

**Authorised Version No. 151**  
**Country Fire Authority Act 1958**  
**No. 6228 of 1958**

Authorised Version incorporating amendments as at  
23 September 2015

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**Authorised Version No. 151**  
**Country Fire Authority Act 1958**  
**No. 6228 of 1958**

Authorised Version incorporating amendments as at  
23 September 2015

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

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

**1 Short title and commencement**

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

\* \* \* \* \*

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

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repealed by  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



### 3 Definitions

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

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

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

S. 3(1) def. of  
*administrative unit*  
inserted by  
No. 10149  
s. 4(a),  
substituted by  
No. 2/1995  
s. 13(a)(i),  
amended by  
Nos 46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)),  
108/2004  
s. 117(1)  
(Sch. 3  
item 46.1),  
5/2012 s. 3(a).

*administrative unit* means a department within the meaning of the **Public Administration Act 2004**;

S. 3(1) def. of  
*apparatus*  
amended by  
No. 5/2012  
s. 3(b).

*apparatus* includes all engines vehicles hoses reels buckets hoses pumps ladders escapes tools implements and things used for or in connexion with the prevention or suppression of fires or the protection of life, property or the environment or the performance of any function or duty under this Act;

S. 3(1) def. of  
*applicable work program*  
inserted by  
No. 73/2010  
s. 41,  
amended by  
No. 73/2013  
s. 79(a).

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

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\* \* \* \* \*

S. 3(1) def. of *Assistant Chief Officer* inserted by No. 6956 s. 2(1)(a), repealed by No. 39/1992 s. 5(3)(a).

\* \* \* \* \*

S. 3(1) def. of *Assistant Regional Officer* inserted by No. 7877 s. 3(a), repealed by No. 39/1992 s. 5(3)(a).

***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 *Australian Fire Brigades Charges Scheme* inserted by No. 51/2005 s. 59(1).

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

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

S. 3(1) def. of *authorized activity* inserted by No. 10149 s. 4(b).

- (a) means any activity performed for the welfare of a brigade or group of brigades by a volunteer auxiliary worker and authorized by the secretary of the brigade or the group secretary; and
- (b) includes travelling to and from the performance of an activity referred to in paragraph (a);

S. 3(1) def. of  
*brigade*  
amended by  
Nos 6583  
s. 5(b), 7142  
s. 2, 24/1997  
s. 4(2)(a),  
substituted by  
No. 5/2012  
s. 3(c).

*brigade* means a brigade registered by the  
Authority under section 23(1)(b);

S. 3(1) def. of  
*broadcast*  
inserted by  
No. 8614  
s. 2.

*broadcast* means broadcast by means of radio or  
television transmission, and *broadcasting*  
*station* has a similar connotation;

S. 3(1) def. of  
*Chief*  
*Executive*  
*Officer*  
inserted by  
No. 77/2000  
s. 4.

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

S. 3(1) def. of  
*Chief Officer*  
amended by  
No. 5/2012  
s. 3(d).

*Chief Officer* means the Chief Officer of all  
brigades;

S. 3(1) def. of  
*com-*  
*missioned*  
*officer*  
inserted by  
No. 37/2014  
s. 10(Sch.  
item 33.1).

*commissioned officer* has the same meaning as in  
the **Victoria Police Act 2013**;

S. 3(1) def. of  
*competition*  
inserted by  
No. 39/1992  
s. 3(a)(i).

*competition*—

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

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***country area of Victoria*** means that part of Victoria which lies outside the metropolitan district, but does not include any forest, national park or protected public land;

S. 3(1) def. of *country area of Victoria* amended by Nos 6956 s. 2(1)(b), 10149 s. 4(c), 5/2012 s. 3(e).

\* \* \* \* \*

S. 3(1) def. of *demonstration* inserted by No. 50/1989 s. 3(a), repealed by No. 39/1992 s. 3(a)(ii).

\* \* \* \* \*

S. 3(1) def. of *department* repealed by No. 10149 s. 4(d).

***Department*** means the Department of Sustainability and Environment;

S. 3(1) def. of *Department* inserted by No. 5/2012 s. 3(j).

***dependant*** of a person means a person who is, or was at the date of the person's death, wholly or partially dependent on the person or who has, or had at that date, a legal right to look to the person for financial support;

S. 3(1) def. of *dependant* inserted by No. 27/2001 s. 5(Sch. 3 item 1.1).

***Deputy Chief Officer*** means Deputy Chief Officer of all brigades;

S. 3(1) def. of *Deputy Chief Officer* substituted by No. 6956 s. 2(1)(c), amended by No. 5/2012 s. 3(f).

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S. 3(1) def. of  
*Deputy  
Regional  
Officer*  
inserted by  
No. 10004 s. 4,  
repealed by  
No. 39/1992  
s. 5(3)(a).

\* \* \* \* \*

S. 3(1) def. of  
*designated  
area*  
inserted by  
No. 24/1997  
s. 4(1).

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

S. 3(1) def. of  
*division*  
repealed by  
No. 10149  
s. 4(e).

\* \* \* \* \*

S. 3(1) def. of  
*domestic  
partner*  
inserted by  
No. 27/2001  
s. 5(Sch. 3  
item 1.1),  
substituted by  
No. 12/2008  
s. 73(1)(Sch. 1  
item 13.1).

*domestic partner* of a person means—  
(a) a person who is in a registered  
relationship with the person; or  
(b) a person to whom the person is not  
married but with whom the person is  
living as a couple on a genuine  
domestic basis (irrespective of gender);

S. 3(1) def. of  
*Emergency  
Services  
Commission-  
er* inserted by  
No. 73/2010  
s. 41,  
substituted as  
*Emergency  
Management  
Commission-  
er* by  
No. 73/2013  
s. 79(b).

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

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

S. 3(1) def. of *Fair Work Australia* inserted by No. 74/2009 s. 9(1).

***federal award or agreement*** means—

- (a) a modern award within the meaning of the Fair Work Act 2009 of the Commonwealth; or
- (b) a determination of Fair Work Australia made under the Fair Work Act 2009 of the Commonwealth; or
- (c) an award-based transitional instrument within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 of the Commonwealth; or
- (d) a transitional minimum wage instrument within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 of the Commonwealth; or
- (e) an enterprise agreement made under the Fair Work Act 2009 of the Commonwealth; or
- (f) an agreement-based transitional instrument within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 of the Commonwealth;

S. 3(1) def. of *federal award or agreement* inserted by No. 74/2009 s. 9(1).

\* \* \* \* \*

S. 3(1) def. of *financial year* repealed by No. 10149 s. 4(f).

S. 3(1) def. of  
*fire*  
inserted by  
No. 50/1989  
s. 26(1),  
amended by  
No. 5/2012  
s. 3(g).

*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 danger period*  
inserted by  
No. 7877  
s. 2(1)(a)(i).

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

S. 3(1) def. of  
*fire prevention officer*  
inserted by  
No. 10149  
s. 4(g),  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 17.1).

*fire prevention officer* means—

- (a) in relation to a municipal council, a person appointed as a fire prevention officer under section 96A; and
- (b) in relation to an administrative unit or public authority, a person nominated as a fire prevention officer for the purposes of this Act by the chief administrator of the administrative unit or by the public authority (as the case may be);

S. 3(1) def. of  
*fire protected area*  
inserted by  
No. 6956  
s. 2(1)(d).

*fire protected area* means fire protected area within the meaning of section three of the **Forests Act 1958**;

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

S. 3(1) def. of  
*fire services  
agency*  
inserted by  
No. 73/2010  
s. 41,  
amended by  
No. 73/2013  
s. 79(d).

\* \* \* \* \*

S. 3(1) def. of  
*Fire Services  
Commissioner*  
inserted by  
No. 73/2010  
s. 41,  
repealed by  
No. 73/2013  
s. 79(c).

\* \* \* \* \*

S. 3(1) def. of  
*fire services  
reform action  
plan*  
inserted by  
No. 73/2010  
s. 41,  
repealed by  
No. 73/2013  
s. 79(c).

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

S. 3(1) def. of  
*forest*  
substituted by  
No. 6956  
s. 2(1)(e).

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

S. 3(1) def. of  
*forest officer*  
inserted by  
No. 6956  
s. 2(1)(f),  
substituted by  
No. 41/1987  
s. 103(Sch. 4  
item 8.2).

*group of brigades* means a group of brigades  
registered by the Authority under  
section 23A(3);

S. 3(1) def. of  
*group of  
brigades*  
inserted by  
No. 5/2012  
s. 3(j).



S. 3(1) def. of *heat engine* amended by Nos 8353 s. 19, 9921 s. 255, 44/1989 s. 41(Sch. 2 item 6), 104/1997 s. 41, 98/1998 s. 45, 30/2000 s. 32, 6/2010 s. 203(1) (Sch. 6 item 10(a)).

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

S. 3(1) def. of *incident management operating procedures* inserted by No. 73/2010 s. 41, substituted by No. 73/2013 s. 79(e).

*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 *industry brigade* inserted by No. 24/1997 s. 4(1).

*industry brigade* means a brigade established under section 23AA;

S. 3(1) def. of *Inspector-General for Emergency Management* inserted by No. 73/2013 s. 79(f).

*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 *insurance against fire* inserted by No. 7885 s. 11(a), repealed by No. 58/2012 s. 94.

\* \* \* \* \*

Country Fire Authority Act 1958  
No. 6228 of 1958

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|   |   |   |   |   |                                                                                                                                                                                 |
|---|---|---|---|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * | * | * | * | * | S. 3(1) def. of <i>insurance company</i> substituted by Nos 7885 s. 11(b), 5/1991 s. 3(1), amended by Nos 2/1995 s. 13(a)(ii), 51/2005 s. 59(2), repealed by No. 58/2012 s. 94. |
|---|---|---|---|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|   |   |   |   |   |                                                                                                                                                                                            |
|---|---|---|---|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * | * | * | * | * | S. 3(1) def. of <i>insurance intermediary</i> inserted by No. 5/1991 s. 3(1), substituted by No. 9/2002 s. 3(Sch. item 3), amended by No. 51/2005 s. 59(3), repealed by No. 58/2012 s. 94. |
|---|---|---|---|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|   |   |   |   |   |                                                               |
|---|---|---|---|---|---------------------------------------------------------------|
| * | * | * | * | * | S. 3(1) def. of <i>insured</i> repealed by No. 7885 s. 11(c). |
|---|---|---|---|---|---------------------------------------------------------------|

*international 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 Australia;

S. 3(1) def. of *international fire brigade* inserted by No. 5/2012 s. 3(j).

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

*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. 59(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. 59(1).

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

S. 3(1) def. of  
*metropolitan  
district*  
inserted by  
No. 5/2012  
s. 3(j).

*metropolitan district* has the same meaning as it has in section 3(1) of the **Metropolitan Fire Brigades Act 1958**;

S. 3(1) def. of  
*metropolitan  
fire district*  
repealed by  
No. 5/2012  
s. 3(i).

\* \* \* \* \*

Country Fire Authority Act 1958  
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|   |   |   |   |   |                                                                                                                                                                      |                                                                                                                                    |
|---|---|---|---|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| * | * | * | * | * | S. 3(1) def. of <i>Minister</i> substituted by No. 9389 s. 4(a)(i), repealed by No. 10149 s. 4(h).                                                                   |                                                                                                                                    |
| * | * | * | * | * | S. 3(1) def. of <i>municipal district</i> repealed by No. 12/1989 s. 4(1)(Sch. 2 item 17.2).                                                                         |                                                                                                                                    |
|   |   |   |   |   | <i>municipal fire prevention officer</i> means a person appointed by a municipal council under section 96A(1)(a) to be the fire prevention officer for that council; | S. 3(1) def. of <i>municipal fire prevention officer</i> inserted by No. 5/2012 s. 3(j).                                           |
|   |   |   |   |   | <i>national park</i> means land that is or is part of a park within the meaning of the <b>National Parks Act 1975</b> ;                                              | S. 3(1) def. of <i>national park</i> inserted by No. 6956 s. 2(1)(g), amended by No. 8210 s. 12, substituted by No. 8702 s. 55(5). |
|   |   |   |   |   | <i>officer in charge of a brigade</i> includes, in the absence of a person of the rank of officer, a member of a brigade below the rank of officer;                  | S. 3(1) def. of <i>officer in charge of a brigade</i> inserted by No. 39/1992 s. 5(3)(b).                                          |
|   |   |   |   |   | <i>owner</i> has the same meaning as it has in section 3(1) of the <b>Subdivision Act 1988</b> ;                                                                     | S. 3(1) def. of <i>owner</i> substituted by No. 5/2012 s. 3(h).                                                                    |

S. 3(1) def. of  
*owners*  
corporation  
inserted by  
No. 5/2012  
s. 3(j).

*owners corporation* has the same meaning as it  
has in section 3 of the **Owners  
Corporations Act 2006**;

S. 3(1) def. of  
*part*  
repealed by  
No. 10149  
s. 4(i).

\* \* \* \* \*

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

S. 3(1) def. of  
*permanent  
brigade*  
amended by  
No. 24/1997  
s. 4(2)(b).

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

S. 3(1) def. of  
*permanent  
officer or  
member*  
amended by  
No. 24/1997  
s. 4(2)(c).

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

S. 3(1) def. of  
*police officer*  
inserted by  
No. 37/2014  
s. 10(Sch.  
item 33.1).

*police officer* has the same meaning as in the  
**Victoria Police Act 2013**;

S. 3(1) def. of  
*prescribed*  
repealed by  
No. 10149  
s. 4(j).

\* \* \* \* \*

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*private street* means a road, other than—

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

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

\* \* \* \* \*

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

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

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

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

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

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

\* \* \* \* \*

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

\* \* \* \* \*

S. 3(1) def. of *Regulations* repealed by No. 10149 s. 4(m).

S. 3(1) def. of  
*road*  
inserted by  
No. 2/1995  
s. 6(1).

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

S. 3(1) def. of  
*rural brigade*  
repealed by  
No. 5/2012  
s. 3(i).

\* \* \* \* \*

S. 3(1) def. of  
*rural district*  
substituted by  
Nos 8257  
s. 2(a),  
39/1992  
s. 4(2)(a),  
repealed by  
No. 5/2012  
s. 3(i).

\* \* \* \* \*

S. 3(1) defs of  
*scrub* or  
*vegetation*  
inserted by  
No. 6583  
s. 2(a).

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

S. 3(1) def. of  
*Secretary*  
inserted by  
No. 76/1998  
s. 30(a).

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

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

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

S. 3(1) def. of  
*spouse*  
inserted by  
No. 27/2001  
s. 5(Sch. 3  
item 1.1).

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

|                                                                                                                                                                                          |                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <p><i>State Crisis and Resilience Council</i> has the same meaning as it has in section 3 of the <b>Emergency Management Act 2013</b>;</p>                                               | <p>S. 3(1) def. of <i>State Crisis and Resilience Council</i> inserted by No. 73/2013 s. 79(f).</p>           |
| <p><i>State Response Controller</i> has the same meaning as in section 3 of the <b>Emergency Management Act 2013</b>;</p>                                                                | <p>S. 3(1) def. of <i>State Response Controller</i> inserted by No. 43/2015 s. 29.</p>                        |
| <p><i>station</i> means fire station;</p>                                                                                                                                                |                                                                                                               |
| <p><i>Strategic Action Plan</i> has the same meaning as it has in section 3 of the <b>Emergency Management Act 2013</b>;</p>                                                             | <p>S. 3(1) def. of <i>Strategic Action Plan</i> inserted by No. 73/2013 s. 79(f).</p>                         |
| <p>* * * * *</p>                                                                                                                                                                         | <p>S. 3(1) def. of <i>summer period</i> amended by No. 6583 s. 2(b), repealed by No. 7877 s. 2(1)(a)(ii).</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 103A;</p> | <p>S. 3(1) def. of <i>the 1982 Agreement</i> inserted by No. 51/2005 s. 59(1).</p>                            |
| <p>* * * * *</p>                                                                                                                                                                         | <p>S. 3(1) def. of <i>urban brigade</i> repealed by No. 5/2012 s. 3(i).</p>                                   |



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S. 3(1) def. of  
*urban district*  
substituted by  
Nos 8257  
s. 2(b),  
39/1992  
s. 4(2)(b),  
repealed by  
No. 5/2012  
s. 3(i).

\* \* \* \* \*

S. 3(1) def. of  
*vessel*  
inserted by  
No. 50/1989  
s. 4(1).

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

- (a) a barge, lighter, floating restaurant or other floating vessel; and
- (b) an air-cushion vehicle or other similar craft that is used in navigation by water;

S. 3(1) def. of  
*volunteer auxiliary worker*  
inserted by  
No. 10149  
s. 4(n).

*volunteer auxiliary worker* means a person appointed as a volunteer auxiliary worker under section 17A;

S. 3(1) def. of  
*volunteer brigade*  
amended by  
No. 24/1997  
s. 4(2)(d).

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

S. 3(1) def. of  
*Volunteer Charter*  
inserted by  
No. 10/2011  
s. 3.

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

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

S. 3(1) def. of *volunteer officer or member* amended by No. 24/1997 s. 4(2)(e).

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

S. 3(2) inserted by No. 27/2001 s. 5(Sch. 3 item 1.2), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 13.2).

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

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

#### 4 Declaration of fire danger period

S. 4 (Heading) inserted by No. 5/2012 s. 4(1).

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

S. 4 substituted by No. 6583 s. 3, amended by Nos 7877 s. 2(1)(b), 10087 s. 3(1) (Sch. 1 item 20), 50/1989 s. 5, 76/1998 s. 30(b), 77/2000 s. 5, 5/2012 s. 4(2).

\* \* \* \* \*

S. 5 amended by No. 12/1989 s. 4(1)(Sch. 2 item 17.4), repealed by No. 50/1989 s. 6.

## **Part I—Constitution of Country Fire Authority**

No. 5040 s. 5.

### **6 Appointment of Country Fire Authority**

- (1) For the more effective control of the prevention and suppression of fires in the country area of Victoria there shall be an Authority appointed by the Governor in Council to be called the "Country Fire Authority".
- (2) By such name such Authority shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and of being sued and of taking purchasing holding exchanging leasing and disposing of real and personal property.

S. 6A  
inserted by  
No. 24/1997  
s. 5.

### **6A Accountability of Authority**

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

S. 6B  
inserted by  
No. 48/2000  
s. 7,  
amended by  
No. 73/2010  
s. 42,  
substituted by  
No. 73/2013  
s. 80.

### **6B Objective**

The objective of the Authority 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.

**6C Emergency Management Victoria**

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

S. 6C  
inserted by  
No. 48/2000  
s. 7,  
substituted by  
Nos 73/2010  
s. 43, 73/2013  
s. 80.

**6D Compliance with operational standards of  
Emergency Management Commissioner**

The Authority 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. 6D  
inserted by  
No. 73/2010  
s. 43,  
substituted by  
No. 73/2013  
s. 80.

**6DA Report on compliance with operational standards  
developed by the Emergency Management  
Commissioner**

S. 6DA  
inserted by  
No. 73/2013  
s. 80.

- (1) The Authority 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 Authority under subsection (1) must be given to the Emergency Management Commissioner.

**6DB Strategic Action Plan**

- (1) The Authority must implement the applicable work program to give effect to the Strategic Action Plan.
- (2) The Authority 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.

S. 6DB  
inserted by  
No. 73/2013  
s. 80.

- (3) The intervals must not be less than one a year.
- (4) The Authority must give a copy of a report prepared by the Authority under subsection (2) to the State Crisis and Resilience Council and the Inspector-General for Emergency Management.

S. 6E  
inserted by  
No. 73/2010  
s. 43.

**6E Compliance with incident management operating procedures**

The Authority must comply with any incident management operating procedures.

S. 6F  
inserted by  
No. 10/2011  
s. 4.

**6F Recognition of Authority as a volunteer-based organisation**

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

S. 6G  
inserted by  
No. 10/2011  
s. 4.

**6G Recognition of the Volunteer Charter**

The Parliament recognises that the Volunteer Charter—

- (a) is a statement of the commitment and principles that apply to the relationship between the Government of Victoria, the Authority and volunteer officers and members; and
- (b) requires that the Authority recognise, value, respect and promote the contribution of volunteer officers and members to the well-being and safety of the community; and
- (c) requires that the Government of Victoria and the Authority commit to consulting with Volunteer Fire Brigades Victoria Incorporated on behalf of volunteer officers and members on any matter that might reasonably be expected to affect them.

**6H Authority to have regard to Volunteer Charter**

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

S. 6H  
inserted by  
No. 10/2011  
s. 4.

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

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

S. 6I  
inserted by  
No. 10/2011  
s. 4.

**7 Constitution of the Authority**

No. 5040 s. 6.

- (1) The Authority is to consist of 9 members appointed by the Governor in Council.
- (2) The members of the Authority are to be appointed having regard to any of the following—
  - (a) knowledge of, or experience in, commercial, technical, operational, legal or financial matters;
  - (b) expertise in fire services, emergency management, land management or any other field relevant to the performance of the functions of the Authority.
- (3) Five members of the Authority, including the Chairperson and the Deputy Chairperson, are to be appointed on the recommendation of the Minister made after having regard to subsection (2).
- (4) Four members being—
  - (a) two volunteer members of brigades predominately serving urban communities; and

S. 7  
amended by  
Nos 6583  
s. 4, 7261  
s. 2, 7877  
s. 4(a), 8813  
s. 2, 8933  
s. 2(1), 10087  
s. 3(1)(Sch. 1  
item 20),  
12/1989  
s. 4(1)(Sch. 2  
items 17.5,  
17.6), 50/1989  
s. 7(a)(b),  
46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)),  
73/2009 s. 5,  
5/2012 s. 5,  
58/2012  
s. 95(1),  
substituted by  
No. 41/2014  
s. 3.

(b) two volunteer members of brigades  
predominately serving rural communities—

are to be appointed from a panel of names  
nominated by the Board of Volunteer Fire  
Brigades Victoria made after having regard to  
subsection (2).

- (5) If the Board of Volunteer Fire Brigades Victoria  
fails to submit a nomination for the purposes of  
subsection (4) within 30 days after receiving a  
request from the Minister to submit a nomination,  
the Governor in Council may after having regard  
to subsection (2) appoint a person or persons to be  
a member or members of the Authority for the  
purposes of subsection (4).

S. 7AA  
inserted by  
No. 41/2014  
s. 3.

**7AA Authority is the same body**

The Authority continues to be the same body  
despite the change to its membership as a result of  
the commencement of section 3 of the **Justice  
Legislation Amendment Act 2014**.

S. 7A  
inserted by  
No. 8750  
s. 96.

**7A Member of Authority not holding office etc. under  
Crown**

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

## 8 Term of office of members

- (1) The members of the Authority shall subject to this Act be appointed to hold office for such term not exceeding three years as the Governor in Council determines before appointment, but any person appointed a member of the Authority shall upon expiration of the term for which he is so appointed be eligible for re-appointment if then qualified.
- (2) The Governor in Council may at any time remove any member of the Authority from office.
- (3) The office of a member of the Authority becomes vacant if the member—
  - (a) without the permission of the Authority, is absent from 4 consecutive meetings of the Authority; or
  - (b) becomes bankrupt; or
  - (c) accepts or holds an office of profit or place of profit under the Authority; or
  - (d) resigns by writing signed and addressed to the Governor in Council; or
  - (e) becomes permanently incapable of performing the duties of the office of member; or
  - (f) is convicted in Victoria of an offence punishable on first conviction with imprisonment for a term of 12 months or more or is elsewhere convicted of an offence which, if committed in Victoria, would be so punishable.
- (4) On the occurrence of any vacancy in the office of any member of the Authority, a qualified person shall, in accordance with this Act, be appointed to fill the vacancy.

No. 5040 s. 7.

S. 8(1)  
amended by  
Nos 7261  
s. 3(2), 8813  
s. 3, 77/2000  
s. 6(a).

S. 8(3)  
substituted by  
No. 77/2000  
s. 7.

S. 8(4)  
substituted by  
No. 77/2000  
s. 7.



## 9 Chairperson

No. 5040 s. 8.  
S. 9 (Heading)  
inserted by  
No. 41/2014  
s. 4(a).  
S. 9  
substituted by  
No. 7261  
s. 3(1).

S. 9(1)  
amended by  
No. 42/1995  
s. 224(Sch. 2  
item 10),  
repealed by  
No. 77/2000  
s. 6(b).

\* \* \* \* \*

S. 9(2)  
amended by  
No. 41/2014  
s. 4(b).

- (2) The chairperson shall—
- (a) preside at all meetings of the Authority;
  - (b) have a casting as well as a deliberative vote;  
and
  - (c) be entitled to receive such salary and allowances as are determined by the Governor in Council.

S. 9(2)(c)  
amended by  
No. 8165 s. 3.

S. 9(3)  
amended by  
Nos 7877  
s. 4(b), 10043  
s. 13(2),  
41/2014  
s. 4(c).

- (3) At any meeting of the Authority at which the chairperson or deputy chairperson or, where a member has been appointed to act in the place of the deputy chairperson, the acting deputy chairperson is not present a person elected for the purpose by the members present at the meeting shall act as chairperson at the meeting and may exercise the powers conferred on the chairperson by this Act.

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

S. 9A  
(Heading)  
inserted by  
No. 41/2014  
s. 4(d).

S. 9A  
inserted by  
No. 7261  
s. 3(1).

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

S. 9A(1)  
amended by  
Nos 9902  
s. 2(1)(Sch.  
item 36),  
2/1995  
s. 13(b)(i),  
46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)),  
substituted by  
Nos 108/2004  
s. 117(1)  
(Sch. 3  
item 46.2),  
80/2006  
s. 26(Sch.  
item 21.1),  
amended by  
No. 41/2014  
s. 4(e).

- (2) If any person appointed as chairperson of the Authority was immediately before his or her appointment an employee in the public service, such person is eligible at the termination of his or her term of office under this Act to be employed in the public service with a classification and emolument corresponding with or higher than that which he or she held or received immediately before his or her appointment as the chairperson of the Authority as if the whole period of his or her service under this Act had been a period of service in the public service.

S. 9A(2)  
amended by  
No. 2/1995  
s. 13(b)(ii)(iii),  
substituted by  
No. 46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)),  
amended by  
No. 41/2014  
s. 4(e).

S. 9A(3)  
amended by  
Nos 50/1988  
s. 93(2)(Sch. 2  
Pt 2 item 9),  
41/2014  
s. 4(e).

- (3) If any person appointed chairperson of the Authority was immediately prior to that appointment an officer within the meaning of the **State Superannuation Act 1988** or any corresponding previous enactment he shall notwithstanding that appointment be deemed to continue subject to that Act to be an officer within the meaning of that Act.

S. 9B  
(Heading)  
inserted by  
No. 41/2014  
s. 4(f).

### 9B Deputy chairperson

S. 9B  
inserted by  
No. 8813  
s. 4.

S. 9B(1)  
amended by  
No. 41/2014  
s. 4(g).

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

\* \* \* \* \*

S. 9B(2)  
amended by  
Nos 42/1995  
s. 224(Sch. 2  
item 10),  
84/1997  
s. 12(a)–(c),  
repealed by  
No. 77/2000  
s. 6(c).

