

LEGISLATIVE COUNCIL

**FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017**

(Amendments and New Clauses to be proposed in Committee by Mr JENNINGS)

NEW CLAUSE

1. Insert the following New Clause to follow clause 24—  
**'BB New section 2A inserted**  
After section 2 of the Principal Act **insert—**  
**"2A Objectives relating to interaction between fire services agencies**
  - (1) It is the intention of the Parliament that Fire Rescue Victoria and the Country Fire Authority establish processes that will ensure that they—
    - (a) promote collaboration and coordination between fire services agencies to best meet the safety needs of the community; and
    - (b) recognise the importance of maintaining capacity to respond to peaks in demand for fire services within fire services agencies; and
    - (c) recognise and value the contribution of volunteer brigades; and
    - (d) recognise that both volunteer firefighters and career firefighters are vital to delivering safe and sustainable fire services; and
    - (e) maintain the ability of fire services agencies to respond to critical incidents, to prevent and suppress fires and to protect life and property.
  - (2) In this section, the expressions *career firefighter* and *volunteer firefighter* have the same meanings as in the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2017**.".
2. Clause 25, line 32, omit '(1);".' and insert "(1);".
3. Clause 25, after line 32 insert—  
**'volunteer brigade** has the same meaning as it has in the **Country Fire Authority Act 1958**;".
4. Clause 27, line 7, after "Authority" insert ", in consultation with and as agreed by the Authority, to meet the Authority's objective under section 6B of the **Country Fire Authority Act 1958**, including support to maintain, strengthen and encourage the capability of volunteers".
5. Clause 38, lines 15 to 19, omit "an agreement or arrangement with the Country Fire Authority under which officers or employees, or classes of officers or employees,"

and insert "a secondment agreement (within the meaning of section 25C(10)) with the Country Fire Authority under which officers or employees".

6. Clause 38, lines 23 to 28, omit ", 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)" and insert "made available to the Country Fire Authority under a secondment agreement (within the meaning of section 25C(10))".

#### NEW CLAUSE

7. Insert the following New Clause to follow clause 38—

**'CC New section 25C inserted**

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

**"25C Secondment agreements**

- (1) If Fire Rescue Victoria proposes to make one or more officers or employees of Fire Rescue Victoria available to the Country Fire Authority under a secondment agreement, the Chief Officer of the Country Fire Authority may agree to a particular officer or employee being made available under the secondment agreement if—
  - (a) the Fire Rescue Commissioner, in consultation with the Chief Officer of the Country Fire Authority, has conducted an equitable, fair and transparent selection process covering the officers and employees proposed to be made available under the secondment agreement; and
  - (b) the particular officer or employee participated in the equitable, fair and transparent selection process; and
  - (c) the Chief Officer of the Country Fire Authority is satisfied that the officer or employee selected through that process is suitable to be made available.
- (2) If the Chief Officer of the Country Fire Authority is not satisfied that suitable officers or employees can be made available as a result of subsection (1), the Chief Officer of the Country Fire Authority may request Fire Rescue Victoria to conduct a further external equitable, fair and transparent selection process, in consultation with the Chief Officer of the Country Fire Authority.
- (3) A person cannot be engaged as an officer or employee of Fire Rescue Victoria as a result of a selection process carried out under subsection (2) unless the person meets the registration requirements (however described) specified by the Firefighters Registration Board.
- (4) If Fire Rescue Victoria proposes to make one or more officers or employees of Fire Rescue Victoria available to the Country Fire Authority under a secondment agreement—

- (a) the Chief Officer of the Country Fire Authority must agree to a particular officer or employee being made available under the secondment agreement if the officer or employee is a transferred employee (within the meaning of section 101 or 102) or a person transferred to the employment of Fire Rescue Victoria under section 103; and
  - (b) to avoid doubt, an officer or employee referred to in paragraph (a) is not required to satisfy subsections (1)(a), (b) and (c).
- (5) The Chief Officer of the Country Fire Authority has the order and control of the work of an officer or employee of Fire Rescue Victoria who is made available to the Country Fire Authority under a secondment agreement.
  - (6) The Chief Officer of the Country Fire Authority may terminate a secondment agreement that covers only one officer or employee if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such termination is appropriate.
  - (7) If a secondment agreement covers more than one officer or employee, the Chief Officer of the Country Fire Authority may vary the secondment agreement so that it no longer covers a particular officer or employee, if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such termination is appropriate.
  - (8) If a secondment agreement is terminated or varied, the officer or employee who is no longer covered by the secondment agreement remains an employee of Fire Rescue Victoria.
  - (9) The Chief Officer of the Country Fire Authority may suspend an officer covered by a secondment agreement if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such suspension is appropriate.
  - (10) In this section—
    - secondment agreement* means an agreement between the Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority under which one or more officers or employees of Fire Rescue Victoria are made available to the Country Fire Authority, whether on a full-time, part-time or other basis."

