

PARLIAMENT OF VICTORIA

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**Firefighters' Presumptive Rights Compensation  
and Fire Services Legislation Amendment (Reform)  
Bill 2017**

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# PARLIAMENT OF VICTORIA

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Introduced in the Assembly

## **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017**

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

**The Parliament of Victoria enacts:**

### **Part 1—Introductory**

#### **1 Purpose**

The purpose of this Act is to—

(a) provide a rebuttable presumption for—

- 5 (i) career firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the



Part 1—Introductory

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

Part 1—Introductory

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Panel to review the Fire Rescue  
Victoria fire district; and

(c) to amend the **Country Fire Authority  
Act 1958**—

- 5 (i) to make it an objective of the Country  
Fire Authority to support the  
recruitment, development and retention  
of volunteer officers and members; and
- 10 (ii) to recognise the Country Fire Authority  
as a fully volunteer fire fighting  
service; and
- 15 (iii) to allow certain functions to be  
performed and powers to be exercised  
within the Fire Rescue Victoria fire  
district; and

(d) make consequential and other amendments  
to other Acts.

**2 Commencement**

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

**3 Principal Act for the purposes of Parts 3 to 7**

25 In Parts 3 to 7, the **Metropolitan Fire Brigades  
Act 1958** is called the Principal Act.

## Part 2—Firefighters' Presumptive Rights Compensation

### Division 1—Preliminary

#### 4 Definitions

5

(1) In this Act—

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

*Authority* means the Victorian WorkCover  
Authority;

10

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

15

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

*firefighter* means—

(a) a career firefighter; or

(b) a volunteer firefighter;

20

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

25

*volunteer firefighter* means a person who is or  
was a *volunteer officer or member* within  
the meaning of the **Country Fire Authority  
Act 1958** in a role in which firefighting  
duties are or were a substantial portion.

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

Part 2—Firefighters' Presumptive Rights Compensation

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**5 Construction of Act**

- 5 (1) This Act is to be read as if it formed part of the  
**Workplace Injury Rehabilitation and  
Compensation Act 2013.**
- 10 (2) If there is an inconsistency between this Act and  
the **Workplace Injury Rehabilitation and  
Compensation Act 2013**, this Act prevails to the  
extent of the inconsistency.
- 15 (3) Unless inconsistent with the context or  
subject-matter, words and expressions  
defined in section 3 of the **Workplace Injury  
Rehabilitation and Compensation Act 2013**  
have the same meaning in this Act as they have  
in that Act.
- 20 (4) If a firefighter satisfies the presumption under  
Division 2 or 3, their disease is to be taken to be  
an injury within the meaning of the **Workplace  
Injury Rehabilitation and Compensation  
Act 2013.**

**20 Division 2—Operation of presumption in relation to  
career firefighters**

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

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

Part 2—Firefighters' Presumptive Rights Compensation

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- 5 (b) the injury occurs during a period in which  
the worker is employed as a career firefighter  
or within the 10 year period after the worker  
ceases to be employed or served as a  
firefighter; and
- 10 (c) before the date on which the injury that is a  
disease referred to in column 1 of the Table  
in Schedule 1 occurred the worker is or was  
employed, or served as a firefighter, for at  
least the qualifying period specified in  
column 2 of that Table opposite the  
disease—
- in the absence of proof to the contrary.
- 15 (2) For the purposes of this section, if a worker  
suffers an injury that is a disease specified in  
column 1 of the Table in Schedule 1, the injury is  
to be taken to have occurred on the day on which  
the worker—
- 20 (a) is first diagnosed as suffering from the  
disease; or
- (b) dies by reason of the disease—
- whichever occurs first.

**7 Determination of the qualifying period**

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

Part 2—Firefighters' Presumptive Rights Compensation

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- 5 (2) For the purposes of subsection (1), any consecutive or non-consecutive periods during which a worker has been employed or has served as specified in subsection (1)(a) or (b) may be combined.
- 10 (3) If a worker has been employed or has served as specified in both paragraphs of subsection (1) at the same time, that period of concurrent employment or service is to be counted once only for the purposes of subsection (1).

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

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

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

25

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

- 30 (1) An injury to a volunteer firefighter is presumed to be due to the nature of their service as a firefighter if—
- (a) the injury—
- (i) is a disease referred to in column 1 of the Table in Schedule 1; and

Part 2—Firefighters' Presumptive Rights Compensation

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- 5
- (ii) occurs on or after 1 June 2016; and
- (b) the injury occurs during a period in which the volunteer firefighter served as a firefighter or within the 10 year period after the volunteer firefighter ceases to serve as a firefighter; and
- 10
- (c) before the date on which the injury that is a disease referred to in column 1 of the Table in Schedule 1 occurred, the volunteer firefighter served as a firefighter for at least the qualifying period specified in column 2 of that Table opposite the disease, and the volunteer firefighter attended fires to the extent reasonably necessary to fulfil the purpose of their service as a firefighter—
- 15
- in the absence of proof to the contrary.
- (2) For the purposes of this section, if a volunteer firefighter suffers an injury that is a disease specified in column 1 of the Table in Schedule 1, the injury is to be taken to have occurred on the day on which the volunteer firefighter—
- 20
- (a) is first diagnosed as suffering from the disease; or
- (b) dies by reason of the disease—
- 25
- whichever occurs first.

**10 Determination of the qualifying period**

- 30
- (1) For the purposes of determining a period under section 9, any period during which the volunteer firefighter was employed as a career firefighter may be combined with service as a volunteer firefighter.

Part 2—Firefighters' Presumptive Rights Compensation

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5 (2) For the purposes of subsection (1), any consecutive or non-consecutive periods during which a volunteer firefighter has been employed or has served as specified in subsection (1) may be combined.

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

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

15 (1) Subject to section 8(2), if a firefighter is serving as a volunteer firefighter at the time the injury occurs, they are to be taken to be a volunteer firefighter for the purposes of this Division.

20 (2) Subject to section 8(2), if a firefighter has ceased employment or service as a firefighter, they are to be taken to be a volunteer firefighter for the purposes of this Division if their most recent service or employment as a firefighter was as a volunteer firefighter.

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

25 (1) For the purposes of determining whether a volunteer firefighter attended fires to the extent reasonably necessary to fulfil the purpose of their service as a firefighter under section 9, the Authority must seek an expert opinion from the  
30 advisory committee.



Part 2—Firefighters' Presumptive Rights Compensation

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- 5
- (2) In providing the expert opinion to the Authority, the advisory committee must have regard to—
- (a) any relevant records, brigade records, CFA data, employer data and local knowledge; and
  - (b) any other matter prescribed by the regulations.
- 10
- (3) The Authority—
- (a) must have regard to the expert opinion provided to the Authority under subsection (1); and
  - (b) is not required to make a determination that is consistent with the expert opinion provided under subsection (1).

15

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

**13 Special consideration**

- 20
- (1) If a firefighter—
- (a) suffers an injury that is a disease referred to in column 1 of the Table in Schedule 1; and
  - (b) would not be entitled to the presumption under Division 2 or 3 only because the firefighter does not satisfy the relevant qualifying period; and
  - 25 (c) can prove in accordance with this Division that the firefighter has had an exceptional exposure event in a firefighting capacity whether within or outside Victoria while employed or serving as a firefighter—
- 30
- the injury is presumed to be due to the nature of their employment or service as a firefighter.

Part 2—Firefighters' Presumptive Rights Compensation

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

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

- 5 For the purposes of determining whether a firefighter has had an exceptional exposure event, regard must be given to the following—
- (a) the nature of the event;
- 10 (b) whether there are any relevant findings from a coroner, any court proceedings or other official inquiry regarding an event known to have exposed firefighters to carcinogens, and if so, the nature of the findings;
- 15 (c) any relevant records, brigade records, CFA data, employer data or local knowledge;
- (d) any other matter prescribed by the regulations.

**15 Application for special consideration**

- 20 (1) An application for special consideration must be—
- (a) in the manner and form prescribed by the regulations; and
- (b) made to the Authority.
- 25 (2) An application for special consideration may only be made—
- (a) at the same time as a claim for compensation is made; or
- 30 (b) after a claim for compensation has been made but before the claim has been accepted or rejected; or
- (c) within the period of 60 days after the claim for compensation has been rejected.
-

Part 2—Firefighters' Presumptive Rights Compensation

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- 5 (3) In subsection (2) and section 16, a *claim for compensation* means a claim for compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of which the presumption under Division 2 or 3 is invoked.

**16 Determination of application for special consideration**

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

## **Division 5—General**

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

(1) If before the commencement of this Part—

5

(a) a firefighter has made a claim for compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of an injury that is a disease referred to in column 1 of the Table in Schedule 1 which occurred on or after

10

1 June 2016; and

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

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

15

(2) If before the commencement of this Part—

20

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

25

1 June 2016; and

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

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

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

30

(1) Subject to section 19, if an injury to a volunteer firefighter is deemed under this Act to be due to the nature of their service as a firefighter, the volunteer firefighter must make a claim for compensation under the **Workplace Injury**

Part 2—Firefighters' Presumptive Rights Compensation

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**Rehabilitation and Compensation Act 2013** in respect of that injury.

- 5
- (2) The compensation must be paid in accordance with and subject to the **Workplace Injury Rehabilitation and Compensation Act 2013** as if the volunteer firefighter were a worker within the meaning of that Act and the disease were an injury arising out of or in the course of their employment.
- 10
- (3) A claim for compensation must be made to the Authority in accordance with the **Workplace Injury Rehabilitation and Compensation Act 2013**.
- 15
- (4) All matters relating to compensation must be determined in accordance with the **Workplace Injury Rehabilitation and Compensation Act 2013** by the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court, as the case requires.
- 20
- (5) In making a determination in relation to any matter referred to in subsection (2), the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court must, as far as practicable, be guided by reference to the applicable provisions of the **Workplace Injury Rehabilitation and Compensation Act 2013** governing the corresponding matter in that Act.
- 25
- (6) For the purpose of assessing compensation, the pre-injury average weekly earnings of a volunteer firefighter is to be computed by the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court—
- 30
- (a) by reference to the volunteer firefighter's employment by any employer or employers during the relevant period before the injury;
- 35
- or
-

Part 2—Firefighters' Presumptive Rights Compensation

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- 5 (b) if the volunteer firefighter was not then  
working under a contract of service, on any  
basis that, in the opinion of the Authority,  
the Conciliation Service, a Medical Panel,  
the County Court or the Magistrates' Court,  
is best calculated to give the appropriate  
compensation for the volunteer firefighter's  
loss of earning capacity—
- 10 but so that any relevant maximum limits imposed  
by the **Workplace Injury Rehabilitation and  
Compensation Act 2013** are not exceeded.
- (7) For the purposes of enabling a return to work of a  
volunteer firefighter, the Authority may do any of  
the following—
- 15 (a) plan the volunteer firefighter's return to  
work;
- (b) approve a provider of occupational  
rehabilitation services for the purposes of  
planning the volunteer firefighter's return to  
20 work under paragraph (a);
- (c) provide alternative assistance or programs to  
the volunteer firefighter or in respect of the  
employment of the volunteer firefighter.
- 25 (8) The Authority must make any payment of  
compensation under this section out of the  
WorkCover Authority Fund.
- (9) For the purposes of subsection (8), any reasonable  
costs and expenses (including legal costs) incurred  
in administering claims under this section are  
30 taken to be a payment of compensation.