S. 9B(3)  
amended by  
No. 41/2014  
s. 4(h).

- (3) The deputy chairperson shall in the absence of the chairperson and also during the occurrence from any cause of a vacancy in the office of chairperson and so long as such vacancy continues—
- (a) preside at all meetings of the Authority; and

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- (b) have a casting as well as a deliberative vote;  
and
- (c) be paid the remuneration (if any) and travelling and other allowances (if any) fixed from time to time by the Minister. S. 9B(3)(c)  
inserted by  
No. 50/1989  
s. 8(1).
- (4) The deputy chairperson shall be entitled to receive such salary as is from time to time determined by the Governor in Council. S. 9B(4)  
amended by  
No. 41/2014  
s. 4(i).
- (5) The chairperson may in relation to any matter or class of matters by writing under his or her hand delegate to the deputy chairperson all or any of his or her powers, functions, authorities, duties or liabilities under this or any other Act (except his or her power of delegation) so that the delegated powers, functions, authorities, duties and liabilities may be exercised and discharged by the delegate with respect to the matters or class of matters specified in the instrument of delegation. S. 9B(5)  
amended by  
No. 41/2014  
s. 4(j).
- (6) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power, function or authority or the discharge of any duty or liability by the chairperson. S. 9B(6)  
amended by  
No. 41/2014  
s. 4(k).
- (7) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a person appointed as deputy chairperson of the Authority in respect of the office of deputy chairperson. S. 9B(7)  
amended by  
Nos 2/1995  
s. 13(c)(i),  
46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)),  
substituted by  
Nos 108/2004  
s. 117(1)  
(Sch. 3  
item 46.3),  
80/2006  
s. 26(Sch.  
item 21.2),  
amended by  
No. 41/2014  
s. 4(l).

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S. 9B(8)  
amended by  
No. 2/1995  
s. 13(c)(ii)(iii),  
substituted by  
No. 46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)),  
amended by  
41/2014 s. 4(l).

(8) If any person appointed as deputy chairperson of the Authority was immediately before his or her appointment an employee in the public service, such person is eligible at the termination of his or her term of office under this Act to be employed in the public service with a classification and emolument corresponding with or higher than that which he or she held or received immediately before his or her appointment as the deputy chairperson of the Authority as if the whole period of his or her service under this Act had been a period of service in the public service.

S. 9B(9)  
amended by  
Nos 50/1988  
s. 93(2)(Sch. 2  
Pt 2 item 9),  
41/2014  
s. 4(l)(m).

(9) If any person appointed as deputy chairperson of the Authority was immediately prior to that appointment an officer within the meaning of the **State Superannuation Act 1988** or any corresponding previous enactment, he or she shall notwithstanding that appointment be deemed to continue subject to that Act to be an officer within the meaning of that Act.

S. 9B(10)  
inserted by  
No. 10043  
s. 13(1),  
amended by  
Nos 50/1989  
s. 8(2),  
41/2014  
s. 4(n).

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

S. 9B(11)  
inserted by  
No. 10043  
s. 13(1),  
amended by  
Nos 50/1989  
s. 8(2),  
41/2014  
s. 4(o).

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

S. 9B(11)(a)  
amended by  
No. 41/2014  
s. 4(o).

(a) shall while so acting have and may exercise all the powers functions authorities duties and liabilities conferred or imposed by this

or any other Act upon the deputy chairperson; and

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

## **10 Quorum of Authority**

No. 5040 s. 9.

- (1) A quorum of the Authority shall consist of not less than 5 members.

S. 10(1)  
amended by  
Nos 8813 s. 5,  
58/2012  
s. 95(2),  
41/2014 s. 5.

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

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

S. 10(3)  
amended by  
Nos 10043  
s. 13(3),  
41/2014  
s. 4(p).

## **11 Voting at meetings**

No. 5040 s. 10.

- (1) The decision on any matter of the majority of the members present at any meeting of the Authority shall be the decision of the Authority on that matter, but in the case of an equality of votes on any matter the chairperson shall have a second or casting vote.
- (2) Subject to the regulations, the Authority may appoint any number of its members to be a committee to consider and make a recommendation to the Authority upon any matter, but no decision or recommendation of any

S. 11(1)  
amended by  
No. 41/2014  
s. 4(q).

committee shall have any force or effect until approved by the Authority.

- (3) The Authority shall meet at least twelve times in every year.
- (4) Notice of every meeting of the Authority shall be given at such time before the meeting and in such manner as is prescribed, and the regulations may provide for the calling of special meetings and for special notice in the case of such meetings.

S. 11A  
inserted by  
No. 77/2000  
s. 8.

### **11A Conflicts of interest**

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

Penalty: 5 penalty units.

S. 11A(2)  
amended by  
No. 41/2014  
s. 4(r).

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

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

S. 11A(3)(a)  
amended by  
No. 5/2012  
s. 6.

- (a) must not be present during any deliberations on the matter, unless a declaration of the interest has been made in accordance with this section and the Authority directs otherwise; and

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

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

- (5) If a member votes on a matter in contravention of subsection (3)(b), his or her vote must be disallowed.
- (6) For the purposes of the section, a member is not to be regarded as having a conflict of interest—
  - (a) in a matter relating to the supply of goods or services to the member if the goods or services are, or are to be, available to members of the public on the same terms and conditions; or
  - (b) in a contract or arrangement only because that contract or arrangement may benefit a company or other body in which the member has a beneficial interest that does not exceed \$2000 or 1% of the total nominal value of beneficial interests in the company or body, whichever is the lesser.

## **12 Minutes**

No. 5040 s. 11.

- (1) The Authority shall cause minutes of its proceedings to be kept in the prescribed manner.
- (2) Such minutes purporting to be signed by the chairperson or deputy chairperson shall in any court or before any person acting judicially be prima facie evidence of the holding of the meetings and of the making of the decisions or resolutions and of the other matters recorded therein.

S. 12(2)  
amended by  
Nos 8813  
s. 6(a),  
41/2014  
s. 4(s).

## **12A Fees of members of Authority**

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

S. 12A  
inserted by  
No. 10149  
s. 5(1),  
amended by  
No. 41/2014  
s. 4(s).



No. 5040 s. 13.

S. 13  
(Heading)  
inserted by  
No. 41/2014  
s. 4(f).

S. 13(1)  
amended by  
Nos 8813  
s. 6(b),  
41/2014  
s. 4(u).

S. 13(2)  
amended by  
Nos 8813  
s. 6(c), 5/2012  
s. 7, 41/2014  
s. 4(v).

### **13 Expenses of chairperson, deputy chairperson and members**

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

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## Part II—Fire control regions, officers etc.

Pt 2 (Heading)  
amended by  
No. 39/1992  
s. 4(2)(c).

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

No. 5040  
s. 18(a).

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

### 15 Proclamation of fire control regions

S. 15  
substituted by  
No. 8257 s. 3.

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

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

\* \* \* \* \*

S. 15(1)(b)  
repealed by  
No. 39/1992  
s. 4(1)(a).

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

S. 15(1)(c)  
amended by  
No. 39/1992  
s. 4(1)(b).

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

### 16 Effect of alteration of municipal boundaries

S. 16  
substituted by  
No. 8257 s. 3,  
amended by  
No. 39/1992  
s. 4(2)(d)(i)(ii).

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

S. 16A  
inserted by  
No. 77/2000  
s. 9.

### **16A Chief Executive Officer**

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

S. 16B  
inserted by  
No. 77/2000  
s. 9.

### **16B Acting Chief Executive Officer**

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

S. 16C  
inserted by  
No. 77/2000  
s. 9.

### **16C Delegation of powers of Chief Executive Officer**

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

## 17 Officers and employees

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

- (a) a Chief Officer; and
- (b) such number of Deputy Chief Officers as the Authority considers necessary; and
- (c) such other officers and employees at the classifications and in the numbers as the Authority considers necessary.

Nos 5040  
s. 17(1), 5651  
s. 2(1)(b).  
S. 17  
substituted by  
No. 6956 s. 3,  
amended by  
Nos 7877  
s. 3(b), 9629  
s. 3, 10004  
s. 5, 50/1989  
s. 9(a),  
substituted by  
No. 39/1992  
s. 5(1),  
amended by  
No. 24/1997  
s. 6.

## 17A Volunteer auxiliary workers

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

S. 17A  
inserted by  
No. 10149 s. 6,  
amended by  
No. 24/1997  
s. 12(1).

## 18 Salaries or wages of officers etc.

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

Nos 5040  
s. 17(2), 5316  
s. 7(1).  
S. 18  
amended by  
No. 7877  
s. 5(a).  
S. 18(1)  
amended by  
Nos 9629 s. 4,  
47/1992  
s. 25(1)(a)(c),  
83/1992  
s. 184(Sch. 6  
items 5.1, 5.2),  
2/1995  
s. 13(d),  
59/1996  
s. 10(Sch. 2  
item 5),  
74/2009  
s. 9(2).

S. 18(2)  
inserted by  
No. 7877  
s. 5(b),  
amended by  
Nos 47/1992  
s. 25(1)(b)(c),  
83/1992  
s. 184(Sch. 6  
items 5.1, 5.2),  
2/1995  
s. 13(d),  
59/1996  
s. 10(Sch. 2  
item 5),  
74/2009  
s. 9(3).

- (2) The Authority shall grant to such officers members and employees such leave as is provided in any federal award or agreement or the National Employment Standards under the Fair Work Act 2009 of the Commonwealth applicable to such officers members or employees or (if such an award, agreement or Standard does not apply) as is prescribed.

S. 18A  
inserted by  
No. 43/1987  
s. 4(1),  
amended by  
Nos 39/1992  
s. 6(a)(b),  
2/1995  
s. 13(e).

#### **18A Immunity for officers etc.**

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

No. 5517  
ss 13, 14.

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

S. 19(1)  
amended by  
No. 8257  
s. 4(a).

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

- (a) any reference in the said sections to the Board shall be read and construed as a reference to the Authority;
- (aa) any reference in the said sections to the president of the Board shall be read and construed as a reference to the chairman and deputy chairman of the Authority;
- (b) any reference in the said sections to the Metropolitan Fire Brigade shall be read and construed as a reference to an urban or rural fire brigade; and
- (c) Any reference to service shall be read and construed as a reference—
- (i) to service as an officer or employee of the Authority and in the case of persons who were transferred to the service of the Authority upon the abolition of the Country Fire Brigades Board, shall include a reference to their prior service as officers or employees of the said Country Fire Brigades Board as if it had been service as officers or employees of the Authority; and
  - (ii) to such extent as is prescribed by the regulations under this Act to service in any prescribed office under the Crown or with a Public or Government Authority or to service in any prescribed office in the service of the Commonwealth of Australia or any other Australian State.

S. 19(1)(aa)  
inserted by  
No. 8257  
s. 4(b),  
amended by  
No. 8813  
s. 6(d).

S. 19(1)(c)  
substituted by  
No. 7877  
s. 6,  
amended by  
Nos 8019  
s. 10(a)(i),  
2/1995  
s. 13(d)(e).

S. 19(1)(c)(ii)  
amended by  
No. 8019  
s. 10(a)(ii).

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S. 19(2)  
amended by  
No. 2/1995  
s. 13(e).

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

## Part III—Country fire control

### Division 1—General

#### 20 General duty of Authority

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

No. 5040 s. 22.  
S. 20  
amended by  
No. 6583  
s. 5(c).

#### 20AAA Duty to assist in major emergency

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

S. 20AAA  
inserted by  
No. 5/2012  
s. 8.

*emergency agency* means—

- (a) the Authority;
- (b) the Metropolitan Fire and Emergency Services Board established under the **Metropolitan Fire Brigades Act 1958**;
- (c) the Secretary to the Department of Sustainability and Environment when performing functions or duties or 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. 20AAA(2)  
def. of *major  
emergency*  
amended by  
No. 73/2013  
s. 81(a).

*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. 20AA  
inserted by  
No. 2/1995  
s. 4.

## **20AA General powers of Authority**

- (1) Subject to this Act, the Authority has the power to do all things necessary or convenient to be done for or in connection with the performance of its duties and functions.
- (2) Without limiting or derogating from the generality of the powers of the Authority under this Act, the powers of the Authority include the power to—
  - (a) enter into agreements or arrangements with any person or body for the provision of goods or services to the Authority;
  - (b) subject to subsection (3), enter into agreements or arrangements with any person or body for the provision of goods or services by the Authority;

- (c) apply for, obtain and hold intellectual property rights (including patents, copyrights, trade marks and registered designs);
  - (d) enter into agreements or arrangements for the commercial exploitation of those intellectual property rights and ancillary services on any terms and conditions as to royalties, lump sum payments or otherwise as the Authority may see fit;
  - (e) subject to subsection (3), form, participate in the formation of, or be a member of a body corporate, association, partnership, trust or other body;
  - (f) subject to subsection (3), enter into a joint venture agreement, shareholders agreement or unitholders agreement with any other person or body;
  - (g) do all things necessary or convenient to give effect to any agreements or arrangements entered into by the Authority including power to appoint any person or body as the Authority's agent for that purpose.
- (3) The Authority must obtain the written consent of the Minister before—
- (a) entering into any agreement or arrangement with any person or body for the provision of goods or services by the Authority; or
  - (b) forming, participating in the formation of, or becoming a member of a body corporate, association, partnership, trust or other body; or
  - (c) entering into any joint venture agreement, shareholders agreement or unitholders agreement.

S. 20AA(4)  
substituted by  
No. 5/2012  
s. 9.

- (4) Subsection (3)(a) does not apply to an agreement or arrangement for the provision of goods or services by the Authority—
- (a) to a brigade or group of brigades or to a person acting on behalf of a brigade or group of brigades; or
  - (b) where the provision of those goods or services falls within the general duties and functions of the Authority.
- (5) The Minister's consent under subsection (3)(a) or (b) may be given in respect of a particular case or a class of cases.

S. 20A  
inserted by  
No. 8478 s. 2.

## **20A Attendances unconnected with a fire**

S. 20A(1)  
amended by  
No. 24/1997  
s. 12(2).

- (1) Notwithstanding anything in this Act the Authority, any group of brigades or any brigade (other than an industry brigade) may, subject to subsection (2), in response to a call for assistance, attend and carry out any function in relation to the provision of assistance to any person or the protection of any property involved in any accident or emergency not connected with the suppression or prevention of fire and the provisions of this Act shall with such adaptations and variations as are necessary apply to and in relation thereto to the same extent as in the case of the prevention and suppression of fire or the protection of life and property in the case of fire.
- (2) No attendance or action shall be made or taken by any group of brigades or any brigade pursuant to subsection (1) unless the approval of the Chief Officer or the officer exercising the powers of the Chief Officer has been obtained or in any case where this is not practicable the Officer-in-Charge of any brigade involved has caused the attendance of such brigade to be subsequently reported to the

Chief Officer or officer exercising the powers of  
the Chief Officer for his approval.

\* \* \* \* \*

S. 20A(3)  
repealed by  
No. 39/1992  
s. 13(2).

- (4) Any person who is entitled to make any claim for compensation under this Act shall not be entitled to make any claim for compensation under the **Victoria State Emergency Service Act 2005**.

S. 20A(4)  
amended by  
Nos 9673  
s. 21(2),  
57/1987  
s. 33(1),  
51/2005  
s. 58(1).

## 20B False alarm of fire

- (1) This section applies if a fire brigade in the country area of Victoria 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 Authority may, by written notice, require the owner, occupier or owners corporation of the premises to provide details of the circumstances of the false alarm to the Authority.
- (3) A person who receives a notice under subsection (2) may provide the Authority 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 Authority is not required to consider an explanation given by a person under subsection (3) unless it is—
- (a) in writing; and

S. 20B  
inserted by  
No. 9928  
s. 2(1),  
substituted by  
No. 50/1989  
s. 26(2),  
amended by  
Nos 24/1997  
s. 12(3),  
52/1998  
s. 311(Sch. 1  
item 16.1),  
substituted by  
No. 5/2012  
s. 10.

- (b) provided to the Authority 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 Authority 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 officer in charge of the fire brigade who attended at the false alarm at the premises; and
  - (c) the history of any attendances at the premises; and
  - (d) any other information that the Authority considers is relevant.
- (6) If, after considering the matters referred to in subsection (5), the Authority is not satisfied that there was a reasonable excuse for the occurrence of the false alarm of fire, the Authority may by written notice require the person to whom the notice under subsection (2) was given to pay to the Authority the fees and charges prescribed for the attendance of the fire brigade 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 Authority 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.

(9) This section does not apply in relation to an industry brigade.

## **21 Property of Authority etc.**

No. 5040 s. 23.

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

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

## **21A Power to grant Crown land to Authority**

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

S. 21A  
inserted by  
No. 6956 s. 4,  
amended by  
Nos 9212  
s. 2(2), 10087  
s. 3(1)(Sch. 1  
item 21),  
46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)).

S. 21B  
inserted by  
No. 45/1986  
s. 4.

## 21B Power to acquire land

- (1) In addition to its powers under section 21, the Authority may acquire compulsorily any land which it is authorized to acquire under this Act or which is required for the purposes of this Act.
- (2) The **Land Acquisition and Compensation Act 1986** applies to this Act and for that purpose—
  - (a) the **Country Fire Authority Act 1958** is the special Act; and
  - (b) the Country Fire Authority is the Authority.

S. 21B(2)  
substituted by  
No. 121/1986  
s. 112.

No. 5651 s. 5.

## 22 Persons holding property of brigades may transfer it to Authority or sell it etc.

S. 22(1)  
substituted by  
No. 10149  
s. 7(1)(a),  
amended by  
No. 5/2012  
s. 11(1).

- (1) A person in whom personal property is vested for or on behalf of a brigade or a group of brigades, and who is authorized in accordance with subsection (1A), may—
  - (a) transfer the property gratuitously to the Authority; or
  - (b) sell or otherwise dispose of the property and devote the proceeds to the purposes of the brigade or group of brigades (as the case requires).

S. 22(1A)  
inserted by  
No. 10149  
s. 7(1)(a).

- (1A) Authorization for the purposes of subsection (1) may be given—
  - (a) in the case of a brigade—
    - (i) by a resolution of the members of the brigade duly passed in accordance with the rules of the brigade; or
    - (ii) in the absence of any applicable rules, by a resolution passed by a majority of members present at a meeting of which not less than fourteen days notice, signifying the intention to propose a resolution for the purposes of this

subparagraph, has been given to all  
duly enrolled members of the brigade;  
or

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

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

**S. 22(2)  
amended by  
No. 5/2012  
s. 11(2).**

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

**S. 22(2A)  
inserted by  
No. 10149  
s. 7(1)(b).**

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



reason only of any such transfer sale or disposal if done in good faith.

- (4) The Authority may in its discretion accept or decline the transfer to it of any personal property pursuant to this section, and where any such transfer is accepted the property shall vest absolutely in the Authority for the purposes of this Act.
- (5) This section does not apply in relation to an industry brigade.

S. 22(5)  
inserted by  
No. 24/1997  
s. 12(4).

No. 5040 s. 24.  
S. 23  
amended by  
No. 8257  
s. 5(a).

### **23 General powers of Authority with respect to brigades, apparatus etc.**

- (1) The Authority may at any time and from time to time—
- (a) take measures to facilitate the formation of permanent or volunteer fire brigades and groups of brigades;
- (b) upon application made in the prescribed manner and form register a brigade and enrol the officers and members thereof;
- (c) cause to be kept a book or other written record containing the names ages occupations and places of abode of all members of brigades;
- (d) amalgamate any brigades or disband or cancel the registration of any brigade or the enrolment of any officer or member of any brigade;

S. 23(1)(a)  
amended by  
Nos 6583  
s. 5(d)(i),  
5/2012  
s. 12(1).

S. 23(1)(b)  
substituted by  
No. 8257  
s. 5(b),  
amended by  
No. 5/2012  
s. 12(2).

S. 23(1)(d)  
amended by  
No. 5/2012  
s. 12(3).

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| (e) furnish any apparatus and other property acquired by or vested in the Authority to any brigade or group of brigades;                                                                                                                                                                                                                                                                            | S. 23(1)(e) amended by No. 6583 s. 5(d)(ii).                                            |
| (f) determine the apparatus and other property of the Authority to be available for use by each brigade or group of brigades;                                                                                                                                                                                                                                                                       | S. 23(1)(f) substituted by No. 8257 s. 5(c), amended by No. 10149 s. 7(2).              |
| (g) establish schools and facilities or courses of instruction to provide training to any person in the skills required to perform any of the functions of the Authority and permit the use of those schools and facilities by any other body or person;                                                                                                                                            | S. 23(1)(g) substituted by No. 50/1989 s. 26(3)(a) (as amended by No. 91/1989 s. 7(b)). |
| (h) establish and maintain or contract for the establishment and maintenance of fire alarms and other apparatus for the prevention or suppression of fires and, without affecting the generality of the foregoing, contract with the owner of any land building or premises for the maintenance by the Authority of fire alarms and other apparatus as aforesaid on such land building or premises; |                                                                                         |
| (i) establish and maintain or contract for the establishment and maintenance of telephonic telegraphic radio or other communication between the several stations at which members of brigades are placed and between any such stations and any other places;                                                                                                                                        |                                                                                         |
| (j) contract for the carrying out of aerial reconnaissance of the country area of Victoria or any part or parts thereof for the detection of fires;                                                                                                                                                                                                                                                 |                                                                                         |

S. 23(1)(k)  
amended by  
Nos 50/1989  
s. 3(b),  
39/1992  
s. 3(b).

- (k) organize and conduct fire brigade competitions, defray the cost of transport of members of brigades thereto and therefrom, and provide prizes and certificates for presentation to brigades and competitors thereat; and
- (l) publish or disseminate or contract for the publication or dissemination of printed matter broadcast matter and general information in the interest of fire prevention and fire suppression.

S. 23(2)  
inserted by  
No. 8257  
s. 5(d),  
repealed by  
No. 5/2012  
s. 12(4).

\* \* \* \* \*

S. 23AA  
inserted by  
No. 24/1997  
s. 7.

### **23AA Industry brigades**

- (1) The Authority may from time to time in accordance with the regulations designate areas in the country area of Victoria in which it is appropriate to establish industry brigades.
- (2) The Authority may from time to time in accordance with the regulations require any relevant owner or group of relevant owners in a designated area—
  - (a) to form an industry brigade for that area; and
  - (b) to apply to the Authority for registration of the industry brigade; and
  - (c) at the expense of the relevant owner or owners—
    - (i) to provide such officers and members for the industry brigade as are determined by the Authority; and

- (ii) to provide the industry brigade with such apparatus for the prevention or suppression of fires and the saving of life at fires as is determined by the Authority.
- (3) A relevant owner must, within a reasonable time, comply with a requirement of the Authority directed to the relevant owner under subsection (2). **S. 23AA(3) amended by No. 5/2012 s. 13.**
- (4) A relevant owner may apply to the Victorian Civil and Administrative Tribunal for review of a requirement under subsection (2) to form an industry brigade. **S. 23AA(4) substituted by No. 52/1998 s. 311(Sch. 1 item 16.2).**
- (4A) An application for review must be made within 28 days after the later of—
- (a) the day on which the requirement is made;
  - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the relevant owner requests a statement of reasons for the decision, the day on which the statement of reasons is given to the relevant owner or the relevant owner is informed under section 46(5) of that Act that a statement of reasons will not be given.
- (5) The Authority, on the request of a relevant owner or owners or on the failure of a relevant owner or owners to comply with subsection (2), may—
- (a) form an industry brigade for the designated area in accordance with the requirements of subsection (2); and
  - (b) recover the costs of forming, equipping and maintaining that brigade from the relevant owner or owners as a debt due to the Authority.
- S. 23AA(4A) inserted by No. 52/1998 s. 311(Sch. 1 item 16.2) (as amended by No. 101/1998 s. 22(1)(c)).**

- (6) The Authority may register an industry brigade and enrol the officers and members of the brigade.
- (7) The Authority may cancel the registration of an industry brigade if—
  - (a) the Authority determines that there is no longer a need for the brigade; or
  - (b) the industry brigade fails to comply with the requirements of the Authority under this Act.
- (8) The Authority may cancel the enrolment of any officer or member of an industry brigade.
- (9) A relevant owner or group of relevant owners must not disband an industry brigade without the written consent of the Authority.
- (10) In this section *relevant owner*, in relation to a designated area means—
  - (a) an owner of land in the designated area; or
  - (b) an occupier of land in the designated area; or
  - (ba) the owner of a forest carbon right within the meaning of the **Climate Change Act 2010**; or
  - (c) a forest property owner under a forest property agreement (within the meaning of the **Forestry Rights Act 1996**) in respect of land in the designated area.

S. 23AA  
(10)(ba)  
inserted by  
No. 54/2010  
s. 77.

S. 23A  
inserted by  
No. 6583  
s. 5(a),  
amended by  
Nos 6956 s. 5,  
7065  
s. 2(Sch.).

S. 23A(1)  
amended by  
No. 5/2012  
s. 14.

### 23A Groups of brigades

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

- (2) Upon being notified in the prescribed manner and form of the formation or the variation of the composition of a group of such brigades the Authority may approve or disapprove of the formation or the variation of the composition of the group. **S. 23A(2) amended by No. 39/1992 s. 7.**
- (3) If the Authority approves of the formation of a group of brigades it shall register the group and enrol the following officers— **S. 23A(3) amended by No. 10149 s. 7(3)(a).**
- (a) a group officer;
- (b) such number of deputy group officers as are approved by the Authority for the group;
- (c) a group communications officer;
- (d) a group secretary.
- (4) The Authority may at any time and from time to time cancel the registration of any group of brigades or the enrolment of any person enrolled pursuant to subsection (3). **S. 23A(4) amended by No. 10149 s. 7(3)(b).**
- \* \* \* \* \*
- S. 23A(5) inserted by No. 24/1997 s. 12(5), repealed by No. 11/1998 s. 4.**

## **24 Annual report**

- (1) After the annual report of the Authority has been laid before both Houses of Parliament, the Authority must send a copy of the annual report to each person or body that has made financial contributions under this Act in respect of the financial year reported upon. **No. 5040 s. 25.**
- S. 24(1) substituted by No. 50/1989 s. 10(1).**

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S. 24(2)  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 17.7),  
repealed by  
No. 50/1989  
s. 10(1),  
new s. 24(2)  
inserted by  
No. 51/2005  
s. 60,  
repealed by  
No. 58/2012  
s. 101(2).

\* \* \* \* \*

S. 24(2A)  
inserted by  
No. 51/2005  
s. 60,  
repealed by  
No. 58/2012  
s. 101(2).

\* \* \* \* \*

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

No. 5040 s. 26.

## 25 Election of officers of volunteer brigades

S. 25(1)  
amended by  
Nos 6583  
s. 5(e),  
39/1992 s. 8.

- (1) Every volunteer brigade shall, except so far as the officers or any of them have been appointed by the Authority, in the prescribed manner and for the prescribed period elect a captain and such other officers of the number and rank determined by the Authority for brigades of that classification and every group of brigades shall in the prescribed manner and for the prescribed period elect such group officers as are prescribed.
- (2) No such election shall have any force or effect until approved by the Authority.
- (3) The Authority may at any time disqualify any such captain or other officer from exercising any powers and authorities under this Act and thereupon such captain or other officer or any

person acting under or in accordance with the direction given by such captain or other officer shall not have the powers and privileges or the benefit of any immunity conferred by this Act.

**26 Prohibition of unregistered brigades**

No. 5040 s. 27.

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

**27 Chief Officer to have control of all brigades etc.**

Nos 5040  
s. 28, 5651  
s. 2(1)(c).  
S. 27  
amended by  
Nos 6583  
s. 5(f)(i)(ii),  
5/2012 s. 15  
(ILA s. 39B(1)).

- (1) Subject to the general powers and directions of the Authority every brigade or group of brigades and all officers and members of brigades or group of brigades shall be under the order and control of the Chief Officer.
- (2) The Chief Officer may—
  - (a) classify a brigade based on its risk profile;  
and
  - (b) designate the area of operation of a brigade.

S. 27(2)  
inserted by  
No. 5/2012  
s. 15.



## 28 Powers and duties of Chief Officer

Nos 5040  
s. 29, 5651  
s. 2(1)(d).  
S. 28  
amended by  
Nos 6956  
s. 6(1)(a)(b),  
7877 s. 3(c)(d),  
8257 s. 6, 9629  
s. 5, 10004  
s. 6(a)-(c),  
10149 s. 8,  
substituted by  
No. 39/1992  
s. 5(2).

S. 28(1)  
substituted by  
No. 2/1995  
s. 6(2).

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

S. 28(1)(a)(b)  
repealed by  
No. 56/2011  
s. 3.

\* \* \* \* \*

(c) this power of delegation.