8. Clause 40, page 37, after line 10, insert—

- "(2A) The Minister must not appoint a person as a member of the Strategic Advisory Committee if the person is—
  - (a) an officer or employee of a fire services agency; or

- (b) an officer or employee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; or
- (c) an officer or official of Volunteer Fire Brigades Victoria Incorporated."

NEW CLAUSE

9. Insert the following New Clause to follow clause 40—

**'DD New section 2 inserted**

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

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

- (1) It is the intention of the Parliament that the Country Fire Authority and Fire Rescue Victoria establish processes that will ensure that they—
  - (a) promote collaboration and coordination between fire services agencies to best meet the safety needs of the community; and
  - (b) recognise the importance of maintaining capacity to respond to peaks in demand for fire services within fire services agencies; and
  - (c) recognise and value the contribution of volunteer brigades; and
  - (d) recognise that both volunteer firefighters and career firefighters are vital to delivering safe and sustainable fire services; and
  - (e) maintain the ability of fire services agencies to respond to critical incidents, to prevent and suppress fires and to protect life and property.
- (2) In this section, the expressions *career firefighter* and *volunteer firefighter* have the same meanings as they have in the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2017**."

10. Clause 41, line 12, omit "definition" and insert "definitions".

11. Clause 41, lines 13 to 21, omit all words and expressions on these lines and insert—

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

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

12. Clause 44, page 46, line 35, omit "Victoria." and insert "Victoria; and".

13. Clause 44, page 46, after line 35, insert—
- "(c) the Chief Officer of the Country Fire Authority must cause a copy of the request, and the reasons for the request, to be published on the Internet site of the Country Fire Authority."

14. Clause 44, page 47, lines 1 to 34 and page 48, lines 1 to 4, omit all words and expressions on these lines and insert—

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

- (1) The object of a review of the Fire Rescue Victoria fire district is to conduct a risk-based assessment of the assignment of responsibility necessary for the provision of fire services by fire services agencies, in order to prevent, and protect against, loss of life and damage to property, infrastructure or the environment in Victoria, within—
- (a) the Fire Rescue Victoria fire district; and
- (b) the country area of Victoria.
- (2) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must have regard to any change in fire risk in the Fire Rescue Victoria fire district or the country area of Victoria.
- (3) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel may—
- (a) inquire into and inform itself of any matters relevant to the review as the Panel thinks fit; and
- (b) consult with any person or body as the Panel thinks fit including, but not limited to, by seeking oral or written submissions.
- (4) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must—
- (a) consult with all relevant fire services agencies and any municipal district directly affected by the review; and
- (b) if the Fire District Review Panel considers that there is a change in fire risk—
- (i) determine by instrument that there is a change in fire risk; and
- (ii) take the steps set out in section 4K before completing the review.
- (5) A review of the Fire Rescue Victoria fire district requested by the Minister under section 4G(2)(a) must be completed within the period (if any) specified in the request.

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

- (1) If, in conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel determines under section 4J(4)(b)(i) that there is a change in fire risk—

