by
No. 24/1997
s. 49(1),
amended by
No. 5/2012
s. 92(1).

(2) Any penalty for an offence committed against any other provision of this Act or the regulations may be recovered by any person authorised by the Board.

S. 77(2)
amended by
Nos 24/1997
s. 49(2),
5/2012
s. 92(2).

(3) All penalties recovered for offences committed against section 91, including penalties recovered under section 92, are to be paid—

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

(b) if the fire prevention notice was issued by the Chief Officer, to the Board.

S. 77(3)(b)
amended by
No. 24/1997
s. 49(3).

(4) All penalties recovered for any other offences against this Act or the regulations are to be paid to the Board.

* * * * *

S. 77A
inserted by
No. 51/2005
s. 74,
repealed by
No. 58/2012
s. 110(1).

S. 78
amended by
No. 50/1989
s. 40(a)(b),
repealed by
No. 24/1997
s. 50,
new s. 78
inserted by
No. 5/2012
s. 93.

78 Alarm monitoring service to provide prescribed information

- (1) The Board may, by written notice, require a person who conducts an alarm monitoring service to provide to the Board the prescribed information within the prescribed period.
- (2) A person must comply with a notice given by the Board under this section within the prescribed period.

Penalty: 60 penalty units.

- (3) In this section—

alarm monitoring service means a business that—

- (a) receives signals from equipment located at a premises that is designed to detect fire or other emergency conditions at that premises; and
- (b) transmits those signals as appropriate.

Discipline

Heading
preceding
s. 78A
inserted by
No. 8019 s. 7.

78A Offences by officers or members

S. 78A
inserted by
No. 8019 s. 7,
amended by
No. 24/1997
s. 51.

A member of the operational staff who is—

- (a) guilty of any breach of the regulations;
- (b) guilty of any misconduct;
- (c) negligent or careless in the discharge of his duties;
- (d) inefficient or incompetent and such inefficiency or incompetence arises from causes within his own control; or
- (e) guilty of any disgraceful or improper conduct—

shall be guilty of an offence.

78B Laying of charges

- (1) A member of the senior operational staff may, after an investigation, lay a charge for an offence under section 78A.
- (2) The Chief Executive Officer may suspend from duty with pay any person charged under subsection (1) until the charge is dealt with under section 78D.

S. 78B
inserted by
No. 8019 s. 7,
amended by
Nos 43/1987
s. 14(2)(i)
(i)–(iii),
50/1989
s. 41(a)–(c),
substituted by
No. 24/1997
s. 52.

78C Hearing of charges

- (1) The Chief Executive Officer must hear a charge laid under section 78B.
- (2) A member of the operational staff and any other party to the hearing is entitled to be represented at the hearing of the charge by an Australian legal practitioner or other person.
- (3) The representative of a party may examine witnesses and address the Chief Executive Officer on behalf of the party.
- (4) If the member of the operational staff does not attend in person or by a representative at the time and place fixed for the hearing, the Chief Executive Officer may proceed in his or her absence.

S. 78C
inserted by
No. 24/1997
s. 52.

S. 78C(2)
amended by
Nos 18/2005
s. 18(Sch. 1
item 68),
17/2014
s. 160(Sch. 2
item 63).

78D Decision of Chief Executive Officer

- (1) If, after hearing the charge, the Chief Executive Officer is satisfied that the offence was committed, he or she may do any one or more of the following—
 - (a) reprimand the member concerned; or
 - (b) reduce the position of the member concerned for such period as the Chief Executive Officer thinks fit; or

S. 78D
inserted by
No. 24/1997
s. 52.

- (c) impose a fine of not more than 40 penalty units; or
 - (d) suspend the member from duty with or without pay for a period not exceeding 6 months; or
 - (e) dismiss the member concerned.
- (2) If a fine is imposed under this section, the amount of the fine may be deducted from the pay of the member fined but not more than $\frac{1}{2}$ of a penalty unit may be deducted from the pay attributable to any one week.

S. 78E
inserted by
No. 24/1997
s. 52.

78E Pay while suspended

- (1) A member of the operational staff who has been suspended from duty without pay under section 78D may engage in paid employment during the term of the suspension.
- (2) All pay which accrues to a member during any period of suspension without pay must be withheld.
- (3) If the Appeals Commission upholds an appeal by the member in respect of the charge for which he or she has been suspended, all pay withheld under subsection (2) must be immediately paid to the member, less any earnings received by the member during the period of suspension.
- (4) If an appeal by the member is not upheld by the Appeals Commission in respect of the charge for which he or she has been suspended or no appeal is lodged within the prescribed time, all pay withheld under subsection (2) is forfeited unless the Appeals Commission orders otherwise.

*Metropolitan Fire and Emergency Services Appeals
Commission*

Heading
preceding
s. 79
substituted by
No. 24/1997
s. 53.

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

No. 5419 s. 2.
S. 79
amended by
Nos 8019
s. 8,16/1986
s. 30, 50/1989
s. 42,
substituted by
No. 24/1997
s. 54.

There is established a Commission to be called the
Metropolitan Fire and Emergency Services
Appeals Commission.

79A Function of the Commission

S. 79A
inserted by
No. 24/1997
s. 54.

The function of the Commission is to hear and
determine any appeal made to it under this Act.

79B Membership of Commission

S. 79B
inserted by
No. 24/1997
s. 54.

- (1) The Commission consists of up to
3 Commissioners appointed by the Governor in
Council.
- (2) One of the Commissioners is to be appointed as
Senior Commissioner.

79C Term of appointment

S. 79C
inserted by
No. 24/1997
s. 54.

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

79D Remuneration and allowances

S. 79D
inserted by
No. 24/1997
s. 54,
amended by
No. 46/1998
s. 7(Sch. 1).

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

- (a) remuneration; and
- (b) travelling or other allowances—

from time to time fixed by the Governor in
Council.

S. 79E
inserted by
No. 24/1997
s. 54,
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 133.2),
80/2006
s. 26(Sch.
item 70.2).

79E Application of Public Administration Act 2004

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

S. 79F
inserted by
No. 24/1997
s. 54.

79F Vacancies

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

S. 79F(1A)
inserted by
No. 5/2012
s. 94.

(1A) A resignation under subsection (1) takes effect—

- (a) on the date specified in the letter; or
- (b) if no date is specified in the letter—on the day the letter is received by the Minister.

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

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

(3) The Governor in Council, on the recommendation of the Minister, may remove a Commissioner from office if the Commissioner—

- (a) becomes incapable of performing his or her duties; or
- (b) is negligent in the performance of those duties; or

- (c) engages in improper conduct; or
- (d) is convicted of an offence.