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

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

Part 2—Firefighters' Presumptive Rights Compensation

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- 5 (6) The rejection of a volunteer firefighter's claim for compensation in accordance with Part 6 of the Country Fire Authority Regulations 2014 does not prejudice the volunteer firefighter's claim under Division 3.
- 10 (7) A volunteer firefighter is not entitled to compensation in relation to the same injury under the **Workplace Injury Rehabilitation and Compensation Act 2013** and in accordance with Part 6 of the Country Fire Authority Regulations 2014.
- 15 (8) The Authority and the CFA may exchange any document produced or served or information acquired in respect of a proceeding or claim for compensation by a volunteer firefighter in relation to the same injury under the **Workplace Injury Rehabilitation and Compensation Act 2013** and in accordance with Part 6 of the Country Fire Authority Regulations 2014.
- 20 **20 Establishment of advisory committee**
- (1) The Minister must establish an advisory committee for the purposes of this Act in accordance with the regulations.
- 25 (2) The purpose of the advisory committee is to provide an expert opinion to the Authority as to—
- (a) whether a volunteer firefighter has attended fires to the extent reasonably necessary to fulfil the purposes of service as a firefighter as required by section 9(1)(c); or
- 30 (b) whether a firefighter has had an exceptional exposure event.



Part 2—Firefighters' Presumptive Rights Compensation

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- 5
- (3) Without limiting the generality of section 22,  
the regulations may make provision for or with  
respect to—
- (a) the appointment of the advisory committee,  
including—
- 10
- (i) the number of members; and
- (ii) the experience or qualifications of  
members; and
- (iii) remuneration of members; and
- (b) the powers and procedures of the advisory  
committee, including conditions of  
confidentiality of information provided to the  
advisory committee; and
- 15
- (c) the form of an expert opinion and the process  
for providing an expert opinion to the  
Authority.

**21 Payments**

- 20
- (1) The Authority must make any payments necessary  
for the purposes of the administration of this Act  
(other than section 18) out of the WorkCover  
Authority Fund.
- (2) There is to be paid into the WorkCover Authority  
Fund out of the Consolidated Fund, which is to  
the necessary extent appropriated accordingly, the  
25 amount of any payments under section 18.

**22 Regulations**

- 30
- (1) The Governor in Council may make regulations  
for or with respect to any matter or thing required  
or permitted by this Act to be prescribed or  
necessary to be prescribed to give effect to this  
Act.

Part 2—Firefighters' Presumptive Rights Compensation

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- 15
- (2) The regulations may—
    - (a) confer powers or impose duties in connection with the regulations on any specified person or specified class of persons; and
    - (b) apply, adopt or incorporate with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person—
      - (i) wholly or partially or as amended by the regulations; or
      - (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
      - (iii) as formulated, issued, prescribed or published from time to time.

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

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

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

### **10 24 Purposes**

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

### **25 Definitions**

- 15 (1) In section 3(1) of the Principal Act **insert** the  
following definitions—
- "*Country Fire Authority* means the Authority  
appointed under section 6(1) of the **Country  
Fire Authority Act 1958**;
- 20 "*Deputy Fire Rescue Commissioner* means a  
Deputy Fire Rescue Commissioner  
appointed under section 9A(1);
- "*Fire Rescue Commissioner* means the Fire  
Rescue Commissioner appointed under  
25 section 9(1);
- "*Fire Rescue Victoria* means the authority  
established by section 6;
- "*Secretary* means the Secretary to the Department  
for which the Minister administering this Act  
30 is responsible;
- "*Strategic Advisory Committee* means the  
committee established by section 33A(1);".
-

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

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(2) In section 3(1) of the Principal Act, the definitions of *Board* and *Chief Officer* are **repealed**.

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

**26 Metropolitan Fire and Emergency Services Board**

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

**"6 Fire Rescue Victoria**

10 (1) Fire Rescue Victoria is established by this section.

(2) Fire Rescue Victoria is constituted by the Fire Rescue Commissioner.

(3) Fire Rescue Victoria—

15 (a) is a body corporate with perpetual succession; and

(b) must have an official seal; and

(c) may sue and be sued in its corporate name; and

20 (d) may acquire, hold and dispose of real and personal property for the purpose of performing its functions; and

25 (e) may do and suffer all acts and things that bodies corporate may by law do and suffer and that are necessary or incidental for the performance of its functions."

**27 Functions of Board**

After section 7(1)(b) of the Principal Act **insert**—

- 5                   "(ba) to implement the fire and emergency  
                      services priorities of the Government of  
                      Victoria; and
- (bb) to provide operational and management  
                      support to the Country Fire Authority; and".

**28 New section 7C inserted**

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

10                   "**7C Fire Rescue Commissioner and Deputy  
                      Fire Rescue Commissioners**

- (1) There is to be—
- (a) a Fire Rescue Commissioner; and
- 15                   (b) as many Deputy Fire Rescue  
                      Commissioners as the Governor in  
                      Council considers necessary.
- (2) The Fire Rescue Commissioner—
- (a) has all the functions, duties and powers  
                      of Fire Rescue Victoria; and
- 20                   (b) has any other functions, duties and  
                      powers conferred on the Fire Rescue  
                      Commissioner by or under—
- (i) this Act or the regulations; or
- 25                   (ii) any other Act or regulations under  
                      any other Act.
- (3) All acts and things done by the Fire Rescue  
                      Commissioner in the name of, or on behalf  
                      of, Fire Rescue Victoria are taken to have  
                      been done by Fire Rescue Victoria.

- (4) A Deputy Fire Rescue Commissioner has the functions, duties and powers that are delegated to him or her by the Fire Rescue Commissioner."

5                   **29 Accountability of Board**

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

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

- 10                   (1) Fire Rescue Victoria and the Fire Rescue  
Commissioner are subject to the general  
direction and control of the Minister in the  
performance of the duties and functions and  
the exercise of powers of Fire Rescue  
15                   Victoria and the Fire Rescue Commissioner,  
including, but not limited to, the policies and  
priorities to be pursued by Fire Rescue  
Victoria and the Fire Rescue Commissioner.
- 20                   (2) Subject to this section, the Minister may  
from time to time give written directions to  
Fire Rescue Victoria and the Fire Rescue  
Commissioner.
- 25                   (3) The Minister must not give a direction under  
subsection (2) in relation to the exercise of  
the operational functions and powers of Fire  
Rescue Victoria or the Fire Rescue  
Commissioner including, but not limited to,  
a function or power under any of the  
following provisions of this Act—
- 30                   (a) section 26;  
(b) section 32;  
(c) section 32AA;  
(d) section 32B;  
(e) section 32C;  
(f) section 32D;
-

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- 5
- (g) section 52;
  - (h) section 55A;
  - (i) section 55B;
  - (j) section 55C;
  - (k) section 55D;
  - (l) section 55E(1), (2) or (4);
  - (m) section 58;
  - (n) section 59;
  - (o) section 60;

10

  - (p) section 71;
  - (q) section 72;
  - (r) section 72A;
  - (s) section 78;
  - (t) section 90;

15

  - (u) section 93.
- (4) The Minister must not give a direction under subsection (2) in relation to the exercise of the powers of delegation under sections 24B and 31A.
- 20
- (5) The Minister must not give a direction under subsection (2) in relation to the organisational structure of Fire Rescue Victoria.
- 25
- (6) The Minister must not give a direction under subsection (2) in relation to—
- (a) the allocation or deployment of employees at particular locations; or
  - (b) the establishment of fire or emergency services units.
-

- (7) If the Minister gives a direction under subsection (2)—
- (a) the Minister must cause a copy of the direction to be published in the Government Gazette; and
  - (b) the Fire Rescue Commissioner must cause a copy of the direction to be published on the Internet site of Fire Rescue Victoria."

5

10

### **30 Constitution of the Board**

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

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

15

- (1) The Fire Rescue Commissioner is to be appointed by the Governor in Council, on the recommendation of the Minister.
- (2) The Governor in Council must not appoint a person as the Fire Rescue Commissioner unless the Governor in Council is satisfied that the person has appropriate management and operational expertise in—
  - (a) fire services; or
  - (b) emergency services; or
  - (c) a related field.
- (3) The Fire Rescue Commissioner holds office for the period, not exceeding 5 years, specified in the instrument of his or her appointment.

20

25



- 5
- (4) The Fire Rescue Commissioner is entitled to receive—
- (a) remuneration; and
  - (b) travelling or other allowances—
- specified in the instrument of his or her appointment.
- (5) The Fire Rescue Commissioner is eligible for reappointment.
- 10
- (6) The Fire Rescue Commissioner holds office on the terms and conditions specified in the instrument of his or her appointment.
- 9A Deputy Fire Rescue Commissioners**
- 15
- (1) A Deputy Fire Rescue Commissioner is to be appointed by the Governor in Council on the recommendation of the Minister.
- 20
- (2) The Governor in Council must not appoint a person as a Deputy Fire Rescue Commissioner unless the Governor in Council is satisfied that the person has appropriate management and operational expertise in—
- (a) fire services; or
  - (b) emergency services; or
  - (c) a related field.
- 25
- (3) The Governor in Council must not appoint a person as a Deputy Fire Rescue Commissioner unless the Governor in Council is satisfied that the Minister has consulted the Fire Rescue Commissioner
- 30
- about the appointment.

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

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- 5
- (4) A Deputy Fire Rescue Commissioner holds office for the period, not exceeding 5 years, specified in the instrument of his or her appointment.
- 10
- (5) A Deputy Fire Rescue Commissioner is entitled to receive—
- (a) remuneration; and
  - (b) travelling or other allowances—
- specified in the instrument of his or her appointment.
- 15
- (6) A Deputy Fire Rescue Commissioner is eligible for reappointment.
- (7) A Deputy Fire Rescue Commissioner holds office on the terms and conditions specified in the instrument of his or her appointment.