- (a) the determination must be published as follows—
    - (i) the Panel must cause the determination to be published in the Government Gazette;
    - (ii) the Fire Rescue Commissioner must cause a copy of the determination to be published on the Internet site of Fire Rescue Victoria;
    - (iii) the Chief Officer of the Country Fire Authority must cause a copy of the determination to be published on the Internet site of the Country Fire Authority; and
  - (b) the Panel must notify the Chief Officer of the Country Fire Authority of the determination and must—
    - (i) request the Chief Officer to give advice to the Panel on how the Country Fire Authority will support the volunteer brigades to which the determination is relevant to ensure that they have the capacity to respond effectively to the change in fire risk; and
    - (ii) suspend the review, for a period of not more than 12 months beginning on the date on which the determination is published in the Government Gazette, in order to allow the Chief Officer to give that advice to the Panel; and
  - (c) if no advice has been received by the end of the period referred to in paragraph (b)(ii), the Panel must notify the Chief Officer that the period of suspension has ended, and request that the Chief Officer provide the advice referred to in paragraph (b)(i) within 30 days of the notice; and
  - (d) if advice has been received by the end of the period referred to in paragraph (b)(ii) or (c), the Panel must request that the Chief Officer provide, within 30 days of the request, further advice on the progress of the Country Fire Authority in delivering the support to the volunteer brigades as mentioned in paragraph (b)(i); and
  - (e) at the end of the 30 day period referred to in paragraph (d), the Panel must finalise the review and prepare the report required by section 4L.
- (2) The review must be finalised whether or not any advice has been provided by the Chief Officer of the Country Fire Authority as mentioned in subsection (1), but if such advice has been provided, the Panel must have regard to the advice in preparing the report.
  - (3) If the review was requested by the Minister under section 4G(2)(a), the period of suspension under subsection (1)(b)(ii) must be such as to ensure that the report of the review can be provided within the period (if any) specified in the Minister's request."

15. Clause 44, page 49, line 20, after "(1)" insert ", and the report of the Fire District Review Panel in respect of the review,".

16. Clause 44, page 49, line 24 after "(1)" insert ", and the report of the Fire District Review Panel in respect of the review,".
17. Clause 44, page 49, after line 25, insert—
  - "(5) The Chief Officer of the Country Fire Authority must cause a determination made by the Minister under subsection (1), and the report of the Fire District Review Panel in respect of the review, to be published on the Internet site of the Country Fire Authority."

#### NEW CLAUSES

18. Insert the following New Clauses to follow clause 45—

##### **EE Definitions**

In section 3(1) of the **Country Fire Authority Act 1958**, in the definition of *fire danger period*, for "the country area of Victoria or any part thereof means the period declared pursuant to this Act to be the fire danger period in respect of the said country area or any part thereof (as the case may be)" **substitute** "an area of Victoria means the period declared under this Act to be the fire danger period in respect of the area".

##### **FF Declaration of fire danger period**

In section 4 of the **Country Fire Authority Act 1958**, for "the country area of Victoria or any specified part or parts thereof and, without affecting the generality of the foregoing, may declare different periods to be the fire danger period in respect of different parts of the said country area" **substitute** "one or more areas of Victoria to be the fire danger period in respect of the area, and may declare different periods in respect of different areas".

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

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

##### **HH General prohibition against lighting open air fires**

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

##### **II Prohibited actions near fires**

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

##### **JJ Prohibition of high fire risk activities**

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

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

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

**LL Regulations**

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

19. Clause 46, line 12, after "members" insert ", including those located in the Fire Rescue Victoria fire district,".
20. Clause 47, lines 21 to 23, omit "a fully volunteer fire fighting service, supported where necessary by paid staff" and insert "a fully volunteer fire fighting service under the command and control of a paid Chief Officer and supported where necessary by other paid staff. The Parliament recognises that this does not preclude the Authority from employing paid staff in the role of Chief Officer, Deputy Chief Officer and Executive Officer".
21. Clause 48, page 52, line 14, after "20AA(2)(a)" insert ", (b)".
22. Clause 48, page 52, lines 15 and 16, omit "goods and services" and insert "the provision of goods and services to or by the Authority".
23. Clause 48, page 52, line 19, omit "and (k) (registration etc. of brigades)" and insert ", (g), (i), (k) and (l) (registration etc. of brigades, matters relating to training, communications and publication of materials)".
24. Clause 48, page 52, after line 23, insert—
  - "(2A) The Authority must obtain the written consent of the Minister before exercising a power under section 20AA(2)(b) to do any of the following—
    - (a) entering into an agreement or arrangement with a person or body for the provision of goods or services by the Authority;
    - (b) forming, participating in the formation of, or becoming a member of a body corporate, association, partnership, trust or other body;
    - (c) entering into a joint venture agreement, shareholders agreement or unit holders agreement."