79G Annual report of the Commission

S. 79G
inserted by
No. 24/1997
s. 54.

- (1) The Commission must prepare a report in respect of each year ending on 30 June on its own work and activities for that year.
- (2) The Commission must submit the report to the Minister not later than 30 September in that year.

Appeals

79H Rights of appeal

S. 79H
inserted by
No. 24/1997
s. 54.

A member of the operational staff may appeal to the Commission against—

- (a) a decision of the Chief Executive Officer under section 78D in relation to the member;
- (b) an order of transfer of the member, other than an order of transfer for a period not exceeding 8 weeks;
- (c) the failure of the Board to select the member (not being a member of the senior operational staff) for promotion to a vacant position for which he or she has applied.

79I Certain appeals to be by way of rehearing

S. 79I
inserted by
No. 24/1997
s. 54.

An appeal to the Commission under section 79H(a) or (c) is to be by way of re-hearing.

79J Proceedings of the Commission

S. 79J
inserted by
No. 24/1997
s. 54.

- (1) An appeal is to be heard by the full Commission or a Commissioner sitting alone.
- (2) For the purposes of subsection (1), the Senior Commissioner is to determine who is to hear the appeal.

S. 79K
inserted by
No. 24/1997
s. 54.

79K Assistants in proceedings

- (1) The Commission may in each appeal be assisted by a person nominated by the Board or the Chief Executive Officer and a person nominated by the appellant.
- (2) If the Board or the Chief Executive Officer (as the case requires) or the appellant fails to nominate a person under subsection (1), the Commission may proceed to hear the appeal without that assistance.
- (3) A person assisting the Commission under this section is entitled to be present during the whole of the appeal proceedings.
- (4) A person assisting the Commission under this section must advise the Commission on any matter on which it seeks to be advised but must not adjudicate on the matter before the Commission.

S. 79L
inserted by
No. 24/1997
s. 54.

79L Procedure on appeal

S. 79L(1)
amended by
Nos 18/2005
s. 18(Sch. 1
item 68),
17/2014
s. 160(Sch. 2
item 63).

- (1) A member of the operational staff who has appealed to the Commission or any other party to the appeal may appear at the appeal or may be represented at the appeal by any person including an Australian legal practitioner.
- (2) If a member who is the subject of an appeal does not attend in person or by a representative at the time and place fixed for the hearing, the Commission may proceed in his or her absence.
- (3) At an appeal—
 - (a) subject to this Act, the procedure of the appeal is at the discretion of the Commission; and

- (b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and
- (c) the Commission is not bound by the rules of evidence but may inform itself in any way it sees fit; and
- (d) the Commission is bound by the rules of natural justice.

79M Commission powers on appeal

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

S. 79M
inserted by
No. 24/1997
s. 54,
amended by
No. 69/2009
s. 54(Sch. Pt 2
item 35).

79N Costs

Each party to an appeal must bear—

- (a) that party's own costs; and
- (b) the costs of any nominee of that party appointed to assist the Commission under section 79K.

S. 79N
inserted by
No. 24/1997
s. 54.

79O Appeals against transfer

- (1) An appeal against an order of transfer may only be brought on the ground that the process used by the Board in determining the transfer was not procedurally fair.
- (2) An appeal against an order of transfer does not, prior to the determination of the appeal, stay the operation of the order.

S. 79O
inserted by
No. 24/1997
s. 54.

- (3) The Commission must disallow an appeal against an order of transfer if it is of the opinion that the transfer was in the best interests of the efficiency of the Metropolitan Fire and Emergency Service.

S. 79P
inserted by
No. 24/1997
s. 54.

79P Promotion appeals

- (1) The Commission in determining an appeal against the failure of the Board to select a member of the operational staff for promotion must have regard to the merit of the person selected for promotion and the appellant.
- (2) The Commission must disallow an appeal against the failure of the Board to select a member of the operational staff for promotion if it is of the opinion that this was in the best interests of the efficiency of the Metropolitan Fire and Emergency Service.
- (3) In this section *merit* means—
- (a) skills, knowledge, aptitude and experience relevant to the requirements of the position; and
 - (b) special qualifications, fitness (including physical fitness), diligence and good conduct; and
 - (c) the performance of the person selected and the appellant in previous appointments.

S. 79Q
inserted by
No. 24/1997
s. 54.

79Q Determination of Commission

The Commission—

- (a) must hear and determine an appeal under this Act; and
- (b) may—
 - (i) allow the appeal; or
 - (ii) dismiss the appeal; or

- (iii) in the case of an appeal under section 79H(a) or (c), dismiss the appeal and vary the decision.

79R Board and Chief Executive Officer

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

S. 79R
inserted by
No. 24/1997
s. 54.

79S Evidence of determination

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

S. 79S
inserted by
No. 24/1997
s. 54.

Long service leave

80 Definition

- (1) In the next seven succeeding sections unless inconsistent with the context or subject-matter—

No. 5517 s. 3.
S. 80
amended by
Nos 7536
s. 5(b), 8019
s. 9(a)(i).

* * * * *

S. 80(1) def. of
*officer or
employee*
repealed by
No. 7926
s. 2(b).

service means—

- (a) service as an employee of the Board, or partly as one and partly as the other (including any period of war service as a member of the naval military or air forces of Her Majesty or of the Commonwealth which was immediately preceded and followed by service as an employee of the Board) which service, apart from such war service (if any), has been or is continuous; and

S. 80(1) def. of
service
substituted by
No. 8019
s. 9(a)(ii),
amended by
Nos 2/1995
s. 22(a),
24/1997
s. 57(1).

(b) to such extent as is prescribed by the regulations service in any prescribed office under the Crown or with a Public or Government Authority or service in any prescribed office of the Commonwealth of Australia or any other Australian State.

S. 80(2)
inserted by
No. 8019
s. 9(a)(iii),
repealed by
No. 24/1997
s. 57(3).

* * * * *

Nos 5517 s. 4,
5829 s. 3(1).

81 Entitlement to long service leave

S. 81(1)
amended by
Nos 7154
s. 2(a)(i)(ii),
8019 s. 9(b),
8760
s. 2(a)(i)(ii),
2/1995
s. 22(a),
24/1997
s. 57(1).

(1) Every employee of the Board who has had ten years service shall be entitled to be granted by the Board three months long service leave with pay in respect of that period of ten years service and one and a half months long service leave with pay in respect of each additional period of five completed years of service.