**9B Ceasing to hold office**

The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner ceases to hold office if he or she—

- 20
- (a) resigns under section 9C; or
  - (b) becomes an insolvent under administration; or
  - (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
  - (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
  - (e) is removed from office under section 9D.
- 25
- 30

**9C Resignation**

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

**9D Removal from office**

- 15 (1) The Fire Rescue Commissioner or a Deputy  
Fire Rescue Commissioner may be removed  
from office by the Governor in Council on  
any of the following grounds—
- (a) misconduct;
- (b) neglect of duty;
- 20 (c) inability to perform the duties of his or  
her office;
- (d) any other ground on which the  
Governor in Council is satisfied that the  
person is unfit for office.
- 25 (2) The Governor in Council must not remove a  
Deputy Fire Rescue Commissioner under  
subsection (1) unless the Governor in  
Council is satisfied that the Minister has  
consulted the Fire Rescue Commissioner  
about the removal.

**9E Suspension from office**

- 5
- (1) The Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner may be suspended from office by the Governor in Council.
- 10
- (2) The Governor in Council must not suspend the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner under subsection (1) unless the Governor in Council believes that grounds may exist for the removal of the Fire Rescue Commissioner or the Deputy Fire Rescue Commissioner under section 9D(1).
- 15
- (3) The Governor in Council may revoke the suspension of the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner at any time.
- (4) If—
- 20
- (a) the Fire Rescue Commissioner or a Deputy Fire Rescue Commissioner has been suspended; and
- (b) the Governor in Council has not revoked the suspension under subsection (3) during the period of
- 25
- 30 days after the suspension—
- the suspension ceases to be in effect at the end of that period unless the Fire Rescue Commissioner or Deputy Fire Rescue Commissioner has for any reason ceased to hold office before the end of that period.
- 30

**9F Acting Fire Rescue Commissioner**

- 35
- (1) The Governor in Council may appoint a person to act as the Fire Rescue Commissioner for a period of not more than 12 months—

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- 5
- (a) during a vacancy in the office of the Fire Rescue Commissioner; or
  - (b) during any period when the Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- 10
- (2) The Minister may appoint a person to act as the Fire Rescue Commissioner for a period of not more than 4 weeks—
- (a) during a vacancy in the office of the Fire Rescue Commissioner; or
  - (b) during any period when the Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- 15
- (3) Before appointing a person to act as the Fire Rescue Commissioner, the Governor in Council or the Minister, as the case requires, must be satisfied that the person has appropriate management and operational expertise in—
- (a) fire services; or
  - (b) emergency services; or
  - (c) a related field.
- 20
- (4) A person appointed to act as the Fire Rescue Commissioner—
- (a) holds office for the period specified in the instrument of appointment; and
  - (b) is entitled to the remuneration and allowances to which the Fire Rescue Commissioner would have been entitled; and
- 25
- 30
-

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- (c) holds office on such other terms and conditions as are specified in the instrument of appointment.
- 5 (5) While a person is acting as the Fire Rescue Commissioner, the person has all the powers and may perform any of the functions of the Fire Rescue Commissioner.
- 10 (6) The Governor in Council may revoke an appointment under subsection (1) at any time.
- (7) The Minister may revoke an appointment under subsection (2) at any time.
- 15 (8) A person appointed to act as the Fire Rescue Commissioner under subsection (1) or (2) is eligible for reappointment.
- 9G Acting Deputy Fire Rescue Commissioner**
- (1) The Governor in Council may appoint a person to act as a Deputy Fire Rescue Commissioner for a period of not more than 20 12 months—
- (a) during a vacancy in the office of a Deputy Fire Rescue Commissioner; or
- (b) during any period when a Deputy Fire Rescue Commissioner is absent from 25 duty or is for any other reason unable to perform the duties of the office.
- (2) The Fire Rescue Commissioner may appoint a person to act as a Deputy Fire Rescue Commissioner for a period of not more than 30 4 weeks—
- (a) during a vacancy in the office of a Deputy Fire Rescue Commissioner; or

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

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- (b) during any period when a Deputy Fire Rescue Commissioner is absent from duty or is for any other reason unable to perform the duties of the office.
- 5 (3) Before appointing a person to act as a Deputy Fire Rescue Commissioner, the Governor in Council or the Fire Rescue Commissioner, as the case requires, must be satisfied that the person has appropriate management and operational expertise in—
- 10 (a) fire services; or  
(b) emergency services; or  
(c) a related field.
- 15 (4) Before appointing a person to act as a Deputy Fire Rescue Commissioner, the Governor in Council must be satisfied that the Minister has consulted the Fire Rescue Commissioner.
- 20 (5) A person appointed to act as a Deputy Fire Rescue Commissioner—
- 25 (a) holds office for the period specified in the instrument of appointment; and  
(b) is entitled to the remuneration and allowances to which a Deputy Fire Rescue Commissioner would have been entitled; and  
(c) holds office on such other terms and conditions as are specified in the instrument of appointment.
- 30 (6) While a person is acting as a Deputy Fire Rescue Commissioner, the person has all the powers and may perform any of the functions of a Deputy Fire Rescue Commissioner.
-

(7) The Governor in Council may revoke an appointment under subsection (1) at any time.

5 (8) The Fire Rescue Commissioner may revoke an appointment under subsection (2) at any time.

(9) A person appointed to act as a Deputy Fire Rescue Commissioner under subsection (1) or (2) is eligible for reappointment."

10 **31 Repeal of sections 10, 11 and 11A**

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

**32 Application of Public Administration Act 2004**

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

**33 Repeal of sections 13, 14 and 15**

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

**34 Decisions not affected by certain matters**

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

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

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

- (a) a defect or irregularity in the appointment of the Fire Rescue Commissioner, Deputy Fire Rescue



Commissioner, acting Fire Rescue  
Commissioner or acting Deputy Fire  
Rescue Commissioner; or

- 5
- (b) a vacancy in the office of Fire Rescue  
Commissioner or a Deputy Fire Rescue  
Commissioner; or
- (c) the occasion for the appointment of an  
acting Fire Rescue Commissioner or an  
acting Deputy Fire Rescue  
10 Commissioner has ceased to exist."

### **35 Immunity of members of Board**

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

### **36 Repeal of sections 18, 19 and 20**

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

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

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

#### **"21 Conflicts of interest**

- 25 (1) If the Fire Rescue Commissioner or a Deputy  
Fire Rescue Commissioner has a conflict of  
interest in a matter arising in the course of  
his or her duties, he or she must declare the  
conflict to the Minister as soon as reasonably  
30 practicable.
- (2) If the Fire Rescue Commissioner or a Deputy  
Fire Rescue Commissioner has made a  
conflict of interest declaration under  
subsection (1) in relation to a matter, he or

she must not take any further part in decisions relating to that matter, unless otherwise directed to do so by the Minister.

- 5
- (3) For the purposes of this section, a person is not to be regarded as having a conflict of interest in a matter relating to the supply of goods or services to the person if the goods or services are, or are to be, available to members of the public on the same terms and conditions."
- 10

### 38 Employees of Board

- (1) In section 25B(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) After section 25B(2) of the Principal Act **insert**—
- 15
- "(3) Fire Rescue Victoria may enter into an agreement or arrangement with the Country Fire Authority under which officers or employees, or classes of officers or employees, of Fire Rescue Victoria are made available (whether on a full-time, part-time or other basis) to the Country Fire Authority.
- 20
- (4) Despite anything in this Act or any other Act, an officer or employee, or an officer or employee included in a class of officers or employees, of Fire Rescue Victoria made available to the Country Fire Authority in accordance with an agreement or arrangement under subsection (3) remains an officer or employee of Fire Rescue Victoria and is not an officer or employee of the Country Fire Authority.
- 25
- 30
- (5) Nothing in this section or the **Country Fire Authority Act 1958**—
- (a) empowers the Country Fire Authority, under section 17 of the **Country Fire Authority Act 1958**, to exercise a
- 35

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- 5 power in respect of an officer or  
employee made available (whether on a  
full-time, part-time or other basis) to  
the Country Fire Authority under  
subsection (3); or
- 10 (b) imposes a duty upon the Country Fire  
Authority, under section 18 or 19 of the  
**Country Fire Authority Act 1958**, in  
respect of an officer or employee made  
available (whether on a full-time,  
part-time or other basis) to the Country  
Fire Authority under subsection (3).".

**39 Repeal of sections 28, 29, 30 and 31**

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

**40 New sections 33A to 33G inserted**

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

**"33A Strategic Advisory Committee**

- 20 (1) The Strategic Advisory Committee is  
established by this section.
- (2) The Strategic Advisory Committee consists  
of up to 7 members appointed under  
section 33B.
- 25 (3) The Minister must appoint one of the  
members of the Strategic Advisory  
Committee to be the Chairperson of the  
Committee.

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

- 30 (1) The members of the Strategic Advisory  
Committee are to be appointed by the  
Minister.

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- 5 (2) In appointing the members of the Strategic  
Advisory Committee, the Minister must have  
regard to the mix of knowledge, skills and  
experience of the Committee as a whole  
including, but not limited to, the following  
matters—
- 10 (a) organisational governance,  
performance and culture;  
(b) workforce diversity and flexibility;  
(c) fire or emergency services.
- 15 (3) A member of the Strategic Advisory  
Committee holds office for the period,  
not exceeding 5 years, specified in the  
instrument of his or her appointment.
- 20 (4) A member of the Strategic Advisory  
Committee is entitled to receive—  
(a) remuneration; and  
(b) travelling or other allowances—  
fixed by the Minister.
- 25 (5) A member of the Strategic Advisory  
Committee is eligible for reappointment.
- (6) A member of the Strategic Advisory  
Committee holds office on the terms and  
conditions specified in the instrument of his  
or her appointment.
- 30 (7) A member of the Strategic Advisory  
Committee who is a public sector employee  
within the meaning of the **Public  
Administration Act 2004** is not entitled to  
remuneration in respect of his or her  
appointment as a member.