NEW CLAUSE

25. Insert the following New Clause to follow clause 48—
- MM New section 20AC inserted**
- Before section 20A of the **Country Fire Authority Act 1958** insert—
- "20AC Role of volunteer brigades to be recognised and valued**
- (1) It is the intention of the Parliament that Fire Rescue Victoria recognise and value the contribution of volunteer brigades located in the Fire Rescue Victoria fire district.
- (2) In particular, Fire Rescue Victoria must, subject to operational requirements, request the assistance of all volunteer brigades located in the Fire Rescue Victoria fire district for the purposes of endeavouring to—
- (a) prevent or suppress a fire in the Fire Rescue Victoria fire district (including preventing a fire spreading to the Fire Rescue Victoria fire district from outside the Fire Rescue Victoria fire district); or
- (b) protect life or property in the Fire Rescue Victoria fire district."!
26. Clause 53, page 62, line 35, omit "1 September 2018" and insert "31 December 2019".
27. Clause 53, page 66, line 6, omit "1 July 2019" and insert "31 December 2019".
28. Clause 53, page 71, line 13, omit "or 1 July 2018" and insert ", 1 July 2018 or 1 July 2019".
29. Clause 53, page 73, line 25, omit "1 July 2019" and insert "31 December 2019".
30. Clause 128, page 101, line 23, omit "79R" and insert "93".
31. Clause 161, lines 27 to 31, omit all words and expressions on these lines and insert—
- '(1) In section 12(2)(b) of the **Fire Services Property Levy Act 2012**, for "for each levy year subsequent to the 2013–2014 levy year" **substitute** "for the 2014–2015, 2015–2016, 2016–2017, 2017–2018 and 2018–2019 levy years"!'.
32. Clause 161, page 112, line 7, omit "2017–2018" and insert "2018–2019".

NEW CLAUSE

33. Page 118, after line 17, insert the following Part heading and New Clause—

**'Part 9—Amendments relating to causing fires and other matters**

**NN New sections 94A to 94F inserted**

After section 94 of the Principal Act insert—

*"Provisions relating to causing fires and other matters*

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

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

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

- (2) Subsection (1) does not apply if the person lights, spreads or maintains the fire under the direction or control of an officer or employee of Fire Rescue Victoria for the purpose of establishing a firebreak.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the accused proves—

(a) that one or more of the following applies—

- (i) the danger was caused by the intervention or subsequent action of one or more persons acting without the knowledge or consent, or contrary to the wishes or instructions, of the accused;
- (ii) the fire was lit at a time when the circumstances of atmospheric temperature and wind velocity referred to in subsection (1) were not present and could not reasonably have been foreseen;
- (iii) at the time of the alleged offence the accused was the owner or occupier of the land upon which the fire was lit or was acting under the direction of that owner or occupier; and

(b) that the accused—

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

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

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

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

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

#### **94C Direction not to light fire**

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

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

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

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

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

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

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

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

- (2) An owner, occupier or person to whom a direction has been given under subsection (1) must, without delay, take all reasonable steps to comply with the direction, regardless of whether the fire—
  - (a) was lit under and in accordance with this Act or a direction or permit issued under this Act; or
  - (b) was part of burning-off operations carried out under and in accordance with this Act; or
  - (c) was lit under and in accordance with the **Forests Act 1958**, or any direction or authority given under that Act.

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

- (3) In this section—

*authorised officer* means—

- (a) a police officer; or
- (b) the Fire Rescue Commissioner; or
- (c) an officer or employee exercising the powers of Fire Rescue Victoria; or
- (d) an officer or employee of Fire Rescue Victoria appointed for the purposes of this section.

#### **94F Power to arrest**

A police officer may—

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

#### NEW CLAUSE

- 34. Page 119, before line 1, insert the following Part heading and New Clause—

### **'Part 10—Amendments relating to Fire Services Implementation Monitor**

#### **OO New sections inserted**

After section 120 of the Principal Act insert—

## *"Fire Services Implementation Monitor*

### 121 Definitions

In sections 121 to 144—

*agency* means any of the following—

- (a) a public service body within the meaning of the **Public Administration Act 2004**;
- (b) a public entity within the meaning of the **Public Administration Act 2004**;
- (c) a special body within the meaning of the **Public Administration Act 2004**, other than the following—
  - (i) a department of the Parliament of Victoria;
  - (ii) the IBAC within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**;
  - (iii) the Electoral Boundaries Commission established under section 3 of the **Electoral Boundaries Commission Act 1982**;
  - (iv) the office of the Ombudsman within the meaning of the **Ombudsman Act 1973**;
  - (v) the Victorian Auditor-General's Office within the meaning of the **Audit Act 1994**;
  - (vi) the Victorian Electoral Commission established under section 6 of the **Electoral Act 2002**;
  - (vii) the Victorian Inspectorate established under section 8 of the **Victorian Inspectorate Act 2011**;

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

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

*fire services reforms* means the measures provided for by the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2017**;

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

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

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

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

*this Part* means sections 121 to 144.