S. 81(2)
amended by
Nos 7154
s. 2(b)(i)-(iii),
8760 s. 2(b)
(i)-(iv), 2/1995
s. 22(a),
24/1997
s. 57(1).

(2) Where—

S. 81(2)(a)
amended by
Nos 2/1995
s. 22(a),
24/1997
s. 57(1).

(a) the employment with the Board of any employee ceases on account of—
(i) age; or

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No. 6315 of 1958

(ii) ill health as to which he produces to the Board satisfactory evidence that it is likely to be permanent and is not due to misconduct or to causes within his own control; or

S. 81(2)(a)(ii)
amended by
No. 8760
s. 2(c)(ii).

(b) an officer or employee of the Board dies—

S. 81(2)(b)
amended by
Nos 8760
s. 2(c)(ii),
2/1995
s. 22(a).

* * * * *

S. 81(2)(c)
repealed by
No. 8760
s. 2(d).

that employee shall be entitled, or (in the case of death) shall be deemed to have been entitled, to be granted by the Board—

where the completed years of service are not less than four but are less than ten, then in respect of such completed years of service;

where the completed years of service are more than ten, then (in addition to any entitlement under subsection (1) of this section) in respect of such completed years of service (not exceeding four) as exceed the next lower multiple of five—

long service leave with pay on the basis of one-tenth of three months leave for each such completed year.

(3) Where the employment with the Board of any employee ceases on account of—

S. 81(3)
amended by
Nos 2/1995
s. 22(a),
24/1997
s. 57(1).

(a) age; or

(b) ill health as to which he produces to the Board satisfactory evidence that it is likely to be permanent and is not due to misconduct or to causes within his own control—

that employee may by notice in writing to the Board elect to take pay in lieu of the whole or any part of any such leave to which he is then entitled and the Board shall grant him pay in lieu thereof accordingly.

S. 81(4)
repealed by
No. 8760
s. 2(d). * * * * *

S. 81(5)
amended by
No. 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 55. * * * * *

S. 81(6)
amended by
No. 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 55. * * * * *

S. 81A
inserted by
No. 7536
s. 5(a).

81A Payment in lieu of long service leave

S. 81A(1)
amended by
Nos 8760
s. 3(a)(i)(ii),
2/1995
s. 22(a),
24/1997
s. 57(1).

(1) Notwithstanding anything in section 81 where an employee with not less than ten completed years of service resigns or is dismissed or for any reason other than age or ill health has his services terminated, the Board on the written application of the employee may, in lieu of long service leave with pay, grant the payment to the employee of a sum determined by the Board, which shall not in any case exceed a sum equal to that of one-tenth of three months' pay for every completed year of service:

Provided that no such payment shall be granted for any year of service or part thereof in respect of which long service leave with pay or pay in lieu thereof has been taken by the member.

* * * * * S. 81A(2)(3)
repealed by
No. 8760
s. 3(b).

82 Leave not to affect Board's activities

The Board shall have discretion to grant long service leave so that the activities and obligations of the Board will not be unduly affected by the granting of such leave to numbers of employees at or about the same time.

No. 5517 s. 6.
S. 82
amended by
Nos 2/1995
s. 22(b),
24/1997
s. 57(2).

* * * * * S. 83
amended by
No. 2/1995
s. 22(a),
repealed by
No. 24/1997
s. 55.

84 Provision in case of death before or during long service leave

If an employee entitled to long service leave dies before or while taking such long service leave the Board shall, to the extent that payment in lieu thereof has not already been granted to that employee, grant payment in lieu of the whole or part of the long service leave not taken to the legal personal representative of the deceased employee.

No. 5517 s. 9.
S. 84
amended by
Nos 2/1995
s. 22(a),
24/1997
s. 57(1).

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S. 85
amended by
Nos 50/1989
s. 43, 47/1992
s. 25(4)(c)(i)(ii),
83/1992
s. 184(Sch. 6
item 14.3),
2/1995
s. 22(b),
59/1996
s. 10(Sch. 2
item 15.3
(a)–(c)),
repealed by
No. 24/1997
s. 55.

* * * * *

S. 86
repealed by
No. 24/1997
s. 55.

* * * * *

Heading
preceding
s. 87
inserted by
No. 2/1995
s. 18.

Fire prevention notices

S. 87
inserted by
No. 2/1995
s. 18.

87 Fire prevention notices

- (1) In the metropolitan district, the fire prevention officer of a municipal council may serve a fire prevention notice on the owner or occupier of land in the municipal district of that council (other than a public authority) in respect of anything—
- (a) on that land, other than a building or in a building;
 - (b) on the adjacent half width of any private street that abuts that land—
- (other than a prescribed thing or class of things) that by its nature, composition, condition or location constitutes or may constitute a danger to life or property from the threat of fire.

- (2) A fire prevention notice may be served only if the fire prevention officer forms the opinion—
- (a) that it is necessary, or may become necessary, to do so to protect life or property from the threat of fire; and
 - (b) that there is no procedure under any other Act or regulations made under any Act that is more appropriate in the circumstances to address that threat.
- (3) A fire prevention notice—
- (a) must be in the prescribed form;
 - (b) may require the owner or occupier to take the steps specified in the notice to remove or minimise the threat of fire;
 - (c) must specify the time (not less than 7 days) within which the owner or occupier must comply with the notice;
 - (d) must contain any prescribed information.

S. 87(3)(d)
substituted by
No. 5/2012
s. 95.

88 Service of notices

- (1) A fire prevention notice may be served on an owner or occupier—
- (a) by giving it to or serving it personally on the owner or occupier; or
 - (b) by sending it by post to the owner or occupier at that person's usual or last known residential or business address; or
 - (c) by leaving it at the usual or last known residential or business address of the owner or occupier with a person on the premises who is apparently at least 16 years old and apparently residing or employed there; or

S. 88
inserted by
No. 2/1995
s. 18.

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

- (2) If the fire prevention officer—
- (a) does not know who the owner or occupier of any land is; or
 - (b) does not know the residential or business address of the owner or occupier; or
 - (c) believes that the owner or occupier is absent from Victoria and has no agent in Victoria known to the officer—

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

- (3) If subsection (2) applies, the fire prevention notice may be served—
- (a) by displaying it on the land; and
 - (b) by publishing a notice, in the prescribed form and containing the prescribed particulars, in a newspaper circulating generally in the municipal district.
- (4) A notice served under subsection (3) is sufficient notice to the owner or occupier from the date of display or publication, whichever is later.
- (5) Unless a fire prevention notice is withdrawn or cancelled, the costs of serving the notice (including reasonable administrative, labour and overhead costs and expenses incurred) may be recovered from the person on whom it was served—

- (a) if the notice was served by a fire prevention officer, by the relevant municipal council;
- (b) if the notice was served by the Chief Officer, by the Board.

