



FIRE BRIGADES

No. 99 of 1974

ANALYSIS

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AN ACT to amend the Fire Brigades Act 1945.

[19 December 1974]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Fire Brigades Act 1974*.

Short title,
citation, and
commencement.

(2) The *Fire Brigades Act 1945*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

Interpretation.

2 Section 2 of the Principal Act is amended by inserting after the definition of “ permanent officer or member ” in subsection (1) the following definition:—

“ ‘ prescribed organization ’ means the United Firefighters Union or if that organization ceases to exist such organization as the Governor may by order declare sufficiently represents for the purposes of this Act the interests of persons involved in fire-fighting operations;”.

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3 Section 3 of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “ seven ” and substituting therefor the word “ eight ”;
- (b) by transposing the word “ and ” at the end of paragraph (b) of subsection (2) to the end of paragraph (c) thereof;
- (c) by inserting after paragraph (c) of that subsection the following paragraph:—

“(d) one shall be a person being a member of a board appointed under section 15 (2) (d) elected by postal ballot in the prescribed manner by the members of the prescribed organization.”; and

- (d) by inserting after subsection (3B) the following subsections:—

“(3C) In the case of sickness or absence of the member appointed as provided by subsection (2) (d), the Governor may, on the nomination of the prescribed organization, appoint a member of that organization to hold office as a member of the Commission during that sickness or absence.

“(3D) If the persons referred to in subsection (2) (d) fail to elect a member of the Commission, as required by that subsection, the Governor may appoint a member of the prescribed organization to be that member without any election but the member so appointed shall hold office for one year only.”.

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4 Section 8 of the Principal Act is amended by omitting from subsection (2) the word “ three ” and substituting therefor the word “ four ”.

5 Section 15 of the Principal Act is amended—

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- (a) by omitting from subsection (2) the word “Each” and substituting therefor the words “Subject to subsection (3A), each”;
- (b) by omitting from that subsection the word “five” and substituting therefor the word “six”;
- (c) by transposing the word “and” at the end of paragraph (b) of that subsection to the end of paragraph (c) thereof;
- (d) by inserting after paragraph (c) of that subsection the following paragraph:—

“(d) one shall be a person being a member of the prescribed organization elected by postal ballot in the prescribed manner by the members of that organization who are employees of that board.”;

- (e) by inserting after that subsection the following subsections:—

“(3) Subsections (3C) and (3D) of section 3 apply to an appointment required to be made under subsection (2) (d) of this section as they apply to an appointment required to be made under section 3 (2) (d).

“(3A) The Governor is not required to appoint a person referred to in subsection (2) (d) of this section as a member of a board unless that board employs permanent officers whose ordinary duties involve participating in fire-fighting operations.”; and

- (f) by inserting after subsection (4) the following subsection:—

“(4A) The office of a person appointed under subsection (2) (d) as a member of a board becomes vacant if that person ceases to be a member of the prescribed organization.”.

6 This Act expires at the expiration of the period of 12 months after the date of commencement thereof and thereafter the Principal Act has effect as if this Act had not been enacted.

Expiry of Act.