## **122 Establishment**

There is to be a Fire Services Implementation Monitor.

## **123 Appointment**

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

## **124 Remuneration and allowances**

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

## **125 Terms and conditions**

The Monitor holds office—

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

## **126 Acting appointment**

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person to act as the Monitor—
  - (a) during a vacancy in the office of Monitor; or
  - (b) during any period when the Monitor is absent from duty or is for any other reason unable to perform the duties of the office.
- (2) The Governor in Council may appoint a person to perform a particular function or duty of the Monitor in relation to a particular matter or on a particular occasion if the Monitor is for any reason unable to perform that function or duty in relation to that matter or on that occasion.
- (3) The Monitor may, in consultation with the Minister, appoint a person to act as the Monitor for a period of not more than one month during any period when the Monitor is absent from duty or is for any other reason unable to perform the duties of the office.

## **127 When Monitor ceases to hold office**

The Monitor ceases to hold office if the Monitor—

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

### **128 Suspension and removal**

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

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

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

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

- (1) The Minister must prepare a plan (the *Implementation Plan*) within 60 days of the day on which section 121 came into operation.

- (2) The Implementation Plan must include, but is not limited to, priorities and proposed actions in relation to the following matters—
- (a) the adoption of procedures by Fire Rescue Victoria and the Country Fire Authority to enable them to have regard to the priorities set out in the Fire Services Statement in carrying out their functions;
  - (b) the financial sustainability of Fire Rescue Victoria and the Country Fire Authority, including in relation to ensuring that volunteer brigades are not adversely affected by the fire services reforms;
  - (c) improvements in the ability of Fire Rescue Victoria, the Country Fire Authority and other emergency agencies to work effectively across organisational boundaries;
  - (d) the provision of operational and management support by Fire Rescue Victoria to the Country Fire Authority, and the effectiveness of this support in enabling the Country Fire Authority to meet the objectives set out in section 2 of the **Country Fire Authority Act 1958**;
  - (e) improvements in staff training in relation to Fire Rescue Victoria and the Country Fire Authority.
- (3) The Implementation Plan must also—
- (a) include the development of a funding plan to determine the financial requirements of the Country Fire Authority and Fire Rescue Victoria, and identify and address the impact of—
    - (i) transfers of functions, resources and assets between the Country Fire Authority and Fire Rescue Victoria; and
    - (ii) the change to the Fire Rescue Victoria fire district upon the fire services property levy revenue base after the levy years referred to in section 117(1); and
    - (iii) any changes to the differential rates of the fire services property levy after the levy years referred to in section 117(1); and
  - (b) include the development of a long-term funding plan for the Country Fire Authority and Fire Rescue Victoria, which identifies and addresses the issues mentioned in subsection (3)(a)(i), (ii) and (iii) in respect of the period after the third anniversary of the day on which section 121 came into operation.
- (4) The Minister may amend the Implementation Plan.
- (5) The Minister may consult Fire Rescue Victoria and the Country Fire Authority in preparing or amending the Implementation Plan.
- (6) The Minister must cause the Implementation Plan, and any amended Implementation Plan, to be laid before each House of Parliament within 7 sitting days of that House after the Plan is prepared or amended, as the case requires.

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

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

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

### **132 Powers of the Monitor**

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

### **133 Performance of functions of the Monitor**

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

- (a) have regard to the Implementation Plan; and
- (b) if the Monitor considers it necessary, engage in activities with, require demonstrations of systems by, or obtain documents from, an agency, to produce an accurate assessment of how an implementation action is being carried out or has been carried out; and
- (c) establish appropriate consultation arrangements with agency Heads and officers or employees of agencies, and with advisory bodies to Government, in order to—
  - (i) facilitate the effective monitoring and review of progress in the carrying out of an implementation action; and
  - (ii) obtain the information necessary to perform the monitoring and assessment function of the Monitor; and
- (d) provide written or oral advice to the Minister, and to any advisory bodies to Government that the Minister considers appropriate, about one or more of the following—
  - (i) compliance or non-compliance by an agency in relation to the completion of an implementation action;
  - (ii) corrective action by an agency that the Monitor consider necessary to address a concern that the Monitor has in relation to an implementation action;
  - (iii) methods developed by an agency that the Monitor considers best practice in relation to an implementation action; and
- (e) provide written or oral advice to the Minister, at the earliest reasonable opportunity, about any concern that the Monitor has about the carrying out of an implementation action; and
- (f) make recommendations to the Minister, and to any advisory body to Government that the Minister considers appropriate, in relation to the carrying out of an implementation action by an agency, and provide a copy of the recommendations to the agency Head concerned.