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

## 29 General powers and duties of Chief Officer

Nos 5040  
s. 30, 5651  
s. 2(1)(e).

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

- (a) He shall summon once a month at the least all or as many of the members of permanent brigades as may be required for practice in order to render the members fit and efficient for service, and shall arrange for regular practice of members of volunteer brigades;
- (b) He shall from time to time inspect or arrange for the inspection of all brigades and report to the Authority on their state of efficiency or otherwise, and make such recommendations as he thinks fit;
- (c) He shall at all times have the charge and control of all apparatus and other property of the Authority and shall cause the same to be kept in a fit state at all times for efficient service;
- (d) He shall at all reasonable times have free access to any land building or premises (whether public or private) for the purpose of ascertaining and reporting to the Authority on any contravention of the laws relating to the storage of gunpowder dynamite or other dangerous explosive or of petrol kerosene or other inflammable substance or matter, or relating to the storage of empty crates cases packages sawdust shavings hay and straw, or otherwise relating to the prevention of fires or to the protection of life and property in case of fire or to the abatement of fire dangers; and
- (e) He shall attend the Authority at all times when required to do so and shall make all such inquiries and reports as the Authority directs.

## Division 2—Fire suppression

### 30 Powers of officers at fires

Nos 5040  
s. 31, 5651  
s. 2(1)(e).

S. 30  
amended by  
Nos 6583  
s. 5(g)(i)(ii),  
8257 s. 7(a),  
9629 s. 6(a),  
81/1989  
s. 3(Sch.  
item 7(a)).

S. 30(1)  
amended by  
No. 5/2012  
s. 16(1).

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

S. 30(1)(a)  
repealed by  
No. 8257  
s. 7(b).

\* \* \* \* \*

S. 30(1)(b)  
substituted by  
No. 6956  
s. 7.

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

S. 30(1)(b)(i)  
amended by  
No. 9629  
s. 6(b).

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

S. 30(1)(b)(ii)  
amended by  
No. 9629  
s. 6(b).

- (ii) any persons who voluntarily place their services at his disposal either individually or as members of any fire fighting organization (whether established by or for the purposes of a statutory authority or body corporate or

not) whilst they remain present at the scene of the fire;

(c) He shall have authority either alone or with others under his command to enter upon any land house building or premises and if necessary to force open any outer or inner doors of any house or building which may be on fire or in the near neighbourhood of any fire for the purpose of taking any steps which he deems necessary for any of the purposes aforesaid, and he may take or give directions for taking any apparatus required to be used at a fire into through or upon any land house building or premises which he considers convenient for the purpose;

(ca) The Chief Officer may cause—

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

S. 30(1)(ca)  
inserted by  
No. 50/1989  
s. 4(2).

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

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**S. 30(1)(e)**  
amended by  
No. 81/1989  
s. 3(Sch. item  
7(b)).

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

**S. 30(1)(f)**  
substituted by  
No. 8933 s. 3,  
amended by  
Nos 9629  
s. 6(c)(i)(ii),  
2/1995  
s. 13(f),  
substituted by  
No. 5/2012  
s. 16(2).

(f) The Chief Officer may close any road or part of any road affected, or likely to be affected, by a fire or smoke from a fire and may direct traffic on any road in the vicinity of the closed road (or closed part of a road);

**S. 30(1)(g)**  
amended by  
No. 9629  
s. 6(d),  
substituted by  
No. 5/2012  
s. 16(2).

(g) If a person is interfering, by his or her presence or otherwise, with the operations of any brigade or group of brigades or is in or on any land, building or premises that is burning or threatened by fire, the Chief Officer may—

(i) order the person to withdraw and may include in the order a direction to immediately leave any area affected by the fire by the safest and shortest route; and

- (ii) in the event that the person fails or refuses to withdraw—remove the person or direct a member of a fire brigade or a police officer present at the fire to remove the person; **S. 30(1)(g)(ii) amended by No. 37/2014 s. 10(Sch. item 33.2).**
- (h) He may at any time pull down or shore up any wall or building damaged by fire that may be or may be likely to become dangerous to life or property;
- (i) The Chief Officer may take such other measures as appear necessary for the protection of life and property. **S. 30(1)(i) inserted by No. 50/1989 s. 26(3)(b).**
- (2) In subsection (1)(e), **bore** has the same meaning as in the **Water Act 1989**. **S. 30(2) inserted by No. 81/1989 s. 3(Sch. item 7(c)).**
- 30A Authorisation of certain persons** **S. 30A inserted by No. 17/2003 s. 3.**
- (1) This section applies to the following persons—
- (a) a forest officer;
- (b) a person employed under section 18 or 19 of the **Parks Victoria Act 1998**;
- (c) a person employed in the Department under Part 3 of the **Public Administration Act 2004** by the Department Head of the Department within the meaning of that Act; **S. 30A(1)(c) amended by Nos 108/2004 s. 117(1) (Sch. 3 item 46.4), 5/2012 s. 17(1).**
- (d) a person engaged by the Secretary under section 62C of the **Forests Act 1958**. **S. 30A(1)(d) inserted by No. 5/2012 s. 17(2).**
- (2) A person to whom this section applies may exercise the powers of the Chief Officer under section 30—
- (a) at the direction of—

S. 30A(2)(a)(iv)  
inserted by  
No. 43/2015  
s. 30.

- (i) a part-time officer or member; or
- (ii) a permanent officer or member; or
- (iii) a volunteer officer or member; or
- (iv) a State Response Controller or a controller appointed or deployed under section 37 of the **Emergency Management Act 2013**; or

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

### 31 Police to assist Chief Officer etc.

No. 5040 s. 32.  
S. 31(1)  
amended by  
Nos 6583  
s. 5(h)(i), 9629  
s. 7(a),  
37/2014  
s. 10(Sch.  
item 33.3(a)).

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

S. 31(2)  
amended by  
Nos 6583  
s. 5(h)(ii),  
37/2014  
s. 10(Sch.  
item 33.3(b)).

(2) All police officers are hereby authorized and directed to aid brigades and groups of brigades in the execution of their duties.

S. 31(3)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 33.3(c)).

(3) Any police officer may of his own motion or on the direction of the Chief Officer or any officer exercising the powers of the Chief Officer or any officer in charge of a brigade—

S. 31(3)(a)  
amended by  
Nos 9629  
s. 7(b), 2/1995  
s. 13(f).

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

(b) if a person is interfering, by his or her presence or otherwise, with the operations of any brigade or group of brigades or is in or on any land, building or premises that is burning or threatened by fire—

S. 31(3)(b)  
amended by  
No. 6583  
s. 5(h)(iii),  
substituted by  
No. 5/2012  
s. 18(1).

(i) order the person to withdraw and may include in the order a direction to immediately leave any area affected by the fire by the safest and shortest route; and

(ii) in the event that the person fails or refuses to withdraw—remove the person.

(4) Nothing in this section or section 30 shall authorize the removal from any land building or premises of any person having any pecuniary interest therein or in any goods or valuables whatsoever thereon.

S. 31(4)  
amended by  
No. 5/2012  
s. 18(2).

### **32 Duties of water, electricity and gas suppliers**

No. 5040 s. 33.  
S. 32  
(Heading)  
inserted by  
No. 5/2012  
s. 19(1).

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

S. 32(1)  
amended by  
No. 2/1995  
s. 13(e).



S. 32(2)  
amended by  
Nos 56/1995  
s. 68(Sch. 1  
item 5),  
36/1997  
s. 21, 91/1997  
s. 43, 69/2000  
s. 47, 32/2001  
s. 26, 5/2012  
s. 19(2).

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

S. 33  
substituted by  
No. 6956 s. 8.

### 33 Determination of sole responsibility for fire suppression in certain areas

S. 33(1)(a)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 8.3),  
76/1998  
s. 30(c),  
5/2012  
s. 20(1).

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

S. 33(1)(b)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 8.3),  
76/1998  
s. 30(c).

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

Country Fire Authority Act 1958  
No. 6228 of 1958  
Part III—Country fire control

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- (2) The powers and authorities conferred by this Act on the Chief Officer in respect of any district are exercisable as follows:
- (a) If there is danger of a fire occurring or a fire is burning or has been recently extinguished at a place—
- (i) in any part of the country area of Victoria (not being a part of Victoria in which by reason of a determination made under subsection (1), the Secretary is solely responsible for the suppression of fires); or
- (ii) in any part of Victoria in which by reason of a determination made under subsection (1), the Authority is solely responsible for the suppression of fires—
- by the Chief Officer or any officer in charge of any brigade or group of brigades who is present at that place or, if the Chief Officer or other officer is not present at that place or is unable to exercise those powers and authorities, by any person to whom section 30A applies or any officer of the Metropolitan Fire and Emergency Services Board who is present at that place;
- (b) If there is danger of a fire occurring or a fire is burning or has been recently extinguished at a place—
- (i) on any land within any forest, national park or protected public land (not being
- S. 33(2)**  
amended by  
**Nos 10004**  
s. 7, 41/1987  
s. 103(Sch. 4  
item 8.3),  
substituted by  
**No. 50/1989**  
s. 11.
- S. 33(2)(a)**  
amended by  
**Nos 5/2012**  
s. 20(2),  
35/2012 s. 7.
- S. 33(2)(a)(i)**  
amended by  
**No. 76/1998**  
s. 30(c).
- S. 33(2)(b)**  
amended by  
**No. 5/2012**  
s. 20(3).

land in a part of Victoria in which by reason of a determination made under subsection (1), the Authority is solely responsible for the suppression of fires); or

S. 33(2)(b)(ii)  
amended by  
No. 76/1998  
s. 30(c).

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

by any person to whom section 30A applies present at that place or, if such a person is not present at that place or is unable to exercise those powers and authorities, by the Chief Officer or any officer in charge of any brigade or group of brigades who is present at that place;

S. 33(2)(c)  
amended by  
No. 5/2012  
s. 20(4).

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

S. 34  
amended by  
Nos 6956  
s. 9(1)(2), 7877  
s. 2(1)(c),  
substituted by  
No. 8257 s. 8.

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

S. 34(1)  
amended by  
No. 5/2012  
s. 21(3).

- (1) Where a fire (not being part of burning off operations carried on under and in accordance with this Act or any direction given thereunder or

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

- (a) immediately upon becoming aware of the fire, take all reasonable steps to extinguish the fire; and
- (b) in the event of it appearing that with the resources at his disposal he will be unable to extinguish the fire, if practicable means of communication are available, immediately inform or cause to be informed the nearest available officer or member of a brigade or a person to whom section 30A applies or a police officer of the existence and location of the fire.

S. 34(1)(a)  
amended by  
No. 5/2012  
s. 21(1).

S. 34(1)(b)  
amended by  
Nos 5/2012  
s. 21(2),  
37/2014  
s. 10(Sch.  
item 33.4).

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

- (2) Notwithstanding that a person has complied with subsection (1) with respect to giving information as to the existence and location of a fire, he shall continue to take all reasonable steps to extinguish the fire.

S. 34(2)  
amended by  
Nos 10/235  
s. 11(a),  
5/2012  
s. 21(4)(5).

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

### **Division 3—Fire prevention**

#### **34A Meaning of *in the open air***

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

S. 34A  
inserted by  
No. 10/149 s. 9.

(2) In this section *permanent structure*—

S. 34A(2)(a)  
amended by  
No. 50/1989  
s. 12.

- (a) means a structure of a permanent kind consisting of a roof and fully enclosed on all sides;
- (b) includes a caravan; and
- (c) does not include a tent.

S. 35  
amended by  
Nos 9902  
s. 2(1)(Sch.  
item 37),  
10262 s. 4,  
46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)),  
repealed by  
No. 29/2010  
s. 53.

\* \* \* \* \*

S. 36  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 17.8).

**36 Authority may require certain municipalities to provide hydrants in streets etc.**

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

S. 36A  
inserted by  
No. 5/2012  
s. 22.

**36A Determination of sole responsibility for fire prevention in certain areas**

- (1) The Authority and the Secretary may jointly determine that either the Authority or the Secretary is solely responsible for the prevention of fires in any part of Victoria which lies outside the metropolitan district.

- (2) Notice of a determination under subsection (1), describing by plan or otherwise the part of Victoria affected by the determination must be published in the Government Gazette and a newspaper circulating generally in that part of Victoria.
- (3) A determination under subsection (1) takes effect on the day that it is published in accordance with subsection (2).

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

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

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

Nos 5040  
s. 38, 5651  
s. 2(1)(g).  
S. 37  
amended by  
Nos 6956  
s. 2(2), 7877  
ss 2(1)(c), 7,  
21(a)(i), 8478  
s. 3, 9488  
s. 2(a),  
substituted by  
No. 10004 s. 8,  
amended by  
Nos 10235  
s. 11(b),  
5/2012 s. 23.

**37A Direction not to light fire**

- (1) The Chief Officer may, for the purpose of protecting life, property or the environment, direct a person or persons to not light a fire at a place and within a period of time specified in the direction.
- (2) A person must not, without reasonable excuse, fail to comply with a direction given to the person by the Chief Officer under subsection (1).

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

S. 37A  
inserted by  
No. 5/2012  
s. 24.

### 38 Lighting fires in accordance with permit

No. 5040 s. 39.  
S. 38  
amended by  
Nos 6956  
s. 2(2), 7877  
ss 2(1)(c),  
21(a)(ii), 8478  
s. 4, S.R. No.  
340/1973  
reg. 2,  
No. 9488  
s. 2(a),  
substituted by  
No. 10004 s. 8.

S. 38(1)(d)  
amended by  
No. 10149  
s. 21(b)(i)(ii).

S. 38(1)(e)  
amended by  
Nos 10149  
s. 21(1)(c) (as  
amended by  
No. 10173  
s. 4), 12/1989  
s. 4(1)(Sch. 2  
item 17.9).

S. 38(2A)  
inserted by  
No. 5/2012  
s. 25(1).

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

- (a) sets fire to any grass, stubble, weeds, scrub, undergrowth or other vegetation;
- (b) lights a fire for the purpose of converting wood into charcoal;
- (c) lights any other fire—

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

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

(2) A permit granted under subsection (1)—

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

(2A) A permit granted under subsection (1) may allow the person to whom it is granted to light a fire or fires at any time within a period specified in the permit subject to any conditions or restrictions contained in the permit.

- (3) A person to whom a permit is issued under subsection (1) must comply with each of the conditions and restrictions contained in the permit.

S. 38(3)  
amended by  
No. 43/1987  
s. 14(1)(a),  
substituted by  
No. 5/2012  
s. 25(2).

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

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

**38A Fires for certain purposes to be lawful**

S. 38A  
inserted by  
No. 10004 s. 8.

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

- (a) for the purpose of meal preparation or personal comfort if—

S. 38A(1)(a)  
amended by  
No. 50/1989  
s. 13(a).

- (i) the air movement in the vicinity of the fire is no stronger than ten kilometres per hour;
- (ii) the fire is lit in a properly constructed fireplace or in a trench at least 30 centimetres deep;

\* \* \* \* \*

S. 38A(1)(a)(iii)  
repealed by  
No. 5/2012  
s. 26(1).

- (iv) the ground and air space within a distance of three metres from the outer perimeters and uppermost point of the fire are clear of flammable material; and
- (v) the fire does not occupy an area in excess of one square metre and the size of the fire and the dimensions of solid fuel used are the minimum necessary for the purpose; or



S. 38A(1)(b)  
amended by  
No. 50/1989  
s. 13(a).

- (b) for the purpose of burning refuse if—
- (i) the fire is effectively restricted within an incinerator;
  - (ii) the air movement in the vicinity is no stronger than 10 kilometres an hour;
  - (iii) the ground and air space within a distance of three metres from the outer perimeters of the incinerator are clear of flammable material; and
  - (iv) a supply of water adequate for the extinguishment of the fire is readily available at all times when the fire is burning; or

S. 38A(1)(b)(iii)  
amended by  
No. 5/2012  
s. 26(2).

S. 38A(1)(c)  
amended by  
No. 5/2012  
s. 26(3).

- (c) for the purpose of extracting honey, relocating bees, rail maintenance, heating bitumen, welding, gas-cutting, soldering, grinding or charring if—
- (i) a shield or guard of fire resistant material is placed or erected in such a way as to prevent the emission of sparks, hot metal or slag from the fire;
  - (ii) the area for a radius of at least 1.5 metres from the operation is clear of all flammable material or wetted down sufficiently to prevent the spread of fire;
  - (iii) there is available for immediate use in the event of the fire a reticulated water supply or an effective water spray pump of the knapsack pattern with a tank capacity of not less than nine litres and fully charged with water; and
  - (iv) cut-offs and electrode stubs from the operation are placed directly in a fire proof receptacle; or

- (d) for the purpose of disposal of the by-products of sawmilling operations if the person complies with the regulations; or S. 38A(1)(d) substituted by No. 2/1995 s. 13(g).
- (e) for the purpose of burning excess and unused gas in relation to an industrial or commercial undertaking if— S. 38A(1)(e) inserted by No. 50/1989 s. 13(b).
- (i) the burner is maintained so that no accretion of carbon or flammable material occurs on or within the burner; and
- (ii) the base of the burner and the area around the burner is kept clear of flammable material for a distance of 3 metres or to the height of the burner (whichever is the greater) around the perimeter of the burner; or
- (f) for the purpose of training in fire-fighting techniques if the training— S. 38A(1)(f) inserted by No. 50/1989 s. 13(b).
- (i) takes place at a designated training venue approved by the Chief Officer; and
- (ii) has been approved by the Chief Officer.
- (1A) For the purposes of subsection (1)— S. 38A(1A) inserted by No. 17/2003 s. 4, substituted by No. 5/2012 s. 26(4).
- incinerator*** means a structure or device which is used, or may be used, for the destruction or disposal of unwanted materials by burning and is—
- (a) constructed from non-flammable material; and
- (b) fitted with a shield or guard of non-flammable material to prevent the emission of sparks, embers or other burning material;

*properly constructed fireplace* means a fireplace that is constructed of stone, metal, concrete or any other non-flammable material so as to contain the perimeter of the fire.

- (2) Compliance with the requirements set out in this section in relation to the lighting of a fire for a particular purpose does not of itself relieve a person from liability for any damage sustained by another person as a result of the lighting of the fire.

Nos 5040  
s. 40, 5191  
s. 28, 5651  
s. 6.  
S. 39  
amended by  
Nos 6583 s. 6,  
6956  
s. 10(a)(b)  
(i)–(iii)(c), 7065  
s. 2(Sch.),  
7877  
ss 2(1)(c),  
8(a)(b),  
21(a)(iii),  
S.R. No.  
340/1973  
reg. 2,  
No. 9488  
s. 2(a),  
substituted by  
No. 10004  
s. 8,  
amended by  
Nos 10235  
s. 11(c),  
5/2012  
s. 27(3).

### 39 Prohibited actions near fires

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

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

S. 39(a)(i)  
amended by  
No. 5/2012  
s. 27(1).

- (i) he leaves another person who has the capacity and the means to extinguish the fire in charge of the fire; or
- (ii) he completely extinguishes the fire before leaving;

- (b) a person shall not in the open air throw down or drop any lighted tobacco, cigarette, cigar or match or any other burning material or thing;
- (c) a person shall not knowingly put or place any blow lamp or gas torch or any match or any phosphorus or any substance containing phosphorus or any explosive or any combustible substance or matter in such a position that—
- (i) it may be directly or indirectly ignited exploded or set on fire by the action of the sun's rays or by friction or by any other natural cause; or
- (ii) a fire is likely to be caused—
- whether or not any fire or explosion is actually caused thereby; and
- (d) a person who finds any fire burning unattended shall as soon as practicable inform or cause to be informed the nearest available officer or member of a brigade or a person to whom section 30A applies or a police officer of the existence and locality of the fire.

S. 39(d)  
amended by  
Nos 5/2012  
s. 27(2),  
37/2014  
s. 10(Sch.  
item 33.4).

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

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

S. 39A  
inserted by  
No. 9928 s. 4.

In addition to and without in any way limiting the generality of any of the provisions of this Division any person who on any land in the country area of Victoria lights a fire in such circumstances of location, atmospheric temperature, wind velocity and flammable vegetation or other combustible substance that it causes or is likely to cause a fire that is a danger to the life or property of others

shall be guilty of an offence and liable to imprisonment for a term of not less than three months and not more than two years.

S. 39B  
inserted by  
No. 9928 s. 4,  
amended by  
No. 68/2009  
s. 97(Sch.  
item 34.1).

### **39B Defences**

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

- (a) that the danger was caused by the intervention or subsequent action of any person or persons acting without his knowledge or consent or contrary to his wishes or instructions; or
- (b) that the fire was lit at a time when the circumstances of atmospheric temperature and wind velocity referred to in the said section were not present and could not reasonably have been foreseen; or
- (c) that he is or was at the time of the alleged offence the owner or occupier of the land upon which the fire was lit or was acting under the direction of that owner or occupier—

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

S. 39C  
inserted by  
No. 9928 s. 4.

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

In addition to and without in any way limiting the generality of any of the provisions of this Division any person who on any land in the country area of Victoria (without lawful excuse) does any act causing a fire or for the purpose of causing a fire and with intent to destroy any vegetation, produce,

stock, crop, fodder or other property belonging to another shall be guilty of an indictable offence and liable to imprisonment for a term of not less than one year and not more than twenty years.

**39D Application**

S. 39D  
inserted by  
No. 9928 s. 4.

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

**39E Prohibition of high fire risk activities**

S. 39E  
inserted by  
No. 17/2003  
s. 5.

(1) A person must not—

- (a) conduct; or
- (b) engage in the conduct of—

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

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

S. 39E(1)  
amended by  
No. 5/2012  
s. 28.

(2) Regulations made under this Act may—

- (a) prescribe an activity to be a high fire risk activity for the purposes of this section;
- (b) prescribe conditions subject to which a person may conduct or engage in the conduct of a high fire risk activity specified in the regulations in the open air in the country area of Victoria during a fire danger period;
- (c) provide that a person may conduct or engage in the conduct of a high fire risk activity specified in the regulations in the open air in the country area of Victoria during a fire

danger period in accordance with a permit granted under the regulations which permits that specified high fire risk activity.

Nos 5040  
s. 41, 5191  
s. 29, 5651  
s. 2(1)(h).  
S. 40  
amended by  
Nos 6726 s. 2,  
6956  
s. 11(a)–(c),  
7877 s. 21(b),  
8019 s. 10(b)(i)  
(iii), 8614  
s. 3(a)(b)(i)(ii)  
(c), 9178 s. 7,  
9389 ss 2(a)  
(i)(ii)(b)(c),  
4(a)(ii), 9488  
s. 2(b),  
substituted by  
No. 10004 s. 9.

#### 40 Provisions about total fire bans

S. 40(2A)  
inserted by  
No. 17/2003  
s. 6(1).

S. 40(3)  
amended by  
Nos 50/1989  
s. 9(b),  
77/2000 s. 10.

S. 40(4)  
amended by  
Nos 10235  
s. 11(d),  
5/2012  
s. 29(1).

- (1) The Authority may when it thinks fit declare a day or partial day of total fire ban in respect of the whole or any part or parts of Victoria and may at any time amend or revoke such a declaration.
- (2) The Authority shall cause to be broadcast from a broadcasting station in Victoria any declaration made under subsection (1) and any amendment to or revocation of any such declaration.

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

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

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

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

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

Penalty: 240 penalty units or imprisonment for 2 years or both.

\* \* \* \* \*

S. 40(4A)(4B)  
inserted by  
No. 10149  
s. 10(1),  
repealed by  
No. 5/2012  
s. 29(2).

(4C) Subsection (4) does not apply to a person who, in a fixed appliance, lights a fire or allows a fire to remain alight for the sole purpose of meal preparation, where—

S. 40(4C)  
inserted by  
No. 10149  
s. 10(1).

- (a) the area within a distance of three metres from the outer perimeters of the appliance is clear of flammable material;
- (b) there is at hand and available for immediate use—
  - (i) a hose connected to a reticulated water supply; or
  - (ii) a vessel containing at least ten litres of water; and
- (c) at all times when the fire in the appliance is alight the appliance is attended by an adult who has the capacity and the means to extinguish the fire.

S. 40(4C)(c)  
substituted by  
No. 5/2012  
s. 29(3).

(4D) For the purposes of subsection (4C)—

*fixed appliance* means—

S. 40(4D)  
inserted by  
No. 10149  
s. 10(1),  
substituted by  
No. 5/2012  
s. 29(4).

- (a) a properly constructed and permanently fixed structure of stone, metal, concrete or any other non-flammable material designed exclusively for meal



preparation and fired by gas or electricity; or

- (b) an appliance that is designed and commercially manufactured exclusively for meal preparation and that—
  - (i) uses only gas or electricity; and
  - (ii) when alight is placed in a stable position.

S. 40(4E)  
inserted by  
No. 10149  
s. 10(1).

- (4E) Subsection (4) does not apply to a person who—
  - (a) is engaged in a business of preparing meals for other persons; and
  - (b) lights a fire or allows a fire to remain alight—
    - (i) for the sole purpose of meal preparation in the course of the person's business; and
    - (ii) in accordance with a permit granted by a person, and in the circumstances, referred to in paragraph (a), (b), (c) or (d) of subsection (5).

S. 40(4F)  
inserted by  
No. 17/2003  
s. 7(1),  
amended by  
No. 5/2012  
s. 29(5).

- (4F) For the purposes of subsection (4E), *person* includes a community organisation, a charitable organisation or an organisation involved in fund raising.

Example to  
s. 40(4F)  
inserted by  
No. 5/2012  
s. 29(6).

**Example**

A school or sporting group involved in fund raising.

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- (5) Subsection (4) does not apply to a person who, in a part of Victoria where and at a time when a declaration of total fire ban applies, lights a fire in the open air or allows a fire in the open air to remain alight for a purpose specified in subsection (5A) for which a fire is necessary in accordance with a permit granted—
- (a) where the fire is to be lighted or allowed to remain alight in the metropolitan district, by the Chief Officer of the Metropolitan Fire and Emergency Services or by any other officer whom he may authorize in writing;
  - (b) where the fire is to be lighted or allowed to remain alight in the country area of Victoria (other than on lands within a fire protected area) by the Chief Officer of the Authority;
  - (c) where the fire is to be lighted or allowed to remain alight in a fire protected area, by the person for the time being holding the office of or acting as the Chief Fire Officer in the Department; or
- (d) by the Minister under subsection (8).
- (5A) For the purposes of subsection (5), the following purposes are specified—
- (a) the purpose of carrying on the work of—
    - (i) a community organisation; or
    - (ii) a charitable organisation; or
    - (iii) an organisation involved in fund raising; or

S. 40(5)  
amended by  
Nos 45/1986  
s. 5(a),  
12/1989  
s. 4(1)(Sch. 2  
item 17.10),  
17/2003  
s. 7(2), 5/2012  
s. 29(7).

S. 40(5)(a)  
amended by  
Nos 10043  
s. 4(3)(a),  
5/2012  
s. 29(8).

S. 40(5)(b)  
amended by  
No. 10043  
s. 4(3)(b).

S. 40(5)(c)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 22),  
45/1986  
s. 5(b),  
46/1998  
s. 7(Sch. 1) (as  
amended by  
No. 12/1999  
s. 3(Sch. 1  
item 5)),  
5/2012  
s. 29(9).

S. 40(5A)  
inserted by  
No. 5/2012  
s. 29(10).

- (iv) a statutory corporation; or
- (v) a municipal council; or
- (vi) an industrial operation or trade;
- (b) the purpose of public entertainment;
- (c) religious or cultural purposes.

**S. 40(6)**  
amended by  
No. 10149  
s. 10(2)(a).

- (6) A permit granted under subsection (4E) or (5)—
  - (a) shall be in writing;
  - (b) shall be subject to any prescribed conditions, and to any other conditions specified in the permit by the person granting the permit; and
  - (c) may be limited to the day in respect of which a total fire ban has been declared, or may be granted for that day and any specified subsequent days or generally for any specified period.

