



**FIRE BRIGADES (No. 2)**

**No. 87 of 1977**

**ANALYSIS**

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| <ol style="list-style-type: none"> <li>1. Short title, citation, and commencement.</li> <li>2. Interpretation.</li> <li>3. State Fire Authority.</li> <li>4. Appointment of Chief Administrator.</li> <li>5. Conditions of service of Chief Administrator.</li> <li>6. Term of office of Chief Administrator.</li> </ol> | <ol style="list-style-type: none"> <li>7. Abolition of Fire Brigades Commission, etc.</li> <li>8. Duties and powers of Chief Administrator.</li> <li>9. Regulations.</li> <li>10. Modification of <i>Fire Brigades Act 1945</i>.</li> <li>11. Transitional provisions.</li> <li>12. Expiry of Act.</li> </ol> |
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**AN ACT to facilitate the reorganization of certain fire services in the State and to provide for certain other matters.**

**[17 November 1977]**

**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 (No. 2) 1977*. Short title, citation, and commencement.

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

\* 9 Geo. VI No. 15. For this Act as amended to 1964, see Appendix E to the Annual Volume of the Statutes for 1964. Subsequently amended by Nos. 45 and 55 of 1965, No. 23 of 1966, No. 77 of 1967, No. 42 of 1970, No. 99 of 1974, Nos. 25 and 117 of 1976 and No. 35 of 1977.

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

Interpretation.

**2** In this Act, unless the contrary intention appears—

“ Authority ” means the State Fire Authority established under section 3;

“ Chief Administrator ” means the Chief Administrator of the State Fire Authority;

“ commencing day ” means the day on which this Act commences, and any other words and expressions used in this Act have the same meaning as they have for the purposes of the Principal Act.

State Fire Authority.

**3**—(1) There shall be established a body to be called the State Fire Authority which shall consist of the Chief Administrator and such other officers as may be appointed under this Act.

(2) The officers of the Authority shall be appointed by the Chief Administrator in accordance with this Act.

(3) There shall be appointed as officers of the Authority—

(a) an Administrator of Urban Brigades; and

(b) a Technical Officer.

Appointment of Chief Administrator.

**4**—(1) The Governor may appoint a person to be Chief Administrator of the State Fire Authority.

(2) The Chief Administrator shall be a corporation sole by the name of the Chief Administrator of the State Fire Authority and by that name shall have perpetual succession and a seal of office.

Conditions of service of Chief Administrator.

**5**—(1) The Chief Administrator shall hold office on such terms and conditions as may be specified in the instrument of his appointment.

(2) The Chief Administrator shall be paid such remuneration and allowances as the Governor may determine.

(3) The Chief Administrator shall not, as such, be subject to the *Public Service Act*. 1973.

(4) If an officer of the Public Service is appointed to the office of Chief Administrator, he is entitled to retain all his existing and accruing rights as if his service in that office were a continuation of his service as an officer of the Public Service; and where a person ceases to hold the office of Chief Administrator and becomes an

officer of the Public Service his service in that office shall be regarded as service in a permanent capacity in the Public Service for the purpose of determining his rights as an officer of the Public Service.

(5) The Chief Administrator shall be deemed to be an employee within the meaning of the *Superannuation Act 1938* and the *Retirement Benefits Act 1970*.

(6) The Chief Administrator is an employee for the purposes of the *State Employees (Long-Service Leave) Act 1950*.

**6**—(1) The Chief Administrator, unless he sooner resigns or otherwise ceases to hold office, continues in office for such term, not exceeding 5 years, as may be specified in the instrument of his appointment. Term of office of Chief Administrator.

(2) The Chief Administrator ceases to hold office on attaining the age of 65 years, and no person shall be appointed as Chief Administrator who has attained that age.

(3) The Governor may remove the Chief Administrator from office if he is satisfied that the Chief Administrator—

- (a) has become, in the opinion of the Governor, permanently incapable of carrying out the duties of his office;
- (b) has misconducted himself in the performance of the duties of his office;
- (c) has failed to comply with the terms and conditions specified in the instrument of his appointment;
- (d) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors; or
- (e) has been convicted (whether in this State or elsewhere) of an offence of such a nature that, in the opinion of the Governor, renders it improper for him to continue to hold office.

(4) The Chief Administrator shall not be removed from office otherwise than in accordance with subsection (3).

**7** On the commencing day the Fire Brigades Commission established under section 3 of the Principal Act is abolished and ceases to exist and all duties and powers of the Commission are transferred to, and are exercisable by, the Chief Administrator; and references to the Commission in the Principal Act and any other Act shall be construed accordingly. Abolition of Fire Brigades Commission, etc.