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

- (1) For the purposes of performing a function or duty under this Act, the Monitor may, by written notice, require an agency to give to the Monitor the information specified in the notice that the Monitor reasonably believes is necessary to perform the function or duty.

- (2) The agency must give the information to the Monitor within 7 days after receiving a notice under subsection (1) unless—
  - (a) the Monitor has agreed to allow an extension of time for the giving of the information; or
  - (b) the Monitor has agreed that the agency is not able to give the information.
- (3) If the Monitor reasonably believes that it is urgent that the information be given within a period of less than 7 days—
  - (a) the Monitor may specify a shorter period for the giving of the information; and
  - (b) the information must be given within the shorter period.

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

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

### **136 Duty to cooperate**

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

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

- (1) An obligation to maintain secrecy or any other restriction on the disclosure of information by an agency, imposed by or under an Act or rule of law, does not apply—
  - (a) to the disclosure of information required by the Monitor under section 134; or
  - (b) to information obtained by the Monitor under section 135.
- (2) The Monitor or any other person must not divulge or communicate, except to another person performing duties under this Act, any information which has come to the knowledge of the Monitor by reason, directly or indirectly, of subsection (1), if the person who had possession of that information could not, but for that subsection, lawfully have divulged that information to the Monitor or the other person.
- (3) Despite subsection (2) or any other law, the Monitor may include in a report under section 142 or 143 any information obtained in the course of the Monitor's performance of functions under this or any other Act (other than information that would disclose a deliberation or decision of Cabinet that has not been officially published) if the Monitor considers that—
  - (a) the information is relevant to the subject matter of the report; and
  - (b) following consultation with the Minister (if any) responsible for the agency that provided the information—the inclusion of the information in the report is in the public interest.

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

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

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

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

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

- (1) Fire Rescue Victoria and the Country Fire Authority must each, by 1 July 2019, prepare an outcomes framework that sets out—
  - (a) outcomes-based fire services performance measures for Fire Rescue Victoria or the Country Fire Authority, as the case requires; and
  - (b) such other matters as are prescribed by the regulations.
- (2) After preparing an outcomes framework under subsection (1)—
  - (a) the Fire Rescue Commissioner must cause a copy of the outcomes framework for Fire Rescue Victoria to be published on the Internet site of Fire Rescue Victoria; and

- (b) the Chief Officer of the Country Fire Authority must cause a copy of the outcomes framework for the Country Fire Authority to be published on the Internet site of the Country Fire Authority.
- (3) An outcomes framework under subsection (1) may be reviewed and amended from time to time, and each amended outcomes framework must be published as mentioned in subsection (2).
- (4) The Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority must prepare, and provide to the Monitor, a quarterly update that sets out the performance of Fire Rescue Victoria or the Country Fire Authority, as the case requires, against the performance measures set out in the relevant outcomes framework.
- (5) The first update under subsection (4) must be provided to the Monitor on 1 November 2019, and subsequent updates must be provided to the Monitor on 1 February, 1 May, 1 August and 1 November each year.
- (6) An update under subsection (4) must be accompanied by any supporting data relied upon in its preparation.

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

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

**142 Reports prepared by the Monitor**

- (1) The Monitor must prepare a report on the operations of the Monitor in respect of each financial year as soon as practicable after the end of that financial year.
- (2) The Monitor may prepare a report on the operations of the Monitor at any other time.
- (3) The Monitor must ensure that a report under subsection (1) or (2) does not include information that is likely to identify a person unless the information is publicly available or the person has consented to the inclusion of the information in the report.
- (4) The Monitor must cause a report under subsection (1) or (2) to be laid before each House of the Parliament as soon as reasonably practicable after the report is prepared.