**S. 40(7)**  
amended by  
No. 10149  
s. 10(2)(b).

- (7) A person who may grant a permit under subsection (4E) or (5)—
  - (a) may in any particular case authorize another person to sign and issue a permit on his behalf; and
  - (b) may at any time revoke a permit.

**S. 40(8)**  
amended by  
No. 10149  
s. 10(2)(c).

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

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(9) A person who has been granted a permit under subsection (4E), (5) or (8) must not, in a part of Victoria where and at a time when a declaration of total fire ban applies, light a fire in the open air or allow a fire in the open air to remain alight without complying with every condition to which the relevant permit is subject.

S. 40(9)  
amended by  
Nos 10149  
s. 10(2)(d),  
10235 s. 11(e),  
substituted by  
No. 5/2012  
s. 29(11).

Penalty: 240 penalty units or imprisonment for 2 years or both.

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

(a) by any brigade or statutory corporation having responsibility for the prevention or suppression of fire where the fire is lit for that purpose;

S. 40(10)(a)  
amended by  
No. 5/2012  
s. 29(12).

\* \* \* \* \*

S. 40(10)(b)  
repealed by  
No. 50/1989  
s. 6.

(c) in any apparatus approved by the Chief Officer being used for the drying of fruit, grain or other primary produce in accordance with the terms and subject to the conditions of its approval.

\* \* \* \* \*

S. 40(11)  
repealed by  
No. 50/1989  
s. 6.

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

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**S. 40(13)**  
amended by  
Nos 50/1989  
s. 9(c),  
39/1992  
s. 5(3)(c),  
77/2000 s. 10.

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

**S. 40(14)**  
amended by  
No. 68/2009  
s. 97(Sch.  
item 34.2).

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

**S. 40(15)**  
inserted by  
No. 17/2003  
s. 6(2).

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

#### 41 Fire prevention notices

- (1) In the country area of Victoria, the fire prevention officer of a municipal council may serve a fire prevention notice on the owner or occupier of land in the municipal district of that council (other than a public authority) in respect of anything—
- (a) on that land, other than a building or in a building;
  - (b) on the adjacent half width of any private street that abuts that land—
- (other than a prescribed thing or class of things) that by its nature, composition, condition or location constitutes or may constitute a danger to life or property from the threat of fire.
- (2) A fire prevention notice may be served only if the fire prevention officer forms the opinion—
- (a) that it is necessary, or may become necessary, to do so to protect life or property from the threat of fire; and
  - (b) that there is no procedure under any other Act or regulations made under any Act that is more appropriate in the circumstances to address that threat.
- (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.

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

S. 41(3)(d)  
substituted by  
No. 5/2012  
s. 30.

**S. 41A**  
inserted by  
No. 8257 s. 10,  
amended by  
Nos 9488  
s. 2(a), 9629  
s. 8, 10149  
s. 21(1)(e) (as  
amended by  
No. 10173  
s. 4), 10235  
s. 11(g),  
39/1992  
s. 5(3)(d)(e),  
substituted by  
No. 2/1995  
s. 5.

#### **41A Service of notices**

- (1) A fire prevention notice may be served on an owner or occupier—
  - (a) by giving it to or serving it personally on the owner or occupier; or
  - (b) by sending it by post to the owner or occupier at that person's usual or last known residential or business address; or
  - (c) by leaving it at the usual or last known residential or business address of the owner or occupier with a person on the premises who is apparently at least 16 years old and apparently residing or employed there; or
  - (d) in a manner prescribed by any other Act or law for service on a person or class of persons of the same type as the owner or occupier.
- (2) If the fire prevention officer—
  - (a) does not know who the owner or occupier of any land is; or
  - (b) does not know the residential or business address of the owner or occupier; or
  - (c) believes that the owner or occupier is absent from Victoria and has no agent in Victoria known to the officer—the fire prevention notice may be served in accordance with subsection (3).
- (3) If subsection (2) applies, a fire prevention notice may be served—
  - (a) by displaying it on the land; and

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

#### **41B Objection to notices**

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

**S. 41B**  
inserted by  
No. 8257 s. 10,  
amended by  
Nos 10004  
s. 11(a)(b),  
10149  
ss 12(c)(i)(ii)  
(d), 21(1)(e)  
(as amended  
by No. 10173  
s. 4), 12/1989  
s. 4(1)(Sch. 2  
items 17.15,  
17.16),  
57/1989 s. 3  
(Sch.  
item 36.2),  
substituted by  
No. 2/1995  
s. 5.

**S. 41B(1)**  
amended by  
No. 5/2012  
s. 31(1).



S. 41B(2)  
substituted by  
No. 5/2012  
s. 31(2).

- (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.
- (4) If the fire prevention officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.
- (5) In sections 41D and 41E, *fire prevention notice* includes a fire prevention notice as confirmed or varied in accordance with this section.

S. 41C  
inserted by  
No. 8257 s. 10,  
amended by  
Nos 43/1987  
s. 12, 12/1989  
s. 4(1)(Sch. 2  
items  
17.17–17.19),  
50/1989 s. 15,  
substituted by  
No. 2/1995  
s. 5.

#### **41C Appeal against notices**

- (1) If a person has lodged an objection under section 41B and—
- (a) the fire prevention officer has failed to confirm, vary or withdraw the notice within 14 days; or

- (b) the person is not satisfied with the confirmation or variation of the notice—  
the person may appeal in writing to the Chief Officer within 7 days of the end of that 14 day period or the date of the confirmation or variation, whichever is earlier, stating the grounds of appeal.
- (2) The Chief Officer—
- (a) must consider the appeal within a reasonable time; and
  - (b) must take into account all relevant circumstances, including the proper needs of conservation and alternative means of addressing the threat of fire.
- (3) After considering the appeal, the Chief Officer must—
- (a) confirm the notice; or
  - (b) vary the notice in any way the Chief Officer thinks fit; or
  - (c) cancel the notice.
- (4) If the Chief Officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.
- (5) In sections 41D and 41E, ***fire prevention notice*** includes a fire prevention notice as confirmed or varied in accordance with this section.

S. 41D  
inserted by  
No. 2/1995  
s. 5.

#### 41D Compliance with notices

S. 41D(1)  
amended by  
No. 5/2012  
s. 32.

- (1) Subject to sections 41B and 41C, 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 or both.

- (2) Proceedings for an offence under subsection (1) may be taken—

S. 41D(2)(a)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 33.4).

- (a) by a police officer;

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

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

S. 41E  
inserted by  
No. 2/1995  
s. 5.

#### 41E Fire prevention infringement notices

S. 41E(1)  
amended by  
Nos 32/2006  
s. 94(Sch.  
item 8(1)),  
5/2012  
s. 33(1).

- (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 41D.

S. 41E(1A)  
inserted by  
No. 32/2006  
s. 94(Sch.  
item 8(2)).

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

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

S. 41E(2) substituted by No. 32/2006 s. 94(Sch. item 8(3)).

(3) The infringement penalty for an offence against section 41D is 10 penalty units.

S. 41E(3) inserted by No. 5/2012 s. 33(2).

\* \* \* \* \*

S. 41E(3)–(7) repealed by No. 32/2006 s. 94(Sch. item 8(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.

#### **41F Issue of notices by Chief Officer**

S. 41F inserted by No. 2/1995 s. 5.

(1) If—

- (a) the Chief Officer forms the opinion required by section 41(2); and
- (b) upon request, the relevant fire prevention officer refuses or fails to issue a fire prevention notice within the time specified by the Chief Officer—

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

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

#### 42 Brigades may carry out fire prevention work

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

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

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

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

- (3) Subject to the general direction of the Authority and the Chief Officer, the officers and members of any brigade, with the consent of the relevant owner, occupier, Minister, council or authority, may carry out any work (including burning) that the officer in charge of the brigade thinks necessary or expedient for the prevention of the occurrence or spread of fire.
- (4) Subject to the general direction of the Authority and the Chief Officer, the officers and members of an industry brigade may assist other brigades in carrying out any work under subsection (1) if—
- (a) the officer in charge of the relevant brigade has made a request for assistance to the officer in charge of the industry brigade; and
  - (b) the relevant owner or group of relevant owners in relation to the industry brigade have agreed to the industry brigade providing assistance.

S. 42(4)  
inserted by  
No. 24/1997  
s. 12(6),  
substituted by  
No. 41/2014  
s. 6.

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

Nos 5040  
s. 44, 5191  
s. 32.

- (1) In the country area of Victoria it is the duty of every municipal council and public authority to take all practicable steps (including burning) to prevent the occurrence of fires on, and minimise the danger of the spread of fires on and from—
- (a) any land vested in it or under its control or management; and
  - (b) any road under its care and management.
- (2) A municipal council or public authority may—
- (a) acquire any equipment;
  - (b) do any thing;

S. 43  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
items  
17.22–17.25),  
substituted by  
No. 2/1995  
s. 8.

(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.

Nos 5040  
s. 45, 5651  
s. 2(1)(i).

S. 44  
amended by  
Nos 6956  
s. 12(1), 8257  
s. 11, 39/1992  
s. 5(3)(f)–(h),  
repealed by  
No. 5/2012  
s. 34.

\* \* \* \* \*

S. 44A  
inserted by  
No. 8933 s. 5.

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

S. 44A(1)  
amended by  
No. 2/1995  
s. 13(f),  
substituted by  
No. 5/2012  
s. 35(1).

- (1) This section applies—
- (a) if there is a fire or a threat of a fire anywhere  
within the country area of Victoria; and
- (b) regardless of whether the fire is lighted under  
and in accordance with this Division or is  
part of burning off operations carried out  
under and in accordance with this Act or any  
direction or permit given or issued under this  
Act or under and in accordance with the  
**Forests Act 1958** or any direction or  
authority given under that Act.

S. 44A(1A)  
inserted by  
No. 5/2012  
s. 35(1).

- (1A) The Chief Officer may, for the purpose of  
protecting life, property or the environment, or if  
in his or her opinion smoke from a fire impairs  
visibility on any road to such an extent that the

safety of any persons using the road is endangered—

- (a) close any road or part of any road affected, or likely to be affected, as a consequence of a fire or smoke from a fire; and
  - (b) direct traffic on any road in the vicinity of the closed road or closed part of a road.
- (2) The power conferred on the Chief Officer by subsection (1) shall be exercisable by the Chief Officer or by any officer in charge of a brigade or group of brigades or by any person to whom section 30A applies who is present at the fire.
- (3) This section shall be read and construed as in aid of and not in derogation from the powers and authorities conferred on the Chief Officer by or under this or any other Act.

S. 44A(2)  
amended by  
No. 5/2012  
s. 35(2).

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

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

Nos 5040  
s. 46, 5651  
s. 2(1)(j).

S. 45(1)  
amended by  
Nos 6956  
s. 12(2), 7877  
s. 11, 10004  
s. 12(a), 10149  
s. 21(1)(e) (as  
amended by  
Nos 10173  
s. 4), 12/1989  
s. 4(1)(Sch. 2  
item 17.26),  
39/1992  
s. 5(3)(i),  
5/2012 s. 36.



S. 45(2)  
amended by  
Nos 9389  
s. 4(c), 9902  
s. 2(1)(Sch.  
item 38),  
10004 s. 12(b),  
10149  
s. 21(1)(e) (as  
amended by  
No. 10173  
s. 4), 12/1989  
s. 4(1)(Sch. 2  
item 17.27),  
57/1989  
s. 3(Sch. item  
36.4), 39/1992  
s. 5(3)(j).

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

No. 5040 s. 47.  
S. 46  
amended by  
Nos 10149  
s. 21(1)(f)(i)(ii)  
(as amended  
by No. 10173  
s. 4), 12/1989  
s. 4(1)(Sch. 2  
item 17.28),  
2/1995  
s. 13(h).

#### **46 Failure by public authority etc. to observe provisions of this Act**

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

**46A Power to arrest**

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

S. 46A inserted by No. 6583 s. 7, amended by Nos 6956 s. 13, 57/1989 s. 3(Sch. item 36.5), 37/2014 s. 10(Sch. item 33.4).

**47 Construction of this Division**

The provisions of this Division shall be read and construed as in aid of and not in derogation from the provisions of any other Act or law relating to fires or to the careless negligent or criminal use of fire.

No. 5040 s. 48.

**48 Power to police, Chief Officer etc. to direct extinguishment of fire**

No. 5651 s. 9.

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

S. 48(1) amended by Nos 6956 s. 14, 7142 s. 2(Sch.), 10004 s. 13, substituted by No. 50/1989 s. 16.

(a) a police officer; or

S. 48(1)(a) substituted by No. 37/2014 s. 10(Sch. item 33.5).

(b) the Chief Officer; or

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

(d) the captain of any brigade; or

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S. 48(1A)  
inserted by  
No. 50/1989  
s. 16.

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

(1A) An authorized officer may direct—

- (a) the occupier or owner of any land; or
- (b) any person residing upon or in control of any land; or
- (c) any person having lit or maintained a fire on any land within the country area of Victoria—

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

S. 48(1B)  
inserted by  
No. 50/1989  
s. 16.

(1B) A direction of an authorized officer must be complied with even if the fire was lit or maintained in accordance with this Act and the regulations under this Act.

S. 48(2)  
amended by  
Nos 7877  
s. 21(a)(v),  
9488 s. 2(a),  
10235 s. 11(h),  
substituted by  
No. 5/2012  
s. 37(1).

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

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

S. 48(3)  
inserted by  
No. 7877 s. 12,  
amended by  
No. 68/2009  
s. 97(Sch.  
item 34.3),  
repealed by  
No. 5/2012  
s. 37(2).

\* \* \* \* \*

**49 Obligation of sawmillers**

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

Penalty: 60 penalty units.

No. 5651 s. 10.  
S. 49  
amended by  
Nos 6956  
s. 2(2), 7877  
s. 21(c)(i),  
9488 s. 2(c),  
10004  
s. 14(a)(b),  
10235 s. 11(i),  
substituted by  
No. 2/1995  
s. 9, amended  
by No. 5/2012  
s. 38.

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

Nos 5651  
s. 11, 6159  
s. 3.  
S. 50  
amended by  
Nos 6583  
s. 8, 7877  
ss 2(1)(e),  
21(d)(i), S.R.  
No. 340/1973  
reg. 2,  
No. 9488  
s. 2(d),  
substituted by  
No. 10004  
s. 15.

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

S. 50(1)  
amended by  
Nos 10235  
s. 11(j),  
50/1989  
s. 17(a).

Penalty: 10 penalty units.

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**S. 50(2)**  
amended by  
No. 10235  
s. 11(k),  
substituted by  
No. 45/1986  
s. 7,  
amended by  
No. 50/1989  
s. 17(a).

- (2) In the country area of Victoria a person must not drive or operate a tractor or a self-propelled farm machine or a traction engine or an earth-moving, excavating or road-making machine propelled by or incorporating a heat engine within nine metres of or in contact with any crop, grass, stubble, weeds, undergrowth or vegetation unless the tractor, traction engine or machine—
- (a) is free from faults and mechanical defects which would tend to cause an outbreak of fire; and
  - (b) is fitted with a spark arrester; and
  - (c) carries the prescribed fire suppression equipment during a fire danger period.

**S. 50(2)(c)**  
amended by  
No. 39/1992  
s. 9.

Penalty: 10 penalty units.

**S. 50(3)**  
substituted by  
No. 45/1986  
s. 7.

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

Penalty: 10 penalty units.

**S. 50(4)**  
inserted by  
No. 45/1986  
s. 7,  
amended by  
No. 50/1989  
s. 17(ab) (as  
amended by  
No. 91/1989  
s. 7(a)).

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

Penalty: 10 penalty units.

- (5) A person must not sell a tractor, traction engine or machine unless it is fitted with a spark arrester which complies with the relevant Standards Association of Australia standard prescribed for the purposes of this subsection.
- Penalty: 10 penalty units.
- (6) The Chief Officer may exempt a person from compliance with subsection (2)(c) where in the opinion of the Chief Officer the circumstances surrounding the operation of the tractor, traction engine or machine warrant it.
- (7) Nothing in this section requires a tractor, engine or machine referred to in subsection (2) which is fitted with a turbocharger or an exhaust aspirated air-cleaner to be fitted with a spark arrester.

S. 50(5)  
inserted by  
No. 45/1986  
s. 7,  
substituted by  
No. 50/1989  
s. 17(b).

S. 50(6)  
inserted by  
No. 45/1986  
s. 7.

S. 50(7)  
inserted by  
No. 69/1986  
s. 3.

**50AA Alarm monitoring service to provide prescribed information**

S. 50AA  
inserted by  
No. 5/2012  
s. 39.

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

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**S. 50A**  
inserted by  
No. 7516 s. 3,  
amended by  
Nos 8933  
s. 7(a),  
16/1986 s. 30,  
repealed by  
No. 57/1989  
s. 3(Sch.  
item 36.6).

\* \* \* \* \*

## Part IIIA—Improving community safety

Pt 3A  
(Heading and  
ss 50A–50P)  
inserted by  
No. 73/2009  
s. 3.

### Division 1—Definitions

#### 50A Definitions

In this Part—

S. 50A  
inserted by  
No. 73/2009  
s. 3.

*community fire refuge* means a place prescribed by the regulations to be a place that is to be used by the public for short-term shelter from a fire front during a bushfire;

S. 50A def. of  
*community  
fire refuge*  
substituted by  
No. 41/2014  
s. 7.

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

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

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

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

*place* means land or premises.

### Division 2—Duty to warn community

#### 50B Duty to warn the community

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

S. 50B  
inserted by  
No. 73/2009  
s. 3,  
substituted by  
No. 73/2010  
s. 44.



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S. 50B(1)(a)  
repealed by  
No. 73/2013  
s. 81(b).

\* \* \* \* \*

(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. 50B(2)  
amended by  
No. 73/2013  
s. 81(c).

(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).

S. 50C  
inserted by  
No. 73/2009  
s. 3,  
repealed by  
No. 73/2010  
s. 45.

\* \* \* \* \*

S. 50D  
inserted by  
No. 73/2009  
s. 3,  
repealed by  
No. 73/2010  
s. 46.

\* \* \* \* \*

### Division 3—Neighbourhood safer places

#### 50E Country Fire Authority Assessment Guidelines

S. 50E  
inserted by  
No. 73/2009  
s. 3.

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

- (a) assessing a place as suitable to be a neighbourhood safer place; and
  - (b) carrying out annual assessments of neighbourhood safer places.
- (2) The Country Fire Authority Assessment Guidelines may incorporate or refer to any other document as issued or published from time to time.
- (3) The Authority must publish the Country Fire Authority Assessment Guidelines—
- (a) in the Government Gazette; and
  - (b) on the Authority's Internet site.

**50F Municipal Council Neighbourhood Safer Places Plan**

S. 50F  
inserted by  
No. 73/2009  
s. 3.

- (1) A municipal council may prepare a plan (a *Municipal Council Neighbourhood Safer Places Plan*) in relation to—
- (a) the identification, suitability and designation of places as neighbourhood safer places; and
  - (b) the inspection, maintenance and decommissioning of designated neighbourhood safer places.
- (2) A Municipal Council Neighbourhood Safer Places Plan must not be inconsistent with the Country Fire Authority Assessment Guidelines.
- (3) A Municipal Council Neighbourhood Safer Places Plan may incorporate or refer to any other document as issued or published from time to time.
- (4) A municipal council must—
- (a) publish its Municipal Council Neighbourhood Safer Places Plan on its Internet site; and

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

S. 50G  
inserted by  
No. 73/2009  
s. 3.

**50G Municipal councils to identify and designate neighbourhood safer places**

- (1) A municipal council, the municipal district of which is located wholly or partly in the country area of Victoria, must identify and designate places as neighbourhood safer places in its municipal district.
- (2) A neighbourhood safer place may be on council land, or, with the consent of the occupier or the person in control of the land, on non-council land.
- (3) In identifying and designating neighbourhood safer places, a municipal council may have regard to its Municipal Council Neighbourhood Safer Places Plan.
- (4) After identifying a neighbourhood safer place, a municipal council must ask the Authority to assess the place in accordance with the Country Fire Authority Assessment Guidelines.
- (5) On receiving a request, the Authority must—
  - (a) assess the place; and
  - (b) if the place meets the criteria set out in the Country Fire Authority Assessment Guidelines, certify in writing that the place meets those criteria.
- (6) A municipal council must not designate a place as a neighbourhood safer place unless the place has been certified by the Authority under this section.

- (7) A municipal council is not required to designate a place under subsection (1) if—
- (a) no place has been certified by the Authority under this section; or
  - (b) the Authority has certified a place under this section but the council is satisfied on reasonable grounds that it is not appropriate to designate the place as a neighbourhood safer place; or
  - (c) any suitable existing place is on non-council land and the occupier or the person in control of the land does not consent to the designation of the place as a neighbourhood safer place.
- (8) Before 1 July 2010, a municipal council complies with subsection (1) if it uses its best endeavours to do so.

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

S. 50H  
inserted by  
No. 73/2009  
s. 3.

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

S. 50H(2)  
amended by  
No. 73/2013  
s. 81(d).

**50I Maintenance of designated neighbourhood safer places**

S. 50I  
inserted by  
No. 73/2009  
s. 3.

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

S. 50J  
inserted by  
No. 73/2009  
s. 3.

**50J Annual assessment of designated neighbourhood safer places**

- (1) A municipal council must, by 31 August in each year, conduct a review of each designated neighbourhood safer place in its municipal district to determine if it is still suitable to be designated as a neighbourhood safer place.
- (2) In conducting an annual review, the municipal council must ask the Authority to assess each neighbourhood safer place in its municipal district in accordance with the Country Fire Authority Assessment Guidelines.
- (3) On receiving a request, the Authority must—
  - (a) assess the place; and
  - (b) if the place meets the criteria set out in the Country Fire Authority Assessment Guidelines, certify in writing that the place meets those criteria.
- (4) If the Authority's assessment determines that a designated neighbourhood safer place is no longer suitable, it must be decommissioned.
- (5) The municipal council may also decommission a designated neighbourhood safer place if—
  - (a) the Authority has certified the place under this section but the council is satisfied on reasonable grounds that it is not appropriate for the place to continue to be a designated neighbourhood safer place; or
  - (b) the place is on non-council land and the occupier or the person in control of the land has withdrawn consent to the designation of the place as a neighbourhood safer place.

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

S. 50K  
inserted by  
No. 73/2009  
s. 3.

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

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

S. 50L  
inserted by  
No. 73/2009  
s. 3.

- (1) The Authority must keep an up to date list showing the location of all designated neighbourhood safer places and community fire refuges in Victoria of which it is notified under section 50K.
- (2) The Authority must publish the list on its Internet site and provide a copy of the list—
  - (a) to the Secretary; and
  - (b) to the Chief Commissioner of Police; and
  - (c) to the Chief Executive Officer of the State Emergency Service; and
  - (d) to the Municipal Association of Victoria; and
  - (e) for the use of the Victorian Bushfire Information Line.

**Division 4—Liability in relation to designated neighbourhood safer places**

**50M Application of Part XII of Wrongs Act 1958**

S. 50M  
inserted by  
No. 73/2009  
s. 3.

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

S. 50N  
inserted by  
No. 73/2009  
s. 3.

### **50N Liability relating to designated neighbourhood safer places**

- (1) This section applies in respect of a designated neighbourhood safer place.
- (2) Subject to this section, any liability for the death of or injury to a person arising from the use of the designated neighbourhood safer place that would attach to the owner or occupier of the land or a person with control of the land attaches instead to the municipal council in the municipal district of which the land is situated.
- (3) This section only applies in respect of a death or injury arising from the use of the designated neighbourhood safer place as a shelter from bushfire on a day (or during part of a day) when the area in which the place was located was beset, or threatened, by bushfire.
- (4) This section does not apply to a death or injury that was caused in the course of travelling to or from the designated neighbourhood safer place.
- (5) A reference to a liability in subsection (2), is a reference to a liability—
  - (a) that arises in tort, contract, under statute or otherwise; and
  - (b) that does not arise from an intentional act of a person at the designated neighbourhood safer place.

S. 50O  
inserted by  
No. 73/2009  
s. 3.

### **50O Policy defence**

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

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

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

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

### **Division 5—Advice on defendability of buildings**

#### **50P Chief Officer may advise on defendability of buildings**

The Chief Officer may provide advice to the community or to any person on ways to improve the defendability of a home or other building in the event of a bushfire.

S. 50P  
inserted by  
No. 73/2009  
s. 3.



Pt 4 (Heading)  
amended by  
No. 10149  
s. 21(1)(g) (as  
amended by  
No. 10173  
s. 4).

## Part IV—Regional and municipal fire prevention committees

### Division 1—Preliminary

No. 5191 s. 3.

#### 51 Definition

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

S. 51(a)  
amended by  
Nos 10149  
s. 21(1)(h)(i)  
(as amended  
by No. 10173  
s. 4), 12/1989  
s. 4(1)(Sch. 2  
item 17.29).

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

S. 51(aa)  
inserted by  
No. 10149  
s. 13,  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 17.30).

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

S. 51(aa)(i)  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 17.31).

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

S. 51(aa)(ii)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 17.32),  
2/1995  
s. 13(h).

- (ii) any road the maintenance of which is charged upon the municipal council;

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- |                                                                                                                                                                                                       |                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) the fire prevention officers of every administrative unit and public authority in which any land within the region or area is vested or which has the management or control of any such land; and | S. 51(b)<br>amended by<br>No. 10149<br>s. 21(1)(h)(ii)<br>(as amended<br>by No. 10173<br>s. 4).                                                                                                 |
| (c) (where there is adjacent to the region or area any part of a forest or any part of a national park) the Secretary.                                                                                | S. 51(c)<br>amended by<br>Nos 9902<br>s. 2(1)(Sch.<br>item 39 (as<br>amended by<br>No. 10087<br>s. 3(1)(Sch. 1<br>item 239)),<br>41/1987<br>s. 103(Sch. 4<br>item 8.4),<br>76/1998<br>s. 30(c). |

**Division 2—Regional fire prevention committees**

Pt 4 Div. 2  
(Heading)  
amended by  
No. 10149  
s. 21(1)(i) (as  
amended by  
No. 10173  
s. 4).

**52 Appointment of regional fire prevention committees**

No. 5191 s. 4.

- |                                                                                                                                                      |                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| (1) The Authority may appoint a regional fire prevention committee for each region.                                                                  | S. 52(1)<br>amended by<br>Nos 8257<br>s. 12(a), 10149<br>s. 21(1)(j) (as<br>amended by<br>No. 10173<br>s. 4), 5/2012<br>s. 40. |
| (2) Each such committee shall consist of—                                                                                                            |                                                                                                                                |
| (a) the officer appointed by the Authority as the officer in charge of the fire control region, who shall be the executive officer of the committee; | S. 52(2)(a)<br>amended by<br>Nos 7877<br>s. 13(a)(i),<br>39/1992<br>s. 5(3)(k),<br>2/1995 s. 13(i).                            |

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- S. 52(2)(b) substituted by No. 7877 s. 13(a)(ii).
- (b) two representatives (appointed by the Authority after election in the prescribed manner by delegates selected in the prescribed manner of each brigade in the group concerned) of each group of brigades operating within the region;
- S. 52(2)(ba) inserted by No. 11/1998 s. 5(1).
- (ba) not more than two representatives (appointed by the Authority after nomination by the relevant owner or group of relevant owners who formed each industry brigade in the group concerned) of each group of industry brigades operating within the region;
- S. 52(2)(c) inserted by No. 7877 s. 13(a)(ii), amended by No. 41/1987 s. 103(Sch. 4 item 8.5), substituted by No. 76/1998 s. 30(d).
- (c) not more than four representatives of the Secretary appointed by the Authority upon nomination by the Secretary;
- S. 52(2)(d) inserted by No. 7877 s. 13(a)(ii), amended by Nos 8257 s. 12(b), 12/1989 s. 4(1)(Sch. 2 item 17.33).
- (d) not more than two representatives (appointed by the Authority after election in the prescribed manner by the municipal councils concerned) of the municipal councils whose municipal districts are wholly or partly within the region; and
- S. 52(2)(e) inserted by No. 7877 s. 13(a)(ii).
- (e) any person appointed under subsection (2A) as a member of the committee.
- S. 52(2A) inserted by No. 7877 s. 13(b).
- (2A) The Authority shall, upon the request of a committee, appoint as a member of that committee a representative (nominated by the corporation concerned) of any public statutory corporation specified by the committee.