S. 88(5)(b)
amended by
No. 24/1997
s. 56.

89 Objection to notices

S. 89
inserted by
No. 2/1995
s. 18.

- (1) A person on whom a fire prevention notice has been served may lodge a written objection with the fire prevention officer within 7 days of the service of the notice stating the grounds of objection.
- (2) If—
 - (a) a person lodges an objection in accordance with subsection (1); and
 - (b) the fire prevention officer considers the grounds of objection to be reasonable—the fire prevention officer must consult with the person and make a genuine attempt to resolve the matter that is the subject of the fire prevention notice.
- (3) Within 14 days of the lodging of an objection the fire prevention officer must—
 - (a) confirm the notice; or
 - (b) vary the notice, if the fire prevention officer is satisfied that the variation will appropriately address the threat of fire; or
 - (c) withdraw the notice, if the fire prevention officer is satisfied that there is no longer any case for the notice to be served.

S. 89(1)
amended by
No. 5/2012
s. 96(1).

S. 89(2)
substituted by
No. 5/2012
s. 96(2).

- (4) If the fire prevention officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.
- (5) In sections 91 and 92, *fire prevention notice* includes a fire prevention notice as confirmed or varied in accordance with this section.

S. 90
inserted by
No. 2/1995
s. 18.

90 Appeal against notices

S. 90(1)
amended by
No. 24/1997
s. 56.

- (1) If a person has lodged an objection under section 89 and—
 - (a) the fire prevention officer has failed to confirm, vary or withdraw the notice within 14 days; or
 - (b) the person is not satisfied with the confirmation or variation of the notice—the person may appeal in writing to the Chief Officer within 7 days of the end of that 14 day period or the date of the confirmation or variation, whichever is earlier, stating the grounds of appeal.

S. 90(2)
amended by
No. 24/1997
s. 56.

- (2) The Chief Officer—
 - (a) must consider the appeal within a reasonable time; and
 - (b) must take into account all relevant circumstances, including the proper needs of conservation and alternative means of addressing the threat of fire.

S. 90(3)
amended by
No. 24/1997
s. 56.

- (3) After considering the appeal, the Chief Officer must—
 - (a) confirm the notice; or

- (b) vary the notice in any way the Chief Officer thinks fit; or
- (c) cancel the notice.
- (4) If the Chief Officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.
- (5) In sections 91 and 92, *fire prevention notice* includes a fire prevention notice as confirmed or varied in accordance with this section.
- 91 Compliance with notices**
- Subject to sections 89 and 90, a person on whom a fire prevention notice has been served must comply with the notice.
- Penalty: 120 penalty units or imprisonment for 12 months.
- 92 Fire prevention infringement notices**
- (1) An authorised officer may serve a fire prevention infringement notice on a person the officer has reason to believe has committed an offence against section 91.
- (1A) An offence referred to in subsection (1) for which a fire prevention infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.
- (2) In addition to and without limiting section 12 of the **Infringements Act 2006**, a fire prevention infringement notice under subsection (1) may be served in accordance with section 88(1).

S. 90(3)(b)
amended by
No. 24/1997
s. 56.

S. 90(4)
amended by
No. 24/1997
s. 56.

S. 91
inserted by
No. 2/1995
s. 18,
amended by
No. 5/2012
s. 97.

S. 92
inserted by
No. 2/1995
s. 18.

S. 92(1)
amended by
Nos 32/2006
s. 94(Sch.
item 32(1)),
5/2012
s. 98(1).

S. 92(1A)
inserted by
No. 32/2006
s. 94(Sch.
item 32(2)).

S. 92(2)
substituted by
No. 32/2006
s. 94(Sch.
item 32(3)).

S. 92(3)
repealed by
No. 32/2006
s. 94(Sch.
item 32(4)),
new s. 92(3)
inserted by
No. 5/2012
s. 98(2).

- (3) The infringement penalty for an offence against section 91 is 10 penalty units.

S. 92(4)–(7)
repealed by
No. 32/2006
s. 94(Sch.
item 32(4)).

* * * * *

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

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

S. 92(8)(b)
amended by
No. 24/1997
s. 56.

S. 93
inserted by
No. 2/1995
s. 18.

93 Issue of notices by Chief Officer

S. 93(1)
amended by
No. 24/1997
s. 56.

- (1) If—

S. 93(1)(a)
amended by
No. 24/1997
s. 56.

- (a) the Chief Officer forms the opinion required by section 87(2); and

S. 93(1)(b)
amended by
No. 24/1997
s. 56.

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

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

- (2) If the Chief Officer serves a fire prevention notice under subsection (1)—
- (a) the provisions of this Act (except this section) and the regulations apply as if, unless the contrary intention appears—
- (i) references to the fire prevention officer were references to the Chief Officer;
- (ii) references to the Chief Officer were references to the Board;
- (b) sections 225, 226, 227 and 227A of the **Local Government Act 1989** apply as if references to a Council were references to the Board.

S. 93(2)
amended by
No. 24/1997
s. 56.

S. 93(2)(a)(i)
amended by
No. 24/1997
s. 56.

S. 93(2)(a)(ii)
amended by
No. 24/1997
s. 56.

94 Supreme Court—limitation of jurisdiction

It is the intention of section 54A to alter or vary section 85 of the **Constitution Act 1975**.

S. 94
inserted by
No. 24/1997
s. 60.

Transitional provisions

Heading
preceding
s. 95
inserted by
No. 24/1997
s. 60.

95 Superseded references

On the commencement of section 60 of the **Fire Authorities (Amendment) Act 1997**, in any Act (other than this Act), or in any instrument made under any Act or in any other document of any kind—

S. 95
inserted by
No. 24/1997
s. 60.

- (a) a reference to the Metropolitan Fire Brigades Board is deemed to be a reference to the Metropolitan Fire and Emergency Services Board; and
- (b) a reference to the Chief Fire Officer in relation to the Metropolitan Fire Brigades is deemed to be a reference to the Chief Officer of the Metropolitan Fire and Emergency Services; and
- (c) a reference to the Metropolitan Fire Brigades is deemed to be a reference to the Metropolitan Fire and Emergency Services; and
- (d) a reference to a brigade or fire brigade in relation to the Metropolitan Fire Brigades is deemed to be a reference to a fire or emergency service unit under this Act; and
- (e) a reference to the Metropolitan Fire Brigades Appeal Tribunal is deemed to be a reference to the Metropolitan Fire and Emergency Services Appeals Commission.