- (5) The Monitor must give a copy of each report prepared under subsection (1) or (2) to the Minister at least 28 days before the report is laid before a House of the Parliament under subsection (4).
- (6) The publication under this section of a report is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975**, and of any other Act or rule of law relating to the publication of the proceedings of the Parliament, apply to and in relation to the publication of that report as if—
  - (a) it were a report to which those sections applied; and
  - (b) it had been published by the Government Printer under the authority of the Parliament.

### **143 Review of Part**

The Minister must cause a review of the operation of this Part to be undertaken as soon as practicable after the fifth anniversary of the day on which section 121 came into operation.

### **144 Regulations**

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

### **145 Repeal of Part**

Sections 121 to 144 are **repealed** on the tenth anniversary of the day on which section 121 came into operation.

### **146 Transitional provision**

- (1) As soon as practicable after the sunset day, the Monitor must prepare a report in accordance with section 142, as in force immediately before that day, with the following modifications.
- (2) The report is to cover the period beginning on 1 July in the year the sunset day occurs and ending on the sunset day.
- (3) The report must be provided to the Minister before the report is laid before a House of the Parliament.
- (4) In this section—

*sunset day* means the day that is the tenth anniversary of the day on which section 121 came into operation.".'.

NEW CLAUSE

35. Page 119, insert the following Part heading and New Clause ahead of Part 9—

**'Part 11—Amendments relating to Firefighters  
Registration Board**

**XX New sections inserted**

After section 146 of the Principal Act insert—

***"Firefighters Registration Board***

**147 Definitions**

In sections 147 to 159—

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

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

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

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

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

***qualification assessment*** means an assessment of whether a person satisfies the competency and qualification requirements for inclusion on the Firefighters Register and may include requirements in relation to certificates or other evidence in relation to those matters from professional organisations, higher education bodies or post-secondary technical or vocational educational institutions;

***this Part*** means sections 147 to 159.

**148 Firefighters Registration Scheme**

- (1) This Part sets out the framework for the Firefighters Registration Scheme.
- (2) The objectives of the Firefighters Registration Scheme are—
  - (a) to provide for the registration of—
    - (i) officers and employees of Fire Rescue Victoria proposed to be made available to the Country Fire Authority under a

secondment agreement within the meaning of section 25C(10) of this Act; and

(ii) other persons who wish to be employed by Fire Rescue Victoria in order to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10) of this Act; and

(b) to provide for matters relating to the competencies necessary for the registration of such officers and employees; and

(c) to provide a mechanism for determining through qualification assessments whether persons satisfy the competency requirements for inclusion on the Firefighters Register.

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

#### **149 Establishment of Firefighters Registration Board**

(1) There is to be a Firefighters Registration Board.

(2) The Firefighters Registration Board consists of 4 members appointed under section 150.

(3) The Firefighters Registration Board—

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

(b) must have an official seal; and

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

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

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

(4) The Minister must appoint one of the members of the Firefighters Registration Board to be the Chairperson of the Board.

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

(1) The Governor in Council may, on the recommendation of the Minister, appoint a person as a member of the Firefighters Registration Board.

(2) The members of the Board must include—

(a) a nominee of the Minister; and

(b) a nominee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; and

(c) a former senior firefighter, who is to be nominated by current firefighters in accordance with an election process prescribed by the regulations; and

- (d) an academic with relevant expertise, who is to be nominated by current firefighters in accordance with an election process prescribed by the regulations.
- (3) A member of the Firefighters Registration Board holds office for the period, not exceeding 5 years, specified in the instrument of the member's appointment.
- (4) A member of the Firefighters Registration Board is entitled to receive—
  - (a) remuneration; and
  - (b) travelling or other allowances—fixed by the Governor in Council.
- (5) A member of the Firefighters Registration Board is eligible for re-appointment.
- (6) A member of the Firefighters Registration Board holds office on the terms and conditions specified in the instrument of the member's appointment.
- (7) A member of the Firefighters Registration Board who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of his or her appointment as a member.

#### **151 When member ceases to hold office**

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

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

#### **152 Removal from office**

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

- (a) misconduct;
- (b) neglect of duty;
- (c) inability to perform the duties of his or her office;
- (d) any other ground on which the Governor in Council is satisfied that the person is unfit for office.