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- (2B) The Authority shall appoint a deputy for each representative of—
- (a) each group of brigades operating within the region;
  - (b) the Secretary;
  - (c) the municipal councils whose municipal districts are wholly or partly within the region; and
  - (d) each public statutory corporation specified pursuant to subsection (2A)—  
who shall, at any meeting of the committee from which the appropriate representative member or all appropriate representative members (as the case requires) is or are to be absent, act in the place of that member or those members (as the case requires).
- (2C) Each deputy appointed under subsection (2B) shall be appointed only after being elected or nominated in the same manner as the representative member or members (as the case requires) in whose place the deputy is to act.
- (3) The chairman of each such committee shall be elected annually by the members thereof.
- (4) A regional fire prevention committee is deemed to be the same body despite any change to its membership arising from the amendment of this section by section 5(1) of the **Fire and Emergency Services Acts (Amendment) Act 1998**.
- S. 52(2B) inserted by No. 10149 s. 15(1), amended by No. 50/1989 s. 19(a).
- S. 52(2B)(b) amended by Nos 41/1987 s. 103(Sch. 4 item 8.5), 76/1998 s. 30(c).
- S. 52(2B)(c) amended by No. 12/1989 s. 4(1)(Sch. 2 item 17.34).
- S. 52(2C) inserted by No. 10149 s. 15(1).
- S. 52(4) inserted by No. 11/1998 s. 5(2).

### 53 Functions of committee

No. 5191 s. 5.  
S. 53  
amended by  
No. 10149  
s. 21(1)(k) (as  
amended by  
No. 10173  
s. 4).

The functions of a regional fire prevention committee shall be—

S. 53(a)  
amended by  
No. 7877  
s. 14(a).

- (a) to submit to the appropriate authorities recommendations and plans for—
  - (i) the burning or clearing of a co-ordinated system of major firebreaks for the protection of the region; and
  - (ii) the carrying out of works (including the burning or clearing of firebreaks) for the prevention of the outbreak or spread of fire from areas within or immediately adjacent to the region;

S. 53(a)(ii)  
amended by  
No. 10149  
s. 14(a).

S. 53(b)  
inserted by  
No. 7877  
s. 14(c),  
amended by  
No. 50/1989  
s. 19(b).

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

S. 53(ba)  
inserted by  
No. 10149  
s. 14(b).

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

S. 53(b)  
re-numbered  
as s. 53(c) by  
No. 7877  
s. 14(b),  
amended by  
No. 10149  
s. 21(1)(k) (as  
amended by  
No. 10173  
s. 4).

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

### **Division 3—Municipal fire prevention committees**

Pt 4 Div. 3  
(Heading)  
amended by  
No. 10149  
s. 21(1)(l) (as  
amended by  
No. 10173  
s. 4).

#### **54 Appointment of municipal fire prevention committees**

No. 5191 s. 6.

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

S. 54(1)  
amended by  
Nos 10149  
s. 21(1)(m)(i)  
(as amended  
by No. 10173  
s. 4), 12/1989  
s. 4(1)(Sch. 2  
item 17.35).

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

S. 54(2)  
amended by  
No. 10149  
s. 15(2)(a)(i)(ii).

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

S. 54(2)(a)  
amended by  
Nos 10149  
s. 21(1)(m)(ii),  
12/1989  
s. 4(1)(Sch. 2  
item 17.36).

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

S. 54(2)(b)  
amended by  
No. 5/2012  
s. 41.

(ba) one representative (appointed by the Authority after nomination by the relevant owner or group of relevant owners who formed the industry brigade) of each industry brigade operating within the area;

S. 54(2)(ba)  
inserted by  
No. 11/1998  
s. 6(1).

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S. 54(2)(c)  
inserted by  
No. 7877  
s. 15(b).

(c) one representative (appointed by the Authority after election in the prescribed manner by delegates selected in the prescribed manner of each brigade in the group concerned) of each group of brigades operating within the area;

S. 54(2)(c)  
re-numbered  
as s. 54(2)(d)  
by No. 7877  
s. 15(a),  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 17.37).

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

S. 54(2)(d)  
re-numbered  
as s. 54(2)(e)  
by No. 7877  
s. 15(a),  
amended by  
Nos 9902  
s. 2(1)(Sch.  
item 39) (as  
amended by  
No. 10087  
s. 3(1)(Sch. 1  
item 239)),  
41/1987  
s. 103(Sch. 4  
item 8.6),  
76/1998  
s. 30(e).

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

S. 54(2)(f)  
inserted by  
No. 10149  
s. 15(2)(a)(ii).

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

S. 54(3)  
inserted by  
No. 10149  
s. 15(2)(b).

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

(a) a representative (nominated by the corporation concerned) of any public statutory corporation specified by the committee; and

(b) a representative (nominated by the group concerned) of any local interest group specified by the committee.

- (3A) A representative cannot be appointed unless he or she has consented in writing to be appointed. **S. 54(3A) inserted by No. 50/1989 s. 19(c).**
- (4) For each member of a committee appointed under subsection (2)(b), (c), (d) or (e) or (3) the Authority shall appoint a deputy to attend and act in the place of the member at any meeting of the committee from which the member is to be absent. **S. 54(4) inserted by No. 10149 s. 15(2)(b).**
- (5) Each deputy appointed under subsection (4) shall be appointed only after being elected or nominated in the same manner as the member in whose place the deputy is to act. **S. 54(5) inserted by No. 10149 s. 15(2)(b).**
- (6) A municipal fire prevention committee is deemed to be the same body despite any change to its membership arising from the amendment of this section by section 6(1) of the **Fire and Emergency Services Acts (Amendment) Act 1998**. **S. 54(6) inserted by No. 11/1998 s. 6(2).**

## 55 Functions of committee

The functions of each municipal fire prevention committee shall be—

- (a) to plan the burning or clearing of firebreaks within the area for which it is appointed;
- (b) to advise the appropriate authorities as to the existence of and steps to be taken for the removal of fire hazards within the area;
- (c) to advise and make recommendations to the municipal council in the preparation of its municipal fire prevention plan;

**No. 5191 s. 7.**  
**S. 55 amended by No. 10149 s. 21(1)(n)(i) (as amended by No. 10173 s. 4).**  
**S. 55(c) repealed by No. 10004 s. 16(1), new s. 55(c) inserted by No. 24/1997 s. 8.**



- (d) to recommend to the Authority or to the appropriate authorities (as the case may require) any action which the committee deems necessary or expedient to be taken for reducing the risk of an outbreak of fire or for suppressing any fire which may occur within the area;

S. 55(e)  
repealed by  
No. 7877 s. 16.

\* \* \* \* \*

S. 55(f)  
amended by  
No. 10149  
s. 21(1)(n)(ii)  
(as amended  
by No. 10173  
s. 4).

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

S. 55(g)  
amended by  
No. 10149  
s. 21(1)(n)(i)(iii)  
(as amended  
by No. 10173  
s. 4).

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

S. 55(h)  
amended by  
No. 10149  
s. 21(1)(n)(i)  
(as amended  
by No. 10173  
s. 4).

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

S. 55A  
inserted by  
No. 24/1997  
s. 9.

### **55A Municipal fire prevention plans**

- (1) A municipal council must prepare and maintain a municipal fire prevention plan for its municipal district in accordance with the advice and recommendations of the municipal fire prevention committee.
- (2) A municipal fire prevention plan must contain provisions in accordance with the regulations—
- (a) identifying areas, buildings and land use in the municipal district which are at particular risk in case of fire; and

(b) specifying how each identified risk is to be treated; and

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

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

S. 55A(2)(ca)  
inserted by  
No. 73/2009  
s. 4.

(cb) identifying any places in the municipal district that are community fire refuges within the meaning of section 50A; and

S. 55A(2)(cb)  
inserted by  
No. 73/2009  
s. 4,  
amended by  
No. 5/2012  
s. 42,  
substituted by  
No. 41/2014  
s. 8.

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

#### **55B Audit of municipal fire prevention plan**

S. 55B  
inserted by  
No. 24/1997  
s. 9.

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

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

### **Division 4—General**

#### **56 Provision in case of failure of nomination or election**

No. 5191 s. 8.

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

S. 56  
amended by  
No. 10149  
s. 21(1)(o) (as  
amended by  
No. 10173  
s. 4).

(a) fails to submit to the Authority, within one month after receipt of a request in writing in that behalf from the Authority, a nomination of a representative; or

(b) fails to elect within the prescribed time a representative or representatives—

for appointment to any regional or municipal fire prevention committee, the Authority may without such submission or election appoint any otherwise eligible person or persons (as the case requires) to be a member or members of the said committee and the person or persons so appointed shall for all purposes be deemed to be duly appointed.

No. 5191 s. 9.

### **57 Term of office**

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

No. 5191 s. 10.

### **58 Filling vacancies**

- (1) The Authority may, subject to this Part, at any time appoint a person to fill a vacancy in any such committee however arising.
- (2) Any person appointed to fill a vacancy in the office of member of any such committee arising otherwise than by the effluxion of the term for which the member was appointed shall hold office only for the remainder of that term.

No. 5191 s. 11.

### **59 Meetings**

S. 59(1)  
substituted by  
No. 10149  
s. 16(1)(a).

- (1) Each such committee shall meet—
  - (a) in each year on the minimum number of occasions determined for that committee by the Authority; and

(b) in any particular year—

- (i) on any further occasions determined for that committee by the Authority; and
  - (ii) on any further occasions determined by the chairman or a majority of members of the committee.
- (2) At any meeting of any such committee the chairman or in his absence a member of the committee elected by the members present at the meeting shall preside and be chairman of the meeting.
- (3) A quorum of any such committee shall consist of not less than half of the full number of members of the committee.
- (4) Any question arising at any meeting of any such committee shall be determined by the votes of a majority of the members present thereat and in the event of an equality of votes on any matter the chairman of the meeting shall have a second or casting vote.
- (5) Subject to this Part and the regulations, each committee may regulate its own proceedings in such manner as it thinks fit.

S. 59(5)  
amended by  
No. 10149  
s. 16(1)(b).

**59A Fire prevention sub-committees**

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

S. 59A  
inserted by  
No. 10149  
s. 16(2).

**60 Travelling and personal expenses of members of fire prevention committees**

The members of every regional fire prevention committee and every municipal fire prevention committee (including deputy members appointed under sections 52(2B) and 54(4)) and of every sub-committee appointed under section 59A shall

No. 5191 s. 12.  
S. 60  
amended by  
Nos 9928  
s. 5, 10149  
s. 21(1)(p) (as  
amended by  
No. 10173  
s. 4), 39/1992  
s. 10, 17/2003  
s. 8.

Country Fire Authority Act 1958  
No. 6228 of 1958  
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be entitled to receive such travelling and personal expenses as are prescribed by regulations made under this Act, and the travelling and personal expenses paid to such members shall be deemed to be part of the expenditure incurred by the Authority in the execution of this Act.

**S. 61**  
amended by  
No. 6886 s. 3,  
repealed by  
No. 10149  
s. 21(1)(q).

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## Part V—Compensation of casual fire-fighters and volunteer auxiliary workers

Nos 5191  
ss 14, 15,  
17–26, 5512  
s. 4(2)(a)(b),  
5651 s. 12,  
5712 s. 3.  
Pt 5 (Heading  
and ss 62–74)  
amended by  
Nos 6986 s. 2,  
7386 s. 3(b)(c),  
8257  
s. 13(a)(b),  
9019 s. 2(1)  
(Sch.  
items 26, 27),  
9861 s. 3(1),  
9902  
s. 2(1)(Sch.  
item 41), 9928  
s. 6, 10004  
ss 17(a)(b), 18,  
19(a)–(c),  
10087 s. 3(1)  
(Sch. 1 item  
23), 10089  
s. 4(1), 10149  
s. 17, 10191  
s. 276, 64/1989  
s. 38(1),  
substituted as  
Pt 5 (Heading  
and ss 62–65)  
by No.  
50/1989  
s. 18(1).

### 62 Definitions

In this Part—

*casual fire-fighter* means any person (other than an enrolled officer or member of any brigade, including an industry brigade) who without remuneration or reward voluntarily engages in fire-fighting at any fire in or outside Victoria with a Victorian brigade or group of brigades (other than an industry brigade)—

No. 5191 s. 14.  
S. 62  
substituted by  
No. 50/1989  
s. 18(1).

S. 62 def. of  
*casual fire-  
fighter*  
substituted by  
No. 24/1997  
s. 12(7),  
amended by  
No. 5/2012  
s. 43(a).

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- (a) at the request of an officer in charge of operations at the fire addressed to that person or to an organisation of which he or she is a member or employee; or
- (b) with the express or implied approval of an officer in charge of operations at the fire.

*fire-fighting* at any fire means—

- (a) performing under the control or direction of the officer in charge of operations at the fire any act or operation at or about the scene of the fire which is necessary or expedient for or directed towards the suppression of the fire, or the prevention of the spread of the fire, or the saving of life or property, or the treatment of persons injured at the fire, or the provision of sustenance for persons performing those acts or operations; and
- (b) proceeding at the direction or request (whether directly or indirectly) of that officer to the scene of the fire exclusively for the purposes of performing any such act or operation or returning from the scene of the fire—

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

*officer in charge* in respect of operations at any fire means the Chief Officer, Deputy Chief Officer, any officer exercising the powers of the Chief Officer, any officer in charge of a brigade or group of brigades or any person to whom section 30A applies or an officer of the Metropolitan Fire and Emergency

S. 62 def. of  
*officer in  
charge*  
amended by  
Nos 39/1992  
s. 5(3)(l),  
5/2012  
s. 43(b).

Services Board (as the case may be), who,  
under this Act, has the control and direction  
of any brigade or brigades present at the fire  
and of any persons who voluntarily place  
their services at his or her disposal;

*personal injury* includes death.

**63 Compensation in respect of injury to casual fire-fighter**

No. 5191 s. 15.  
S. 63  
substituted by  
No. 50/1989  
s. 18(1).

- (1) If personal injury is suffered—
- (a) by a casual fire-fighter, by accident arising out of or in the course of fire-fighting at any fire in or outside Victoria with a Victorian brigade or group of brigades; or
  - (b) by a volunteer auxiliary worker, by accident arising out of or in the course of the performance of an authorized activity in or outside Victoria—

compensation is payable under this Part.

- (2) The persons to whom or for whose benefit compensation is payable are, in respect of personal injury suffered before the appointed day within the meaning of the **Accident Compensation Act 1985**, those persons to whom or for whose benefit compensation would be payable under the **Workers Compensation Act 1958** if the casual fire-fighter or volunteer auxiliary worker were a worker within the meaning of that Act and the personal injury were caused in his or her employment by accident arising out of or in the course of the employment.
- (3) The persons to whom or for whose benefit compensation is payable are, in respect of personal injury suffered on or after the appointed day within the meaning of the **Accident Compensation Act 1985** but before 1 July 2014, those persons to whom or for whose benefit

S. 63(3)  
amended by  
No. 67/2013  
s. 649(Sch. 9  
item 7(1)).



compensation would be payable under that Act if the casual fire-fighter or volunteer auxiliary worker were a worker within the meaning of that Act and the personal injury were caused in the employment of the casual fire-fighter or volunteer auxiliary worker by accident arising out of or in the course of the employment.

S. 63(3A)  
inserted by  
No. 67/2013  
s. 649(Sch. 9  
item 7(2)).

- (3A) The persons to whom or for whose benefit compensation is payable are, in respect of personal injury suffered on or after 1 July 2014, those persons to whom or for whose benefit compensation would be payable under the **Workplace Injury Rehabilitation and Compensation Act 2013** if the casual fire-fighter or volunteer auxiliary worker were a worker within the meaning of that Act and the personal injury were caused in the employment of the casual fire-fighter or volunteer auxiliary worker by accident arising out of or in the course of the employment.
- (4) All claims for compensation under this section must be made to the Authority in accordance with the regulations.
- (5) The nature, amount and limits of the compensation, the time at which and the period during which compensation is payable, the manner of payment or application of compensation, the circumstances in which payments of compensation are to cease to be reviewed or altered and all other matters relating to compensation are to be determined by the Authority or in such manner as the Authority directs and the Authority's determinations and directions are final and without appeal.
- (6) In making any determination or giving any direction in relation to any matter referred to in subsection (5) the Authority must so far as

S. 63(6)  
amended by  
No. 67/2013  
s. 649(Sch. 9  
item 7(3)).

practicable be guided by reference to the applicable provisions of the **Workers Compensation Act 1958** (other than sections 11 to 26) or, as the case requires, of the **Accident Compensation Act 1985** (other than sections 86, 87, 88, 89, 90 and 98) or the **Workplace Injury Rehabilitation and Compensation Act 2013** (other than sections 50, 51, 59, 61 or 62) governing the corresponding matter under that Act.

- (7) A person is not debarred from compensation in respect of personal injury caused to any casual fire-fighter or volunteer auxiliary worker by reason only that the casual fire-fighter or volunteer auxiliary worker was not at the relevant time a *worker* within the meaning of the **Workers Compensation Act 1958** or within the meaning of the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013** (as the case requires).
- (8) For the purpose of assessing compensation the average weekly earnings of a casual fire-fighter or volunteer auxiliary worker are to be computed by the Authority by reference to his or her employment by any employer or employers during the relevant period before the accident or (if he or she was not then working under any contract of service) upon such basis as in the opinion of the Authority is best calculated to give the appropriate compensation for his or her loss of earning capacity, but so that any relevant maximum limits imposed by the **Workers Compensation Act 1958** or the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013** (as the case requires) are not exceeded.

S. 63(7)  
amended by  
No. 67/2013  
s. 649(Sch. 9  
item 7(4)).

S. 63(8)  
amended by  
No. 67/2013  
s. 649(Sch. 9  
item 7(4)).

S. 64  
substituted by  
No. 50/1989  
s. 18(1).

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

- (1) Where, in or outside Victoria—
- (a) any wearing apparel or personal effects worn by or upon the person of—
    - (i) a casual fire-fighter while engaged in fire-fighting at a fire with a Victorian brigade or group of brigades; or
    - (ii) a volunteer auxiliary worker while engaged in the performance of an authorized activity; or
  - (b) any vehicle, equipment or property owned by or in the possession or custody of—
    - (i) a casual fire-fighter and used in connection with attendance at a fire or fire-fighting at a fire with a Victorian brigade or group of brigades; or
    - (ii) a volunteer auxiliary worker and used in connection with the performance of an authorized activity—

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

S. 64(2)  
amended by  
No. 17/2003  
s. 9(1).

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

S. 64(2A)  
inserted by  
No. 17/2003  
s. 9(2).

- (2A) A general determination made under subsection (2)—
- (a) must be published in the Government Gazette; and

- (b) has effect from the date that it is published in the Government Gazette; and
  - (c) continues in force until it is revoked by a subsequent general determination.
- (3) If a person has received compensation from the Authority and is entitled to reimbursement under any policy of insurance or from any other source that person must claim that reimbursement and forward the amount reimbursed to the Authority.
- (4) A claim for compensation under this section must be made to the Authority in accordance with the regulations.

**65 Compensation where compensation otherwise payable**

- (1) If a person has received compensation in respect of personal injury and that person is otherwise entitled to compensation in respect of that injury that person must claim that compensation and forward the amount obtained to the Authority.
- (2) Compensation is not payable under any provision of this Part in respect of personal injury to or destruction or damage of any property of—
- (a) the owner or occupier of or any resident on the land or premises on which the injury, destruction or damage occurs; or
  - (b) any employee of any such owner, occupier or resident.

S. 65  
inserted by  
No. 50/1989  
s. 18(1).

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

## **Part VA—Appeals**

### **Division 1—Country Fire Authority Appeals Commission**

Pt 5A  
(Heading and  
ss 74A, 74B)  
inserted by  
No. 9629 s. 9,  
amended by  
Nos 45/1986  
s. 8(1)–(4),  
50/1989  
s. 20(1)(a)(b)  
(c)(2), 57/1989  
s. 3(Sch.  
items 36.7,  
36.8), 39/1992  
ss 5(3)(m), 11,  
2/1995  
s. 13(e)(j),  
substituted as  
Pt 5A  
(Heading and  
ss 74A–74T)  
by No.  
24/1997  
s. 10.

S. 74A  
substituted by  
No. 24/1997  
s. 10.

#### **74A Country Fire Authority Appeals Commission**

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

S. 74B  
substituted by  
No. 24/1997  
s. 10.

#### **74B Function of the Commission**

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

S. 74C  
inserted by  
No. 24/1997  
s. 10.

#### **74C Membership of Commission**

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

S. 74D  
inserted by  
No. 24/1997  
s. 10.

#### **74D Term of appointment**

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

**74E Remuneration and allowances**

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

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

as are fixed by the Governor in Council.

S. 74E inserted by No. 24/1997 s. 10, amended by Nos 46/1998 s. 7(Sch. 1) (as amended by No. 12/1999 s. 3(Sch. 1 item 5)), 5/2012 s. 44.

**74F Application of Public Administration Act 2004**

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

S. 74F inserted by No. 24/1997 s. 10, amended by No. 46/1998 s. 7(Sch. 1) (as amended by No. 12/1999 s. 3(Sch. 1 item 5)), substituted by Nos 108/2004 s. 117(1) (Sch. 3 item 46.5), 80/2006 s. 26(Sch. item 21.3).

**74G Vacancies**

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

(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

S. 74G inserted by No. 24/1997 s. 10.

S. 74G(1A) inserted by No. 5/2012 s. 45.

- (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.

S. 74H  
inserted by  
No. 24/1997  
s. 10.

#### **74H Annual report of the Commission**

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

### **Division 2—Appeals**

S. 74I  
inserted by  
No. 24/1997  
s. 10.

#### **74I Rights of appeal**

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

S. 74I(b)  
amended by  
No. 77/2000  
s. 11.

- (a) a suspension or removal imposed on him or her under section 17; or
- (b) a suspension, removal or penalty imposed by the Chief Executive Officer or the Chief Officer under the regulations; or

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

**74J Appeals to be by way of re-hearing**

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

S. 74J  
inserted by  
No. 24/1997  
s. 10.

**74K Proceedings of the Commission**

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

S. 74K  
inserted by  
No. 24/1997  
s. 10.

**74L Assistants in proceedings**

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

S. 74L  
inserted by  
No. 24/1997  
s. 10.



S. 74M  
inserted by  
No. 24/1997  
s. 10.

### 74M Procedure on appeal

S. 74M(1)  
amended by  
Nos 18/2005  
s. 18(Sch. 1  
item 24),  
17/2014  
s. 160(Sch. 2  
item 25).

- (1) A person who has appealed to the Commission under this Division may appear at the appeal or may be represented at the appeal by any person including an Australian legal practitioner.
- (2) If the appellant does not attend in person or by a representative at the time and place fixed for the hearing, the Commission may proceed in his or her absence.
- (3) At an appeal—
  - (a) subject to this Act, the procedure of the appeal is at the discretion of the Commission; and
  - (b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and
  - (c) the Commission is not bound by the rules of evidence but may inform itself in any way it sees fit; and
  - (d) the Commission is bound by the rules of natural justice.

S. 74N  
inserted by  
No. 24/1997  
s. 10,  
amended by  
Nos 69/2009  
s. 97(Sch. Pt 2  
item 15.1),  
67/2014  
s. 147(Sch. 2  
item 12).

### 74N Commission powers on appeal

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

**74O Costs**

Each party to an appeal must bear—

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

S. 74O  
inserted by  
No. 24/1997  
s. 10.

**74P Appeals against transfer**

- (1) An appeal against an order of transfer does not, prior to the determination of the appeal, stay the operation of the order.
- (2) An appeal against an order of transfer can only be made on the ground of hardship.
- (3) The Commission must disallow an appeal against an order of transfer if it is of the opinion that the transfer was in the best interests of the efficiency of the Authority.
- (4) In this section *hardship* means financial or personal hardship caused to the appellant or the appellant's family by a requirement to move to a location distant from the appellant's home.

S. 74P  
inserted by  
No. 24/1997  
s. 10.

**74Q Promotion appeals**

- (1) The Commission in determining an appeal against the failure of the Authority to select a person for promotion must have regard to the merit of the person selected for promotion and the appellant.
- (2) In this section *merit* means—
  - (a) skills, knowledge, aptitude and experience relevant to the requirements of the position; and
  - (b) special qualifications, fitness (including physical fitness), diligence and good conduct.

S. 74Q  
inserted by  
No. 24/1997  
s. 10.

S. 74R  
inserted by  
No. 24/1997  
s. 10.

**74R Determination of Commission**

The Commission—

- (a) must hear and determine an appeal under this Division; and
- (b) may—
  - (i) allow the appeal; or
  - (ii) dismiss the appeal; or
  - (iii) dismiss the appeal and vary the penalty or order, as the case may be.

S. 74S  
inserted by  
No. 24/1997  
s. 10.

**74S Authority and Chief Officer to give effect to determination**

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

S. 74T  
inserted by  
No. 24/1997  
s. 10.

**74T Evidence of determination**

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

## Part VI—Financial

### 75 Annual estimate of expenditure and revenue

No. 5040 s. 49.  
S. 75  
amended by  
No. 6583 s. 9,  
substituted by  
No. 43/1987  
s. 9(1)(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 Authority must provide the Minister with an estimate of—

S. 75(1)  
substituted by  
No. 58/2012  
s. 96,  
amended by  
No. 43/2015  
s. 31(1).

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

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

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

S. 75(1A)  
inserted by  
No. 58/2012  
s. 96.

(2) The Minister must determine the total amounts of contributions payable under section 76 having regard to the estimates under subsection (1) and to any other matters as the Minister thinks fit.

S. 75(2)  
amended by  
No. 43/2015  
s. 31(2)

### 76 Amounts of contributions

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

Nos 5040  
s. 50, 5512  
s. 4(1)(a), 5712  
s. 2.  
S. 76  
amended by  
Nos 9861  
s. 3(1),  
43/1987  
s. 9(1)(b),  
substituted by  
No. 91/1989  
s. 3.

(a) 22.5 per cent from the Consolidated Fund;

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S. 76(1)(b)  
substituted by  
No. 58/2012  
s. 97(1).

(b) 77·5 per cent funded by the levy under the  
**Fire Services Property Levy Act 2012.**

S. 76(2)  
amended by  
No. 58/2012  
s. 97(2).

(2) The amounts to be contributed under  
subsection (1) are to be paid to the Authority in  
equal quarterly instalments on 1 July, 1 October,  
1 January and 1 April in each financial year.

S. 76(3)  
inserted by  
No. 58/2012  
s. 97(3),  
repealed by  
No. 58/2012  
s. 101(1).

\*                    \*                    \*                    \*                    \*

S. 77  
amended by  
Nos 7885  
s. 12(a)–(c),  
9902 s. 2(1)  
(Sch. item 42),  
9928 s. 7(1),  
50/1989 s. 21,  
substituted by  
No. 91/1989  
s. 3, amended  
by Nos  
51/2005 ss 61,  
62, 58/2012  
s. 98,  
repealed by  
No. 58/2012  
s. 101(1).