S. 96
inserted by
No. 24/1997
s. 60.

96 Metropolitan Fire Brigades Board

On the commencement of section 60 of the **Fire Authorities (Amendment) Act 1997**—

- (a) the Metropolitan Fire Brigades Board is abolished and its members go out of office; and
- (b) the Metropolitan Fire and Emergency Services Board is the successor in law of the Metropolitan Fire Brigades Board; and

- (c) all rights, assets, liabilities and obligations of the Metropolitan Fire Brigades Board immediately before its abolition become rights, assets, liabilities and obligations of the Metropolitan Fire and Emergency Services Board; and
- (d) the Metropolitan Fire and Emergency Services Board is substituted for the Metropolitan Fire Brigades Board as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Metropolitan Fire Brigades Board; and
- (e) the Metropolitan Fire and Emergency Services Board may continue and complete any other continuing matter or thing commenced by or against or in relation to the Metropolitan Fire Brigades Board.

97 Chief Fire Officer

Any act matter or thing of a continuing nature commenced under this Act as in force before the commencement of section 60 of the **Fire Authorities (Amendment) Act 1997** by the Chief Fire Officer may be continued and completed on and after that commencement by the Chief Officer.

S. 97
inserted by
No. 24/1997
s. 60.

98 Transitional—appeals

If—

- (a) an appeal had been lodged with the Metropolitan Fire Brigades Appeal Tribunal under this Act as in force before the commencement of section 60 of the **Fire Authorities (Amendment) Act 1997**; and

S. 98
inserted by
No. 24/1997
s. 60.

(b) the appeal had not been heard before that commencement—

the Metropolitan Fire and Emergency Services Appeals Commission may hear and determine the appeal in accordance with this Act as in force immediately before that commencement and for that purpose has all the powers of the Metropolitan Fire Brigades Appeal Tribunal.

Metropolitan Fire Brigades Act 1958
No. 6315 of 1958
Schedules

Schedules

* * * * *

**Sch. 1
repealed by
No. 2/1995
s. 22(f).**

S. 4.
Sch. 2
amended by
S.R. No.
158/1974
reg. 2.

Schedule 2

The municipal districts of the cities of Melbourne, Box Hill, Brighton, Brunswick, Camberwell, Caulfield, Coburg, Collingwood, Essendon, Fitzroy, Footscray, Hawthorn, Kew, Malvern, Moorabbin, Mordialloc, Northcote, Nunawading, Oakleigh, Port Melbourne, Prahran, Preston, Richmond, St. Kilda, Sandringham, South Melbourne, and Williamstown.

The township of Croydon in the municipal district of the shire of Lillydale.

The municipal district of the borough of Ringwood.

So much of each of the municipal districts of the city of Broadmeadows and the shires of Altona and Werribee as is within a distance of 16·09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne.

So much of the municipal district of the city of Heidelberg as is within a distance of 16·09344 kilometres from the post-office at the corner of Bourke-street, and Elizabeth-street in the city of Melbourne, and the area following:

Commencing at the point of intersection of the circle of 16·09344 kilometres radius from the post-office at the corner of Bourke-street and Elizabeth-street, in the city of Melbourne, and Marcona-street; thence in a northerly direction along Marcona-street; then in an easterly direction along Yando-street to the Plenty River; thence down stream along the Plenty River to a point where the west boundary of the Greensborough Park meets the Plenty River; thence bearing north 21 deg. 0 min. east for a distance of 11·062 metres; thence bearing north 84 deg. 0 min. east for a distance of 80·47 metres; thence bearing east for a distance of 218·30 metres to a point where the north boundary of the Greensborough Park meets the main Diamond Creek-road; thence in a south-easterly direction along the main Diamond Creek-road to the Plenty River; thence again down stream along the Plenty River to a point where the 16·09344 kilometres radius circle intersects the Plenty River, thence

along the 16·09344 kilometres radius circle back to the commencing point.

So much of the municipal district of the shire of Doncaster and Templestowe as is within a distance of 16·09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following:

Commencing at a point on the 16·09344 kilometres radius in line with the continuation of George-street; thence by that line and George-street in an easterly direction to Blackburn-road; thence in a southerly direction by Blackburn-road to Koonung Creek; thence by Koonung Creek in a westerly direction to the 16·09344 kilometres radius; thence by the 16·09344 kilometres radius to the point commencing.

So much of the municipal district of the shire of Eltham as is within a distance of 16·09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following:

Commencing at the south-western angle of lot 23, L.P. 8968, at its intersection with the Plenty River; thence along the southern boundary of the said lot to Para-road; thence in a southerly direction along Para-road to its intersection with Airlie-road; thence generally in an easterly direction along Airlie-road to its intersection with Green's-road; thence in a northerly and westerly direction along Green's-road to its intersection with Looker-road; thence generally in a northerly direction along Looker-road and Mountain View-road to Price-avenue; thence along Price-avenue in a north-easterly direction to Sherbourne-road; thence in a south-easterly direction along Sherbourne-road to the south-eastern angle of lot 84, L.P. 5630; thence northerly along the eastern boundary of the said lot to its intersection with the shire boundary; thence in a westerly direction along the shire boundary to its intersection with the Plenty River; thence generally in a southerly direction along the Plenty River to the commencing point.

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So much of the municipal district of the city of Sunshine as is within a distance of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following:

Commencing on the circumference of a circle, having a radius of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street, Melbourne, at a point where it is intersected by Main-street west, St. Albans; thence westerly by Main-street west to Station-road; thence southerly by Station-road to Ring-road; thence westerly, south-westerly and southerly by that road to Ballarat-road; thence south-easterly by that road to Murray-street; thence by that street and a line in continuation thereof to the Ballarat-Melbourne railway-line; thence easterly by that railway line to the circumference of the circle aforesaid; and thence northerly by that circumference to the point of commencement.

So much of the municipal district of the shire of Keilor as is within a distance of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following:

Commencing on the circumference of a circle, having a radius of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street, Melbourne, at a point where it is intersected by Main-road west, St. Albans; thence westerly by Main-road west to Matthews-street; thence northerly by that street to Taylor's-road; thence easterly by that road to the circumference of the circle aforesaid; and hence southerly by that circumference to the point of commencement.

So much of the municipal district of the shire of Mulgrave as is within a distance of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following:

Commencing on the circumference of a circle, having a radius of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street, Melbourne, at a point where it is intersected by Highbury-road, Tally Ho; thence southerly by that circumference to Fern Tree Gully-road; thence easterly by that road to Macrina-street; thence southerly by that street to Princes-highway; hence south-easterly by that highway to Clayton-road; thence southerly by that road to North-road; thence westerly by that road to Flora-road; thence southerly by that road, a line and Palmer-street to Centre-road; thence easterly by that road, a line and Police-road to a point in line with Gallaghers-road; thence northerly by that line to Wellington-road; thence easterly by that road to Lum-road; thence northerly by that road to Waverley-road; thence westerly by that road to Gallagher's-road; thence northerly by that road and a line to Highbury-road; thence westerly by that road to the point of commencement.