- 5 (8) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Strategic Advisory Committee in respect of the office of member.
- 10 **33C Strategic Advisory Committee is a public entity**  
The Strategic Advisory Committee is a public entity for the purposes of the **Public Administration Act 2004**.
- 15 **33D Resignation of members of the Strategic Advisory Committee**  
(1) A member of the Strategic Advisory Committee may resign from membership by signed letter delivered to the Minister.  
(2) A resignation under subsection (1) takes effect—  
(a) on the day the letter is received by the Minister; or  
20 (b) if a later date is specified in the letter, on that later date.
- 25 **33E Ceasing to hold office—removal**  
A member of the Strategic Advisory Committee may be removed from office by the Minister at any time and for any reason.
- 30 **33F Role of the Strategic Advisory Committee**  
The role of the Strategic Advisory Committee is to provide advice to Fire Rescue Victoria on the following matters—  
(a) cultural change within Fire Rescue Victoria;  
(b) workforce diversity and flexibility within Fire Rescue Victoria;
-

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- 5
- (c) organisational governance of Fire Rescue Victoria;
- (d) Fire Rescue Victoria's engagement and integration with the broader emergency services sector;
- 10
- (e) the future direction of Fire Rescue Victoria, including emerging opportunities and risks;
- (f) matters relevant to Fire Rescue Victoria on which Fire Rescue Victoria seeks advice;
- (g) any other matter relevant to Fire Rescue Victoria.
- 15
- 33G Strategic Advisory Committee terms of reference**
- (1) The Minister must develop terms of reference for the Strategic Advisory Committee in consultation with the Fire Rescue Commissioner.
- 20
- (2) The terms of reference for the Strategic Advisory Committee must include details of the following—
- 25
- (a) the procedures to be followed by the Committee, including in relation to its meetings;
- (b) the Committee's strategic focus for the 12 months after the terms of reference are developed;
- 30
- (c) procedures for dealing with conflicts of interest.

- 5
- (3) The Minister must review the terms of reference for the Strategic Advisory Committee at least once each year, in consultation with the Fire Rescue Commissioner.
- (4) The Strategic Advisory Committee must conduct its meetings, and carry out other procedures, in accordance with the terms of reference."

10       **41 Definitions**

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

15       "*officer* means a person appointed under section 17(c) and, subject to section 25B, is taken to include an officer or employee of Fire Rescue Victoria, or an employee included in a class of officers or employees of Fire Rescue Victoria, made available to the Authority by Fire Rescue Victoria under  
20       section 25B of the **Fire Rescue Victoria Act 1958**."

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

### **42 Definitions**

- 5 (1) In section 3(1) of the Principal Act **insert** the following definitions—
- "*change in fire risk*, in relation to the Fire Rescue Victoria fire district or the country area of Victoria, means the following—
- 10 (a) a change in land use or development within the Fire Rescue Victoria fire district, or within the country area of Victoria, that may result in a material change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;
- 15 (b) a demographic change or a change in demand for the services of a fire services agency, within the Fire Rescue Victoria fire district or the country area of Victoria, that may result in a material change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;
- 20 (c) any other change in circumstances within the Fire Rescue Victoria fire district or the country area of Victoria that results or may result in a material change to the risk of a fire occurring within the Fire Rescue Victoria fire district or the country area of Victoria;
- 25
- 30 *country area of Victoria* has the same meaning as in the **Country Fire Authority Act 1958**;
- emergency management sector* has the same meaning as in the **Emergency Management Act 2013**;
- 35
-



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

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

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

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

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

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

#### 43 Metropolitan fire district

15 (1) In section 4(1) of the Principal Act, for "there shall be a metropolitan fire district consisting of the municipal districts or parts thereof set forth" **substitute** "there is to be a Fire Rescue Victoria fire district consisting of the land specified".

20 (2) In section 4(2) of the Principal Act, for "metropolitan fire district" (where twice occurring) **substitute** "Fire Rescue Victoria fire district".

25 (3) Section 4(3) to 4(6) of the Principal Act are **repealed**.

#### 44 New sections inserted

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

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

30 (1) The Fire District Review Panel is established by this section.

(2) The Fire District Review Panel consists of 3 members appointed under section 4C.

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

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- (3) The Minister must appoint one of the members of the Fire District Review Panel to be the Chairperson of the Panel.

5

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

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

10

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

15

- (1) The members of the Fire District Review Panel are to be appointed by the Minister.
- (2) The Minister must not appoint a person as a member of the Fire District Review Panel unless the Minister is satisfied that—

20

- (a) the person has significant and substantial expertise and experience in fire response, fire management, emergency management or another relevant field; and
- (b) the person is able to make an informed and independent assessment of the matters to be considered by the Panel.

25

- (3) The Minister must not appoint a person as a member of the Fire District Review Panel if the person is—

30

- (a) an officer or employee of a fire services agency; or
- (b) an officer or employee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; or
- (c) an officer or official of Volunteer Fire Brigades Victoria Incorporated.
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Part 4—Amendments relating to the Fire Rescue Victoria fire district

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- 5
- (4) A member of the Fire District Review Panel holds office for the period, not exceeding 5 years, specified in the instrument of his or her appointment.
- (5) A member of the Fire District Review Panel is entitled to receive—
- (a) remuneration; and
- (b) travelling or other allowances—
- 10 specified in the instrument of his or her appointment.
- (6) A member of the Fire District Review Panel is eligible for reappointment.
- (7) A member of the Fire District Review Panel holds office on the terms and conditions specified in the instrument of his or her appointment.
- 15
- (8) A member of the Fire District Review Panel who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of his or her appointment as a member.
- 20
- (9) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Fire District Review Panel in respect of the office of member.
- 25
- 4D Resignation of members of the Fire District Review Panel**
- (1) A member of the Fire District Review Panel may resign from membership by signed letter delivered to the Minister.
- 30

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

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

- 5
- (a) on the day the letter is received by the Minister; or
  - (b) if a later date is specified in the letter, on that later date.

**4E Ceasing to hold office—removal**

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

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

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

- 15
- (a) whether it is necessary or desirable for the Fire Rescue Victoria fire district to be changed;
  - (b) whether a change in fire risk, or something that may result in a change in fire risk, may warrant a review of the Fire Rescue Victoria fire district.
- 20

**4G Review of the Fire Rescue Victoria fire district**

- 25
- (1) The Fire District Review Panel must conduct a review of the Fire Rescue Victoria fire district at least once during—
    - (a) the 4-year period beginning on the day on which this section commences; and
    - (b) each subsequent 4-year period.

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

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(2) The Fire District Review Panel must also conduct a review of the Fire Rescue Victoria fire district if—

- 5
- (a) the Minister requests a review after receiving a recommendation of the Secretary under section 4H; or
  - (b) the Minister determines under section 4M(1)(c) that a review be conducted.

10 **4H Secretary may recommend a review of the Fire Rescue Victoria fire district**

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

- 15
- (a) has received evidence of a change in fire risk within the Fire Rescue Victoria fire district or the country area of Victoria; and
  - (b) considers that the change in fire risk warrants such a review.
- 20

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

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

- 25
- (a) the Minister must cause a copy of the request, and the reasons for the request, to be published in the Government Gazette; and
  - (b) the Fire Rescue Commissioner must cause a copy of the request, and the reasons for the request, to be published on the Internet site of Fire Rescue Victoria.
- 30
- 35
-

**4J Object of review**

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

**4K Procedures relating to review**

- 20 (1) In conducting a review of the Fire Rescue  
Victoria fire district, the Fire District Review  
Panel may—
- (a) inquire into and inform itself of any  
matters relevant to the review as the  
25 Panel thinks fit; and
- (b) consult with any person or body as the  
Panel thinks fit including, but not  
limited to, by seeking oral or written  
submissions.
- 30 (2) In conducting a review of the Fire Rescue  
Victoria fire district, the Fire District Review  
Panel must consult with all relevant fire  
services agencies and any municipal district  
directly affected by the review.

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

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- (3) A review of the Fire Rescue Victoria fire district requested by the Minister under section 4G(2)(a) must be completed within the period (if any) specified in the request.

5

**4L Report of review**

- (1) After conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must report its findings to the Minister.

- (2) The report may recommend—

10

(a) that no change be made to the Fire Rescue Victoria fire district; or

(b) that a change be made to the Fire Rescue Victoria fire district; or

15

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

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

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- (1) After receiving a report under section 4L of a review of the Fire Rescue Victoria fire district, the Minister may determine by instrument—

(a) that no change be made to the Fire Rescue Victoria fire district; or

25

(b) that a change be made to the Fire Rescue Victoria fire district; or

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

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

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- (2) In making a determination under subsection (1), the Minister must have regard to—
- (a) the report and recommendations of the Fire District Review Panel; and
  - (b) the capacity of each relevant fire services agency to perform its statutory functions and duties; and
  - (c) the implications of making the determination for the budget and resources of each relevant fire services agency; and
  - (d) the implications of making the determination for the budget and resources of the emergency management sector; and
  - (e) the other implications of making the determination for the emergency management sector.
- (3) The Minister must cause a determination made under subsection (1) to be published in the Government Gazette.
- (4) The Fire Rescue Commissioner must cause a determination made by the Minister under subsection (1) to be published on the Internet site of Fire Rescue Victoria.
- 4N Effect of Minister's determination**
- (1) A determination made under section 4M(1) takes effect according to its terms on the day on which it is published in the Government Gazette.
- (2) If the determination states that a change is to be made to the Fire Rescue Victoria fire district, the Governor in Council may, by order published in the Government Gazette, amend Schedule 2 to change the Fire Rescue
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Part 4—Amendments relating to the Fire Rescue Victoria fire district

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Victoria fire district as stated in the  
determination and the Order has effect  
accordingly.

**45 New Schedule 2**

5

For the Second Schedule of the Principal Act  
**substitute—**

**"Schedule 2**

10

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

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

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

**46 Objective**

- 5                   In section 6B of the **Country Fire Authority  
Act 1958**—
- (a) in paragraph (b), for "public value."  
                  **substitute** "public value;";
- (b) after paragraph (b) **insert**—
- 10                   "(c) support the effective and sustainable  
                  recruitment, development and retention  
                  of volunteer officers and members to  
                  deliver capability in the provision of the  
                  Authority's services."

15                   **47 Recognition of Authority as a volunteer-based  
                  organisation**

- In section 6F of the **Country Fire  
                  Authority Act 1958**, for "first and foremost a  
                  volunteer-based organisation, in which volunteer  
20                   officers and members are supported by employees  
                  in a fully integrated manner" **substitute** "a fully  
                  volunteer fire fighting service, supported where  
                  necessary by paid staff".