\*                    \*                    \*                    \*                    \*

S. 77A  
inserted by  
No. 91/1989  
s. 3,  
repealed by  
No. 58/2012  
s. 101(1).

\*                    \*                    \*                    \*                    \*

S. 77B  
inserted by  
No. 91/1989  
s. 3, amended  
by No. 2/1995  
s. 13(k),  
repealed by  
No. 58/2012  
s. 101(1).

\*                    \*                    \*                    \*                    \*

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|   |   |   |   |   |                                                                                                                                                                                                                                                        |
|---|---|---|---|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * | * | * | * | * | <b>S. 78</b><br>amended by<br>Nos 7877<br>s. 21(d)(ii),<br>43/1987<br>s. 14(1)(b),<br>substituted by<br>No. 91/1989<br>s. 3,<br>amended by<br>Nos 49/2002<br>s. 22, 64/2010<br>s. 16, 58/2012<br>s. 99, repealed<br>by No.<br>58/2012<br>s. 101(1).    |
| * | * | * | * | * | <b>S. 79</b><br>amended by<br>Nos 7877<br>s. 21(e)(i),<br>9928 s. 8(1),<br>43/1987<br>ss 7(1)(a)(i)(ii)<br>(b), 14(1)(c),<br>substituted by<br>No. 91/1989<br>s. 3,<br>amended by<br>No. 49/2002<br>s. 23,<br>repealed by<br>No. 58/2012<br>s. 101(1). |
| * | * | * | * | * | <b>S. 80</b><br>amended by<br>Nos 7877<br>s. 21(f),<br>43/1987<br>s. 14(1)(d),<br>substituted by<br>No. 91/1989<br>s. 3,<br>amended by<br>No. 64/2010<br>s. 17,<br>repealed by<br>No. 58/2012<br>s. 101(1).                                            |

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|                                                                                                                                                                                                                                                                                                                                         |   |   |   |   |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|
| <p><b>S. 80A</b><br/>inserted by<br/>No. 7885 s. 13,<br/>amended by<br/>Nos 9389<br/>s. 4(d), 9928<br/>s. 9(1)(3),<br/>43/1987<br/>s. 14(1)(e),<br/>50/1989<br/>s. 23(a),<br/>substituted by<br/>No. 91/1989<br/>s. 3, amended<br/>by Nos 5/1991<br/>s. 3(2)-(5),<br/>51/2005 s. 63,<br/>repealed by<br/>No. 58/2012<br/>s. 101(1).</p> | * | * | * | * | * |
| <p><b>S. 81</b><br/>amended by<br/>No. 43/1987<br/>s. 8(1),<br/>substituted by<br/>No. 91/1989<br/>s. 3,<br/>amended by<br/>Nos 49/2002<br/>s. 24 (ILA<br/>s. 39B(1)),<br/>49/2002 s. 24,<br/>64/2010 s. 18,<br/>repealed by<br/>No. 58/2012<br/>s. 101(1).</p>                                                                         | * | * | * | * | * |
| <p><b>S. 81A</b><br/>inserted by<br/>No. 49/2002<br/>s. 25,<br/>amended by<br/>Nos 73/2010<br/>s. 47, 73/2013<br/>s. 81(e)<br/>repealed by<br/>No. 58/2012<br/>s. 101(1).</p>                                                                                                                                                           | * | * | * | * | * |

## 82 Borrowing by Authority

- (1) The Authority may obtain financial accommodation subject to and in accordance with the **Borrowing and Investment Powers Act 1987**.
- (2) The payment of amounts payable as a result of or in connection with financial accommodation obtained by the Authority (including the expenses of enforcement) are secured as a first charge on the property and revenue of the Authority.
- (3) The amounts secured under subsection (2) include amounts (and interest) borrowed by the Authority before the commencement of section 13 of the **Borrowing and Investment Powers (Amendment) Act 1993**.

Nos 5040  
s. 58, 5542  
s. 2, 5870 s. 2,  
5953 s. 2.  
S. 82  
amended by  
Nos 7156 s. 2,  
7383 s. 2, 7864  
s. 2(a)(b), 7993  
s. 2, 8614 s. 4,  
9118 s. 2, 9218  
s. 2, 9586 s. 2,  
9902 s. 2(1)  
(Sch. item 43),  
9928  
s. 10(1)(a)(i)(ii),  
10040 s. 4,  
43/1987  
s. 13(1)(a)(b),  
29/1988  
s. 57(3),  
94/1990  
s. 40(3),  
substituted by  
No. 99/1993  
s. 13.

## 82A Guarantee of debentures etc. of Authority

- (1) The due repayment of the principal and the payment of the interest secured by any debentures issued by the Authority in accordance with section 82 as in force immediately before the commencement of section 14 of the **Borrowing and Investment Powers (Amendment) Act 1993**, and the due repayment of any overdraft obtained by the Authority in accordance with that section as so in force, and the payment of interest on any such overdraft, is guaranteed by the Government of Victoria.
- (2) Money required by the Treasurer of Victoria for fulfilling any such guarantee shall be paid out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

S. 82A  
inserted by  
No. 45/1986  
s. 9,  
amended by  
No. 99/1993  
s. 14(a)(b).



- (3) When sufficient money becomes properly available to it, including money received under section 83, the Authority must reimburse the Treasurer for any such payment, and the Treasurer must pay into the Consolidated Fund any money so reimbursed.

Nos 5040  
s. 59, 5512  
s. 4(1)(e).

S. 83(1)  
amended by  
No. 9928  
s. 10(1)(b)(i)(ii).

### **83 Provision in case of default by Authority in respect of debentures**

- (1) If the Authority at any time makes default in paying any principal or interest secured by any debenture or in making the prescribed provision for the redemption of debentures, the Minister shall be entitled to receive from the Treasurer of Victoria and to receive and recover from the insurance companies either the whole of the annual contributions which would otherwise have been payable to the Authority or such part thereof as the Treasurer of Victoria determines to be necessary for the purposes of paying any principal or interest in arrear or making the prescribed provision for the redemption of debentures, and shall apply to such purposes the moneys so received.
- (2) Nothing in this section shall be deemed to take away any right of action or procedure which any debenture holder at any time has in respect of the property and revenue of the Authority.

No. 5040 s. 60.  
S. 84  
substituted by  
No. 43/1987  
s. 10(1).

### **84 Authority may establish funds**

The Authority may—

- (a) with the consent of the Governor in Council establish the following funds to be applied toward the achievement of the objectives of this Act—
- (i) a Land, Building, Vehicle, Plant and Machinery Purchase, Construction, Renewal and Replacement Fund;

- (ii) a Superannuation Fund;
  - (iii) a Compensation Fund;
  - (iv) a Loan Principal Repayment Fund; and
- (b) pay into any such fund such amounts as the Governor in Council approves either generally or in a particular case.

**84A Investment by Authority**

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

**S. 84A**  
inserted by  
**No. 43/1987**  
s. 11(1),  
substituted by  
**No. 99/1993**  
s. 15.

**84B Manufacture and sale of firefighting vehicles and equipment**

- (1) Without derogating from any other power of the Authority under this Act, the Authority may—
- (a) design, make, assemble or alter any vehicle, equipment or product used for the prevention or suppression of fire or any other emergency; and
  - (b) enter into any contract or agreement with any person within Australia to design, make, assemble or alter any vehicle, equipment or product referred to in paragraph (a) or a component thereof for or jointly with the Authority; and
  - (c) enter into any contract or agreement with any person within Australia—
    - (i) for the sale or lease of any vehicle, equipment or product referred to in paragraph (a); or
    - (ii) for the commercial exploitation of any industrial or intellectual property rights held by the Authority in any design.

**S. 84B**  
inserted by  
**No. 68/1988**  
s. 3.

S. 84B(2A)  
inserted by  
No. 50/1989  
s. 22.

(2) The Authority is deemed always to have had the powers referred to in subsection (1)(a)(b) and (c) and anything done by the Authority or any member or officer of the Authority in the purported exercise of those powers is deemed to have been validly done.

(2A) The powers conferred by subsection (1) cannot be exercised by the Authority to expand the range of classes of equipment or products (other than vehicles) which the Authority was designing, making, assembling or altering as at 15 December 1988 except where the equipment or products is not or are not otherwise commercially available or is or are to be used by the Authority or a brigade or group of brigades.

(3) The Authority must obtain the written consent of the Minister before entering into any contract or agreement referred to in subsection (1)(c) except a contract or agreement for the sale or lease of any vehicle, equipment or product to a brigade or group of brigades registered under this Act or to any person acting on behalf of such a brigade or group of brigades.

(4) The Minister's consent under subsection (3) may be given in respect of a particular contract or agreement or a class of contracts or agreements.

(5) Subsections (3) and (4) apply to contracts and agreements entered into after the commencement of the **Country Fire Authority (Amendment) Act 1988**.

No. 5040 s. 61.  
S. 85  
amended by  
No. 2/1995  
s. 13(l).

## **85 Power to Treasurer to make additional grants to Authority<sup>1</sup>**

The Treasurer of Victoria may, in addition to the contribution to the expenditure of the Authority hereinbefore provided for, from time to time grant to the Authority for any special purposes and

subject to such conditions as the Treasurer thinks fit, any further sums out of moneys available for the purpose.

|                                                                                |   |   |   |   |                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------|---|---|---|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| *                                                                              | * | * | * | * | S. 86<br>repealed by<br>No. 50/1989<br>s. 10(2).                                                                                                                                                                                                                                                       |
| *                                                                              | * | * | * | * | S. 87<br>amended by<br>Nos 7876<br>s. 2(3),<br>substituted by<br>No. 7885 s. 14,<br>amended by<br>Nos 9902<br>s. 2(1)(Sch.<br>item 44),<br>43/1987<br>s. 5(1),<br>50/1989<br>ss 24, 26(4)(5),<br>52/1998<br>s. 311(Sch. 1<br>item 16.3),<br>51/2005 s. 64,<br>repealed by<br>No. 58/2012<br>s. 101(1). |
| <b>87AA Authority may charge for services under other Acts and regulations</b> |   |   |   |   | S. 87AA<br>inserted by<br>No. 5/2012<br>s. 46.                                                                                                                                                                                                                                                         |

If the Authority is required or permitted under another Act, or regulations made under another Act, to provide services (including any advisory services), the Authority may charge for the provision of those services in accordance with the regulations.

**87A Recovery of charges for services**

- (1) Any money to be paid to the Authority as fees and charges for services provided by the Authority may be recovered by the Authority in any court of competent jurisdiction as a debt due to the Authority.

S. 87A  
inserted by  
No. 50/1989  
s. 26(7).

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S. 87A(2)  
amended by  
No. 39/1992  
s. 12.

- (2) The Authority may on the application of any person who is liable in respect of an amount for services provided by the Authority, if the Authority considers it appropriate—
- (a) remit or excuse the payment of the amount or any part of the amount; or
  - (b) defer the payment of the amount or any part of the amount for such time as the Authority thinks fit.

Ss 88–90  
repealed by  
No. 58/2012  
s. 101(1).

\* \* \* \* \*

S. 91  
amended by  
Nos 7877  
s. 21(e)(ii),  
43/1987  
ss 6(1),  
14(1)(f),  
24/1997  
s. 12(8),  
5/2012 s. 47,  
repealed by  
No. 58/2012  
s. 101(1).

\* \* \* \* \*

## Part VII—Miscellaneous

### 92 Immunity provision

(1) This section applies to—

- (a) the Chief Officer;
- (b) any officer exercising the powers of the Chief Officer;

Nos 5040  
s. 68, 5191  
s. 34.  
S. 92  
amended by  
Nos 6583  
s. 5(j), 7386  
s. 3(a), 10149  
s. 21(1)(r)  
(i)–(iii),  
substituted by  
No. 17/2003  
s. 10.

(c) any officer or member of—

- (i) any brigade or group of brigades; or
- (ii) an interstate fire brigade; or
- (iii) an international fire brigade;

S. 92(1)(c)  
substituted by  
No. 5/2012  
s. 48.

(ca) an officer or member of an industry brigade when assisting the Authority, a group of brigades or any brigade in accordance with this Act or the regulations in relation to fire prevention or fire suppression or the protection of life and property and, as the case may be—

S. 92(1)(ca)  
inserted by  
No. 41/2014  
s. 9(1).

- (i) under the command and control of the Chief Officer; or
  - (ii) subject to the general direction and control of the Authority and the Chief Officer; or
  - (iii) if in a place outside the country area of Victoria, subject to the direction and control of the person or body having authority in that place;
- (d) a volunteer auxiliary worker;
- (e) a person to whom section 30A applies.

- (2) A person to whom this section applies is not personally liable for any thing done or omitted to be done in good faith—
- (a) in the exercise of a power or the discharge of a duty under this Act or the regulations; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.
- (2A) For the purposes of subsection (2), an officer or member of an industry brigade to whom subsection (1)(ca) applies, is to be taken to be exercising a power or discharging a duty under this Act or the regulations while providing the assistance referred to in subsection (1)(ca).
- (3) Any liability resulting from an act or omission that would but for subsection (2) attach to a person to whom this section applies attaches to the Authority.

S. 92(2A)  
inserted by  
No. 41/2014  
s. 9(2).

S. 92A  
inserted by  
No. 10149  
s. 18,  
repealed by  
No. 17/2003  
s. 10.

\* \* \* \* \*

No. 5040 s. 69.  
S. 93  
amended by  
Nos 6583  
s. 5(j), 7386  
s. 3(a),  
substituted by  
No. 5/2012  
s. 49.

### 93 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) any officer exercising the powers of the Chief Officer; or

- (c) any officer or member of—
  - (i) any brigade or group of brigades; or
  - (ii) an interstate fire brigade; or
  - (iii) an international fire brigade; or
- (d) any brigade or group of brigades; or
- (e) an interstate fire brigade; or
- (f) an international fire brigade; or

S. 93(1)(f)  
amended by  
No. 43/2015  
s. 32(1)(a).

- (g) a State Response Controller or any controller appointed or deployed under section 37 of the **Emergency Management Act 2013**.

S. 93(1)(g)  
inserted by  
No. 43/2015  
s. 32(1)(b).

**Note**

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

Note to  
s. 93(1)  
inserted by  
No. 43/2015  
s. 32(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.

**93A 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 country area of Victoria for the purpose of endeavouring to prevent or suppress a fire (including the prevention of a fire outside the country area of Victoria spreading to the country area of Victoria) or to protect life and property must—

S. 93A  
inserted by  
No. 7386 s. 2,  
substituted by  
No. 5/2012  
s. 49.



- (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 other officer or member who is in charge of the fire fighting operations and is present at the fire.
- (2) If the Chief Officer or other officer or member in charge of the fire fighting operations is not present at the fire, then, until the arrival of the Chief Officer or other officer or member, 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 country area of Victoria spreading to the country area of Victoria) or to protect life or property, an interstate fire brigade or an international fire brigade sends only equipment or resources to the country area of Victoria.
- (4) If this subsection applies, then, while the equipment or resources remain in the country area of Victoria, the equipment or resources are subject to the control of the Chief Officer or other officer or member who is in charge of the fire fighting operations and is present at the fire.

S. 93B  
inserted by  
No. 9629 s. 10.

### **93B Activities outside country area of Victoria**

- (1) Where the Authority, a group of brigades or any brigade receives from any person or body established by or under any Act or law of this or

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

- (1A) Where the Authority, a group of brigades or any brigade receives from any person or body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth to perform a function of the type specified in section 97, 97A, 97B or 97C a request for assistance in performing that function in some place outside the country area of Victoria (whether within Victoria or not) the group or brigade may attend at that place and, subject to the direction and control of the person or body requesting the assistance and having authority in that place, may perform that function in that place.

**S. 93B(1A)**  
inserted by  
**No. 50/1989**  
s. 26(8).

- (1B) For the purposes of subsection (1), an industry brigade may assist the Authority, a group of brigades or any brigade in the prevention or suppression of a fire or the protection of life and property in a place under subsection (1) subject to the direction and control of the person or body having authority in that place if—

**S. 93B(1B)**  
inserted by  
**No. 41/2014**  
s. 10(1).

- (a) the Chief Officer has made a request for assistance to the officer in charge of the industry brigade; and

(b) the relevant owner or group of relevant owners in relation to the industry brigade have agreed to the industry brigade providing assistance.

S. 93B(2)  
amended by  
Nos 50/1989  
s. 26(9),  
41/2014  
s. 10(2).

(2) Where a group of brigades or a brigade is engaged as referred to in subsection (1) or (1A) or an industry brigade is engaged in providing assistance referred to in subsection (1B) in a place outside the country area of Victoria compensation shall be payable under the regulations made under section 110(1)(g) to officers or members thereof in all respects as if the place in which they are so engaged is within the country area of Victoria.

S. 93B(3)  
inserted by  
No. 24/1997  
s. 12(9),  
repealed by  
No. 41/2014  
s. 10(3).

\* \* \* \* \*

Nos 5040  
s. 70, 5191  
s. 35.

#### **94 Saving of municipal councils and public authorities etc. from liability in certain cases**

S. 94(1)  
amended by  
Nos 10149  
s. 21(1)(s),  
12/1989  
s. 4(1)(Sch. 2  
item 17.38).

(1) A municipal council, a public authority and a fire prevention officer of a municipal council, public authority or administrative unit shall not be liable in respect of any loss or damage sustained by any person as the result of the doing of any act matter or thing pursuant to any direction given or permit granted by any such officer pursuant to this Act if such direction or permit was given or granted in good faith.

S. 94(2)  
amended by  
Nos 9389  
s. 4(e),  
12/1989  
s. 4(1)(Sch. 2  
item 17.39),  
24/1997  
s. 14.

(2) No municipal council or public authority and no member servant agent or workman thereof and no officer or member of any brigade shall be liable in respect of any loss or damage sustained by any other person as the result of the doing of any act matter or thing in order to comply with section forty-three of this Act unless such loss or damage is caused by negligence or wilful default.

- (3) No municipal council or public authority and no member thereof shall be liable in respect of any loss or damage sustained by any other person as the result of the doing of any act matter or thing pursuant to this Act by the members of any brigade at the request or with the consent of the said municipal council or public authority<sup>2</sup>.

S. 94(3)  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 17.40).

**95 Immunity provision for persons acting under certain circumstances**

No. 5040  
s. 71, 5191  
s. 36.

- (1) A person complying with any direction given under this Act is not personally liable for any thing done or omitted to be done in accordance with the direction and in good faith.
- (2) A person requesting or consenting to the doing of any act, matter or thing by the members of a brigade is not personally liable for any thing done or omitted to be done—
- (a) in the exercise of a power or the discharge of a duty under this Act or the regulations; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.
- (3) Any liability resulting from an act or omission that would but for subsection (1) or (2) attach to a person to whom subsection (1) or (2) applies attaches to the Authority.

S. 95  
substituted by  
No. 17/2003  
s. 11.

**96 Power to Authority to use water for fires and drills etc. without charge**

No. 5040 s. 72.  
S. 96  
amended by  
Nos 50/1989  
s. 3(c),  
39/1992  
s. 3(b).

The Authority, the Chief Officer, any officer exercising the powers of the Chief Officer and all officers and members of any brigade shall have the use free of charge of all water mains water plugs valves pipes and works of water supply vested in or under the management or control of any water supply authority public authority or

body whatsoever and of all water therein and of all water in any well or tank belonging to any person whatsoever for the purpose of extinguishing any fire or for the purpose of drills competitions and practices conducted by or with the permission of the Authority.

S. 96A  
inserted by  
No. 10149  
s. 19,  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
items  
17.41–17.43),  
substituted by  
No. 2/1995  
s. 10.

#### **96A Municipal fire prevention officers and assistants**

- (1) Each municipal council, the municipal district or part of the municipal district of which is in the country area of Victoria—
  - (a) must appoint a person to be the fire prevention officer for that council for the purposes of this Act;
  - (b) may appoint any number of persons it thinks fit to be assistant fire prevention officers.
- (2) A fire prevention officer may, by written instrument, delegate to an assistant fire prevention officer, either generally or as otherwise provided in the instrument, any power or duty of the fire prevention officer under this Act or the regulations except this power of delegation.

No. 5040 s. 73.  
S. 97  
amended by  
No. 10004  
s. 20,  
substituted by  
No. 50/1989  
s. 26(10).

#### **97 Authority is a protection agency**

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

S. 97A  
inserted by  
No. 50/1989  
s. 26(10),  
amended by  
Nos 97/1994  
s. 7(3),  
56/2011 s. 4,  
73/2013  
s. 81(f).

#### **97A Authority may provide rescue and extrication services**

The Authority may provide a rescue and extrication service for any person or property endangered as the result of an accident or explosion (other than a road accident) which does not involve the risk or existence of a fire by the use of brigades which have been specifically approved for that purpose by the Minister under

the **Emergency Management Act 1986** or the  
**Emergency Management Act 2013**.

**97B Authority may provide road accident rescue service**

S. 97B  
inserted by  
No. 50/1989  
s. 26(10) (as  
amended by  
No. 91/1989  
s. 7(c)) (as  
amended by  
No. 11/1998  
s. 8).

- (1) The Authority may provide a road accident rescue service for persons involved in road accidents by the use of brigades which have been specifically approved for that purpose by the Minister under the **Emergency Management Act 1986** or the **Emergency Management Act 2013**.
- (2) The Authority may charge for the provision of services under subsection (1) in accordance with the regulations.

S. 97B(1)  
amended by  
Nos 97/1994  
s. 7(3),  
56/2011 s. 4,  
73/2013  
s. 81(f).

**97C Authority may provide protection services**

S. 97C  
inserted by  
No. 50/1989  
s. 26(10).

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

**97D Extension and application of Act**

S. 97D  
inserted by  
No. 50/1989  
s. 26(10).

The powers and immunities conferred by this Act on the Chief Officer extend and apply to the Authority with such modifications and extensions as are necessary to enable the Authority to perform its functions under section 97, 97A, 97B and 97C and the provisions of this Act apply with

such adaptations and variations as are necessary to and in relation to the performance of those functions to the same extent as in the case of the prevention and suppression of fire or the protection of life and property in the case of fire.

## 98 Place where fire occurs

No. 5040 s. 74.  
S. 98  
substituted by  
No. 10257  
s. 82.

S. 98(1)  
amended by  
No. 50/1989  
s. 7(c).

(1) The Authority or the Chief Officer may cause any place in the country area of Victoria where any fire has occurred to be searched, and may remove and keep possession of any materials which may tend to prove the cause or origin of the fire.

S. 98(2)  
amended by  
Nos 50/1989  
s. 7(c), 5/2012  
s. 50(1).

(2) The Authority or Chief Officer may act under subsection (1) in relation to a fire on the Authority's or the Chief Officer's own initiative but shall not so act if a coroner is investigating the fire.

S. 98(3)  
amended by  
No. 5/2012  
s. 50(2).

(3) Where the Authority or Chief Officer causes a search to be made or takes possession of anything under subsection (1) in relation to a fire, the Authority or 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. 98(3)(b)  
amended by  
No. 5/2012  
s. 50(2).

(b) give to the coroner anything of which the Authority or Chief Officer has taken possession.

S. 98(4)  
amended by  
No. 77/2008  
s. 129(Sch. 2  
item 7.1).

(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**.

(5) If in the opinion of the Authority or the Chief Officer there are suspicious circumstances in relation to the cause or origin of any fire in the country area of Victoria, the Authority or the Chief Officer—

- (a) may restrict access to the place where the fire occurred until a coroner with jurisdiction to investigate the fire under the **Coroners Act 2008** orders otherwise or until an inquest into the fire is held under that Act, whichever first occurs;
- (b) may cause to be erected at the entrance or boundary of the place a notice in the prescribed form of the restriction; and
- (c) may request a coroner to investigate the fire.

S. 98(5)(a)  
amended by  
No. 77/2008  
s. 129(Sch. 2  
item 7.2).

**98AA Restriction of access to fire area**

- (1) This section applies if access to a place where a fire has occurred has been restricted under section 98.
- (2) A person must not, without lawful excuse, enter or interfere with any place to which access is restricted under section 98.

S. 98AA  
inserted by  
No. 77/2008  
s. 129(Sch. 2  
item 7.3).

Penalty: 60 penalty units or imprisonment for 6 months.

**98A Report of emergency incidents**

Each brigade in attendance at an emergency incident must make a report to the Authority in the form determined by the Authority within 48 hours of the attendance.

S. 98A  
inserted by  
No. 39/1992  
s. 13(1).

\* \* \* \* \*

S. 99  
repealed by  
No. 77/2008  
s. 129(Sch. 2  
item 7.4).



S. 99A  
inserted by  
No. 7877 s. 17.

### **99A Valor medals**

- (1) After due inquiry and after receipt of statutory declarations by not less than two witnesses of the action of any officer of the Authority or officer or member of any brigade in saving (or attempting to save) human life at grave risk to his own the Authority may award to such officer or member a medal which shall be known as the "Valor" medal.
- (2) A Valor medal—
  - (a) shall be gold in colour and shall have depicted on the obverse a fireman rescuing a child and on the reverse the seal of the Authority; and
  - (b) shall be worn on all ceremonial occasions suspended by a red and blue ribbon fastened to the right breast of the jacket.

S. 99B  
inserted by  
No. 17/2003  
s. 12.

### **99B Special Recognition Award**

- (1) The Authority may award a Special Recognition Award to a brigade in recognition of—
  - (a) outstanding community service; or
  - (b) other significant activities performed by the brigade which have had a positive impact on an individual or a group or the community as a whole.
- (2) The Authority may—
  - (a) make an award at its discretion; or
  - (b) by public notice seek nominations from members of the public.
- (3) A person may at any time nominate a brigade to the Authority for consideration for an award under this section.

**100 Role of Volunteer Fire Brigades Victoria Incorporated**

- (1) The role of Volunteer Fire Brigades Victoria Incorporated in relation to this Act is to enable members of brigades (other than industry brigades) to consider and bring to the notice of the Authority all matters affecting their welfare and efficiency (other than questions of discipline and promotion).
- (2) A person is not eligible to become an officer or official of Volunteer Fire Brigades Victoria Incorporated unless he or she is a registered volunteer.
- (3) Subsection (2) does not apply to the chief executive officer, an executive officer or a member of staff of the Volunteer Fire Brigades Victoria Incorporated.
- (4) The regulations may provide for the payment by the Authority to members of Volunteer Fire Brigades Victoria Incorporated of personal and travelling expenses actually incurred in relation to their attendance at—
  - (a) such meetings of the Volunteer Fire Brigades Victoria Incorporated as are approved by the Authority; or
  - (b) meetings with the Authority.
- (5) The expenses paid must not exceed the limits fixed by the regulations.
- (6) This section applies despite anything to the contrary in the **Associations Incorporation Reform Act 2012** or the rules or constitution of Volunteer Fire Brigades Victoria Incorporated.

Nos 5040  
s. 76, 5651  
s. 7.

S. 100  
amended by  
Nos 7877  
s. 18, 8257  
s. 14, 8933  
s. 6, 10004  
s. 21, 50/1989  
s. 7(a)(b),  
39/1992 s. 14,  
24/1997  
s. 12(10),  
substituted by  
No. 73/2009  
s. 6.

S. 100(6)  
amended by  
No. 20/2012  
s. 226(Sch. 5  
item 9).

No. 5040 s. 77.  
S. 101  
amended by  
No. 73/2009  
s. 7.

### **101 Information to be furnished by associations**

In the month of January in each year the Volunteer Fire Brigades Victoria Incorporated and all other associations of fire brigades or of the members of fire brigades in the country area of Victoria shall transmit to the Minister or, if the Minister so directs, to the Authority a copy of their rules and a list of their members and of the officers of their governing bodies, and from time to time all such associations shall supply to the Minister all such other information as the Minister requires.

No. 5040 s. 78.

### **102 Collections for brigades etc. to be authorized by Authority**

S. 102(1)  
amended by  
No. 6583  
s. 5(k).

(1) Subject to the regulations, the Authority may grant to any person an authority in writing in the prescribed form and containing the prescribed conditions to collect contributions or subscriptions for the purposes of any brigade group of brigades or association and the Authority may at any time by writing cancel any such authority.