So much of the municipal district of the shire of Springvale and Noble Park as is within a distance of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following:

Commencing at the intersection of Centre-road and Clayton-road; thence southerly by that road to Fairbank-road; thence easterly by that road and a line to Westall-road; thence northerly by that road to Centre-road; thence westerly by that road to the point of commencement.

So much of the municipal district of the shire of Whittlesea as is within a distance of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne and the area following:

Commencing on the circumference of a circle, having a radius of 16.09344 kilometres from the post-office at the corner of Bourke-street and Elizabeth-street, Melbourne, at a point where it is intersected by Mount View-road, Thomastown; thence northerly and north-westerly by that road to a point in line with the rear of allotments fronting the north-side of Dickens-street; thence easterly by that line and

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its continuation to Station-street; thence generally northerly by that street to a point in line with the rear of allotments fronting the north side of Anderson-street; thence easterly by that line and its continuation at the rear of allotments fronting the north side of Curtin-avenue to Dalton-street; thence southerly by that street to the circumference of the circle aforesaid; thence generally westerly by that circumference to the point of commencement.

Sch. 3
repealed by
No. 7885
s. 9(3).

* * * * *

Sch. 4
repealed by
No. 99/1993
s. 18(d).

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Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The **Metropolitan Fire Brigades Act 1958** was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 893.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

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- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

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2 Table of Amendments

This publication incorporates amendments made to the **Metropolitan Fire Brigades Act 1958** by Acts and subordinate instruments.

Metropolitan Fire Brigades (Board) Act 1958, No. 6434/1958

Assent Date: 28.10.58
Commencement Date: 28.10.58
Current State: All of Act in operation

Metropolitan Fire Brigades (Borrowing Powers) Act 1959, No. 6568/1959

Assent Date: 1.12.59
Commencement Date: 1.12.59
Current State: All of Act in operation

Metropolitan Fire Brigades (Borrowing Powers) Act 1960, No. 6614/1960

Assent Date: 10.5.60
Commencement Date: 10.5.60
Current State: All of Act in operation

Subordinate Legislation Act 1962, No. 6886/1962

Assent Date: 8.5.62
Commencement Date: 1.8.62: Government Gazette 4.7.62 p. 2314
Current State: All of Act in operation

Metropolitan Fire Brigades (Long Service Leave) Act 1964, No. 7154/1964

Assent Date: 6.10.64
Commencement Date: 6.10.64
Current State: All of Act in operation

Public Officers (Long Service Leave) Act 1967, No. 7536/1967

Assent Date: 17.3.67
Commencement Date: 17.3.67
Current State: All of Act in operation

Fire Authorities (Borrowing Powers) Act 1969, No. 7864/1969

Assent Date: 21.10.69
Commencement Date: 21.10.69
Current State: All of Act in operation

Fire Brigades (Contributions) Act 1969, No. 7885/1969

Assent Date: 2.12.69
Commencement Date: 1.7.70: Government Gazette 1.7.70 p. 2271
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1969, No. 7926/1969

Assent Date: 16.12.69
Commencement Date: 17.6.70: Government Gazette 10.6.70 p. 1958
Current State: All of Act in operation

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Metropolitan Fire Brigades (Amendment) Act 1970, No. 8019/1970

Assent Date: 2.12.70
Commencement Date: 27.1.71 (except for ss 4, 5, 7, 8): Government Gazette 21.1.71 p. 200; ss 4, 5, 7, 8 on 15.12.72: Government Gazette 13.12.72 p. 3977
Current State: All of Act in operation

Statutory Salaries Act 1971, No. 8165/1971

Assent Date: 3.11.71
Commencement Date: 3.11.71: Government Gazette 13.12.72 p. 3977
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1973, No. 8476/1973

Assent Date: 20.11.73
Commencement Date: All of Act (except s. 4) on 20.11.73: s. 1(3); s. 4 on 1.7.74: s. 4(2)
Current State: All of Act in operation

Constitution Act 1975, No. 8750/1975

Assent Date: 22.10.75
Commencement Date: 1.12.75: Government Gazette 26.11.75 p. 3888
Current State: All of Act in operation

Metropolitan Fire Brigades (Borrowing Powers) Act 1975, No. 8753/1975

Assent Date: 18.11.75
Commencement Date: 18.11.75
Current State: All of Act in operation

Metropolitan Fire Brigades (Long Service Leave) Act 1975, No. 8760/1975

Assent Date: 18.11.75
Commencement Date: 18.11.75
Current State: All of Act in operation

Statute Law Revision Act 1977, No. 9019/1977

Assent Date: 17.5.77
Commencement Date: 17.5.77
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1981, No. 9599/1981

Assent Date: 24.11.81
Commencement Date: 24.11.81
Current State: All of Act in operation

Metropolitan Fire Brigades (Amendment) Act 1982, No. 9727/1982

Assent Date: 22.6.82
Commencement Date: 22.6.82
Current State: All of Act in operation

Fire Authorities Act 1983, No. 9928/1983

Assent Date: 28.6.83
Commencement Date: S. 13 on 29.6.83: Government Gazette 29.6.83 p. 1889; rest of Act on 20.7.83: Government Gazette 20.7.83 p. 2291
Current State: All of Act in operation

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Metropolitan Fire Brigades (Amendment) Act 1984, No. 10043/1984

Assent Date: 1.5.84
Commencement Date: Ss 1–3, 13 on 2.5.84: Government Gazette 2.5.84 p. 1363; ss 4–12 on 9.5.84: Government Gazette 9.5.84 p. 1387
Current State: All of Act in operation

Fire Authorities Act 1984, No. 10149/1984 (as amended by No. 10173)

Assent Date: 13.11.84
Commencement Date: S. 21(2) on 31.10.84: s. 2(2); ss 1–3, 5, 7–9, 11, 12, 22–25 on 13.11.84: Government Gazette 13.11.84 p. 4051; rest of Act on 1.12.84: Government Gazette 30.11.84 p. 4207
Current State: All of Act in operation

Coroners Act 1985, No. 10257/1985

Assent Date: 10.12.85
Commencement Date: Ss 1–3, Pt 9 on 12.2.86: Government Gazette 12.2.86 p. 382; rest of Act on 1.6.86: Government Gazette 30.4.86 p. 1115
Current State: All of Act in operation