**48 New section inserted**

- 25                   After section 20AA of the **Country Fire  
                  Authority Act 1958 insert**—
- "20AB Powers relating to volunteer brigades  
                  located in the Fire Rescue Victoria fire  
                  district**
- 30                   (1) This section sets out the powers exercisable  
                  under this Act in relation to volunteer  
                  brigades located in the Fire Rescue Victoria  
                  fire district for the purposes of—

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

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- 5 (a) the duty of the Authority set out in section 20 in relation to the prevention and suppression of fires and the protection of life and property in case of fire so far as relates to the country area of Victoria; and
- (b) any other function, power or duty of the Authority set out in this Act or any other Act.
- 10 (2) The Authority may exercise powers under the following provisions in relation to volunteer brigades located in the Fire Rescue Victoria fire district—
- 15 (a) section 20AA(2)(a) and (g) (agreements or arrangements for goods and services);
- (b) section 21(1) (purchasing stations, etc.);
- (c) section 23(1)(a), (b), (c), (d), (e), (f) and (k) (registration etc. of brigades);
- 20 (d) section 102(1) (collecting contributions etc.);
- (e) section 109A (appointment of deputies).
- 25 (3) The Chief Officer may exercise powers under the following provisions in relation to volunteer brigades located in the Fire Rescue Victoria fire district—
- (a) section 27(2) (powers of order and control over brigades, etc.);
- 30 (b) section 29(a) (summoning brigades for practice);
- (c) section 29(b), (c) and (e) (inspection of brigades, control of property, inquiries and reports).
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Part 5—Amendments relating to volunteer brigades located in the Fire  
Rescue Victoria fire district

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- 5 (4) The Authority, the Chief Officer, any officer exercising the powers of the Chief Officer, or an officer or member of a brigade, may exercise powers under section 96 (water usage) in relation to volunteer brigades located in the Fire Rescue Victoria fire district.
- 10 (5) Section 92 (immunity) applies in relation to the exercise of powers, in accordance with this section, in relation to volunteer brigades located in the Fire Rescue Victoria fire district."

**49 Immunity for officers etc.**

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

20

**50 Immunity provision**

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

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

**51 Delegation**

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

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

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available to the Authority under section 25B of  
the **Fire Rescue Victoria Act 1958**".

**52 Regulations**

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

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



Part 6—Transitional provisions

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

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

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

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

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

*the transitional provisions* means sections 99 to 120.

20                  **99 Fire Rescue Victoria**

On the commencing day—

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

Part 6—Transitional provisions

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

**100 Fire Rescue Commissioner**

On the commencing day—

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



Part 6—Transitional provisions

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

**101 Transfer of staff**

- 10 (1) A person (referred to in this section as a *transferred employee*) employed by the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board immediately before the commencing day is to be regarded as—
- 15 (a) having been employed by Fire Rescue Victoria with effect from the commencing day; and
- 20 (b) having been so employed on the same terms and conditions as those that applied to him or her, immediately before the commencing day, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires); and
- 25 (c) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that he or she had accrued, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) immediately before the commencing day.
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Part 6—Transitional provisions

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- 5 (2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately before the commencing day, as an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire Emergency Services Board (as the case requires).
- 10 (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) because of this section.
- 15 (4) Nothing in this section prevents—
- 20 (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
- 25 (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment with Fire Rescue Victoria.
- 102 Transfer of Country Fire Authority staff**
- 30 (1) A person (referred to in this section as a *transferred employee*)—
- 35 (a) who was appointed to perform functions under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the
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Part 6—Transitional provisions

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

Part 6—Transitional provisions

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

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

- 5
- (1) The Minister may direct the Country Fire Authority to transfer a person, or persons included in a class of persons, to the employment of Fire Rescue Victoria on and from the day specified in the direction, if the person or persons—
- 10
- (a) were employed to perform functions or duties under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or
- 15
- otherwise, immediately before the commencing day; and
- (b) were not transferred to Fire Rescue Victoria because of the operation of section 102.
- 20
- (2) If the Minister gives a direction under subsection (1) in relation to a person, or persons included in a class of persons—
- 25
- (a) the person or persons are taken to have been employed by Fire Rescue Victoria with effect from the day specified in the direction; and
- (b) section 102 applies as if—
- 30
- (i) the person had been transferred under that section; and
- (ii) references in that section to the commencing day were references to the day specified in the direction.
- 35
- (3) The Minister must not give a direction under subsection (1) on or after 1 September 2018.
-

**104 Superseded references**

- 5 (1) On and after the commencing day, in any Act (other than this Act), or in any instrument made under any Act or in any other document of any kind—
- (a) a reference to the Metropolitan Fire and Emergency Services Board is taken to be a reference to Fire Rescue Victoria; and
- 10 (b) a reference to the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board is taken to be a reference to the Fire Rescue Commissioner; and
- 15 (c) a reference to the metropolitan district or the metropolitan fire district is taken to be a reference to the Fire Rescue Victoria fire district.
- 20 (2) To avoid doubt, in this section a reference to the Metropolitan Fire and Emergency Services Board, the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board includes deemed references under section 99 of this Act.

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

- 30 (1) The Minister may give a direction to the Country Fire Authority requiring the Country Fire Authority to give to the Minister a statement (an *allocation statement*) that—
- 35

Part 6—Transitional provisions

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- 5 (a) sets out the property, rights, liabilities and obligations of the Country Fire Authority that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations of the Country Fire Authority that relate to the following—
- 10 (i) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;
- 15 (ii) staff assigned to such a station or such stations or premises; and
- 20 (b) identifies the location of any such property of the Country Fire Authority and identifies the rights, liabilities and obligations; and
- 25 (c) allocates that property and those rights, liabilities and obligations to Fire Rescue Victoria; and
- (d) includes such other information about that property and those rights, liabilities and obligations (other than information about their value) as is specified in the direction.
- 30 (2) Without limiting subsection (1), a direction under subsection (1) may specify either or both of the following—
- 35 (a) the property, rights, liabilities and obligations of the Country Fire Authority;
- (b) one or more classes of property, rights, liabilities and obligations of the Country Fire Authority—
-

Part 6—Transitional provisions

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- 5 that are to be allocated to Fire Rescue  
Victoria on the approval date, which must be  
property, rights, liabilities and obligations or  
classes of property, rights, liabilities and  
obligations of the Country Fire Authority  
that relate to either or both of the  
following—
- 10 (c) one or more integrated fire stations or  
Country Fire Authority premises  
situated at an address or location set out  
in column 2 of the table in Schedule 3;
- (d) staff assigned to such a station or such  
stations or premises.
- 15 (3) Despite subsection (1) and (2), a direction  
under subsection (1) must not have the effect  
that any of the following are to be allocated  
to Fire Rescue Victoria—
- 20 (a) a property that is a Victorian  
Emergency Management Training  
Centre;
- (b) a property that is a Country Fire  
Authority District Headquarter.
- 25 (4) If the Minister gives a direction to the  
Country Fire Authority under subsection (1),  
the Country Fire Authority must give the  
allocation statement required by the direction  
to the Minister before the end of the period  
specified in the direction.
- 30 (5) The Minister may approve the allocation  
statement.
- (6) If the Minister approves the allocation  
statement—
- (a) the Minister must sign the statement;  
and
-



Part 6—Transitional provisions

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(b) the date on which the Minister signs the allocation statement is the *approval date*.

5 (7) The Minister may give more than one direction under subsection (1), but must not give a direction on or after 1 July 2019.

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

10 On the approval date of an allocation statement—

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

20 (b) all liabilities of the Country Fire Authority, wherever located, that are allocated under the allocation statement become liabilities of Fire Rescue Victoria in accordance with the allocation statement.

**107 Allocation subject to encumbrances**

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

30 (a) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and

35 (b) the rights to which the Country Fire Authority was entitled in respect of those liabilities immediately before

Part 6—Transitional provisions

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they ceased to be liabilities of the  
Country Fire Authority vest in Fire  
Rescue Victoria.

**108 Substitution of party to agreement**

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

10 (a) Fire Rescue Victoria becomes, on the  
approval date of the allocation  
statement, a party to the agreement in  
place of the Country Fire Authority;  
and

15 (b) on and after the approval date of the  
allocation statement, the agreement has  
effect as if Fire Rescue Victoria had  
always been a party to the agreement.

**109 Country Fire Authority instruments**

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

**110 Proceedings**

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

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Part 6—Transitional provisions

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then, on and after the approval date, Fire  
Rescue Victoria—

- 5
- (a) is substituted for the Country Fire  
Authority as a party to the proceedings;  
and
  - (b) has the same rights in the proceedings  
as the Country Fire Authority had.

**111 Interests in land**

10 Without affecting the generality of the  
transitional provisions and despite anything  
to the contrary in any other Act (other than  
the **Charter of Human Rights and  
Responsibilities Act 2006**) or law, if,  
15 immediately before the approval date for an  
allocation statement, the Country Fire  
Authority is, in relation to property, rights or  
liabilities allocated to Fire Rescue Victoria,  
the registered proprietor of an interest in land  
under the **Transfer of Land Act 1958**, then  
20 on and after the approval date—

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

**112 Easements**

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

**113 Action by Registrar of Titles**

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

**114 Taxes**

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

**115 Evidence**

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

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

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

- 5 (a) is to be regarded as placing any person  
in breach of contract or confidence or  
as otherwise making any person guilty  
of a civil wrong; or
- 10 (b) is to be regarded as placing any person  
in a breach of or as constituting a  
default under any Act (other than the  
**Charter of Human Rights and  
Responsibilities Act 2006**) or other  
15 law or any provision in any agreement,  
arrangement or understanding  
including, without limiting the  
generality of the foregoing, any  
provision prohibiting, restricting or  
20 regulating the assignment or transfer of  
any property or the disclosure of any  
information; or
- 25 (c) is to be regarded as fulfilling any  
condition which allows a person to  
exercise a right or remedy in respect of  
or to terminate any agreement or  
obligation; or
- 30 (d) is to be regarded as giving rise to any  
remedy for a party to a contract or an  
instrument or as causing or permitting  
the termination of any contract or  
instrument because of a change in the  
beneficial or legal ownership of any  
property, right or liability; or
- 35 (e) is to be regarded as causing any  
contract or instrument to be void or  
otherwise unenforceable; or
-

Part 6—Transitional provisions

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(f) is to be regarded as frustrating any contract; or

(g) releases any surety or other obligee wholly or in part from any obligation.

5

**117 Transitional provision relating to the Fire Services Property Levy Act 2012**

10

(1) Despite the amendments made by the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2017**, for the purposes of calculating the levy for the levy year commencing on 1 July 2017 or 1 July 2018 under section 14 of the **Fire Services Property Levy Act 2012**—

15

(a) a reference in the **Fire Services Property Levy Act 2012** to the Fire Rescue Victoria fire district is taken to be a reference to the metropolitan fire district within the meaning of this Act as in force immediately before the commencing day; and

20

(b) a reference in the **Fire Services Property Levy Act 2012** to the country area of Victoria is taken to be a reference to the country area of Victoria within the meaning of that Act as in force immediately before the commencing day.

25

(2) In this section—

30

*levy* has the meaning given by section 3 of the **Fire Services Property Levy Act 2012**; and

35

*levy year* has the meaning given by section 3 of the **Fire Services Property Levy Act 2012**.