S. 102(2)  
amended by  
Nos 7877  
s. 21(e)(iii),  
50/1989  
s. 25(2)(a),  
substituted by  
No. 5/2012  
s. 51.

(2) A person must not solicit or collect contributions or subscriptions for the purposes of any brigade, group of brigades or association in the country area of Victoria unless the person is authorised to do so under subsection (1).

Penalty: 10 penalty units.

S. 102(3)  
inserted by  
No. 5/2012  
s. 51.

(3) A person who is authorised under subsection (1) to collect contributions or subscriptions for the purposes of any brigade, group of brigades or association must comply with any conditions to which the authority is subject.

Penalty: 10 penalty units.

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**103 Fire brigade competitions to be authorized by Authority**

No. 5040 s. 79.

(1) No fire brigade competition shall be held in the country area of Victoria unless the permission of the Authority has been obtained.

S. 103(1) amended by Nos 50/1989 s. 3(d), 39/1992 s. 3(c).

(2) Any person who organizes or manages or assists in the organization or management of or takes part in any fire brigade competition held in contravention of the last preceding subsection shall be guilty of an offence against this Act and liable to a penalty of not more than 5 penalty units.

S. 103(2) amended by Nos 7877 s. 21(e)(iv), 50/1989 s. 25(2)(b), 39/1992 s. 3(c).

\* \* \* \* \*

S. 103A inserted by No. 51/2005 s. 65, amended by No. 5/2012 s. 52, repealed by No. 58/2012 s. 100.

\* \* \* \* \*

S. 104 amended by No. 19/1989 s. 16(Sch. item 15) (as amended by No. 34/1990 s. 7(2)), repealed by No. 58/2012 s. 101(1).

\* \* \* \* \*

S. 105 repealed by No. 58/2012 s. 101(1).

**106 Proof of orders, directions etc. of Authority**

No. 5040 s. 82.

All orders directions notices and documents whatever purporting to be issued or written by or under the direction of the Authority shall be received as evidence in all courts of law and

before all persons acting judicially and shall be deemed to be issued or written by or under the direction of the Authority without further proof unless the contrary is shown.

S. 106A  
inserted by  
No. 5/2012  
s. 53.

**106A 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 an officer or employee of the Authority 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 Authority 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 Authority either directly or via an approved monitoring provider.

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

- (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 Authority; or
  - (c) any officer or member of—
    - (i) a brigade; or
    - (ii) a group of brigades; or
    - (iii) an interstate fire brigade; or
    - (iv) an international fire brigade; or
  - (d) 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—
    - (i) the Authority; or
    - (ii) a brigade; or
    - (iii) a group of brigades; or
    - (iv) an interstate fire brigade; or
    - (v) an 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.

S. 107  
amended by  
Nos 6583  
s. 5(1), 7877  
s. 21(c)(ii),  
9488 s. 2(e),  
10235 s. 11(l),  
74/2000  
s. 3(Sch. 1  
item 28),  
substituted by  
No. 5/2012  
s. 54.

- (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 brigade, group of brigades, interstate fire brigade or international fire brigade; or
  - (b) the use of the apparatus.
- Penalty: 60 penalty units.

S. 107A  
inserted by  
No. 39/1992  
s. 15(1),  
substituted by  
No. 5/2012  
s. 55.

#### **107A Offences relating to impersonation**

- (1) A person must not use any name, title or description to imply an association with the Authority, without the written authority of the Authority.  
Penalty: 60 penalty units.
- (2) A person must not represent that the person is associated with the Authority unless such an association exists.  
Penalty: 60 penalty units.
- (3) A person must not impersonate an officer of the Authority or a member or volunteer.  
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 Authority.  
Penalty: 60 penalty units.

**107B False report of fire**

- (1) A person must not give or cause to be given a false report of a fire to a brigade in the country area of Victoria 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 Authority—
- (a) the fees and charges prescribed for the attendance of the brigade in response to the false report; or
  - (b) a lesser amount as the court thinks fit.

S. 107B  
inserted by  
No. 5/2012  
s. 56.

**108 Mode of proof that place is in country area**

In any proceedings for an offence or for the recovery of money under this Act a certificate purporting to be signed by the Chief Officer or a Deputy Chief Officer to the effect that any place or locality is within the country area of Victoria shall be sufficient evidence of that fact until the contrary is shown.

No. 5651 s. 13.  
S. 108  
amended by  
Nos 7877  
s. 3(e), 10004  
s. 22, 39/1992  
s. 5(3)(n).

**108A Evidence of ownership or occupancy**

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

- (a) evidence that the person is liable to be rated in respect of the land;
- (b) evidence by the certificate of the Registrar of Titles or an Assistant Registrar of Titles authenticated by the seal of the Office of Titles that the person is the registered proprietor of an estate in fee-simple or of a leasehold estate held of the Crown in the land;

S. 108A  
inserted by  
No. 2/1995  
s. 11.



(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.

S. 109  
amended by  
Nos 7877  
s. 21(g),  
43/1987  
s. 14(1)(g),  
50/1989  
s. 25(2)(c)  
repealed by  
No. 5/2012  
s. 57.

\* \* \* \* \*

S. 109A  
inserted by  
No. 7877 s. 19.

#### **109A Power to Authority to appoint deputies**

Where by this Act any duty obligation right or power is imposed or conferred upon any person appointed by the Authority under this Act such duty obligation right or power may be performed or exercised by any other person whom the Authority directs to perform and exercise the duties obligations rights and powers of such first-mentioned person during his temporary absence or incapacity in the same manner and to the same extent in all respects as the same might have been performed or exercised by such first-mentioned person and everything so done under the provisions of this section shall be as good and effectual for all purposes and against all persons whomsoever as if done by such first-mentioned person.

S. 109B  
inserted by  
No. 45/1986  
s. 10,  
amended by  
Nos 39/1992  
s. 16, 77/2000  
s. 12.

#### **109B Delegation**

The Authority may by instrument delegate to a member of the Authority, the Chief Executive Officer or to any officer or employee or class of officers or employees of the Authority any of its

powers or duties under this Act or the regulations or any other Act or regulations, other than this power of delegation.

### **109C Application of penalties**

- (1) All penalties recovered for offences committed against section 41D, including penalties recovered under section 41E, are to be paid—
- (a) if the relevant fire prevention notice was issued by a fire prevention officer, to the relevant municipal council;
  - (b) if the relevant fire prevention notice was issued by the Chief Officer, to the Authority.
- (2) All penalties recovered for any other offences against this Act are to be paid to the Authority.

\* \* \* \* \*

**S. 109C**  
inserted by  
No. 50/1989  
s. 25(1),  
substituted by  
No. 2/1995  
s. 12.

**S. 109D**  
inserted by  
No. 51/2005  
s. 66,  
repealed by  
No. 58/2012  
s. 101(1).

### **110 Regulations**

- (1) The Governor in Council may in respect of the country area of Victoria make regulations for or with respect to all or any of the following purposes—
- (a) for regulating the business and proceedings at the meetings of the Authority and of committees thereof, and for prescribing the notice to be given of such meetings;
  - (aa) for determining which positions or classes of positions with the Authority are senior employee positions;

**Nos 5040**  
s. 85, 5191  
s. 37, 5316  
s. 7(2), 5651  
ss 8, 10(4),  
6159 s. 2(b).

**S. 110(1)(a)**  
amended by  
No. 10149  
s. 5(2).

**S. 110(1)(aa)**  
inserted by  
No. 24/1997  
s. 11(1).

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- S. 110(1)(b)  
amended by  
Nos 2/1995  
s. 13(d),  
74/2009  
s. 9(4).
- (b) for the examination appointment training promotion suspension and removal of officers and employees of the Authority, and for regulating the duties and conduct of such officers and employees and the salaries wages or other remuneration and expenses of such officers and employees to whom no federal award or agreement applies;
- S. 110(1)(ba)  
inserted by  
No. 9629  
s. 11(1),  
substituted by  
No. 24/1997  
s. 11(2).
- (ba) for regulating appeals to the Country Fire Authority Appeals Commission, including the period and procedure for making an appeal;
- S. 110(1)(bb)  
inserted by  
No. 10149  
s. 21(1)(f).
- (bb) for regulating the proceedings of regional fire prevention committees and the keeping of minutes of meetings of those committees, and prescribing the persons, whether or not members of the committees, to whom such minutes are to be distributed;
- S. 110(1)(bc)  
inserted by  
No. 10149  
s. 21(1)(f).
- (bc) for regulating the proceedings of municipal fire prevention committees and the keeping of minutes of meetings of those committees, and prescribing the persons, whether or not members of the committees, to whom such minutes are to be distributed;
- (c) for the payment of salaries or wages or other remuneration and expenses to permanent and part-time officers and members of brigades;
- S. 110(1)(ca)  
inserted by  
No. 7877  
s. 20(a).
- (ca) for the granting of leave of absence to volunteer officers and members of brigades;
- S. 110(1)(d)  
amended by  
No. 6583  
s. 5(m)(i),  
substituted by  
No. 50/1989  
s. 26(11).
- (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;

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| (da) for the payment of allowances for personal and travelling expenses incurred by persons who gratuitously provide services in connexion with schools or courses of instruction established by the Authority;                                                                                                               | S. 110(1)(da)<br>inserted by<br>No. 7877<br>s. 20(b).                                                                  |
| (e) for the provision, grant or payment of superannuation, allowances, pensions or gratuities to officers and employees of the Authority or their spouses, domestic partners, families, surviving spouses, surviving domestic partners or dependants on the resignation, retirement or death of those officers and employees; | S. 110(1)(e)<br>amended by<br>No. 2/1995<br>s. 13(d),<br>substituted by<br>No. 27/2001<br>s. 5(Sch. 3<br>item 1.3(a)). |
| (ea) for requiring officers and employees of the Authority and volunteer officers and members of the brigades to take medical and work related tests and to submit medical certificates;                                                                                                                                      | S. 110(1)(ea)<br>inserted by<br>No. 39/1992<br>s. 17(1)(a).                                                            |
| (eb) for regulating the discipline and good conduct of officers and employees of the Authority and volunteer officers and members of brigades, including providing for suspension or removal or the imposing of a penalty;                                                                                                    | S. 110(1)(eb)<br>inserted by<br>No. 39/1992<br>s. 17(1)(a).                                                            |
| (ec) for providing and regulating appeals by volunteer officers and members of brigades to an Appeal Panel constituted by the regulations;                                                                                                                                                                                    | S. 110(1)(ec)<br>inserted by<br>No. 39/1992<br>s. 17(1)(a).                                                            |
| (f) for the payment of compensation to such officers and employees on their sickness incapacity injury or disablement;                                                                                                                                                                                                        | S. 110(1)(f)<br>amended by<br>No. 2/1995<br>s. 13(d).                                                                  |

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S. 110(1)(g)  
amended by  
Nos 10004  
s. 23(a), 10149  
s. 20,  
substituted by  
No. 39/1992  
s. 17(1)(b),  
amended by  
No. 27/2001  
s. 5(Sch. 3  
item 1.3(b)),  
substituted by  
No. 17/2003  
s. 13(1).

(g) for the establishment of a compensation scheme for persons who are—

(i) volunteer officers; or

S. 110(1)(g)(ii)  
amended by  
No. 5/2012  
s. 58(1).

(ii) members of a brigade, including an industry brigade; or

(iii) not formally enrolled as members of a brigade but have applied for membership and are performing the duties performed by members of a brigade;

S. 110(1)(ga)  
inserted by  
No. 17/2003  
s. 13(1).

(ga) for the payment of compensation to a person specified in paragraph (g) in the case of an incident causing—

(i) personal injury to; or

(ii) destruction, damage or loss of personal property owned by, or in the possession or control of—

that person;

S. 110(1)(gb)  
inserted by  
No. 17/2003  
s. 13(1),  
amended by  
No. 29/2011  
s. 3(Sch. 1  
item 19).

(gb) for the payment of compensation to the spouse, domestic partner, family and dependants of a person specified in paragraph (g) in the case of an incident causing the death of that person;

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- (i) for the joining or co-operating in any scheme for supporting aiding or subscribing to any association fund or trust for any of the said purposes;
- (j) for prescribing what amounts shall be paid by or deducted from the salaries or wages of officers and employees of the Authority as contributions to any fund scheme association or trust for any of the said purposes;
- (ja) for prescribing the conditions under which radio telephone equipment may be installed and operated for fire fighting purposes by brigades or groups of brigades;
- (k) for permitting when occasion requires any brigade or portion of a brigade or any of its officers or members or apparatus or other property to proceed or be taken beyond the limits of the district in respect of which the brigade is registered for the purpose of attending a fire and for providing for the control and direction of such brigade officers and members in such case;
- (l) for establishing stations and companies or divisions of brigades;
- (la) for providing for—
- (i) the adoption of constitutions for brigades and groups of brigades and the matters to be included in those constitutions; or
- (ii) the adoption of prescribed constitutions for brigades and groups of brigades;
- S. 110(1)(h) repealed by No. 43/1987 s. 10(2).
- S. 110(1)(j) amended by No. 2/1995 s. 13(d).
- S. 110(1)(ja) inserted by No. 6956 s. 15.
- S. 110(1)(k) amended by No. 8257 s. 15.
- S. 110(1)(la) inserted by No. 39/1992 s. 17(1)(c), substituted by No. 5/2012 s. 58(2).

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- S. 110(1)(lb)  
inserted by  
No. 39/1992  
s. 17(1)(c).
- (lb) for prescribing the management and administration and financial management of brigades and groups of brigades;
- S. 110(1)(lc)  
inserted by  
No. 39/1992  
s. 17(1)(c).
- (lc) for providing for the winding up of brigades or groups of brigades;
- S. 110(1)(m)  
amended by  
No. 6583  
s. 5(m)(i),  
substituted by  
No. 39/1992  
s. 17(1)(d).
- (m) for ensuring the speedy attendance of members of brigades and groups of brigades with all necessary apparatus on the occasion of any alarm of fire and generally for the maintenance of brigades and groups of brigades in a due state of efficiency;
- S. 110(1)(n)  
amended by  
Nos 6583  
s. 5(m)(i),  
24/1997  
s. 11(3).
- (n) for the registration of all permanent and volunteer brigades and industry brigades and groups of brigades and the enrolment of their members, and for the election of the officers of volunteer brigades and groups of brigades and also for prescribing the various apparatus for the prevention or suppression of fire and the saving of life and property at fires to be kept and maintained by all such brigades and groups of brigades;
- S. 110(1)(na)  
inserted by  
No. 24/1997  
s. 11(4).
- (na) for specifying the criteria for and the method of designation of areas for the formation of industry brigades;
- S. 110(1)(nb)  
inserted by  
No. 24/1997  
s. 11(4).
- (nb) for specifying the criteria for determining when an industry brigade should be formed;
- S. 110(1)(nc)  
inserted by  
No. 24/1997  
s. 11(4).
- (nc) for providing for the responsibilities and performance of industry brigades and the training and monitoring of industry brigades;
- S. 110(1)(nd)  
inserted by  
No. 24/1997  
s. 11(4).
- (nd) for providing the procedures for the cancellation of an industry brigade and for the responsibilities of relevant owners on that cancellation;

- (o) for providing for the attendance of brigades at fires on vessels and for the charges to be paid to the Authority by the owner or master of any such vessel in respect of such attendance;
- (p) for providing for the attendance of members of brigades and for the control of members of brigades while in attendance at public buildings and places where numbers of persons are assembled, and for the charges to be paid to the Authority in respect of such attendance;
- (q) for regulating and controlling the carriage of members of brigades and their apparatus to and from fire brigade competitions, and for the regulation of all fire brigade competitions; **S. 110(1)(q) amended by Nos 50/1989 s. 3(e), 39/1992 s. 3(b).**
- (r) for prescribing the insignia and uniforms to be worn by officers of the Authority; **S. 110(1)(r) repealed by No. 50/1989 s. 26(12), new s. 110(1)(r) inserted by No. 39/1992 s. 15(2)(a).**
- (s) for prescribing the use of the insignia of the Authority; **S. 110(1)(s) repealed by No. 50/1989 s. 26(12), new s. 110(1)(s) inserted by No. 39/1992 s. 15(2)(a).**
- (t) for prescribing the insignia and uniforms to be worn by the various grades and classes of members of brigades when on duty; **S. 110(1)(t) amended by No. 39/1992 s. 15(2)(b).**
- (ta) for prescribing the conditions under which uniforms may be retained on leaving a brigade; **S. 110(1)(ta) inserted by No. 7877 s. 20(c).**



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S. 110(1)(tb)  
inserted by  
No. 7877  
s. 20(c).

(tb) for prescribing long service badges and insignia and the entitlement thereto;

S. 110(1)(u)  
substituted by  
No. 39/1992  
s. 17(1)(e).

(u) for prescribing matters relating to the granting of permits, including the conditions and restrictions to be contained in such permits;

S. 110(1)(ua)  
inserted by  
No. 8478  
s. 5(a).

(ua) for prescribing forms for the purposes of this Act;

S. 110(1)(ub)  
inserted by  
No. 5/2012  
s. 58(3).

(ub) for prescribing the information that an alarm monitoring service must provide to the Authority for the purposes of section 50AA and the period of time within which that information must be provided;

S. 110(1)(uc)  
inserted by  
No. 41/2014  
s. 11.

(uc) for prescribing a place to be a community fire refuge for the purposes of Part IIIA;

S. 110(1)(v)  
amended by  
No. 5/2012  
s. 58(4).

(v) for regulating the storage of empty crates cases and other packages sawdust shavings hay and straw either in packages or loose and prescribing the means by which, the times and intervals at which, the conditions under which and the manner in which industrial waste sawdust bark edgings wood or other inflammable material whether or not of the like kind to the foregoing shall be destroyed or disposed of in the country area of Victoria;

S. 110(1)(va)  
inserted by  
No. 6583 s. 10,  
substituted by  
No. 2/1995  
s. 13(m).

(va) for regulating the disposal by burning of by-products of sawmilling operations;

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| (vb) for prescribing fire protection measures to be taken in the vicinity of any building, appliance or fuel storage used in the curing or reconditioning of tobacco leaf;                                                                                                                                                                                                                                                                                         | S. 110(1)(vb) inserted by No. 8478 s. 5(b).                                                 |
| (w) for prescribing for the purposes of this Act, the fees and charges of any brigade in relation to attendance at any fire, answering any alarm or responding to any report of a fire;                                                                                                                                                                                                                                                                            | S. 110(1)(w) amended by No. 8181 s. 2(1)(Sch. item 29), substituted by No. 5/2012 s. 58(5). |
| (wa) for prescribing, or authorising the Authority to fix, the fees and charges to be paid to the Authority for—<br><br>(i) the inspection by the Authority of plans, premises and equipment for the prevention and suppression of fire;<br><br>(ii) any service the Authority is empowered to provide under this or any other Act;<br><br>(iii) any other service rendered by the Authority or by officers of the Authority (whether within or outside Victoria); | S. 110(1)(wa) inserted by No. 9928 s. 11(1), substituted by No. 5/2012 s. 58(6).            |
| (wb) for prescribing the basis on which the cost of attending at a hazardous material incident or toxic fire incident the whole or part of which is not a fire within the meaning of section 3 is to be determined and prescribing the fees and charges to be paid to the Authority for that attendance;                                                                                                                                                           | S. 110(1)(wb) inserted by No. 50/1989 s. 26(13).                                            |
| *           *           *           *           *                                                                                                                                                                                                                                                                                                                                                                                                                  | S. 110(1)(wc) inserted by No. 50/1989 s. 26(13), repealed by No. 5/2012 s. 58(7).           |

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S. 110(1)(x)  
amended by  
Nos 6583  
s. 5(m)(i), 7877  
s. 20(d).

- (x) for managing and regulating the distribution of all revenue received under this Act including, without affecting the generality of the foregoing, the payment of allowances to brigades and groups of brigades for minor expenses and for expenses in connexion with fires practices demonstrations and competitions and for the stoppage reduction or forfeiture of any such payment;

S. 110(1)(y)  
repealed by  
No. 58/2012  
s. 101(1).

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S. 110(1)(z)  
amended by  
No. 7877  
s. 2(1)(c).

- (z) for regulating or prohibiting the use of fireworks in the country area of Victoria during a fire danger period;

S. 110(1)(za)  
inserted by  
No. 6887  
s. 3(2),  
amended by  
No. 8933  
s. 7(b),  
repealed by  
No. 53/1988  
s. 45(Sch. 2  
item 5), new  
s. 110(1)(za)  
inserted by  
No. 2/1995  
s. 6(4).

- (za) in relation to fire prevention notices, for—
- (i) things or classes of things in respect of which notices may not be served;
  - (ii) the matters which may be dealt with in notices, including the steps that owners or occupiers may be required to take;
  - (iii) the form and content of notices;
  - (iv) the form of, and particulars to be included in, a notice under section 41A(3)(b);

S. 110(1)(zb)  
inserted by  
No. 24/1997  
s. 11(5).

- (zb) for prescribing the matters to be included in a municipal fire prevention plan;

(zc) for regulating the use of heat engines (including determining what equipment shall be carried by heat engines) in the country area of Victoria or any part thereof and for prescribing penalties not in any case exceeding 20 penalty units for any offence against regulations made under this paragraph; and

S. 110(1)(aa) amended by Nos 7877 ss 2(1)(d), 21(d)(iii), 9488 s. 2(f), 10235 s. 11(m), 39/1992 s. 17(1)(f), re-numbered as s. 110(1)(zc) by No. 11/1998 s. 7(a), amended by No. 5/2012 s. 58(8).

(zd) for prescribing any matter or thing authorized or required to be prescribed by this Act or necessary or expedient to be prescribed for the purposes of this Act.

S. 110(1)(ab) re-numbered as s. 110 (1)(zd) by No. 11/1998 s. 7(b).

(1A) A power conferred by this Act to make regulations may be exercised—

S. 110(1A) inserted by No. 39/1992 s. 17(2).

(a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified case or class of case; and

(b) so as to make, as respects the cases in relation to which it is exercised—

(i) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provisions for the same case or class of case for different purposes; or

(ii) any such provision either unconditionally or subject to any specified condition.

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S. 110(2)  
amended by  
No. 6583  
s. 5(m)(ii),  
substituted by  
No. 39/1992  
s. 17(2).

- (2) Regulations made under this Act may be made—
- (a) so as to apply—
    - (i) at all times or at a specified time; or
    - (ii) throughout the whole of the State or in a specified part of the State; or
    - (iii) as specified in both subparagraphs (i) and (ii); and
  - (b) so as to require a matter affected by the regulations to be—
    - (i) in accordance with a specified standard or specified requirement; or
    - (ii) approved by or to the satisfaction of a specified person or body or a specified class of persons or bodies; and
  - (c) so as to leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Authority or any officer or employee thereof; and
  - (d) so as to confer powers or impose duties in connection with the regulations on the Authority or any officer or employee thereof; and
  - (e) so as to apply, adopt or incorporate, with or without modification, the provisions of any Act or of any regulations made under any Act as in force at a particular time or from time to time; and
  - (f) so as to provide in a specified case or class of case for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to such an extent as is specified.

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| (2AA) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of the Parliament.                                                                             | S. 110(2AA) inserted by No. 39/1992 s. 17(2), amended by No. 78/2010 s. 24(Sch. 1 item 8).                         |
| (2A) A regulation made under this section may incorporate or adopt by reference in whole or in part and with or without modifications any standard formulated by the Standards Association of Australia. | S. 110(2A) inserted by No. 10004 s. 23(b).                                                                         |
| * * * * *                                                                                                                                                                                                | S. 110(2B) inserted by No. 10004 s. 23(b), repealed by No. 2/1995 s. 13(n).                                        |
| * * * * *                                                                                                                                                                                                | S. 110(3) repealed by No. 6886 s. 3, new s. 110(3), inserted by No. 7885 s. 15, repealed by No. 58/2012 s. 101(1). |
| * * * * *                                                                                                                                                                                                | S. 110(4) inserted by No. 9629 s. 11(2), repealed by No. 17/2003 s. 13(2).                                         |
| (5) In paragraphs (ca), (ea), (eb), (ec), (f) and (g) of subsection (1) <i>brigade</i> does not include an industry brigade.                                                                             | S. 110(5) inserted by No. 24/1997 s. 12(11).                                                                       |
| (6) The Country Fire Authority Regulations 1992, Statutory Rule No. 180/1992, are deemed to have been made under this section as amended by sections 13(1) and 13(2) of the <b>Country Fire</b>          | S. 110(6) inserted by No. 17/2003 s. 13(3).                                                                        |

**Authority (Volunteer Protection and  
Community Safety) Act 2003.**

S. 111  
inserted by  
No. 24/1997  
s. 13.

**111 Transitional—appeals**

If—

- (a) an appeal had been lodged with the Country Fire Authority Appeal Tribunal under section 74B of this Act as in force before the commencement of section 13 of the **Fire Authorities (Amendment) Act 1997**; and
- (b) the appeal had not been heard before that commencement—

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

S. 112  
inserted by  
No. 77/2000  
s. 13.

**112 Declaration of fire danger period**

A declaration made by the Chairman under section 4 and in force immediately before the commencement of section 5 of the **Country Fire Authority (Amendment) Act 2000** is deemed, on and from that commencement, to be a declaration made by the Chief Executive Officer under section 4 as amended by that Act.

S. 113  
inserted by  
No. 77/2000  
s. 13.

**113 Transitional—chairman**

On the commencement of section 6 of the **Country Fire Authority (Amendment) Act 2000**, the chairman holding that office immediately before that commencement goes out of office and a chairman may be appointed in accordance with this Act as amended by the **Country Fire Authority (Amendment) Act 2000**.

**114 Transitional—rights of appeal under section 74I**

For the purposes of an appeal under section 74I, a suspension, removal or penalty imposed by the Chairman under the regulations and in force immediately before the commencement of section 11 of the **Country Fire Authority (Amendment) Act 2000**, is deemed, on and from that commencement to be a suspension, removal or penalty imposed by the Chief Executive Officer under the regulations.

S. 114  
inserted by  
No. 77/2000  
s. 13.

**115 Transitional—Neighbourhood safer places**

A neighbourhood safer place (within the meaning of Part IIIA) that has been certified by the Authority as suitable and designated by a municipal council and included in—

- (a) the council's municipal fire prevention plan under Part IV; or
- (b) the council's municipal emergency management plan under the **Emergency Management Act 1986**; or
- (c) the council's township protection plan—

before the commencement of the **Emergency Services Legislation Amendment Act 2009** is taken to be a designated neighbourhood safer place for the purposes of Part IIIA.

S. 115  
inserted by  
No. 73/2009  
s. 8.

**116 Transitional—Constitution of Authority**

The Country Fire Authority is the same body despite the changes to its membership made by the **Emergency Services Legislation Amendment Act 2009**.

S. 116  
inserted by  
No. 73/2009  
s. 8.



S. 117  
inserted by  
No. 58/2012  
s. 102.

**117 Transitional—Constitution of the Authority**

The Country Fire Authority is the same body despite the changes to its membership made by section 95 of the **Fire Services Property Levy Act 2012**.

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|   |   |   |   |   |                                                                                                               |
|---|---|---|---|---|---------------------------------------------------------------------------------------------------------------|
| * | * | * | * | * | <b>Sch.<br/>(Heading)<br/>repealed by<br/>No. 21/2015<br/>s. 3(Sch. 1<br/>item 14).</b>                       |
| * | * | * | * | * | <b>Sch.<br/>amended by<br/>S.R. No.<br/>340/1973<br/>reg. 2,<br/>repealed by<br/>No. 2/1995<br/>s. 13(n).</b> |

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## Endnotes

### 1 General information

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

The **Country Fire Authority Act 1958** was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 892.