Health (Amendment) Act 1985, No. 10262/1985

Assent Date: 10.12.85
Commencement Date: S. 4 on 1.3.86: Government Gazette 26.2.86 p. 451
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Courts Amendment Act 1986, No. 16/1986

Assent Date: 22.4.86
Commencement Date: Ss 1–11, 13–27, 29–34 on 1.7.86: Government Gazette 25.6.86 p. 2180; s. 28 on 1.9.86: Government Gazette 27.8.86 p. 3201; s. 12 on 1.1.88: Government Gazette 7.10.87 p. 2701
Current State: All of Act in operation

Fire Authorities (Amendment) Act 1986, No. 45/1986

Assent Date: 20.5.86
Commencement Date: S. 7 on 1.11.86: s. 2(1); ss 1–6, 9–14 on 21.5.86: Government Gazette 21.5.86 p. 1484; s. 8 on 1.8.86: Government Gazette 30.7.86 p. 2945
Current State: All of Act in operation

Land Acquisition and Compensation Act 1986, No. 121/1986

Assent Date: 23.12.86
Commencement Date: 29.11.87: Government Gazette 25.11.87 p. 3224
Current State: All of Act in operation

Fire Authorities Act 1987, No. 43/1987

Assent Date: 19.5.87
Commencement Date: Ss 1, 2, 4, 6, 7, 9, 13 on 20.5.87; ss 3, 5, 8, 10–12, 14 on 1.7.87: Government Gazette 20.5.87 p. 1155
Current State: All of Act in operation

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Liquor Control Act 1987, No. 97/1987

Assent Date: 1.12.87
Commencement Date: S. 181(10) on 3.5.88: Government Gazette 27.4.88 p. 1044
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

State Bank Act 1988, No. 29/1988

Assent Date: 17.5.88
Commencement Date: 9.6.88: Government Gazette 8.6.88 p. 1582
Current State: All of Act in operation

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(3) on 1.7.87: s. 2(1); s. 93(4) on 27.11.87: s. 2(2); Pt 1, Pt 6 Div. 2, s. 91 on 1.1.88: s. 2(3); rest of Act on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989 (as amended by No. 13/1990)

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 79.1–79.6, 79.8–79.12, 79.14–79.18, 79.20) on 1.11.89: Government Gazette 1.11.89 p. 2798; (Sch. 2 items 79.7, 79.13, 79.19) on 1.10.92: Government Gazette 23.9.92 p. 2789
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Fire Authorities Act 1989, No. 50/1989 (as amended by No. 91/1989)

Assent Date: 14.6.89
Commencement Date: S. 29 on 30.6.89: Government Gazette 28.6.89 p. 1559; ss 28, 30, 33–36, 38–43 on 1.7.89: Government Gazette 28.6.89 p. 1559; ss 27, 44(3)–(6)(9)(10)(12) on 1.12.89: Government Gazette 8.11.89 p. 2864; ss 32, 44(2)(7)(8) on 1.1.90: Special Gazette (No. 71) 5.12.89 p. 1; ss 31, 37, 44(1) on 3.7.90: Special Gazette (No. 31) 3.7.90 p. 1
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
Current State: All of Act in operation

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Fire Authorities (Contributions) Act 1989, No. 91/1989

Assent Date: 5.12.89
Commencement Date: Ss 1–6, 7(b)–(h), 8 on 12.12.89: Special Gazette (No. 72) 12.12.89 p. 1; s. 7(a) on 1.9.94: Special Gazette (No. 58) 30.8.94 p. 1
Current State: All of Act in operation

State Bank (Succession of Commonwealth Bank) Act 1990, No. 94/1990

Assent Date: 18.12.90
Commencement Date: Pts 1 (ss 1–6), 2 (ss 7, 8) on 18.12.90: s. 2(1); Pt 4 (ss 28–38) on 31.12.90: s. 2(2); rest of Act (Pts 3, 5) on 1.1.91: Special Gazette (No. 73) 31.12.90 p. 1
Current State: All of Act in operation

Fire Authorities (Amendment) Act 1991, No. 5/1991

Assent Date: 16.4.91
Commencement Date: Ss 3 (*except* sub-s. (5)), 4 (*except* sub-s. (5)) on 12.12.89: s. 2(2); ss 3(5), 4(5) on 1.10.90: s. 2(3); rest of Act on 16.4.91: s. 2(1)
Current State: All of Act in operation

Fire and Emergency Services (Miscellaneous Amendments) Act 1992, No. 39/1992

Assent Date: 16.6.92
Commencement Date: 30.6.92: Government Gazette 24.6.92 p. 1531
Current State: All of Act in operation

Industrial Relations (Enterprise Bargaining) Act 1992, No. 47/1992

Assent Date: 23.6.92
Commencement Date: 1.8.92: Government Gazette 22.7.92 p. 1874
Current State: All of Act in operation

Employee Relations Act 1992, No. 83/1992

Assent Date: 24.11.92
Commencement Date: S. 184(Sch. 6 items 14.1–14.3) on 1.3.93: Special Gazette (No. 63) 27.11.92 p. 1
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Borrowing and Investment Powers (Amendment) Act 1993, No. 99/1993

Assent Date: 23.11.93
Commencement Date: Pt 1 (ss 1–3) on 23.11.93: s. 2(1); rest of Act on 24.5.94: s. 2(3)
Current State: All of Act in operation

Fire Authorities (Miscellaneous Amendments) Act 1995, No. 2/1995

Assent Date: 15.3.95
Commencement Date: Pts 1, 2 (ss 1–3) on 15.3.95: s. 2(1); ss 4, 16 on 23.3.95: Government Gazette 23.3.95 p. 611; rest of Act on 1.9.95: s. 2(3)
Current State: All of Act in operation

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Equal Opportunity Act 1995, No. 42/1995

Assent Date: 14.6.95
Commencement Date: S. 224(Sch. 2 item 25) on 1.1.96: Government Gazette 21.12.95 p. 3571
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Port Services Act 1995, No. 82/1995

Assent Date: 28.11.95
Commencement Date: S. 206 on 14.12.95: Government Gazette 14.12.95 p. 3488
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Commonwealth Powers (Industrial Relations) Act 1996, No. 59/1996

Assent Date: 12.12.96
Commencement Date: S. 10(Sch. 2 items 15.1–15.3) on 1.1.97: Special Gazette (No. 146) 23.12.96 p. 15
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Fire Authorities (Amendment) Act 1997, No. 24/1997 (as amended by No. 74/2000)