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Part 6—Transitional provisions

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**118 Transitional provision relating to insignias**

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

**119 Transitional regulations**

- 10 (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2017**.
- 15 (2) Without limiting subsection (1), the regulations may make provision for or in relation to—
- 20 (a) persons employed by the Country Fire Authority or the Chief Officer of the Country Fire Authority;
- 25 (b) the sale, transfer or disposal of property, rights, liabilities and obligations of the Country Fire Authority to Fire Rescue Victoria or otherwise.
- 30 (3) Regulations under this section may—
- (a) have a retrospective effect to a day on or after a day not earlier than the day on which this Act receives the Royal Assent; and
- (b) be of limited or general application; and
- (c) differ according to time, place or circumstance; and

Part 6—Transitional provisions

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- (d) leave any matter or thing to be decided by a specified person or class of person.
- 5 (4) To the extent to which any provision of the regulations takes effect from a date that is earlier than the date of its making, the provision does not operate so as—
- 10 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its making; or
- 15 (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its making.
- 20 (5) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.
- (6) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to any regulations made under this section.
- 25 (7) This section expires on 1 July 2019.
- 120 Renaming of Act—Savings provision**
- 30 (1) On and from the commencing day, any reference in any Act (other than this Act), regulation, subordinate instrument, or other document whatsoever to the **Metropolitan Fire Brigades Act 1958** is to be construed as a reference to the **Fire Rescue Victoria Act 1958**, unless the contrary intention appears.
-



Part 6—Transitional provisions

- 5
- 10
- (2) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under this Act or existing or continuing under this Act immediately before the commencing day continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if this Act had not been amended by section 23 of this Act.
- (3) Nothing in this section limits or otherwise affects the operation of the **Interpretation of Legislation Act 1984**."

15

**54 New Schedule 3 inserted**

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

**"Schedule 3**

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

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Firefighters' Presumptive Rights Compensation and Fire Services Legislation  
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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
3	Prevention and suppression of fires	Bendigo 145–149 Hargreaves Street, Bendigo Victoria 3550	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
4	Prevention and suppression of fires	Boronia 296–306 Boronia Road, Boronia Victoria 3155	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
5	Prevention and suppression of fires	Caroline Springs 8–10 Caroline Springs Boulevard, Caroline Springs Victoria 3012	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
6	Prevention and suppression of fires	Corio 20-32 Birdwood Avenue, Norlane Victoria 3214	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

Firefighters' Presumptive Rights Compensation and Fire Services Legislation  
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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
7	Prevention and suppression of fires	Craigieburn 2 Belsay Place, Craigieburn Victoria 3064	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
8	Prevention and suppression of fires	Cranbourne 8–10 Arundel Street, Cranbourne Victoria 3977	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
9	Prevention and suppression of fires	Dandenong 186–194 Princes Highway, Dandenong Victoria 3175	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
10	Prevention and suppression of fires	Eltham 61 Brougham Street, Eltham Victoria 3095	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
11	Prevention and suppression of fires	Frankston 3 Cranbourne Road, Frankston Victoria 3199	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
12	Prevention and suppression of fires	Geelong City 69 McKillop Street, Geelong Victoria 3220	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
13	Prevention and suppression of fires	Greenvale 33 Barrymore Road, Greenvale Victoria 3059	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
14	Prevention and suppression of fires	Hallam 12–14 Hallam- Belgrave Road, Hallam Victoria 3803	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
15	Prevention and suppression of fires	Hoppers Crossing 119 Derrimut Road, Werribee Victoria 3030	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
16	Prevention and suppression of fires	Melton 40–44 Henry Street, Melton Victoria 3337	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
17	Prevention and suppression of fires	Mildura 326 San Mateo Avenue, Mildura Victoria 3500	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
18	Prevention and suppression of fires	Mornington 859 Nepean Highway, Mornington Victoria 3931	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

Firefighters' Presumptive Rights Compensation and Fire Services Legislation  
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Part 6—Transitional provisions

<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
19	Prevention and suppression of fires	Morwell 26 McDonald Street, Morwell Victoria 3840	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
20	Prevention and suppression of fires	Ocean Grove 5–11 Shell Road, Ocean Grove Victoria 3226	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
21	Prevention and suppression of fires	Pakenham 780 Princes Highway, Pakenham Victoria 3810	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
22	Prevention and suppression of fires	Patterson River 37 McLeod Road, Carrum Victoria 3197	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
23	Prevention and suppression of fires	Point Cook 83–93 Dunnings Road, Point Cook Victoria 3030	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
24	Prevention and suppression of fires	Portland 130 Percy Street, Portland Victoria 3305	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
25	Prevention and suppression of fires	Rosebud 99–101 Boneo Road, Rosebud Victoria 3939	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
26	Prevention and suppression of fires	Rowville 1063 Wellington Road, Rowville Victoria 3178	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
27	Prevention and suppression of fires	Shepparton 268 Maude Street, Shepparton Victoria 3630	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
28	Prevention and suppression of fires	South Morang 875 Plenty Road, South Morang Victoria 3752	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
29	Prevention and suppression of fires	South Warrandyte 29 Falconer Road, Park Orchards Victoria 3114	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
30	Prevention and suppression of fires	Springvale 518 Springvale Road, Springvale South Victoria 3172	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters



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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
31	Prevention and suppression of fires	Sunbury 144 Gap Road, Sunbury Victoria 3429	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
32	Prevention and suppression of fires	Traralgon 158 Princes Street, Traralgon Victoria 3844	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
33	Prevention and suppression of fires	Wangaratta 26–30 Handley Street, Wangaratta Victoria 3677	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
34	Prevention and suppression of fires	Warrnambool 61–67 Mortlake Road, Warrnambool Victoria 3280	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters

Firefighters' Presumptive Rights Compensation and Fire Services Legislation  
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<i>Item</i>	<i>Transferred functions</i>	<i>Integrated Fire Station or Country Fire Authority premises address or location</i>	<i>Staff</i>
35	Prevention and suppression of fires	Wodonga 37–39 Stanley Street, Wodonga Victoria 3690	Operations Officers (Officer in charge of the Integrated Brigades) Senior Station Officers (On shift) Station Officers Leading Fire Fighters Fire Fighters
36	Liaison between the fire services and the power generation industry including the responsibility for these risks and the planning and preparedness for response to these risks	Morwell 203 Hazelwood Road, Morwell Victoria 3840	Operations Officer – Critical Infrastructure
37	Prevention and suppression of fires	Victorian Emergency Management Training Centre— CRAIGIEBURN 284–290 Hume Highway, Craigieburn Victoria 3064	Recruit Fire Fighters
38	Provision of training to Integrated Brigades	All locations in Victoria	Senior Instructors Instructors Practical Area (Drill) Operators

"

## **Part 7—Consequential amendments of the Metropolitan Fire Brigades Act 1958**

### **55 Purposes**

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

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

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

### **57 Municipal fire prevention officers and assistants**

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

### **58 Functions of Board**

- (1) In section 7(1) of the Principal Act—
- (a) for "the Board" (where twice occurring)  
**substitute** "Fire Rescue Victoria";
  - 20 (b) for "metropolitan district"(where twice  
occurring) **substitute** "Fire Rescue Victoria  
fire district".
- (2) In section 7(2) of the Principal Act, for  
"The Board" **substitute** "Fire Rescue Victoria".
- 25 (3) In section 7(3) of the Principal Act—
- (a) for "the Board" **substitute** "Fire Rescue  
Victoria";
  - (b) for "metropolitan district" **substitute**  
"Fire Rescue Victoria fire district".

**59 Duty to assist in major emergency**

In section 7AA of the Principal Act, for  
"the Board" (where twice occurring) **substitute**  
"Fire Rescue Victoria".

5

**60 Objective**

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

**61 Emergency Management Victoria**

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

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

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

15

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

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

20

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

**64 Strategic Action Plan**

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

(2) In section 7AE of the Principal Act, for  
"the Authority" **substitute** "Fire Rescue Victoria"

(3) In section 7AE(4) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

**65 Compliance with incident management operating procedures**

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

5

**66 Power to purchase and sell property**

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

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

10

**67 Power to acquire land**

(1) In section 24A(1) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

(2) In section 24A(2)(a) of the Principal Act, for  
"**Metropolitan Fire Brigades Act 1958**"  
**substitute** "**Fire Rescue Victoria Act 1958**".

15

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

20

**68 Power of delegation**

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

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

25

**69 General powers of Board**

(1) In section 25A(1) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

(2) In section 25A(2) of the Principal Act, for  
"the Board" (wherever occurring) **substitute**  
"Fire Rescue Victoria".

30

Part 7—Consequential amendments of the  
Metropolitan Fire Brigades Act 1958

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- 5
- (3) In section 25A(2)(g) of the Principal Act, for "the Board's" **substitute** "Fire Rescue Victoria's".
- (4) In section 25A(3)(a) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- 5
- (5) In section 25A(3) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- (6) In section 25A(4) of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".
- 10
- (7) In section 25A(4A) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".

**70 Formation of units**

- (1) In section 26(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- 15
- (2) In section 26(2) of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".
- (3) In section 26(3) of the Principal Act, for "the Chief Officer" **substitute** "Fire Rescue Victoria".
- 20

**71 Copies of annual report and special report**

- (1) In section 27(1) of the Principal Act, for "the Board" (where twice occurring) **substitute** "Fire Rescue Victoria".
- 25
- (2) In section 27(2) of the Principal Act, for "The Board must if required by the Minister give the Minister a special report" **substitute** "Fire Rescue Victoria must, if required by the Minister, give the Minister information or a report".
- 30

**72 Delegation of powers by Chief Officer**

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

10 **73 Powers of Chief Officer**

In section 32 of the Principal Act—

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

**74 Duty to warn the community**

In section 32AA of the Principal Act—

- (a) for "The Chief Officer" (where twice occurring) **substitute** "Fire Rescue Victoria";
- 20 (b) for "the Chief Officer" **substitute** "Fire Rescue Victoria";
- (c) for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".
- 25

**75 Action on alarm of fire**

- (1) In section 32B of the Principal Act—
- (a) for "the Chief Officer", (wherever occurring) **substitute** "Fire Rescue Victoria";
- 30 (b) for "metropolitan district" (where twice occurring) **substitute** "Fire Rescue Victoria fire district";

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

**76 Destruction of building by Chief Officer**

- 5 (1) In section 32C(1) and (1A) of the Principal Act,  
for "the Chief Officer" (wherever occurring)  
**substitute** "Fire Rescue Victoria".
- (2) In section 32C(2) of the Principal Act, for  
"The Board" **substitute** "Fire Rescue Victoria".
- 10 (3) In section 32C(3) and (4) of the Principal Act,  
for "the Board" (wherever occurring) **substitute**  
"Fire Rescue Victoria".
- (4) In the heading to section 32C of the Principal Act  
for "**Chief Officer**" **substitute** "**Fire Rescue**  
**Commissioner**".