Duties and  
powers of  
Chief  
Administrator.

**8**—(1) The Chief Administrator shall be responsible to the Minister for formulating a policy in respect of—

- (a) the establishment and direction of the Authority with respect to planning, organization, equipment, training, operations, and administration;
- (b) the restructuring of fire brigades throughout the State as may be necessary and the co-ordination and direction of the future development of all fire services throughout the State; and
- (c) the development of effective fire prevention and protection measures in all areas of the State.

(2) The Chief Administrator shall—

- (a) develop a State fire protection plan; and
- (b) with the approval of the Minister take such measures as are necessary for the establishment of a central training school for use by all fire brigades within the State.

(3) In carrying out his duties under the foregoing provisions of this section the Chief Administrator shall consult with the Administrator of Rural Brigades.

(4) The Chief Administrator shall convene such committees, working parties, and seminars as may be necessary to ensure consideration of the views and experience of relevant bodies and organizations for the development of effective fire prevention and protection throughout the State.

(5) The Chief Administrator shall employ such officers of the Authority as he considers necessary.

(6) The Chief Administrator shall be deemed to be a State authority within the meaning of the *State Employees (Long-Service Leave) Act 1950* and, in relation to officers of the Authority, the Chief Administrator shall be deemed to be the prescribed authority for the purposes of that Act.

(7) Section 7 (3) and section 8 (4) of the *State Employees (Long-Service Leave) Act 1950* do not apply to an officer of the Authority.

(8) Nothing in this section shall be construed as granting to the Chief Administrator authority over the administration or operations of the Rural Fires Board.

**9**—(1) The Governor may make regulations for the purposes of this Act and nothing in the following provisions of this section shall be construed as derogating from the generality of the provisions of this subsection. Regulations.

(2) Regulations under this Act may prescribe the terms and conditions of service of officers of the Authority.

(3) Regulations under this Act may provide for—

(a) the dismissal or termination of the services of officers of the Authority;

(b) the taking of disciplinary action against those officers and the nature of that action;

(c) appeals in respect of any disciplinary action taken against officers of the Authority; and

(d) appeals in respect of the promotion or appointment of officers of the Authority.

(4) With reference to the appeals referred to in subsection (3) the regulations may provide for the hearing of appeals by the Public Service Appeal Board constituted under the *Public Service Act 1973*.

(5) Regulations may be made under this Act providing that officers of the Authority shall be deemed to be officers within the jurisdiction of the Public Service Appeal Board for the purposes of section 18 of the *Public Service Act 1973*.

**10** The provisions of the Principal Act specified in Schedule I are modified in the manner specified therein. Modification of Fire Brigades Act 1945.

**11** The provisions set out in Schedule II have effect for the purposes of the transition to the provisions of this Act from the law in force immediately before the commencement of this Act. Transitional provisions.

**12** This Act shall expire on 31st December 1978. Expiry of Act.

## SCHEDULE I

(Section 10)

### *Modifications of the Principal Act*

1. Section 11 does not apply.
2. Section 31A has effect as if the reference to Chief Officer in that section were construed as a reference to Administrator of Urban Brigades.
3. Section 33 has effect as if the references to Chief Officer or Deputy Chief Officer in subsection (4) were construed as references to Administrator of Urban Brigades.

## SCHEDULE II

## (Section 11)

*Transitional provisions*

1. Any estates or interests in land or other property and all rights, obligations, and liabilities of the Commission that are subsisting on the commencing day are transferred to and vest in the Chief Administrator.

2. Subject to this Act, nothing in this Act prejudices or affects the operation of anything done by, or any proceedings taken by or in relation to, the Commission before the commencement of this Act.

3. On the commencing day the positions of Chief Officer of Fire Brigades and Deputy Chief Officer of Fire Brigades are abolished and cease to exist.

4. The person holding office as Deputy Chief Officer of Fire Brigades immediately before the commencing day shall be deemed to have been appointed Technical Officer of the State Fire Authority under this Act.

5. All officers and employees employed by the Commission immediately before the commencing day shall, on that day, by virtue of this sub-paragraph and without further authority, become officers of the Authority and shall be deemed to have been appointed as officers of the Authority—

- (a) on the like terms and conditions as those to which they are subject immediately before that day;
- (b) at the like salaries and allowances as those payable to them immediately before that day; and
- (c) without affecting or prejudicing their existing or accruing rights under any superannuation scheme, to which they were contributing, in force at that date.