Assent Date: 20.5.97
Commencement Date: Pt 3 on 1.9.97: Government Gazette 14.8.97 p. 2085
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Port Services (Amendment) Act 1997, No. 63/1997

Assent Date: 5.11.97
Commencement Date: S. 10(4)(Sch. items 3.1, 3.2) on 10.12.97: Government Gazette 4.12.97 p. 3290
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 62) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

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Local Government (Governance and Melton) Act 1998, No. 86/1998

Assent Date: 17.11.98
Commencement Date: S. 23 on 1.7.99: Government Gazette 17.6.99 p. 1406
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Emergency Management (Amendment) Act 2000, No. 48/2000

Assent Date: 14.6.00
Commencement Date: 15.6.00: s. 2
Current State: All of Act in operation

Corporations (Financial Services Reform Amendments) Act 2002, No. 9/2002

Assent Date: 23.4.02
Commencement Date: S. 3(Sch. item 11) on 23.4.02: s. 2
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002, No. 49/2002

Assent Date: 22.10.02
Commencement Date: Ss 26–29 on 23.10.02: s. 2(1)
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Port Services (Port of Melbourne Reform) Act 2003, No. 23/2003 (as amended by No. 29/2006)

Assent Date: 13.5.03
Commencement Date: S. 28 on 3.11.03: Government Gazette 30.10.03 p. 2744
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Victorian Urban Development Authority Act 2003, No. 59/2003

Assent Date: 16.6.03
Commencement Date: S. 122 on 1.8.03: Government Gazette 31.7.03 p. 2125
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Road Management Act 2004, No. 12/2004

Assent Date: 11.5.04
Commencement Date: S. 163 on 1.7.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Crimes (Amendment) Act 2004, No. 41/2004

Assent Date: 16.6.04
Commencement Date: S. 22 on 17.6.04: s. 2
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

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Emergency Services Telecommunications Authority Act 2004, No. 98/2004

Assent Date: 14.12.04
Commencement Date: S. 41 on 1.7.05: Government Gazette 9.6.05 p. 1175
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 133) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Statute Law Revision Act 2005, No. 10/2005

Assent Date: 27.4.05
Commencement Date: S. 3(Sch. 1 item 16) on 28.4.05: s. 2
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005

Assent Date: 24.5.05
Commencement Date: S. 18(Sch. 1 item 68) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Victoria State Emergency Service Act 2005, No. 51/2005

Assent Date: 24.8.05
Commencement Date: Ss 67–74 on 1.7.06: s. 2(3)
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 32) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

City of Melbourne and Docklands Acts (Governance) Act 2006, No. 74/2006

Assent Date: 10.10.06
Commencement Date: S. 27 on 1.7.07: Government Gazette 28.6.07 p. 1303
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 70) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

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Coroners Act 2008, No. 77/2008

Assent Date: 11.12.08
Commencement Date: S. 129(Sch. 2 item 17) on 1.11.09: s. 2
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Statute Law Amendment (Evidence Consequential Provisions) Act 2009, No. 69/2009

Assent Date: 24.11.09
Commencement Date: S. 54(Sch. Pt 2 item 35) on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Health and Human Services Legislation Amendment Act 2010, No. 29/2010

Assent Date: 8.6.10
Commencement Date: S. 65 on 1.7.10: Special Gazette (No. 235) 23.6.10 p. 1
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Transport Legislation Amendment (Ports Integration) Act 2010, No. 45/2010

Assent Date: 17.8.10
Commencement Date: Ss 51, 52 on 1.9.10: Special Gazette (No. 337) 24.8.10 p. 1
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Justice Legislation Further Amendment Act 2010, No. 64/2010

Assent Date: 28.9.10
Commencement Date: Ss 23–26 on 1.11.10: Government Gazette 21.10.10 p. 2530
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Fire Services Commissioner Act 2010, No. 73/2010

Assent Date: 19.10.10
Commencement Date: Ss 53–58 on 1.12.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Emergency Services Legislation Amendment Act 2012, No. 5/2012

Assent Date: 6.3.12
Commencement Date: Ss 59–98 on 1.5.12: Special Gazette (No. 140) 1.5.12 p. 1
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

Fire Services Property Levy Act 2012, No. 58/2012 (as amended by No. 81/2012)

Assent Date: 16.10.12
Commencement Date: Ss 104, 106, 107 on 17.10.12: s. 2(1); s. 105(2) on 31.12.12: s. 2(2); ss 105(1), 108 on 1.7.13: s. 2(3); ss 103, 109, 110(1) on 1.7.14: s. 2(5); s. 110(2) on 1.7.15: s. 2(7)
Current State: This information relates only to the provision/s amending the **Metropolitan Fire Brigades Act 1958**

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Emergency Management Act 2013, No. 73/2013

Assent Date: 3.12.13
Commencement Date: Ss 88–90 on 1.7.14: Special Gazette (No. 148) 13.5.14
p. 1
Current State: This information relates only to the provision/s
amending the **Metropolitan Fire Brigades Act 1958**

Legal Profession Uniform Law Application Act 2014, No. 17/2014

Assent Date: 25.3.14
Commencement Date: S. 160(Sch. 2 item 63) on 1.7.15: Special Gazette
(No. 151) 16.6.15 p. 1
Current State: This information relates only to the provision/s
amending the **Metropolitan Fire Brigades Act 1958**

**Victoria Police Amendment (Consequential and Other Matters) Act 2014,
No. 37/2014**

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 113) on 1.7.14: Special Gazette
(No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s
amending the **Metropolitan Fire Brigades Act 1958**

**Emergency Management (Control of Response Activities and Other Matters)
Act 2015, No. 43/2015**

Assent Date: 22.9.15
Commencement Date: Ss 33, 34 on 23.9.15: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Metropolitan Fire Brigades Act 1958**

**Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction)
Act 2016, No. 10/2016**

Assent Date: 22.3.16
Commencement Date: S. 179(Sch. 1 item 6) on 1.11.16: Special Gazette
(No. 325) 25.10.16 p. 1
Current State: This information relates only to the provision/s
amending the **Metropolitan Fire Brigades Act 1958**

Metric Conversion (Metropolitan Fire Brigades Act 1958) Regulations 1974,
S.R. No. 158/1974

Date of Making: 7.5.74
Date of Commencement: 7.5.74

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3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

- ¹ S. 63: The amendment proposed by section 58(3) of the **Fire Services Commissioner Act 2010**, No. 73/2010 is not included in this publication due to the earlier repeal of section 63 by section 26 of the **Justice Legislation Further Amendment Act 2010**, No. 64/2010.