15 **77 False alarm of fire**

- (1) In section 32D(1) of the Principal Act, for  
"metropolitan district" **substitute** "Fire Rescue  
Victoria fire district".
- 20 (2) In section 32D(2) and (4) of the Principal Act, for  
"The Board" **substitute** "Fire Rescue Victoria".
- (3) In section 32D of the Principal Act, for  
"the Board" (wherever occurring) **substitute**  
"Fire Rescue Victoria".

**78 False report of fire**

- 25 (1) In section 33(1) of the Principal Act, for  
"metropolitan district" **substitute** "Fire Rescue  
Victoria fire district".
- (2) In section 33(2) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

30 **79 Power to make regulations**

- (1) In section 34(1)(i) of the Principal Act, for  
"metropolitan district" **substitute** "Fire Rescue  
Victoria fire district".



Part 7—Consequential amendments of the  
Metropolitan Fire Brigades Act 1958

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- (2) In section 34(1)(b), (ba), (c), (n) and (o)(i) and (ii) of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
- 5 (3) In section 34(1)(o)(iii) of the Principal Act, for "the Board or by members or employees of the Board" **substitute** "Fire Rescue Victoria or employees of Fire Rescue Victoria".
- (4) In section 34(1)(ob) and (pa) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- 10 **80 Annual estimate of expenditure and revenue**
- (1) In section 36(1) of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
- (2) In section 36(1A) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- 15 **81 Contributions towards annual expenditure**
- In section 37(2) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- 82 Borrowing by Board**
- 20 (1) In section 46(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 46 of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
- 25 **83 Power of Minister in case of default of Board**
- In section 47 of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
- 84 Guarantee of debentures etc. of Board**
- 30 In section 47A of the Principal Act, for "the Board" (wherever occurring) **substitute** "Fire Rescue Victoria".
-

**85 Board may establish funds**

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

**86 Investment by Board**

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

**87 Units to be registered**

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

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

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

**89 Immunity from certain liabilities**

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

**90 Board is a protection agency**

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

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

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

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

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

**93 Board may provide protection services**

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

5 **94 Board may provide emergency prevention and  
response service**

In section 55D of the Principal Act—

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

**95 Activities outside metropolitan district**

(1) In section 55E of the Principal Act—

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

20 (2) In section 55E(4) of the Principal Act, for  
"Chief Officer" (where twice occurring)  
**substitute** "Fire Rescue Commissioner and  
Fire Rescue Victoria".

25 (3) In the heading to section 55E of the Principal  
Act for "**metropolitan district**" **substitute**  
"**Fire Rescue Victoria fire district**".

**96 Extension and application of Act**

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

**97 Rights to water**

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

5

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

**98 Collection of contributions for units**

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

10

**99 Regulation of height of buildings**

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

**100 Recovery of charges for services**

15

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

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

20

**101 Place where fire occurs**

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

25

(2) In section 71(2) of the Principal Act—

(a) for "The Board or Chief Officer" **substitute**  
"Fire Rescue Victoria";

(b) for "the Board's or the Officer's" **substitute**  
"Fire Rescue Victoria's";

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- 5
- (3) In section 71(3) of the Principal Act, for "the Board or Chief Officer " (wherever occurring) **substitute** "Fire Rescue Victoria".
- (4) In section 71(5) of the Principal Act, for "the Board or the Chief Officer" (where twice occurring) **substitute** "Fire Rescue Victoria".
- (5) In section 71 of the Principal Act, for "metropolitan district" (where twice occurring) **substitute** "Fire Rescue Victoria fire district".
- 10     **102 Board or unit may carry out fire prevention work**
- (1) In section 72(1) of the Principal Act, for "The Board" **substitute** "Fire Rescue Victoria".
- (2) In section 72(2) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".
- 15     (3) In section 72(3) of the Principal Act, for "the Chief Officer" **substitute** "Fire Rescue Victoria".
- (4) In the heading to section 72 of the Principal Act for "**Board**" **substitute** "**Fire Rescue Victoria**".
- 20     **103 Interstate fire brigades and international fire brigades**
- (1) In section 72A(1) of the Principal Act—
- 25         (a) for "metropolitan district" (wherever occurring) **substitute** "Fire Rescue Victoria fire district";
- (b) for paragraph (b) and the words after paragraph (b) from and including "the Chief Officer" to and including "fire." **substitute**—
- 30             "(b) obey any orders given to him or her by Fire Rescue Victoria".

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- 5
- (2) In section 72A(2) of the Principal Act—
- (a) for "the Chief Officer or the senior member of the operational staff in charge of the fire fighting operations is not present at the fire, then, until the arrival of the Chief Officer or senior member of the operational staff" **substitute** "Fire Rescue Victoria is not present at the fire, then until the arrival of Fire Rescue Victoria";
- 10
- (b) for "the Chief Officer" (where third occurring) **substitute** "Fire Rescue Victoria".
- (3) In section 72A(3) of the Principal Act, for "metropolitan district" (wherever occurring) **substitute** "Fire Rescue Victoria fire district".
- 15
- (4) In section 72A(4) of the Principal Act—
- (a) for "the Chief Officer or the senior member of the operational staff who is in charge of the fire fighting operations and is present at the fire" **substitute** "Fire Rescue Victoria";
- 20
- (b) for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

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

- 25
- (1) In section 75 of the Principal Act, for "the Board" (where first and thirdly occurring) **substitute** "Fire Rescue Victoria".
- (2) In section 75 of the Principal Act, for "the President or the Deputy President of the Board" **substitute** "the Fire Rescue Commissioner".
- 30
- (3) In the heading to section 75 of the Principal Act for "**President or Deputy President**" **substitute** "**Fire Rescue Commissioner**".

**105 Offences relating to impersonation**

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

5      **106 Damage or interference with fire indicator panel or  
other apparatus**

(1) In section 75B(4) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

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

**107 Obstruction of fire officers and damage to  
apparatus**

15      (1) In section 75C(1)(a) of the Principal Act, for  
"Chief Officer" **substitute** "Fire Rescue  
Commissioner".

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

**108 Recovery and application of penalties**

20      (1) In section 77(1)(b) of the Principal Act, for  
"the Chief Officer, by any person authorised by  
the Board" **substitute** "Fire Rescue Victoria, by  
any person authorised by Fire Rescue Victoria".

25      (2) In section 77(2) and (4) of the Principal Act, for  
"the Board" **substitute** "Fire Rescue Victoria".

(3) In section 77(3)(b) of the Principal Act, for  
"the Chief Officer, to the Board" **substitute**  
"Fire Rescue Victoria, to Fire Rescue Victoria".

30      **109 Alarm monitoring service to provide prescribed  
information**

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

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

**110 Laying of charges**

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

**111 Hearing of charges**

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

**112 Decision of Chief Executive Officer**

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

**113 Rights of appeal**

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

**114 Assistants in proceedings**

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

**115 Appeals against transfer**

In section 79O(1) of the Principal Act, for "the Board" **substitute** "Fire Rescue Victoria".

**116 Promotion appeals**

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



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

**117 Board and Chief Executive Officer**

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

**118 Definition**

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

**119 Entitlement to long service leave**

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

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

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

20 **121 Leave not to affect Board's activities**

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

25 **122 Provision in case of death before or during long service leave**

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

**123 Fire prevention notices**

- 30 In section 87(1) for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".

**124 Service of notices**

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

5 **125 Appeal against notices**

(1) In section 90 of the Principal Act, for  
"the Chief Officer" (wherever occurring)  
**substitute** "Fire Rescue Victoria".

10 (2) In section 90(2) of the Principal Act, for  
"The Chief Officer" **substitute** "Fire Rescue  
Victoria".

**126 Fire prevention infringement notices**

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

**127 Issue of notices by Chief Officer**

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

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

**128 Consequential amendments—headings**

- (1) In the Principal Act, for the heading—
- 25 (a) immediately before section 4 **substitute**  
"*Fire Rescue Victoria fire district*";
- (b) immediately before section 6 **substitute**  
"*Fire Rescue Victoria*";
- 30 (c) immediately before section 24 **substitute**  
"*General powers and duties of Fire Rescue  
Victoria*";

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- (d) immediately before section 28 **repeal**  
**"Chief Executive Officer and Chief  
Officer"**.
- (2) **Insert** the following headings to the following  
sections in the Principal Act—
- 5
- (a) to section 4—"**Fire Rescue Victoria fire  
district**";
- (b) to section 7—"**Functions of Fire Rescue  
Victoria**";
- 10
- (c) to section 17—"**Immunity of Fire Rescue  
Commissioner**";
- (d) to section 25A—"**General powers of Fire  
Rescue Victoria**";
- (e) to section 25B—"**Employees of Fire Rescue  
Victoria**";
- 15
- (f) to section 31A—"**Delegation of powers by  
Fire Rescue Commissioner**";
- (g) to section 32—"**Powers of access**";
- (h) to section 32C—"**Destruction of buildings  
by Fire Rescue Victoria**";
- 20
- (i) to section 46—"**Borrowing by Fire Rescue  
Victoria**";
- (j) to section 47—"**Power of Minister in case  
of default**";
- (k) to section 47A—"**Guarantee of debentures  
of Fire Rescue Victoria**";
- 25
- (l) to section 51—"**Fire Rescue Victoria may  
establish funds**";
- (m) to section 51A—"**Investment by Fire  
Rescue Victoria**";
- 30
- (n) to section 55—"**Fire Rescue Victoria is a  
protection agency**";
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- 5
- (o) to section 55A—"**Fire Rescue Victoria may provide rescue and extrication services**";
- (p) to section 55B—"**Fire Rescue Victoria may provide road accident rescue services**";
- 10
- (q) to section 55C—"**Fire Rescue Victoria may provide protection services**";
- (r) to section 55D—"**Fire Rescue Victoria may provide emergency prevention and response services**";
- (s) to section 55E—"**Activities outside Fire Rescue Victoria fire district**";
- (t) to section 72—"**Fire Rescue Victoria or unit may carry out fire prevention work**";
- 15
- (u) to section 75—"**Documents signed by the Fire Rescue Commissioner to be evidence**";
- (v) to section 78D—"**Decision of Fire Rescue Commissioner**";
- 20
- (w) to section 79R—"**Fire Rescue Victoria to give effect to determination**";
- (x) to section 82—"**Leave not affect Fire Rescue Victoria's activities**";
- (y) to section 79R—"**Issue of notices**".