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

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

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

- (1) The Firefighters Registration Board has the following functions—
  - (a) to administer the Firefighters Registration Scheme;
  - (b) to perform the registration functions prescribed by the regulations in relation to—
    - (i) maintaining the Firefighters Register; and
    - (ii) including on the Firefighters Register persons who satisfy the competency requirements for inclusion on the Register;
  - (c) to perform functions in respect of setting professional capability and standards, including but not limited to—
    - (i) the recognition of qualifications and accredited courses of training, including through certificates or other evidence in relation to those matters from professional organisations, higher education bodies or post-secondary technical or vocational educational institutions; and
    - (ii) the establishment and approval of competencies that will satisfy the requirements for inclusion on the Firefighters Register; and
    - (iii) the development, establishment and maintenance of guidelines about appropriate standards;
  - (d) the provision of advice to Fire Rescue Victoria and the Chief Officer of the Country Fire Authority about matters relating to the functions set out in paragraphs (a) and (b);
  - (e) the provision of advice to the Minister on matters relating to the functions of the Firefighters Registration Board;
  - (f) such other functions as are prescribed by this Act or any other Act or regulations under this Act or any other Act.
- (3) In performing its functions, the Firefighters Registration Board is to have regard to any relevant standards relating to qualifications and competencies that are applicable to fire-fighting and emergency services.

#### **155 Validity of acts**

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

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

#### **156 Powers of Firefighters Registration Board**

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

### **157 Use and disclosure of information**

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

Penalty: 60 penalty units.

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

- (1) The Firefighters Registration Board must prepare a report on the work and activities of the Firefighters Registration Board in respect of each financial year as soon as practicable after the end of the financial year.
- (2) The Firefighters Registration Board must give a report under subsection (1) to the Minister not later than 3 months after the end of the relevant financial year.
- (3) The Minister must cause a report under subsection (1) to be laid before each House of the Parliament on or before 31 October each year or, if the House is not sitting on that day, on the first sitting day of that House after 31 October.
- (4) If a report under subsection (1) has not been given to the Minister within the period referred to in subsection (2), the Minister must—
  - (a) cause that fact, and the reasons for it, to be reported to each House of the Parliament; and
  - (b) cause the report under subsection (1) to be laid before each House of the Parliament as soon as practicable after the Minister receives it.
- (5) The Firefighters Registration Board may also prepare a report on the work and activities of the Firefighters Registration Board at any time, and must give the report to the Minister as soon as practicable.
- (6) The Minister must cause a report under subsection (5) to be laid before each House of the Parliament as soon as practicable.

### **159 Regulations**

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

- (d) the conduct of Board meetings;
  - (e) the immunity and liability of Board members;
  - (f) the appointment, promotion, probation, transfer, suspension and removal of employees of the Board;
  - (g) the duties and conduct of employees of the Board;
  - (h) the powers of the Board to enter into agreement or arrangements;
  - (i) delegations;
  - (j) the preparation of the annual report by the Board;
  - (k) the carrying out of the registration function of the Board and matters relating to the Register, including but not limited to the following—
    - (i) applications for registration;
    - (ii) renewal of registration;
    - (iii) endorsement of registration;
    - (iv) time limits;
    - (v) conditions on registration and variation of such conditions;
    - (vi) revocation of registration;
  - (l) the conduct and coordination of qualifications assessments of officers and employees of Fire Rescue Victoria who are to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10) of this Act;
  - (m) the establishment of competencies and setting of standards;
  - (n) the criteria against which qualifications are to be assessed and decisions that may be made as a result of qualifications assessments;
  - (o) the accreditation of training or qualifications;
  - (p) the imposition of fees and charges;
  - (q) methods of communication for the Board, notifications to be made by the Board and the form of advice or decisions of the Board;
  - (r) review of decisions by VCAT;
  - (s) any other matter or thing required or permitted to be prescribed or necessary to be prescribed to give effect to this Part.
- (3) The regulations may—
- (a) be of general or limited application; and
  - (b) differ according to differences in time, place or circumstances; and
  - (c) confer a discretionary authority or impose a duty on a specified person or a specified class of person.
- (4) The regulations may—

- (a) apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed or published at the time the regulation is made or at any time before the regulation is made; and
- (b) apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed (whether under this or any other Act) or published from time to time; and
- (c) impose a penalty not exceeding 100 penalty units for a contravention of the regulations.

(5) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to the first regulations made under this section.".'.

- 36. Clause 178, line 3, omit "9" and insert "11 and this Part".
- 37. Note to clause 178, line 5, omit "this Act" and insert "Parts 3 to 11 and this Part".