#### 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).

## 2 Table of Amendments

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

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### **Country Fire Authority (Amendment) Act 1959, No. 6583/1959**

*Assent Date:* 8.12.59  
*Commencement Date:* 8.12.59  
*Current State:* All of Act in operation

### **Country Fire Authority (Sawmill Burners) Act 1960, No. 6726/1960**

*Assent Date:* 21.12.60  
*Commencement Date:* 21.12.60  
*Current State:* All of Act in operation

### **Subordinate Legislation Act 1962, No. 6886/1962**

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

### **Country Fire Authority (Amendment) Act 1962, No. 6887/1962**

*Assent Date:* 8.5.62  
*Commencement Date:* 8.5.62  
*Current State:* All of Act in operation

### **Country Fire Authority (Amendment) Act 1962, No. 6956/1962**

*Assent Date:* 18.12.62  
*Commencement Date:* 18.12.62  
*Current State:* All of Act in operation

### **Insurance Commissioner (Costs and Expenses) Act 1963, No. 6986/1963**

*Assent Date:* 7.5.63  
*Commencement Date:* 7.5.63  
*Current State:* All of Act in operation

### **Statute Law Revision Act 1963, No. 7065/1963**

*Assent Date:* 3.12.63  
*Commencement Date:* 3.12.63  
*Current State:* All of Act in operation

### **Statute Law Revision Act 1964, No. 7142/1964**

*Assent Date:* 5.5.64  
*Commencement Date:* 5.5.64  
*Current State:* All of Act in operation

### **Country Fire Authority (Borrowing Powers) Act 1964, No. 7156/1964**

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

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**Country Fire Authority Act 1965, No. 7261/1965**

*Assent Date:* 18.5.65  
*Commencement Date:* 1.9.65: Government Gazette 25.8.65 p. 2635  
*Current State:* All of Act in operation

**Country Fire Authority (Service of Notices) Act 1965, No. 7318/1965**

*Assent Date:* 7.12.65  
*Commencement Date:* 7.12.65  
*Current State:* All of Act in operation

**Country Fire Authority (Borrowing Powers) Act 1966, No. 7383/1966**

*Assent Date:* 3.5.66  
*Commencement Date:* 3.5.66  
*Current State:* All of Act in operation

**Country Fire Authority (Interstate Fire Brigades) Act 1966, No. 7386/1966**

*Assent Date:* 3.5.66  
*Commencement Date:* 3.5.66  
*Current State:* All of Act in operation

**Country Fire Authority (Fire Prevention) Act 1966, No. 7476/1966**

*Assent Date:* 6.12.66  
*Commencement Date:* 6.12.66  
*Current State:* All of Act in operation

**Country Fire Authority (Prosecutions) Act 1967, No. 7516/1967**

*Assent Date:* 7.3.67  
*Commencement Date:* 7.3.67  
*Current State:* All of Act in operation

**Country Fire Authority (Notices) Act 1967, No. 7606/1967**

*Assent Date:* 5.12.67  
*Commencement Date:* 5.12.67  
*Current State:* All of Act in operation

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

*Assent Date:* 28.10.69  
*Commencement Date:* 28.10.69  
*Current State:* All of Act in operation

**Justices (Amendment) Act 1969, No. 7876/1969**

*Assent Date:* 25.11.69  
*Commencement Date:* 1.4.70 (except for ss 3, 5, 6 and 7(k)(m)(n)(o)); ss 3, 5, 6, 7(k)(m)–(o) on 1.7.70: Government Gazette 25.2.70 p. 463  
*Current State:* All of Act in operation

**Country Fire Authority (Amendment) Act 1969, No. 7877/1969**

*Assent Date:* 25.11.69  
*Commencement Date:* 25.11.69  
*Current State:* All of Act in operation

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

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

**Country Fire Authority (Borrowing Powers) Act 1970, No. 7993/1970**

*Assent Date:* 29.10.70  
*Commencement Date:* 29.10.70  
*Current State:* All of Act in operation

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

*Assent Date:* 1.12.70  
*Commencement Date:* 27.1.71 (except ss 4, 5, 7, 8): Government Gazette 27.1.71 p. 200; ss 4, 5, 7, 8 on 15.12.72: Government Gazette 13.12.72 p. 3977  
*Current State:* All of Act in operation

**Statutory Salaries Act 1971, No. 8165/1971**

*Assent Date:* 3.11.71  
*Commencement Date:* 3.11.71  
*Current State:* All of Act in operation

**Statute Law Revision Act 1971, No. 8181/1971**

*Assent Date:* 23.11.71  
*Commencement Date:* 23.11.71  
*Current State:* All of Act in operation

**National Parks (Amendment) Act 1971, No. 8210/1971**

*Assent Date:* 14.12.71  
*Commencement Date:* 14.12.71  
*Current State:* All of Act in operation

**Country Fire Authority (Amendment) Act 1972, No. 8257/1972**

*Assent Date:* 2.5.72  
*Commencement Date:* Ss 4, 7, 8–11, 13, 14 on 7.6.72: Government Gazette 7.6.72 p. 2063; ss 1, 12 on 7.3.73: Government Gazette 7.3.73 p. 498; ss 2, 3, 5, 6, 15 on 11.7.73: Government Gazette 11.7.73 p. 2411  
*Current State:* All of Act in operation

**Railways (Amendment) Act 1972, No. 8353/1972**

*Assent Date:* 13.12.72  
*Commencement Date:* 8.5.73: Government Gazette 2.5.73 p. 946  
*Current State:* All of Act in operation

**Country Fire Authority (Amendment) Act 1972, No. 8478/1972**

*Assent Date:* 27.11.72  
*Commencement Date:* Ss 1, 3, 4, 5(a) on 19.12.73: Government Gazette 19.12.73 p. 4037; s. 2 on 22.5.74: Government Gazette 22.5.74 p. 1711; s. 5(b) on 13.10.75: Government Gazette 8.10.75 p. 3483  
*Current State:* All of Act in operation

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**Country Fire Authority (Amendment) Act 1974, No. 8614/1974**

*Assent Date:* 10.12.74  
*Commencement Date:* 10.12.74  
*Current State:* All of Act in operation

**National Parks Act 1975, No. 8702/1975**

*Assent Date:* 16.5.75  
*Commencement Date:* 1.12.75: Government Gazette 26.11.75 p. 3888  
*Current State:* All of Act in operation

**Constitution Act 1975, No. 8750/1975**

*Assent Date:* 19.11.75  
*Commencement Date:* 1.12.75: Government Gazette 26.11.75 p. 3888  
*Current State:* All of Act in operation

**Country Fire Authority (Constitution) Act 1975, No. 8813/1975**

*Assent Date:* 9.12.75  
*Commencement Date:* 9.12.75  
*Current State:* All of Act in operation

**Country Fire Authority (Amendment) Act 1976, No. 8933/1976**

*Assent Date:* 14.12.76  
*Commencement Date:* 14.12.76  
*Current State:* All of Act in operation

**Statute Law Revision Act 1977, No. 9019/1977**

*Assent Date:* 17.5.77  
*Commencement Date:* 17.5.77: subject to s. 2(2)  
*Current State:* All of Act in operation

**Country Fire Authority (Borrowing Powers) Act 1978, No. 9118/1978**

*Assent Date:* 16.5.78  
*Commencement Date:* 16.5.78  
*Current State:* All of Act in operation

**Port of Melbourne Authority Act 1978, No. 9178/1978**

*Assent Date:* 8.11.78  
*Commencement Date:* 8.11.78  
*Current State:* All of Act in operation

**Crown Land (Reserves) Act 1978, No. 9212/1978**

*Assent Date:* 19.12.78  
*Commencement Date:* 1.3.79: Government Gazette 21.2.79 p. 441  
*Current State:* All of Act in operation

**Country Fire Authority (Borrowing Powers) Act 1978, No. 9218/1978**

*Assent Date:* 19.12.78  
*Commencement Date:* 20.12.78: Government Gazette 20.12.78 p. 3886  
*Current State:* All of Act in operation

**Country Fire Authority (Amendment) Act 1980, No. 9389/1980**

*Assent Date:* 13.5.80  
*Commencement Date:* 1.7.80: Government Gazette 25.6.80 p. 2119  
*Current State:* All of Act in operation



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**Country Fire Authority (Penalties) Act 1980, No. 9488/1980**

*Assent Date:* 23.12.80  
*Commencement Date:* 23.12.80  
*Current State:* All of Act in operation

**Country Fire Authority (Borrowing Powers) Act 1981, No. 9586/1981**

*Assent Date:* 27.10.81  
*Commencement Date:* 27.10.81  
*Current State:* All of Act in operation

**Country Fire Authority (Amendment) Act 1981, No. 9629/1981**

*Assent Date:* 8.12.81  
*Commencement Date:* Ss 1, 3–8, 10, 11(2), 12 on 16.12.81: Government Gazette 16.12.81 p. 4149; rest of Act on 21.7.82: Government Gazette 21.7.82 p. 2391  
*Current State:* All of Act in operation

**Victoria State Emergency Service Act 1981, No. 9673/1981**

*Assent Date:* 22.12.81  
*Commencement Date:* 3.3.82: Government Gazette 3.3.82 p. 603  
*Current State:* All of Act in operation

**Public Account (Trust Funds) Act 1982, No. 9861/1982**

*Assent Date:* 5.1.83  
*Commencement Date:* 12.1.83: Government Gazette 12.1.83 p. 81  
*Current State:* All of Act in operation

**Statute Law Revision Act 1983, No. 9902/1983** (as amended by No. 10087)

*Assent Date:* 15.6.83  
*Commencement Date:* 15.6.83: subject to s. 2(2)  
*Current State:* All of Act in operation

**Transport Act 1983, No. 9921/1983**

*Assent Date:* 23.6.83  
*Commencement Date:* S. 255(Sch. 12) on 1.7.83: s. 1(2)(c)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**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

**Country Fire Authority (Amendment) Act 1983, No. 10004/1983** (as amended by No. 10087)

*Assent Date:* 13.12.83  
*Commencement Date:* Ss 1–7, 9–14, 17–22 on 14.12.83: Government Gazette 14.12.83 p. 4037; s. 16 on 1.7.83: s. 16(2); rest of Act on 1.11.84: Government Gazette 31.10.84 p. 3925  
*Current State:* All of Act in operation

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**Country Fire Authority (Borrowing Powers) Act 1984, No. 10040/1984**

*Assent Date:* 1.5.84  
*Commencement Date:* 1.5.84  
*Current State:* All of Act in operation

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

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

**Statute Law Revision Act 1984, No. 10087/1984**

*Assent Date:* 22.5.84  
*Commencement Date:* 22.5.84: subject to s. 3(2)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**State Insurance Office Act 1984, No. 10089/1984**

*Assent Date:* 22.5.84  
*Commencement Date:* 18.9.84: Government Gazette 18.9.84 p. 3219  
*Current State:* All of Act in operation

**Fire Authority Act 1984, No. 10149/1984** (as amended by No. 10173/1985)

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

**Accident Compensation Act 1985, No. 10191/1985**

*Assent Date:* 30.7.85  
*Commencement Date:* S. 276(Sch. 2) on 31.8.85: Government Gazette 30.8.85 p. 3401  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Forests and Country Fire Authority (Penalties) Act 1985, No. 10235/1985**

*Assent Date:* 10.12.85  
*Commencement Date:* 10.12.85  
*Current State:* All of Act in operation

**Coroners Act 1985, No. 10257/1985**

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

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

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

**Courts Amendment Act 1986, No. 16/1986**

*Assent Date:* 22.4.86  
*Commencement Date:* S. 30(Sch.) on 1.7.86: Government Gazette 25.6.86 p. 2180  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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

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

**Country Fire Authority (Amendment) Act 1986, No. 69/1986**

*Assent Date:* 28.10.86  
*Commencement Date:* 1.11.86: s. 2  
*Current State:* All of Act in operation

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

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

**Conservation, Forests and Lands Act 1987, No. 41/1987**

*Assent Date:* 19.5.87  
*Commencement Date:* S. 103(Sch. 4 items 8.1–8.6) on 1.7.87: Government Gazette 24.6.87 p. 1694  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Fire Authorities Act 1987, No. 43/1987**

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

**Victoria State Emergency Service Act 1987, No. 57/1987**

*Assent Date:* 27.10.87  
*Commencement Date:* 2.5.88: Special Gazette (No. 30) 28.4.88 p. 1  
*Current State:* All of Act in operation

**State Bank Act 1988, No. 29/1988**

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

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**State Superannuation Act 1988, No. 50/1988**

*Assent Date:* 24.5.88  
*Commencement Date:* S. 93(2)(Sch. 2 Pt 2 item 9) on 1.7.88: Government Gazette 1.6.88 p. 1487  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Subdivision Act 1988, No. 53/1988**

*Assent Date:* 31.5.88  
*Commencement Date:* 30.10.89: Government Gazette 4.10.89 p. 2532  
*Current State:* All of Act in operation

**Country Fire Authority (Amendment) Act 1988, No. 68/1988**

*Assent Date:* 15.12.88  
*Commencement Date:* 15.12.88  
*Current State:* All of Act in operation

**Local Government (Consequential Provisions) Act 1989, No. 12/1989**

*Assent Date:* 9.5.89  
*Commencement Date:* S. 4(Sch. 2 items 17.1–17.43) on 1.11.89: Government Gazette 1.11.89 p. 2798  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**County Court (Amendment) Act 1989, No. 19/1989** (as amended by No. 34/1990)

*Assent Date:* 16.5.89  
*Commencement Date:* 1.8.89: Government Gazette 26.7.89 p. 1858  
*Current State:* All of Act in operation

**Transport (Amendment) Act 1989, No. 44/1989**

*Assent Date:* 6.6.89  
*Commencement Date:* S. 41(Sch. 2 item 6) on 1.7.89: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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

*Assent Date:* 14.6.89  
*Commencement Date:* S. 10 on 30.6.89: Government Gazette 28.6.89 p. 1559; ss 1–9, 11–16, 19, 20, 22, 23, 25 on 1.7.89: Government Gazette 28.6.89 p. 1559; s. 26(2)–(5)(7) on 1.12.89: Government Gazette 8.11.89 p. 2864; s. 26(10) on 5.12.89: Special Gazette (No. 71) 5.12.89 p. 1; ss 17(a), 21, 26(11)–(13) on 1.1.90: Special Gazette (No. 71) 5.12.89 p. 1; ss 18, 24, 26(1)(8)(9) on 3.7.90: Special Gazette (No. 31) 3.7.90 p. 1; s. 17(b) on 1.9.94: Special Gazette (No. 58) 30.8.94 p. 1; s. 26(6) never proclaimed, repealed by No. 21/2007 s. 3(Sch.)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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**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

**Accident Compensation (General Amendment) Act 1989, No. 64/1989**

*Assent Date:* 29.9.89  
*Commencement Date:* S. 38(1) on 1.10.89: Special Gazette (No. 55) 29.9.89 p. 1  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Water (Consequential Amendments) Act 1989, No. 81/1989**

*Assent Date:* 5.12.89  
*Commencement Date:* 1.11.90: Government Gazette 15.8.90 p. 2473  
*Current State:* All of Act in operation

**Fire Authorities (Contributions) Act 1989, No. 91/1989** (as amended by Nos 39/1992, 2/1995, 11/1998)

*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:* S. 40(3) on 1.1.91: Special Gazette (No. 73) 31.12.90 p. 1  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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

*Assent Date:* 16.4.91  
*Commencement Date:* Ss 3(1)–(4), 4(1)–(4) 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

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**Employee Relations Act 1992, No. 83/1992**

*Assent Date:* 24.11.92  
*Commencement Date:* S. 184(Sch. 6 item 5) on 1.3.93: Special Gazette (No. 63) 27.11.92 p. 1  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**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 23.5.94: s. 2(3)  
*Current State:* All of Act in operation

**Financial Management (Consequential Amendments) Act 1994, No. 31/1994**

*Assent Date:* 31.5.94  
*Commencement Date:* S. 3(Sch. 1 item 15) on 7.7.94: Government Gazette 7.7.94 p. 1878  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Emergency Management (Amendment) Act 1994, No. 97/1994**

*Assent Date:* 13.12.94  
*Commencement Date:* 13.12.94  
*Current State:* All of Act in operation

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

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

**Equal Opportunity Act 1995, No. 42/1995**

*Assent Date:* 14.6.95  
*Commencement Date:* S. 224 on 5.10.95: Government Gazette 28.9.95 p. 2731; Sch. 2 item 10 on 1.1.96: Government Gazette 21.12.95 p. 3571  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Electricity Industry (Amendment) Act 1995, No. 56/1995**

*Assent Date:* 20.6.95  
*Commencement Date:* S. 68(Sch. 1 item 5) on 20.6.95: Special Gazette (No. 52) 20.6.95 p. 1  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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

*Assent Date:* 12.12.96  
*Commencement Date:* S. 10(Sch. 2 item 5) on 1.1.97: Special Gazette (No. 146) 23.12.96 p. 15  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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**Fire Authorities (Amendment) Act 1997, No. 24/1997**

*Assent Date:* 20.5.97  
*Commencement Date:* Ss 3, 5, 6, 10, 11(2), 13 on 5.12.97: Government Gazette 4 .12.97 p. 3289; ss 4, 7–9, 11(1)(3)–(5), 12, 14 on 1.1.98: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Gas Industry (Amendment) Act 1997, No. 36/1997**

*Assent Date:* 3.6.97  
*Commencement Date:* S. 21 on 3.6.97: Special Gazette (No. 58) 3.6.97 p. 2  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Law and Justice Legislation (Further Amendment) Act 1997, No. 84/1997**

*Assent Date:* 2.12.97  
*Commencement Date:* S. 12 on 2.12.97: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Gas Industry (Further Amendment) Act 1997, No. 91/1997**

*Assent Date:* 9.12.97  
*Commencement Date:* S. 43 on 11.12.97: Special Gazette (No. 155) 9.12.97 p. 1  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Rail Corporations (Amendment) Act 1997, No. 104/1997**

*Assent Date:* 16.12.97  
*Commencement Date:* S. 41 on 31.3.98: Special Gazette (No. 23) 31.3.98 p. 1  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Fire and Emergency Services Acts (Amendment) Act 1998, No. 11/1998**

*Assent Date:* 28.4.98  
*Commencement Date:* S. 8 on 5.12.89: s. 2(2); rest of Act on 28.4.98: s. 2(1)  
*Current State:* All of Act in operation

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

(as amended by No. 12/1999)

*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 **Country Fire Authority Act 1958**

**Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998** (as amended by No. 101/1998)

*Assent Date:* 2.6.98  
*Commencement Date:* S. 311(Sch. 1 items 16.1–16.3) on 1.7.98: Government Gazette 18.6.98 p. 1512  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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**Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998,  
No. 76/1998**

*Assent Date:* 10.11.98  
*Commencement Date:* S. 30 on 15.12.98: s. 2(5)  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Rail Corporations (Further Amendment) Act 1998, No. 98/1998**

*Assent Date:* 24.11.98  
*Commencement Date:* S. 45 on 29.4.99: Government Gazette 29.4.99 p. 967  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Transport (Amendment) Act 2000, No. 30/2000**

*Assent Date:* 30.5.00  
*Commencement Date:* 31.5.00: s. 2  
*Current State:* All of Act in operation

**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

**Electricity Industry Legislation (Miscellaneous Amendments) Act 2000,  
No. 69/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 47 on 1.1.01: s. 2(4)  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Statute Law Revision Act 2000, No. 74/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 3(Sch. 1 item 28) on 22.11.00: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Country Fire Authority (Amendment) Act 2000, No. 77/2000**

*Assent Date:* 28.11.00  
*Commencement Date:* 29.1.01: Government Gazette 25.1.01 p. 100  
*Current State:* All of Act in operation

**Statute Law Amendment (Relationships) Act 2001, No. 27/2001**

*Assent Date:* 12.6.01  
*Commencement Date:* S. 5(Sch. 3 item 1) on 23.8.01: Government Gazette  
23.8.01 p. 1927  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Gas Industry Legislation (Miscellaneous Amendments) Act 2001, No. 32/2001**

*Assent Date:* 19.6.01  
*Commencement Date:* S. 26 on 1.9.01: s. 2(2)  
*Current State:* This information relates only to the provision/s  
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**Corporations (Financial Services Reform Amendments) Act 2002, No. 9/2002**

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

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

*Assent Date:* 22.10.02  
*Commencement Date:* Ss 22–25 on 23.10.02: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Country Fire Authority (Volunteer Protection and Community Safety) Act 2003, No. 17/2003**

*Assent Date:* 13.5.03  
*Commencement Date:* S. 13(1)(2) on 30.6.92: s. 2(2); ss 3–12, 13(3) on 14.5.03: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Public Administration Act 2004, No. 108/2004**

*Assent Date:* 21.12.04  
*Commencement Date:* S. 117(1)(Sch. 3 item 46) on 5.4.05: Government Gazette 31.3.05 p. 602  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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

*Assent Date:* 24.5.05  
*Commencement Date:* S. 18(Sch. 1 item 24) on 12.12.05: Government Gazette 1.12.05 p. 2781  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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

*Assent Date:* 24.8.05  
*Commencement Date:* S. 58(1) on 1.11.05: Government Gazette 20.10.05 p. 2308; ss 59–66 on 1.7.06: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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

*Assent Date:* 13.6.06  
*Commencement Date:* S. 94(Sch. item 8) on 1.7.06: Government Gazette 29.6.06 p. 1315  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

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**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 21) on 11.10.06: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Relationships Act 2008, No. 12/2008**

*Assent Date:* 15.4.08  
*Commencement Date:* S. 73(1)(Sch. 1 item 13) on 1.12.08: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Coroners Act 2008, No. 77/2008**

*Assent Date:* 11.12.08  
*Commencement Date:* S. 129(Sch. 2 item 7) on 1.11.09: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Criminal Procedure Amendment (Consequential and Transitional Provisions)  
Act 2009, No. 68/2009**

*Assent Date:* 24.11.09  
*Commencement Date:* S. 97(Sch. item 34) on 1.1.10: Government Gazette  
10.12.09 p. 3215  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Statute Law Amendment (Evidence Consequential Provisions) Act 2009,  
No. 69/2009**

*Assent Date:* 24.11.09  
*Commencement Date:* S. 54(Sch. Pt 2 item 15) on 1.1.10: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Emergency Services Legislation Amendment Act 2009, No. 73/2009**

*Assent Date:* 1.12.09  
*Commencement Date:* Ss 3–8 on 2.12.09: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Fair Work (Commonwealth Powers) Amendment Act 2009, No. 74/2009**

*Assent Date:* 1.12.09  
*Commencement Date:* S. 9 on 1.1.10: Government Gazette 10.12.09 p. 3215  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Transport Integration Act 2010, No. 6/2010**

*Assent Date:* 2.3.10  
*Commencement Date:* S. 203(1)(Sch. 6 item 10) on 1.7.10: Special Gazette  
(No. 256) 30.6.10 p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

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**Health and Human Services Legislation Amendment Act 2010, No. 29/2010**

*Assent Date:* 8.6.10  
*Commencement Date:* S. 53 on 1.7.10: Special Gazette (No. 235) 23.6.10 p. 1  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Climate Change Act 2010, No. 54/2010**

*Assent Date:* 14.9.10  
*Commencement Date:* S. 77 on 1.7.11: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Justice Legislation Further Amendment Act 2010, No. 64/2010**

*Assent Date:* 28.9.10  
*Commencement Date:* Ss 16–18 on 1.11.10: Government Gazette 21.10.10 p. 2530  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Fire Services Commissioner Act 2010, No. 73/2010**

*Assent Date:* 19.10.10  
*Commencement Date:* Ss 41–47 on 1.12.10: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Subordinate Legislation Amendment Act 2010, No. 78/2010**

*Assent Date:* 19.10.10  
*Commencement Date:* S. 24(Sch. 1 item 8) on 1.1.11: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Country Fire Authority Amendment (Volunteer Charter) Act 2011, No. 10/2011**

*Assent Date:* 10.5.11  
*Commencement Date:* Ss 3, 4 on 11.5.11: s. 2(1)  
*Current State:* All of Act in operation

**Statute Law Revision Act 2011, No. 29/2011**

*Assent Date:* 21.6.11  
*Commencement Date:* S. 3(Sch. 1 item 19) on 22.6.11: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Emergency Management Legislation Amendment Act 2011, No. 56/2011**

*Assent Date:* 2.11.11  
*Commencement Date:* S. 4 on 3.11.11: s. 2(1); s. 3 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 **Country Fire Authority Act 1958**

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**Emergency Services Legislation Amendment Act 2012, No. 5/2012**

*Assent Date:* 6.3.12  
*Commencement Date:* Ss 3–58 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 **Country Fire Authority Act 1958**

**Associations Incorporation Reform Act 2012, No. 20/2012**

*Assent Date:* 1.5.12  
*Commencement Date:* S. 226(Sch. 5 item 9) on 26.11.12: Special Gazette (No. 384) 20.11.12 p. 1  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Police and Emergency Management Legislation Amendment Act 2012, No. 35/2012**

*Assent Date:* 13.6.12  
*Commencement Date:* S. 7 on 14.6.12: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Fire Services Property Levy Act 2012, No. 58/2012**

*Assent Date:* 16.10.12  
*Commencement Date:* Ss 96, 98, 99 on 17.10.12: s. 2(1); s. 97(3) on 31.12.12: s. 2(2); ss 95, 97(1)(2), 102 on 1.7.13: s. 2(3); ss 94, 100, 101(1) on 1.7.14: s. 2(5); s. 101(2) on 1.7.15: s. 2(7)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Workplace Injury Rehabilitation and Compensation Act 2013, No. 67/2013**

*Assent Date:* 12.11.13  
*Commencement Date:* S. 649(Sch. 9 item 7) on 1.7.14: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Country Fire Authority Act 1958**

**Emergency Management Act 2013, No. 73/2013**

*Assent Date:* 3.12.13  
*Commencement Date:* Ss 79–81 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 **Country Fire Authority Act 1958**

**Legal Profession Uniform Law Application Act 2014, No. 17/2014**

*Assent Date:* 25.3.14  
*Commencement Date:* S. 160(Sch. 2 item 25) 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 **Country Fire Authority Act 1958**

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**Victoria Police Amendment (Consequential and Other Matters) Act 2014,  
No. 37/2014**

*Assent Date:* 3.6.14  
*Commencement Date:* S. 10(Sch. item 33) 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 **Country Fire Authority Act 1958**

**Justice Legislation Amendment Act 2014, No. 41/2014**

*Assent Date:* 17.6.14  
*Commencement Date:* Ss 7, 8, 11 on 1.7.14: Special Gazette (No. 223) 1.7.14  
p. 1; ss 3–6, 9, 10 on 1.9.14: Special Gazette (No. 223)  
1.7.14 p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Inquiries Act 2014, No. 67/2014**

*Assent Date:* 23.9.14  
*Commencement Date:* S. 147(Sch. 2 item 12) on 15.10.14: Special Gazette  
(No. 364) 14.10.14 p. 2  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Statute Law Revision Act 2015, No. 21/2015**

*Assent Date:* 16.6.15  
*Commencement Date:* S. 3(Sch. 1 item 14) on 1.8.15: 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

**Emergency Management (Control of Response Activities and Other Matters) Act  
2015, No. 43/2015**

*Assent Date:* 22.9.15  
*Commencement Date:* Ss 29–32 on 23.9.15: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Country Fire Authority Act 1958**

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Metric Conversion (Country Fire Authority Act 1958) Regulations 1973,  
S.R. No. 340/1973

*Date of Making:* 27.11.73  
*Date of Commencement:* 27.11.73

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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

<sup>1</sup> S. 85: The amendment to section 85 proposed by section 3 (Schedule 1 item 15) of the **Financial Management (Consequential Amendments) Act 1994**, No. 31/1994 is not included in this publication as the words to be amended do not appear in this section.

<sup>2</sup> S. 94(3): The amendment to section 94(3) proposed by section 6(3) of the **Fire Authorities (Miscellaneous Amendments) Act 1995**, No. 2/1995 is not included in this publication as the words to be amended do not appear in this subsection.