**Fire Rescue Victoria Act 1958**, the Chief Officer under the **Country Fire Authority Act 1958** or any public authority."

**132 Membership and procedure**

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

**133 General regulation-making powers**

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

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

**134 Definitions**

15 (1) In section 3(1) of the **Coroners Act 2008**, the definition of *Metropolitan Fire and Emergency Services Board* is repealed.

(2) In section 3(1) of the **Coroners Act 2008** insert the following definition—

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

**135 Fire authority request for fire investigation**

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

(2) In section 30(3) of the **Coroners Act 2008**, for "Board" substitute "Fire Rescue Victoria".

**136 Fire authority to assist**

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

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

### 137 Definitions

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

### 138 Long service leave of officers etc.

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

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

### 25 139 Duty to assist in major emergency

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

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

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

- 5
- (1) In section 33(1)(a) of the **Country Fire Authority Act 1958**, for "metropolitan district" **substitute** "Fire Rescue Victoria fire district".
- (2) In section 33(2)(a) of the **Country Fire Authority Act 1958**, for "the Metropolitan Fire and Emergency Services Board" **substitute** "Fire Rescue Victoria".
- 10
- (3) In section 33(2)(c) of the **Country Fire Authority Act 1958**—
- (a) for "metropolitan district" **substitute** "Fire Rescue Victoria fire district";
- 15
- (b) for "the Metropolitan Fire and Emergency Services Board" (where twice occurring) **substitute** "Fire Rescue Victoria".

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

20

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

**142 Provisions about total fire bans**

25

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



**143 Definitions**

5 In section 62 of the **Country Fire Authority Act 1958** in the definition of *officer in charge of a brigade* for "an officer of the Metropolitan and Emergency Services Board" **substitute** "the Fire Rescue Commissioner within the meaning of the **Fire Rescue Victoria Act 1958**".

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

10 **144 Definitions**

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

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

**145 Delegations**

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

**146 Authority to send the information to relevant fire authority**

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

**Division 6—Amendment of Delivering Victorian  
Infrastructure (Port of Melbourne Lease  
Transaction) Act 2016**

**147 Schedule 1—Consequential amendments**

5 In Schedule 1 to the **Delivering Victorian  
Infrastructure (Port of Melbourne Lease  
Transaction) Act 2016**, for the heading to item 6  
substitute—  
"Fire Rescue Victoria Act 1958".

10 **Division 7—Amendment of EastLink Project  
Act 2004**

**148 Emergency access to Project area**

15 In section 239(2) of the **EastLink Project  
Act 2004**, in the definition of *emergency service*,  
for paragraph (b) substitute—  
"(b) Fire Rescue Victoria established under the  
**Fire Rescue Victoria Act 1958**;"

**Division 8—Amendment of Electricity Safety  
Act 1998**

20 **149 Definitions**

In section 3 of the **Electricity Safety Act 1998**,  
in the definition of *fire control authority*, for  
paragraph (a) substitute—  
25 "(a) Fire Rescue Victoria, if the area is within  
the Fire Rescue Victoria fire district within  
the meaning of the **Fire Rescue Victoria  
Act 1958**; or".

**Division 9—Amendment of Emergency  
Management Act 1986**

**150 Definitions**

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

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

**Division 10—Amendment of Emergency  
Management Act 2013**

10

**151 Definitions**

(1) In section 3 of the **Emergency Management  
Act 2013**, the definition of *Metropolitan Fire and  
Emergency Services Board* is **repealed**.

15

(2) In section 3 of the **Emergency Management  
Act 2013**, in the definition of *Chief Officer*, for  
paragraph (a)(i) **substitute—**

"(i) the Fire Rescue Commissioner of Fire  
Rescue Victoria;"

20

(3) In section 3 of the **Emergency Management  
Act 2013—**

25

(a) in paragraph (b) of the definition of *Class 1  
emergency*, for "the Metropolitan Fire and  
Emergency Services Board" **substitute**  
"Fire Rescue Victoria";

(b) in paragraph (a) of the definition of *fire  
services agency*, for "the Metropolitan Fire  
and Emergency Services Board" **substitute**  
"Fire Rescue Victoria";

30

(c) in paragraph (a) of the definition of  
*responder agency*, for "the Metropolitan Fire  
and Emergency Services Board" **substitute**  
"Fire Rescue Victoria".

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(4) In section 3 of the **Emergency Management Act 2013** insert the following definition—

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

5

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

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

10

"(a) Fire Rescue Victoria;"

**153 Division to prevail**

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

15

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

**Division 11—Amendment of Emergency Services Superannuation Act 1986**

**154 Membership of the Board**

20

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

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

25

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

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

30

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

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## **Division 12—Amendment of Emergency Services Telecommunications Authority Act 2004**

### **156 Definitions**

- 5 (1) In section 3 of the **Emergency Services  
Telecommunications Authority Act 2004**, in  
the definition of *emergency services and other  
related services organisation*, for paragraph (c)  
substitute—
- "(c) Fire Rescue Victoria;"
- 10 (2) In section 3 of the **Emergency Services  
Telecommunications Authority Act 2004** the  
definition of *Metropolitan Fire and Emergency  
Services Board* is repealed.
- 15 (3) In section 3 of the **Emergency Services  
Telecommunications Authority Act 2004** insert  
the following definition—
- "*Fire Rescue Victoria* means Fire Rescue Victoria  
established under the **Fire Rescue Victoria  
Act 1958**;"

### **157 Advisory committee**

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

## **Division 13—Amendment of Firearms Act 1996**

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

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

## **Division 14—Amendment of Fire Services Property Levy Act 2012**

### **159 Purpose**

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

### **160 Definitions**

- 10 (1) In section 3 of the **Fire Services Property Levy  
Act 2012**, the definition of *MFB* is **repealed**.
- (2) In section 3 of the **Fire Services Property Levy  
Act 2012**, the definition of *metropolitan fire  
district* is **repealed**.
- 15 (3) In section 3 of the **Fire Services Property Levy  
Act 2012** **insert** the following definitions—
- "Fire Rescue Victoria* means Fire Rescue Victoria  
established under the **Fire Rescue Victoria  
Act 1958**;
- Fire Rescue Victoria fire district* has the same  
20 meaning as it has in section 4 of the **Fire  
Rescue Victoria Act 1958**;"
- (4) In section 3 of the **Fire Services Property Levy  
Act 2012**, in the definition of *country area of  
Victoria* for "metropolitan fire district" **substitute**  
25 "Fire Rescue Victoria fire district".

### **161 Determination of levy rates**

- 30 (1) In section 12(2)(b) of the **Fire Services Property  
Levy Act 2012**, for "each levy year subsequent to  
the 2013-14 levy year" **substitute** "for the  
2014-2015, 2015-2016, 2016-2017 and  
2017-2018 levy years".

Part 8—Consequential amendments of other Acts

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- 5 (2) In section 12(2)(b)(v) of the **Fire Services Property Levy Act 2012**, for "rates." substitute "rates;".
- 5 (3) After section 12(2)(b) of the **Fire Services Property Levy Act 2012** insert—
- "(c) in the case of the levy rates for each levy year subsequent to the 2017–2018 levy year—
- 10 (i) the funding requirements of Fire Rescue Victoria and the CFA in the levy year in which a determination under subsection (1) is to be made and any likely changes to the funding requirements of Fire Rescue Victoria and the CFA in the following levy year; and
- 15 (ii) any surplus financial assets for the Fire Rescue Victoria and the CFA; and
- 20 (iii) any shortfall in the collection of the levy; and
- (iv) the administrative costs of collection agencies in performing functions under this Act; and
- 25 (v) any other matter the Minister considers is relevant to the proper determination of the levy rates.
- (4) In section 12(3) of the **Fire Services Property Levy Act 2012**, for "and (2)(b)(iv)" substitute ", (2)(b)(iv) and (2)(c)(iv)".

30 **162 Levy rates based on location of leviable land**

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

**163 Permitted disclosures to particular persons**

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

5 **Division 15—Amendment of Gas Safety Act 1997**

**164 Mandatory reporting of gas incidents**

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

**Division 16—Amendment of Housing Act 1983**

**165 Insurance**

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

15 (a) in paragraph (a), for "**Metropolitan Fire Brigades Act 1958**" substitute "**Fire Rescue Victoria Act 1958**";

(b) in paragraph (c), for "the Metropolitan Fire Brigades Board" substitute "Fire Rescue Victoria".

20 **Division 17—Amendment of Local Government Act 1989**

**166 What land is rateable?**

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



## **Division 18—Amendment of Liquor Control Reform Act 1998**

### **167 Definitions**

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

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

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

### **168 Appointment of fire safety inspector**

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

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

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

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

**Division 19—Amendment of Marine Safety  
Act 2010**

**170 Consultation required before making a  
determination**

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

**Division 20—Amendment of National Electricity  
(Victoria) Act 2005**

10

**171 Definitions**

- 15                    (1) In section 13 of the **National Electricity  
(Victoria) Act 2005**, the definition of  
*Metropolitan Fire and Emergency Services  
Board* is repealed.
- (2) In section 13 of the **National Electricity  
(Victoria) Act 2005**, in the definition of *relevant  
entity*, for paragraph (d) **substitute**—  
"(d) Fire Rescue Victoria;".
- 20                    (3) In section 13 of the **National Electricity  
(Victoria) Act 2005** **insert** the following  
definition—  
"*Fire Rescue Victoria* means Fire Rescue Victoria  
established under the **Fire Rescue Victoria  
Act 1958**";".
- 25

**Division 21—Amendment of Residential Tenancies  
Act 1997**

**172 Authorised persons**

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

## **Division 22—Amendment of Sentencing Act 1991**

### **173 Custodial sentence for certain offences against emergency workers and custodial officers on duty**

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

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

### **174 Definitions**

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

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

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

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

## **Division 23—Amendment of Taxation Administration Act 1997**

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### **175 Permitted disclosures to particular persons or for particular purposes**

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

**Division 24—Amendment of Terrorism  
(Community Protection) Act 2003**

**176 Definitions**

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

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

10 **Division 25—Amendment of Victoria State  
Emergency Service Act 2005**

**177 Duty to assist in major emergency**

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

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

## **Part 9—Repeal of amending Parts**

### **178 Repeal of amending Parts**

Parts 3 to 9 are repealed on 1 July 2020.

#### **Note**

5

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

Firefighters' Presumptive Rights Compensation and Fire Services Legislation  
Amendment (Reform) Bill 2017

Schedule 1

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**Schedule 1**

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

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## Endnotes

### 1 General information

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